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Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Monday, September 15, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 15, 2008.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

ENERGY INDEPENDENCE

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

Mr. ROYCE. Madam Speaker, I am rising today to speak about the consequences of some 80 percent of oil reserves around the world now being controlled by a foreign cartel, a foreign cartel that works in concert with Russia. And if you take Russia into the mix, you now have over 90 percent of the oil reserves of the oil that's being pumped around the world controlled by this cartel, OPEC.

Now, many of us remember when Aramco was nationalized, where the U.S. fields were seized in Saudi Arabia. And we remember when British Petroleum in Iran was nationalized by that government. Not too many years ago, Hugo Chavez seized the European oil companies, their derricks, off the coast of his country.

This is a phenomenon that, as it has occurred, has allowed, according to our former CIA Director Jim Woolsey, the cartel to pick a price. And what he suggested some years ago to us in the Congress was that there was an attempt to set that price at $140 a barrel of oil. And, specifically, what the cartel did, what OPEC did, was to curtail production in order to drive up the price.

Frankly, we need a long-term and a short-term solution to this problem. The long-term solution is to continue the investment in lithium-ion batteries that the market is driving and continue incentives for hybrids so that we reach the point where you can actually go 100 miles per gallon of gasoline used because the first 40 miles that you would use to go to work typically or back will be off a battery. In other words, his argument is that long-term electricity is going to be the solution to this by converting the economy, which today 95 percent of the transportation costs dealing with fuel are petroleum, converting that over to electricity.

But that's 10 years out. And in the meantime, we have a short-term solution that we need in order to break this cartel's ability to hold that price as high as they hold it. And as the price began to dip down the last few weeks, you saw the cartel again doing what? Saying they were going to, again, curtail production in order to increase the price of gasoline. This represents, according to the former CIA Director, a $10 trillion transfer in wealth over the next 10 years out of this economy into their economy, billions of dollars every day going into their sovereign wealth funds in Saudi Arabia or throughout the Persian Gulf and some of it also going into the madrassas, the special religious schools that they're setting up across Central Asia, across Africa, even in Europe, which, frankly, are radicalizing a younger generation.

So how do we take some of the profit out of this? What we do, frankly, is we lift that moratorium on drilling. And our hope on the Republican side was that we might see a series of moratoriums which were put in place lifted.

One which was put in place a little over a year ago was the moratorium on using oil shale from Wyoming and Utah and Colorado. We have more oil shale in this country by threefold in terms of what the Saudis have in reserves in the Persian Gulf. So with 2 trillion in oil shale reserves, frankly, we could do a lot. But there has been a moratorium put by those who do not want to burn fossil fuels.

Then we have the moratorium on drilling offshore. We know that the Cubans are drilling off the coast of Florida; we're not allowed to drill off the coast in those waters.

We know that in the Arctic we have Gazprom, which was nationalized, seized by the Russian government a few years ago. They're bringing their two biggest derricks up to the Arctic. They're going to drill, whereas we can't expand in Alaska, in the Arctic, and drill there on the U.S. side.

So what we are witnessing is the fact that we have hamstrung our ability. Gasification, as the South Africans use a process to transfer coal into gasoline, a moratorium on that. Nuclear, well, France has 80 percent of its grid supported by nuclear power. In my State, California, it's 12.5 percent, and there is no chance of getting more because of the restrictions and moratoriums. And, frankly, when a lease is let, there is a lawsuit that follows it instantaneously.

So the question I have is why are we moving legislation which purports to lift only one of these moratoriums, which is the drilling offshore, but with it says that no State can take a percentage of the profits of that drilling to help its State budget? All that guarantees is that no State will allow drilling offshore. Right now if you're in the State of Louisiana and you have a certain area where drilling is occurring, part of that goes back to the State of Louisiana.

The fact is that this measure, this legislation, will prevent, will absolutely stop any State from going forward and allowing additional drilling. And that's what it's intended to do because the intention is not to have any energy produced in the United States,

not to create jobs here, and not to help the inflation that, frankly, is being driven right now by these high energy prices. And I am very concerned about it.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUMMINGS) at 2 p.m.

PRAYER

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

Lord God Almighty, after another weekend as a hurricane watch, we pray for all those whose lives and belongings have been affected by floods and collapsed infrastructure. May You strengthen the efforts of emergency workers and stir generous hearts in many others to come to their aid and help them repair their communities.

Bless the work of Congress this week both here in Washington and in the district offices. Grant discernment of spirits in these days, that what is best for this Nation may be done and ways of peace, security and creativity may be found that will give glory to this Nation and Your Holy Name now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Guam (Ms. BORDALLO) come forward and lead the House in the Pledge of Allegiance.

Ms. BORDALLO led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Thursday, September 11, 2008:

H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the highway trust fund balance.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

JACKSON GULCH REHABILITATION ACT OF 2008

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3437) to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3437

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jackson Gulch Rehabilitation Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSESSMENT.—The term ''assessment'' means the engineering document that is—

(A) entitled ''Jackson Gulch Inlet Canal Project, Jackson Gulch Outlet Canal Project, Jackson Gulch Operations Facilities Project: Condition Assessment and Recommendations for Rehabilitation'';

(B) dated February 2004; and

(C) on file with the Bureau of Reclamation.

(2) DISTRICT.—The term ''District'' means the Mancos Water Conservancy District established under the Water Conservancy Act (Colo. Rev. Stat. 37–45–101 et seq.).

(3) PROJECT.—The term ''Project'' means the Jackson Gulch rehabilitation project, a program for the rehabilitation of the Jackson Gulch Canal system and other infrastructure in the State, as described in the assessment.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) STATE.—The term ''State'' means the State of Colorado.

SEC. 3. AUTHORIZATION OF JACKSON GULCH REHABILITATION PROJECT.

(a) IN GENERAL.—Subject to the reimbursement requirement described in subsection (c), the Secretary shall pay the Federal share of the total cost of carrying out the Project.

(b) USE OF EXISTING INFORMATION.—In preparing any studies relating to the Project, the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and resource information provided by, or at the direction of—

(1) Federal, State, or local agencies; and

(2) the District.

(c) REIMBURSEMENT REQUIREMENT.—

(1) AMOUNT.—The Secretary shall recover from the District as reimbursable expenses the lesser of—

(A) the amount equal to 35 percent of the cost of the Project; or

(B) $2,900,000.

(2) MANNER.—The Secretary shall recover reimbursable expenses under paragraph (1)—

(A) in a manner agreed to by the Secretary and the District;

(B) over a period of 15 years; and

(C) with no interest.

(3) CREDIT.—In determining the exact amount of reimburseable expenses to be recovered from the District, the Secretary shall credit the District for any amounts it paid before the date of the enactment of this Act for engineering work and improvements directly associated with the Project.

(d) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for the operation and maintenance of any facility constructed or rehabilitated under this Act.

(e) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this Act.

(f) EFFECT.—An activity provided Federal funding under this Act shall not be considered a supplemental or additional benefit under—

(1) the reclamation laws; or

(2) the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the total cost of carrying out the Project $8,250,000.

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

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

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

The Mancos Project delivers water from Jackson Gulch Dam to residents, farms and businesses in Montezuma County, Colorado. The project and the Jackson Gulch Dam provide supplemental agricultural water for about 8,650 irrigated acres and at least 237 agricultural businesses. The project is also a domestic water supply for the Mesa Verde National Park.

For almost 60 years, the project has outlived its expected life and is in dire need of rehabilitation. This bill will aid the repair and the rehabilitation of this vitally important project in southwestern Colorado.

I would like to commend our colleague from Colorado, Congressman JOHN SALAZAR, for his hard work on the bill before us today. I urge my colleagues to support its passage.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, the Democratic bill manager has adequately described H.R. 3437. We have no

objection to the one-time solution in this bill.

Federal water projects throughout the western United States are crumbling due to age and limited resources at all levels. The Jackson Gulch project is a frustrating symbol of what could happen to other projects. In the coming years, Congress and the next administration have to resolve this aging infrastructure problem to leverage government and private assistance and remove unnecessary red tape to keep our water running and our lights on. We look forward to working together to resolve this nonpartisan problem.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3437, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

TULE RIVER TRIBE WATER DEVELOPMENT ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2535) to direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2535

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tule River Tribe Water Development Act''.

SEC. 2. STUDY.

(a) AUTHORIZATION.—Not later than 2 years after funds are appropriated for this section or the signing of a reserved water rights settlement agreement by the Tule River Tribe and other settling water users, whichever is later, the Secretary of the Interior, acting through the Bureau of Reclamation, shall complete a feasibility study to evaluate alternatives (including alternatives for a phase I reservoir storage of an amount of water not to exceed 5,000 acre feet) for a domestic, commercial, municipal, industrial, and irrigation water supply for the Tule River Tribe of the Tule River Reservation.

(b) REPORT.—Upon completion of the study conducted under subsection (a), the Secretary of the Interior shall transmit the study to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior $3,000,000 to carry out this section.

SEC. 3. CONDITIONS FOR FUTURE PROJECTS.

No project conducted in relation to the feasibility study conducted under section 2 shall provide water supplies for the proposed Tribal casino to be located in proximity to California Highway 190 near Lake Success, or any other Tribal casino, except—

(1) the casino in its current form and dimensions operated by the Tribe on the Tule River Reservation; and

(2) any lodging, dining, entertainment, meeting space, parking, or other similar facilities which may be constructed in the future in support of current on-Reservation gaming activities, or in support of any future expansion of on-Reservation gaming activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the Tule River Water Development Act, sponsored by our colleague from California, Congressman DEVIN NUNES, would authorize the Secretary of the Interior, through the Bureau of Reclamation, to complete a feasibility study that would evaluate alternatives for a water supply for the Tule River Tribe of the Tule River Reservation. The Tule tribe views this as a very important first step in settling their water rights claims.

This bill has received bipartisan support and I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

This bill, H.R. 2535, introduced by our California colleagues, DEVIN NUNES and JIM COSTA, is the first step towards improving the water supply situation on the Tule River Indian Reservation. This bill authorizes the Bureau of Reclamation to conduct a feasibility study to capture more surface water on the Reservation.

I urge my colleagues to support this bipartisan measure.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, at this time I yield as much time as he may consume to the gentleman from Colorado (Mr. SALAZAR) who will speak on the previous bill.

Mr. SALAZAR. Mr. Speaker, I want to thank the chairwoman, and I want to thank Chairwoman NAPOLITANO for all of her hard work on many of the water bills that are before us today. I also want to thank Congressman NUNES and Congressman COSTA from California. Being rural water Members, they understand the importance of water to rural America.

Today I would like to speak on H.R. 3437, the Jackson Gulch Rehabilitation Act of 2008. I introduced this bill after hearing from my constituents in Mancos, Colorado, including Gary Kennedy, who is the superintendent of the Mancos Water Conservancy District. Gary told me about how every spring as the snow melts he is terrified that they are going to have a catastrophic failure in the system. And it is only a matter of time.

The Jackson Gulch project is critical to southwest Colorado and has stored and delivered water for domestic, agriculture and recreational uses for over 50 years.

The Jackson Gulch Reservoir supplies water to the town of Mancos and the Mancos Rural Water Company. Many of my constituents in the area depend on the agricultural land to make a living. They cannot afford to lose their water supply.

Also of critical importance, Jackson Gulch is the sole supplier of municipal water for the Mesa Verde National Park. Mesa Verde National Park was founded in 1906 by President Theodore Roosevelt and is one of our Nation's most treasured archeological sites. Almost 600,000 Americans each year enjoy Mesa Verde National Park and rely on the water of the park that they receive from Jackson Gulch.

This bill is critical to extend the life of Jackson Gulch Project. The project was authorized in 1939, and construction of the project was completed in 1949. Over the past 60 years, the canals and facilities have exceeded their life expectancy and are in dire need of repair.

Congress is faced with a simple decision: Tackle the problem of rehabilitation for $8 million today or wait for a catastrophic failure and face a $30 million price tag for replacement tomorrow. Without action, it's only a matter of time before we have a major failure and cut off water to Mesa Verde National Park and Coloradans in the southwest.

The most dangerous period is during the spring snow melt when Jackson Gulch Reservoir is being filled. If anything happens during that time, my farmers, the town of Mancos, and the Mesa Verde National Park will be out of business. The estimated cost to rehabilitate the canal system is less than one-third of the cost of replacement.

I urge my colleagues to help us address this important issue for southwest Colorado. There are approximately 300, 350 families living in the town of Mancos and 100 more living in Mancos Valley. The median income in Mancos is only $25,000. Yet in their desperate need for water, they have agreed to pay for 35 percent of the cost. They know this will stretch their budgets, but they are also willing to do their part. Now Congress should do its part and pass this critical bill.

I want to thank the chairwoman; I want to thank the Speaker.

Mr. BISHOP of Utah. Mr. Speaker, I want it to be very clear that I respect extremely Mr. NUNES and Mr. COSTA who have introduced the bill that is before us. I also respect Mr. SALAZAR on the bill about which he was just speaking, because all those bills are very well written bills. They have gone through what we call regular order in this body so that the details have been worked out in a fair and equitable process. They are good, decent bills.

But we meet together on this day of suspensions in a unique concept. As we enter into this Hall, there are symbols placed throughout this building. And those symbols are there to remind us of certain concepts that we should be emulating. Around the top of this room, you see the faces, the side views of the icons of law, the great lawgivers of the history of this world, with Moses, obviously, who is the greatest of all, being the only one with a full face view looking directly at the Speaker. They are here because it reminds us that law, even though it sounds sometimes counterintuitive, is that factor which allows us to be free. Law sets the standard, the example, so that we know where we are going and what we are trying to do, which is why we are so offended when activist judges are creating law based on their whimsy, not on the record of the verbiage itself, why sometimes we also are offended in this body when we create wilderness or we create trail systems without maps, or we create wild river systems that violate the definition of those particular laws and we decide to do so on the whimsy of a simple majority vote.

The gentleman on the right side of the Speaker, when he was Vice President of the United States and thus also the President of the Senate, designed a set of rules by which the Senate would operate. This House has taken those rules, modified them slightly, but uses that as the basis of the rules of order for the way we conduct business here. And we often refer to that as regular order. But bills have concepts that they are supposed to take. If we indeed have a bill coming up later this week which has gone through no public input, has had no hearings, has had no committee reviews, will possibly not have the ability of being amended on the floor or in committee, being written in secret and then presented to us at the last minute, a pattern that has been pervasive during this session, it violates the message of their presence. It violates the concept of what we are trying to do. It says to us it is the wrong way to conduct business, because the basis when we conduct business out of regular order, when we do things behind closed doors and then bring a finished product to a take-it-or-leave-it vote here on the floor, is to basically produce a wrong-headed policy.

That was what these people feared, even though most of them had no concept of what a democratic republic was supposed to be, nor did they care. They always established what the process should be. We are looking at the most significant issue to be faced by this Congress this year and have begun in secret, with no hearings, no input, no public. It suddenly appears on the floor out of regular order. To do so dishonors the memory of each of these individuals who have fought so hard to allow us to have a structured way of coming to common solutions to real problems. And it is one of those things we should not allow ourselves to sink into during this coming week or even the next week.

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

□ 1415

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

Mr. BISHOP of Utah. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, as the previous speaker mentioned, in a normal time we would be debating this particular bill that has merit, I am sure. But these are not normal times. We are now in the last weeks before we adjourn this Congress, and we are not addressing the issue that is uppermost certainly in the minds of my constituents, and that is the energy crisis.

I noticed recently we haven't been talking much about the energy potential of the Arctic National Wildlife Refuge, or ANWR. There are rumors that we may have a bill this week on energy, but there is nothing mentioned about ANWR. Perhaps that is because the Democrats' later energy bill doesn't mention it at all.

The American Energy Act, however, does give ANWR the attention it deserves. The American Energy Act opens the coastal plain of ANWR to drilling, limiting the footprint to just 2,000 acres. That is one one-hundredth of 1 percent of the whole refuge. I know we have all heard the comparison, but I think it is worth repeating. That is the size of a postcard on a football field.

ANWR has over 10 billion barrels of recoverable oil. That is over twice the proven oil reserves in all my State of Texas. Once ANWR is on line, it could produce as much oil per day as the entire State of Texas.

In addition to increasing the supply of oil and therefore reducing prices, the royalty and tax revenue from ANWR would be considerable. Congress has authorized several programs to help develop alternative and renewable energy sources. However, we have not been able to fully fund those initiatives, so have not seen the benefit we were hoping for when they became law. The American Energy Act reinvests any bonus bids and royalty revenue from ANWR into a trust fund to help fund these initiatives to develop alternative and renewable energy sources.

Poll after poll shows that Americans want more domestic production. My office is flooded with calls and e-mails begging me to convince Speaker PELOSI to allow a vote on drilling in ANWR. We need to increase domestic production. We need to develop alternative energy sources. We need to make renewable energy sources more effective. Allowing access to ANWR, as outlined in the American Energy Act, accomplishes all of these objectives.

Let's heed the call of the American people. After all, that is what we were elected to do. Let's take responsibility and vote today to give them the relief they so desperately are seeking.

I invite my colleagues on the other side of the aisle to join us and vote for real solutions today, this week, on this energy crisis.

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

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2535.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

NOAA LAND SALE

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5350) to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5350

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

SECTION 1. SALE OR EXCHANGE OF NOAA PROPERTY IN NORFOLK, VIRGINIA.

(a) IN GENERAL.—The Secretary of Commerce may sell or exchange to the City of Norfolk, Virginia, in accordance with chapter 13 of title 40, United States Code, real property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration (in this section referred to as ''NOAA''), including land and improvements thereon, located at 538 Front Street, Norfolk, Virginia, consisting of approximately 3.78 acres, if the Secretary—

(1) determines that the conveyance is in the best interests of NOAA and the Federal Government; and

(2) has provided prior notification to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate.

(b) CONSIDERATION.—

(1) IN GENERAL.—For any conveyance under this section the Secretary shall require the City of Norfolk to provide consideration to the United States that is not less than the fair market value of the property conveyed by the United States.

(2) FORM.—Consideration under this subsection may include any combination of—

(A) cash or cash equivalents;

(B) other property (either real or personal); and

(C) consideration in-kind, including—

(i) provision of space, goods, or services of benefit to NOAA including construction, repair, remodeling, or other physical improvements of NOAA property;

(ii) maintenance of NOAA property;

(iii) provision of office, storage, or other useable space; or

(iv) relocation services associated with conveyance of property under this section.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine fair market value for purposes of paragraph (1) based upon a highest- and best-use appraisal of the property conveyed under subsection (a) conducted in conformance with the Uniform Appraisal Standards for Professional Appraisal Practice.

(c) USE OF PROCEEDS.—Amounts received under subsection (b)(2)(A) by the United States as proceeds of any conveyance under this section shall be available to the Secretary, subject to appropriation, for—

(1) activities related to the operations of, or capital improvements, to NOAA property; or

(2) relocation and other costs associated with the sale or exchange.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of property by the United States under subsection (a) as the Secretary considers appropriate to protect the interest of the United States, including the recoupment of any profit the City of Norfolk may realize within three years after the date of conveyance to the City due to resale of the property

(e) TERMINATION.—The authority granted to the Secretary under subsections (a) and (b) shall terminate at the end of the 24-month period beginning on the date of enactment of this Act if no contract for sale or exchange under subsection (a) has been entered into by the City of Norfolk and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 5350 is noncontroversial legislation introduced by our colleague from Virginia, Congressman BOBBY SCOTT, to authorize the Secretary of Commerce and the City of Norfolk, Virginia, to negotiate and complete a conveyance of Federal property located in the city that is under the control of the National Oceanic and Atmospheric Administration. The purpose of this fair market value conveyance would be to enable the city to fulfill its plans for the economic redevelopment of the Fort Norfolk waterfront area.

I commend my colleague from Virginia, Congressman BOBBY SCOTT, for his tireless efforts to assist the City of Norfolk as it revitalizes its downtown waterfront core. This legislation also was approved by our colleagues on the Committee on Oversight and Government Reform. The helpful revisions offered by Chairman HENRY WAXMAN and his staff will protect the interests of NOAA and ensure that any future conveyance is consistent with standard terms of terms and conditions found in similar General Services administration contracts.

Mr. Speaker, I ask my colleagues to support the passage of this bill.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Democrat bill manager has I think sufficiently explained the particulars of this bill. I understand the parties involved in the land sale or exchange and the National Oceanic and Atmospheric Administration and the City of Norfolk support the bill and its passage today. I think it is also an exceptional bill.

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

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), the author of the bill.

Mr. SCOTT of Virginia. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of H.R. 5350, a bill authorizing the Secretary of Commerce to sell or exchange certain National Ocean and Atmospheric Administration property in the City of Norfolk, Virginia. At the request of the City of Norfolk, I introduced this legislation in February of this year, along with my colleague from Virginia's Second Congressional District, THELMA DRAKE, who also represents part of the City of Norfolk.

Over the last decade, the City of Norfolk has experienced tremendous economic growth. Downtown Norfolk has reemerged as the urban center of the Hampton Roads region through revitalization and new commercial and residential development.

For several decades, NOAA has been an important Federal partner in downtown Norfolk's development. NOAA's Atlantic Marine Operations Center and NOAA's Chesapeake Bay office are both located downtown in an area referred to as the Fort Norfolk district, which is one of the last remaining undeveloped waterfront areas of downtown Norfolk.

Nearly a decade ago, the city recognized the strategic location of the Fort Norfolk district for development and revitalization and the city began discussions about its desire to purchase a parcel of property from NOAA located at 538 Front Street, directly across from NOAA's primary Norfolk facility. NOAA currently uses the property for storage and staff space for the Norfolk field operations office of NOAA's National Geodetic Survey. These discussions stalled when NOAA ascertained that congressional authorization was required to proceed.

H.R. 5350 simply authorizes, but does not require, the Secretary of Commerce to sell or exchange the NOAA property located at 538 Front Street in Norfolk to the City of Norfolk. The bill clearly states that NOAA may only sell or exchange the property if the Secretary of Commerce determines that the conveyance would be in the best interests of the Federal Government. The bill also requires that the property be sold at a value not less than the fair market value, as determined by the Federal Government.

The bill does not delineate or support any particular agreement or contract. The details of any future agreement between NOAA and the City of Norfolk

would have to be worked out. This legislation would simply permit that process to move forward, and if a mutually agreeable contract is decided upon, this land sale or exchange would allow Norfolk to continue its tremendous economic growth by developing the land for commercial and residential purposes. The authority granted to the Secretary of Commerce to enter into this agreement with the City of Norfolk will expire 2 years after the date of enactment of H.R. 5350.

Mr. Speaker, I would like to thank the chairwoman of the Fisheries Subcommittee, Ms. BORDALLO, and the ranking member, Mr. BROWN, as well as the Natural Resources Committee chairman, Mr. RAHALL, and ranking member, Mr. YOUNG, for getting this bill to the floor.

I urge my colleagues to support this bipartisan legislation that protects both the interests of the Federal Government and the citizens of Norfolk.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I once again commend the author of this particular bill. I think this is a good bill that has worked its way through. We have one of our Members, Representative DRAKE, who is on her way up here, from her district which is on the coast of Virginia, driving up in a very crowded parkway trying to get here as well, illustrating several of the problems that we face in this country, one of which is what do you do with that land off the coast of Virginia, as well as the entire coast of the United States, to try and help solve the problem of our parkways and driveways and highways, our freeways, as people are trying to go from one destination to another, especially with the overwhelmingly destructive high cost of gasoline that we have now.

A lot of people talk about these things as if what the Republicans have been saying is we simply want to drill now and drill everywhere, as if that were the only solution that we present to the situation. It is not the only solution. In fact, there are many who have said that you can't drill your way out of the problem.

We have found already by past efforts that you can't tax your way out of this problem of energy.

□ 1430

We can't regulate our way out. We can't ignore our way out. Drilling is not the only solution, but it has to be part of the real solution if we, indeed, are going to find something that helps the people of the United States.

We have lived, after 30 years now, and have seen the results of this much time of government regulation of our sources of energy. It is government rationing of our resources that has caused us to be in a situation where we are today, to the point that some people even seriously talk about having gas stamps again, which once again illustrates how the government truly is the cause of the problem, because it is the government that is doing the rationing and the regulation.

Drilling is an essential part. Drilling off the coast of Virginia, drilling off the entire Outer Continental Shelf is an important part, but it is not the only solution to our problem. We must have revenues that can be available to build alternative forms of energy. The royalties that could come from those offshore drillings, as well as onshore drillings, could be that solution if they were tied together into one comprehensive approach to it.

We failed to realize that the infrastructure we have in this country does not meet the needs of energy for its citizens. We do not have the capacity for moving energy from one part of this country to another.

We have forgotten for too long our refinery needs, our electrical grid needs, our corridor needs, to the point that we now are in a significant problem. That has to be solved if, indeed, we are going to meet the needs of American citizens.

We need to start reemphasizing conservations and rewarding Americans, not forcing Americans and mandating Americans, but rewarding Americans for their effort to help meet this problem by means of conservation. But none of the issues I have just mentioned, ticked off by itself, is a solution.

All of them have to be there at the same time, which is why, if we really are going to meet the needs of Americans in this problem of excessive cost of energy, it has to be an all-of-the-above solution.

We must drill in all of the Outer Continental Shelf, as we must drill in Alaska, as we must explore the trillions of barrels of oil found in oil shale in the States of Wyoming, Colorado and my home State of Utah. We must look at clean, coal technology, nuclear technology, oil shale, natural gas. We must ensure that States are a partner with us.

The idea that the United States can actually do any of this without sharing the royalties is an insult to the States of this Nation. Already, we have insulted them in this particular Congress when we took the existing split of royalties, which is 50/50, and decided unilaterally, without their consent, to change that to a 52/48 so that we got to keep 52 percent, and we allowed the States to have 48 percent, taking away millions of dollars that they had been counting on, that they had been using, to meet the needs of their citizens.

All of those issues have been there. If we now decide to come up to this floor with a solution that is not all of the above, that only looks at drilling in one part of this country and not all, that does not look at the infrastructure needs, does not look at the alternative needs, does not look at the other kinds of fossil fuel needs. It does not come up with conservation requirements that we have to have. It is going to be the same heavy hand of government, which has already brought us to the situation we have right now, where it is the government that is causing, by our actions over the past 30 years, nothing short of rationing of the resources that we have.

There are three great bills that have been presented, one we have asked a vote for on this floor, the American Energy Act. I have to admit there is another one the western States representatives got together, the Americans for American Energy Act. There is a bipartisan act sometimes called the Peterson-Abercrombie bill, 20 Members of this Congress, a bipartisan group, have all asked to be discussed on the floor.

All three of those are a comprehensive all-of-the-above approach. None of those have been allowed to have a hearing, to have a markup, to have discussions, or to have a vote on this floor. Yet today we are told that sometime this week the bill written in secret will be brought to this floor, like Moses coming down from Mount Sinai, and will be given to us as the law.

That process is a fraud. That resulting bill will be a fraud. Anything that takes anything off the table will be a fraud. Anything that does not allow an all-of-the-above approach will be a fraud. We will not do what we are supposed to do when we come here to this body, which is, in addition to passing good bills like the one in front of us, but also solving the problem of American citizens.

We are not doing that. We are derelict in our responsibilities, and we need to change that.

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

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

Mr. Speaker, I commend the other side for their views and agree that we should consider energy legislation, and we will.

The difference is that when the Democratic majority brings up legislation this week, we will make very sure that the oil companies that are drilling for America's resources are held accountable. I would like to repeat that, accountable.

The gentleman raised the issue of government regulations. What regulations?

Last week we heard from the Inspector General and the GAO that the very office in charge of regulating the oil companies and the royalty-in-kind program were not doing their job, and here are some of the examples.

The Lakewood Marketing Group, a group of government employees who

were in charge of selling the public's oil and gas at the highest price possible were, instead, were concerned with partying, dining, attending golf and ski junkets and a lot more.

There was a Mr. Gregory W. Smith, the head of the royalty-in-kind program, who was also doing illegal things.

One of the top officials at the Minerals Management Service arranged for her assistant to be able to retire and then win a lucrative contract with the agency for his new consulting firm. Not only did the assistant help write the contract before leaving MMS, but another top MMS official in charge of overseeing that contract later retired and joined the consulting firm.

On top of these serious ethical violations, we also learned from three Government Accountability Office, GAO, reports, that MMS is not carrying out its most fundamental mission, making sure the American taxpayer gets a fair return for the use of the public's oil and gas resources.

There is an inadequate Federal royalty system. The GAO found that the United States, one of the safest and most lucrative areas to operate, receives one of the smallest shares of oil and gas revenues in the entire world. Not only that, the Interior Department does not even evaluate how the United States compares to other countries, to ensure we remain competitive while still keeping the taxpayers from being cheated.

There is no diligent development, despite industry false claims that they are diligently developing the 68 million acres of Federal land they hold leases on. GAO found that over a 10-year period, only 6 percent of nearly 48,000 onshore Federal oil leases were actually drilled. While States and private landowners use a number of strategies such as shorter lease terms to encourage faster production and payments, the Federal Government lets the industry sit on valuable resources for years.

There is sloppy royalty collection. The GAO found that the Department of Interior utterly fails in providing certainty that companies are paying the royalties that they owe the American people. Due to an inadequate computer system, a reliance on company self-reported data and an insufficient number of field inspections, these reports indicate that this administration has been absolutely derelict in its duty to the American people and that serious reforms are needed to the Federal oil and gas royalty program.

This, then, should be a part and parcel of any energy legislation to ensure that American interests are represented in American resources, and that will be part of our energy bill on the floor this week.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield such time as she may consume to the gentlelady from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, last week on Thursday we finished our week and our voting. Like most Members of the House here, I went back home to my district in Fort Worth, Texas, and there I spent the weekend talking to people, listening to people, receiving telephone calls. The question was, time and time again, KAY, what are they doing about energy? The answer was nothing.

In addressing this crisis and the solutions to this energy crisis, a key to increasing the American production of energy is to increase our refinery capacity.

As you know, it has been over 30 years since a new refinery was built in the United States. The refineries we do have are operating at near capacity, but we are not able to keep up with consumer demand.

The United States consumed over 15 million barrels per day of petroleum products in the year 2004, and consumption is expected to increase to nearly 26.1 million barrels per day by 2025. That's why increasing refinery capacity is a key piece of the American Energy Act.

Through many innovations, technology has changed a lot since the last U.S. refinery was built in 1976. We should use the advances we have made over the years to build new state-of-the-art facilities that can refine the oil and gas that we need. We need to cut the red tape that has prohibited us from moving forward.

That is why I am proud of my colleagues, HEATHER WILSON and JOE PITTS, who have legislation, the American Energy Act, that would take the necessary steps to remove the bureaucratic roadblocks that have hampered new efforts to build new refinery facilities. Our country has the resources and the space available to increase our capacity and to do so in environmentally safe ways.

An important part of our plan to increase our refinery capacity is using closed military installations to build new refineries. These bases provide the space we need to build refinery infrastructure quickly and get more refineries online as soon as possible.

We have seen the impact of Mother Nature on our refinery infrastructure. Hurricanes Katrina and Rita wreaked havoc on our refineries. During the current hurricane season, as much as 25 percent our Nation's refinery capacity has been taken offline in the wake of these terrible storms in Texas and along the gulf coast. We could greatly reduce the impact of these service interruptions if we had more refineries in this country.

I completely understand increasing our refinery capacity is not the only answer to the energy crisis. I understand the need to look to the future toward alternatives, such as solar and wind. My home State of Texas is doing just that. But in the short-term, increasing our refinery capacity will give us the time to improve and increase these alternative forms of energy.

Until we are able to rely more on these energy sources, we need to boost the source of energy that has powered this Nation in the 21st century. That's why I call on this body and the Democrats in this body for a vote, an up-or-down vote on the American Energy Act, a comprehensive solution that has the support of the American people.

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

Mr. BISHOP of Utah. Mr. Speaker, I appreciate, once again, our opportunity to talk about the many needs we have dealing with the environment and dealing with the energy situation that is so critical to Americans at this particular time.

I appreciate the gentlelady from Guam bringing up a problem that is, indeed, a problem, that we have known about since 2006. I am glad that the majority party has finally decided to hold hearings, after 2 long years, on that particular issue. I would hope that this week we can actually get to the bottom of that and make sure it never happens again.

But the issue of that has nothing to do with the fact that we are still rationing, through our actions, the opportunity of dealing with the resources that we do have.

Why, in Chukchi Sea, in February of 2008, were 487 leases allowed and immediately there were 487 lawsuits that took place? Why, in New Mexico in the spring of this year, were onshore drilling leases allowed, and immediately they were stopped because of lawsuits that are going forward?

Why, in my State, where we are ready to move forward with oil-shale production on private lands, was it stopped because of actions by this House that denied any funding going forward to move that process to its completion?

It is our actions that have actually been the regulatory stranglehold on moving this Nation forward, and those are the things that need to be completed. Hopefully, in the bill being written in secret that will be presented at some time, these actions will be addressed, these problems will be addressed.

These roadblocks will be addressed, but so far in the talking points that have leaked out, none of that seems to be even a topic of conversation. Yet if we indeed are going to solve all of the problems with an all-of-the-above solution, it has to be part of our discussion.

□ 1445

I have no additional speakers on this bill and would yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge all Members to support the bill.

Mrs. DRAKE. Mr. Speaker, I am pleased to be standing today in support of H.R. 5350, legislation that I sponsored along with Congressman BOBBY SCOTT, which authorizes the sale or exchange of a specific tract of National Oceanic and Atmospheric Administration (NOAA) property located in Norfolk, Virginia. The sale of this NOAA land is something the City of Norfolk has been working on since 2005. I am proud that this legislation is being considered today, as it will have a significant impact on the economic development of Norfolk.

Over thirty years ago, the federal government purchased 3.78 acres of land located at 538 Front Street in Norfolk for $47,300. From this time forward, this prime, waterfront location has remained under-utilized—when the original intention for this land was to be the future site of NOAA's regional headquarters.

Allowing the City of Norfolk to purchase this land for fair market value gives Norfolk a new area to continue redevelopment efforts that will foster job growth and economic opportunities for citizens in Hampton Roads. As Norfolk has experienced substantial economic growth since the time of the original purchase, I appreciate that this sale will finally be permitted to further ensure Norfolk's future economic development efforts.

I am grateful for Representative SCOTT's work on helping to bring this bill to the floor, as well as the work of the Committee on Natural Resources and I look forward to the great benefit this redevelopment effort will have for the people of Hampton Roads.

Ms. BORDALLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5350, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION WATER RIGHTS SETTLEMENT ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5293) to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5293

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the Shoshone-Paiute Tribes' water rights has resulted in limited access to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to quantify the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer;

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes also seek to resolve certain water-related claims for damages against the United States.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes and members of Tribes to the waters of the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this Act; and

(6) to authorize the actions and appropriations necessary to meet the obligations of the United States under the Agreement and this Act.

SEC. 4. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the agreement entitled the ''Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River'' and signed in counterpart between, on, or about September 22, 2006, and January 15, 2007 (including all attachments to that Agreement).

(2) DEVELOPMENT FUND.—The term ''Development Fund'' means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 8(b)(1).

(3) EAST FORK OF THE OWYHEE RIVER.—The term ''East Fork of the Owyhee River'' means the portion of the east fork of the Owyhee River that is located in the State.

(4) MAINTENANCE FUND.—The term ''Maintenance Fund'' means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 8(c)(1).

(5) RESERVATION.—The term ''Reservation'' means the Duck Valley Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) STATE.—The term ''State'' means the State of Nevada.

(8) TRIBAL WATER RIGHTS.—The term ''tribal water rights'' means rights of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(9) TRIBES.—The term ''Tribes'' means the Shoshone-Paiute Tribes of the Duck Valley Reservation.

(10) UPSTREAM WATER USER.—The term ''upstream water user'' means a non-Federal water user that—

(A) is located upstream from the Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement as a party to the East Fork of the Owyhee River adjudication.

SEC. 5. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT; AUTHORIZATION.

(a) IN GENERAL.—Except as provided in subsection (c) and except to the extent that the Agreement otherwise conflicts with provisions of this Act, the Agreement is approved, ratified, and confirmed.

(b) SECRETARIAL AUTHORIZATION.—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) EXCEPTION FOR TRIBAL WATER MARKETING.—Notwithstanding any language in the Agreement to the contrary, nothing in this Act authorizes the Tribes to use or authorize others to use tribal water rights off the Reservation, other than use for storage

at Wild Horse Reservoir for use on tribal land and for the allocation of 265 acre feet to upstream water users under the Agreement, or use on tribal land off the Reservation.

(d) ENVIRONMENTAL COMPLIANCE.—Execution of the Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all environmental compliance required by Federal law in implementing the Agreement.

(e) PERFORMANCE OF OBLIGATIONS.—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform actions necessary to carry out an obligation under the Agreement in accordance with this Act.

SEC. 6. TRIBAL WATER RIGHTS.

(a) IN GENERAL.—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes.

(b) ADMINISTRATION.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribes, in accordance with provisions of the Tribes' constitution and subject to the approval of the Secretary, shall enact a water code to administer tribal water rights.

(2) INTERIM ADMINISTRATION.—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or nonuse.

SEC. 7. DUCK VALLEY INDIAN IRRIGATION PROJECT.

(a) STATUS OF THE DUCK VALLEY INDIAN IRRIGATION PROJECT.—Nothing in this Act shall affect the status of the Duck Valley Indian Irrigation Project under Federal law.

(b) CAPITAL COSTS NONREIMBURSABLE.—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this Act for the Duck Valley Indian Irrigation Project, shall be nonreimbursable.

SEC. 8. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) DEFINITION OF FUNDS.—In this section, the term ''Funds'' means—

(1) the Development Fund; and

(2) the Maintenance Fund.

(b) DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Shoshone-Paiute Tribes Water Rights Development Fund''.

(2) USE OF FUNDS.—

(A) PRIORITY USE OF FUNDS FOR REHABILITATION.—The Tribes shall use amounts in the Development Fund to—

(i) rehabilitate the Duck Valley Indian Irrigation Project; or

(ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—

(I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) OTHER USES OF FUNDS.—Once the Tribes have provided written notification as provided in subparagraph (A)(ii)(I) or (A)(ii)(II), the Tribes may use amounts from the Development Fund for any of the following purposes:

(i) To expand the Duck Valley Indian Irrigation Project.

(ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.

(iii) For purposes of cultural preservation.

(iv) To restore or improve fish or wildlife habitat.

(v) For fish or wildlife production, water resource development, or agricultural development.

(vi) For water resource planning and development.

(vii) To pay the costs of—

(I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;

(II) other appropriate water-related projects and other related economic development projects;

(III) the development of a water code; and

(IV) other costs of implementing the Agreement.

(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2009 through 2013, there is authorized to be appropriated to the Secretary for deposit in the Development Fund an amount equal to the sum of—

(A) $9,000,000; and

(B) the interest that would have accrued during the preceding fiscal year on balances held in the Development Fund, as calculated using the applicable rate for interest-bearing obligations of the United States.

(c) MAINTENANCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Shoshone-Paiute Tribes Operation and Maintenance Fund''.

(2) USE OF FUNDS.—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this Act; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2009 through 2013, there is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund an amount equal to the sum of—

(A) $3,000,000; and

(B) the interest that would have accrued during the preceding fiscal year on balances held in the Maintenance Fund, as calculated using the applicable rate for interest-bearing obligations of the United States.

(d) ESTIMATE OF ACCRUED INTEREST.—The President's budget submission shall include an estimate of the amount of interest that would have accrued under the subsections (b)(3)(B), (c)(3)(B), and (e)(2).

(e) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS OF INTEREST.—

(1) IN GENERAL.—There is authorized to be appropriated an amount equal to the additional interest that would have accrued on amounts in the Funds during the period beginning on the date of completion of the event described in section 9(d)(3) and ending on the later of—

(A) the date of completion of the event described in section 9(d)(1); or

(B) the date of completion of the event described in section 9(d)(2).

(2) CALCULATION.—The interest authorized to be appropriated under paragraph (1) shall be calculated using the applicable rate for interest-bearing obligations of the United States.

(f) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts made available under subsections (b)(3), (c)(3), and (e) shall be available for expenditure or withdrawal only after the effective date as set forth in section 9(d).

(g) ADMINISTRATION OF FUNDS.—Upon completion of the actions described in section 9(d), the Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall manage the Funds, including by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(h) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribes may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(2) or (c)(2).

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this Act and the Agreement.

(D) LIABILITY.—If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Agreement.

(D) ANNUAL REPORT.—For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) FUNDING AGREEMENT.—Notwithstanding any other provision of this Act, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2). No amount made available under this Act may be requested until the waivers under section 9(a) take effect.

(i) NO PER CAPITA PAYMENTS.—No amount from the Funds (including any amounts appropriated under subsections (b)(3)(B),

(c)(3)(B), and (e)(1) for interest income that would have accrued to the Funds) shall be distributed to a member of the Tribes on a per capita basis.

SEC. 9. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) WAIVER AND RELEASE OF CLAIMS BY TRIBES AND UNITED STATES ACTING AS TRUSTEE FOR TRIBES.—In return for recognition of the Tribes' water rights and other benefits as set forth in the Agreement and this Act, the Tribes, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Tribes are authorized to execute a waiver and release of—

(1) all claims for water rights in the State of Nevada that the Tribes, or the United States acting in its capacity as trustee for the Tribes, asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, up to and including the effective date, except to the extent that such rights are recognized in the Agreement or this Act; and

(2) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the State of Nevada that first accrued at any time up to and including the effective date.

(b) WAIVER AND RELEASE OF CLAIMS BY TRIBES AGAINST UNITED STATES.—The Tribes, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating in any manner to claims for water rights in or water of the States of Nevada and Idaho that the United States acting in its capacity as trustee for the Tribes asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, or the Snake River Basin Adjudication in Idaho;

(2) all claims against the United States, its agencies, or employees relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses or injuries to fishing and other similar rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the States of Nevada and Idaho that first accrued at any time up to and including the effective date;

(3) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Duck Valley Indian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes notify the Secretary as provided in section 8(b)(2)(A)(ii)(I) that the rehabilitation of the Duck Valley Indian Irrigation Project under this Act to an acceptable level has been accomplished;

(4) all claims against the United States, its agencies, or employees relating in any manner to the litigation of claims relating to the Tribes' water rights in pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; and

(5) all claims against the United States, its agencies, or employees relating in any manner to the negotiation, execution, or adoption of the Agreement, exhibits thereto, the decree referred to in subsection (d)(2), or this Act.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this Act, the Tribes on their own behalf and the United States acting in its capacity as trustee for the Tribes retain—

(1) all claims for enforcement of the Agreement, the decree referred to in subsection (d)(2), or this Act, through such legal and equitable remedies as may be available in the decree court or the appropriate Federal court;

(2) all rights to acquire a water right in a State to the same extent as any other entity in the State, in accordance with State law, and to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water including any claims the Tribes might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts; and

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this Act.

(d) EFFECTIVE DATE.—Notwithstanding anything in the Agreement to the contrary, the waivers by the Tribes, or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(1) the Agreement and the waivers and releases authorized and set forth in subsections (a) and (b) have been executed by the parties and the Secretary;

(2) the Fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent with the Agreement from which no further appeal can be taken; and

(3) the amounts authorized under subsections (b)(3) and (c)(3) of section 8 have been appropriated.

(e) FAILURE TO PUBLISH STATEMENT OF FINDINGS.—If the Secretary does not publish a statement of findings under subsection (d) by March 31, 2016—

(1) the Agreement and this Act shall not take effect; and

(2) any funds and interest accrued thereon that have been appropriated under this Act shall immediately revert to the general fund of the United States Treasury.

(f) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 8 are appropriated.

(2) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

SEC. 10. MISCELLANEOUS.

(a) GENERAL DISCLAIMER.—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this Act.

(b) LIMITATION OF CLAIMS AND RIGHTS.—Nothing in this Act—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding;

(2) affects the ability of the United States, acting in its sovereign capacity, to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the ''Resource Conservation and Recovery Act of 1976''), and the regulations implementing those Acts;

(3) affects the ability of the United States to take actions, acting in its capacity as trustee for any other Tribe, Pueblo, or allottee;

(4) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes; or

(5) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this Act.

(c) ADMISSION AGAINST INTEREST.—Nothing in this Act constitutes an admission against interest by a party in any legal proceeding.

(d) RESERVATION.—The Reservation shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) JURISDICTION.—

(1) SUBJECT MATTER JURISDICTION.—Nothing in the Agreement or this Act restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) CIVIL OR REGULATORY JURISDICTION.—Nothing in the Agreement or this Act impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) CONSENT TO JURISDICTION.—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) EFFECT OF SUBSECTION.—Nothing in this subsection confers jurisdiction on any State court to—

(A) interpret Federal law regarding the health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of a Federal agency action.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I might consume.

The Shoshone-Paiute Tribes of Duck Valley Reservation Water Rights Settlement Act sponsored by our colleague from Nevada, Congressman DEAN HELLER, would ratify and finalize the tribes' water rights settlement agreement with the State of Nevada and with the United States. This bill has faced many obstacles, but through bipartisan work, it is here today.

In the last few weeks of July, representatives from the Department of the Interior—the tribes and the staff—engaged in last-minute negotiations about the administration's concerns on waiver language. In the future, it is our hope that these concerns are addressed during committee consideration of legislation and not after the bill has been reported from the committee. We will work with the minority on addressing the need for more consistent waiver language in the next Congress. So I ask my colleagues to support the passage of H.R. 5293.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I again yield myself such time as I may consume.

This legislation authored by our colleague from Nevada (Mr. HELLER) seeks to resolve the water claims associated with the Duck Valley Reservation in Nevada. This bill has undergone many changes. It reflects intense but good faith negotiations between the administration and staff on both sides of the aisle.

The Democratic bill manager is correct in stating there is a need for consistency in waiver language, and while this bill's waiver language has been resolved for now, we have received commitments from the Democrats that they will work together on applying consistent waiver language in all Indian water right settlements in the next Congress. I actually support this bill as well.

I reserve the balance of my time.

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

Mr. BISHOP of Utah. Mr. Speaker, again, one of the things that has changed over the past 30 years is we've had the same policies that have brought us to the situation in which we are today. It is the pain that people have faced at the gas pumps. It has been one of those things that has been a shocking realization. The road on which we have been traveling for over 30 years is a road that is simply not working. Sometimes there are people who, unfortunately, are happy with the pain that Americans are going through at the pumps today.

There was a former mayor of one of the major cities in Utah who did not like the fact that people were not living in his jurisdiction and were living across the county line. In an effort to punish them, he tried to insist that every effort to try and build more infrastructure and roads be hammered at every venue, at every opportunity. It looked at least from my side of that line as if it were punishment for actually deciding to live where you would want to live.

I talked once at length at a television and radio interview about the issue that we have with energy and about the problems that people are facing with the energy crisis that we have right now. One of the callers called in and said, you know, what we need to do is to simply have more commuter rail service. Now, I don't quibble with that caller, because he's right. We need to have more commuter rail. That's one of the solutions that we have, but having more commuter rail lines does not solve the problem of the farmer who has to fill his tractor with diesel.

For one of the farmers in my community, every time he fills up that tractor, it's $600 just to fill up one tractor. That is $600 for which he doesn't get reimbursed at the end of the week by putting in a voucher to his employer. It is $600 he has to eat until the end of the growing season when he may or may not receive money back for the sale of the goods that he produces.

Commuter lines are great, but they don't help the trucker who still has to bring those products to market. Ninety-five percent of everything we consume comes to a store by way of truck, and commuter rail lines don't stop at grocery stores. Those truckers still have to be able to have the fuel necessary to bring the food to market. We sometimes forget there is a whole segue that is involved in this particular issue of our energy crisis and that everybody isn't part of it. It's in part of the agriculture that we need. It's in part of the trucking industry that we need. It's in part of the pain that people feel at the pump.

Those people who are looking at what is coming out of their pockets week after week don't want us simply coming back here and talking about a highfalutin energy policy. It's not an energy policy to them. It is the way they cook their food. It is the way they heat their homes. It's whether they have a job or not. The pain at the pump is what people are feeling right now, but come this winter, there's going to be pain as the prices of heating their homes will increase by 20 to 30 percent.

So far, the only solution this Congress seems to want to do to address that situation is to try to increase welfare payments or LIHEAP payments in some way rather than to go to the root cause of that problem, which is 30 years of mismanagement that we have had that brings us to this particular situation.

It also means that food prices will be increasing because it is so much more difficult for the farmers to produce that food, for the processors to process that food, for the truck drivers to deliver that food. All of those are going to come as crisis after crisis after crisis if we do not address a comprehensive, all-of-the-above energy policy and do it now. For every week that we delay, we delay and continue on with the pain that real people are facing out there in America, and we are turning this country almost into a second class society.

I had a principal once who was in the military before he went to education, and he always used to answer many of my requests with the old military phrase ''rank has its privileges.'' It is true. Rank has privileges. That's why, in class, I was able to drink a Dr. Pepper and my students could not, because rank had privileges. That's why I get to park in the Cannon building parking garage and my staff does not. Rank has privileges. Some people are able to write bills in the secrecy of their offices and to bring them directly to the floor because rank has privileges. Some people are able to establish an agenda here even though 136 Republicans came back here during the recess time and spoke on that floor, asking, begging, demanding that different types of votes be allowed to take place on this floor. It happens because rank has privileges. In addition to privileges, rank also has responsibilities, and part of the responsibility has to be to solve the real problem that real Americans are facing.

When the Members met in Philadelphia to do their Constitution, a document we'll be celebrating in a couple of days, they were sent there to make minor adjustments to the Articles of Confederation, but they recognized that some of the States that had sent their instructions had also told them to go beyond that to solve the problem. What they decided was essential, not because it was what literally was put in front of them as their responsibilities, but what was essential to meet the needs of the people was to solve the problem.

If we fail in this Congress to bring an all-of-the-above solution to the floor that is a real solution to real problems, we fail in our responsibility to Americans.

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

Ms. BORDALLO. Mr. Speaker, I thank the gentleman for his views and for his diplomatic approach to this important issue.

I reserve the balance of my time.

Mr. BISHOP of Utah. May I also yield as much time as she may consume to the gentlelady from Texas (Ms. GRANGER) who understands this issue completely and who understands the need

of a real solution to the real problems facing real Americans.

Ms. GRANGER. Mr. Speaker, week after week, we have implored the Speaker of the House to address the most important issue of our day, and that is the energy crisis. The gentleman from Utah (Mr. BISHOP) outlined some of the severe problems that people are having and will continue to have until we address this and do what they expect us to do.

We hear rumors and hints about the possibility of a bill coming to the floor and finally, perhaps, an announcement that we can have a vote on this energy crisis and its solutions.

Mr. Speaker, when I first read in the newspaper that Speaker PELOSI had decided to open the Outer Continental Shelf for drilling, I thought it was too good to be true. Unfortunately, it turns out I was right. It really was too good to be true. While all of the headlines proclaimed that the House would finally get to vote on a real energy bill that expands domestic production, it simply wasn't true.

The Democrats' latest energy plan lists the current moratorium on drilling in the Outer Continental Shelf and replaces it with a provision that virtually guarantees that no drilling will ever take place there. Democrats are proposing to ban all drilling up to 50 miles off the coast, cutting off all access to some of the most promising areas. Then between 50 and 100 miles of the coast, the Democratic plan leaves it up to the States to decide whether to allow drilling. However, their plan cleverly leaves out any incentives to the States to actually start drilling.

Unlike the Democrats' bill, our all-of-the-above American Energy Act, which I'm proud to support, does not permanently lock up the most promising area for production. Instead, it allows the States to decide whether to allow drilling up to 50 miles off their coast, keeping those most promising areas available for consideration. It doesn't take an expert to see that by leaving out any sort of revenue sharing agreement my Democrat colleagues ensure that the States will have no real motivation to take any action whatsoever.

The American Energy Act, on the other hand, provides appropriate incentives for the States to make sure they see some of the benefits of drilling off their shores. Our bill includes revenue sharing to provide the States with the financial motivation they need to act. States could use those royalties to benefit their citizens as they see fit. At the same time, all Americans would benefit from lower energy prices. This is a real energy bill. This is what citizens expect and deserve from us.

Mr. Speaker, it's time to stop playing games and wasting time. Let's have a straight up-or-down vote on the American Energy Act and give Americans the relief they deserve. They can't wait any longer and they shouldn't have to.

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

Let me just note that the energy crisis must be addressed in a deliberative fashion, not by a bumper sticker's reading ''drill here; drill now'' approach that would have us drilling in the National Mall. We will have all of the bills but one that includes accountability and a bill that transitions us to a better future—we must wean ourselves from this addiction to oil.

So we will have a vote.

I reserve the balance of my time.

□ 1500

Mr. BISHOP of Utah. Mr. Speaker, I agree with everything that Ms. BORDALLO just said in her comments, that we should have an energy policy that comes in a deliberative fashion, which means that the bills should be allowed to have committee process. They should be allowed to have public hearings. They should be allowed to have an open rule so that Members can amend them in committee or here on the floor. That is the deliberative process. Those are the rules that these people try to establish. That's the concept of the rules that these people try to establish so that we can go through this process.

Everything she said is exactly accurate, except we're not going to do that. We're going to have a bill written in secret and unveiled on the floor. And if it, by chance, has an open rule, I'll be the very first one to be surprised and will probably apologize.

But she is right. That is exactly, that is exactly what needs to take place.

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

Ms. BORDALLO. Mr. Speaker, I thank the gentleman for his comments. I will certainly be watching for transparency and accountability in this bill. And let us hope that this is included when we are debating on the floor. Mr. Speaker, I again urge Members to support the bill at hand.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5293, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

HONORING MILITARY SUPPORT GROUPS

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1200) honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1200

Whereas more than 1,700,000 members of the Armed Forces have been deployed to Iraq and Afghanistan since September 2001, and nearly 611,000 have been deployed more than once;

Whereas more than 782,000 members of our Armed Forces deployed to Iraq and Afghanistan are parents with 1 or more children, and nearly 35,000 troops have been separated from their children for 4 or more deployments;

Whereas as of May 3, 2008, 4,059 members of our Armed Forces have died and 30,004 have been wounded in action in Iraq, while deployed in support of Operation Iraqi Freedom;

Whereas as of May 3, 2008, 491 members of our Armed Forces have died and 1,944 have been wounded in action in Afghanistan, while deployed in support of Operation Enduring Freedom;

Whereas members of our Armed Forces and their families deserve all the medical, financial, education, and moral support that our Nation can provide;

Whereas the spouses, children, family, friends, coworkers, and neighbors of members of our Armed Forces play a key role in the success of our Nation's troops;

Whereas Secretary of Defense Robert Gates has recognized the families and community members who support America's troops as ''the power behind the power'' and the Department of Defense has created the America Supports You program to recognize the efforts of those citizens and organizations;

Whereas military support groups play a crucial role in supporting every family member and loved one of members of our Armed Forces;

Whereas military support groups provide a variety of crucial services to members of our Armed Forces and their families, including financial assistance, employment assistance, tax return preparation, counseling, prayer groups, and sending care packages; and

Whereas military support groups provide a compassionate community and incalculable moral support to the hundreds of thousands of military families with loved ones at home and deployed overseas: Now, therefore, be it

Resolved, That the House of Representatives honors the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I might consume.

I rise today in support of House Resolution 1200, honoring the dedication and the outstanding work of military support groups for their steadfast work on behalf of the members of the Armed Forces and their families.

Over 1.7 million military men and women have deployed to Iraq and Afghanistan since September of 2001, many of whom have been deployed more than once. These military men and women have left behind beloved parents, siblings and spouses. More than 782,000 children have had parents leave the confines of their home to serve the Nation nobly. These soldiers and their families face a daily struggle with constant and sustained deployments. Children are left to cope with the difficulties of a sustained deployment with one parent supporting the family, and some are even left with other family members.

Military men and women and their families make tremendous sacrifices every single day to serve and protect our country. These heroes deserve all the medical, the financial, the educational and moral support that our Nation can provide them. Military support groups, with that mission in mind, work diligently to provide essential support and services to the members of the Armed Forces and their families. They provide a compassionate community of supporters to military families, whether their loved ones are at home or abroad. Whether it's finding a job, replacing a broken oven in a home, or offering moral support by sending care packages to soldiers abroad, our American military support groups and their volunteers work tirelessly to serve the men and women who serve to protect our way of life.

The positive impact that military support groups have on our soldiers and their families is invaluable. As Secretary of Defense Robert Gates recognized, the families and community members who support America's troops are ''the power behind the power.'' You can go to the America Supports You Web site which lists the hundreds of military support groups across our country. The Web site also has many stories of dedication, hope, kindness and generosity.

Mr. Speaker, House Resolution 1200 is our way, in Congress, of honoring the commitment and the outstanding work of military support groups and their volunteers across the country for their unwavering support of America's troops and their families. We honor their selfless service to American troops and their loved ones. As a cosponsor of House Resolution 1200, I urge my colleagues to join me in support of this very important resolution.

I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Let me begin on a personal note. I just want to say what a great pleasure it is for me, Mr. Speaker, to manage this bill and the series of bills with my good friend from Guam whom I sit on the House Armed Services Committee with and the Natural Resources Committee with and whom I've been to Iraq three times with. I know of nobody that cares more about our military and men and women in uniform than my good friend from Guam, so it's wonderful to be with her in this particular venue today.

Mr. Speaker, I rise today in support of House Resolution 1200, a resolution authored by Congresswoman BETTY SUTTON of Ohio. This resolution commends a large group of selfless and dedicated people, many of whom are volunteers, in organizations that provide support to the families and children of the deployed members of the Armed Forces, as well as to servicemembers themselves.

Our military families face extraordinary demands and stresses, Mr. Speaker, and challenges related to the service of their loved ones. To ease these burdens, military support groups provide a variety of crucial services ranging from financial and employment assistance to counseling and community support.

These military support groups take on various forms, whether they be Federal, State and local government efforts, or whether they are the many nonprofit, charitable and private efforts that have continuously and unselfishly supported the members of our Armed Forces and their families ever since September 11, 2001.

Among the approximately 1.8 million family members of the 1.3 million active duty personnel, the needs are many and supporting those needs is a matter of military readiness.

The support challenge is made more complex because virtually all the families of the National Guard troops and reservists reside in civilian communities spread across this Nation. Yet numerous agencies, Mr. Speaker, and groups have taken on the challenge to provide help and support, particularly during extended periods of mobilization and deployment.

Our military forces could not have sustained the stress of repeated deployments and combat without the outstanding assistance, dedication and outstanding work over the years of these military support groups.

Let me add on a personal note, if I may, Mr. Speaker, my grandfather and father were both career military personnel. And like many people in this Chamber, I have many members of my family, uncles, cousins, my own brother, who served at various points in the military. All of them would tell you that they have received valuable support for both themselves and their families repeatedly from private and charitable groups that are designed to support the men and women that wear the uniform of the United States. Our citizens do that, not simply because it's the expedient thing to do, but because it's the right thing to do, and it's an expression of the appreciation of the American people for the men and women who sacrifice to defend them that these sorts of contributions take place. Today's resolution is a fitting way to celebrate and thank such organizations.

I urge my colleagues to support House Resolution 1200.

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

Ms. BORDALLO. Mr. Speaker, I yield such time as she may consume to my friend and colleague, the original sponsor of this important resolution, the gentlelady from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentlewoman for her leadership on this issue, and I thank the gentleman from Oklahoma for his eloquence in speaking to it as well.

I rise today, Mr. Speaker, in support of House Resolution 1200, a resolution I introduced to honor some of the unsung heroes of our Nation. They are our military support groups.

All across our great Nation and throughout the world, our troops and their families are making incredible sacrifices for our country. Since 2001, more than 1.7 million members of the Armed Forces have been deployed to Iraq and Afghanistan. And many of these brave men and women are being sent back for numerous tours of duty, and each time they represent our country with honor and a proud sense of duty. And we must never forget the incredible service they provide for our great Nation.

We, as Members of Congress, must do everything in our power to ease the burden their service places on them and their families.

One incredible source of support and assistance for our troops and their families are military support groups. All across our country, servicemembers and their families and friends have formed these crucial support networks.

Military support groups offer a variety of important services to members of our Armed Forces and their families. From providing financial assistance, employment assistance and tax return preparation, to offering counseling and

prayer groups, sending care packages and writing letters, support groups serve a vital purpose within the military family and within our communities.

My bill, House Resolution 1200, honors the dedication and outstanding work of military support groups across this country for their steadfast support of the members of our Armed Forces and their families.

I'm very proud, Mr. Speaker, that one of these support groups, Family and Friends Connected, is based in Akron, Ohio, in my congressional district. This group was started by one of my constituents, Saundra Hunt. With a daughter in the Air Force and a son in the Marine Corps, Saundra knows more than a thing or two about the need to support our military families. And so, on November 9, 2001, Saundra established Family and Friends Connected to bring military families together. And on the second Friday of every month, military families and friends from all over northeastern Ohio come together to support one another. They come from Akron and Barberton and Canton and Cleveland; they come from Cuyahoga Falls, and Copley and Dover and Hartville, Hudson, Stow and Tallmadge and Wadsworth. They come together to find common support.

I want to take a moment and recognize Saundra, who took her own family's experience and used it to make a positive impact on the lives of others in the same situation. Saundra dedicates a listening ear to military families, and is available to them at every hour, day or night. Because of her endless commitment and compassion, there is an obvious love for her within the group.

I've had the honor and privilege of attending one of their meetings, and I can attest firsthand to the dedication and the uplifting camaraderie of those who participate in Family and Friends Connected.

Saundra and the Family and Friends Connected are just one example of the many support groups across the country that have provided endless amounts of time, energy and compassion to our military families. These are people who truly understand what military families go through, and they provide very real comfort and support for one another.

The kindness and understanding these groups provide to our servicemembers and to each other is nothing short of inspirational. It is such an important service for our Nation's military families and yet, Mr. Speaker, they ask for nothing in return. They do it because of a love of country, a respect for service, and an understanding of the sacrifices that our military families so selflessly make. Their unwavering emotional and material support helps to fortify our military, allowing them to carry out the missions our Nation asks of them.

We, in Congress, must always honor our brave servicemen and women, in word and in deed. Likewise, we should honor those who dedicate themselves to their support. That's why I introduced this important resolution to honor these amazing groups. They did not ask for any recognition for their service, but we can all agree that they deserve to be honored for all they do for our military families and for our country.

I ask for your support of this critical resolution honoring our military support groups.

□ 1515

Mr. COLE of Oklahoma. Mr. Speaker, I would like to yield such time as he might care to consume to my good friend from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank my friend from Oklahoma for his leadership on this and so many issues and for yielding me time.

This is an important issue, an important bill. So many of us have worked with groups within our districts all across this Nation who have had family members volunteer, serve, defend our liberty and freedom around the world, many of them on multiple tours of duty. So helping the families and recognizing their sacrifices is extremely important. They fight to defend our liberty, they fight to defend our freedom, they fight to defend our way of life, and yes, they fight to defend our ability to stand on this floor and debate and deliberate the major issues of the day.

Which is why it is with some significant regret that I discuss the issue that is the most important issue facing Americans today at home, and that is the issue of the economy and increasing gas prices and energy policy, and sadly say to my colleagues that the freedom and the liberty and the processes that our military men and women risk their lives to protect are sadly not being honored here on the floor of the House.

We heard with great fanfare last week the Speaker and the Democrat leadership announce to the Nation that they had reached a compromise on energy policy, an issue that we have been, on my side of the aisle, demanding an appropriate deliberative process and a fair and open debate for these many months.

But the Speaker announced they had reached a compromise. The problem, Mr. Speaker, as you well know is the compromise within their own minds, within their own caucus, which is why it saddens me to recognize that the men and women who are fighting to defend our freedom and our liberty and fighting for the ability of our democracy to long survive, and yet we have a process of democracy that's been so distorted it would not be recognized certainly by our Founding Fathers and likely not by any civics class across this Nation.

Because the way in which this energy bill supposedly—I don't know who's seen it—supposedly will be brought to the floor in less than 24 hours is through a closed process, through a secret process behind closed doors; not an open deliberative process, not a democratic process. Dare I say, Mr. Speaker, not an American process.

This is an important bill to recognize the sacrifices of American families all across this Nation whose loved ones stand today and have continued to stand to fight for liberty and freedom. But it saddens me greatly, Mr. Speaker, to not have that process and that fight and that valor honored here on the floor of the House of Representatives in a way that recognizes the history of our Nation, the appropriateness of the deliberative process, the imperative of democracy, the recognition that each and every one of us represents the same number of Americans.

So I support this bill, but I am so saddened and distressed by what appears to be a recurrent theme among this current leadership, and that is not to recognize the imperative of democracy and debate and deliberation in this, the greatest House, the people's House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Expressions of approval or disapproval from the gallery are not allowed.

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

Mr. Speaker, I represent Guam, a small little island in the Pacific where we have today more active National Guardsmen reservists serving in Afghanistan and Iraq per capita than any other State in the Union.

Just last month I led a codel to Pakistan, Kuwait, Afghanistan, and Iraq and found 181 National Guardsmen and reservists from Guam deployed in Afghanistan serving in the most dangerous provinces in that country.

I want to speak to this bill because on Guam, because of the numerous soldiers deployed all over the world today, the support group is exceptional, made up of family and friends. I have visited their headquarters, and it's made up of housewives, families, and friends all supporting our soldiers. And I want to go on record to say that I applaud our soldiers and families on Guam for their dedicated support and loyalty, and I go on record as supporting this bill.

Mr. Speaker, at this time I have no further requests for time, and I am prepared to close after my colleague has yielded back his time.

I continue to reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I will try to be brief.

I want to, again, commend my good friend from Guam and say in the opportunities we've had to travel abroad I

notice how fervently she seeks out servicemen and women from her country and with what great warmth and gratitude she's always received. And it's a reminder of what an exceptional place she represents and what exceptional people have chosen her from amongst themselves to defend them here.

I want to also express my personal appreciation for the types of groups, again, that were singled out in this resolution by our good friend, Ms. SUTTON. Frankly, we all could sit here and name many, many groups in our respective districts that put American men and women in uniform ahead of everything else. I want to mention just one, if I might, Mr. Speaker.

In my home State of Lawton, Oklahoma, is where Fort Sill is located. It's the home base of the field artillery. And Fort Sill has a very unique organization called literally the Armed Services YMCA of Lawton/Fort Sill. It, for decades, has performed support services for family. Every year there is a huge breakfast and, frankly, a community drive to solicit private dollars to support its efforts to help men and women in uniform and service families.

And I've heard repeatedly, as I go down to these, instances where families would show up from deployment desperately needing things; you know, perhaps young families not able to furnish the apartments they were in, needing support. That support's always given generously by fellow soldiers, but more importantly, even by the men and women of Lawton, Oklahoma.

Again, I commend my colleagues for bringing this resolution. I urge its support.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I want to go on record to thank the co-manager of the bill today, Mr. COLE, a good friend of mine whom I've traveled with on numerous occasions, and I truly appreciate the kind words that he has noted of Guam and, of course, his own State.

And as he said, each Member going on these congressional delegation trips is always meeting with their troops, and this is one of the great pleasures, shall we say, of the trip, not only to investigate and see how we are doing and how our troops are treated, but to meet with troops from our district.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my gratitude to all the support groups, families, and friends of our men and women in the armed forces. By supporting those who support them, we honor the sacrifice and courage of our women who have served and are currently serving in our Armed Forces.

Since September 2001, more than 1,700,000 members of the Armed Forces have been deployed to Iraq and Afghanistan, and nearly 611,000 have been deployed more than once. More than 782,000 members of our Armed Forces deployed to Iraq and Afghanistan are parents. Sadly, nearly 35,000 troops have been separated from their children for 4 or more deployments.

Many of our men and women in the armed forces have given the ultimate sacrifice to secure the freedoms of others. As of May 3, 2008 over 4,500 died and over 32,000 wounded while deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom (Afghanistan).

The members of our Armed Forces and their families deserve all the medical, financial, education, and moral support that our Nation can provide. Our military support groups and organizations play a vital role in providing services to members of our Armed Forces and their families, including financial assistance, employment assistance, tax return preparation, counseling, prayer groups, and sending care packages.

The resolution we considered today provides an opportunity for each of us, regardless of political views, religion, ethnicity, gender, or background to come together, and to recognize and honor our nation's heroes and those that support them and their families.

Though we may be divided by our positions on the war in Iraq, we stand together to support our veterans. Our nation has a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of this country. We must be united in seeing that every soldier, sailor, airman, and marine is welcomed back with all the care and compassion this grateful nation can bestow.

All too many of our veterans are left without the help and support they need to transition from the horrors they bravely face on the front lines of battle to successful civilian life. According to the Veterans of all ages were homeless.

The V.A. also reports 400 veterans of the wars in Iraq and Afghanistan alone have already become homeless, and this figure only takes into account those who have sought services from V.A.-sponsored programs. Experts have predicted that the trauma resulting from the extreme horrors of these modern wars could lead to a surge in homeless veterans in the coming years.

I chose to celebrate one of our heroic daughters of Texas, Specialist Monica L. Brown of the United States Army with House Concurrent Resolution 320 for her efforts earlier this year.

Spec. Brown was the first woman in Afghanistan and only the second female soldier since World War II to receive the Silver Star, the nation's third-highest medal for valor. This soldier from Lake Jackson, Texas was only 10-years-old, when on April 25, 2007, Specialist Brown as part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia that was attacked. She saw her fellow soldiers injured, she grabbed her aid bag and started running toward the burning vehicle as insurgents opened fire. All five wounded soldiers from her platoon scrambled out. Under this commotion, she assessed her patients and moved them to a safer location because they were still receiving incoming fire.

The Pentagon's official policy is to prohibit women from serving in front-line combat roles in the infantry, armor or artillery, but the nature of the wars in Afghanistan and Iraq, with no real front lines, has seen women soldiers take part in close-quarters combat more than previous conflicts.

According to the army four Army nurses in World War II were the first women to receive the Silver Star, though three nurses serving in World War I were awarded the medal posthumously in 2007. Sgt. Leigh Ann Hester, of Nashville, Tenn., was the first to receive the Silver Star in 2005 along with two fellow male soldiers for her gallantry during an insurgent ambush on a convoy in Iraq.

Though I have opposed the war in Iraq from its inception, I remain absolutely committed to ensuring that we recognize, celebrate, and honor the service of our sons and daughters in and returning from, Iraq and Afghanistan.

I am proud to support H. Res. 1200 by my colleague, Congresswoman SUTTON. I firmly believe that we should celebrate and support our armed forces and their families, and I remain committed, as a Member of Congress, to both meeting the needs of veterans of previous wars, and to provide a fitting welcome home to those who are now serving. Current serving military personnel and veterans have kept their promise to serve our nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to them.

Currently, there are over 25 million veterans in the United States. Thee are more than 1,633,000 veterans living in Texas and more than 32,000 veterans living in my Congressional district alone. I hope we will all take the time to show appreciation to those who have answered the call to duty. As Winston Churchill famously state, "Never in the field of human conflict was so much owed by so many to so few."

Mr. Speaker, I encourage my colleagues to join me in supporting our troops, their families, and those groups that are working to support them.

Ms. BORDALLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1200, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

HONORING TOBY KEITH'S COMMITMENT TO MEMBERS OF THE ARMED FORCES

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the

resolution (H. Res. 1255) honoring Toby Keith's commitment to members of the Armed Forces.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1255

Whereas thousands of celebrities have donated their time to entertain members of the Armed Forces both in the United States and abroad through the United Service Organizations (hereafter known as the ''USO'');

Whereas since the USO's founding in 1941, country music personalities have been an essential element of the USO's entertainment;

Whereas Oklahoma native Toby Keith made six USO tours around the world, performing in such locations as Cuba, Germany, Belgium, Kosovo, Italy, and Africa; and entertaining more than 135,000 members of the Armed Forces in Middle East Operations Iraqi Freedom and Enduring Freedom;

Whereas Toby Keith has volunteered to perform at some of the most dangerous and remote locations in the Persian Gulf, which require Apache escorts and include Forward Operating Bases with total populations of not more than 50 members of the Armed Forces;

Whereas, on April 24, 2008, while performing in Kandahar, Afghanistan mortar fire disrupted his concert;

Whereas few, if any, performers have traveled to such remote and dangerous military bases with Toby Keith's frequency;

Whereas Toby Keith has acted as a valuable liaison between forward deployed troops, the USO, and the American public;

Whereas Toby Keith makes it a priority to give tickets to members of the Armed Forces here in the United States;

Whereas Toby Keith allows members of the Armed Forces to eat and drink for free in his restaurants; and

Whereas Toby Keith co-wrote and performed the hit song ''American Soldier'' honoring the sacrifices that America's soldiers make on a daily basis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Toby Keith's commitment to our country's Armed Forces overseas;

(2) encourages other entertainers to take into consideration Toby Keith's deep commitment to boosting the morale of our Nation's Armed Forces when supporting USO operations; and

(3) a copy of this Resolution, suitably engrossed, be transmitted to Toby Keith.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Resolution 1255 to honor Toby Keith's commitment to strengthening the morale of our Armed Forces and working with the United Services Organizations, the USO, to accomplish this important task. I thank my colleague from Oklahoma, Mr. TOM COLE, for bringing this measure before the House.

Toby Keith has gone above and beyond his celebrity to bring members of our Armed Forces the joy and laughter of entertainment no matter where in the world they serve. From Cuba to Kosovo, Italy to Africa, and many more locations, both welcoming and dangerous, Mr. Keith has played for more than 135,000 men and women in uniform.

In April of this year, Mr. Keith performed in Kandahar, Afghanistan, where the nervous sounds of mortar fire disrupted his concert. However, Mr. Keith continued to travel to remote and dangerous locations bringing a bit of the American spirit and character alive on stage. His travels are a testament to the importance of morale in the men and women who continue to serve our Nation abroad every day.

By working with the USO, Mr. Keith has helped bring together two very different worlds: the world of an average American who can work during the day and watch a concert at night, and the world of the military abroad who must keep constant guard both day and night.

Mr. Keith's performances and even the free meals he gives the military at his restaurants remind both Americans working at home and those serving abroad that we must keep each other in our minds and hearts and we must keep our morale high. Like Mr. Keith, we should all find something positive to contribute to each other as we face these dangerous times.

By passing this resolution, we are honoring a person who has used his talents to serve the men and women in uniform as they continue to serve our country. Toby Keith is just one of the hundreds of entertainers who have volunteered to entertain the troops with the support of the USO to generate a spirit and morale that is invaluable to this Nation.

Mr. Speaker, I urge my colleagues to support House Resolution 1255.

I reserve the balance of my time.

□ 1530

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to commend a great Oklahoman and American patriot, whose unceasing support for the men and women in our armed services has been a hallmark of his career. Country music star Toby Keith was born and raised in my hometown of Moore, Oklahoma, and is now a resident just south of us in Norman, Oklahoma, and has made it his mission as an entertainer to keep our troops entertained and to boost their morale as they serve this Nation in some of the most dangerous, remote places on the planet.

This resolution outlines Mr. Keith's commitment to our troops and encourages other entertainers to take into consideration Toby Keith's deep commitment to boosting the morale of our Nation's soldiers when supporting USO operations.

As many of you know, Mr. Speaker, Toby Keith is one of the most successful country music stars of the last two decades. His songs not only appeal to a wide variety of listeners but are also critically acclaimed.

On a personal note, I'll tell my friend on the other side of the aisle, he's actually a very good Democrat. But like all of us, I think he's an American and I'm proud to say an Oklahoman, far ahead of being affiliated with any political party.

Despite his fantastic success as a performer, I'm here to highlight the work Mr. Keith has done for the United Service Organizations. Since the founding of USO in 1941, thousands of celebrities have taken time out of their lives to visit service men and women who sacrifice their lives for the cause of freedom. These shows not only help to boost morale among our troops but also help to connect our Armed Forces to America when they are far from home, Mr. Speaker.

Since before the United States entered the Second World War, the USO has been the bridge between the American public and the U.S. military. These performances also remind the troops that we are all eternally grateful for the work they do.

Today, the USO delivers its programs and services at more than 130 locations around the world. More recently, the USO opened centers in Kuwait, Qatar and Afghanistan to support service members participating in Operations Enduring and Iraqi Freedom. The organization relies on over 25,000 volunteers, and servicemembers and their families visit USO centers 5.3 million times a year, Mr. Speaker.

Country music personalities have always been an essential element of the USO's entertainment. In the early years, performers like Gene Autry, another notable Oklahoman—actually Gene Autry, Oklahoma, is in my district as well, Mr. Speaker—Patsy Cline, and many other acts from the Grand Ole Opry have traveled around the world to entertain our troops. Today, performers like Neal McCoy and Lee Ann Womack have all gone to Iraq to entertain our troops. However, few celebrities have visited our troops fighting the war on terror in Iraq and Afghanistan with as much fervor and frequency as Toby Keith.

Mr. Speaker, Toby Keith has made six USO tours, including entertaining

over 135,000 U.S. service personnel in Iraq, Afghanistan, Cuba, Germany, Belgium, Kosovo, Italy, and Africa. In fact, he has volunteered to perform at some of the most dangerous and remote locations in the Persian Gulf, including forward operating bases with populations of as few as 50 servicemembers that require Apache escort helicopters to reach. In many of these cases, these places and the garrisons literally haven't had entertainment in many, many months.

The USO also noted in our discussions with them, Mr. Speaker, that Toby's brought back valuable insight from forward deployed troops, including things they would request from the USO and the American public. As a result, the USO has developed a program called USO Delivered, which includes transportable USO centers for remote areas.

On April 28, 2008, while performing in one of these dangerous locations, Kandahar, Afghanistan, mortar fire disrupted one of Mr. Keith's concerts. Instead of packing up and going home, Toby Keith returned to the stage to finish the show. This attitude, that all troops no matter where they are stationed deserve our support, is what makes Toby Keith an exemplary patriot, and all entertainers should, and I'm sure do, take a good lesson from his dedication to our men and women in uniform.

Mr. Speaker, Mr. Keith's visits to the USO are not only places where he deserves recognition for supporting our troops. He also freely provides tickets to military personnel for all of his shows in the U.S., and servicemembers showing military ID are allowed to eat and drink for free at his restaurants. Toby Keith also reflects his deep admiration for the troops in his hit song ''American Soldier'' which hails the work that our Armed Forces do to protect us all on a daily basis.

Mr. Speaker, at a time when the thousands of Americans question the merits of our missions in Iraq and Afghanistan, it is essential that our service men and women know that we support their dedication to America, regardless of our political disagreements at home. Toby Keith has been a stalwart supporter of our troops throughout his career and deserves our recognition and our appreciation. Regardless of one's opinion on our involvement in Iraq and Afghanistan, supporting our men and women overseas is certainly something that all Members of this body encourage and support.

Mr. Speaker, I urge Members to vote ''yes'' on House Resolution 1255 and honor a true patriot.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, at this time I have no further requests for time. I am prepared to close after my colleague has yielded back his time. I continue to reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I want to recognize for such time as she may consume my distinguished colleague from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Thank you, Mr. COLE, and Members of the House. I rise and I, too, want to applaud Toby Keith and his commitment to our troops and his efforts to encourage our troops, especially when they're serving our country overseas and away from their family and friends.

And while thanking Toby Keith and others and recognizing the important role that our military plays in our country, I rise today out of a frustration that we in Congress right now are refusing to address the important issue of energy and, especially, the Democrats' refusal to bring an up-or-down vote on the American Energy Act.

Our failure to enact a comprehensive energy policy is having real consequences on families and small businesses and especially our seniors. While I was back home last month, I heard time and time again how high energy prices are having real consequences.

For example, Frank and Bannie Bowman, they're retired and live in Walla Walla. They told me that things are so tight they're having to choose between less on groceries and other necessary items and paying their gas bills.

Seventy-one-year-old Fran Balcom in the Spokane Valley told me that she's still working. She can't retire because of high energy prices.

It's time we begin saying ''yes'' to American energy. We need to move away from foreign oil, produce more energy here at home, and make conservation a priority. It's time we start meeting America's energy needs with American resources, and the American energy bill does just that.

This bill is focused on increasing our American energy supply, promoting conservation, and supporting renewables like hydro, solar, and wind.

Specifically, the bill lifts the ban against offshore energy exploration; promotes safe and environmentally responsible exploration and development of ANWR; develops America's vast oil shale resources; helps expedite the production of domestic coal-to-liquid fuel; provides permanent tax credits for important renewables like solar, hydrogen, and wind energy; and promotes greater energy efficiency by increasing and extending personal and business efficiency tax credits and deductions.

Americans are concerned about energy costs, and they want us to unleash American ingenuity. We can and we must start meeting America's energy needs with American energy, and doing nothing right now is simply irresponsible.

Ms. BORDALLO. Mr. Speaker, I continue to reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I have no further speakers and simply want to thank the gentlelady from Guam for working with me on this bill. It's personally important since I have the great honor of representing Toby Keith, and he is, indeed, a great American and certainly somebody in Oklahoma we're very proud of.

Mr. Speaker, I yield back my time.

Ms. BORDALLO. Mr. Speaker, I want to thank the gentleman from Oklahoma (Mr. COLE) for co-managing the bills here. I've enjoyed it. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1255.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

HONORING THE 28TH INFANTRY DIVISION FOR SERVING AND PROTECTING THE UNITED STATES

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 390) honoring the 28th Infantry Division for serving and protecting the United States, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 390

Whereas the 28th Infantry Division was established on October 11, 1879, and is recognized as the oldest, continuously serving division in the Army;

Whereas units of the 28th Infantry Division date back to 1747, when Benjamin Franklin organized a battalion in Philadelphia;

Whereas units of the 28th Infantry Division served in the Revolutionary War, including units that served with distinction in the Continental Army under General George Washington;

Whereas the 28th Infantry Division was integral to the success of World War I campaigns in the European theater, including those in Champagne, Champagne-Marne, Aisne-Marne, Oise Marne, Lorraine, and Mesuse-Argone;

Whereas the 28th Infantry Division earned the title of ''Iron Division'' by General John J. Pershing for its valiant efforts during World War I;

Whereas the 28th Infantry Division contributed to military operations in Normandy, Northern France, Rhineland,

Ardennes-Alsace, and Central Europe during World War II;

Whereas the 28th Infantry Division's perseverance through the harsh winter of 1944–1945 on the western front led to a decisive victory in the Battle for the Huertgen Forest, the longest single battle engaged by the Army;

Whereas soon after the Battle of the Huertgen Forest, the 28th Infantry Division withstood the onslaught of the main thrust of the last great German offensive during the Battle of the Bulge, giving time for reinforcements to arrive and defeat the Germans;

Whereas the 28th Infantry Division was activated again in 1950 to serve in Germany;

Whereas the 28th Infantry Division was folded into the Army Selective Reserve Force during the Vietnam War;

Whereas the 28th Infantry Division aided relief efforts throughout the devastating aftermath of Hurricane Agnes in 1972;

Whereas the 28th Infantry Division was called into action during the partial meltdown of the nuclear reactor of Three Mile Island Nuclear Generating Station in 1979;

Whereas the 28th Infantry Division contributed to international coalition forces to facilitate efforts in Operation Desert Storm;

Whereas the 28th Infantry Division has been part of peacekeeping missions in Bosnia-Herzegovina, the Republic of Kosova, and the Sinai Peninsula;

Whereas the 28th Infantry Division has deployed troops for Operation Noble Eagle, securing high-profile infrastructure targets in the aftermath of the September 11, 2001, attacks;

Whereas the 28th Infantry Division has deployed troops to Operation Enduring Freedom, which ousted the Taliban regime in Afghanistan;

Whereas in Operation Iraqi Freedom, the 28th Infantry Division played a crucial role in the search for weapons of mass destruction, the invasion of Iraq, the security in post-invasion Iraq, the training of an Iraqi police force, securing transport convoys, and the safe detainment of suspected terrorists;

Whereas the 28th Infantry Division has over 2,600 soldiers who are missing in action from World War I and World War II;

Whereas the 28th Infantry Division has 127 units in 90 armories in 75 cities across the Commonwealth of Pennsylvania;

Whereas the 28th Infantry Division has been sent to aid portions of our Nation affected by harsh winter storms, flooding, violent windstorms, and other severe weather emergencies; and

Whereas 10 recipients of the Medal of Honor, 4 recipients of the Legion of Merit, and 258 recipients of the Silver Star have been members of the 28th Infantry Division: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the 28th Infantry Division for serving and protecting the United States and directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Adjutant General of the Pennsylvania National Guard for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Concurrent Resolution 390, honoring the 28th Infantry Division. I join my colleagues in recognition of the brave men and women who have answered the call of duty and contributed in so many ways to our Nation's safety and security.

The history of the 28th Infantry Division is truly remarkable and a testament to the dedication and sacrifice of those who have served in the division. Officially established way back in 1879, the 28th Infantry Division is one of the oldest divisions in the Army. Its roots trace back to the Revolutionary War era to units in Benjamin Franklin's battalion of Associators in Philadelphia, as well as General George Washington's Continental Army.

In World War I, the 28th Infantry Division fought in six major campaigns: Champagne, Champagne-Marne, Oise-Marne, Lorraine, and Meuse-Argonne. They paid greatly for their efforts, losing over 14,000 men. Recognizing its tough and relentless fighting prowess, General of the Armies John J. Pershing labeled the 28th Infantry Division the Iron Division.

During the Second World War, the division fought some of the fiercest battles in the European theater. Perhaps most notably during the Battle of the Bulge, the 28th Infantry Division held its ground against overwhelming German forces until Allied reinforcements arrived. Their sacrifice will never be forgotten, and the importance of their victory as a turning point in World War II remains etched in the history of this division.

Today, the 28th Infantry Division is an active National Guard division, with armories in towns and cities across the Commonwealth of Pennsylvania. Soldiers of the 28th Infantry Division have served and are currently serving abroad in Iraq and Afghanistan, and were also recently deployed in Bosnia and Kosovo as part of the NATO peacekeeping missions. Since September 11, over 10,000 soldiers of the division have deployed overseas.

The men and women of the 28th Infantry Division serve their community selflessly while balancing full-time careers and families. Through the years, their names and faces have changed, but the commitment and the dedication with which they serve our Nation remains the hallmark of the 28th Infantry Division.

So I am very proud to join my colleagues in honoring these men and women, past and present, and to express my sincere gratitude for their sacrifice to the Commonwealth of Pennsylvania and the Nation. And I urge my colleagues to vote for the adoption of this resolution that recognizes our citizen soldiers.

I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 390, as amended, which honors the 28th Infantry Division for serving and protecting the United States of America.

I am honored to pay tribute to the current and former members of the 28th Infantry Division, the Keystone Division, who have steadfastly and courageously defended and served this great country on our own shores and in distant lands.

□ 1545

With roots that date back to the Continental Army, the 28th Infantry Division fought valiantly in several campaigns during World War I, earning the title ''Iron Division'' from General John J. Pershing.

Again, during World War II, victory was won in hard-fought battles in places like the Huertgen Forest on the western front and in the Battle of the Bulge because of the tenacity and the perseverance of the brave soldiers of the 28th Infantry Division. These battles earned them another title, Bloody Buckets, this time given to them by German forces because of the fury of the 28th Infantry Division assaults.

More recently, the 28th Infantry Division has participated in Operation Desert Storm, deployed troops to oust the Taliban in Afghanistan, and has played a vital role in the successes of Operation Iraqi Freedom. Closer to home, Mr. Speaker, the Division has responded in the aftermath of natural disasters to provide aid and comfort to fellow Americans during hurricanes, blizzards and devastating floods.

It is important to note that the soldiers of the Division have distinguished themselves by earning 10 Medals of Honor, four Legions of Merit, and 258 Silver Stars for their outstanding service to the Nation.

Sadly, Mr. Speaker, the valiant service of the 28th Infantry Division has not come without enormous sacrifice. Throughout its history, the members of the Division have paid the price to ensure our freedom. Still today there are over 2,600 soldiers from the 28th Infantry Division missing in action in both world wars of the 20th century.

Mr. Speaker, if I did not also pay tribute today to the incredible families of these brave soldiers, who waited at home while their loved ones answered our Nation's call, I would be remiss. The entire Nation owes the soldiers and veterans of the 28th Infantry Division and their families a debt of gratitude. We are all proud of their service.

Therefore, Mr. Speaker, I strongly urge all Members to support this resolution.

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

Ms. BORDALLO. Mr. Speaker, I continue to reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I want to make a few brief remarks on the issue of energy because we seem to discuss that. And I have no further speakers at that point and I will be prepared to yield back to my friend from Guam.

Mr. Speaker, I think today in the discussion of three bills we've seen a terrifically orderly process of cooperation between the two sides as we have come together to honor and recognize Americans who have distinguished themselves in service to our country and in service to one another. And it's been a process that I think ought to epitomize all of our openings. Our problem, unfortunately, is we don't always have that process in this House.

We've known for many, many years that we had a very serious energy crisis. I believe former Secretary of the Treasury, John Connelly, first pointed that out as long ago as 1970 when we were importing about 24 percent of petroleum from overseas. Former President Carter called it the moral equivalent of war that we confront and deal with this crisis in the late 1970s. And there certainly have been fitful efforts by both sides of the aisle, Mr. Speaker, to try and come to grips with this problem over the years, but we all know we have not done it successfully. And I think perhaps that's because we have not done it together.

I would point to the efforts of two of our colleagues on both sides of the aisle, Mr. ABERCROMBIE from Hawaii and Mr. PETERSON from Pennsylvania, who have tried to work together to formulate a bipartisan solution to parts of this vexing problem as an example that all of us on both sides ought to follow, Mr. Speaker. I think if we did, we would do better. And I think we could come up with legislation that would genuinely make a difference because nothing is more important, aside from our physical security, than our economic security. And I think we all recognize we're at the point, Mr. Speaker, that that security is threatened by an overdependence on foreign energy.

We can go a long way, we can do a lot together. Sometimes when we work together we do do extraordinary things. So I would challenge the House that in the coming week, when we discuss this important issue, that that's, indeed, how we proceed, we bring bills to the floor, we have open debate, and we try to find common ground with one another.

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

Ms. BORDALLO. Mr. Speaker, again I would like to go on record to thank my co-manager of the bill, the gentleman from Oklahoma (Mr. COLE).

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 390, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

CELEBRATING THE 120-YEAR PARTNERSHIP BETWEEN THE GOVERNMENT AND STATE VETERANS HOMES

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1335) celebrating the 120-year partnership between the Government and State veterans homes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1335

Whereas the primary mission of the National Association of State Veterans Homes is to ensure that each veteran receives the benefits, services, long-term health care, and respect each veteran deserves;

Whereas other goals of the National Association of State Veterans Homes are to ensure that no veteran is in need or distress and that the level of care and services provided by State homes is of the highest quality;

Whereas the year 2008 marks the 120th anniversary of the first time the Federal Government granted aid to States that had established State veterans homes;

Whereas following the Civil War, a large number of indigent and disabled veterans were no longer able to earn their own livelihood and were in need of assistance;

Whereas after the Civil War, because the Government was unable to completely meet the needs of this class of veterans, a number of States established State veterans homes;

Whereas the first State home was established in Rocky Hill, Connecticut, in 1864;

Whereas on August 7, 1888, Federal aid was authorized for the first time to alleviate the burden of States in operating these homes;

Whereas the Veterans Administration was established in 1930, which led to an expansion of State programs to include three levels of care and increased per diem payments;

Whereas in 1952, the National Association of State Veterans Homes was founded because of the collective need of all State homes to communicate with one another about the problems they faced and their experiences as well as to promote their interests in national legislation;

Whereas in 1964, the State Home Construction Grant Program was initiated, which has greatly increased the ability of State homes to meet the increasing needs of veterans;

Whereas on February 24, 1986, the Veterans Administration and the National Association of State Veterans Homes signed a Memorandum of Understanding, formalizing their mutual goal of providing quality care to veterans;

Whereas the Department of Veterans Affairs is authorized to participate in up to 65 percent of the cost of construction or acquisition of State nursing homes or domiciliaries or for renovations to existing State homes;

Whereas the Department of Veterans Affairs works to assure Congress that State homes are both financially equipped and institutionally competent to provide quality care to veterans through inspections, audits, and comparing records conducted by the VA medical center of jurisdiction;

Whereas State veterans homes are currently one of the largest long-term care providers in the United States;

Whereas in a typical year, State homes will provide veterans with nearly 7 million days of nursing home care and about 1.5 million days of domiciliary care;

Whereas currently, there are 135 State homes throughout the United States with more than 30,000 beds, which will only increase in the coming years; and

Whereas a total of $165,000,000 has been appropriated for State homes capital projects in 2008: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the extraordinary contributions of those who have served in the Armed Forces of the Nation;

(2) recognizes that the Nation has an affirmative duty to care for the men and women of the Armed Forces who have served their country faithfully;

(3) recognizes the efforts made by the National Association of State Veterans Homes to aid the States in providing veterans with high-quality care; and

(4) commends the efforts made by State veterans homes for the past 120 years in ensuring that the honorable veterans of the Armed Forces of this Nation receive the highest quality of care worthy of the great sacrifices they have made.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I would like to thank Congressman PAUL HODES of New Hampshire for crafting this resolution which calls for the celebration of the 120th anniversary of our Federal Government's first grant of aid to State veterans homes.

I would also like to recognize the National Association of State Veterans Homes, representing 135 State veterans homes throughout the country. They were founded to increase the State veterans home representation and help facilitate communication with one another. They have worked to improve the quality of care, the services and

treatment of our Nation's veterans who reside in State veterans homes.

As you know, Mr. Speaker, the Department of Veterans Affairs is authorized to contribute up to two-thirds of the construction of State nursing homes or renovations of existing State homes. This funding helps provide quality care for our Nation's veterans. When veterans are no longer able to care for themselves, they must be given the care necessary to continue their life with dignity.

Recently, we appropriated $165 million for 2008 to provide aid to State veterans homes to continue to provide care for our veterans. This will help alleviate some of the financial burden as the cost of veterans' care continues to rise without compromising the quality of that care.

Mr. Speaker, we must honor a servicemember's sacrifice that has been made by providing the quality of care our brave men and women deserve. It is important that we all support this resolution. With the current war on terror, there are thousands of brave servicemembers that are in the line of fire as we speak. They, too, might need this care. It is our duty, our responsibility, and our moral obligation to continue to provide them with this care.

Mr. Speaker, I stand here today in support of this resolution. I praise the great work and service that State veterans homes have provided for the past 120 years. I look forward to their continued success and for this strong partnership to continue for many years to come.

Mr. Speaker, I have a State veterans home in my district in Chula Vista, California. I visit there regularly. The morale there is very high. And I think probably one sign of their high morale is that the percentage of voting that comes out of that home is very, very high. So it shows that, not only are they cared for, but they take an interest in the government that they have to elect. So I ask that my colleagues join me in support of this resolution.

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

Mr. STEARNS. Mr. Speaker, I'm also pleased to be here in support of this bill, H. Res. 1335, a resolution celebrating a 120-year partnership between the Federal Government and the State veterans homes.

My colleagues, following the Civil War, a number of States independently established State veterans homes in order to meet the large needs of the veterans that were indigent, a lot of them were disabled. They returned from the war, but they were unable to establish a livelihood for themselves, earn enough money. They needed care. And these were veterans who sacrificed their lives in support of their country and were severely disabled and in need of help.

While the Federal Government operated national homes for disabled Union soldiers, the total number of veterans needing care was simply overwhelmingly. So in August, 1888, Federal sharing was formally authorized to help alleviate the burden that was placed upon the States. In 1952, the National Association of State Veterans Homes was established to help move this along. Their primary mission is to ensure that each and every eligible United States veteran receives the benefits, services, long-term health care and respect which they have earned in their service to their country and their sacrifice for our country.

Working through a Memorandum of Understanding with the Department of Veterans Affairs, the organization also ensures that no veteran is in need or distress, and that the level of care and service provided by State veterans homes meet or exceed the highest standards we have in our health care system today.

Today, State veterans homes are one of the largest long-term providers in this country. In the State of Florida, for example, we currently have six State veterans nursing homes. We expect another one to open in St. Augustine in 2009. This is important because Florida is a State with ever-increasing veterans coming in, and we need to provide for them.

There are currently 135 State veterans homes throughout the United States with more than 30,000 total beds. The service these organizations provide to our Nation's veterans is obviously invaluable. And I commend the State veterans homes on their 120-year partnership with the government to provide care to our veterans community with a very high standard.

I urge my colleagues to support this wonderful bill.

Mr. HODES. Mr. Speaker, I rise today to recognize the important partnership between State Veterans Homes and the Federal Government during its 120th anniversary.

State Veterans Homes are important long-term care providers for veterans. State Homes provide quality health care for elderly and disabled veterans across the country.

State Veterans Homes are one of the largest long-term care providers in the United States. There are 135 State Veterans Homes throughout the United States with more than 30,000 total beds. In a typical year, State Veterans Homes will furnish nearly 7 million days of nursing home care and about 1.5 million days of domiciliary care. These numbers continue to grow in order to meet the needs of our Nation's veterans.

State Veterans Homes began after the Civil War, when a large number of indigent and disabled veterans were no longer able to earn their own livelihood and needed care. 2008 marks the 120th anniversary of the State and Federal partnership in providing quality care for veterans in the State Veterans Homes.

The State Veterans Homes try to ensure that each and every eligible U.S. veteran receives the benefits, services, long term health care and respect which they have earned by their service and sacrifice.

I had the honor of visiting with veterans at the State Veterans Home in Tilton, New Hampshire. Under the dedicated leadership of Commandant Barry Conway, New Hampshire veterans have a place to receive top quality long term care in a community of fellow veterans.

The Veterans Home in Tilton has provided Concord native Dave Clark with top-quality health care. Dave is a disabled veteran with a can-do attitude, wheeling around the Veterans Home in his electric wheelchair, with a State of New Hampshire veteran's license plate that says "GROOVY."

Dave was born on September 28, 1945 in Concord, NH. He lived with his parents, his sister, and his three brothers for the first six years of his life, until his parents separated. Dave's sister was adopted, but he and his brothers spent the next 3½ years at an orphanage in Manchester. Dave was in and out of foster homes, dreaming of becoming an astronaut or attending the Massachusetts Institute of Technology.

Dave changed his course when he was called up to serve his country in the U.S. Army. Dave honorably and bravely served, spending 2 years in the States before deploying to Vietnam.

In Vietnam, Dave's vehicle was hit by enemy fire and the troops he was carrying were killed. Dave joined a small group of Marines in a firefight, and he was hit. Four of the Marines carried him to an aid station—and Dave credits these courageous Marines for saving his life. Dave was badly injured, and then spent the next 2 years in hospitals in Seattle, WA, Washington, DC, Fort Dix, NJ, and Manchester, NH.

Dave recovered, and restarted his life in New Hampshire. Dave met and married his wife Doris, with whom he lived in Penacook, New Hampshire until Doris's death. Dave worked at Franklin Regional Hospital as a crew leader in the Environmental Services Department, continuing to serve his State and his country with honor.

His new life was interrupted in March of this year when he had another stroke, leaving him paralyzed on his left side. Dave could only move his neck and his head. Dave thought he was finished after the last stroke. Dave was overwhelmed with terrible memories of the orphanage and frustrated that once again he was losing his independence.

But when Ellen Douville from the New Hampshire Veterans Home Admissions Office came to visit, Dave realized the Veterans Home could give him the support he needed. The Tilton Veterans Home's staff and residents helped Dave regain mobility in his left arm and taught Dave to control a wheelchair with his chin. After 7 months, Dave was kicking a beach ball around in "Move It or Lose It," an exercise program for residents.

Dave is active in the Writing Group and art classes and is vice-president of the Resident Council at the Tilton Veterans Home. He has a girlfriend, Mary Tucker, who works for another healthcare organization, and this week the Veterans Home van took him to Applebee's, where he and Mary had a lunch date.

Dave says that coming to the Tilton Veterans Home has been the best thing for him.

But, Dave continues to be determined to get back the full use of his left side again. After he regains the use of his left side, he plans leaving the Tilton Veterans Home and marrying his girlfriend Mary in the Veterans Home gazebo down by the pond—where everyone from the State Home will be invited.

This resolution honors the contribution of veterans like Dave to his country, and recognizes the leaders and staff of the Veterans Homes, like Barry Conway and Ellen Douville, who spend each and every day with patience, friendship, and care for veterans like Dave.

I am proud to honor the contributions of the men and women who have served in the Armed Forces and recognize that we as a Nation have a duty to serve those who have served our country faithfully.

And I am proud to honor veterans like Dave and the hard working community of the Tilton Veterans Home, and State Veterans Homes across the Nation.

Mr. COURTNEY. Mr. Speaker, I rise today in strong support of H. Res. 1335, introduced by my friend and colleague Mr. HODES, which rightly celebrates the 120-year partnership between Government and State veterans homes.

State Veterans Homes are a critical part of the care our veterans receive after serving our country. In my State of Connecticut, the State Department of Veterans Affairs has provided care for Veterans and their dependents for 144 years, since the opening of Fitch's Home for Soldiers and Their Orphans in Darien, Connecticut on July 4, 1864—the first such facility in the Nation. In 1940, the Fitch home became the Connecticut State Veterans hospital and was relocated to Rocky Hill, Connecticut, where Connecticut veterans today continue to receive a spectrum of care and assistance they so urgently need from dedicated professionals and volunteers.

In just a few weeks, Connecticut veterans will benefit from the opening of the first major new facility in Rocky Hill in over 65 years. The new veterans care facility will provide modern, state of the art care for Alzheimer's and hospice patients. From the new rooms that provide patients with long-needed privacy, to expanded lounge areas and family dining facilities that allow veterans to spend time with their families in a private and comfortable setting, the new facility will ensure that Connecticut veterans receive the dignified treatment they deserve. This exciting improvement was made possible by a strong Federal commitment to the State Home Construction Grant Program, which for 44 years has helped States like Connecticut meet the ever-increasing needs of our veterans by investing in long-term capital improvement projects.

I had the honor of visiting the Rocky Hill facility just this past weekend, where I attended Stand Down 2008. This one-day event is an annual outreach and support program that helps needy and homeless veterans to receive services and information from over 30 State, Federal and private organizations all assembled in one location. During my visit, I observed countless volunteers from organization across the State helping needy and struggling veterans receive a variety of services, including medical screenings, dental exams, legal assistance, housing referrals, assistance with Federal VA benefits and disability claims, job counseling and training, financial assistance and debt counseling; education programs and services and everyday necessities such as free haircuts, clothing and supplies.

At last year's Stand Down, 750 needy veterans came to Rocky Hill to receive assistance. This year, that number is expected to reach 900 or more, an increase largely fueled by the growing needs of veterans returning from Iraq and Afghanistan, as well as the impact of the economic downturn on our neediest veterans. Our State Commissioner of Veterans Affairs, Dr. Linda Schwartz, has helped bring new life into this yearly event, making it an effective way to ensure that veterans have access to the services and care they need. Under her leadership, Connecticut is stepping up to ensure that no veteran who has served their Nation is left behind. Yet, as gratifying as it was to see veterans being helped at Stand Down, the growth in the number of veterans taking advantage of the event is a stark reminder of how much more our Nation must do to ensure that our promise to those who have served is fulfilled.

I ask all my colleagues to join me in thanking the countless professionals at the Connecticut Department of Veterans Affairs, volunteers and organizations that came together at Connecticut's Stand Down in helping to make a difference in the lives or our veterans.

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

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent, Mr. Speaker, that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 1335.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1335.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

LIEUTENANT COLONEL CLEMENT C. VAN WAGONER DEPARTMENT OF VETERANS AFFAIRS CLINIC

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2339) to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2339

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

SECTION 1. DESIGNATION OF LIEUTENANT COLONEL CLEMENT C. VAN WAGONER DEPARTMENT OF VETERANS AFFAIRS CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs clinic located in Alpena, Michigan, shall after the date of the enactment of this Act be known and designated as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the clinic referred to in subsection (a) shall be considered to be a reference to the Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

I rise today, Mr. Speaker, in recognition of the brave service of LTC Clement C. Van Wagoner.

LTC Van Wagoner was Michigan's most highly decorated veteran in World War II, earning, amongst other honors, the Combat Infantry Badge, seven Bronze Stars, four Silver Stars, and five Purple Hearts.

The awarding of the Combat Infantry Badge reflects the valor of those brave men and women who serve on the front lines in defense of our Nation. The Bronze Star is the fourth highest combat decoration that can be awarded by the U.S. Armed Forces and is given for acts of heroism or meritorious achievement. The Silver Star is awarded for acts of gallantry that have been performed with marked distinction in line of duty. And the Purple Heart, of course, is awarded to members of the Armed Forces who have been injured or killed while serving our Nation. LTC Van Wagoner's attainment of these decorations, some of the highest our country has to bestow, is indicative of the highly courageous manner in which he served.

On D-day, June 6, 1944, LTC Van Wagoner landed on Omaha Beach, along with 1,800 of his fellow members of the 1st Infantry Division, and came away as only one of 32 survivors.

□ 1600

The courage to fight on in the face of such peril speaks volumes about the

strength of character LTC Van Wagoner possessed.

In the fall of 1944, while then a lieutenant, Van Wagoner served in Germany and participated in the battle for the city of Aachen as part of Company A of the 1st Battalion of the 1st Infantry Division. The battle required a fight for the heavily defended ''Crucifix Hill'' which was riddled with German pillboxes. As the executive officer of Company A, LTC Van Wagoner by all accounts kept his company well organized and was instrumental in the 1st Infantry taking ''Crucifix Hill'' despite suffering many casualties. All told, LTC Van Wagoner was in combat for 600 days and was wounded on five separate occasions.

Following the end of the Second World War, he continued to give of himself for his country by commanding a battalion of the Michigan National Guard until his retirement in 1967.

His record of accomplishments should be a reminder to us all of the heroic personal sacrifices that have been made by great Americans in the service of our Nation. That is why it is with great pleasure I bring S. 2339 to the floor today to name the U.S. Department of Veterans Affairs new Community Based Outpatient Clinic in Alpena, Michigan, in honor of LTC Van Wagoner.

The Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic, as it will be designated, will help to improve the lives of North Michigan veterans by allowing them to receive health services locally in their community.

Having passed away last spring at the age of 93, it is a fitting tribute for Michigan's most decorated soldier to have the new VA Community Based Outpatient Clinic designated in recognition of his valiant service.

I thank my colleagues and especially Congressman STUPAK of Michigan and Senators STABENOW and LEVIN of Michigan for introducing this important legislation.

I urge my colleagues to support its passage.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I also with my colleague from California rise in support of Senate bill 2339, a bill that was brought out recently to designate the Veterans Affairs Outpatient Clinic in Alpena, Michigan as the Lieutenant Colonel Clement C. Van Wagoner Veterans Affairs Clinic.

As pointed out by Dr. *Filner*, this is a very exceptional individual. Serving in the Army during World War II, LTC Van Wagoner was in combat for 600 days. He was severely wounded on five different occasions and was only one of 32 survivors of the 1,800 soldiers who landed with the 1st Infantry Division at Omaha Beach on D-day. And many of us in this body have been to Omaha Beach. I was there in the 50th anniversary and saw the number of graves there and saw the arduous task involved. And we saw the film that also showed the amount of work, the number of people that fought and the people who survived. And this is one of them.

LTC Van Wagoner continued to serve his country even after World War II in the Michigan National Guard until he retired in 1967. Now, among the honors he received for his service was the Combat Infantry Badge. That is saying something for him right there. But he also received seven Bronze Stars, seven, four Silver Stars, and obviously five Purple Hearts because being in combat for 600 days and continuing to serve his country, it is not altogether surprising that he would continue to be wounded. So this is an extraordinary individual. And this bill before us today is naming this clinic after him.

I would say to my colleague from California, perhaps in the future, under our Veterans' Affairs Committee's rules for bipartisan naming policy for facilities, it would appear that next year we perhaps should reorganize the committee for the 111th Congress and revisit the naming policy, because obviously I think this person should be named under it, but I think under the strict guidelines we've established, it is not quite clear that this would be a naming facility for him. But under the circumstances, this fellow is very well qualified. I would just remind the chairman that we need to do that.

Mr. Speaker, our actions to approve this bill today will send it to the White House for signature. I urge my colleagues to approve this measure.

I reserve the balance of my time.

Mr. FILNER. I have no further speakers, and I am prepared to yield back.

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

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2339.

The SPEAKER pro tempore (Mr. LARSEN of Washington). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STUPAK. Mr. Speaker, I rise today in support of S. 2339, a bill to name the Department of Veterans Affairs community-based outpatient clinic in Alpena, Michigan, after LTC Clement C. Van Wagoner.

I would like to thank Chairman FILNER and Ranking Member BUYER for their support of this legislation.

Clement C. Van Wagoner, a native of Alpena County, is one of Michigan's most highly decorated veterans of World War II. He distinguished himself as commander of the A Co., First Battalion, 18th Infantry Regiment, 1st Infantry Division, serving 600 days of combat and returning to battle after being wounded five separate times.

Mr. Van Wagoner was one of only 32 survivors of the 1,800 soldiers who landed with the 1st Infantry Division at Omaha Beach on D-day.

He was the recipient of the Combat Infantry Badge, four Silver Stars, seven Bronze Stars, five Purple Hearts, the Soldier's Medal, and many others.

However, Mr. Van Wagoner's service did not stop after returning home. He continued to serve the State of Michigan and his country honorably as a member of the Michigan Army National Guard. The governor requested that he re-establish and command an Army National Guard unit in Alpena, which he commanded until he retired in 1967.

Mr. Van Wagoner was an outstanding member of his community, a local hero, and a great American. His son, Clayton, has carried on the family tradition of national service as a member of the Army Reserve.

Clement C. Van Wagoner passed away in 2007. It is fitting to honor him, his years of service, and his family by naming the Veterans Affairs clinic in Alpena the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic.''

This legislation has been endorsed by the Michigan American Legion, Michigan VFW, Michigan AMVETS, Michigan DAV, Alpena County Board of Commissioners, City of Alpena, Township of Alpena, and Alpena County Veterans Council.

I would also like to thank the entire Michigan House delegation for their support on this legislation and Senators STABENOW and LEVIN for their work on S. 2339.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 2339.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

COLONEL OLA LEE MIZE VETERANS CLINIC

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5736) to designate the Department of Veterans Affairs outpatient clinic in Gadsden, Alabama, as the Colonel Ola Lee Mize Veterans Clinic.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5736

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

SECTION 1. FINDING.

Congress finds that Colonel Ola Lee Mize, a Medal of Honor recipient, is a highly decorated veteran from the State of Alabama.

SEC. 2. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC IN GADSDEN, ALABAMA.

The Department of Veterans Affairs community based outpatient clinic in Gadsden, Alabama, shall be known and designated as the ''Colonel Ola Lee Mize Veterans Clinic''. Any reference to such community based outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Colonel Ola Lee Mize Veterans Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, I rise to offer my support for H.R. 5736, a bill to name the veterans clinic in Gadsden, Alabama, after Col. Ola Lee Mize.

It is a great honor for me to stand here before you to talk about Col. Ola Lee Mize. He received the Medal of Honor for his heroic actions during the Korean War, and he deserves our further recognition.

The Medal of Honor is awarded in the name of Congress to a person who distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty while engaged in an action against an enemy of the United States.

As a member of Company K, then Sergeant Mize courageously defended ''Outpost Harry'' near Surang-ni, Korea, on June 11 and June 12 in 1953. His deed was one of personal bravery. He clearly distinguished himself by exhibiting tremendous courage. He served our Nation by going beyond the call of duty while facing the enemy and was willing to risk his own life to protect the lives of others.

Colonel Mize and his company faithfully defended a strategically valuable position when the enemy launched a heavy attack. Upon learning that a comrade on a friendly listening post had been wounded, he moved through the intense barrage accompanied by a medical aid man and rescued the wounded soldier.

On returning to his main position, he established an effective defense system and inflicted heavy casualties against attacks from determined enemy assault forces which had penetrated into trenches within the outpost area. During his fearless actions, he was blown down by artillery and grenade blasts three times, but each time he dauntlessly returned to his position, tenaciously fighting and successfully repelling hostile attacks.

When the enemy onslaughts ceased, he took his few men and moved from bunker to bunker, firing through apertures and throwing grenades at the foe, neutralizing their positions.

When an enemy soldier stepped out behind a comrade, prepared to fire, Col. Mize killed him, saving the life of his fellow soldier. After rejoining the platoon, moving from man to man, distributing ammunition and shouting words of encouragement, he observed a friendly machine gun position overrun. He immediately fought his way to the position, killing ten enemies and dispersing the remainder. Fighting back to the command post and finding several friendly wounded there, he took a position to protect them.

Later, securing a radio, he directed friendly artillery fire upon the attacking enemy's routes of approach. At dawn he helped regroup for a counterattack which successfully drove the enemy from that outpost. Col. Mize's valorous conduct and unflinching courage reflect lasting glory upon himself and upon the noble traditions of the military service.

Besides having been awarded the Medal of Honor, Col. Mize has been awarded the Bronze Star, Good Conduct with Two Loops, National Defense Service, Korean Service with two Bronze Stars, and the United Nations Service.

Today, by passing H.R. 5736, which would designate the outpatient clinic in Gadsden, Alabama as the Colonel Ola Lee Mize Veterans Clinic, we honor his bravery and courage and of course that of all soldiers.

Mr. Speaker, I thank my colleague from Alabama, ROBERT ADERHOLT, for introducing this bill. And I urge the support of my colleagues.

I would reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I rise also in support of H.R. 5736, a bill to designate the Department of Veterans Affairs Outpatient Clinic in Gadsden, Alabama, as the Colonel Ola Lee Mize Veterans Clinic. I will shortly, as has been pointed out by the chairman, recognize the bill's primary sponsor, Mr. ROBERT ADERHOLT of Alabama, for him to more fully discuss Col. Mize's contributions to our Nation. They are indeed very impressive.

While serving as a master sergeant during the Korean War, his company was defending an outpost when the enemy launched a heavy attack. Sergeant Mize rescued a wounded comrade at a listening post and returned to the main position where he established a defensive position and in turn inflicted many, many enemy casualties.

Taking the offensive, Sergeant Mize held off the enemy attacks. He organized an effective counterattack and directed artillery fire. He was awarded the Medal of Honor for his valorous conduct and unflinching courage, upholding the most noble traditions of our military service. Mr. Mize's military career did not end just in Korea. In the early 1960s, Mr. Mize joined the Army Special Forces, better known as the Green Berets. He spent another 20 years in the Green Berets, including time spent commanding the Special Forces School at Fort Bragg. And he served nearly 4 years of duty in Vietnam where he was shot three times.

Col. Mize retired from the military after Vietnam, having been awarded a number of decorations in addition to the Medal of Honor.

So it's altogether right that we honor one of our Nation's heroes by naming this facility in Gadsden, Alabama after him.

At this point I yield as much time as he may consume to the author of the bill, Mr. ADERHOLT of Alabama.

Mr. ADERHOLT. Mr. Speaker, I would like to thank the chairman and ranking member for their support of this piece of legislation. And of course as it has been said, we're here today to honor Ola Lee Mize by naming the veterans clinic in Gadsden, Alabama after him. Col. Mize was a soldier in the United States Army during the Korean war. And as has already been mentioned, he was awarded the Medal of Honor for his actions on June 10 and 11, 1953.

Most people may be surprised to learn that just over 100 recipients of the Congressional Medal of Honor are alive today. And only one of them lives in Alabama. And I'm honored that Ola Lee Mize resides in the district I represent, which is the Fourth District of Alabama.

Ola Lee Mize was the son of an Alabama sharecropper. He dropped out of school in 1946 after the ninth grade. And he did that so that he could take care of his mother, his brothers and his sisters. A few years later he decided he could do better. So he left a job that was paying $15 a week and then enlisted in the United States Army.

However, when he went to apply to the Army, he was rejected because he weighed only 120 pounds. But he was persistent, and recruiters finally let him enlist. Mize's military career would see him courageously rise to the high ranking position of colonel after the humble beginnings of a young high school drop-out who was once rejected by the Army.

Col. Mize's story is a great example to all Americans who aspire to great things in the face of challenges. The Medal of Honor is the highest military decoration awarded by the United States Government. It is bestowed on a member of the United States Armed Forces who risk their life above and beyond the call of duty while engaged in an action against an enemy of the United States. Col. Mize exemplifies

this. And I think it is appropriate and fitting that he be honored again by the naming of this clinic in Gadsden, Alabama.

Colonel Ola Mize earned his Medal of Honor when he was a sergeant for the U.S. Army with Company K of the 15th Infantry Regiment of the 3rd Infantry Division.

During one particular battle in the Korean war, his company was committed to the defense of an outpost in the southern region of what is now South Korea. And at the time, the Chinese were under heavy attack of the area.

□ 1615

With all the company's officers dead or wounded, Mize worked to establish a defensive position while dragging wounded into the shelters made by timbers pulled from American bunkers destroyed by enemy fire. Over the next several hours, he assembled an impromptu patrol that went from bunker to bunker firing out of the open spaces in an effort to make the Chinese believe that they were still opposed by a vigorous force.

American counterattack forces reached Mize's position about noon on the 11th day of June, and after helping to resecure the outpost, Mize got permission to take his wounded men back to American lines. Upon reaching friendly territory, Mize, the regimental commander and the division commander, were all standing together. The two commanders did not recognize Mize, whose uniform at the time was in tatters, his flight jacket smoking, and his face badly swollen from burns. ''Who are you,'' demanded the regimental commanders? ''Sergeant Mize,'' he answered. ''You're not Mize,'' the commander responded. ''He's dead.''

His Medal of Honor citation states that Sergeant Mize's valorous conduct and unflinching courage reflect lasting glory upon himself and upon the noble traditions of military service.

Several months later, informed that he would receive the Medal of Honor, Mize told the commanding officers that he didn't want it because it really should go to the entire platoon. Reluctantly, he was flown back to the United States so he could attend a ceremony in Denver, Colorado. He was decorated by President Dwight D. Eisenhower on September 7, 1954. In the early 1960s, Ola Mize joined the Special Forces and did three tours in Vietnam. He retired as colonel in 1981.

Ola Mize is a great soldier that has served our country with bravery and class, and it is my pleasure today to offer this resolution in his honor.

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

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5736.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5736.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

MICHAEL A. MARZANO DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1594) to designate the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1594

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

SECTION 1. DESIGNATION OF MICHAEL A. MARZANO DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, shall after the date of the enactment of this Act be known and designated as the ''Michael A. Marzano Department of Veterans Affairs Outpatient Clinic''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the outpatient clinic referred to in subsection (a) shall be considered to be a reference to the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, this bill is to name the VA Outpatient Clinic in Hermitage, Pennsylvania, after U.S. Marine Corps Sergeant Michael A. Marzano. It was brought to us by Congressman ENGLISH and Congressman ALTMIRE from Pennsylvania.

Mr. Speaker, I rise in support of H.R. 1594, a bill to name the VA Outpatient Clinic in Hermitage, Pennsylvania, after U.S. Marine Corps Sergeant Michael A. Marzano.

A native of Greenville, Pennsylvania, Sgt. Marzano courageously overcame a wrestling injury to his knee during his senior year of high school to realize his long held aspirations of becoming a United States Marine, four years after initially being denied entry for this reason. What tenacity!

In fact when called up in 1999, having won several amateur titles, he was training as a boxer in preparation for competing in the 2000 Olympics. But he sacrificed it all for his country to serve as Marine.

I think we can all agree that it takes a special kind of courage to volunteer one's self to serve in harm's way for the good of our Nation. Well, Sgt. Marzano volunteered twice to serve as a member of our military armed forces. For his last tour, Sgt. Marzano enlisted with a Marine Reserve unit with the specific intention of serving in Iraq.

Duing his tour of duty in Iraq, Sgt. Marzano served in Iraq with Ohio's 3rd Battalion, 25th Regiment of the 4th Marine Division, and was a leader among his fellow Marines.

According to one of the many veterans' organizations supporting the dedication of this VA clinic in his honor, ''he performed his duty with honor and heroism and was a shining example to his men, to the U.S. Marine Corps and to everyone who served and continues to serve our great country.''

On May 8th of 2005, Sgt. Marzano was part of a Quick Reaction Force serving in the city of Haditha in Al-Anbar province, Iraq. Sgt. Marzano and the members of his team were tasked with protecting the rest of the force as they battled several insurgents who had overrun a local hospital. The local hospital contained many workers and patients who were held captive as insurgents used them as human shields.

Sgt. Marzano and his small group heroically kept the insurgents at bay providing the platoon the time they needed to engage the enemy and turn them back. Tragically, a suicide bomber driving in a vehicle borne with an improvised explosive device detonated in the area where Sgt. Marzano's quick reaction force was operating, killing Michael and three of his fellow service members.

Because of the valiant actions and sacrifice of Sgt. Marzano, Lance Corporal Lance Graham, Sergeant Aaron Cepeda, and Petty Officer 3rd Class Jeffrey Wiener, the Marines were able to secure the area under siege and free the Iraqis trapped inside the hospital which had been set on fire by the explosion of the IED.

No doubt, Sgt. Marzano is a true hero. His good nature, leadership-by-example and love-of-country demeanor, as well as many other fine attributes, are missed by many who knew him both inside and outside of the Marine Corps he so dearly loved.

Sgt. Marzano's family has carried on his spirit of service by becoming actively involved in programs to benefit the men and women of our Nation's Armed Services, including the

Packages From Home organization which sends care and comfort packages to American troops deployed around the globe. His mother, Margy Marzano, is known as one of its best volunteers. There is also a scholarship fund established in the name of Sgt. Marzano to assist high school athletes in the Mercer County area go to college.

Dedication of this VA outpatient clinic as the 'Michael A. Marzano Department of Veterans Affairs Outpatient Clinic' would be a fitting tribute to the brave service of Sgt. Marzano. In making the ultimate sacrifice for our country, Sgt. Marzano's remarkable heroism was displayed on behalf of our country, and we must never forget his legacy.

I thank my colleagues, Congressman ENGLISH and Congressman ALTMIRE for introducing this important legislation.

I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the chairman.

This legislation designates the Veterans Affairs Outpatient Clinic at Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic. I was pleased to join with my friend and colleague, Congressman PHIL ENGLISH, last year in introducing this legislation, which will pay tribute to the service and sacrifice of a true Western Pennsylvania hero, Marine Corps Sergeant Michael Marzano.

A native of Greenville, Pennsylvania, Michael Marzano grew up with the dream of becoming a marine. Upon graduating from Sharon High School, Marzano applied to the U.S. Marine Corps and was initially denied entry because of a knee injury he suffered his senior year in high school. Determined to fulfill his dream, Marzano underwent surgery to correct the condition and continued to reapply to the U.S. Marine Corps until he was finally accepted 4 years later in 1999.

In December 2004, now Sergeant Marzano reiterated his commitment to the Nation by volunteering for a tour of duty in Iraq. But tragically, on May 8, 2005, after serving only 2 months in Iraq, the 28-year-old Sergeant Michael Marzano was killed by a suicide bomber while taking part in an offensive against insurgents in the city of Haditha, al Anbar province, in Iraq. He was the first soldier from Mercer County, Pennsylvania, to give his life in Operation Iraqi Freedom.

Following the incident, which also claimed the lives of three other brave American servicemembers, Sergeant Marzano's commanding officer recalled Sergeant Marzano's leadership and bravery, stating, ''Many more lives were saved due to their sacrifice.''

Mr. Speaker, Michael Marzano is a true American hero and was a very special individual. By renaming this outpatient clinic, we will honor Sergeant Marzano's memory and recognize his bravery and sacrifice. Sergeant Marzano is representative of all those who have worn the uniform proudly, upheld the military's tradition of courage and faithful service, and once stood ready, if duty required, to make the ultimate sacrifice.

I thank Chairman FILNER for his willingness to bring this bill to the floor, and I especially thank my friend and colleague Congressman ENGLISH for his leadership in introducing this legislation.

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

I rise today in support of H.R. 1594, a bill to designate the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic.

I appreciate the efforts of my colleague Phil English, and obviously Congressman JASON ALTMIRE who just recently spoke, and their efforts to push this legislation. Obviously this is a very important symbolic piece of legislation, and I think it reminds us of what occurred. I will defer to Congressman ENGLISH for further comments on this legislation in a few moments.

As pointed out, Marine Sergeant Michael Marzano, a servicemember from Mercer County, Pennsylvania, was killed in action on May 7, 2005, while deployed in service to his Nation in Iraq. Reports from the field indicate his bravery and leadership while protecting a hospital, and many lives were saved due to his sacrifice. Sergeant Marzano was the first marine from Mercer County to give his life for freedom in Iraq.

Mr. Speaker, this legislation has strong bipartisan support and also support from the local and State veterans communities, as well as support from the entire Pennsylvania delegation.

As pointed out, I thank Chairman FILNER and also Ranking Member BUYER for foregoing the existing criteria to move this legislation expeditiously forward. It is right that we honor the memory and service of a warrior such as Michael Marzano by naming the Department of Veterans Affairs Outpatient Clinic in his honor.

So I urge my colleagues to support the bill, which is H.R. 1594.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I thank the gentleman from Florida, and I particularly want to thank the chairman and my good friend and colleague, Mr. ALTMIRE, for making the timely consideration of this legislation possible on the floor today.

I arise to ask all of my colleagues to join me in supporting H.R. 1594. It does something that I think every veterans' organization in Mercer County has asked us to do, which is to designate the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Outpatient Clinic.

Marine Sergeant Michael Marzano, as you have heard, was killed on Saturday, the 7th of May, 2005, while on assignment in Iraq. I arise here to ask you to support this legislation with a great deal of emotion because this man was the first soldier from Mercer County to give his life in the global war on terror.

I can't express myself on this as well as his commanding officer expressed it in a letter which I was given and which I would like to read a portion of.

''On 08 May 2005, enemy insurgents fired from positions within the local hospital attacking U.S. Marines in the city of Haditha, al Anbar province, Iraq. Patients and the medical staff were forced to remain in the hospital while enemy forces triggered this attack that included a Suicide Vehicle-Borne Improvised Explosive Device. The SVBIED exploded approximately 30 feet from the hospital patient ward, killing four Marines from 3rd Battalion, 25th Marines and igniting a fire within the hospital.

''Lance Corporal Lance Graham watched his platoon from above as he always did above his machine gun. Sergeant Michael Marzano's leadership and humor rubbed off on everyone round him. Sergeant Aaron Cepeda always welcomed new members to his platoon like they were part of his family. Finally, one Sailor who we will always call 'Marine' because he continuously acted like one, Petty Officer 3rd Class Jeffrey Wiener, all gave their lives that day. They had the job of protecting the force as the Quick Reaction Force and many more lives were saved due to their sacrifice. All four gave the rest of the platoon precious minutes that allowed the Marines to return fire immediately, resulting in the insurgents going on the defensive.

''Because the bravery of the men of Mobile Assault Platoon 7, the remainder of the force of over 70 Marines and Sailors sustained the attack and protected the hospital. The members of the 3rd Battalion, 25th Marines, will always honor and remember what they did. We remember our friends fondly. The memory of their leadership, courage, and sacrifice live on in the Marines and Sailors who served with them. Even in passing, they still continued to protect their brothers.''

Signed, Captain John A. Kasparian.

Mr. Speaker, on October 16th, 2006, after a lot of work by several of us in the delegation, the veterans hospital in Butler, Pennsylvania, opened a Mercer County Outpatient Clinic in Hermitage. Almost immediately, veterans from Mercer County contacted me asking to have the new clinic named for Sergeant Marzano.

My staff confirmed their tales of Sergeant Marzano's heroism, and I requested input from my veterans' advisory panel to determine if there were other candidates for this honor. All of the respondents, including the families of other fallen soldiers, universally agreed that Michael Marzano deserved this honor. He was the first to die in Iraq from Mercer County. He epitomizes the bravery and the dedication of all of our country's best. He deserves to be remembered, as does everyone who has given their lives in that conflict.

Sergeant Marzano's friends and family have already mourned his death. But with this legislation, we will honor his courage and present his life as a worthy example for future generations of young men and women.

Mr. Speaker, I hope my colleagues will join me in this worthy honor to this remarkable soldier.

Mr. FILNER. Mr. Speaker, I thank Congressman ENGLISH and Congressman ALTMIRE for bringing this bill and letting us know about the heroism of Sergeant Marzano.

Mr. STEARNS. Mr. Speaker, I have no further speakers at this time. I do want to thank Mr. ENGLISH for his presentation, his arduous work in getting this to the floor expeditiously, and, obviously, Chairman FILNER and Chairman BUYER for their efforts too.

Mr. Speaker, I yield back my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1594.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1594.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

□ 1630

FORMER VICE PRESIDENT PROTECTION ACT OF 2008

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5938) to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 2, strike lines 1 through 5, and insert the following:

TITLE I—FORMER VICE PRESIDENT PROTECTION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Former Vice President Protection Act of 2008''.

SEC. 102. SECRET SERVICE PROTECTION FOR FORMER VICE PRESIDENTS AND THEIR FAMILIES.

On page 3, strike line 1 and insert the following:

SEC. 103. EFFECTIVE DATE.

On page 3, after line 4, insert the following:

TITLE II—IDENTITY THEFT ENFORCEMENT AND RESTITUTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Identity Theft Enforcement and Restitution Act of 2008''.

SEC. 202. CRIMINAL RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.''.

SEC. 203. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking ''if the conduct involved an interstate or foreign communication''.

SEC. 204. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking ''(A)(i) knowingly'' and inserting ''(A) knowingly'';

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

(iii) in subparagraph (C), as so redesignated—

(I) by inserting ''and loss'' after ''damage''; and

(II) by striking ''; and'' and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking ''(a)(5)(A)(iii),'';

(B) in paragraph (3)(B), by striking ''(a)(5)(A)(iii),'';

(C) by amending paragraph (4) to read as follows:

''(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(III) physical injury to any person;

''(IV) a threat to public health or safety;

''(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(VI) damage affecting 10 or more protected computers during any 1-year period; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

''(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

''(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

''(i) any other offense under subsection (a)(5); or

''(ii) an attempt to commit an offense punishable under this subparagraph.''; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking ''in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)'' and inserting ''in subclauses (I), (II), (III), (IV), or (V) of subsection (c)(4)(A)(i)''; and

(B) in the third sentence, by striking ''subsection (a)(5)(B)(i)'' and inserting ''subsection (c)(4)(A)(i)(I)''.

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking ''1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)'' and inserting ''1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)''.

SEC. 205. CYBER-EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

''(7) with intent to extort from any person any money or other thing of value, transmits in

interstate or foreign commerce any communication containing any—

''(A) threat to cause damage to a protected computer;

''(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

''(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;''.

SEC. 206. CONSPIRACY TO COMMIT CYBERCRIMES.

Section 1030(b) of title 18, United States Code, is amended by inserting ''conspires to commit or'' after ''Whoever''.

SEC. 207. USE OF FULL INTERSTATE AND FOREIGN COMMERCE POWER FOR CRIMINAL PENALTIES.

Section 1030(e)(2)(B) of title 18, United States Code, is amended by inserting ''or affecting'' after ''which is used in''.

SEC. 208. FORFEITURE FOR SECTION 1030 VIOLATIONS.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

''(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) For purposes of subsection (i), the following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(1) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this section, or a conspiracy to violate this section''.

SEC. 209. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements applicable to persons convicted of offenses under sections 1028, 1028A, 1030, 2511, and 2701 of title 18, United States Code, and any other relevant provisions of law, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the United States Sentencing Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national defense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of, significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of, creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term ''victim'' as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(3) make any conforming changes to the sentencing guidelines; and

(4) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is being returned to us from the Senate with an additional title added. The House of Representatives passed the Former Vice President Protection Act of 2008 under suspension of the rules in June, as a much-needed permanent solution to reauthorize the protection of former Vice Presidents and their families.

As amended by the Senate, the bill now also includes a new title addressing the problem of cybercrime. These additional provisions provide needed tools to law enforcement to address the growing and evolving crime of identity theft, as well as other types of cybercrimes in several critical aspects.

First, the bill allows victims of identity theft to seek restitution in Federal court for the loss of time and money spent restoring their credit and remedying the harm caused by this crime. This helps ensure that identity-theft victims will be made whole financially.

Second, the bill updates criminal laws with respect to identity theft schemes so that they reflect current technologies, and can therefore better respond to the sophisticated aspects of these crimes. For example, to address the increasing number of computer hacking crimes that involve computers that may be located within the same State, the bill removes the current proof requirement that a computer's information must be stolen through an interstate or international communication. The fact that you are using Internet will still satisfy the interstate commerce requirements of the Constitution.

In addition, the bill addresses the increasing number of attacks on multiple computers by making it a felony to employ spyware to damage 10 or more computers. The new tools provided in this bill should be of significant help to law enforcement in providing a more effective deterrent against identity theft and other computer crimes.

Mr. Speaker, I urge my colleagues to support this legislation, to agree to the amendment, and I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I join with my colleague in strong support of H.R. 5938, the Former Vice President Protection Act of 2008.

As my colleague said so rightfully, it is appropriate that we grant to former Vice Presidents, their spouses and children a period of time in transition of protection by the Secret Service.

For the past 30 years, it has been a common practice for former Vice Presidents to receive protections on a temporary basis, via joint resolution of

Congress. This act seeks to make that, appropriately, permanent, and I join with my colleague.

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

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

Mr. ISSA. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker and my colleagues, I don't rise in opposition to the Former Vice President Protection Act; I appreciate the work that has been done by the committee on this measure. I don't come here to deride any of their efforts. It's legislation that we probably need to pass.

But I do have to say that I just returned from my district in Florida that extends all the way from the suburbs of Orlando to Jacksonville city limits and has the suburbs on the south of Jacksonville through six counties, 32 cities. I spent a wonderful weekend with my constituents, more than a dozen meetings, probably saw more than 1,000 folks this past weekend, enjoyed being home, Florida sun, actually, just a beautiful weekend.

But I have to tell you, my colleagues, from one end of my district, and my house is just within a few blocks of the southern border, all the way to the Jacksonville city limits, traveling through most of those six counties, not one person came to me and said, Mr. MICA, go back to Washington, pass the Vice Presidential Protection Act. But I will tell you that everywhere I went there was one thing on people's mind, and that's the cost of energy.

With the storms, our heart-felt thoughts and prayers go to the people of Texas and all the area that was hit along the coast and up through the heartland of America this past few days. Another natural disaster, my area was hit some time ago by three hurricanes. We have had tornadoes, and we have had floods. We all have to deal with those.

From that hurricane that we saw hit the coast, that had immediate impact in that we had, unfortunately, some price adjustments, some price gouging by people taking advantage of the situation with just the slight turnoff of the refineries and delay and production of energy.

As I traveled up and down my district, some of the gas stations closed early. Many of them had plastic bags over the lower cost grade of fuel. People were concerned about energy.

I am not talking about people, and I have some very wealthy people on the south end in the suburbs and in the north end, that don't have to worry about $4 and $5 fuel costs per gallon. I am talking about working men and women, single parents, people struggling, retirees that are trying to pay their bills.

Again, none of them talked to me about passing a vice presidential protection act, but they said, Congressman MICA, go back to Washington, and whether the cameras and lights are on, and whether the gallery is full or empty, whether the press is here, or whatever the subject, you bring, as our elected representative to the people's House, the House of Representatives, our concern that we want our government, our Congress, our House of Representatives and the United States Senate to act to pass a comprehensive energy plan.

Now, they get it out there. They understand that Congress has that responsibility, and it has the ability to do that.

Now, I served as a leader of the Transportation Committee, and let me tell you how quickly this place can work if it wants to. I have agreed with Mr. OBERSTAR, my Democrat counterpart. He is the Chair of the Transportation Committee; I am the Republican leader. I agreed on a Friday to introduce legislation which we agreed to, again, on a Friday. On a Monday, we introduced it in the House. On a Tuesday, we passed it through the House of Representatives. On a Wednesday we passed it through the United States Senate. On a Thursday night at 7 o'clock, the President signed it into law.

After 9/11 we came together in a national emergency. Now, we didn't have a terrorist hit, but we had a national emergency. Our people are hurting, people are hurting. It's the folks that the other side of the aisle claim to be trying to be the advocates for, and they have been standing in the way.

I have been around this place for more than two decades. I come from the most bipartisan family since 1889 to serve in the House of Representatives. I have never seen the House closed or Members denied the opportunity to discuss in a time of national crisis, and we have a crisis on our hands. Energy is not only affecting the price of gas, if you haven't been to the supermarket lately, my friends in the House, anyone who is in elected office who may not get to the supermarket, I advise you to get to the supermarket and see the sticker shock that the same folks are seeing, exorbitant prices at the fuel pump people are paying for average goods just to try to keep food on their table.

So we have a crisis. I have never seen a time when we weren't even allowed to bring an issue that would deal with a crisis, and here we know need a comprehensive approach. It's not just drilling, although I have a record way back to my days on the floor of the legislature of promoting responsible exploration, development of our domestic resources.

Sometimes it was a pretty lonely caucus that I belonged to. I was the only member from the Florida delegation, Democrat or Republican, to support us keeping energy independent in a responsible manner. Maybe I was ahead of my time, but I didn't want us to become dependent on foreign energy. That's where we are right now.

They have got us right where they want us. When you have a natural disaster, like we had this weekend, it drives speculation. It drives the cost up. It drove the availability up, because there is nothing like driving to a gas station and seeing a plastic bag over all of the pumps and no fuel available.

I am disappointed. Again, I don't want to detract, what this committee is doing is a responsible act, but no one asked me to come here to pass a Vice Presidential protection act. But I am telling you, they told me to come back to Washington to, to stay in Washington, to work in Washington, and, in a bipartisan fashion, to pass all of the above.

They get it, it's drilling, and we are not talking about the politics of drilling, and I have seen the politics of drilling in my own State of Florida for years. That was bad politics, and it got us in this bad situation.

What we need to do with extracting oil or gas or natural resources from off our shores is use the latest technology and base our exploration and development on sound science and good practices that do not harm the environment. Don't tell me you can't do it, you can do it. We can do it. We can extract it.

Why should we be dependent on the Mid East, Nigeria, Venezuela, and other foreign sources of energy? Folks, it doesn't make sense.

But you know what? The American people got it. They have been busy out there. They are trying to raise a family. They are trying to put food on the table. They are trying to send their kids to school. They are struggling to keep their jobs in a depressed market right now, and all they want is a little help from the people they sent here to do their job.

They get it about drilling. They get it about alternative sources. You know, just drilling isn't going to do it, and just developing our resources, which we can do, and we can do it in an expedited fashion. But they know the long-term fix is to get off that, to have alternative fuels.

I submit that the proposal by the Republicans, the American Energy Act, does just that. It's all of the above. Somehow we have gotten it.

Now we can't afford a sham in coming forward, and you know, some people are looking for political cover. They have an election around the corner. We have got to have a vote on something to make it look like we are doing something. But that does not solve the problem.

I plead, on behalf of those people that I saw this weekend in the Seventh Congressional District, to do something

meaningful, to do a comprehensive energy act. It will start to solve some of our problems.

We can start becoming energy independent. We can lower the price of fuel and food that people depend on to feed their families. Then we can start building this economy again. The great opportunity that I have had in the last year and a half, leading the Transportation Committee, is not just see the projects and things going on in my district, but see the magnificence of this country from sea to shining sea.

This is an incredible country, and there isn't any challenge that we have never been able to undertake and also win at. We are creative people. We can do it.

All those people out there that are working so hard, sending their money here, relying on us to do something, to be their representative in this governing body that has so much say, let's just do our job. Put the politics aside, put November aside, put these people forward. That's all they are asking is for us to do our job.

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So I stayed here when the lights went out last week until I had the opportunity to speak, and C–SPAN was turned off and the Speaker had left and the place was closed down. I came back early today to tell you that they did not ask me, not one of them, to pass the Former Vice President Protection Act, but they did ask me, please do something about our energy, Mr. MICA. You are our Representative. Go back there and tell them that we need their help to get the economy going, to get this situation under control so we can give a great opportunity to our children, to our hopes and dreams for this great country.

I know we can do it. I know we can do it. Our predecessors have done it. I don't know why we are not doing it.

I thank the gentleman for yielding.

Mr. SCOTT of Virginia. I reserve the balance of my time to close.

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

Mr. Speaker, I say this in a bipartisan way, that in fact this body, and I know we are not allowed to talk about the other body, the Senate, and so I will only talk in terms of this bill.

Mr. Speaker, this bill came back with a very good piece of legislation attached to a very good piece of legislation; but it came back based on a fundamental problem between the two bodies, and I thought it appropriate to speak on it.

There is no germaneness to the second half of this bill. This is simply the Senate's ability under their rules to take something that is not germane and attach it. I wouldn't have a problem with that except under our rules, Mr. Speaker, even if we are in fact doing an immigration bill in committee, as we were last week, even if that immigration bill deals with the allocation of who gets to come into this country temporarily and permanently, if the bill only deals with one sub, sub, sub-portion of a statute, that is all we are allowed to consider. That is wrong, Mr. Speaker.

And so I address you on behalf of the inequity between something completely unrelated being attached to a bill and voted out of this body. Both of these pieces of legislation are bipartisan. But if we cannot in fact even consider like information if it is ever so slightly outside of the definition of germaneness, and then we have to accept whole pieces of legislation never voted on because they were attached by the Senate, this body needs fundamental reform as to what our rules of germaneness are.

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

Mr. SCOTT of Virginia. Mr. Speaker, this bill will allow the protection of former Vice Presidents, and as the gentleman from California has indicated, the Senate under their rules, not our rules, has added another provision, an important provision, that apparently there is no controversy on addressing the problem of cyber crime. I would hope that we would accept the Senate amendment and pass the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5938, the "Former Vice President Protection Act of 2008." I would like to thank the Chair of the Judiciary Committee, Congressman CONYERS, for introducing this bill and for providing leadership on this important issue.

The former vice presidents of the United States have brought to that office significant public service experience, including as members of Congress or state governors. Some came to their role as president of the Senate already familiar with the body, having served as U.S. senators. Several vice presidents later returned to serve again in the Senate, among them former President Andrew Johnson. Two vice presidents, George Clinton and John C. Calhoun, held the office under two different presidents.

Of the fourteen vice presidents who fulfilled their ambition by achieving the presidency, eight succeeded to the office on the death of a president, and four of these were later elected president. Two vice presidents, Hannibal Hamlin and Henry Wallace, were dropped from the ticket after their first term, only to see their successors become president months after taking office, when the assassination of Abraham Lincoln made Andrew Johnson president and the death of Franklin D. Roosevelt raised Harry Truman to the presidency. Similarly, when Spiro Agnew resigned, he was replaced under the Twenty-fifth Amendment by Gerald R. Ford, who became president when Richard M. Nixon resigned less than a year later.

The vice presidency was generally held by men of mature years, with most of them in their fifties or sixties when they took office. The youngest, John C. Breckinridge of Kentucky, was thirty-six at the beginning of his term. At seventy-two, Alben Barkley, another Kentuckian, was the oldest when his term began.

Because I recognize the importance of the vice presidency and the pivotal role it plays in American politics, I believe that tribute, respect, honor, and protection should be afforded to the person, and the family, that has obtained this position. I am proud to support this legislation.

Specifically, Title 18 U.S.C. provides former Presidents and their spouses protection by the United States Secret Service after leaving office but provides no such protection for former Vice Presidents and their families. H.R. 5938, authorizes the United States Secret Service to protect the former Vice President of the United States, his/her spouse, and his/her children under the age of 17 for not more than six months after the Vice President leaves office. The bill would also allow protection to continue should circumstances warrant extension.

After the assassination of President William McKinley in 1901, Congress informally requested Secret Service presidential protection. A year later, the Secret Service assumed full-time responsibility for protection of the President. Today, the Secret Service, which is under the Department of Homeland Security, is tasked with protecting the President of the United States and spouse and children under 17 years old for up to ten years after serving in office. The Secret Service also provides protection for the widow(er) of the President and it provides protection for foreign heads of state and accompanying spouse when they visit the United States.

To date, four presidents have been assassinated, and there have been approximately twelve other assassination attempts on U.S. presidents. Under current law, because of the prestige of the office of President, current and former Presidents are protected by the Secret Service. Former Vice Presidents have not received any protection from the Secret Service after the vice president's term in office had expired. This legislation would ensure that Vice Presidents get protection for as long as necessary. Thus, the legislation ensures the safety and well-being of the Vice President, spouse, and children under 17 years of age. This bill recognizes the important role of the office of Vice President. It is a powerful role with important responsibilities. This bill makes an important statement regarding our appreciation, commitment, and respect to the second most powerful position in this, our great country.

I think this bill makes sense. It is reasonable in its scope and its terms. I am proud to support this bill and I urge my colleagues to do likewise.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5938.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

NATIONAL SILVER ALERT ACT

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6064) to encourage, enhance, and integrate Silver Alert plans throughout the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6064

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

TITLE I—SILVER ALERT COMMUNICATIONS NETWORK

SECTION 101. SHORT TITLE.

This title may be cited as the ''National Silver Alert Act''.

SEC. 102. DEFINITIONS.

For purposes of this title:

(1) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) MISSING SENIOR.—The term ''missing senior'' refers to any individual who—

(A) is reported to, or identified by, a law enforcement agency as a missing person; and

(B) meets the requirements to be designated as a missing senior, as determined by the State in which the individual is reported or identified as a missing person.

SEC. 103. SILVER ALERT COMMUNICATIONS NETWORK.

The Attorney General shall, subject to the availability of appropriations under section 107, establish a national Silver Alert communications network within the Department of Justice to provide assistance to regional and local search efforts for missing seniors through the initiation, facilitation, and promotion of local elements of the network (known as Silver Alert plans) in coordination with States, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to seniors.

SEC. 104. SILVER ALERT COORDINATOR.

(a) NATIONAL COORDINATOR WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall designate an individual of the Department of Justice to act as the national coordinator of the Silver Alert communications network. The individual so designated shall be known as the Silver Alert Coordinator of the Department of Justice (referred to in this title as the ''Coordinator'').

(b) DUTIES OF THE COORDINATOR.—In acting as the national coordinator of the Silver Alert communications network, the Coordinator shall—

(1) work with States to encourage the development of additional Silver Alert plans in the network;

(2) establish voluntary guidelines for States to use in developing Silver Alert plans that will promote compatible and integrated Silver Alert plans throughout the United States, including—

(A) a list of the resources necessary to establish a Silver Alert plan;

(B) criteria for evaluating whether a situation warrants issuing a Silver Alert, taking into consideration the need for the use of such Alerts to be limited in scope because the effectiveness of the Silver Alert communications network may be affected by overuse, including criteria to determine—

(i) whether the mental capacity of a senior who is missing, and the circumstances of his or her disappearance, warrant the issuance a Silver Alert; and

(ii) whether the individual who reports that a senior is missing is an appropriate and credible source on which to base the issuance of a Silver Alert;

(C) a description of the appropriate uses of the Silver Alert name to readily identify the nature of search efforts for missing seniors; and

(D) recommendations on how to protect the privacy, dignity, independence, and autonomy of any missing senior who may be the subject of a Silver Alert;

(3) develop proposed protocols for efforts to recover missing seniors and to reduce the number of seniors who are reported missing, including protocols for procedures that are needed from the time of initial notification of a law enforcement agency that the senior is missing through the time of the return of the senior to family, guardian, or domicile, as appropriate, including—

(A) public safety communications protocol;

(B) case management protocol;

(C) command center operations;

(D) reunification protocol; and

(E) incident review, evaluation, debriefing, and public information procedures;

(4) work with States to ensure appropriate regional coordination of various elements of the network;

(5) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities involved in the Silver Alert communications network with initiating, facilitating, and promoting Silver Alert plans, which shall include—

(A) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(B) members who are—

(i) representatives of senior citizen advocacy groups, law enforcement agencies, and public safety communications;

(ii) broadcasters, first responders, dispatchers, and radio station personnel; and

(iii) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the Silver Alert communications network; and

(6) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts for missing seniors through the network.

(c) COORDINATION.—

(1) COORDINATION WITH OTHER AGENCIES.—The Coordinator shall coordinate and consult with the Secretary of Transportation, the Federal Communications Commission, the Assistant Secretary for Aging of the Department of Health and Human Services, the head of the Missing Alzheimer's Disease Patient Alert Program, and other appropriate offices of the Department of Justice in carrying out activities under this title.

(2) STATE AND LOCAL COORDINATION.—The Coordinator shall consult with local broadcasters and State and local law enforcement agencies in establishing minimum standards under section 105 and in carrying out other activities under this title, as appropriate.

(d) ANNUAL REPORTS.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the Silver Alert plans of each State that has established or is in the process of establishing such a plan. Each such report shall include—

(1) a list of States that have established Silver Alert plans;

(2) a list of States that are in the process of establishing Silver Alert plans;

(3) for each State that has established such a plan, to the extent the data is available—

(A) the number of Silver Alerts issued;

(B) the number of individuals located successfully;

(C) the average period of time between the issuance of a Silver Alert and the location of the individual for whom such Alert was issued;

(D) the State agency or authority issuing Silver Alerts, and the process by which Silver Alerts are disseminated;

(E) the cost of establishing and operating such a plan;

(F) the criteria used by the State to determine whether to issue a Silver Alert; and

(G) the extent to which missing individuals for whom Silver Alerts were issued crossed State lines;

(4) actions States have taken to protect the privacy and dignity of the individuals for whom Silver Alerts are issued;

(5) ways that States have facilitated and improved communication about missing individuals between families, caregivers, law enforcement officials, and other authorities; and

(6) any other information the Coordinator determines to be appropriate.

SEC. 105. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH SILVER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the Coordinator shall establish minimum standards for—

(1) the issuance of alerts through the Silver Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—

(1) VOLUNTARY PARTICIPATION.—The minimum standards established under subsection (a) of this section, and any other guidelines and programs established under section 104, shall be adoptable on a voluntary basis only.

(2) DISSEMINATION OF INFORMATION.—The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of a missing senior (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) GEOGRAPHIC AREAS.—The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the Silver Alert communications network be limited to the geographic areas which the missing senior could reasonably reach, considering the missing senior's circumstances and physical and mental condition, the modes of transportation available to the missing senior, and the circumstances of the disappearance.

(4) AGE REQUIREMENTS.—The minimum standards shall not include any specific age requirement for an individual to be classified as a missing senior for purposes of the Silver Alert communication network. Age requirements for determinations of whether an individual is a missing senior shall be determined by each State, and may vary from State to State.

(5) PRIVACY AND CIVIL LIBERTIES PROTECTIONS.—The minimum standards shall—

(A) ensure that alerts issued through the Silver Alert communications network comply with all applicable Federal, State, and local privacy laws and regulations; and

(B) include standards that specifically provide for the protection of the civil liberties and sensitive medical information of missing seniors.

(6) STATE AND LOCAL VOLUNTARY COORDINATION.—In carrying out the activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the Silver Alert communications network.

SEC. 106. TRAINING AND OTHER RESOURCES.

(a) TRAINING AND EDUCATIONAL PROGRAMS.—The Coordinator shall make available to States, units of local government, law enforcement agencies, and other concerned entities that are involved in initiating, facilitating, or promoting Silver Alert plans, including broadcasters, first responders, dispatchers, public safety communications personnel, and radio station personnel—

(1) training and educational programs related to the Silver Alert communication network and the capabilities, limitations, and anticipated behaviors of missing seniors, which shall be updated regularly to encourage the use of new tools, technologies, and resources in Silver Alert plans; and

(2) informational materials, including brochures, videos, posters, and web sites to support and supplement such training and educational programs.

(b) COORDINATION.—The Coordinator shall coordinate—

(1) with the Assistant Secretary for Aging of the Department of Health and Human Services in developing the training and educational programs and materials under subsection (a); and

(2) with the head of the Missing Alzheimer's Disease Patient Alert Program within the Department of Justice, to determine if any existing material with respect to training programs or educational materials developed or used as part of such Patient Alert Program are appropriate and may be used for the programs under subsection (a).

SEC. 107. AUTHORIZATION OF APPROPRIATIONS FOR THE SILVER ALERT COMMUNICATIONS NETWORK.

There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the Silver Alert communications network as authorized under this title.

SEC. 108. GRANT PROGRAM FOR SUPPORT OF SILVER ALERT PLANS.

(a) GRANT PROGRAM.—Subject to the availability of appropriations to carry out this section, the Attorney General shall carry out a program to provide grants to States for the development and enhancement of programs and activities for the support of Silver Alert plans and the Silver Alert communications network.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to Silver Alert plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to Silver Alert plans;

(3) the development and implementation of new technologies to improve Silver Alert communications; and

(4) such other activities as the Attorney General considers appropriate for supporting the Silver Alert communications network.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated to the Department of Justice $5,000,000 for each of the fiscal years 2009 through 2013 to carry out this section and, in addition, $5,000,000 for each of the fiscal years 2009 through 2013 to carry out subsection (b)(3).

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 109. SAMMY KIRK VOLUNTARY ELECTRONIC MONITORING PROGRAM.

(a) PROGRAM AUTHORIZED.—The Attorney General, after consultation with the Secretary of Health and Human Services, is authorized to award grants to States and units of local government to carry out programs to provide voluntary electronic monitoring services to elderly individuals to assist in the location of such individuals if such individuals are reported as missing.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years 2009 through 2014.

(c) DESIGNATION.—The grant program authorized under this section shall be referred to as the ''Sammy Kirk Voluntary Electronic Monitoring Program''.

TITLE II—KRISTEN'S ACT REAUTHORIZATION

SEC. 201. SHORT TITLE.

This title may be cited as ''Kristen's Act Reauthorization of 2008''.

SEC. 202. FINDINGS.

Congress finds the following:

(1) Every year thousands of adults become missing due to advanced age, diminished mental capacity, or foul play. Often there is no information regarding the whereabouts of these adults and many of them are never reunited with their families.

(2) Missing adults are at great risk of both physical harm and sexual exploitation.

(3) In most cases, families and local law enforcement officials have neither the resources nor the expertise to undertake appropriate search efforts for a missing adult.

(4) The search for a missing adult requires cooperation and coordination among Federal, State, and local law enforcement agencies and assistance from distant communities where the adult may be located.

(5) Federal assistance is urgently needed to help with coordination among such agencies.

SEC. 203. GRANTS FOR THE ASSISTANCE OF ORGANIZATIONS TO FIND MISSING ADULTS.

(a) GRANTS.—

(1) GRANT PROGRAM.—Subject to the availability of appropriations to carry out this section, the Attorney General shall make competitive grants to public agencies or nonprofit private organizations, or combinations thereof, to—

(A) maintain a national resource center and information clearinghouse for missing and unidentified adults;

(B) maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;

(C) coordinate public and private programs that locate or recover missing adults or reunite missing adults with their families;

(D) provide assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, nonprofit organizations, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing adults;

(E) provide assistance to families in locating and recovering missing adults; and

(F) assist in public notification and victim advocacy related to missing adults.

(2) APPLICATIONS.—The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice.

(b) OTHER DUTIES.—The Attorney General shall—

(1) coordinate programs relating to missing adults that are funded by the Federal Government; and

(2) encourage coordination between State and local law enforcement and public agencies and nonprofit private organizations receiving a grant pursuant to subsection (a).

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $4,000,000 for each of fiscal years 2009 through 2019.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their marks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, thousands of vulnerable older adults go missing each year as a result of dementia, diminished capacity, foul play, and other unusual circumstances.

For example, the Alzheimer's Foundation of America estimates that more than 5 million Americans suffer from Alzheimer's disease. It is estimated that 60 percent of these men and women are likely to wander from their homes. If they do, the disorientation and confusion may keep many from finding their way back home. Their safe return often depends upon them being found quickly. If not found within 24 hours, roughly half risk serious illness, injury, or death.

Three Members of Congress, the gentleman from Texas (Mr. DOGGETT), the gentlewoman from North Carolina

(Mrs. MYRICK), and the gentleman from Florida (Mr. BILIRAKIS), individually introduced legislation to address this serious problem in separate bills. H.R. 6064 combines the best parts of these bills into one.

Title I, the National Silver Alert Act, establishes a national program patterned after the successful Amber Alert program for children.

It creates a national Silver Alert coordinator responsible for developing voluntary guidelines, standards, and protocols for States to consider in the creation of their local Silver Alert plans.

It establishes the Department of Justice grant program to help States develop and implement local Silver Alert programs.

And it establishes the Sammy Kirk Voluntary Electronic Monitoring Program which will provide grants for voluntary electronic monitoring services for elderly individuals.

Title II reauthorizes the Kristen's Act which expired in 2005. That act provides for competitive grants to both public and nonprofit private agencies for a national resource center, information clearinghouse, and database for tracking missing adults, training and other related activities.

Mr. Speaker, I commend Mr. DOGGETT, Mrs. MYRICK and Mr. BILIRAKIS for their hard work and bipartisan efforts to address this critical problem of missing adults.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I too rise in support of this important piece of legislation and am pleased that a cosponsor of this bill, someone who has contributed meaningfully to the bill and to its amendments, the gentleman from Florida (Mr. BILIRAKIS) is with us, and I yield to him such time as he may consume.

Mr. BILIRAKIS. Mr. Speaker, I rise today in strong support of H.R. 6064, the National Silver Alert Act sponsored by my colleague from Texas, Congressman LLOYD DOGGETT.

I first became involved in the issue of finding missing seniors earlier this year when one of my constituents, Mary Lallucci, lost her mother, who had left her care-giving facility and could not be located. She had driven her car into the Gulf of Mexico and drowned.

This tragedy unfortunately highlighted the very real problem of older individuals who suffer from diseases which leave them easily confused and disoriented, wandering away from their homes or care-giving facilities and meeting harm because family, friends, and authorities cannot find them in time.

The inability to find missing elderly is a problem State and Federal policymakers should address before something like this happens again. That is why I support the bill before us today which includes provisions from the Silver Alert legislation I introduced earlier this year.

The National Silver Alert Act is a bipartisan bill developed by Congressman DOGGETT, myself, and Congresswoman SUE MYRICK. It combines portions of missing persons bills that each of us have introduced.

The National Silver Alert Act includes language from my bill, the Silver Alert Grant Program Act, which creates within the Department of Justice a grant program to help States establish and operate Silver Alert notification systems to help find missing individuals who suffer from Alzheimer's disease and other dementia-related illnesses.

The measure we are considering today also establishes a national Silver Alert communications network to assist regional and local missing persons search efforts and requires an annual report to determine the effectiveness of State Silver Alert plans to help guide their establishment in other States.

The bill also reauthorizes Kristen's Act. Mrs. MYRICK's bill provides grants to public and nonprofit organizations to help them find abducted adults.

I was honored to work with these two fine Members, and pleased that we were able to combine these complementary bills.

I want to thank them for their work, as well as the willingness of the Judiciary Committee Chairman JOHN CONYERS, Ranking Member LAMAR SMITH, and Crime Subcommittee Chairman BOBBY SCOTT and Ranking Member RANDY FORBES, for moving this bill through their panels in such an expeditious manner.

I believe that all States, especially my State of Florida, should establish systems similar to the highly successful Amber Alert program to help find those suffering from dementia-related illnesses and prevent tragedies like the one that occurred in my community.

The Amber Alert system has a remarkable track record of success because necessary information is filtered so that relevant details are transmitted to appropriate authorities as quickly as possible.

The experiences of States that already have developed such Amber Alert systems suggests that these programs save lives. States have found that, just as with missing and abducted children, timely notification and dissemination of appropriate information about missing seniors greatly improves the chances that they will be found before they harm themselves.

I believe that the Federal Government can and should help States develop notification systems to prevent these all-too-frequent tragedies. This is especially important in my State which has more residents age 65 or older than any State in the Nation. My State needs Silver Alert and it needs it now.

Passage of this bill today will bring Florida and other States without these life-saving systems one step closer to improving the ability to find missing seniors in the crucial few hours after they go missing.

We have many people to thank for that, including Mary Lallucci, whose determined advocacy for Silver Alert has inspired me and serves as a loving tribute to her mother's memory.

Mr. Speaker, Mrs. Lallucci was asked whether she thought a Silver Alert system in Florida could have saved her mother. ''Who knows,'' she said. ''Unfortunately, I will never know.''

I urge my colleagues to support the National Silver Alert Act to prevent another family from being forced to struggle with that same uncertainty.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the author of this legislation, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman from Virginia for his help and leadership on this measure.

Mr. Speaker, I rise in support of H.R. 6064, the National Sliver Alert Act, which I authored and on which we have had very good bipartisan cooperation. I appreciate the statement, the concern and cooperation of the gentleman from Florida who has recounted a very serious incident that occurred in his State, and I appreciate the leadership of the gentlewoman from North Carolina. We merged our proposals in committee and have reauthorized through this legislation the National Center for Missing Adults.

Our seniors, who have worked a lifetime building families, giving back to their communities, deserve dignity and respect in their retirement years. And when some of them are unable to care for themselves, they need our support. There is no silver bullet to providing that support, but one meaningful way of helping is through the national Silver Alert system that this measure would establish nationwide.

Silver Alert is a public notification system triggered by the report of the missing senior with dementia or other mental impairment, similar to Amber Alert which has worked so successfully to find missing children, where we rely on postings on the highways, radio, television, and various forms of media to broadcast information about missing persons, to locate them, and bring them safely home.

Sixty percent of those with Alzheimer's wander away from home at some point during their disability. If not found within 24 hours, up to half will suffer serious injury or death. Only 4 percent of those who leave home are able to get back without some assistance. Silver Alert provides that assistance.

Responding to this need, 11 States, including my home State of Texas, have already enacted such programs, and another five States are seriously considering State legislation.

While this is successful and important, we believe that every American should have the benefits of Silver Alert and that all States can benefit from learning about best practices that are occurring around the country.

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The National AMBER Alert law, which Congress approved in 2003, has provided the national leadership to coordinate State programs, link States to resources and best practices, and fund the technology and improvements necessary to assure the best assistance that we can provide.

National Silver Alert will do much the same, coordinating from the Justice Department with the Federal Communication Commission, the Department of Transportation and the Administration on Aging to avoid duplication of efforts. This is a voluntary program that will help States initiate Silver Alert programs and sustain those that are already underway.

In short, coordination saves lives. Reuniting missing seniors with their families requires a rapid, united response. What's missing from efforts to locate missing seniors is sufficient Federal support, and this bill closes that gap.

With National Silver Alert, communities can use and build on existing resources to help keep our seniors safe. And as the population of the United States ages, more and more seniors will need this kind of support.

Since its inception in Texas last September, Silver Alert has been invoked 52 times. Forty-eight of the missing seniors were located safely, and 13 of these recoveries were directly attributable to Silver Alert.

One of these successes involved an 85-year-old man in my district in Austin. He left his home in Austin, drove south to San Antonio, then turned around and drove back, all the way through Austin to Dallas, a total of 325 miles. If it had occurred, instead of on I–35 in Texas, if it occurred here in the Northeast, he would have traveled through seven States.

He was finally located in a parking lot at a department store late at night in Dallas. The responding officer had heard about the Silver Alert, knew there was a missing person from Austin in a dark green Buick. They were able to connect him back, after some treatment for dehydration, and get him back the next morning to his family in Austin.

A National Silver Alert program complements other existing programs like Project Lifesaver, the Missing Alzheimer's Disease Program Alert Program, and I believe that Silver Alert will be effective with a unique ''wide net'' approach. The ability to broadcast the alert beyond the immediate vicinity will complement existing programs and assure more missing seniors are found within that crucial first 24 hours.

I especially want to thank two Texans, Bill Cummings and Carlos Higgins of the Texas Silver Haired Legislature, who first asked me to develop this legislation to replicate nationally the success that they experienced through Texas Silver Alert. This bill shows that it is still possible, at least on a rather occasion, for an individual citizen who has a good cause but no lobbyists to get the attention of Congress and get legislation, creative solutions adopted. Since they first proposed the bill to me it has gained the endorsement of the Elder Justice Coalition, the National Silver Haired Legislature, the Child Alert Foundation, the National Citizens Coalition for Nursing Home Reform, and the Assisted Living Federation of America.

I appreciate the cooperation of my colleagues in getting this measure approved. I urge its adoption, recognizing that by working together we can take an important step toward making our seniors safe.

Mr. ISSA. Mr. Speaker, this is a good piece of legislation hammered out on a bipartisan basis. I urge the passage of this bill. I know that the 11 States that already have a Silver Alert would greatly appreciate knowing that if someone passes from their State to an adjoining State, that that protection they provide to their citizens would be provided to their citizens in another State.

With that, I yield back the balance of my time and urge support.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume simply to thank our colleagues for working cooperatively together. I hope we pass the legislation.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in support of the National Silver Alert Act.

As a society we are judged by how we care for our most vulnerable in our community—our young children and our senior citizens.

This legislation, the National Silver Alert Act, is replicating an issue we have had remarkable success with—the Amber Alert for missing children. The Amber Alert for missing children has allowed 420 children to return safely to their homes.

It is time we replicate this success for our seniors.

Sixty percent of people with Alzheimer's or dementia will wander away at some point, and half of those who aren't found in the first 24 hours will be injured or die. This statistic is all too real for those across the Nation who have experienced the fear of losing a loved one first hand.

I know full well about this—last year an elderly man near Green Bay, Wisconsin, got in his car for what was supposed to be a short trip to the convenience store. Nearly 8 hours and 490 miles later, he stopped at a local grocery store in my district, disoriented, and confused. Luckily a Macomb county sheriff located this man's son in Wisconsin and the man returned home safely.

However, for a few frantic hours, his family in Wisconsin had no idea if he was lost, in an accident, or worse.

Just imagine if this system was in place last year. Maybe a motorist or a police officer would have seen this man's car driving along the expressway and got him assistance before he made it all the way to Michigan.

Situations like these happen across America—and it is important that we fund programs like the National Silver Alert act to properly locate our seniors who have gone missing.

By creating a national communications network to assist in efforts to locate missing senior citizens, we are improving the likelihood that they remain free of harm.

As a cosponsor of the National Silver Alert Act, I ask my colleagues to join me in protecting our senior citizens and implementing this very important program.

Mrs. MYRICK. Mr. Speaker, Today is a very important day for anyone who has ever lived through the nightmare of an adult loved one gone missing. The National Silver Alert Act will reauthorize Kristen's Act and give these people hope. Kristen Modafferi disappeared shortly after her 18th birthday. I asked the family how I could help. After visiting with them and hearing a detailed account of their nightmare, I introduced Kristen's Act in 1999. It was swiftly ratified in both the House and Senate before being signed into law by President Clinton in 2000.

Kristen's Act reauthorizes funding to maintain a national clearinghouse for missing adults whose disappearance is determined by law enforcement to be foul play. As with the National Center for Missing and Exploited Children, this bill provides assistance to law enforcement and families in missing persons cases of those over the age of 17. Kristen's Act expired in 2005. I introduced a reauthorization in the 109th Congress, unfortunately my attempts to get it passed were unsuccessful. Today, with the help of my friends from across the aisle, we honor the efforts of so many and pay tribute to mournful families by ratifying this bill.

Kristen Modafferi disappeared in 1997. She was an extremely bright, hard-working young lady and attended North Carolina State University. She had just finished her freshman year; and like so many other college students, she decided she wanted to go to another city to spend the summer and work and have a new experience. So she moved to San Francisco. She enrolled in photography class at Berkeley and got a job at a local coffee shop. She began settling in and making friends.

On Monday, June 23—which was just a mere 3 weeks after her 18th birthday—she left her job at the coffee shop and headed to the beach for the afternoon. She has not been seen since.

When her panicked parents called National Center for Missing and Exploited Children, they heard these unbelievable words, ''I'm sorry—we cannot help you.'' They were shocked to discover that because Kristen was

18, the Center could not place her picture and story into its national database, or offer any assistance whatsoever.

In fact, there is no national agency in the United States to help locate missing adults.

Unfortunately, the Modaferris are not alone. The families of thousands of missing adults—50,930 cases as of last year—have found that law enforcement and other agencies respond very differently when the person who has disappeared is not a child.

Coping with the disappearance of a family member is a traumatic experience—and I know personally what the Modaferris went through. But to be forced to conduct the search on their own without any skills or resources is simply unjust. Kristen's Act does send a message to these families that they deserve help in locating endangered and involuntarily missing loved ones.

Endangered missing adults, regardless of their age, should receive not only the benefit of a search effort by local law enforcement—but also the help of an experienced national organization.

By approving this bill, families will never again have to hear they cannot be assisted because a loved one is too old.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I support the National Silver Alert Act. I also urge my colleagues to support this bill. It is necessary.

Thousands of vulnerable older adults go missing each year as a result of dementia, diminished capacity, foul play or other unusual circumstances. The Alzheimer's Foundation of America estimates that over five million Americans suffer from Alzheimer's disease, and that sixty percent of these are likely to wander from their homes. Alzheimer's disease and other dementia related illnesses often leave their victims disoriented and confused and unable to find their way home. According to the Alzheimer's Association, up to 50 percent of wanderers risk serious illness, injury or death if not found within 24 hours. The problem can be exacerbated greatly by national disasters, such as Hurricane Katrina, that can, in a matter of hours, increase the number of missing persons by the thousands.

At least eight states, along with non-profit organizations such as the National Center for Missing Adults, Project Lifesaver International and the Alzheimer's Foundation of America, have developed programs to address various aspects of the problem of missing adults, but the need for a coordinated national approach, similar to the Amber Alert Program for children, still exists. In addition, financial support is needed for existing and new local and state programs.

The Missing Alzheimer's Disease Patient Alert Program, administered by the Department of Justice, is the only federal program that currently provides grant funding to locate vulnerable elderly individuals who go missing. Authorization for this program ceased in 1998, but Congress has continued to appropriate some monies for it through fiscal year 2008, when it appropriated $940,000. Another federal law, Kristen's Act, had authorized annual grants in the amount of $1 million for fiscal years 2001 through 2004 to assist law enforcement agencies in locating missing adults and for other purposes. Between fiscal years 2002 through 2006, Kristen's Act grants were made through the Edward Byrne Discretionary Grants Program, primarily to the National Center for Missing Adults, a non-profit organization. In 2006, Congress appropriated $150,000 for this purpose.

A. H.R. 6064, THE "NATIONAL SILVER ALERT ACT"

Importantly, today I urge my colleagues to support another important piece of legislation, H.R. 6064, the National Silver Alert Act. H.R. 6064 sets forth a comprehensive national program. It directs the Attorney General to establish a permanent national Silver Alert communications program within the Department of Justice to provide assistance to regional and local search efforts for missing seniors. The bill requires the Attorney General to assign a Department of Justice officer as a Silver Alert Coordinator.

The Silver Alert Coordinator acts as a nationwide point of contact, working with states to encourage the development of local elements of the network, known as Silver Alert plans, and to ensure regional coordination. The bill requires the Coordinator to develop protocols for efforts relating to reporting and finding missing seniors and to establish voluntary guidelines for states to use in developing Silver Alert plans. The bill requires the Coordinator to establish an advisory group (1) to help States, local governments and law enforcement agencies with Silver Alert plans, (2) to provide training and educational programs to states, local governments and law enforcement agencies, and (3) to submit an annual report to congress. The bill also requires the Coordinator to establish voluntary minimum standards for the issuance of alerts through the Silver Alert communications network.

H.R. 6064 directs the Attorney General, subject to the availability of appropriations, to provide grants to States for the development and implementation of programs and activities relating to Silver Alert plans. The bill authorizes $5 million for fiscal year 2009 for this purpose. The bill also authorizes an additional $5 million for fiscal year 2009 specifically for the development and implementation of new technologies. The Federal share of the grant may not exceed 50 percent and amounts appropriated under this authorization shall remain available until expended.

B. MY PAST AMENDMENTS ON ELDER JUSTICE BILLS

In similar elder legislation, namely the Elder Justice Act and the Elder Abuse Victims Act, I co-sponsored amendments with Ms. MAXINE WATERS of California to provide funding to State, Local, and non-profit programs to locate missing elderly. Specifically, my amendment would allow a voluntary electronic monitoring pilot program to assist with the elderly when they are reported missing. In these particular bills, my amendment would allow the Attorney General, in consultation with the Secretary of Health and Human Services, to issue grants to states and local government to carry out pilot programs to provide voluntary electronic monitoring services to elderly individuals to assist in the location of such individuals when they are reported missing.

C. ELDER LEGISLATION IS IMPORTANT

Elder legislation such as the legislation before us today and the prior elder bills that I mentioned are important. As elder Americans enter their twilight years, we must do more to protect and ensure their safety. Nothing reminds me more of the necessity of this kind of legislation than my very own experiences in Houston, Texas. A few years ago, the family of Sam Kirk, a native of Houston, Texas, called me to help look for him. Mr. Kirk was elderly and suffered from dementia. He had wandered off and could not be located for several days. His family looked for him for many days but could not find him. In an act of desperation, they called on me to lend my services to help them find him. I helped his family look for him and we found him. When we found Mr. Kirk, he was dehydrated and in need of medical attention. We searched for hours and days to find him. It was worth the time and effort we spent to find him alive and well. Legislation that helps America find and take care of its lost and missing elders is extremely important.

SAMMY KIRK AMENDMENT

I fought hard to get an amendment to this bill, H.R. 6064, the National Silver Alert. The amendment would authorize a voluntary electronic monitoring program to be used to assist in the location of elderly persons. Specifically, the amendment requires the Attorney General, after consultation with the Secretary of Health and Human Services, to award grants to States and units of local government to carry out programs to provide for voluntary electronic monitoring services to elderly individuals to assist in the location of such individuals in the event that such persons are reported missing. It is authorized for $2 million for each of the fiscal years 2009 through 2014. The amendment is named after Mr. Sammy Kirk, a former constituent of the 18th Congressional District who suffered from alzheimers and was lost. I, along with his family, searched for him for three days only to find him dead near the bayou. The Sam Kirk amendment ensures that other senior Alzheimer patients do not suffer the same fate as Mr. Kirk.

I believe that my amendment and these bills help elderly people. I urge my colleagues to support this bill.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6064, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

SCHOOL SAFETY ENHANCEMENTS ACT OF 2008

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2352) to enhance the safety of elementary schools, secondary schools, and institutions of higher education, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2352

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''School Safety Enhancements Act of 2008''.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION SAFETY ENHANCEMENTS

SEC. 101. GRANT PROGRAM FOR SCHOOL SECURITY.

Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Placement'' and inserting ''Installation''; and

(ii) by inserting ''surveillance equipment,'' after ''detectors,'';

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

''(5) Establishment of hotlines or tiplines for the reporting of potentially dangerous students and situations.'';

(2) by striking subsection (d)(1) and inserting the following:

''(1) The Federal share of the costs of a program provided by a grant under subsection (a) shall be not more than 80 percent of the total of such costs.''; and

(3) by adding at the end the following:

''(g) INTERAGENCY TASK FORCE.—Not later than 60 days after the date of enactment of the School Safety Enhancements Act of 2008, the Director and the Secretary of Education, or the designee of the Secretary, shall establish an interagency task force to develop and promulgate a set of advisory school safety guidelines. The advisory school safety guidelines shall be published in the Federal Register by not later than one year after such date of enactment. In developing the final advisory school safety guidelines, the interagency task force shall consult with stakeholders and interested parties, including parents, teachers, and agencies.''.

SEC. 102. APPLICATIONS.

Section 2702(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797b(a)(2)) is amended to read as follows:

''(2) be accompanied by a report, signed by the chief education officer and the attorney general or other chief law enforcement executive of the State, unit of local government, or Indian tribe, certifying that each proposed use of the grant funds will be—

''(A) an effective means for improving the safety of one or more schools;

''(B) consistent with a comprehensive approach to preventing school violence; and

''(C) individualized to the needs of each school at which those improvements are to be made.''.

SEC. 103. ANNUAL REPORT TO CONGRESS.

Section 2703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797c) is amended by striking ''and the activities for which those funds were used'' and inserting ''and a detailed itemization of how those funds were utilized''.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking ''$30,000,000 for each of fiscal years 2001 through 2009'' and inserting ''$50,000,000 for each of the fiscal years 2009 and 2010''.

SEC. 105. ADDITIONAL AMENDMENT.

Paragraph (5) of section 2701(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a(b)) (as amended by section 101 of this Act) is further amended by inserting '', including hazardous conditions'' after ''and situations''.

SEC. 106. ADDITIONAL AMENDMENT TO THE GRANT PROGRAM FOR SCHOOL SECURITY.

Section 2701(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a(b)) (as amended by sections 101 and 105 of this Act) is further amended by inserting after paragraph (4) the following new paragraph (and redesignating the succeeding paragraphs accordingly):

''(5) Development and implementation of safety measures to protect students in the event of a terrorist attack or other hazardous condition or situation.''.

TITLE II—HIGHER EDUCATION SECURITY ENHANCEMENT

SEC. 201. REQUIREMENT FOR CAMPUS SAFETY ASSESSMENTS.

Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by adding at the end the following:

''(n) CAMPUS SAFETY ASSESSMENT.—Each eligible institution participating in any program under this title shall conduct an annual campus safety assessment that shall be prepared through consultation between the institution's staff, including safety and security personnel, and local law enforcement officials.''.

SEC. 202. REQUIREMENT FOR CAMPUS EMERGENCY RESPONSE PLANS.

Section 485 of the Higher Education Act of 1965, as amended in section 201 (20 U.S.C. 1092), is further amended by adding at the end the following:

''(o) CAMPUS EMERGENCY RESPONSE PLAN.—Each eligible institution participating in any program under this title shall develop and implement a campus emergency response plan to address a comprehensive set of emergency situations, including the following:

''(1) Natural disasters.

''(2) Active shooter situations.

''(3) Terrorist attacks.''.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself as much time as I may consume.

Mr. Speaker, H.R. 2352, the School Safety Enhancements Act of 2008, is a vital piece of legislation aimed at ensuring the safety of the students in our Nation's schools.

Over the last decade we've seen horrific school shootings and violence in at least 27 States. Ensuring the safety of our students and teachers at all levels is obviously a priority.

Sponsored by the gentleman from New Jersey (Mr. ROTHMAN), H.R. 2352 addresses this problem by providing increased funding for improving school security and making the grant program more accessible to schools in poor communities.

Specifically, the bill raises the authorization level of Federal grants from $30 million to $50 million for Fiscal Years 2009 and 2010. It also decreases the matching non-Federal funds requirement from 50 percent to 20 percent, raising the Federal portion from 50 percent to 80 percent. This change in funding ratios brings the percentage more in line with the traditional split for school grants, and would bring much-needed help to many schools.

Finally, the bill amends the Higher Education Act to require participating institutions to conduct annual campus assessments and develop and implement a campus emergency response plan. I urge my colleagues to support the legislation.

I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of H.R. 2352, the School Safety Enhancement Act of 2008. Each day roughly 160,000 children miss school because they are afraid of violent incident: 100,000 children take a weapon to school, often a gun, more often a knife; 14,000 young people are attacked on school property each year; 6,250 teachers are threatened each day; and 260 teachers are assaulted. This has to stop.

Normally, the Federal Government doesn't have a role in the day-to-day activities of public schools. In this case, when, in fact, a future workforce is endangered, and the widespread use of these kinds of techniques is often done by gangs and other organized crime links that, in fact, we are fighting on another front.

So, Mr. Speaker, I rise in support of this because we cannot put all of our money into fighting gangs on the street. We have to do something to secure schools. We have to make sure that gang membership is not necessary just to go to class.

Mr. Speaker, this is a bipartisan bill. This is a bill that, in fact, was first introduced by, many of the provisions were first introduced by Republicans. It is one of those bills that has transcended the change in the administration, change in leadership of the House.

And I hope that we will continue to have this kind of work, finding smarter ways, better ways to stem crime on the street, including stemming crime in the classroom.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ROTHMAN), the sponsor of the legislation.

Mr. ROTHMAN. I thank the gentleman from Virginia not only for the time but also for his leadership on the Subcommittee on Crime, Terrorism, and Homeland Security.

I also want to thank my friend and colleague from California (Mr. ISSA) for all his support in moving this legislation forward.

I also want to recognize the ranking member of the subcommittee, Mr. GOHMERT from Texas. I also would like to acknowledge the leadership of Chairman CONYERS and Ranking Member LAMAR SMITH.

Mr. Speaker, we are often asked, as Members of Congress, why don't you people do anything important? Well, today we're about to do something very important.

Back in 2000, when I was a member of the Judiciary Committee, I received two different letters from two different young girls in two different middle schools in my district. And the letters basically said, Congressman, we're afraid to go to school. There are gangs, there are wise guys, there are kids on drugs. We're not sure who's coming in and out of our school. And we're constantly looking over our shoulders wondering if someone's going to hurt us. Aren't you supposed to be doing something about that? You adults, protecting us kids?

As the father of two kids then, now of two kids and three stepkids, it really did strike me very deeply. And I went to our chairman, may he rest in peace, Chairman Henry Hyde, and I told him about the situation. I told him I had an idea. I said that we should have a matching grant program so it wouldn't be a Federal mandate, that schools that wanted to participate could, those that didn't want to didn't have to. But those who wanted to get metal detectors, new locks on their doors, security training for their personnel, they could apply to the Federal Government through the Justice Department for a grant, a 50/50 grant; the schools put up half, the Feds put up the other half. And if the schools were really destitute and out of money and could demonstrate that, as well as a real need, the Federal Government would pay 100 percent.

This was at the time right after Watergate, rather, after the Clinton impeachment. Needless to say, there was disagreement amongst the parties. The Republicans were in charge.

The bill passed unanimously out of the House Judiciary Committee and then came to the floor and passed unanimously. And since then, more than 3,400 schools nationwide have benefited, have added security cameras and metal detectors and new locks to limit entranceways and egresses from the schools. More than 177 schools in the Garden State of New Jersey, my State. And I've gotten letters and phone calls and people stopping me on the street thanking me, Congressman, thank you for protecting us.

This year, 7 years after we passed the Secure Our Schools, actually we passed it in 2001, we have an improvement, the School Safety Enhancements Act.

What we found, unfortunately, was that the $30 million authorized level wasn't enough money to cover all the schools in the country who wanted to participate, who wanted to put up half the money for these security improvements for their schools. There wasn't enough money to go around. So we made our case to the subcommittee and to the full committee, and they were kind enough to work with us and introduce this bill, the School Safety Enhancements Act, to raise the dollar amount from $30 million authorized to $50 million authorized.

The other changes we made were to change the Federal match so that the Federal Government could provide even a larger percentage than the 50/50 percentage. We know how strapped local property taxpayers are back home, and so that's the least we could do from the Federal Government.

We also added a couple of other things, as Chairman SCOTT referred to, namely, a campus safety assessment program to implement a campus emergency response plan that would have to be established at all of our universities across the country so that parents who are sending their kids to these universities and colleges would know that, at the very least, there was a plan if, God forbid, there was a tragedy.

We worked very closely, we also established a hot line for call in for kids and others to report problems.

We worked with Senator BARBARA BOXER from the Senate who was instrumental in helping us in that body in adding some of these provisions.

Again, this has complete flexibility. This is not a Federal mandate. Schools have to make the applications on the merits of their need for these safety improvements and for the financial contribution from the Federal Government. But they're willing to kick in their own dollars to help pay for these security improvements, metal detectors, locks on doors, locks on windows and training for security personnel.

It doesn't get better than this when we can provide the money for even more schools and to protect even more students. That's our job, our responsibility as Members of Congress, to protect the people, as moms and dads, aunts and uncles, grandparents and friends of kids. My goodness, there's nothing more important than preventing harm to our children.

I urge the adoption of this bill.

□ 1715

Mr. ISSA. Mr. Speaker, I yield back my time.

Mr. SCOTT of Virginia. Mr. Speaker, I appreciate everyone working together on this legislation. Schools will be safer if the bill passes. I would hope that it would be the pleasure of the House to pass the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I support H.R. 2352, the "School Safety Enhancements Act of 2007", which is aimed at making America a safer place. The bill under consideration addresses health and safety issues for children. I support this bill and I urge my colleagues to support this bill.

H.R. 2352 is necessary and will ensure the protection and safety of our children in a learning environment. Violence at our schools have increased at an alarming rate in states such as California, Colorado, Illinois, Louisiana, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, Washington, and Wisconsin over the last few years. H.R. 2352 seeks to curb that stem of violence.

H.R. 2352 increases authorized annual funding from $30 million to $50 million for FY 2008–2009 for the Secure Our Schools grant program, and decreases the non-federal grant participation percentage from 50 percent to 20 percent. It requires institutions of higher education to conduct annual campus safety assessments and develop and implement campus emergency response plans.

This bill seeks to address the violence in our schools. It will ensure the safety of students and teachers and will make sure that education is the paramount concern of educators.

The Act also increases the federal portion of the funding from 50 percent to 80 percent, which decreases the non-federal portion from 50 percent to 20 percent. According to the Community Oriented Policing Services (COPS) Office of the Department of Justice, which administers the Secure Our Schools grants, many of the poorer communities that need help the most have been unable to participate in the program because they cannot afford the previously required 50 percent non-federal grant match. The proposed change in non-federal funding is more in line with the COPS traditional 75/25 percent split, and should allow more participation in the program.

The Act increases the possible uses of funding to include surveillance equipment, hotlines to report potentially dangerous situations and capital improvements to make school facilities more secure. Finally, the Act requires the establishment of an interagency task force to develop and promulgate advisory school safety guidelines.

The Act amends the existing requirements for grant applications, and requires each grant application to be accompanied by a report, signed by the chief education officer and the attorney general or other chief legal officer, demonstrating that the proposed use of the

grant funds is an effective means for improving school safety, is consistent with a comprehensive approach to preventing school violence, and meets the individualized needs of the particular school.

Finally, the Act amends the Higher Education Act and requires each eligible participating institution to conduct an annual campus safety assessment, and develop and implement a campus emergency response plan to address emergency situations, including natural disasters, active shooter situations, and terrorist attacks. The bill is sponsored by Mr. ROTHMAN, and has 52 cosponsors.

MY THREE AMENDMENTS THAT WERE OFFERED AND ACCEPTED

I have three amendments that I offered and that were accepted concerning this bill. The first extended the current requirement of establishing a hotline or tipline to include the reporting of hazardous conditions, including the presence of hazardous chemicals.

The second one requires schools to develop and implement safety measures to protect students in the event of a terrorist attack or other hazardous condition or situation. It would further require that no funds would be disbursed unless the school had a safety plan in place to respond to a terrorist attach or other hazardous condition or situation.

The need for schools to respond to hazardous conditions or situations is necessary because often children are confronted with hazardous conditions and they simply ignore them. This has been a big problem in the Houston Independent School district. For example, in Key Middle School students were getting sick because they were learning in classrooms where mold was growing on the walls and ceilings. The students saw the mold and were getting sick but they did not know how to respond. These amendments would ensure that children are aware of the toxicity of these chemicals and organic substances. This is a real threat. Key Middle School was subsequently closed because of the severe health risks posed to students. My call for student awareness, training and prevention as pertains to a terrorist attack does not need mach explanation. In light of the tragic events of 9/11, we can never be too cautious with schooling and protecting our children. Children need to know what to do and how to respond to dangerous situations during a terrorist threat.

My last amendment goes to the heart of administrative practice. The original bill required that a taskforce create guidelines. Because the taskforce is to be established within 30 days of enactment of this act, my amendment allows the taskforce to convene and within 60 days issue a preliminary advisory school safety guideline and after that time it should provide the public with an opportunity through notice and comment and publish a final advisory school safety guideline not later than 30 days after the preliminary guidelines. This is good administrative practice and ensures public participation by students, teachers, and parents.

I urge my colleagues to support this very important bill.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of the School Safety Enhancements Act of 2007. This legislation reauthorizes and strengthens the Secure Our Schools program, which provides critical support to our Nation's schools for equipment to keep our children safe during their educational time. Over the past 6 years, $65 million in Federal grant funds have been put to work in a partnership between law enforcement agencies and local schools to invest in security and school safety at more than 2,400 schools nationwide.

As the former superintendent of North Carolina's public schools, I know that a student needs fertile soil for learning to take seed. I have rare firsthand knowledge of the importance of quality school buildings to the educational goals we hold for our schools, and the challenges those schools face in inadequate facilities. There really is no substitute for bricks and mortar when it comes to quality schools. While good teachers and administrators are central to education, we also need a good environment for students. Children cannot learn in facilities that are substandard or overcrowded or where they do not feel safe. That is why I have made it a priority in Congress to support funds for school construction, for school safety, and for school emergency preparedness needs.

This bill is a step to address the pressing needs that schools have for safety. Even as teachers, administrators, and students are working together with law enforcement to make schools a safe place for learning, they can use additional help and guidance to make their planning as effective as possible. I speak to students from North Carolina who are concerned about violence in their schools, about gang activity, or about bullying. Secure Our Schools gives schools and law enforcement agencies the flexibility to address their community's unique needs.

Although schools are central institutions to our communities, they are often overlooked in security and emergency planning. The partnerships between schools and law enforcement facilitated by Secure Our Schools have far-reaching benefits to school safety and the health of our communities.

H.R. 2352 gives these partnerships new tools to keep our children safe by allowing the use of funds for surveillance equipment and capital improvement. In recognition of the incredible need for these funds, it expands the authorization for Secure Our Schools grants to $50 million. It is a solid step to improve our schools and recognize the hard work of teams of teachers, administrators, health care workers, security staff, and law enforcement personnel in keeping our children safe.

Mr. Speaker, I urge my colleagues to join me in voting yes for H.R. 2352.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 2352, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

AUTHORIZING THE UNITED STATES SUPREME COURT POLICE TO PROTECT OFFICIALS

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6855) to extend the authority for the United States Supreme Court Police to protect court officials off the Supreme Court grounds, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6855

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

SECTION 1. EXTENSION OF THE AUTHORITY FOR THE UNITED STATES SUPREME COURT POLICE TO PROTECT COURT OFFICIALS OFF THE SUPREME COURT GROUNDS, AND FOR OTHER PURPOSES.

Section 6121(b)(2) of title 40, United States Code, is amended by striking ''2008'' and inserting ''2013''.

SEC. 2. CHANGING THE TITLE OF THE ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE.

Title 28, United States Code, is amended—

(1) in section 133(b)(2), by striking ''administrative assistant'' and inserting ''Counselor'';

(2) in paragraphs (1)(E) and (2)(E) of section 376(a), by striking ''an administrative assistant'' and inserting ''a Counselor'';

(3) in section 677—

(A) in the heading, by striking ''**Administrative Assistant**'' and inserting ''**Counselor**'';

(B) in the text, by striking ''Administrative Assistant'' each place it appears and inserting ''Counselor'';

(C) in the first sentence of subsection (a), by striking ''an'' and inserting ''a''; and

(4) in the item relating to section 677 in the table of sections at the beginning of chapter 45, by striking ''Administrative Assistant'' and inserting ''Counselor''.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6855 extends for 5 years existing authority for the Supreme Court Police to protect the

Chief Justice and Associate Justices of the Court, as well as officers and employees of the Supreme Court who are performing official duties while they are away from the grounds of the Supreme Court building.

When the Supreme Court first moved to its own building just over 70 years ago, we sent them a small contingent of Capitol Police officers commissioned as ''special policemen'' for the protection of the Court. It wasn't until 1982 that Congress provided the force with statutory recognition as the Supreme Court Police. That statute also gave them authority to patrol the Supreme Court buildings and grounds, make arrests, carry firearms, and protect the Chief Justice and any Associate Justices, official guests, and employees of the Court while performing official duties.

In that statute, the Congress also expanded the Supreme Court Police force's authority in a way very similar to what we had granted the Capitol Police the previous year. In 1981, we authorized the Capitol Police to provide protection to individual Members and officers of Congress, as well as their families, on or off the Capitol grounds. Likewise, in 1982 we authorized the Supreme Court Police to protect the Justices and the employees of the court while they're away from the court building anywhere in the United States.

When we first gave this authority to the Supreme Court Police in 1982, it was subject to a 3-year sunset provision. Since then, we have extended this authority 7 times, and this bill will continue that tradition.

In the 26 years since this authority was first granted, threats to all three branches, from terrorists and others who want to disrupt our government, have only increased. That is why it is imperative that we should not allow the authority of the Supreme Court Police to sunset at the end of this year.

I urge my colleagues to support the legislation so that the Supreme Court Police can continue to perform their critical mission effectively.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I join with my colleague in urging support for this legislation.

The Supreme Court is an independent branch of government needing to have the exact same level and should, to be honest, without any need for extension should, on a permanent basis, have a recognized ability to protect itself.

We view ourselves as independent, and we have the Capitol Police. Certainly the executive branch views itself as independent and has both the Secret Service and, of course, the Army, the Navy, and the Marines, and so on.

So I certainly believe that this is important for us to do today to extend the authority of the United States Supreme Court Police. But I would happily work with my colleague on the other side of the aisle to recognize that in fact this is a permanent need, and although we would have to fund it on an annual basis as we do the Secret Service, the Army, the Navy, the Marines, and so on, that we should never let the Supreme Court have any doubt but that its independence, its autonomy, its ability to do its constitutional duty without any question, but that they and those who they need to protect along with them would be protected, we should do that through a funding mechanism and never again need to do what we're doing here today. Having said that, this is a body that takes what it gets and does what it can with what it gets.

Today we're considering an extension. I move with my colleague on the other side to do that, and I urge all of my colleagues to pass this. I believe this is going to be passed unanimously today. But long before 2013, we should, in fact, make this a permanent authorization.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I have no further requests for time and am prepared to close if the gentleman will yield.

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

Mr. SCOTT of Virginia. Mr. Speaker, I would be willing to work with the gentleman to make it permanent. But this is what we have at this point for 3 years. So I would hope we pass this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. R. 6855, a bill to extend the authority for the United States Supreme Court Police to protect Court officials off the Supreme Court grounds. This important bill is sponsored by my colleague on the Judiciary Committee, Mr. SMITH. In order to get unbiased, thoughtful rulings on important cases, it is necessary the officials who preside over these cases can walk the streets unburdened with the fear that their interpretations and decisions will lead to them facing harm on their way home. It is time to protect our court officials so they can carry out their important work.

This bill will protect the Members of the Court. Currently, Justices do not receive any protection when they are off the Court grounds. Unlike cabinet secretaries and governors who receive protection from the Marshall Service, Justices are forced to remain unprotected. They are open up to being attacked and injured or worse. We must protect them as they are just as important to our democracy as our President and Members of Congress.

Four years ago, Supreme Court Justice David Souter, while jogging near his home in Southwest Washington DC, was assaulted by two young men. He was taken to the hospital with minor injuries and thankfully was released a few hours later. While this attack was deemed by the police as only a random assault, and that robbery was not the motive, this should serve as a wake up call for us all. The Supreme Court, like the Office of the President, is more important than the person serving in the position. Protecting these people, is not just about protecting the person, it is about protecting the sanctity of the Court and the decisions they render. This legislation will assure the choices that the Justices make comes from a place of righteousness and not intimidation.

The noted philosopher and English Parliamentarian, Edmund Burke, said, ''Good order is the foundation of all things.'' Members of the Court have an important responsibility to maintain order in government. They were chosen to provide clarity when questions arose on the rights that were promised to us by the Founding Fathers.

This bill does something fundamental for the American way of life, it protects it. The legacy of all those who came before us depends on making sure that those who come after can do the job duty requires. Nothing is more fundamentally American than protecting those who protect our rights. It is in this function, that we know when it is our turn to serve; we can do so without undue fear.

Without the venerable work of the members of the Court and the myriad of landmark cases that they decided, the country would have a markedly different look, far from what we see today.

Police officers could walk around searching anyone they choose; personal privacy would be a dream and not a reality. Miranda v. Arizona would have never given us the right to remain silent, or the right to talk to a lawyer.

But for the case of Brown v. the Board of Education, many Americans would not be able to take part in integrated schools and would face lower quality of education.

But for the Court, many African American voters would not be able to take part in a historic vote this November.

To be sure, our Nation would look very different if it was not for the Court. Since its creation in the Constitution, they have been a vital partner in the fight for civil rights, women's rights and the rights of all people across the country.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6855.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

RECOGNIZING THE FBI ON THEIR 100TH ANNIVERSARY

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree

to the concurrent resolution (H. Con. Res. 410) recognizing the FBI on their 100th anniversary.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 410

Whereas the Federal Bureau of Investigation (FBI) was founded by President Theodore Roosevelt and United States Attorney General Charles Bonaparte on July 26, 1908, as a Federal investigative agency;

Whereas it was first named the Bureau of Investigation to provide a force of Special Agents to investigate crimes across State lines and Federal crimes in its initial days, and later expanded to the Federal Bureau of Investigation reflecting the growth our Nation's need to protect its people;

Whereas in the face of foreign threats during two World Wars and the Cold War, the FBI's jurisdiction was expanded to investigate espionage and sabotage against the United States of America;

Whereas when over the course of our Nation's history the civil rights of Americans have been challenged, the FBI has been called upon to protect those civil rights and has brought violators to justice, and remains the primary Federal law enforcement agency for investigating civil rights violations;

Whereas the men and women of the FBI have come to meet the challenges of violent criminal elements and gangs, working in partnership with State, local, and tribal law enforcement to provide safe streets in our communities around the country;

Whereas when the Nation's financial markets were threatened by white collar criminals, organized criminal enterprises, and international fraud schemes, the FBI's efforts to protect our economy were reflected in major investigative achievements;

Whereas the world has expanded through the creation of the World Wide Web, the FBI has been called to protect against cyber-based attacks and high-technology crimes through investigations of computer fraud, child exploitation, theft of intellectual property, and worldwide computer intrusions;

Whereas the threat to public safety posed by extremists groups, both domestic and international has grown, and the FBI has tirelessly worked to prevent acts of terrorism against Americans at home and abroad;

Whereas the FBI provides law enforcement services through its disaster response team, identification services and Laboratory to further the cause of justice through science throughout the United States;

Whereas since its inception, 34 FBI special agents have given their full measure of duty in laying down their lives in the service of their country; and

Whereas for a century the men and women of the FBI have pledged to preserve, protect, and defend the Constitution of the United States and, with such, exemplified their motto ''Fidelity, Bravery and Integrity'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the men and women of the Federal Bureau of Investigation (FBI) on the occasion of its 100th Anniversary;

(2) honors the heroic sacrifice of the Bureau's employees who have given their lives, or have been wounded or injured, in the service of our Nation; and

(3) gives heartfelt thanks to all the men and women of the FBI for their past and continued efforts to protect and defend the American people from threats both domestic and foreign, and their dedication to the pursuit of justice through the rule of law.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extent their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 410 recognizes the great accomplishments, sacrifices, and service of the men and women of the Federal Bureau of Investigation on the occasion of the Bureau's 100th anniversary.

In 1908, President Theodore Roosevelt and Attorney General Charles Bonaparte established a new Federal investigative agency consisting of a small force of special agents to assist States in combating crimes occurring across State lines. Little could they have envisioned that their idea would have evolved into one of the most foremost investigative agencies in history. It is fitting that we honor the men and women who have brought the FBI that stature.

Over the course of its existence, the Bureau's men and women have proven time and again that when the Nation calls upon them, they are ready to meet any challenge. They have worked tirelessly to stem foreign threats against the United States during two world wars and the Cold War by investigating espionage and sabotage on American shores. The FBI helped to keep our Nation safe, and over the course of time became one of the foremost professional espionage investigative agencies in the world.

The FBI's been called upon on numerous occasions to protect the civil rights of Americans and to bring justice to those who violate them. Today, the FBI remains the foremost Federal law enforcement agency for investigating serious civil rights violations.

The FBI has been called upon to investigate various types of violent crime, organized criminal enterprises, international fraud schemes, and financial and other forms of white-collar crime.

Today, as the Internet has so vastly expanded and transformed the world communication and commerce, we have tasked the FBI with protecting us against cyber-based attacks and high technology crimes. The Bureau, for example, investigates computer fraud, child pornography, theft of intellectual property, and worldwide computer intrusions.

The FBI has responded to threats to public safety posed by violent extremist groups, both domestic and international, tirelessly working to prevent crimes of terrorism against Americans at home and abroad. Their accomplishments are nothing less than extraordinary.

Sadly, Mr. Speaker, these accomplishments have not been without a tragic cost. Since its inception, 34 FBI special agents have made the ultimate sacrifice: giving their lives in the line of service. Every day, FBI special agents face the risks and endure the hardships to make our Nation safe. They truly personify the Bureau's motto: Fidelity, Bravery, and Integrity.

So it is fitting that we congratulate the men and women of the FBI on the 100th anniversary of the Bureau. We honor their heroic commitment and sacrifices and thank them for their past and continued efforts to keep America safe.

Mr. Speaker, I want to thank my colleagues, the ranking member of the subcommittee, Mr. GOHMERT, the sponsor of the resolution, the committee chairman, Mr. CONYERS, and the committee ranking member, Mr. SMITH, for their leadership on this measure.

I reserve the balance of my time.

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

Mr. Speaker, I join with my colleague on a bipartisan basis to recognize that in the 100 years since President Theodore Roosevelt created the FBI out of basically an assemblage of Secret Service agents and detectives, what we have done is we have grown 1,000-fold in the number of agents. Clearly today with 30,000 employees, you ask how large has the task of the FBI grown. It has grown 1,000-fold.

Whether in fact it was taking on public corruption throughout this last 100 years or taking on racketeering, white collar crime, taking on the rubble of the Oklahoma City bombing and finding out who the true perpetrators were and bringing them to justice, or going after wrongdoing by the most hidden and most influential of corporate America, the FBI has spread out to do its job and do it well.

The Bureau, in fact, has taken the next step since September 11 when its primary task became protecting us from another terrorist attack like the one we experienced in New York, in Washington, and Pennsylvania. Those attacks made it very clear that this elite agency had to do more.

Today more than ever the FBI agents who are spread throughout the world in every embassy and in locations not even known to this body, they deal

with counterterrorism in a way that no other agency can. Working hand-in-hand with overseas entities who have the charge for that, they make it their business to ensure that that foreign terrorism doesn't become an American tragedy.

No other group is so prepared to recognize the needs of America and the civil rights of America. The FBI has been a critical tool for President after President to enforce our civil rights laws often against the powerful, even against governors and other elected officials who chose not to recognize the importance of the U.S. Constitution.

The FBI has never been a partisan organization and has, in fact, served each and every administration in a way that we today commemorate and appreciate so much.

Once again, Mr. Speaker, for the first 90-plus years, the FBI was important. After September 11, 2001, the FBI's expanded role is vital.

With that, I urge the passage of this bill.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 410.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

□ 1730

HONORING THE LIFE AND MUSIC OF THE LATE ISAAC HAYES

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1425) honoring the life and music of the late Isaac Hayes, a passionate humanitarian, whose music laid the foundation for many musical styles, including R&B, disco, and rap.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1425

Whereas Isaac Hayes was a true renaissance man who achieved success in vocal performances, songwriting, humanitarian work, and television and motion picture endeavors, and as a radio show host, pianist, saxophone player, restaurateur, and cookbook author;

Whereas Isaac Hayes greatly influenced contemporary music, and his style still resounds in the music of today;

Whereas Isaac Hayes was born on August 20, 1942, in Covington, Tennessee, and, orphaned in infancy, was raised by his maternal grandparents;

Whereas Isaac Hayes spent his childhood and formative years in Memphis, Tennessee, years that shaped his future success as a songwriter, singer, and actor, working in cotton fields while going to school, and even shining shoes on the famous Beale Street;

Whereas Isaac Hayes graduated from Manassas High School in Memphis in 1962 at the age of 21, having returned to school after dropping out;

Whereas Isaac Hayes began singing at the age of 5 at his local church and soon after taught himself to play the piano, electronic organ, flute, and saxophone;

Whereas Isaac Hayes began playing in local bands, and at age 21 worked as a backup musician for Stax Records, for which he eventually became a noted music producer and in-house songwriter;

Whereas Isaac Hayes became a prolific songwriter who, in partnership with his Stax Records songwriting and production partner, David Porter, wrote many classic hits for other artists, including ''Hold On, I'm Comin' '', ''B-A-B-Y'', and ''Soul Man'';

Whereas the partnership of Isaac Hayes and David Porter composed some 200 songs;

Whereas Isaac Hayes created the groundbreaking musical score and theme song for the movie ''Shaft'';

Whereas Isaac Hayes was the recipient of an Academy Award, a Golden Globe, the Edison Award, the NAACP Image Award, and two Grammy Awards;

Whereas Isaac Hayes was inducted into the Rock and Roll Hall of Fame in 2002;

Whereas Isaac Hayes, a BMI songwriter, received 5 BMI R&B Awards, 2 BMI Pop Awards, and 2 BMI Urban Awards, and was honored as a BMI Icon in 2003;

Whereas Isaac Hayes was inducted into the Songwriters Hall of Fame on June 9, 2005;

Whereas Isaac Hayes generated more than 12 million performances from his songs throughout his life;

Whereas Isaac Hayes was instrumental in staging the 1972 Wattstax concert performed at the Los Angeles Coliseum in the summer of 1972, an event that was a great source of pride for the African-American Los Angeles community of Watts and that focused worldwide attention on issues of social and economic justice for that beleaguered community, while also highlighting the great Memphis Stax sound;

Whereas Isaac Hayes was a television and film actor, appearing in countless television shows and three dozen movies, including roles in ''The A-Team'', ''The Fresh Prince of Bel Air'', ''Girlfriends'', and ''Miami Vice'';

Whereas Isaac Hayes started the Isaac Hayes Foundation, whose mission is to globally promote literacy, music education, nutritional education, and innovative programs to raise self-esteem among the underprivileged;

Whereas Isaac Hayes was strongly devoted to promoting literacy through the world and was named the international spokesman for the Applied Scholastics' World Literacy Crusade;

Whereas Isaac Hayes, through his Isaac Hayes Foundation, built an 8,000 square foot educational facility in Ghana, West Africa, and was a strong advocate for the education and well-being of the children of Ghana;

Whereas Isaac Hayes donated thousands of dollars, through grants from his Isaac Hayes Foundation, to schools in Memphis, Nashville, and Washington, DC for the purpose of improving the musical education programs of those schools and for the purchase of musical instruments;

Whereas the State of Tennessee issued a proclamation on August 18, 2008, honoring Isaac Hayes and his contribution to the State of Tennessee and the entire Nation;

Whereas Isaac Hayes was a loving father of 12 children, 14 grandchildren, and 3 great grandchildren; and

Whereas, with the passing of Isaac Hayes on August 10, 2008, at his Memphis, Tennessee home, the Nation has lost a talented and influential humanitarian, actor, artist, radio show host, and singer-songwriter: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life of Isaac Hayes;

(2) recognizes Isaac Hayes for his invaluable contributions to American culture;

(3) recommits itself to ensuring that artists such as Isaac Hayes receive fair protection under the copyright laws for their creative endeavors; and

(4) extends condolences to his family on the death of this talented and beloved man.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we honor the life and musical legacy of Isaac Hayes, a passionate humanitarian, whose prolific songwriting and distinctive baritone were loved across generations and around the world.

He overcame humble beginnings and personal obstacles to make excellent contributions in many endeavors. He was a true Renaissance man, an extraordinary singer, songwriter and music producer who also achieved success as a pianist, saxophone player, cookbook author, radio show host, and television and motion picture actor.

Born in Covington, Tennessee, tragically orphaned as an infant, and raised by his maternal grandparents, Isaac Hayes came to know the pleasures of country life but also the hardships of rural poverty.

Shortly after his family moved to Memphis for the greater opportunities in the ''big city,'' his grandfather passed away. To help his family survive, Isaac Hayes worked in cotton fields, cut lawns, and cleaned bricks at two cents apiece, all while going to

school. He even shined shoes on Memphis' famous Beale Street.

Despite experiencing rural, and then urban, poverty, he found ways to bring music into a central role in his life. At the age of five, he began singing in his local church and before long had also taught himself to play the piano, electronic organ, flute and saxophone.

He dropped out of high school for a time, but never lost sight of the critical role that education plays in improving one's life. He returned to school and proudly graduated at the age of 21.

After graduating, he played piano for Floyd Newman, a saxophonist bandleader. This work led to his becoming a studio musician for a new label called Stax Records, where his first paid sessions were with Otis Redding. These sessions were so successful that he became a ubiquitous presence at Stax.

While at Stax, he met David Porter, who became a long-standing friend and collaborator. As a result of their collaboration as songwriters and producers, they made more than 200 songs, including such classics as ''B-A-B-Y,'' ''Soul Man,'' and ''Hold on, I'm Comin'.''

Perhaps the musical accomplishment that Isaac Hayes is best known for is the groundbreaking score and theme song that he wrote for the movie ''Shaft.'' His smooth baritone vocals and iconic style carried that song to the top of the charts, nationally and internationally.

During his life, he received an Academy Award, a Golden Globe Award, two Grammy Awards, the NAACP Image Award, and the Edison Award, which is Europe's highest musical honor. He was inducted into the Rock and Roll Hall of Fame in 2002 and the Songwriters Hall of Fame in 2005.

He was not content to rest on his musical laurels, probably because of his roots in both rural and urban poverty. A passionate humanitarian concerned about the underprivileged throughout the world, he saw education and literacy as the keys to freedom and prosperity.

Based on that belief, he founded the Isaac Hayes Foundation, whose mission it is to promote literacy and education and other programs throughout the world.

The foundation, among other endeavors, built an 8,000-square-foot education facility in Ghana, West Africa, and supported education efforts in Tennessee. In recognition of his humanitarian work and educational and economic contributions, in 1994 Isaac Hayes was crowned a king in Ghana.

Last year, Isaac Hayes and David Porter came to Capitol Hill to speak to Senators and House Members about the importance of protecting the intellectual property rights of their fellow songwriters and performing artists.

He was an excellent advocate for his fellow songwriters and vocal artists. He was humble, well-spoken, and passionate about protecting creative works, not just for the benefit of artists, but also for the benefit of our national economy.

There is so much more that I could say about this man, but for time's sake, I'll just end with this observation.

Isaac Hayes' achievements and influence made him a cultural icon, and his humanitarian work also made him a great human being. With the fatal stroke that took his life at the age of 65, Isaac Hayes leaves behind a legacy of monumental significance.

Mr. Speaker, I commend my colleagues from Tennessee, Mrs. BLACKBURN and Mr. COHEN, for their leadership on this measure.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, it's my great honor to introduce the author of this piece of legislation, someone who understands the importance of Isaac Hayes to Tennessee and to the music world, Congresswoman MARSHA BLACKBURN. I yield her 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from California for yielding, and I must first thank my colleague and cosponsor from Tennessee, Congressman COHEN. This resolution would not be possible without his hard work. Vital business in Tennessee has delayed his arrival on the floor today, and I know that if he were here with us that he would speak better than most about his constituent and his good friend Isaac Hayes.

Mr. Speaker, it is a great honor for me to share the representation of Memphis, Tennessee, with Congressman COHEN. We are honored to represent its people and its proud traditions. Memphis has contributed so much to our State and indeed to our country, and perhaps the greatest contribution that there is is that ''Memphis Sound.'' The Memphis Sound really is the soundtrack for America. It captures the rhythm of the region, as well as the hopes, the frustrations, and the aspirations of so many Americans.

We do stand on the floor today to celebrate the life of the man who gave so much of that music its soul, Isaac Hayes. Isaac was one of the driving forces behind the legendary Stax Records that created and amplified the Memphis Sound. Collaborating with David Porter, Isaac wrote some of our most famous songs: ''Soul Man,'' ''Hold on, I'm Comin','' and his own hits like ''Walk on By'' and that groundbreaking musical score and the theme song from the movie ''Shaft.''

I first came to know Isaac when I was at the Tennessee Film, Entertainment and Musician Commission, heading that body, working on issues that were so important to our songwriters. And I found that Isaac was fiercely proud of the Memphis sound that he had helped to give birth to and the different genres that had been spawned by that, and I know that all of Tennessee today is fiercely proud of Isaac and his work.

Isaac was more than a great musician. He was also a noble humanitarian, as we have just heard from the gentleman from Virginia. I found the Isaac Hayes Foundation and their work to be something extraordinary. It was founded by Isaac Hayes, and it was done so to promote literacy and music education. He constructed an educational facility in Ghana.

I last saw him and visited with him at a ceremony in Memphis this spring. He was being honored not only for his contributions to Memphis music but also his contributions and his humanitarian work for the City of Memphis. He grew up in Memphis. He graduated from Mannassas High School in 1962, and even after he achieved worldwide acclaim, he always remained loyal to the Memphis community.

You know, I didn't know it then, but I am saddened now that that was going to be the last visit that we had. But I will tell you, Isaac Hayes and David Porter were still talking about intellectual property, protecting songwriters, and making certain that songwriters were paid.

Indeed, Memphis has lost a champion and an inspiration, but they still have his music and his soul.

As co-chair for the Congressional Songwriters Caucus, I am honored to bring this resolution to the floor of the House today, and on behalf of Isaac's family, the songwriting community in Tennessee and for listeners worldwide who have been touched by the Isaac Hayes sound, I urge all Members to join me in supporting this resolution.

Mr. ISSA. Mr. Speaker, if I might inquire of the gentleman, does he have any additional speakers?

Mr. SCOTT of Virginia. Mr. Speaker, I have no additional speakers.

Mr. ISSA. Then I would close briefly by supporting this bipartisan legislation, recognizing the life of Isaac Hayes. Additionally mentioning that Chairman CONYERS and Ranking Member SMITH support this and support recognizing this inspirational man, his inspirational life, and his fine music and work he did well into the last days of his life.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself as much time as I may consume just to thank our colleagues from Tennessee for working together on this legislation.

Mr. COHEN. Mr. Speaker, Isaac Hayes made an indelible impact on the hearts, minds and souls of his fans that has sustained for generations. Dick Clark observed: ''It's rare when an artist's talent can touch an entire generation of people. It's even rarer when that same influence affects several generations. Isaac made an imprint on the world of pop

music unequaled by any other single performer.''

Isaac Hayes hailed from humble beginnings in Covington, Tennessee. He spent his childhood and formative years in Memphis, years which shaped his future success as a songwriter, singer, and actor, graduating from Manassas High School. Undoubtedly, Isaac's influences can be attributed to his time spent in church singing gospel music with the Morning Stars, doo-wop with Sir Isaac & the Doo-Dads, the Teen Tones and the Ambassadors. Isaac Hayes became a soul music icon with his debut album, ''Hot Buttered Soul,'' in 1969.

His signature single and album ''The Theme From Shaft,'' came 2 years later winning an Academy Award for Best Original Song, the first Academy Award received by an African-American in a non-acting category, and two Grammys, one for composer of Best Original Score and one for Best Instrumental Arrangement with co-arranger Johnny Allen.

Isaac Hayes will also be mourned by his Stax records songwriting and production partner, David Porter, with whom he wrote over 200 songs, including many classic hits such as: ''Soul Man,'' ''When Something Is Wrong With My Baby,'' and ''Hold on I'm Comin','' recorded by Sam and Dave, and ''B-A-B-Y'' made famous by Carla Thomas. The music created by Isaac and David embodies the funky, gritty and soulful Memphis sound and both gentlemen were both inducted into the Rock and Roll Hall of Fame in 2002.

Isaac Hayes was instrumental in staging the 1972 Wattstax concert performed at the Los Angeles Coliseum in the summer of 1972, an event that was a great source of pride for the African American Los Angeles community of Watts and which focused worldwide attention on issues of social and economic justice for that beleaguered community while also highlighting the great Memphis Stax sound.

Through his early days at Stax Records, his success as a recording artist, his record-breaking international performances and his career in film and television, Isaac Hayes, our hometown hero, always proudly referred to his Memphis roots. Isaac served as an ambassador of Memphis' spirit and soul and, like Moses, is irreplaceable.

Whereas Isaac Hayes started the Isaac Hayes Foundation, whose mission is to globally promote literacy, music education, nutritional education, and innovative programs to raise self-esteem among the underprivileged;

Whereas Isaac Hayes was strongly devoted to promoting literacy through the world and was named the international spokesman for the Applied Scholastics' World Literacy Crusade;

Whereas Isaac Hayes, through his Isaac Hayes Foundation, built an 8,000 square foot educational facility in Ghana, West Africa, and was a strong advocate for the education and well-being of the children of Ghana; In 1992, in recognition of his humanitarian work, he was crowned an honorary king of Ghana's Ada district.

Whereas Isaac Hayes donated thousands of dollars, through grants from his Isaac Hayes Foundation, to schools in Memphis, Nashville, and Washington, DC for the purpose of improving the musical education programs of those schools and for the purchase of musical instruments;

Today is a day of both great sadness and joy—sadness that Isaac has left us too soon and joy that we were fortunate enough to have known him. Isaac was a personal friend and a supporter in my re-election bid, actively participating in my campaign. I appreciate his talent, his contributions to his fellow man and his friendship. He rose from the most humble of beginnings to fame and wealth but he never forgot where he came from and he retained his love and respect for his fellow human beings. Being in the presence of Isaac made one want to be a better person, to do good. There will never be another like him.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from Tennessee for introducing this resolution. I rise today to show support for House Resolution 1425, honoring the life and music of the late Isaac Hayes.

Mr. Hayes's absence will be felt by millions around the world. A prolific hall of fame songwriter, a fighter for civil rights and an entertainer to millions throughout his life, I ask that Congress now honor his life and his achievements.

Isaac Hayes's life should serve as an example to us all. Being orphaned shortly after his birth, Mr. Hayes started a lifelong trend of overcoming adversity. His grandfather, who was taking care of him, died when Isaac was only 11 years old. Wanting to contribute to his family, he took odd jobs around town to help his grandmother out.

His love of music started when he was only 5 years old. Turned on to music by singing at his church, he taught himself to play multiple instruments. Soon, he was singing backup to bands and it wasn't long before he would be out on his own singing and producing other young aspiring artists.

His civil rights credentials weren't too shabby either. In 1972, he helped stage a concert in Los Angeles that focused on social and economic issues. Never forgetting his roots, this concert also brought attention to his hometown Memphis sound.

Isaac Hayes was the best among us. His strength and character are a beacon of light for us all. This legislation will honor the life of one of the great ones of our time.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1425.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

PRIVILEGED REPORT ON RESOLUTION RECOMMENDING THAT THE HOUSE OF REPRESENTATIVES FIND KARL ROVE IN CONTEMPT OF CONGRESS FOR REFUSAL TO COMPLY WITH A SUBPOENA DULY ISSUED BY THE COMMITTEE ON THE JUDICIARY

Mr. SCOTT of Virginia, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 110–847) on the resolution recommending that the House of Representatives find Karl Rove in contempt of Congress for refusal to comply with a subpoena duly issued by the Committee on the Judiciary, which was referred to the House Calendar and ordered to be printed.

ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT EXTENSION

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6889) to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6889

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

SECTION 1. EXTENSION OF STUDENT LOAN PURCHASE AUTHORITY.

Section 459A of the Higher Education Act of 1965 (20 U.S.C. 1087i–1) is amended—

(1) by striking ''July 1, 2009'' each place it appears in subsections (a)(1) and (f) and inserting ''July 1, 2010''; and

(2) in subsection (e)—

(A) by striking ''September 30, 2009'' each place it appears in paragraphs (1)(A) and (2) and inserting ''September 30, 2010'';

(B) by striking ''February 15, 2010'' in paragraph (2) and inserting ''February 15, 2011''; and

(C) by striking ''2009, and 2010'' in paragraph (3) and inserting ''2009, 2010, and 2011''.

SEC. 2. EXTENSION OF AUTHORITY TO DESIGNATE LENDERS FOR LENDER-OF-LAST-RESORT PROGRAM.

Section 428(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(j)) is amended—

(1) in paragraph (6), by striking ''June 30, 2009'' and inserting ''June 30, 2010'';

(2) in paragraph (7), by striking ''June 30, 2009'' and inserting ''June 30, 2010''; and

(3) in paragraph (9)(A)—

(A) in clause (ii), by striking ''June 30, 2010'' and inserting ''June 30, 2011'';

(B) in clause (ii)(III), by striking ''June 30, 2009'' and inserting ''June 30, 2010''; and

(C) in clause (iii), by striking ''July 1, 2010'' and inserting ''July 1, 2011''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 6889 into the RECORD.

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

There was no objection.

Mr. HINOJOSA. I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 6889, legislation to extend the Ensuring Continued Access to Student Loans Act for an additional year.

We are all united in our commitment to provide every assurance to students and families that there will be no disruption in the Federal student loans program regardless of what is happening in the financial markets.

In May, the President signed the Ensuring Continued Access to Student Loans Act. This law is providing much-needed liquidity to the student loan marketplace by authorizing the Secretary on a temporary basis to purchase student loans so that lenders have the funds to make new loans.

As a result of our swift action, there has been no disruption in students' and families' access to loans for the 2008–2009 academic year.

The Department of Education, the lenders, secondary markets, guaranty agencies, and institutions of higher education are to be commended for their efforts to get new financing systems in place and operational for the start of this academic year.

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Their cooperation has ensured continued access to college loans.

Come spring, students and families will be making their plans for the next academic year. Given the ongoing turmoil in our financial markets, it is critical that we extend the authority for the Secretary to purchase student loans to avoid any uncertainty about the access to this critical source of student financial aid. It would be a tragedy for a student to decide to forego or postpone college because of a fear of not being able to get a Federal student loan.

This legislation has no budgetary cost. It will simply extend the Secretary's authority under the Ensuring Continued Access to Student Loans Act for an additional year.

Mr. Speaker, students and families will be able to rest assured that we have the mechanisms in place to make sure that there is sufficient capital for student loans even if the current credit crisis continues or worsens.

This Congress has taken unprecedented steps to make college more accessible and more affordable. We enacted the largest increase in student aid with the College Cost Reduction and Access Act, a $20 billion investment in human capital. In August, the President signed the Higher Education Opportunity Act into law.

The legislation takes significant steps to improve our student aid delivery system, ensure the integrity of our student loan programs, and provide students and families with the tools that they need to make informed choices about which college to attend and how to finance it. These are complex issues, and on a bipartisan, bicameral basis, we came together with some practical solutions.

Today's legislation is another example of our bipartisan commitment to college access. I would like to thank our committee chairman, GEORGE MILLER, and our senior Republicans on the full committee and the Higher Education Subcommittee, Representative BUCK MCKEON and Representative RIC KELLER from Florida, for their leadership in quickly moving this legislation forward. We stand united in our goal of ensuring continued access to student loans.

I urge all my colleagues to support H.R. 6889.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise today in support of H.R. 6889, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year. And I do want to thank my friends, the senior Republicans, Mr. MCKEON and Mr. KELLER, as well as the two significant chairmen, Mr. MILLER and Mr. HINOJOSA, who introduced this extension.

We have been reading about the instability that still exists in the credit markets, and, in fact, it has gotten worse. Through this extension, Congress is assuring students and families that they will be able to receive the Federal assistance they need to pay for school.

The steps in the underlying bill are modest, but they make a real difference for students and families. I appreciate that this bill carries no cost to taxpayers, proving that we can use a creative approach to respond to economic difficulties without bloated spending that will drive up taxes.

Since the implementation of H.R. 5715, we have seen at least 10 lenders take advantage of the program that has been put in place. Without this relief, these lenders could have dropped out of the program altogether. Up until this point, we have seen over 6,000 employees laid off as a result of the cutbacks lenders have had to make. In addition, 106 lenders have suspended their lending service as a result of the credit crunch and the cuts made in the College Cost Reduction and Access Act. Without this extension, students could attend college this year without knowing whether the financing would be there to attend college next year.

In difficult economic times, many Americans turn to higher education. That's because a college degree continues to be one of the single best investments an individual, and our Nation, can actually make. College graduates have higher lifetime earnings, lower unemployment rates, greater civic involvement, and exhibit numerous other qualities that help enrich our society and keep our Nation competitive.

With all the benefits of higher education, it's concerning that amid these economic uncertainties many current and prospective students are worried about whether they will be able to access student loans. And as more and more students look to higher education to help get them through these difficult economic times, we cannot allow market turbulence to limit college access.

This extension signals our unwavering support for the Nation's largest source of financial aid, the Federal Family Education Loan Program. It is a crucial step that will help protect students and families and restore market confidence.

Mr. Chairman, I know how important it is that higher education be made affordable and accessible. This is particularly important in our turbulent economy. For the same reason, it's important that we come together to pass an all-of-the-above energy reform package that will help bring down prices and free us from our costly dependence on foreign oil.

Mr. Speaker, I believe that stabilizing our loan program will have an economic positive yield, just as solving the real problems of energy will have an economic yield. Our energy prices and energy problems are not just affecting those who stop at the pump, they affect those who will be trying to heat their homes this winter; they affect those who will be trying to buy food; they affect not just commuters, but all of us. Students as well as parents need real solutions to the energy crisis that is confronting us. They need to be able to make the commute. They need to be able to make those heating payments. They need to realize the cost of food will not keep spiraling upwards simply because farmers cannot afford energy to put into their tractors to grow the food and truckers cannot afford the energy to take that produce and send it to the markets where we can then buy it and enjoy it.

We have to realize that the solution to this problem has to be an all-of-the-above approach, that we are not doing enough to encourage conservation by small business or by citizens. But even if we did the maximum amount of conservation efforts, that still does not solve the entire problem. It's estimated that if the most stringent efforts of conservation were put in place, only about half of the foreign imports that we bring into this country would be eliminated; the other half would still have to be there.

We also have not done enough over the last few years to put in infrastructure so that we can move energy from

one part of this country to the other. There are bottlenecks all over this country in which energy cannot take place. There is plenty of pipeline for natural gas going from the Gulf of Mexico up north, but it cannot get to New England because there is a bottleneck that we have yet to solve in that particular problem. That infrastructure problem needs to be addressed. The lack of refinery capacity needs to be addressed. The lack of electrical corridors needs to be addressed.

We also have to recognize that we do not have a successful payment plan for alternative energies for the future, not only for our immediate problems, but for the long-term problems of this particular country. We need to recognize that this is a supply and demand issue, and that that supply can only be satisfied if we have an all-of-the-above strategy.

There is not a single source of energy that does not have some detractor. I was amazed to read in the local paper the other day about a detractor from a wind farm who said that the noise of the blades kept him up at night, and that they chopped up too many birds, which violates our Migratory Bird Treaty. I was amazed to find out that somebody was opposed to a solar energy plant down in New Mexico because it would consume too much of the desert land.

There is not a source of energy that doesn't have someone who will jump up and complain about it and potentially bring a lawsuit about it. That is why if we start to take any of those resource potentials off the table, we might as well take them all off because everything drops one after the other. The only way to be fair and the only way to be equitable and the only way to make sure that we have a real solution is to make sure that every source of energy known to this country, every source of energy in this country is on the table and is part of the real solutions.

Our students, for their future, require that. The parents, for the present, require that. The citizens of this country demand an all-of-the-above approach and that it be talked about in committees, in public hearings, and here on the floor. Nothing else solves the problem. And our goal and responsibility should be to come to this Congress to solve the problem, not try to create a political atmosphere so that we can take credit for what may or may not happen, but simply to solve the problem.

If we do not fulfill our responsibility, the students who will benefit from these extensions will have a short-lived benefit and will not look at us in kindness for the generosity when we help them get their education, but refuse to allow this economy to sustain them post-education.

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

Mr. HINOJOSA. Mr. Speaker, I want to thank Congressman BISHOP from the State of Utah for his support of this student loan extension, H.R. 6889. And let me reassure him that this week, if our friends and colleagues from the great State of Texas and the State of Louisiana are able to get back because of the devastation that occurred with Hurricane Ike, we will be able to address the energy bill that he was referring to. And I am sure that the Speaker of the House, NANCY PELOSI, and others in leadership position are prepared to give us the opportunity to take care of this great need that we have throughout our country on the lack of energy.

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

Mr. BISHOP of Utah. If I may, once again; I appreciate the remarks that have been given. I am fully supportive of this particular piece of legislation, I urge my colleagues to do so as well. But I also realize that, in the words of the Broadway song, ''It's a fine, fine line between reality and pretend.''

I certainly hope that when we come to this floor and actually deal with the issue of energy once and for all, we have the ability of dealing with the reality of the situation for a real solution. That's the crying need.

Mr. PETRI. Mr. Speaker, I rise in opposition to H.R. 6889, which would extend the authority of the Secretary of Education to purchase Federal guaranteed loans previously made under the Federal Family Education Loan, FFEL, Program and advance funds for lender-of-last resort loans. I believe this bill is premature and is merely a response to alarms raised by an industry that has continually benefited from government subsidies.

Earlier this year, the lending community expressed serious concerns that unstable credit markets would affect their ability to provide Federal student loans for the upcoming school year. In response, Congress approved the Ensuring Continued Access to Student Loans Act of 2008, which put in place several provisions to ensure that students and families had continued, uninterrupted access to Federal loans, regardless of what is happening in the credit markets. That measure gave the Secretary of Education the temporary authority to buy back loans from lenders participating in the FFEL program.

However, now almost four months after the emergency provisions were signed into law and one month into the fall semester, it has become clear that despite the credit crunch students are having little trouble securing Federal student loans. The New England Board of Higher Education and the New England Council recently released a survey of its region's financial aid officers that revealed ''students and parents experienced little or no problems accessing Federal student loans for this fall.'' Schools in my own State of Wisconsin have told me that students are encountering few difficulties in securing Federal student loans, and in fact, any disruption has simply resulted in some students to switching lenders. Recently, the State of Massachusetts called off a plan to provide public financing to a State nonprofit lender because only a small percentage of students were still looking for a lender. Over 2,000 lenders continue to participate in the FFEL program.

Furthermore, this year hundreds of schools, including Penn State, Michigan State and Indiana, decided it was in the best interests of their students to leave the Federal Family Education Loan Program, FFEL, and enroll in the Direct Loan Program because it is immune to the effects of the credit crunch and provides the exact same Federal loans to their students. In fact, the Direct Loan Program has seen a 47 percent increase over last year in the amount of loans originated. Schools are reporting they are happy with the transition to the program, and the Education Department has continually asserted that the Direct Loan Program is capable of handling the increased capacity.

Therefore, I find it alarming that just four months after passing the Ensuring Continued Access to Student Loans Act of 2008, and with widespread agreement that there currently is no student loan crisis, we have decided to extend until 2010 these authorities that provide government liquidity and financing to private lenders. While it is impossible to say these authorities did not help avoid a crisis, it's equally impossible to say private sector funds will not be available next year for student loans. I find it curious that today's action coincides with reports from the lending community that, despite the fact that there is no real crisis this year, one may exist in the 2009–10 school year.

While there is no doubt that the financial markets remain unsettled, the current authority for these powers runs through July 31, 2009. Washington is once again eager to extend temporary authorities. Instead of rushing to react to the ''alarms'' sounded by the lending community, I believe it would be more prudent for Congress to continue to monitor the situation in the student loan markets to determine if more action is really necessary before we extend another handout to an industry that has continually proven to work in the interests of their own pocketbooks and not for students and taxpayers.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 6889, which will extend the authority of the Secretary of Education to ensure the continued access to Federal student loans for one more year, introduced by my distinguished colleague from California, Representative GEORGE MILLER. This significant piece of legislation provides greater access to colleges and universities, making higher education affordable for all Americans, not just the wealthy.

A quality education continues to be the best pathway to social and economic mobility in this country. Earlier this year, we passed H.R. 5715 (now Public Law 110–227), the Ensuring Continued Access to Student Loans Act of 2008.

FACTS ON ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT

This legislation amended under the Higher Education Act of 1965 (HEA) by:

Increasing annual and aggregate borrowing limits for unsubsidized Stafford Loans to undergraduate students;

delaying the start of repayment for parent borrowers of PLUS Loans;

extending eligibility for individuals with adverse credit to borrow PLUS Loans, under extenuating circumstances;

revising procedures for ensuring the availability of lender-of-last-resort, LLR, loans under the FFEL program;

temporarily authorizing the Secretary to purchase loans previously made under the FFEL program at no net cost to the Federal Government; and

expanding eligibility for aid provided through American Competitiveness, AC, Grants and Science and Mathematics Access to Retain Talent, SMART, Grants.

The Ensuring Continued Access to Student Loans Act of 2008 also expresses a sense of Congress that institutions such as the Federal Financing Bank, the Federal Reserve, and Federal Home Loan Banks, in consultation with the Secretaries of Education and the Treasury, should consider using available authorities to assist in ensuring continued access to Federal student loans for students and their families; and that any action taken by these entities should not limit the Secretary's authority with regard to the LLR program, nor the Secretary's authority to purchase loans previously made under the FFEL program.

It also requires the Government Accountability Office, GAO, to evaluate the impact that increases in Federal student loan limits may have on tuition, fees, room and board, and on the borrowing of private, non-federal, student loans.

CONCLUSION

In this time of economic downturns, costly natural disasters, rising food and gas prices—families are focused on meeting their basic needs and having a hard time saving for educational expenses. Often times Federal loans are all families have to help their children go to college.

We cannot allow our institutions of higher learning to be inaccessible for the vast majority of our youth. This important piece of legislation gives our young people and their families the opportunity to not only dream of attending college but actually realize that dream. I urge my colleagues to join me in supporting H.R. 6889.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill, H.R. 6889.

The question was taken.

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

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

The yeas and nays were ordered.

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

CELEBRATING THE 100TH ANNIVERSARY OF THE UNIVERSITY OF NEBRASKA AT OMAHA

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1372) celebrating the 100th anniversary of the University of Nebraska at Omaha and recognizing the partnership between the city of Omaha, its citizens, and the university to build a vibrant and dynamic community, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1372

Whereas the citizens of Bellevue and Omaha, Nebraska, worked together with vigor and determination during the early years of the 20th century to create a nonsectarian university where local high school graduates could receive a college education;

Whereas due to the fortitude of the Board of Trustees and the generosity of donors, the first student body consisting of 26 students gathered on September 14, 1909, in what was formerly the old Redick mansion at 24th and Pratt Streets to begin their college education at the University of Omaha;

Whereas in spite of numerous financial challenges, the University of Omaha never wavered from its commitment to its founders to produce well-rounded and informed students by offering coursework in foreign languages, history, ethics, sacred history, science, and other traditional subjects;

Whereas the University of Omaha's substantial and respected curriculum prompted the University of Nebraska to announce in the spring of 1910 that it would accept credits from the University of Omaha as equivalent to its own;

Whereas the Board of Trustees, realizing the need for expanded facilities and programs would not be met through voluntary donations, voted in 1929 to turn over the University of Omaha to the City of Omaha to establish a municipal university;

Whereas the World War II years were turbulent for the Nation and required many sacrifices, and students and faculty at the Municipal University of Omaha unselfishly united to support the war effort and their fellow students on active duty with a variety of activities, including replacing the traditional Homecoming bonfire with a scrap drive rally;

Whereas the Municipal University of Omaha, under the leadership of President Milo Bail, responded to the need for expansion due to a postwar boom in student enrollment that threatened to stress facilities and programs by erecting a number of buildings to accommodate the quickly increasing student population, including a field house, library, and student center;

Whereas the Municipal University of Omaha further responded to the needs of returning members of the military by participating in the Bootstrap Program, initiated by the Air Force in 1951, to encourage military personnel to finish degrees that had been started before the War;

Whereas the University Regents, with the goal of strengthening financial solvency as well as offering affordable tuition, agreed to merge with the University of Nebraska beginning July 1, 1968, a decision that has since been lauded as the greatest educational gain in the City's history;

Whereas the University continued to increase program offerings to students, including the development of doctoral programs such as a cooperative program in psychology and joint program in educational administration with the University of Nebraska at Lincoln, independent programs in public administration and criminal justice, and through the generous support of individual donors, the Alumni Association, and the NU Foundation, the creation of numerous named professorships;

Whereas when a need arose for off-campus classrooms and a conference site to accommodate the business community, the University of Nebraska at Omaha worked diligently in both the public and private sectors to secure funding for the establishment of the Peter Kiewit Conference Center in downtown Omaha in 1980;

Whereas the University of Nebraska at Omaha, in partnership with private donors, demonstrated a continued commitment to providing outstanding facilities with the opening of the Durham Science Center in 1987, the Weber Fine Arts Building in 1992, and expansion of the Thompson Alumni Center in 2006;

Whereas the University of Nebraska at Omaha provides valuable resources and expertise to the State of Nebraska through the Nebraska Business Development Center, which produces an annual economic impact of $350,000,000 and serves 200 communities;

Whereas the University of Nebraska at Omaha established a Teacher's College in 1908 that produces educators who teach in all 50 states, the District of Columbia, and 73 other countries;

Whereas the University of Nebraska at Omaha worked with business leaders to establish the Peter Kiewit Institute of Information Science, Technology and Engineering to help meet the employment needs of the Nation's technology and engineering firms, as well as offer students a premiere educational opportunity;

Whereas the Peter Kiewit Institute of Information Science, Technology, and Engineering has received accolades from many organizations, including the National Science Foundation and Carnegie Mellon; and

Whereas 2008 is the 100th anniversary of the founding of the University of Nebraska at Omaha, with commemorations beginning October 8, 2008: Now, therefore, be it

Resolved, That the House of Representatives—

(1) requests that the President issue a proclamation recognizing the 100th anniversary of the founding of the University of Nebraska at Omaha and calls upon citizens to observe such an anniversary with appropriate ceremonies and activities; and

(2) encourages State and local governments to recognize the partnership among the City of Omaha, its citizens, and the University of Nebraska at Omaha to build a vibrant and dynamic community.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1372 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in full support of H.R. 1372, which celebrates the University of Nebraska at Omaha's 100 years of service and partnership between the City of Omaha and its citizens.

Founded in 1908, Omaha, Nebraska and Bellevue citizens worked together to create a nonsectarian university where local high school residents could receive a college education.

Starting with only 26 students in their first class, the University of Nebraska at Omaha has blossomed into an esteemed university. Today, the University enrolls almost 14,000 students and offers a diverse range of academic courses.

□ 1800

With only 71 undergraduate majors, 45 masters degree programs, 17 graduate certificates and six doctoral programs, UNO possesses a wide array of courses for its students. The school makes a tremendous social and financial impact on its students and city. Students receive a quality college education, and the school generates $350 million per year for the community.

UNO's unique history speaks to its accepting and inclusive culture. UNO started off as the University of Omaha. Due to financial difficulties and the high number of students who wanted to attend, in 1929 the board of trustees voted to establish a municipal university. The newly named Municipal University of Omaha prospered and relocated to its final location on 60th and Dodge Streets in the fall of 1936.

Later the university regents agreed to merge with the University of Nebraska. As a result, University of Nebraska at Omaha was born. That merger created a more sustainable and affordable college education, a principle the school lives by today.

Mr. Speaker, once again, I express my full support for the University of Nebraska at Omaha.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I wish to yield as much time as he may consume to the gentleman who is the sponsor of House Resolution 1372 and an alumnus of the University of Nebraska at Omaha, as opposed to the University of Nebraska at New Orleans or something, such time as he may consume for this particular issue.

Mr. TERRY. I thank the gentleman, and I thank the committee leadership for bringing this resolution to the floor. I, of course, as the author, rise in support of H. Res. 1372, a resolution celebrating the 100th anniversary of the University of Nebraska at Omaha. I do want to start off at the beginning to tell my friend from Texas (Mr. HINOJOSA) that this is not the University of Nebraska-Lincoln Huskers. This is the number-sixth-rated-in-the-Nation University of Nebraska at Omaha Division II football. That is a distinction that, once made, garnered a lot more supporters. So when it comes to voting, I want to make that distinction.

In October of 1908, 26 students gathered to form the first class at the University of Omaha, achieving the goal the city fathers decreed to create a nonsectarian university where local high school graduates could receive a college education. Over the tumultuous years ahead, the University of Omaha grew in size and reputation, outgrowing its original buildings and then relocating to its current home near Memorial Park in what was then the far west edge of the town and now known as ''Midtown.''

In time, the University of Omaha would be known as the Municipal University of Omaha and in 1968 would become part of the University of Nebraska system, developing doctoral programs in conjunction with the flagship campus in Lincoln, as well as a number of independent programs in the field of public administration and criminal justice. UNO, as it then would become to be known, would become known for its remarkable programs in engineering, IS&T, and technology fields that are housed in the Peter Kiewit Institute as well as the university's renowned aviation program.

Today the University of Nebraska at Omaha has a significant impact on eastern Nebraska and western Iowa, serving over 250 communities and contributing nearly $300 million in economic impact to that area. With a current enrollment of nearly 15,000 students, the University of Nebraska at Omaha has grown significantly and in measurable ways. It has bettered the lives of the citizens of Omaha and has taken its place among some of the finest public universities of its size in the region.

Mr. Speaker, I urge my fellow Members to vote in favor of this resolution in recognition of a truly unique and outstanding educational institution as it celebrates its 100th anniversary in October of this year. And go Mavericks!

Mr. HINOJOSA. Mr. Speaker, I have no other speakers on this bill. But before I give up my time, I want to say to Congressman LEE TERRY that there's no doubt in my mind that the University of Nebraska is certainly one to be reckoned with, and the University of Texas Longhorns always have to think very, very hard and be very well prepared to be able to take those Nebraska Cornhuskers.

With that, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I would also like to say a few words in support of this particular resolution that congratulates the University of Nebraska at Omaha in its 100th anniversary of its founding, which will be 100 years on September 19 of this year. I would like to thank my colleague, Mr. TERRY, for introducing this resolution. I also have to clarify that he was not the alumnus. His wife is the alumna of this institution. And I want to recognize the contributions the University of Nebraska at Omaha has made to the education of the citizens of this Nation.

It was founded with just 26 students and now serves over 14,000. In the 2006–2007 academic year, the university awarded over 2,400 degrees to its students. The University of Nebraska at Omaha is nationally recognized for a strong academic program. Last year alone, the university was honored as one of the Best Colleges 2007 list, and the Best Midwestern College 2007 list and the Best Graduate Schools 2009 list, as published by ''U.S. News & World Report.'' In addition, the College of Business Administration's masters in business in administration students rank in the top 5 percent nationally, while the undergraduate students ranked in the top 15 percent on the most recent standardized exam on business topics.

University of Nebraska at Omaha has graduated such notable alumni as Marlin Briscoe, Peter Fonda, and a couple of Senators. Despite that fact, it is still a good school. I would like to congratulate all of the students, the alumni, and past and present employees on all they have accomplished over the last 100 years at the University of Nebraska at Omaha.

While I urge my colleagues to support this resolution, our efforts to help these college students will still be incomplete if we don't recognize the factors that all colleges are facing. Our higher education system is being squeezed by the high energy costs, just as the rest of society is. Schools are being forced to limit their operations, to reduce the number of school days just to save on utility costs and save their students the price of a day's commute. I know in both regular education as well as secondary education that the budgets for those particular institutions are written very narrowly and that whenever there is an unusual spike in something like the cost of electricity and the cost of fuel, that it is taken out primarily either in the short term or the long-term from the funds that are available for the faculty and for teachers for their salaries. It is simply a fact of life that if we do not get control of this energy crisis that is burgeoning, every school district in this Nation, whether it be a secondary,

elementary, public or private or university level, every one of those schools is going to have the costs that will be borne by the teachers either in suppressed salaries at the current time or suppressed salaries into the future. That is the price we are paying for our failure to try to grasp this particular concept.

The majority has been meeting behind closed doors to craft a bill to offer what seems to be, at least from leaks coming out, more political cover than actual reform. I am reminded of the U.S. Senate. The U.S. House has always had galleries so that people could watch what is taking place. But at the very beginning of the United States, the Senate convened in a closed room and no one could see what was taking place in that particular Chamber. The first employee of the United States Senate was actually the Senate secretary, a protege of John Adams who held the job for 25 years. The second employee of the Senate was the doorkeeper whose responsibility was to make sure that the public and House Members did not enter into the Chamber of the United States Senate. In fact, the Senate went on at that time to establish a funding schedule that would pay all Members of Congress $6 a day and Members of the Senate $7 a day. They also established a rule that a secretary could take any communication to the House, but at least two House Members had to be responsible for taking any communication to the Senate.

Well, the doorkeeper turned into the Sergeant of Arms as time went on. And eventually the Senate broke down and decided to actually allow people to watch the proceedings on the floor. Yet once again we find ourselves in an amazingly similar situation where the most important issue of our time is what we do with this energy crisis, and yet the bill that is supposed to be debated this day, this week on the floor, supposed to be being heard in Rules Committee as we speak, has yet to be heard in any public forum, has not had any kind of public hearing, and has not had any kind of committee work. And my bets are still that there won't be a heck of a lot of amendments that will be allowed to that particular procedure, all of it done in secret and private and then unveiled on the floor.

That is not the way of good regular order. Regular order should allow public process and open vetting so that all ideas are explored and the best ideas are those that surface to the top. We are not doing that this week. And we vitally and desperately need to do that, or just go back to the days where we keep a couple of doorkeepers around so the wrong people are not allowed to participate in the process of the policy of the United States.

We need to do that. We need a real energy policy that looks good not on paper, but keeps vital American resources viable and usable, not under lock and key. The students of this college need that for their future. All students need that for their future. Teachers need that if their retirement and their salaries are going to be kept impact. All of us need that if this economy is going to be vibrant and move forward.

Mr. Speaker, I do not have other speakers at this time, and I would yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 1372, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

FORMER VICE PRESIDENT PROTECTION ACT OF 2008

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on suspending the rules and concurring in the Senate amendments to the bill, H.R. 5938.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5938.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 14 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1200, de novo;

H. Con. Res. 390, de novo;

H.R. 6889, by the yeas and nays.

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

HONORING MILITARY SUPPORT GROUPS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1200, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1200, as amended.

The question was taken.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 374, nays 0, not voting 59, as follows:

[Roll No. 589]

YEAS—374

Abercrombie	Bishop (NY)	Campbell (CA)
Ackerman	Bishop (UT)	Cannon
Aderholt	Blackburn	Cantor
Akin	Blumenauer	Capito
Alexander	Blunt	Capps
Allen	Boehner	Capuano
Altmire	Bono Mack	Cardoza
Andrews	Boozman	Carnahan
Baca	Boren	Carney
Bachmann	Boswell	Carson
Bachus	Boucher	Carter
Baird	Boyd (FL)	Castle
Baldwin	Boyda (KS)	Castor
Barrow	Braley (IA)	Cazayoux
Bartlett (MD)	Broun (GA)	Chabot
Barton (TX)	Brown (SC)	Chandler
Bean	Brown-Waite, Ginny	Childers
Becerra	Buchanan	Clarke
Berkley	Burgess	Clay
Berman	Burton (IN)	Cleaver
Berry	Butterfield	Clyburn
Biggert	Buyer	Coble
Bilbray	Calvert	Cohen
Bilirakis	Camp (MI)	Cole (OK)
Bishop (GA)		Conaway

Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards (MD)
Edwards (TX)
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—59

Arcuri
Barrett (SC)
Bonner
Boustany
Brady (PA)
Brady (TX)
Brown, Corrine
Costello
Cubin
Culberson
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Ellison
Green, Al
Green, Gene
Gutierrez
Harman
Hodes
Hooley
Hulshof
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Kind
LaHood
Lampson
Lewis (KY)
Lipinski
Maloney (NY)
McCarthy (CA)
McCaul (TX)
McNerney
Miller, George
Murphy, Patrick
Neal (MA)
Neugebauer
Paul
Payne
Pitts
Poe
Pryce (OH)
Regula
Reichert
Reynolds
Rohrabacher
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Shuler
Shuster
Space
Taylor
Udall (CO)
Udall (NM)
Walberg
Watson

□ 1857

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE FOR HURRICANE VICTIMS ALONG THE GULF COAST

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

Mr. ORTIZ. Mr. Speaker, as everybody knows, the Gulf Coast has been battered by numerous hurricanes this summer, including Dolly, Gustav and, this past weekend, Ike. Let us keep those affected by these storms, as well as our local and State officials, our brave search and rescue workers and our first responders, in our thoughts and prayers.

On behalf of my colleagues, many who are back home, serving their constituents during this time of need, please join me in observing a moment of silence for those who lost their lives all along the Gulf Coast in these storms.

The SPEAKER pro tempore. Members will rise, and all guests of the House will rise for the observance of this moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

HONORING THE 28TH INFANTRY DIVISION FOR SERVING AND PROTECTING THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 390, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 390, as amended.

The question was taken.

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

Ms. GRANGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 374, nays 0, not voting 59, as follows:

[Roll No. 590]

YEAS—374

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards (MD)
Edwards (TX)
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter

Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—59

Arcuri
Barrett (SC)
Bonner
Boustany
Brady (PA)
Brady (TX)
Brown, Corrine
Cannon
Costello
Cubin
Culberson
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Ellison
Green, Al
Green, Gene
Gutierrez
Harman
Hodes
Hooley
Hulshof
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Kind
LaHood
Lampson
Lewis (KY)
Lipinski
Maloney (NY)
McCarthy (CA)
McCaul (TX)
McNerney
Miller, George
Murphy, Patrick
Neal (MA)
Neugebauer
Paul
Payne
Pitts
Poe
Pryce (OH)
Regula
Reichert
Reynolds
Rohrabacher
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Shuler
Shuster
Space
Taylor
Udall (CO)
Udall (NM)
Walberg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members, there are 2 minutes remaining for voting.

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT EXTENSION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6889, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill, H.R. 6889.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 368, nays 4, not voting 61, as follows:

[Roll No. 591]

YEAS—368

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards (MD)
Edwards (TX)
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—4

Broun (GA)
Flake
Foxx
Price (GA)

NOT VOTING—61

Allen
Arcuri
Barrett (SC)
Bonner
Boustany
Brady (PA)
Brady (TX)
Brown, Corrine
Costello
Cubin
Culberson
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Ellison
Green, Al
Green, Gene
Gutierrez
Harman
Hodes
Hooley
Hulshof
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Kind
LaHood
Lampson
Lewis (KY)
Lipinski
Maloney (NY)
McCarthy (CA)
McCaul (TX)
McNerney
Miller, George
Murphy, Patrick
Neal (MA)
Neugebauer
Paul
Payne
Pearce
Pitts

Poe	Sánchez, Linda T.	Space
Pryce (OH)	Sanchez, Loretta	Taylor
Regula	Saxton	Thompson (MS)
Reichert	Shuler	Udall (CO)
Reynolds	Shuster	Udall (NM)
Rohrabacher		Walberg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1916

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6842, NATIONAL CAPITAL SECURITY AND SAFETY ACT

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–852) on the resolution (H. Res. 1434) providing for consideration of the bill (H.R. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6384

Mr. HELLER of Nevada. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 6384.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3995

Ms. SHEA-PORTER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor to H.R. 3995.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM REAUTHORIZATION OF 2008

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6503) to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6503

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2008''.

SEC. 2. REAUTHORIZATION OF THE MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

Section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14181) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GRANT.—Subject to the availability of appropriations to carry out this section, the Attorney General, through the Bureau of Justice Assistance and in consultation with the Secretary of Health and Human Services, shall award competitive grants to nonprofit organizations to assist such organizations in paying for the costs of planning, designing, establishing, and operating locally based, proactive programs to protect and locate missing patients with Alzheimer's disease and related dementias and other missing elderly individuals.'';

(2) in subsection (b)—

(A) by inserting ''competitive'' after ''to receive a''; and

(B) by adding at the end the following new sentence: ''The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice.'';

(3) by amending subsection (c) to read as follows:

''(c) PREFERENCE.—In awarding grants under subsection (a), the Attorney General shall give preference to national nonprofit organizations that have a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.''; and

(4) by amending subsection (d) to read as follows:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2009 through 2015.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 6503, the Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2008, helps to address the serious problem of seniors who go missing each year as a result of dementia.

The Missing Alzheimer's Disease Patient Alert Program was created in 1994. While Congress has continued to support and fund it, its formal authorization expired in 1998. This legislation, sponsored by the gentlelady from California (Ms. WATERS), will reauthorize the program.

It authorizes the Attorney General to award competitive grants to nonprofit organizations for the planning, establishing, and operating locally based programs to protect and locate missing persons with Alzheimer's disease, dementia, or other problems.

This is an excellent measure that responds to a critical problem. Accordingly, I urge my colleagues to support the legislation.

I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, I rise in support of this legislation and yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6503, the Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2008, and I would ask unanimous consent to yield the balance of the time on our side to a member of our conference who, while not a member of the Judiciary Committee of the House, Congressman TIM MURPHY of Pennsylvania is a man who possesses a Ph.D. in psychology, has a deep personal interest and background in this area and it seems to us to be altogether fitting if he'd carry our support for this important and bipartisan legislation.

So by unanimous consent, I would like to yield the balance of our time to Mr. MURPHY to carry that legislation.

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

There was no objection.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I thank the gentleman from Indiana for allowing me to participate in this particular bill to help not only our seniors but everyone who is afflicted, the 5 million Americans who suffer from Alzheimer's disease or dementia. Of these, nearly 3 million, or 60 percent, will become lost from their families or loved ones or caretakers. If not found within 24 hours, up to half will become seriously injured or die.

H.R. 6503, the Missing Alzheimer's Disease Patient Alert Program, will increase the chance of locating missing persons suffering from this disease within the critical first 24 hours. H.R. 6503 authorizes funds for grants for nonprofit organizations to assist in paying for the costs of establishing and operating programs to protect and locate missing patients with Alzheimer's disease.

With police departments now being called upon to find missing elderly, these community organizations are critical in assisting law enforcement officials with their searches. Tips from family and people in the community often lead to the whereabouts of any missing person, including the elderly.

Each year, thousands more Americans are being diagnosed with Alzheimer's disease and other forms of dementia. The symptoms of these diseases often leave their victims feeling disoriented, lost, and vulnerable. H.R. 6503, the Missing Alzheimer's Disease Patient Alert Program, provides support to those local programs working everyday to offer these patients protection and their loved ones some peace of mind.

I might add here that just this weekend I found out a dear friend of mine was recently diagnosed with Alzheimer's. He's been a long-distance runner for all of his adult life, and ironically enough, he's still able to go out and find trails and run on them, but it is something that his doctors are concerned about for him that one day will he, too, become one who is perhaps lost as he tries to negotiate his community and his neighborhood.

Certainly for folks like my friend and others around the country who are suffering from dementia, early states or later, we have to recognize the value and importance of this bill. I might note this passed the Judiciary Committee unanimously, and I certainly urge all of my colleagues to support this legislation.

With that, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I will yield the balance of the time to the gentlelady from California (Ms. WATERS), a member of the Judiciary Committee and the author of the bill.

Ms. WATERS. I would first like to thank the gentleman from Virginia, Mr. BOBBY SCOTT, for the time. And I thank him for making sure that this bill come to the floor tonight.

I rise in strong support of my bill, H.R. 6503, the Missing Alzheimer's Disease Patient Alert Program Reauthorization Act. The Missing Alzheimer's Disease Patient Alert Program is a Department of Justice program that helps local communities and law enforcement officials quickly identify persons with Alzheimer's disease who wander or who are missing and reunite them with their families.

Since its inception more than 10 years ago, this program has funded a national registry of more than 172,000 individuals at risk of wandering and has reunited over 12,000 wanderers with their families.

It is a highly successful program whereby 88 percent of registrants who wander are found within the first 4 hours of being reported missing. A total of 1,288 wandering incidents were reported to the program in 2007. The program has a 98 percent success rate in recovering enrollees who are reported missing.

There also are technology-based options to address wandering that should be considered for funding under the Missing Alzheimer's Patient Program. For example, personalized wristbands that emit a tracking signal can be used to locate wanderers. These wristbands, when combined with specially trained search and rescue teams, can reduce search times from hours and days to minutes.

Congress originally authorized $900,000 in appropriations for the Missing Alzheimer's Patient Program for 3 years, that is 1996 through 1998, but never reauthorized or updated the program. Since then, the program has continued to receive funding on a year-to-year basis, but funding has remained virtually flat since its inception.

H.R. 6503 reauthorizes updates and expands the Missing Alzheimer's Patient Program. The program authorizes up to $5 million per year in appropriations for fiscal years 2009 through 2015, a modest increase over the current appropriation of $1 million in fiscal year 2008.

The bill expands the program so as to allow the Department of Justice to award multiple competitive grants to nonprofit organizations. Preference would be given to national nonprofit organizations that have a direct link to patients and families of patients with Alzheimer's disease and related dementias.

Finally, the bill specifies that the program will be operated under the Department of Justice's Bureau of Justice Assistance. Currently, the program is operated under the Office of Juvenile Justice, which is obviously not the most appropriate agency for a program serving the elderly.

H.R. 6503 has 25 bipartisan cosponsors, including the cochairs of the Congressional Alzheimer's Task Force, Congressmen EDWARD MARKEY and CHRISTOPHER SMITH. The bill is also supported by the Alzheimer's Foundation of America and Project Lifesaver.

Furthermore, on May 14, a diverse group of over 85 national State and local organizations sent a letter to the members of the House Judiciary Committee supporting this approach to the reauthorization of the Missing Alzheimer's Patient Program.

The Missing Alzheimer's Patient Program is a critical resource for first responders. It saves law enforcement officials valuable time, allowing them to focus on other national and local security concerns. It is critical that we reauthorize and expand this small but effective program.

I urge my colleagues to support H.R. 6503. And with that, I thank all of those who have worked to bring this bill to the floor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for your leadership in bringing this bill to the floor. I support H.R. 6503, to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program. I urge my colleagues to support this bill.

Thousands of vulnerable older adults go missing each year as a result of dementia, diminished capacity, foul play or other unusual circumstances. The Alzheimer's Foundation of America estimates that over five million Americans suffer from Alzheimer's disease, and that 60 percent of these are likely to wander from their homes. Alzheimers diseases and other dementia related illnesses often leave their victims disoriented and confused and unable to find their way home. According to the Alzheimers Association, up to 50 of wanderers risk serious illness, injury or death if not found within 24 hours. The problem can be exacerbated greatly by national disasters, such as Hurricane Katrina, that can, in a matter of hours, increase the number of missing persons by the thousands.

H.R. 6503 reauthorizes the existing Missing Alzheimer's Disease Patient Alert Program. The bill authorizes $5 million for each fiscal year through 2015 for competitive grants to nonprofit organizations. The money may be used to pay for the "costs of planning, designing, establishing, and operating locally based, proactive programs to protect and locate missing patients with Alzheimers disease and related dementias and other missing elderly individuals." The bill states a preference for "national nonprofit organizations that have a direct line to patients, and families of patients, with Alzheimers disease and related dementias."

When I consider the necessity of this bill, I am reminded about the time when I was personally called upon by a constituent in the 18th Congressional District in Texas. A few years back, the family of Mr. Sammy Kirk, enlisted my help in searching for Kirk. Mr. Kirk was an elderly man, suffering from Alzheimers and he had wandered away from his family in Houston. He was lost. His family called me to help search for him. I, along with his family, searched many hours and many days. In total, I searched for three days for Mr. Kirk. Finally, Mr. Sammy Kirk was found. He was found and he was dead. He wandered many miles away from his family and was found dead along the bayou. It would have been so much easier, and his life could have been spared if there was an electronic monitoring service that could have been used to help keep Mr. Kirk close to his and family and it would have certainly aided in our search for Mr. Kirk. An innocent, yet vulnerable, life could have been saved. This bill is necessary and I encourage my colleagues to support it.

□ 1930

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6503.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM ACT

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5167) to amend the National Defense Authorization Act for Fiscal Year 2008 to remove the authority of the President to waive certain provisions, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5167

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Justice for Victims of Torture and Terrorism Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) During the Gulf War against Iraq in 1991, Americans serving in the United States Armed Forces were captured, became Prisoners of War (POWs), and were subsequently tortured, beaten, starved, hooked to electrical shock devices, and subjected to other horrendous acts by Saddam Hussein's regime.

(2) CBS News reporter Bob Simon and cameraman Roberto Alvarez were kidnapped while on assignment during the 1991 Gulf War and were held and tortured, along with the American POWs.

(3) Following the Iraqi invasion of Kuwait in August 1990, many United States citizens were detained by Iraq, beaten, subjected to cruel, inhumane and degrading treatment, confined under deplorable conditions, and used as ''human shields'' for the avowed purpose of preventing the United States and its coalition allies from using military force to liberate Kuwait.

(4) At the time these acts occurred, the Department of State had classified Iraq as a state sponsor of terrorism.

(5) The brave American POWs and American civilian hostages have suffered long-term physical, emotional, and mental damage as a result of this brutal, state-sponsored torture and terrorism.

(6) When the American POWs returned home after the Gulf War ended, they were given a hero's welcome by then Secretary of Defense Dick Cheney, who told them, ''Your country is opening its arms to greet you''.

(7) During the Gulf War, the Congress unanimously passed resolutions condemning the brutal treatment by the Government of Iraq of captured United States service members, demanding that the Government of Iraq abide by the Geneva Convention regarding the treatment of prisoners of war, and stating an intention to hold Iraq accountable for the torture of American POWs.

(8) In 1996, Congress passed an amendment to the Foreign Sovereign Immunities Act (FSIA) provisions of title 28, United States Code, so that torture victims like the American POWs and the American ''human shield'' victims from the Gulf War could seek compensation for their injuries from terrorist countries, including Iraq.

(9) On April 4, 2002, 17 Gulf War POWs and their families filed claims in the United States District Court for the District of Columbia seeking compensation for damages related to their torture and abuse by the Government of Iraq. The POWs included Colonel Clifford Acree, USMC (Ret.); Lieutenant Colonel Craig Berryman, USMC (Ret.); Former Staff Sergeant Troy Dunlap, US Army; Colonel David Eberly, USAF (Ret.); Lieutenant Colonel Jeffrey D. Fox, USAF (Ret.); Chief Warrant Officer 5 Guy Hunter, USMC (Ret.); Sergeant David Lockett, US Army; Colonel H. Michael Roberts, USAF; Colonel Russell Sanborn, USMC; Captain Lawrence Randolph Slade, USN (Ret.); Major Joseph Small, USMC (Ret.); Staff Sergeant Daniel Stamaris, US Army (Ret.); Lieutenant Colonel Richard Dale Storr, Air National Guard; Lieutenant Colonel Robert Sweet, USAF; Lieutenant Colonel Jeffrey Tice, USAF (Ret.); Former Lieutenant Robert Wetzel, USN; and Former Commander Jeffrey Zaun, USN.

(10) In 2003, after the Government of Iraq repeatedly refused to participate in arbitration on the damage claims, and after hearing evidence of how the former POWs had been repeatedly tortured, a judge awarded them a judgment for damages, stating that ''deterring torture of POWs should be of the highest priority''.

(11) Despite this ruling, the POWs and their families have not received payment, and are unable to further pursue their claims in United States courts because of the waiver that was granted for Iraq by the President under authority established in the National Defense Authorization Act for Fiscal Year 2008.

(12) In December 2001, after conducting an evidentiary hearing, the United States district court held, in Hill v. Republic of Iraq, that Iraq was liable for having taken United States citizens hostage following the Iraqi invasion of Kuwait and subsequently awarded 180 of those former hostages and their spouses a judgment for damages.

(13) On March 20, 2003, on the eve of Operation Iraqi Freedom, the President of the United States directed that all of the judgments that had been awarded in Hill v. Republic of Iraq be paid from moneys held in blocked Iraqi accounts.

(14) On that same date, the President issued an Executive order confiscating all remaining blocked assets of Iraq and ordering them to be deposited into the United States Treasury to be used for Iraq reconstruction.

(15) The claims of more than 200 United States citizens who, at the same time and in the same manner as the Hill plaintiffs, were held hostage in territory occupied by Iraq are currently pending in a United States district court in the case of Vine v. Republic of Iraq.

(16) The plaintiffs in Vine v. Republic of Iraq have not been compensated and are unable to enforce any judgment they may obtain in United States courts because of the waiver that was granted for Iraq by the President under authority established in the National Defense Authorization Act for Fiscal Year 2008.

(17) Article 131 of the Third Geneva Convention relative to the Treatment of Prisoners of War (August 12, 1949) prohibits the United States as a party to that treaty from absolving the Government of Iraq of any liability incurred due to the torture of prisoners of war, such as the American POWs referred to in this section.

(18) The United States has a moral obligation to protect its past, present, and future members of its Armed Forces, and all United States citizens, from torture and hostage-taking, and the Congress is committed to holding state sponsors of terrorism accountable for such horrendous acts.

SEC. 3. RESOLUTION OF CERTAIN CLAIMS AGAINST IRAQ.

(a) RESOLUTION BY IRAQ OF CERTAIN CLAIMS.—

(1) IN GENERAL.—Unless the President, before the end of the 90-day period beginning on the date described in paragraph (2)(A), certifies to the Congress that the Government of Iraq has adequately settled the claims in the cases referred to in subsection (b), then, upon the expiration of that 90-day period, the waiver authority granted to the President in section 1083(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 343), and any waiver granted before the end of that 90-day period under such authority, shall terminate.

(2) DATE DESCRIBED.—

(A) IN GENERAL.—The date described in this paragraph is—

(i) 30 days after the date of the enactment of this Act, unless the President has certified to the Congress, before the end of that 30-day period, that—

(I) the Government of Iraq has not, before, on, or after the enactment of this Act, compensated any foreign persons or entities for claims or liabilities incurred by or under the control of the Saddam Hussein regime, including, but not limited to, commercial or financial claims, and claims for acts against individuals similar to those described in section 1605A(a)(1) of title 28, United States Code; or

(II) negotiations are ongoing with the Government of Iraq to settle the claims in the cases referred to in subsection (b), and the President believes that those negotiations are being conducted in good faith and could lead to a satisfactory settlement of those claims; or

(ii) if a certification is made under clause (i), the day after the date on which that certification terminates or, if a subsequent certification is in effect under subparagraph (B), the day after the date on which the last such certification terminates.

(B) DURATION OF CERTIFICATIONS.—A certification under subclause (I) or (II) of subparagraph (A)(i) terminates 180 days after it is made. The President may make subsequent certifications under subclause (I) or (II) of subparagraph (A)(i) for periods of not more than 180 days each.

(b) CASES.—The cases referred to in subsection (a)(1) are cases numbered 99:00CV03346 (TPJ), 1:01CV02674 (HHK), CIV.A. 02-632 (RWR) (July 7, 2003), 1:03CV00691 (HHK), and 1:03CV00888 (HHK), in the United States District Court for the District of Columbia.

(c) ADEQUATE SETTLEMENT.—For purposes of subsection (a)(1), adequate settlement means payment by the Government of Iraq of, or an unqualified and unconditional guarantee made by a United States depository institution to pay within 30 days after the end of the 90-day period described in subsection (a)(1), at least the following amounts to the following persons:

(1) To any person—

(A) whose claim in the applicable case referred to in subsection (b) arose from an act of hostage taking or from being held in hostage status, and

(B) who has not obtained a judgment on the claim before the date of the enactment of this Act,

$150,000, plus $6,000 for each day the person was held as a hostage, but in no event more than $900,000.

(2) To any person—

(A) whose claim in the applicable case referred to in subsection (b) arose from an act of hostage taking or from being held in hostage status,

(B) who, while a hostage, was subjected to torture, and

(C) who has not obtained a judgment on the claim before the date of the enactment of this Act,

$2,500,000, plus $6,000 for each day the person was held as a hostage.

(3) To a plaintiff in the applicable case referred to in subsection (b) who is the spouse or child of any person who qualifies for receipt of payment under paragraph (1) or (2), one third of the amount that such person qualifies for receipt under such paragraph.

(4) To any person who, before the date of the enactment of this Act, obtained a judgment for compensatory damages in a case referred to in subsection (b) (regardless of whether such judgment was subsequently vacated)—

(A) payment of the unsatisfied amount of such judgment, in an amount that is the lesser of $1,000,000 or the unsatisfied amount of the award; and

(B) if the amount of the judgment exceeds $1,000,000, one third of the unsatisfied amount of such excess.

(d) ADDITIONAL CONDITION IN CASE OF GUARANTEE OF PAYMENT.—If the claims in the cases referred to in subsection (b) are adequately settled for purposes of subsection (a)(1) because of a guarantee of payment by a depository institution within the 30-day period specified in subsection (c), and such payment is not made within that 30-day period, then upon the expiration of that 30-day period, the waiver authority described in subsection (a)(1), and any waiver granted before the end of that 30-day period under such authority, shall terminate.

(e) DEFINITIONS.—In this section:

(1) FOREIGN PERSON OR ENTITY.—The term ''foreign person or entity'' means—

(A) an individual other than a national of the United States; and

(B) a person or entity, other than an individual, that is organized under the laws of a country other than the United States.

(2) HOSTAGE.—The term ''hostage'' means an individual in hostage status or an individual seized or detained in the commission of an act of hostage taking.

(3) HOSTAGE STATUS.—The term ''hostage status'' has the meaning given that term in section 599C(d)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101–513).

(4) HOSTAGE TAKING.—The term ''hostage taking'' has the meaning given that term in section 1605A(h)(2) of title 28, United States Code.

(5) NATIONAL OF THE UNITED STATES.—The term ''national of the United States'' has the meaning given that term in section 1605A(h)(5) of title 28, United States Code.

(6) TORTURE.—The term ''torture'' has the meaning given that term in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note).

(7) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(8) UNITED STATES DEPOSITORY INSTITUTION.—The term ''United States depository institution'' means a depository institution organized under the laws of any State, the District of Columbia, or the United States, including a branch or agency of a foreign depository institution.

SEC. 4. LIMITATION ON CERTAIN CLAIMS.

No funds of the United States Government may be used to pay any claim—

(1) that is cognizable under section 1605A of title 28, United States Code, as added by section 1083 of the National Defense Authorization Act for Fiscal Year 2008, for money damages against Iraq for personal injury or death that was caused by acts committed by an official, officer, or employee of the Iraqi Government under Saddam Hussein; and

(2) with respect to which the waiver authority under section 1083(d) of the National Defense Authorization Act for Fiscal Year 2008 has been or may be exercised.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, the Justice and Victims of Torture and Terrorism Act, introduced by the gentleman from Iowa (Mr. BRALEY) and the gentleman from Pennsylvania (Mr. SESTAK), will enable American POWs and civilians to hold the Government of Iraq liable for the physical and emotional injuries they sustained while held captive by Iraqi officials during the Gulf War.

During the Persian Gulf War, American pilots captured by Iraq were brutalized in horrendous ways. They were starved, exposed to extreme temperatures, severely beaten, and subjected to mock executions.

Because Iraq believed that these pilots had more sensitive information, they were subjected to especially brutal treatment. They sustained long-lasting physical and emotional injuries.

American civilians who had the misfortune of being held in Iraq at the time it invaded Kuwait were held hostage as ''human shields,'' used as leverage to interfere with the campaign to liberate Kuwait and defeat the Iraqi forces. These civilians were held in cruel and degrading conditions and forced to live in constant fear.

While Congress has supported giving terrorism victims the right to obtain effective relief, the executive branch has allowed State Department sensitivities to overshadow the fundamental rights of these victims to fair redress.

In amending the Foreign Sovereign Immunities Act in 1996, Congress intended to create a Federal statutory cause of action for American victims of terrorism, so that they could hold foreign States that commit or provide material support for terrorist acts accountable in United States courts.

Congress reaffirmed that intent last December in the National Defense Authorization Act. Unfortunately, the President vetoed the bill on that basis and insisted that the Congress give him waiver authority for Iraq, which he promptly exercised, once again placing relief out of reach for these victims.

In its introduced form, the bill simply rescinded that waiver authority. It has now been amended, with the assistance of the sponsors, as well as the gentleman from California (Mr. ISSA), working with the victims and their families.

The bill we are considering today would give the Iraqi Government 90 days after enactment to satisfactorily settle the claims of American victims to prevent the waiver authority from being rescinded.

The waiver authority would also survive if the President certifies that Iraq has no settlement claims of non-Americans that are similar to the claims of the POWs and human shields and has not settled commercial debts to foreign corporations.

The amended bill also specifies limits on the damage awards, to remove any argument about potentially open-ended liability. The specified amounts are a fraction of the outstanding judgment awards and pending claims.

Under this proposal, the Iraqi Government would be required to pay approximately $415 million. The amount of recovery sought is de minimis relative to the 20 to $32 billion in commercial claims that Iraq has reportedly settled with the corporations in Japan and Korea. It also amounts to perhaps 1 percent of the Iraqi Government assets held in United States banks.

I believe that holding Iraq accountable is an essential element in its full rehabilitation in the community of nations. This holds true to well-settled international law, as well as the Geneva Convention.

I commend my colleagues, Mr. BRALEY and Mr. SESTAK, for their leadership and unwavering dedication in bringing this important legislation forward. I also commend the Judiciary Committee ranking member, Mr. SMITH, and the gentleman from California (Mr. ISSA) for their leadership in making this a bipartisan effort.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of this piece of legislation. I was not aware of it in its earliest authorship. I became aware of it, in addition to the issue which I was aware of, only when it began to move toward our committee. As I looked at both the legislation and those affected, who had worked so valiantly for 17 years to try to bring justice to an unjust occurrence in the history of Iraq, I discovered that we had a

large group of men and women who had been used as human shields, a relatively small group of people who had been tortured at Saddam's hands, Americans.

But what I also discovered was that these people had no other way to focus the injustice of what had happened to them than by seeking a remedy in the courts, and that had been denied them for so long. Now they have that remedy from the courts, and they're being denied the opportunity to avail themselves of it.

Mr. Speaker, if this were just about money, I wouldn't be standing here. This is not. This is about a much larger cause. Throughout our history, we have endeavored to compensate our men and women when we send them to war. We've endeavored to compensate them when they're prisoners of war, but we will never be able to compensate them for the torture that they've received at the hands of barbarians.

The very barbarian who ordered this misconduct, Saddam Hussein, has been executed by the new government of Iraq. The new government of Iraq every day is seeking to reenter the world of justice and civilized nations. They're doing so in a myriad of ways, including settling the wrongful acts of the Saddam regime. This is no different.

The amendments that I asked for, and on a bipartisan way were granted, in the Judiciary Committee sought to make it clear America wants no compensation from the new Iraq government unless it is consistent with other compensation for similar acts of the Saddam Hussein regime. As Mr. SCOTT has already said, the administration of Iraq is making those efforts today, and I know they will negotiate in good faith with the victims of torture if, in fact, they have standing to do so.

That's why we're working on a bipartisan basis to grant the President the ability, if there are not similar settlements, to withhold this capability until or unless there are. I don't want this to be about every past war, but it wouldn't be fair to ask for this if we hadn't previously seen Libya make settlements finally but only after the State Department had withdrawn their objections.

And to most people here on the House floor, World War II is but a memory or a piece of history they've read about. The men and women who were taken at Bataan and other places were tortured. Most of them died. Then, too, we felt that we shouldn't burden the new Japanese Government with the sins of the past government. I think that's a bad precedent.

I believe that the making whole of people for whom you have done more than just conduct war is, in fact, the responsibility on an ongoing basis of a government if they have the ability and certainly if they grant similar compensation to people from other countries or, in the case of Japan, Libya and post-Saddam Iraq, if they grant money damages to companies who often lost nothing but money.

So, Mr. Speaker, I'm going to support this legislation wholeheartedly. I know my Republican colleagues will. I note that this is, in fact, a good message to the administration to facilitate the settlement rather than to stand aside on it.

Mr. Speaker, many members of our armed forces faced horrible abuse and torture at the hands of Iraq's former dictator, Saddam Hussein, during the first Gulf War. We owe those members of the armed forces not only our sympathy, but our deepest thanks for enduring immense pain and suffering for a larger cause that helped keep all of us safe here at home. We also owe those members of the armed forces justice. And that's why we're here today to pass H.R. 5167, the Justice for Victims of Torture and Terrorism Act.

In the closing hours before the most recent House recess, I was very pleased to see the House, and the Senate, send legislation to the President that statutorily approved an agreement that was reached between the State Department and Libya regarding the compensation of Americans injured by Libyan-sponsored terrorism. That legislation was passed by both bodies under unanimous consent. It not only approved the negotiated agreement, which provides for hundreds of millions of dollars in compensation, but it also protected the agreement from being undone by lawyers and judges who would have otherwise interfered with its implementation.

The agreement with Libya shows that State-to-State negotiations for the compensation of victims of terrorism can work. It is a far more effective means of compensating victims than lawsuits, as domestic court judgments are always difficult to enforce, and foreign entities have many ways of moving their funds offshore to avoid collection. Negotiations worked to provide fair compensation for the victims of Libya, and they can work to provide fair compensation to the victims of the torture and terrorism perpetrated by Saddam Hussein's former regime.

I was very pleased to have been able to craft a bill with Chairman CONYERS that not only facilitates, but encourages, State-to-State negotiations with the new democracy in Iraq that is the surest means of providing ultimate compensation for deserving victims. An amendment I offered at committee with Chairman CONYERS, and which is now part of this bill, provides that the negotiations process will be allowed to continue as long as "the President has certified to the Congress . . . that . . . negotiations are ongoing with the Government of Iraq to settle the claims in the [covered] cases . . . and the President believes that those negotiations are being conducted in good faith and could lead to a satisfactory settlement of those claims . . ."

Under this provision, the President must, on a regular basis, provide Congress with a status report attesting to the continuing good faith negotiations between the parties, and to the prospect that those negotiations could lead to a satisfactory settlement. That provision is necessary to help balance several worthy goals.

One of those goals is the maintaining of a stable, free, and democratic Iraq that will help ensure horrors the likes of which were seen under Saddam Hussein will not be seen again. To that end, earlier in this Congress, Congress passed H.R. 4986, which authorized the President to waive lawsuits against the new democracy in Iraq if the President determined that the waiver is in the national security interest of the United States; that the waiver will promote the reconstruction of, the consolidation of democracy in, and the relations of the United States with, Iraq; and that Iraq continues to be a reliable ally of the United States and partner in combating acts of international terrorism. On the day the President signed that provision into law, he signed a waiver and issued a statement justifying the exercise of the waiver authority.

But H.R. 4986 also included a Sense of Congress that provides as follows:

"[T]he President, acting through the Secretary of State, should work with the Government of Iraq on a state-to-state basis to ensure compensation for any meritorious claims based on terrorist acts committed by the Saddam Hussein regime against individuals who were United States nationals or members of the United States Armed Forces at the time of those terrorist acts and whose claims cannot be addressed in courts in the United States due to the exercise of the waiver authority."

It is now time to provide the statutory requirements necessary to implement that Sense of Congress. We do that here today by passing H.R. 5167, which gives our policy of encouraging good faith negotiations to provide fair and tangible compensation to victims of torture the force of statutory law. I urge all my colleagues to support it.

Mr. Speaker, I would reserve the balance of my time while again urging support for the bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 7 minutes to one of the sponsors of the bill, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Speaker, I want to thank Mr. SCOTT and the chairman of the committee, as well as Ranking Member SMITH and my friend from California, for their support for this important bill.

I rise today because preventing torture of U.S. prisoners of war and citizens should be our highest priority as a Nation. This bill, H.R. 5167, is a bipartisan compromise that will finally, after 17 long years, provide justice for American POWs and civilian hostages who were tortured and terrorized by Saddam Hussein's regime.

And to put a human face on this, Mr. Speaker, these are some of the faces of tortured POWs that this bill is designed to address.

My friend Cliff Acree, a colonel in the United States Marine Corps, aviation, and Commander Jeffrey Zaun from the United States Navy were visible faces of the Gulf War invasion and what was happening to our troops in Iraq.

This photograph shows what happens when we put our young men and

women in harm's way and subject them to brutal regimes like what we found when Saddam Hussein invaded Kuwait, and the country of Iraq was labeled as a State sponsor of terrorism which is a necessary predicate to this claim in first place.

Immediately after these captured POWs started showing up on television, this Congress, including the House of Representatives which was under Republican control at that time, passed multiple resolutions condemning the brutal treatment of our prisoners of war, demanding that Iraq abide by the Third Geneva Convention concerning POWs and stated Congress' intention to hold Iraq accountable for tortured POWs.

Why is that important? Because the United States, along with Iraq, are part of the signatory nations to the Third Geneva Convention, and one of the most important articles for the purpose of this bill was article 131, which says no country—and this would include Iraq—shall be allowed to absolve itself or any other country of any liability related to the prohibited treatment of prisoners of war.

It wasn't just our POWs, though. There were civilian hostages taken by the Saddam Hussein regime, including famous CBS news reporter Bob Simon and his cameraman Roberto Alvarez who were kidnapped while on assignment in the Gulf War and were being held and tortured along with the POWs.

There were also numerous civilians who were captured by Saddam Hussein in Kuwait, including children, and were kept and held as human shields and subject to abusive treatment and torture along with our U.S. military forces. That is one of the reasons why this bill came about in the first place.

When these tortured POWs came home—and just so that we can put this into context, these POWs were subjected to cruel physical and mental torture. They were beaten, they were starved, they were hooked to electronic devices and shocked, and subjected to other horrendous acts.

Cliff Acree, the person whose picture is on this chart, had his nose broken on multiple occasions and his skull fractured in addition to being subjected to multiple other forms of abuse.

When these POWs came home, their Secretary of Defense, who was at that time DICK CHENEY, said your country is opening its arms to greet you.

And this body, Congress, acted promptly to address these crimes that were committed in violation of international law by passing amendments to the Foreign Sovereign Immunities Act and, in 1996, provided that Americans tortured and terrorized in Iraq could seek compensation for their injuries from those terrorist countries, including Iraq.

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Now, these Gulf War POWs have been through hell, and they waited a long time for their opportunity to get justice. So in 2003, after the Government of Iraq repeatedly refused to negotiate these claims with them and refused to accept service, a judge awarded these 17 POWs a judgment for damages and stated in his ruling that deterring the torture of POWs should be of the highest priority of this government.

But shortly after that award was entered, this administration, which at that time was engaged in Operation Iraqi Freedom, decided that, even though one group of human shield plaintiffs had been compensated by the Government of Iraq, that they were going to seize the assets that were held in U.S. banks that could have been used to satisfy the payment to these tortured American POWs and instead applied them to the reconstruction of Iraq. And Scott McClellan, who was a White House spokesman, on November 6 said, ''The United States condemns, in the strongest terms, the brutal torture to which these Americans were subjected. However, no amount of money can truly compensate these brave men and women for the suffering they went through at the hands of Saddam Hussein's brutal regime, so that's why we're going to extinguish their claims.''

There is a problem, and this problem was mentioned by my friend Mr. SCOTT, and also by Mr. ISSA; that is, that this argument is hollow when you look at what our government has done to help Iraq resolve $20 billion of commercial debt that are outstanding to companies like Mitsubishi of Japan and Hyundai of Korea. And if you look at the fact that in this fiscal year the Government of Iraq will probably generate somewhere in the neighborhood of $100 billion in oil revenues, this small liability to these tortured American citizens clearly should be a higher priority than settling the commercial debts of Japanese and Korean corporations.

That's why the Justice for Victims of Torture and Terrorism Act requires the Government of Iraq to resolve the claims of American victims who are willing to give up all of their punitive damage award that they've already been awarded by the court and two-thirds of their compensatory damages to try to get this matter resolved and allow Iraq to move forward as a nation that belongs to the international community. And the waiver is only eliminated if Iraq does not pay the victims within the time period allotted. And this time period has been part of the Defense Authorization bill since the President's veto last December and since we came back with a new Defense Authorization bill that passed in early January.

In closing, Mr. Speaker, why does this matter? It matters because preventing the torture of current U.S. citizens and troops should be one of our highest priorities in this body.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield the gentleman an additional minute.

Mr. BRALEY of Iowa. Upholding our international treaty obligations not to absolve sponsors of terrorism and deterring other countries from engaging in the same type of state-sponsored terrorism that Iraq engaged in should be the message that this legislation sends.

This is a bipartisan agreement. We want to work with the administration to see that these deserving heroes finally get the justice they deserve after 17 years.

Mr. ISSA. Mr. Speaker, I continue to reserve.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. SESTAK), an original sponsor of the legislation.

Mr. SESTAK. Mr. Speaker, I would like to speak in support of this bill from a different perspective. My colleagues from Iowa and California spoke very well about this bill and its purpose.

For 31 years, I served in the military under laws that this Congress passed. We knew that we were allowed to kill, but we also knew that this Congress of ours, under the advising and consent agreement in the Senate, had passed a contract with me that I was not to torture. That contract was one that, if I did, I would stain this Nation, and that this Nation then would be held liable, as had been pointed out under the international law that we have accepted for my act of torture. But at the same time, I always knew that I had a contract with this Nation, a Nation of laws, not of men, and that if I were to be tortured, that this Nation would be there for me, that it would uphold its end of this law that we agreed to internationally in 1949—and that was that we would hold another country liable for that act of torture against me, someone who wore the cloth of this Nation for 31 years.

That contract—that this Nation is actually a Nation of laws and not of men—is what is beat into us day after day in the military. In 1996, one administration passed a law, the Foreign Sovereign Immunities Act, and said, you men, you can sue. Another administration in 2008 passed another law, the Terrorism Risk Insurance Act, and said, you men, you can, under law, sue. That someone, for whatever reason, decided that this contract with our military members would not be upheld I think is a stain on the institution of the Presidency and upon this institution of Congress if we do not uphold that contract with our warriors.

The best picture in the Pentagon is one across from the Secretary of Defense's office. It is of a young servicemember kneeling in church and beside him is his young spouse and a young child. And under it you can tell this individual is about to deploy again into harm's way. And there is then noted that wonderful inscription from the Bible where God has turned to Isaiah and says, ''Whom shall I send? Who shall go for us?'' And Isaiah said, ''Here am I, send me.''

We don't serve a man, we serve a Nation of laws. And that's what this is really about today. I urge everyone in this Congress, both sides, and our President, who represents us as our Commander in Chief, to support this bill.

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

Mr. Speaker, this is drawing to a close. I think that so much has been said, not nearly enough. I appreciate my colleagues on the other side of the aisle who have done such a good job of making this a bipartisan piece of legislation.

Additionally, I would like to echo the last speaker because the gentleman from Pennsylvania, rightfully so, reminded us that the men and women in our Armed Forces, in which he served and in which I served, know the rules; they know the rules that we operate under, and we know the penalty if we break those rules. We know that if our country were to, in fact, torture somebody, we would both punish those who did it and compensate those who were treated in any inconsistent way with the rule of law. We only ask that the post-Saddam Iraq, if they're paying compensation and apologizing to others, they do the same to the men who suffered at their hands.

So I think that for all the men and women serving in the Armed Forces today and those who have served in the past, this Congress, on a bipartisan basis, is taking a giant step toward saying we will hold others accountable as we have always held our own accountable.

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

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman for his cooperation in this bipartisan effort, and I hope that we pass the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I support H.R. 5167, the "Justice for Victims of Torture and Terrorism Act." This bill was sponsored by Representative BRALEY of Iowa. The bill's purpose is to amend the National Defense Authorization Act for Fiscal Year 2008 to remove the authority of the President to waive certain provisions. I support this bill and I urge my colleagues to support this bill.

H.R. 5167, the Justice for Victims of Torture and Terrorism Act, responds to harms suffered by U.S. nationals under the Government of Iraq during the 1991 Gulf War and their efforts to hold Iraq, then a designated foreign state sponsor of terrorism, liable for their injuries. H.R. 5167 presents a new proposal to facilitate the settlement of these claims.

This bill is important and necessary. I was shocked when I found out that the President was going to veto the Defense Authorization bill on Christmas Eve. The President vetoed the $3.5 billion authorization package that would have provided resources for military members, their families, and veterans, because it contained a provision that would have allowed Operation Desert Storm Prisoners of War, POW, to continue their case against the Hussein regime.

In 2002, 17 American ex-prisoners of war were brutally tortured in Iraq during the first Persian Gulf War sued Saddam Hussein's regime. The veterans eventually won a judgement against Hussein. But shortly after the invasion of Iraq, the Bush administration stepped in and had the judgement overturned.

According to a Dec. 28 report in Congressional Quarterly, President Bush issued his veto after lawyers for the Iraqi Government threatened to withdraw $25 billion worth of assets from U.S. banks if the provisions was allowed to become law. The American POWs were granted damages by a U.S. district court in July 2003. The court awarded $959 million in compensatory and punitive damages to the 17 POWs—some of whom remain on active duty today and are serving in Iraq.

But earlier in 2003, after signing a bill that allowed Americans to collect court-ordered damages from the frozen assets of terrorist states—a list that included Iraq at that time—President Bush had confiscated what was then $1.7 billion in Iraqi assets held in private banks. He allowed the payment of two judgments including one for so-called "human shield" hostages held in Iraq in 1990, but none for the Americans taken prisoner in the 1991 Gulf War.

The President chose to respect corporate interests over human interests and corporate rights over human rights. This is something that the American people have seen from this administration in the past in unrelated matters.

This bill, H.R. 5167, the "the Justice for Victims of Torture and Terrorism Act" restores a provision in the previously vetoed Defense bill that would allow American veterans and victims of torture to pursue legal claims against their torturers.

Simply put, American veterans tortured as prisoners of war do not deserve to be left behind by a presidential policy that keeps them from seeking justice. We need to hold countries accountable for torturing American troops so it never happens again. We need to get our priorities straight. Protecting American veterans and POWs should come before protecting a country's assets.

We must act today to correct this problem. I urge my colleagues to act with me, and support this bill. A strong bipartisan message of support needs to be displayed by this body to right the wrongs and send a message to the President that American soldiers deserve better. The message is clear: American soldiers deserve the right to bring torturers to justice. I invite my colleagues to stand with me today and support this important legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5167, as amended.

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

The title was amended so as to read: ''A bill to terminate the authority of the President to waive, with regard to Iraq, certain provisions under the National Defense Authorization Act for Fiscal Year 2008 unless certain conditions are met.''.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, September 11, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 11, 2008, at 4:25 p.m.:

That the Senate passed S. 3406.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CAZAYOUX). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING TINA ALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it was with great sorrow that I learned of the passing of my dear friend and constituent, Tina Allen. Tina dedicated her life to documenting the spirit of black Americans through her sculptures.

Each of her subjects, famous or not, were her way of writing our history in bronze. As an artist, she was an inspiration. As a person, she was a beacon of life as she brought to life the features of great people.

She often said that ''great people should have great monuments.'' Her work includes abolitionist Frederick Douglass at the African American Museum of Birmingham and featured in

the movie, ''Akeelah and the Bee''; Rev. Martin Luther King in Las Vegas, Nevada; botanist George Washington Carver at the St. Louis Botanical Garden; Sojourner Truth, City Hall Park, Battle Creek, Michigan; and more recently, entertainer Sammy Davis, Jr.

□ 2000

Tina worked on projects big and small. She was best known for her monumental statue of ''Roots'' author, Alex Haley, which was installed at Haley's Heritage Park in Knoxville, Tennessee in 1998. Her hands were able to create life-like images from simple mounds of clay. As a result of her work, Tina was interviewed as a featured artist on the ''Best of CBS Sunday Morning.''

Ms. Allen was a child prodigy in sculpture and at age 11 was taken under the wing of internationally renowned abstract sculptor, William Zorach. After earning her BFA from the University of South Alabama in Mobile, she continued her studies in New York and also in Italy.

To her family and friends, I extend my sincerest condolences on their loss. Her sculptures will live on as a testament and inspiration to others. She will be sorely missed, but forever remembered.

And Mr. Speaker, I would like to yield the remaining part of my time to the distinguished Congresswoman from California, MAXINE WATERS.

Ms. WATERS. Mr Speaker, I would like to thank Congresswoman WATSON for taking time out this evening to honor and recognize Tina Allen. Tina Allen was a friend. As a matter of fact, she was a friend to so many of us women in the greater Los Angeles area. We held her in such high esteem. She was such a talented artist who is famous for the many works that were just identified by Congresswoman WATSON. I have one of her sculptures in my home. And as I took another look at it, this weekend thinking about Tina, it's hard for me to reconcile that she has passed.

She was a very vibrant woman who was just full of life. She was so involved in the community. And she had been commissioned to do a bust of a community activist in my district, Ms. Lillian Mobley. And we were so looking forward to that. And so I joined with Congresswoman WATSON and others in basically saying farewell to Tina and extending my sympathy to her children and to her family. She was a great artist who will be missed by us all.

I yield back and thank you for yielding time to me, Congresswoman WATSON.

Ms. WATSON. Thank you, Ms. WATERS.

NATIONAL SECURITY INTERAGENCY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to share my perspective on an essential reform to ensure the security of our Nation. We must reform our national security system to ensure effective interagency operations. As a member of the House Armed Services Committee and co-chair of the House National Security Interagency Reform Working Group, implementing reform of the national security system is one of my highest priorities. Our current interagency process is broken. There are regulatory, legislative, budgetary, resource and culture impediments to effective interagency operations. These problems are independent of personalities, policies and particular presidential administrations. In order to protect the United States interests and its citizens, it is critical that reform to executive and legislative processes be allowed to better the integration among currently stove-piped departments.

A successfully integrated interagency process will empower the United States to more effectively employ our nonmilitary instruments of power abroad. This ability will allow us to more effectively fulfill our interest while reserving the use of lethal force as a last resort. In fact leaders and policy makers need two things; first, an overarching national strategy that frames the intent of all policy on national security; second, a toolbox of resources that can be configured, hopefully in a preventive way, to fulfill our strategic objectives.

The current interagency system was devised over 60 years ago for a different era and is based on a very specific national security strategy when security was primarily a function of military capabilities wielded by one department in overseas missions. At the time, major combat operations and nuclear deterrence were the principal focus of U.S. national security strategy. This strategy required limited coordination of activities between vertically structured military and civilian departments and agencies.

Today, national security involves a much wider array of issues that can be addressed only with a broader set of capabilities that are highly synchronized and carefully calibrated.

Many agencies are not conscious of or prepared to act in their national security roles. Many civilian departments and agencies do not believe they have a role in the national security system, and the cultures of these organizations produce few, if any, incentives for staff to participate in national security missions. These agencies often lack ''expeditionary'' capabilities. Even if they have the desire to help, they may be prevented from doing so by a combination of factors including personnel shortages, lack of resources, lack of statutory authorizations and regulatory constraints.

Additionally, interagency operations are not governed by standard concepts and procedures. Without common processes, interagency operations tend to be very ad hoc. For example, Paul Bremer, head of the Coalition For Provisional Authority in postwar Iraq believed that he reported to the President through the Secretary of Defense and did not want to be bogged down by ''the interagency process.'' National Security Adviser Rice's senior deputies, simply to get information, were relegated to checking the CPA website every day to see what new orders Bremer had issued. Such arrangements are enormously inefficient and liable to produce erratic outcomes.

We must ensure that civilian agencies have the resources required for effective integration with the Department of Defense. Think what could have been done to deter the growth of criminal militias in Iraq if the Department of Treasury had been able to assist in the rapid implementation of simple electronic banking systems to get money and payroll to the people of Iraq during the post conflict stabilization period.

A new National Security Act is needed to update the organization and procedures created by the National Security Act of 1947. We need to codify an adaptive approach that flattens, simplifies and integrates the agencies of the executive branch and the committees of Congress. We must ensure all departments and agencies that have national security roles have specific objectives, responsibilities and operational planning capabilities so they can protect America's interests.

Second, we should require that personnel who are selected for the Senior Executive Service in departments and agencies with national security roles have professional development via institutional training and operational assignments in agencies other than their own to better understand the national security interagency system. Third, we should strive to build regional expertise across the departments and agencies to ensure a bench of personnel with the knowledge and skills required to accomplish departmental and agency missions in all regions of the world. For example, we should consider better regional alignment between DOD and the State Department.

As my colleagues and I undertake the challenge of crafting reform legislation, I welcome the opportunity to work with all agencies to gain their insights on the way ahead for reform.

THE ADMINISTRATION HAS LEFT THE HOMELAND VULNERABLE TO ATTACK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, for a long time now, we've been waiting for the administration to make an announcement about troop withdrawals from Iraq. Well the big day came last week, and it went over like a lead balloon. The President said that he is going to leave troop levels basically steady.

Mr. Speaker, the administration's decision to ''stay the course'' in Iraq is absolutely unacceptable. The American people know that invading Iraq was a mistake in the first place. And they want to bring all of our troops out, not just token forces.

The President said that he can withdraw a handful of troops without the surge because the surge has been a success. But when he leaves office, troop levels will actually be higher than it was before the surge. That leads me to ask a simple question. If the surge has been so successful, why do we need more troops after the surge than before it?

The President also said that normal life is returning to Iraq. Try telling that to the 4 million Iraqis who are still refugees and not able to return. Half of them are children.

The President also told us that civilian deaths are down. Try telling that to the relatives of the 1,200 civilians who were killed in Iraq this summer.

And what is an acceptable number of civilian deaths? This summer, an average of 13 Iraqi civilians were killed every day. If that happens in any State or any city in America, we would call it a crime wave. But if it happens in Iraq, the administration seems to think it's something to celebrate.

The administration has also been telling us for a long time that the occupation of Iraq is making America safer. But that claim doesn't hold up, either. The independent and bipartisan Partnership For a Secure America issued a report last week which says that America is still ''dangerously vulnerable to chemical, biological and nuclear attacks.'' It also said that ''the threat of a new, major terrorist attack on the United States is still very real.''

And a joint report issued last week by the House Foreign Affairs Committee and the House Committee on Homeland Security found that the administration has not delivered on a myriad of critical homeland and national security mandates. It is clear, Mr. Speaker, that the administration's single-minded obsession with the occupation of Iraq has left our homeland open to another attack, an attack that could be much worse than 9/11.

Today we commemorate the terrible anniversary of that terrible day—not today, last week we did. It is outrageous that after 7 years we can't say that our citizens are safer than they were that day. And the administration's decision to stay the course in Iraq will only continue to make things worse.

The only solution is to set a firm timetable for the safe redeployment of our troops out of Iraq. Giving the Iraqi people back their sovereignty will allow us to work with the international community to rebuild that shattered country. Iraq needs electricity, schools, roads, hospitals and water. And America needs to invest in health care, renewable energy, education and jobs. Those aren't just domestic needs. They are critical parts of our national security.

The administration, Mr. Speaker, has tried to solve all of our problems with military force alone. That strategy has been a miserable failure. We cannot bomb or torture our way to victory in the fight against terrorism. We must work to end the poverty and the despair that caused it. The sooner we learn that lesson, the safer America will be.

AMERICA'S EPIDEMIC OF HEALTH CARE-ACQUIRED INFECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, it seems like every day in this House floor we call for a moment of silence to recognize some tragic loss of life across our country. And it is fitting that we do so.

If we were to recognize with a moment of silence those who die in hospitals from avoidable infections, we would be stopping House business many times each day.

So I am here to express my concern that we continue to ignore the increasing problem and potentially fatal epidemic of health care-acquired infections. Another week goes by and more and more patients are becoming infected with preventable infections. And instead of tackling this issue head-on, we continue to let the number of cases rise. And the costs strains our health care system, and more lives are lost.

Well enough is enough. This year alone, up to today, there have been 1,243,835 cases of health care-acquired infections. There have been a total of 61,562 deaths. And the total cost on our health care system has been $31 billion 95 million 999,420.07. By the end of this year, that estimate will be $50 billion and 100,000 lives lost.

Something must be done. We must put self-interests aside and work together to improve the safety of our hospitals. And I am committed to making sure this happens. That is why I introduced legislation last year that saves lives and money, H.R. 1174, the Healthy Hospitals Act. And it has received strong bipartisan support and support from consumer groups.

This legislation offers a simple solution to lower the costs associated with health care-acquired infections. It is not expensive. It simply requires hospitals to publicly disclose their infection rates and let the public see this transparently.

□ 2015

Hospitals should be taking commonsense measures, like washing hands, sterilizing equipment between uses, testing patients and giving antibiotics at the right time. It is, after all, people's lives we are trying to save.

How can a hospital or health care system argue that they don't want to report their infection rates if reporting is shown to save lives? How can hospitals complain that they don't want patients to know about patient safety and patient quality? Aren't hospitals supposed to be in the business of saving lives?

Hospitals need to be held accountable for opposing legislation, for opposing legislation, that would require reporting, because evidence shows it makes a difference. In my home State of Pennsylvania, there are shining examples of what happens when hospitals are held accountable for reporting.

Hospitals in Pennsylvania are required by State law to make their infection rates public, and we have seen the infection rates drop dramatically. Some hospitals were able to get to a zero infection rate, no lives lost. And here is the mortality statistic. According to the Pennsylvania Health Care Cost Containment Council, the average charge of hospitalization for a patient who became infected with a hospital-acquired infection was $185,000 each, while the average charge for a patient without an infection was $31,000. Reporting infections is proven to save money and lives.

Hospitals say ''it will cost us more to keep track of it.'' That simply is not true. Isn't this enough to get our hospitals on board? Isn't this enough proof to save lives? Our health care system is in need of repair, not just simply saying it is too expensive, let's let government take it over. It needs to be fixed.

While we continue to talk about reforming government, cutting costs and eliminating funding for infrastructure projects back home, I hope my colleagues in the health care industry will support commonsense legislation that will save money and lives.

Public reporting of health care acquired infections is exactly what it sounds like, but the benefits of this simple action are far reaching. I hope that patients and their families will speak up to Members of Congress about the need for this transparency and demand such legislation be enacted.

Mr. Speaker, I encourage all my colleagues and hospitals around the country, especially those hospitals that know this saves lives and money, to support public reporting of hospital-acquired infections. Let's do this right. Let's save lives. After all, the families of so many Americans are at stake here. We can act on this. We can make a difference. We can save lives and save money.

IMPROVING ACCESS TO HEALTH CARE FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, we have a health care crisis in America. Rising health care costs are overwhelming individuals, families and businesses, large and small. We have a staggering 41 million individuals, nearly one in six Americans, without health insurance. In America, that is just not fair.

Millions more Americans have only catastrophic coverage, with $5,000 to $15,000 deductibles. Others have policies with copays so high that basic health care needs, including preventive and diagnostic service, are not met. Many families are literally one serious illness away from bankruptcy.

To fix our broken economy, we have to fix our broken health care system. We must build a stronger, more effective health care system before it is too late. The future of our country and our ability to compete in the global economy depend on it. I believe that every American has a right to quality, affordable health care that doesn't blunt the competitive edge of employers or unduly burden taxpayers. It is time for bold action.

I have created the Healthy Americans Plan to relieve the strain on families and individuals, ease the burden on businesses and nonprofits and drive down costs. It builds on the strengths of the existing American health care system, but provides new and better choices for businesses, the self-employed, families and individuals.

My plan will offer quality, affordable health insurance choices like those available to Members of Congress. My plan will help small businesses offer employee health coverage by providing them with a refundable tax credit. It also improves access to medical care in rural areas and provides relief for middle-class families and individuals who are struggling to afford health insurance.

The key elements of my plan include the following:

All Americans, including the self-employed and owners and employees of small businesses, will be guaranteed the freedom to purchase a quality plan that is affordable and right for them.

Americans who like their current health care coverage will have the security of knowing they can keep it.

Insurers will have to compete for business on the basis of cost and quality, not by profiting from and discriminating against people because of age or preexisting conditions.

National choices will include private plans as well as a nationwide option, a nationwide public option. Employees enrolled in the national plan will be able to keep their plan even if they change jobs, move to a different State or have changes in their medical condition.

Costs will be driven down, with comprehensive measures designed to improve quality and promote efficiency, including investing in health information technology.

Under my plan, people aged 55 to 65 will be allowed to buy into Medicare to provide security to early retirees, who are often charged higher premiums based on their age and risk of incurring higher medical costs.

My plan ensures that all children have access to health insurance by expanding the SCHIP program and improving outreach and enrollment.

It eliminates barriers so parents can cover their children up to age 25 under their family insurance plan.

Middle-class Americans deserve a health care system with affordable insurance premiums and access to the best possible care. Small business owners need a system that allows them to stay competitive and provide good coverage for their employees.

Older Americans and younger Americans, two of our most vulnerable populations, need a system that guarantees access to necessary care, regardless of income level.

We need experienced, dedicated leadership to address the fundamental shortcomings of our existing health care system. My Healthy Americans Plan will make the system more efficient and cost-effective and will improve access to quality, affordable health care for all Americans.

IN MEMORY OF CONGRESSWOMAN STEPHANIE TUBBS JONES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and legacy of a great woman, my friend and colleague, Congresswoman Stephanie Tubbs Jones.

First, I would like to offer my deepest condolences to Stephanie's entire family, her son Merv and her sister Barbara. I also want to offer my condolences to the constituents of Ohio's 11th Congressional District, to all of Stephanie's many friends and colleagues, and, of course, to her staff here in Washington, DC and in Ohio.

On August 20th, the people of Cleveland, this Nation and the world lost a giant in the fight for equality and justice when we lost our beloved Congresswoman Stephanie Tubbs Jones. When I walked on to the floor tonight, I looked for Stephanie. She wasn't in the Speaker's Chair presiding. She wasn't on the floor moving around, energizing and inspiring our deliberations. It is hard to accept the fact and to believe that her physical presence won't be with us anymore.

So many knew Stephanie Tubbs Jones for her exceptional work on behalf of her constituents and for the many barriers she broke and trails she blazed as the first African American woman elected to Congress from Ohio, as the first African American woman to serve on the Ways and Means Committee, and the first to chair the House Ethics Committee.

Congresswoman Tubbs Jones and I came to Congress about the same time. We worked closely together for a decade, and she was one of the most remarkable persons I have ever known. Whether it was standing up for Ohio voters and fighting for election reform, or fighting to end the unjust war and occupation of Iraq, she was always on the right side of history. And, like for many, Stephanie Tubbs Jones was a very, very good friend.

Friendship means different things to different people. Stephanie's friendship for me meant trust. She was my confidante. Stephanie's friendship for me meant support. Stephanie Tubbs Jones' friendship meant spending girl time, shopping, eating, traveling, talking about matters of the heart, like her man-child son Merv, who was her heart and her soul. Stephanie's friendship to me meant being for real in discussions about political and legislative issues. And Stephanie's friendship for me meant a lot of love.

I always remember last year when my father passed away, the love and concern for me and my family that she displayed. With the loss of her husband, her mother, her father and her sister, she assured me that I needed to grieve, and she called me day and night to make sure I wasn't planning on coming right back to work after the funeral. And, oh, how right she was.

From attending events together, to just grabbing dinner or an occasional down moment, we spent a great deal of time together throughout the years. Stephanie was my traveling partner. We shared magnificent experiences in Israel and in Cuba. I will always cherish those times and memories.

It was during some of our travel together and our work together for the Congressional Black Caucus Foundation that I got the chance to know her husband, Mervyn Jones, whom she loved dearly and tragically lost in October of 2003. In the wake of his death, Stephanie created two very successful Golf and Bid Whist Tournaments in his memory through the Congressional

Black Caucus Foundation. And she insisted that her friends and her colleagues participate with her.

She loved young people, and made sure that these annual events helped raise money for countless scholarships. I know she would be pleased that a scholarship now has been established in her memory.

Some have spoken of Stephanie's culinary experiences and skills. She would bring some of her fabulous chili here to share with us, and always loved to it share her recipes, especially her mustard-based fried catfish and her mother's fried corn recipe.

I can remember calling her on her cell one day. She was in a meeting in Cleveland while I was preparing her fried corn recipe. Of course, I didn't quite get it right, so she stepped out of this meeting and she walked me through this recipe, step by step.

We all have so many Stephanie stories. She was a woman for all seasons, a devoted mother, a devoted sister, a brilliant legislator, a dedicated representative of Ohio's 11th Congressional District, and she was a history maker, as the first African American woman to break many glass ceilings. And, yes, she was my trusted friend, a true friend, and a fabulous woman whose smile lifted us all up and forced us to be positive, even on days when we were down. Stephanie was my gym partner, as we both tried to get our physical fitness regimen back on track.

Yes, the Honorable, and that she was, Mr. Speaker, the Honorable Stephanie Tubbs Jones, was a great congressperson, and she never lost the common touch. She would help people find their seats on the airplane, she mentored young people, and she would constantly remind us to be strong advocates for working men and women. Recalling her father's work as a skycap, she never forgot who she was, and she used her positions to help those shut out and those underrepresented.

So, yes, we owe Stephanie Tubbs Jones a debt of gratitude. I thank her son Mervyn and her sister Barbara and her entire family for sharing this brilliant and beautiful woman with us. Her spirit is smiling tonight on us. It continues to move around this floor, nudging us to do the right thing.

May God's grace and His love undergird her family during these difficult days, and may we redouble our efforts in Stephanie's memory, our efforts for justice and peace and equality and to make this a better world for all.

□ 2030

FINANCIAL MARKETS TODAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I wish to associate myself with the remarks of the gentlelady from California, our dear colleague, Congresswoman BARBARA LEE, and thank her very much for her remarks on Congresswoman Stephanie Tubbs Jones. We share your feelings and your warmth and affection toward her, and I know that your remarks are of comfort to her son, to her sister, to her family, to all those who are associated with her and, of course, her staff, who must carry on. We thank you so much for that.

I rise this evening to do my part to offer the American people a point of view about the financial markets today and their unsteadiness. We know that the Dow Jones dropped over 500 points. We can all question how Wall Street and its actions have placed our country in this position with such high risk, high-leverage practices with no accountability.

I can remember back to 1999 when some of us fought very hard against the Securities Reform Act, so called, of that year, when, for the first time since 1935, this Congress passed the turning back of the Glass-Spiegel Act, threw it out the window, actually, where in our country we separated banking from commerce. We said, no, all those years, prior to 1999, we didn't want to be like the European banks, we thought it was very risky to allow Wall Street to undertake some of these practices that have now led to this great instability.

Many citizens are calling our office, and people bump into you and say, well, what are we supposed to do? We are concerned about the future? I guess one word would be, one phrase would be, don't panic.

Short-term advice to families would be to take a look at, if you have savings, where they are deposited, make sure they are in accounts that are federally insured by the Federal Deposit Corporation. This Congress will do whatever it must to make sure that those accounts are insured up to a level of $100,000, which is the current law. People can look at their bank accounts, they can look at their credit-union accounts and make sure that they are within those boundaries.

People can take a look at safe investments like U.S. Treasury bills, and U.S. Savings Bonds. Yes, they don't pay as much. Sometimes their maturity periods are much longer, but people have to be thinking about the long term, not just the short-term. Sometimes, I guess there is an old expression, sometimes when something looks so good, it's too good to be true, it probably isn't true. So one ought to be very prudent in these times.

Of course, having a hard asset like a home or a piece of land, or something that is very tangible and can hold value in the future, is something to think about in order to protect yourself for the future in view of some of what we are experiencing.

I would advise families to avoid payday loans to make sure they don't lock themselves into these never-ending loans with interest rates that push you into the poorhouse so fast you can hardly believe it.

I would encourage citizens to avoid high risk. Again, if it sounds to good to be true, it probably is. What has happened as a result of all this so-called banking deregulation, there are a lot of mailings that go out to people asking them to get hooked on credit, and they don't tell people how much that interest rate is going to be down the road.

There are many, many phone calls that come into families' homes now from places far away, where there is no accountability. You don't really know who the people are. You can't even see who is talking to you over the telephone.

I would urge families to be very, very cautious and to get good sound financial advice. Look locally to one of your certified, not-for-profit consumer counseling agencies. There is a network of those around the country. You can call your Member of Congress in your own region, and you can find out who the certified not-for-profit counselor is in your area.

Many times credit unions, even if you are not a member of the credit union, they do great. Consumer counseling, that's what they are established for under the laws of our country, and you can really try to protect yourself in the markets that we are facing today. It's a little bit dicey out there, so you have to be careful.

Congress, again, must meet its responsibilities to protect the deposits of the American people. We certainly will do whatever is necessary there. But people can do a lot for themselves as well.

I always tell people if you can't afford a fancy car, get one for transportation. Why do you have to prove to somebody that you can buy the most expensive car in the world? You don't really need that if you are lucky to have a job in the economy of today.

If you can't afford the gasoline, use the bus system. Use the bus maybe 2 days a week, drive 3 days a week. Find a way to use the dollars you have wisely. Think creatively.

Communities, and I know our mayors are struggling with this around the country, how do they really hedge against an uncertain future? My advice is to make decisions and think about how do we use the dollars in this community wisely, to create wealth, and wealth is more than money, wealth, our assets that grow over time.

Money sometimes is fungible. It can disappear off a balance sheet. But, in fact, if you have a set of farmers around your community, who can help your region become more financially and food self-sufficient, communities ought to exercise that power.

We ought to help our citizens become energy self-sufficient in their own households. There are many things communities can do.

As I close this evening, I would urge communities across this country to think about creating wealth, not just pushing money around, and getting the best financial advice you possibly can in these difficult times.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Ms. CLARKE. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from New York (Ms. CLARKE) is recognized for 60 minutes as the designee of the majority leader.

Ms. CLARKE. Mr. Speaker, on behalf of the chairwoman of the Congressional Black Caucus and its members, we are presenting this evening during our message hour a call to action, that is Haiti, country in crisis.

We have witnessed this year, so far in the hurricane season, tremendous distress, death and destruction. I want to start by expressing the sympathies of myself and the members of the Congressional Black Caucus, our condolences and support for the people of Texas and the Gulf Region, who have been toiling under storm after storm after storm and dealing with the destruction that comes from nature's wrath, as some would place it.

In this context, I wanted to speak a bit this evening with my colleagues and with the public about the need to actually look at what happens, not at the point at which the hurricane ends on our shores, but also its path and the death and destruction that it leaves in the wake of its path.

I am speaking of the Caribbean region in our hemisphere, and the many nations in those waters that have been devastated by the series of hurricane activity this year, be it the island nation of Turks and Caicos or the island nation of Jamaica, the island nation of the Dominican Republic, the island nations in the Caribbean region have been rocked by this year's hurricane season thus far. I have had the opportunity to join with Congressman KENDRICK MEEK and Congresswoman DONNA EDWARDS from Maryland on an emergency codel to destination, Haiti.

The devastation that we witnessed firsthand on that nation is truly a call to action. As you can see here, this year we have had a number of storms from Category 1 to Category 5 in their strength. The nation of Haiti in just 3 weeks was struck by four storms, Tropical Storm Fay, which hit on August 16; Hurricane Gustav, which hit on August 26; Tropical Storm Hanna, which hit on September 1; and then Hurricane Ike, which hit on September 7.

It is estimated that over 850,000 people have been affected by this storm on the island nation of Haiti, and almost half of those affected were children. It is estimated that over 500 people have been killed and rescuers and aides are only beginning to reach some of the hardest-hit areas, as I speak to you right now. It is also estimated that over 150,000 people are internally displaced, and only about half of those people are in shelters.

You will notice that I have been saying, as has been estimated, and this is the case, because Haiti has lost its ability to communicate across its island. The destruction that has rocked that nation has eight of Haiti's 10 geographic departments, which have been flooded. All of the major roads and bridges granting access to many of the hardest-hit areas have been washed away.

Haiti's prime minister says that 1 million people or more may be homeless. The storms have crippled Haiti's already delicate infrastructure, and most of the City of Gonaives, which is the second-largest city on the island, is damaged so badly that it cannot be repaired. Local officials are considering moving the entire city to another part of the island that is on higher ground.

We had an opportunity to meet with President Rene Preval on our codel, and he said to us, this is the Katrina of an entire nation, but we are suffering without a fraction of the means that Louisiana had. A lot of infrastructure that was destroyed by Hurricane Jean in 2004 was recently rebuilt and recently destroyed by this latest series of storms.

This includes the hospital in Gonaives. Radio NPR reports that in the Grand Ravine neighborhood of Port-au-Prince, 700 people are living in a school where there is no running water, no electricity, no beds and often no food. People have been packed in there for weeks, but all is not lost. I was proud to see that, very swiftly, the United States has moved into action to aid our neighbors and our friend known as the island nation of Haiti.

Upon arriving in Port-au-Prince, we saw a lot of helicopter activity and were informed that the USS *Kearsarge* is in port in Port-of-Spain providing needed humanitarian assistance and aid.

□ 2045

As I said earlier in my presentation, all of the major roads and bridges have collapsed. That has isolated many of the communities and the cities that have historically been connected in commerce and in bringing foods and goods and services across the island. So the only way that people can be fed, can be given water, can be administered medicine is through the air, and we are proud to know that our aircraft carrier is there, as we speak, administering that much needed aid and support.

I want to thank the young men and women I met there who sought not robbery but, rather, to change their mission, to move along with their admiral and captain and crew into the Caribbean Sea from Latin America and over to Haiti where they're working night and day to try to preserve as much life as possible. I can tell you that, from my observations, this is a mammoth task. The mammoth task exists because Haiti remains flooded out.

In Gonaive, we did a flyover, and we were able to see in the streets where people live. There was rushing water, like rivers, flowing past people's homes, flowing over all of their planting grounds, and making it so that people were actually risking their lives in simply trying to get from point A to point B. Many of the residents have taken to their rooftops to live. In other areas, we witnessed the levels of mud that have accumulated as the waters have receded. In some areas, there are as much as 2 to 4 feet of mud before people's homes, in the roadways, in the byways of the communities in which people live.

We had an opportunity to pass over Haiti's breadbasket, an area in Haiti where new harvesting was taking place—the planting of rice. That entire area is completely flooded out, having basically killed off this planting season for Haiti, and so we have a nation in crisis. The crisis is one of a magnitude that I, personally, have never witnessed before. The circumstances become more and more dire with each passing moment.

Haiti is the poorest country in our hemisphere, and it is one of our closest neighbors, just a little over 700 miles away from Miami, Florida. Many in Haiti were looking forward to the harvest of rice crop. Unfortunately, much of it, if not all of it, has been destroyed by these storms just as the food crisis in that country was beginning to abate.

The USAID has moved in. They are providing as much as they possibly can in terms of response. They have allocated $7.5 million in humanitarian assistance. The total value of U.S. Government humanitarian assistance is currently $20 billion. According to the USAID, Haitian Government officials have stated that these recent storms have caused an estimated $265 million in damage, particularly affecting their housing stock, agriculture, public infrastructure, and education.

In meeting with the newly installed Prime Minister for Haiti, Madam Michele Pierre-Louis, we were informed that the children's school has been postponed until the month of October, somewhere around October 3. My observations are that we will have to move with all deliberate speed to help and to assist in the recovery and in the rescue of those people in the various departments residing in the nation of Haiti in order for that part of their lives to be resumed.

We are not in this alone. I was very glad to see that the international community has responded as well. The U.N. troops and peacekeepers are on the ground, helping with the civil society, and the embassies of many of their partner nations—namely Canada, France and Brazil—are also collaborating with their local relief NGOs to bring as much to bear in this forward movement to get Haiti back on its feet, and it's going to take a coordinated effort to make sure that this is done in a timely and in a coordinated manner.

It is my hope that, through tonight's discussion, through tonight's presentations, we will see the need as a Nation to respond and to keep our response going and that when the TV cameras and the press crews have left Haiti that we will remember that this is a nation that is struggling to stand on its feet and that its civil society is extremely fragile. These storms have compounded what has been an ongoing challenge for Haiti to feed its own people.

So, this evening, I wanted to just share some of what I witnessed in the emergency codel commission by the Congressional Black Caucus, and I want to express gratitude to Speaker PELOSI and to Congressman KENDRICK MEEK for being so expedient in putting this codel together so that we could bring back the relevant facts to this body and to make sure that we're able to do all that we can do as we rebuild here in our own Nation and to make sure that, as to the hemisphere that we reside in, we are good neighbors and that, for our own sakes and for the sakes of the people who reside in Haiti, we do all that we can to make sure that they are on a safe road to recovery.

Having said that, I'm joined by a number of my colleagues this evening, all of whom have had longstanding ties to the nation of Haiti, all of whom have worked very hard in this body to make sure that we remain true to our values as a Nation. They have been there throughout many crises in Haiti.

I'd like to acknowledge Congresswoman DONNA EDWARDS of Maryland, Congresswoman BARBARA LEE of California and Congresswoman MAXINE WATERS of California to make their statements.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today to share with this body and with the American people the images and accounts that I witnessed on a recent trip to the hurricane ravaged island of Haiti with my colleagues Mr. KENDRICK MEEK of Florida and Congresswoman YVETTE CLARKE of New York.

The damage is just devastating. From the rice fields that you can see here in these pictures that I took, they are covered with water and mud. It is unlikely that these fields will be ready for planting for a very, very long time. The topsoil has been washed away, replaced by mud and water. As we flew over, we could see the damage of the hurricanes, and we could see animal carcasses in the fields, with people walking through them and the standing water. Haiti is a place that is ripe right now for disease and for further destruction without intervention.

I do want to express and to join in the remarks of my colleague YVETTE CLARKE of New York and express the grave concern and our thoughts and prayers for the people of our own Gulf Coast, who at this moment are in a stage of recovery themselves from the hurricane damage of Hurricane Ike, which started in the Caribbean and made its way and strengthened to hit our own coast. This is the same storm.

For the people of Haiti, it was not just one storm; it was four—first Fay, then Gustav, then Hanna, and now Ike. An area might be able to absorb one storm and may be able to rebuild, but now more than 75 percent of the country has been under water, and the people in remote areas are unable to get from one location to the next location because of the damage to bridges and to roadways.

So we can't forget the pain of our southern neighbors in Haiti because these storms have made their way through the Caribbean, and we're only at the beginning of the hurricane season. I'm not sure how much more Haiti can take, but we know that it's time for us to intervene.

In addition to the rice fields, we saw firsthand the homes and the foundations washed away—even a place of worship filled with mud and standing water in places. In some areas, the hurricane damage was so devastating that it took away entire roadways and bridges. Eight bridges at least have been destroyed, leaving people stranded and isolated. President Preval very accurately, I think, described the blow to the country's infrastructure, likening it to a blow that would occur at a time of war, where the first thing that happens is that you take out all communications. That's what has happened in Haiti.

Communications and linkages from one area of the country to the next area of the country are entirely devastated. We saw people on the roadways, walking from one direction to the other direction, only to meet at a place where the road had been washed away so they couldn't even cross. We saw people bathing in water that contains rotten animal carcasses. We saw basic utilities—water, sewer and the power infrastructure—completely devastated, destroyed.

Now, there are early estimates—and we have to remember that they really are only early estimates—that there are, maybe, 600 people dead. Well, we know that those who are doing the estimates can't even reach the most remote areas of the country, and so we know that the devastation will climb over time, and that's why it's really important to intervene now.

The people of Haiti are in desperate need of food and shelter, of medical supplies and drinking water. You can see the pictures on the streets where the water is like a river rushing through the towns. There is moving water through the towns in Gonaive, and it's unclear when that water will recede and what will be left once the water has receded. We saw people camped out on the roofs of their homes, looking down at the destruction beneath and at the water in their homes.

Yet, in the face of all of this overwhelming devastation, what we also saw were the young men and women of the United States Armed Services. I want to offer a very special salute to the men and women of the USS *Kearsarge* and to Rear Admiral Joseph Kernan and to Captain Walter Towns, who are leading, really, the most heroic effort. It's so clear to us from all of our meetings and from what we witnessed that were it not for the efforts of the servicemembers on the USS *Kearsarge* in air-dropping medical supplies, food supplies and drinking water that those regions would not be touched at all. It is incredibly important that the USS *Kearsarge* remain in its mission off the coast of Port-au-Prince until that mission is done, until we can find replacement food supplies, until we can replace the bridges with temporary bridges so that the Government of Haiti can have access to the communities and so that the nongovernmental organizations can have access to communities. This is extremely important because, unless those temporary bridges are put in place, then almost the entire country will remain inaccessible for services and supplies to be delivered.

□ 2100

And we're in that very fragile window in Haiti in which we know that without intervention, disease will begin to set in. And so it's a very important time to begin to gain accessibility so that our medical teams on the USS *Kearsarge* and other medical teams throughout the U.N. agencies and other missions can get to these remote areas and supply basic needs.

And let me say a bit about the efforts of our U.S. mission that right now is playing an amazing and important coordinating role in Haiti with other missions, with the nongovernmental organizations, with the U.N. relief organizations and mission on the ground trying to make certain that there's coordination among all of these folks of goodwill; that we're not duplicating efforts, and that our assessments about what needs to be done next make sense.

Now, I've joined in, along with many other Members, in support of an effort by Congresswoman MAXINE WATERS to try to spur up additional support and resources for the country of Haiti. I think that we're only at the beginning of knowing what the real need is, and so we need to look at this as a first step toward the recovery of Haiti, but not the only step that this country and the international community will need to make.

I really strongly applaud the efforts of Ambassador Janet Sanderson, who is doing an amazing job of working with the newly installed prime minister Michelle Pierre-Louis, who's only been on the job 9 days or so, barely has staff, but is on the ground now trying to respond to the needs of these most needy communities. And we need to do all that we can in this country and in the international community to make sure that the government of Haiti has the ability to make decisions for itself about its future and about the important needs for rebuilding infrastructure and support and services for the people of Haiti. And we can be in there providing the kind of guidance that we do on the ground and making sure that the resources are available so that communities don't remain further devastated.

Now, I'm concerned because it's very clear to me that if we don't act immediately to increase our assistance, the situation in Haiti will really only worsen and possibly threaten not just internal stability but external security as well. And so we have an opportunity for that not to happen, and that is by encouraging the international community and our own resources to step up efforts in Haiti.

But the danger of disease and the impending threats to food security are apparent, and we know that the food supply was already very fragile because of the food crisis earlier in the year, so we have another window, a window of maybe 2 weeks to a month to make sure that these resources come to Haiti in a meaningful way. And I know that in my congressional district in Maryland and throughout the country, people of this country are stepping forward too, offering donations to the American Red Cross and other international relief organizations, and so there needs to be a coordinated effort here in the United States to make sure that, as volunteers, we're providing the kind of resources that Haiti can use and needs in order to rebuild.

Mr. Speaker, I join with my congressional colleagues in calling for those additional funds to help bring immediate relief to the people of Haiti, and for us to consider that this one storm impacted an entire region from the Caribbean all the way through the Gulf Coast. And we have to remember that, indeed, it was one storm that wreaked its havoc in this hemisphere, and treat it like that. And as we stand with the people of Texas and Louisiana and the gulf coast, we should stand with the people of Haiti.

Ms. CLARKE. I want to thank the gentlelady from Maryland, our newest member in the Congressional Black Caucus, Ms. DONNA EDWARDS, for her courage and her nimbleness. She rearranged her schedule very quickly to heed the call for her expertise and her ability. DONNA has come to us with a background and expertise in the philanthropic world, and she shared that with the prime minister, with the Ambassador to Haiti, and so I know that she will be called upon in the future as Haiti rebuilds to bring that expertise to bear.

I want to thank you for being my traveling partner, and I look forward to working further with you and the CBC and our colleagues to make things happen for the Nation of Haiti.

I'd like to acknowledge someone who really doesn't need an introduction, but has been one of the foremost experts on the island nation of Haiti, has been an outstanding, outspoken advocate for the people of that island nation, none other than the honorable MAXINE WATERS. She's being acknowledged for 5 minutes, or as much time as she may consume.

Ms. WATERS. I'd first like to thank my colleagues, YVETTE CLARK, DONNA EDWARDS and KENDRICK MEEK, for taking the time to go to Haiti to be able to document and identify devastation that has taken place, and to bring that information back to the House of Representatives, to the Congress of the United States of America, so that all of us public policymakers can understand in the most profound way what is needed, what has taken place there, and what we can do to be of immediate assistance.

I would also like to take a moment to say to FEMA and to the elected officials in the gulf coast, who too, have been involved in dealing with the ravages of the recent hurricanes and storms, that we appreciate that you have demonstrated that you have learned so much from Katrina, and that you have done a great job in giving assistance to the victims of the recent storms in the gulf coast. I say that with all sincerity, because it is important for us to know and understand that magnificent work was done in giving assistance to the victims of the gulf coast. And I've watched very carefully what has been taking place in not only Galveston and in parts of Texas, but also as far as in Bay City of Mississippi.

So our hearts are with the people who have been the victims of the storms in that area, and we're very proud, and I'm very proud and pleased that the United States of America is able to do what it does and have learned so much from Katrina and are able to be of assistance in the way that they have been.

And having said that, we're generous people. We're people who not only have learned to deal with devastation in our own country, but we are a people who are forever ready to give a helping hand in other parts of the world. And certainly, what we have demonstrated in recent weeks right here in our own hemisphere in the Western Hemisphere for one of the poorest nations in the Western Hemisphere is to be commended. But we've got to do more.

As I understand it, and having listened to my colleagues and having followed as closely as I possibly can, what has been taking place, we have spent about $20 million just from USAID alone. And then to listen to the stories about the armed services and the help that they're giving and the work that they're doing, I'm proud of my country. I'm proud of the assistance and the hand that we're extending to Haiti as we wrestle with the work that we must do in our own country and in the Gulf Coast.

Having said that, I have spent much of my time in the Congress of the United States paying attention to Haiti. I paid attention to Haiti because I know the history of Haiti, and I understand what the people of Haiti have been through historically. I have spent a lot of time in Haiti. I was there for the bicentennial and I flew up to Gonaives, where I watched a people who have been through so much celebrate its history and its independence, and I know the price that has been paid for that independence.

I also know that this is a people who have had to survive the dictatorships of Papa Doc and Baby Doc, and I know that this is a people who have seen a democratically elected president removed, and I know the history of our own country as we have restored the leadership to Haiti in recent history. And I also know the history of a coup d'etat, and a history of a people who have wrestled and fought and tried very hard to stabilize their country, despite all of the political unrest.

But, you know, we're at a time when it doesn't matter what position you took, whether some people thought that the democratically elected government of President Aristide should have remained or not. It's not about partisan politics at this time. This is about the people of Haiti.

It is not about even remembering what happened under Papa Doc and Baby Doc and La Tortue, none of that. This is about a people who have suffered far too much. My heart just goes out to the people of Haiti, people who work very hard, who get up every day and just scuffle and work hard to survive, a people who are not very literate. Only 53 percent of the people in this country can read or write. But they work hard. And whenever they are confronted with one more disaster, with one more disruption, and you think they possibly just cannot make it, they just keep going and they keep going.

Over the past month Haiti has been devastated by four deadly storms in rapid succession, Tropical Storm Fay, Hurricane Gustav, Tropical Storm Hanna and Hurricane Ike. And over 15,000 houses have been damaged or destroyed. And as of a week ago, they already documented that over 154 people had been killed. And today, I hear my colleague say that number may be up to about 600. And as the flood waters begin to recede, additional bodies continue to be found and buried. And tragically, the real death toll just may never be known.

According to the United Nations Office for the Coordination of Humanitarian Affairs, up to 800,000 people in Haiti are in dire need of humanitarian assistance. As of September 6, more than 100,000 people had taken refuge in temporary shelters, and this was before the onslaught of Hurricane Ike. Many roads and bridges were damaged or destroyed, and crops have been lost. There is now a desperate need for food and water and health services.

And I'm so sorry to hear about what has happened to the rice fields. Haiti, at one time, grew rice for its people. They exported rice that was grown in Haiti. They lost that over the years for a lot of reasons. Some of it was political. But to know that they had gotten back on the road to raising and growing rice again was extremely important. And to have these pictures that were shown to us today where now all of that has been destroyed is just almost too much to take, too much to endure.

I immediately asked my colleagues to join with me in requesting at least $300 million in appropriations for disaster assistance for Haiti following these devastating hurricanes. I did not know what the assessment would be, and we still don't know how much will be needed. But I knew immediately that it was going to be massive and that we needed to move very quickly, and that we need to appropriate substantial sums for Haiti.

□ 2115

And we will probably have an assessment in the very near future, but we need to get started right away to not only support Haiti through USAID, as is being done, but we have to add to it. You heard about the devastation. You heard about the destruction. I am just hopeful and prayerful that Haiti can survive as an island nation. The destruction is mammoth. And I believe that everything that we do and everything that we can think of doing must be done.

I know that the people of Haiti will get up every day, people who are sleeping on those rooftops, and they will fight to survive, they will fight to stay alive, and they believe, no matter what happens between the United States and Haiti, that we're their friends and that we will do whatever we can do to be of assistance to them.

So I would just, again, thank my colleagues for taking time to go there and to do this documentation and this eyewitness of what has taken place.

I would like to thank our ambassador there. Sanderson is a wonderful representative who has worked very hard. I would like to thank President Preval because he has been handed a task just as President of putting that nation back together and to stabilizing that government and to reorganizing and building that infrastructure. It's an awesome task even without experiencing these hurricanes.

So my prayers and my heart go out to President Preval and the government, and I would hope that we move very quickly to appropriate additional dollars.

And I will yield back the balance of my time.

Thank you very much.

Ms. CLARKE. I thank the gentlelady from California for sharing with us her resolve to be a problem solver, to be a leader in this body in making sure that we can do all we can on behalf of the people of the island nation of Haiti.

I would like to acknowledge at this time another powerhouse coming out of California, a member of the Congressional Black Caucus, our vice chair, none other than the Honorable BARBARA LEE.

Ms. LEE. Thank you very much. And let me thank you, Congresswoman CLARKE, a daughter of the Caribbean, for your leadership and for having the vision and the tenacity to put everything aside and go to Haiti this past weekend. And I want to thank you for that presentation because hopefully the rest of the country is watching and will have some sense of the tragedy that is taking place in Haiti. And because of your leadership, Congressman KENDRICK MEEK, and Congresswoman DONNA EDWARDS, I think this Congress will have a better handle now on what we need to do and what has taken place, which is beyond our imagination. So thank you, again, for stepping up to the plate and for your leadership.

Yes, four tropical storms and hurricanes in 4 weeks, Fay, Hanna, Gustav, and Ike. These storms left Haiti devastated. Also other Caribbean islands have been devastated as well as, of course, the gulf coast in our own Nation. So tonight our thoughts and our prayers, first of all, go out to the families and the residents of all of these communities in all of these countries that have been devastated by these storms.

And I will also just say that we have to do something and we have to do it quickly. And I want to thank Congresswoman MAXINE WATERS for right away asking that we sign on to making this request of $300 million. And as a member of the Appropriations Committee, I know that all of us are going to work very hard to try to make sure that at least the $300 million is there.

And also thank you, Congresswoman WATERS, for your leadership and for tonight, your presentation, putting all of this really in a historical context because we have to remember that Haiti is a vulnerable country and has been for many, many years. And we can't separate out our work now in terms of emergency assistance and relief from the work that we have to do long-term because of many of the issues that we have to address as it relates to infrastructure, job creation, health care, helping to develop water systems. All of those issues that you have been working on for so many years. So thank you very much for reminding us of the long-term work that still remains to be done.

This year, I believe it was in May, Congresswoman KILPATRICK and I led a congressional delegation to Haiti; and we were looking then at the conditions on the ground as it related to the soaring food prices. But our questions and what we wanted to know was what if our worst fears would come true, and that is what if another hurricane hits when the process of rebuilding and developing the agriculture sector and helping the emergency food assistance, while all of this is taking place, we said what if another hurricane hits this summer. And we didn't even want to ask that question because we were worried and we knew that we would have to face now, and the people of Haiti would have to face, the enormous, enormous tragedy now that they have to deal with.

So tonight I think it's important for us to recognize the fact that we have to do more.

Our own country I want to commend for doing everything we can do that we have done. It is remarkable to hear what you all have said you saw down there taking place and what our ambassador has done and what our armed services' young men and women are doing. I know our Peace Corps is engaged. I have a cousin in Haiti, and they're working very hard with the NGO community to develop a response.

But also we have to remember now what you pointed out in terms of the

transportation system. We have to be creative in how we help deliver this emergency assistance and this humanitarian assistance because this is a devastating hurricane that is of enormous proportions that will require new ways of doing things, new ways of delivering assistance, new ways of helping to save lives.

Five hundred people. Let's hope it stays at 500 people who have died. Of course our prayers go out to the families of the 500 people. It's hard to imagine what else the—what other deaths have occurred as a result of this, but let's pray it stays at 500, unfortunately. There are 70,000 people in shelter now, 250,000 and more in need of assistance. Many of the cities under water. It's hard for us to imagine.

But thank you for those charts and those photographs tonight because I think now we're coming to grips with the reality of what has happened and what has set in and how we have to redouble our efforts with a sense of urgency.

And we have to work on all fronts. I know Congressman ENGEL and myself, we're working on a briefing with the ambassadors with the region. Hopefully, the entire congressional body, both Members' staff, both sides of the aisle, will come out for those meetings later on this week.

We've got to provide more than the $20 million. Twenty million, yes. That's a decent amount for relief efforts, but much more will be needed. We've got to have much more than $20 million; $300 million in assistance, which Congresswoman WATERS has asked for, may or may not be enough, but thank you again for asking for $300 million. We've got to start somewhere.

And so, again, as the world leader, the United States I think is stepping up to the plate and has to show the rest of the world that we can lead, we can help our neighbors, and we can help not only in the most immediate and necessary emergency assistance that's required, but also with the long-term sustainable development assistance that we must begin to look at and provide for Haiti. So tonight we're sounding the alarm.

Congressman MEEK, Congresswomen CLARKE and EDWARDS went to Haiti. They came back. And they didn't have to do this. They could have been in their districts. They could have been doing other things this weekend, but they stopped and took their time so that they could come back and make sure that all of us were on the same page and that all of us heard that alarm. And we may see it on the TV, we may hear it from our friends in the community, but until it's real and it's made real and we have these meetings and discussions and forums here in Washington where the funding, hopefully, will come from, that's where I think this debate needs to be right now in terms of what we can do as Members of Congress.

So I have to thank you again for your leadership and giving us the opportunity to pull together and do something. Because I think to do nothing would really put us on the side of history that we would be ashamed of in the future. I think we all want to be on the right side of history at this moment in terms of how we respond to a country that is vulnerable, that has been under attack, that has been poor forever, that regardless of how poor, has resilient people who continue to be proud, who continue to get up, who continue to want to work, who continue to want a better day. We have to be on the side of those people of Haiti now and show them that we are their friends and their allies and will continue to work to support their efforts.

There's a slogan that we use, I know, in my district in our community when we talk about Haiti. We say, ''Let Haiti live.'' Let Haiti live. Now we're talking about let Haiti survive. I think Congresswoman WATERS and EDWARDS and CLARKE talked about how vulnerable and fragile Haiti is right now. So before Haiti can live, it's got to survive.

So tonight we're saying let Haiti survive; let's find the will and the way and the means to do everything we can do to make sure that the people of Haiti receive the type of humanitarian and emergency assistance, but also the type of long-term assistance that they deserve and that we definitely intend to provide.

Thank you again.

Ms. CLARKE. Thank you very much, Congresswoman BARBARA LEE, for your leadership, your commitment as a remember of the CBC, and a Member of the House of Representatives. You have been very outspoken and a real leader in addressing these challenges that are before our international community, our friends, and our allies.

So this evening, if I didn't see it for myself, I would not believe it. Haiti is in crisis. As we stand here today, lives are tenuous. And what Haiti needs immediately we've been able to identify. Haiti needs as much support as we can give from this body, as much as we can orchestrate through our Department of Defense.

There is a need for watercraft that can travel across the waters to get to very remote areas that have been cut off by land; there's a need for assessment to take place as quickly as possible about the structural soundness of the infrastructure that currently exists, any modern technology that can be utilized to pump waters back into the seas to help dry out those areas.

Certainly food products are very important. We see a hunger crisis coming down the pike of a magnitude that I don't think we every witnessed in this hemisphere. We need clean water. The waterways of Haiti have been contaminated by the death and destruction around them, the death of humankind, the death of livestock. They need clean drinking water, they need medication and medical support because we are anticipating and trying to get ahead of any outbreaks of airborne diseases, of mosquito-borne diseases.

□ 2130

They need support for those who are struggling with their own health conditions currently.

We've asked the President of the United States to move forward with temporary protected status for Haitians, to halt the deportation of Haitians from the U.S. To send individuals into that environment right now is cruel and unusual punishment. We hope that the administration will heed this call at this time.

There are immigration issues, but there's an unprecedented international relief effort going on right now in Haiti, and the last thing that the Nation can do right now is provide for those who are returning deportees.

Despite the frequent report of drowning caused by unsafe refugee boats collapsing, the current conditions and crisis in Haiti may trigger an exodus of Haitian immigrants to the United States. Desperate times call for desperate measures. You have desperation climbing each and every day.

Since fiscal year 1998, the Coast Guard has interdicted well over 1,000 Haitians each year. Over 1,000 Haitians have already been interdicted in 2008.

Temporary protected status is the most inexpensive, immediate form of aid the President can single-handedly provide, and we ask that he make this possible as soon as possible.

There are currently six countries that are protected under TPS provisions: Nicaragua, Honduras, El Salvador, Burundi, Somalia and Sudan. And while other countries under similar circumstances have been afforded relief through TPS, Haiti has been overlooked time and time again.

Remittances are currently one-third of Haiti's gross national product. If we indeed want to underpin and undergird this country in its recovery, it is critical that we look at every vehicle and instrument we have at our disposal to help the people of the island nation of Haiti.

So we've put some recommendations forward. We look forward to further debate and conversation here in the House of Representatives. Haiti is a country in crisis. I've seen it. I know it. It is our time now to act upon it.

Mr. Speaker, I thank you for giving us this time as the Congressional Black Caucus. I want to thank our chairwoman, CAROLYN KILPATRICK, for her vision and leadership and her insistence upon us traveling on this emergency codel.

I'd like to thank again my colleagues Congressman KENDRICK MEEK for his

leadership in this codel and his ability to get things moving and done through his affiliation and work as a member of the Armed Services Committee.

And I'd like to thank our newest Member, DONNA EDWARDS, for her leadership. She is a rising star. She is a part of making things happen here on the Hill, and it's just a source of pride and inspiration to work with her on this very important endeavor.

THE DEMOCRAT ENERGY BILL

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PENCE. Mr. Speaker, I will be joined this evening on the floor by a number of distinguished colleagues, and we're going to take the opportunity on what we believe, Mr. Speaker, is the eve of a historic debate on energy legislation in the House of Representatives, to talk about the issue that is most bearing upon the American family. It is most bearing upon American business. It is most bearing upon our schools and our seniors and our standard of living, and that is, the high cost of fuel and gasoline.

The American people are hurting, and Republicans here on the House floor are delighted that this Congress is back in session, that the lights are back on and the cameras are back on because, all through the month of August, while the House Democrats took a 5-week paid vacation, Republicans stayed here because we simply believe that there's no issue of greater import to working Americans, small business owners or family farmers than the cost of gasoline and the high price of oil.

I will say to you that the disappointing economic news in August, Mr. Speaker, can be explained with one phrase: The high cost of energy is costing American jobs, and the American people know this.

As I traveled the four corners of my eastern Indiana district this past weekend, I did not hear about the bowling scores of Presidential candidates. I didn't even hear about lipstick very much. But I heard one Hoosier after another saying to me, please, get Congress to do something real about lessening our dependence on foreign oil and lowering the price of gasoline at the pump. And that's why we're here tonight, to talk about this issue.

It's an issue on the front page of my hometown newspaper, the largest newspaper in my district, I should say, the Muncie Star Press. After Ike hit shore, gasoline prices went to $4.29 a gallon. In parts of my district, they were reported to be well over $5 a gallon in the Midwest.

The headline tells the tale: Hoosiers are helpless. Millions of American people are helpless, Mr. Speaker, as they see a Congress that has over the last two years of this Democrat majority twiddled its thumbs while gasoline prices rose and rose and rose, and then they took their 5-week paid vacation.

But as I said, Republicans never left. As newspapers reported and radio reported all throughout the course of this summer, we stayed on this floor even though the lights were dimmed and the microphones were off, and we kept demanding that Speaker NANCY PELOSI would bring this Congress back into session and would bring a bill to the floor of this House that would give the American people more access to our own domestic reserves through drilling and include all of the other strategies long-term energy independence, more conservation, more fuel efficiency, solar, wind, nuclear.

A lot of people are looking at Congress this week with the word that we're going to be debating an energy bill that newspapers are reporting includes drilling and they're saying, MIKE, what's your problem? It seems to me you were one of those people arguing in the dimmed lights of the House Chamber for the whole month of August, demanding that Congress come back. They came back. Demanding that they bring an energy bill to the floor with drilling. And it looks like they are.

Well, I want to say, Mr. Speaker, to you and anyone looking in, it only looks that way. The energy legislation that will be brought to this floor, according to the best information we have, will do virtually nothing to lessen our dependence on foreign oil. If they have their way and take them at their word, it will still leave more than 80 percent of our domestic reserves forever off limits.

Now, we are going to gather tonight with some of the most distinguished and eloquent voices in the House Republican caucus to talk about this bill, to talk about the Democrat energy bill.

But I want to frame this debate, because as near as we can tell, Mr. Speaker, the Democrat majority's going to file a bill tonight with this 21st century energy crisis underway that sounds like they're going to debate for a whole day, maybe a day and a half, and then we're being told we'll be voting by the middle of the week.

Now, I don't want to get lost in the weeds of boring the American people who are looking on tonight with talking about subcommittees and committees and things we call markups, but the American people deserve to know that this bill, if it's filed tonight, we're being told the Democratic energy bill hasn't been written in any committee by people elected by the people of the United States of America. It hasn't been written in any normal process. It's been written in the back rooms of the Speaker's office.

Ironically, in the middle of August this year, as many of us were clamoring on this House floor with the lights dimmed, calling on the Democrat majority to come back and debate energy, we learned that an environmental group known as the Sierra Club had endorsed their bill. Well, we'd never seen the bill. In fact, we still haven't seen the bill. But it's coming.

And so what we are going to do tonight is we're going to do our level best to use the franchises that we have on this floor to inform the American people about what's going on here, and I'm going to use, Mr. Speaker, the Whip Pack that's put out by the office of the distinguished majority whip, the Honorable JAMES E. CLYBURN, and it's about five or six pages of, you know, what people in the political business call talking points about the Democrat legislation.

And let me be clear, I know I and the distinguished legislators on the floor tonight, we would love to be debating the bill but we don't have it. The Democrat majority is about to bring an energy bill that they're calling the Comprehensive American Energy Security and Consumer Protection Act, and the title of the bill is all I really know at this point. It will likely be hundreds, if not thousands, of pages long, but we'll talk about the talking points tonight.

But I want to make two points before I yield to my colleagues. Number one, the American people deserve to know that the Democrats have made rhetorical progress in this battle. The truth is that Speaker NANCY PELOSI, a San Francisco liberal Democrat and a distinguished Member of this body, who I respect as a person, has been accurately described in the media as a zealous opponent of offshore drilling since the 1980s.

Speaker NANCY PELOSI of San Francisco has, like many liberals in California, been an ardent opponent of offshore drilling throughout her public career and was an ardent opponent of even taking a vote on offshore drilling until I think last week.

Let me give you the tale of the tape here. As recently as July 11, Speaker NANCY PELOSI told the New York Times, ''This call for drilling in areas that are protected is a hoax.'' She said, ''It's an absolute hoax.'' This is this last July. Speaker of the House said, and I quote her with respect, ''It's an absolute hoax on the part of the Republicans and this Bush administration.''

In an interview on July 17 on CNN, an interview with Wolf Blitzer, he said, ''So let me get—will you allow the issue, offshore oil drilling, to come up for a vote on the floor of the House?''

Speaker PELOSI, ''We're going to exhaust other remedies in terms of increasing supply in America . . .''

Wolf Blitzer, ''So the answer is no?''

Speaker NANCY PELOSI, ''I have no plans to do so.''

In fact, many of us remember on August 3, a couple of days after that Congress adjourned for a 5-week paid vacation, a memorable and, in my opinion, a workmanlike journalistic job by George Stephanopoulos on ABC's ''This Week'' Sunday morning program where he must have asked Speaker PELOSI five different times whether she would ever allow a vote on drilling. And she said no about as we say south of highway 46, different ways from Sunday, no, no, no, no.

In other settings, Speaker PELOSI, has said, and I quote that she's, quote, trying to save the planet, presuming that allowing the American people to environmentally, responsibly take advantage of our own natural resources on the Outer Continental Shelf in the gulf or in Alaska would endanger the earth.

And let me say, that's entirely her right to hold that view. It's just not the view of the overwhelming majority of the American people, and it is certainly not the view of the majority of the Members elected to Congress. All the Republicans and many Democrats are prepared today to vote to lift the moratorium on offshore drilling that's been in place for decades.

So I guess that my first point to make today, Mr. Speaker, to you and those looking on is, is first and foremost, let's understand our context here, that throughout the course of this newly minted Democrat majority, Speaker NANCY PELOSI has made it crystal clear until very recently that she was categorically opposed to this Congress ever voting on drilling. I think we ought to evaluate the Democratic proposal in the context of her sincerely held views up to a week ago.

□ 2145

And I would say with that, allowing for a belief in the sincerity of all of my colleagues, I think we ought to trust, but verify. I think we ought to look at the detail. Someone who has been, throughout her public career, a vociferous opponent of offshore drilling now allowing what we're being told is a bill that would allow offshore drilling, you know, we probably ought to read the fine print. And that's what we're going to try to do tonight. I can assure my countrymen who may be looking on, we will be trying to do that in the whole day we will be debating this energy proposal. A day.

You know, I worked on legislation that passed the House this year by 398 votes, a bipartisan measure; I have currently been working on it for 4 years. It has been debated through committees, it has been debated through the House, it has been considered in the Senate. And that's pretty typical in legislation. But this bill is going to be introduced tonight, and we may debate it for a day.

I yield to the gentleman from Arizona.

Mr. SHADEGG. Let me just ask you a question; I thought that when the Democrats took control, they promised the most open process in the history of the United States Congress. You've told us here in these remarks tonight that we're going to debate this for a whole day—a whole day. I thought those rules said that, in this open Congress, Members would get 24 hours to see a bill before it was voted on. I think our colleague, Mr. WESTMORELAND, brought that to our attention. And yet you mentioned that this bill has not gone to Rules yet and wasn't written in subcommittee or full committee or ever marked up in subcommittee or full committee. And it's in Rules in the dark of the night as we approach 10 o'clock here on the east coast. You can't really mean they're not going to give us 24 hours. You can't really mean they're going to write this bill in a back room and yet bring it to the floor still tomorrow, with less than 24 hours in this, the most open Congress in history?

I would be happy to yield back the gentleman's time.

Mr. PENCE. I yield to the gentleman from Georgia.

Mr. WESTMORELAND. I thank my friend from Indiana. But to the gentleman from Arizona, let me point out that that was only a promise.

Mr. SHADEGG. Oh, okay.

Mr. WESTMORELAND. Yes. A Congress working for all Americans is the Democratic promise. And what the Democratic promise says is, ''bills should be developed following full hearings and open subcommittee and committee markups with appropriate referrals to other committees. Members should have at least 24 hours to examine a bill prior to consideration at the subcommittee level. Bills should generally come to the floor under a procedure that allows open, full and fair debate, consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute. Members should have at least 24 hours to examine a bill and conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day.''

It also says that the suspension calendar should be restricted to noncontroversial legislation. I would like to remind my friend from Indiana that all the legislation that we've had thus far in the 110th Congress that dealt with energy has either, number one, been brought up under a closed rule or under a suspension rule. The closed rule means no amendments. The suspension rules mean no subcommittee, no committee, no amendments, just a straight 20 minutes for each side.

And I've got some other points I want to bring up, but I'll let you talk about these empty promises that has come about.

Mr. PENCE. Reclaiming my time, and I thank the gentleman from Arizona and the gentleman from Georgia. And in the few minutes that I'm going to take before I yield to my colleagues, Mr. Speaker, if anyone senses a bit of incredulity in our voices, it is borne of profound frustration, the profound frustration that the American people are hurting. And they don't want backroom deals coming to the floor of this Congress; they want a fair and open debate that lets the Congress work its will and develop a bipartisan strategy that achieves energy independence in the 21st century. We cannot do that in 24 hours. We cannot do that with backroom deals that are done in the dead of night with no amendments allowed on the floor, one-size-fits-all. That smacks more of politics than the kind of bipartisan accomplishment that the American people expect from the people's House.

Now let me give a few details about what we know about the bill that has not yet even been filed in the Congress and could be voted on the day after tomorrow.

The Democrat energy bill. Let me just give you 10 ways the Democrat energy bill fails the American people.

The Democrats' energy bill, number one, permanently locks up 80 percent of American oil reserves on the Outer Continental Shelf; 80 percent. If it passes intact, 80 percent of our reserves will be off limits forever.

Number two, the Democrats' ''no energy'' bill, as we know it now, permanently locks up more than a trillion barrels of oil from oil shale in the inner mountain West.

Number three, the Democrats' ''no energy'' bill permanently locks up more than 10 billion barrels of oil on Alaska's remote North Slope, an area where energy production and wildlife have been safely coexisting for decades.

Number four, the Democrats' ''no energy'' bill blocks more nuclear power production, efficient, less costly production than nations like France have been using for decades.

Number five, the Democrats' ''no energy'' bill does nothing to construct new clean coal energy production.

Six, there is an enormous tax increase in the Democrat energy bill, something they've been talking about ever since they took over the Congress, raising taxes on oil companies. Well, after the holocaust that struck with Hurricane Ike and Hurricane Gustav and Katrina a few years hence, the American people know we need more refineries in this country.

Congress passed tax breaks for oil companies to encourage the construction of more refineries, and they want to repeal those breaks and now raise taxes more. I've got to tell you, the biggest laugh line I have in eastern Indiana is when I look at people at town hall meetings and at town squares and

I say, who among you thinks that by raising taxes on oil companies you will lessen the price of gasoline at the pump? It's a laugh-out-loud line, but it's what passes for the Democrats' energy policy.

Quickly then. The Democrats' ''no energy'' bill, as we know it, permanently prevents Federal agencies from using alternative sources of fuel. It increases electricity costs on families, seniors and small businesses through new heavy-handed electricity mandates. It includes plans for exactly zero new refineries as I mentioned before. And it ultimately defies the will of the American people who want this Congress to work together, who want this Congress to take an up-or-down vote on lifting the moratorium on offshore drilling, who want this Congress to bring all-of-the-above strategies—wind, solar, nuclear—and vote them up or down. But instead, we get a backroom deal, brought, soon to be, I assume, in the dead of night with no opportunity or meaningful opportunity for debate or amendment.

With that, I'm pleased to yield to the Policy chairman of the Republican Conference. THADDEUS MCCOTTER of Michigan is a colleague who spent more time on this floor during the August recess than any single Member of Congress. And I yield to him to speak about this legislation and its flaws.

Mr. MCCOTTER. I thank the gentleman from Indiana.

As you know, a fellow midwesterner, we, in the Great Lakes State, have suffered gravely from the high cost of energy. We've seen our manufacturing sector hard hit; we've seen our tourism industry hard hit; and across the board, we've seen our residents hard hit by the high cost of energy. And they have taken exception to the fact that the Congress, which they elect to work for them—and the Democratic majority in particular—chose to take a 5-week paid vacation while they suffered, while their family budget shrank, and while there was time for politics, but no time to bring a vote on this floor for an all-of-the-above energy strategy.

Now, let us make one thing clear: You will hear much from the majority Democrats that this is a drilling bill. This fails on two accounts. First, this is a political bill. All statements by the majority party have been phrased in the context of a political decision to provide them cover with the electorate they have so ill served over the course of the last 18 or 19 months. So when you say that we have incredulity on our side of the aisle, it is more than that; we have indignation at the way the process has been abused to prevent help going to our constituents through a sane, sound, all-of-the-above strategy.

Secondly, what we are most concerned about is the fact that the Democratic majority seems to believe its own myth that all the Republicans care about is drilling. This is not the case. Drilling is a technique. What the Republican Party has been about is the maximization of American energy production. It is not the technique, it is the goal.

We have focused on an all-of-the-above strategy that requires maximum American energy production, commonsense conservation, and free market green innovation so we can have a responsible transition to American energy security and independence. And when we see a bill come forward that says we are going to allow some drilling, we are going to somehow continue the government rationing of America's energy and provide you with maybe 20 percent relief by allowing you access to those precious materials and fossil fuels—which are yours, the American people—we not only strain credulity, we not only raise indignation, but what we have done is we have insulted the intelligence of the American people that somehow help will be on the way.

So when this bill comes forward in the manner that you and the gentleman from Arizona and the gentleman from Georgia have talked about, this is surely proof positive that this is a political ploy. It is not an energy policy suitable for the United States in the 21st century. And we have no doubt that while some on the majority side in the Democratic Party may have the witty talking line that Republicans will not take yes for an answer, I have no doubt that the American people will not mistake the Democratic Party's ''no'' for a solution.

I yield back to the gentleman from Indiana.

Mr. PENCE. I thank the Policy Committee chairman for his remarks.

I am informed, Mr. Speaker, that I stand corrected; that the legislation that I said had not been filed was filed during my opening remarks. And so anyone looking in should be aware that at 9:45 p.m. Eastern tonight, or thereabouts, the Democrat majority's plan for achieving energy independence in the 21st century was filed. We do not know the contents of the bill; we do not know the length of the bill. We are attempting to receive a copy of it and will attempt to report on that as much as we can before we adjourn tonight.

The Secretary of the Republican Conference, the distinguished gentleman from Texas, JOHN CARTER, is recognized for 5 minutes.

Mr. CARTER. I thank you very much for recognizing me on this issue.

You know, tonight, as we gather here, a bunch of Texans have just weathered a pretty rough storm down there in our part of the world. And it brought to the forefront something that Americans have already experienced in Indiana, and that is, when one-fifth of the refining capacity of the United States is hit by a hurricane because it is concentrated on the gulf coast, then we're going to see gas prices and diesel prices go up.

And even though tonight there are double shifts working in every refinery—and we were blessed that those refineries were not damaged more than just slightly—to bring that production back up is just like any other factory you shut down, you have to bring it back up to get to full production. And it will take days, and maybe even weeks, to where we're back. And the market knows that, and the market fears that. Just look at what happened when one refinery burned outside of Chicago partially, that's the first jump in gas prices, if Americans will think back to when the first jump in gas prices occurred.

Now, the reason why I bring this up, not only do I think about my neighbors back home and all the pain and suffering that they're going through, and then I think about the neighbors around the country that are going to suffer as a result of this natural disaster down there with the prices, and then I think about the fact that Republicans on this House floor have been trying to get something done about refining capacity for 30 years. And for 30 years, it has been the policy of the Democrats to say ''no more refineries.''

And as the gentleman mentioned, we finally got at least an incentive package to try to get refineries to start building new refineries. And quite frankly, if you're putting together an energy plan and you're talking about just refineries, shouldn't you maybe think about putting them someplace else besides the Texas and Louisiana and Mississippi gulf coast, seeing as we know what happens there all the time when it comes to hurricanes? We should be having a plan for just the simple matter of having some gasoline and diesel produced in this country.

Now, Americans have common sense. Things don't have to be complicated for them. They look at an issue and say, are you telling me that this bill was written by the Speaker of the House and her folks with really no input from anybody? What makes them experts? And do I want them planning my life and my energy needs for the next 20 years in the back room of the Speaker's office?

□ 2200

Now I think the American people say no.

And I think the American people would say that this is an issue that should have some concentrated effort. Maybe they should have been here for the 5 weeks that the Republicans were here. I think the people back home were saying maybe we should have been meeting, which they seem to talk a lot about, in a bipartisan method to come up with a real all-of-the-above energy solution the Republicans started talking about 6, almost 7 weeks ago

on a Friday afternoon when they shut off the lights, shut off the mics and ran off the press in this very House. But we Republicans stayed. And we talked. And we said this is a crisis. And then we've had another natural disaster which has enhanced that crisis. It's time that we wake up and realize, quit playing politics with that long distance trucker who is going to have to pay maybe $6 or $7 for diesel and not make a dime on his load. Or I had a rancher tell me that today, if you sell a calf at the auction in central Texas and you get $90 for him, $45 of that is in energy costs. It's time for us here in this Congress to wake up and instead of cramming eleventh hour pieces of legislation that look like the Fort Worth phonebook down our throats, maybe we should have that bipartisan discussion.

It's a shame that this type of legislation, and I can see it in your hand there, has come here in the last, it's 10 o'clock, in the last 20 minutes. It's time we get to work as Americans and pass a comprehensive energy plan that we all participate in.

Mr. PENCE. Thank you, Congressman CARTER.

The gentleman from Texas just made reference to what I have in my hand, which is the bill, Mr. Speaker. It was filed just a few short moments ago. We will be debating it tomorrow because what is known as the Rules Committee is meeting tonight to outline the parameters of debate. And it looks like some of us are going to be up late. It's 290 pages. And for those who might be looking in, you're looking realtime at what passes for legislating in the Democrat majority in Congress. It's 290 pages filed tonight. And we're voting on it tomorrow. And I assume the committee is meeting tonight and can move quickly because there will be apparently no, if any, amendments allowed.

Now let me say before I yield to the distinguished gentleman from Arizona on this issue, when I said earlier that this legislation locks off permanently 80 percent of our domestic oil and natural gas reserves on the Outer Continental Shelf, let me explain that to you because I have confirmed it now in the bill. This bill permits leasing and drilling for oil between 50 and 100 miles if States opt in. Of course it offers absolutely no revenues to the States for opting in the way that current law does with States along the gulf coast and the way that the Republican bill offers States, I think 39 percent of revenues go to States. And 10 percent goes to the Federal Government in the Republican bill, and then 50 percent of the revenue goes into developing new alternative energy strategies. But when I say that it permanently locks it off, there is no drilling here permitted between the current 3-mile threshold and 50 miles. None whatsoever. It's banned permanently.

And to give you an idea of what kind of resources we're talking about, eastern seaboard 3.8 billion barrels estimated, 3.7 billion in the eastern gulf of Mexico, 11 billion barrels in the Pacific coast. And most experts say most of it's between 3 and 50 miles. The Speaker of the House called plans to drill a hoax. And I'm not in the name-calling business, but the American people should know that this so-called energy bill which includes so-called drilling actually bans the American people from the overwhelming majority of our domestic reserves on the Outer Continental Shelf forever.

Let me yield to the gentleman from Arizona, JOHN SHADEGG, for 5 minutes.

Mr. SHADEGG. I want to thank the gentleman for conducting this Special Order. I think it's vitally important. I want to thank all of my colleagues, the chairman of the Policy Committee, my colleague, Mr. WESTMORELAND from Georgia, and each of my colleagues who have spoken before me. It is I think a particularly sad moment. Kids grow up in schools in America today believing that legislation is written in a committee process allowing people across the Nation, quite frankly, to have input either directly themselves to that legislation or through their Member of Congress. And so they get out a textbook when they grow up that says ''How a Bill Becomes a Law.'' And it shows that a citizen has an idea, and they take it to a legislator. And that legislator says that is a good idea, and they write it into a bill. And then they bring that bill to this floor and they introduce it. And the bill gets assigned to a committee, and from the committee to a subcommittee. And it goes through a subcommittee hearing and a subcommittee markup and a full committee hearing and a full committee markup. And then here in our body it might go to a second committee. And ultimately it goes through Rules Committee.

I suggest that in America we need to amend our textbooks because under the current regime under Speaker PELOSI, that does not happen. Bills get written. This bill of huge moment and of huge importance to the American people was not ever written or introduced or seen in a subcommittee, never seen in a full committee, never had a chance for input. And that is shocking. But let me point out why that matters.

It matters because the Nation believes this week in Washington we're going to do something important. The Nation believes this week in Washington we're going to take up the drilling issue. I want to suggest to you, and I know my colleague understands this, that nothing that happens this week will have any legal meaning, any practical impact at all. I don't mean to be harsh. But it is a charade. It is, quite frankly, a hoax on the American people. And let me tell you why. Not one of these bills, not the bill you just held up, not any of the three bills that will be debated in the House and Senate this week, will produce a drop of oil. And if Americans sitting across the country are saying, well finally we're going to draft a bill that will produce some oil, they need to sit down. They need to listen carefully. They're about to be shocked. Not one drop of oil will be produced.

I will tell you why. Because the bill didn't go through a committee markup process. All of these bills are silent on legal challenges. I asked the gentleman in the chair to listen. He is a thoughtful Democrat. He knows that these things matter. I ask him to listen. Not one of these bills contains language dealing with legal challenges. And without that language, there won't be a drop of oil. Let me tell you why. This Nation has got people in it who will file lawsuits challenging whatever we do, and not a drop of oil will be produced.

Back that claim up, Congressman SHADEGG. Well let me tell you the story. Here are the facts. Radical environmentalists, the Center for Biological Diversity, the Natural Resources Defense Council, the Sierra Club and numerous others, Earth First, have filed lawsuits blocking every single oil lease issued in this country and all future oil leases already.

Let me give you some shocking statistics. In February of this year, the Bush administration issued 487 oil leases in the Chukchi Sea, which is the coast off the west side of Alaska. Radical environmental groups, the Center for Biological Diversity, the Natural Resources Defense Council, the Sierra Club and others challenged not 80 percent of those leases, not 90 percent of these leases, they challenged with a lawsuit, pending right now, stopping those leases from going forward, all 487 leases. They didn't let one go forward.

The government decided to issue a 5-year plan for oil leases in Alaska and in the lower 48. And so in July of 2007, the Federal Government issued a plan to allow oil leasing over the next 5 years. Radical environmentalists, the Center for Biological Diversity and others, already filed lawsuits challenging every existing oil lease and every future oil lease. In Alaska there are a grand total of 748 oil leases. How many do you think have been challenged? I will yield to the gentleman. How many do you think have been challenged if there are 748?

Mr. PENCE. I would speculate 748.

Mr. SHADEGG. The gentleman is precisely correct. That is to say whatever bill we pass today, whatever oil leases come from that bill, if Joe back in Texas or Sarah in Washington State or Jill in my State of Arizona or Jack in Utah believe that that bill will in fact lead to drilling on the Outer Continental Shelf, they are wrong. It will lead to nothing because radical environmentalists will sue every single oil

lease. This year in the Chukchi Sea, we issued 487. They sued to block 487. In all Alaska including the Chukchi and Beaufort Seas, we issued 748, and they filed to block 748.

The Minerals Management Service this year approved an exploration plan for 12 leases in the Beaufort Sea. That is to say an oil company came in and said we've got a lease. We now want to go forward. Here is our exploration plan that they have to file with the government under current law. There were 12 of those that were approved this year by the Minerals Management Service of the Federal Government. How many of the 12 were challenged? All 12. You got it right.

There is another lawsuit under the Freedom of Information Act going after every single lease in the country. But it is not just in the Outer Continental Shelf. Let's talk about here in the United States. On July 16, 2008, the Bureau of Land Management, New Mexico State office, auctioned off 78 oil leases, some in New Mexico, some in Kansas, some in Oklahoma, some in Texas, the gentleman who just spoke. Out of 78 leases they issued in New Mexico, Kansas, Oklahoma and Texas, along comes a group called the Western Environmental Law Center and Wild Earth Guardians, and they filed suit against not 80 percent of them, not 85 percent of them, not 92 percent of them, they filed a lawsuit against 100 percent of the leases in New Mexico, Kansas, Oklahoma and Texas. The government issued 78 leases. Radical environmentalists sue 78 leases.

This is I think a really sad day because the Democrats are holding themselves out, and tomorrow on this floor, they will say they are addressing drilling in this country. They will say they are going to allow drilling to go forward. And it is a charade. It won't happen because they know that the Center For Biological Diversity, Natural Resources Defense Council, and friends like Wild Earth Guardians will file suit and stop not some of these leases, not most of those leases, but every single one of them.

That makes me sad because it has the Congress deceiving the people of Arizona, the people of America. They are deceiving the people of my home State of Arizona too, and it shocks me. This is amazing. And somebody might say well, Congressman, that is the norm. People can always file suit. That is not true. When we did the Alaska pipeline, we wrote a provision into the law that said, if you want to file suit, you have to file it in this court and it has to be done in this amount of time. All of us on the floor here were here when we passed the legislation to build fencing along the southern border of the United States to keep out illegals. In that legislation, we said that if you want to file a legal challenge, the government can get you past that legal challenge.

I want to suggest, as I conclude here, that if Speaker PELOSI really wants to produce oil, if the Democrats on the other side in the Senate, the other body, really want to produce oil, if our friends, our good Republican friends who are a part of the original gang of 10, now maybe it's the gang of 16 or the gang of 20, if they really believe they want to produce oil and they want to contribute to this, it's easy.

□ 2215

You can write language into the bill that says we are going to allow lawsuits. Everybody believes in the process of law. I call myself a recovering lawyer. I don't want to preclude all lawsuits. But we can write reasonable language to block dilatory lawsuits, language that says you must file any legal challenge to this bill within 180 days, and it takes priority over any other litigation, and it must be resolved within that 180 days, and then you get a period of time of maybe another 180 days for appeal.

If we pass a bill here in the Congress, in the House or the Senate, which says to the American people we are going to allow drilling to occur, and it is silent, as that bill you are holding is, it is silent on expediting legal challenges, the bill is meaningless and we will have played a nasty, mean-spirited trick on the people at home who want us to do something about oil.

I call on my colleagues on the other side of the aisle. If they care about solving the problem of drilling, if they really mean yes, I am willing to allow some compromise on drilling, then it has got to have language expediting lawsuits.

I thank the gentleman for yielding.

Mr. PENCE. I thank the gentleman from Arizona for his extraordinary insight on this issue. It really does beg the question, Mr. Speaker, for anybody looking in. This is the Democrat energy bill. It was filed we think about 30 minutes ago. It is 290 pages long, so I can't speak with authority about what is in it, because I haven't had a chance to read it.

But what we know is not in it is any expedited litigation reform that would prevent environmental organizations or radical, leftist groups from tying up our domestic oil reserves in the courts, as they are doing in existing leasing areas. Also what is not in it is any revenues at all to drill in that 50 miles out to 100 miles out.

Mr. Speaker, if you think we are suggesting that that is more important than it really is, I would quote to you Democrat Senator MARY LANDRIEU, who in her hometown newspaper this weekend urged House Democrats to oppose the House Democrat bill. Democrat Senator MARY LANDRIEU said because the bill offered the States no money to drill off their shores, that it was ''dead on arrival in the Senate.'' She said, ''It most certainly won't see the light of day in the Senate.''

So as I prepare to yield to the distinguished gentlewoman from Minnesota, no one wants to see a bipartisan compromise on comprehensive energy legislation more than me.

I spent a good chunk of my August recess talking in a darkened chamber. I would love to see the Congress come together this week and figure it out and share all the credit. But it has to be a serious effort to say yes to solar, yes to wind, yes to nuclear, yes to conservation, and it has to be a serious effort to say yes to giving the American people more access to American oil. And when one hears the gentleman from Arizona and one hears people like the Democrat Senator from Louisiana, one comes to the conclusion this is not a serious effort to give the American people more access to American oil.

I yield to the gentlewoman from Minnesota, MICHELE BACHMANN.

Mrs. BACHMANN. I thank the gentleman from Indiana for yielding, and I hear the frustration that is in your voice, because you are echoing the frustration that the American people are feeling all over this country. Right now, they are taking their pencils and breaking them, they are taking their shoe and throwing it across the room, because they can't believe that for the 21 months that the Democrats have held the gavel in this Chamber, they have only now tonight, for the first time in 21 months, had the guts to put on this floor their ''commonsense energy plan.''

From what we know of this bill so far, this ''commonsense energy plan'' doesn't have a lot of energy in it. If you take about 80 percent of the Outer Continental Shelf and make it illegal, permanently off limits to energy production, how can you with a straight face before the American people say that you want to get serious about solving this problem?

This isn't a bill. As our colleague Representative SHADEGG said, this is a charade purported upon the American people. So what we are saying is, whose side are you on? Whose side are you on? Do you want a pro-American energy bill? That is what we want. We want to be truly energy independent.

I want to piggyback back on what Representative SHADEGG said. He talked about the lawsuits that have been filed. Every single lease that has come up for sale has had a lawsuit filed.

I just want you to know, in my district we have the longest-running unfinished bridge project in the history of the United States of America. Why? Because we have lawsuits filed by the Sierra Club. We still don't have a bridge coming on line, because the Sierra Club now has run up the tab so that people in my district will be paying over $400 million to build a bridge

because we have lawsuits filed against this bridge.

Why do we even allow lawsuits at all? If the United States Government certifies that land is available for leasing, shouldn't the United States Government certify that this land should be truly available for leasing? We don't need these outside groups to come in and file these lawsuits, because, after all, if there is a problem with the environment, if there is a problem with laws being violated, don't we have the Minerals Management Service that could issue a fine, that could issue a temporary restraining order, that could prohibit that company from drilling at all and pull that lease back? Certainly they could.

Why do we allow these leases at all? We are in a serious situation in this country. We just saw financial firms, Bear Stearns has had a problem. They have needed a government bailout. We have seen Fannie Mae, Freddie Mac. They needed the Federal government to come in and take them over. Just this week, Lehman Brothers is filing bankruptcy. We are seeing Morgan Stanley being bought out by Bank of America.

What are the American people worried about tonight, Mr. Speaker? They are worried about if they are going to have a job tomorrow morning. They are worried if they will have enough money in their bank account to put gas in the tank so they can go to their job. This is serious, Mr. Speaker. This is no joke. That is why I think this is an insult to the American people.

This is 290-some pages, as the gentleman from Indiana said. But this is a joke on the American people. If this won't produce one drop of oil, then why are we wasting our time?

Let's face it: We have got now nine days before adjournment, nine days before the end of the year. Nine days. So we are going to, what, dance around a little bit and have a charade a little bit? We don't even know if we can file an amendment on this bill. We don't even know what we will be allowed to do.

But the one thing I guarantee, Mr. Speaker, is we will not remain silent. For the next nine days, the Republicans in the House on this floor will not remain silent before the American people, because we are going to tell the truth. We are going to tell the truth that under the last 21 months of Democrat-controlled Congress, we have seen post offices renamed. We have seen Federal buildings renamed. In fact, we have seen monkeys saved from being transported across State lines. We have even seen $25 million of American taxpayer money go to foreign countries in the form of foreign aid to pay for foreign cats and foreign dogs. We have seen this come off of the floor of this body.

But only tonight, at a quarter to 10, did we see an energy bill come before this body, which we believe will not produce one drop of energy, while the American people tonight are paying $4 a gallon for gasoline. If we don't get serious and really produce energy, come this November, the American people are going to have a choice: Do they want to pay $2 a gallon for gasoline under a commonsense Republican plan, or do they want to pay $6 or $8 or $10 a gallon for gasoline? That will be the reality, because under a President Obama, we won't have drilling, and under a Democrat-controlled Congress, we know we won't have drilling. That is the choice before the American people, Mr. Speaker: $2 a gallon for gasoline, or $6 or $8 or $10.

That is why I am so grateful to the gentleman from Indiana tonight, because he has pegged it. He has pegged it. He has said that this bill is nothing more than an insult to the American people. And that is why we are here tonight, as the precursor for the debate that will occur tomorrow.

Mr. PENCE. I thank the gentlewoman from Minnesota, and would recognize the gentlewoman from North Carolina, VIRGINIA FOXX, one of the most passionate, eloquent advocates of American energy independence in the Congress.

Ms. FOXX. I thank the gentleman from Indiana for leading this. I want to say it is a tough act to follow, MICHELE BACHMANN from Minnesota. She did such a wonderful job of synthesizing this.

I want to add just a couple of comments to what she has said. The Democrats took over control of the House and the Senate in 2006 by making a lot of promises. They have broken every one of those promises, and this bill is a culmination of the promises that they have broken.

As you all have pointed out, it is a 290-page bill. The Rules Committee is meeting now. We got it 45 minutes ago. They are going to come out, there will be no amendments offered for the bill. It is just a sham. It deserves the ''Emperor's New Clothes Award.'' That is what I want to give it.

I think we need to point out, why are we allowing lawsuits? That was a question our colleague just asked. Let's just say it straight, folks. The Democrats in this Congress are being controlled by three groups of people: The trial lawyers, the unions, and the radical environmentalists. Again, this bill is a good indication of how they are being controlled by those three groups.

The other thing I would say is that from the first of August of this year until the end of December, the Democrats will have kept the House in session for 14 working days. That is all. Talk about a slam against the American people. We are letting the American people suffer with high gas prices while the Congress, led by the Democrats, and it needs to be said 3,000 times every day, the Democrats are in charge.

I want to say why we are going to have this vote, because I am quoting from today's Congressional Quarterly, so it isn't just coming from us as Republicans. This is an objective piece of journalism. The Democrats need to provide political cover to moderate members of their caucus who could suffer on election day unless they can show constituents they voted for an expansion of drilling.

They don't expect this to become law. There is no expectation. But they are giving cover to a few of their members who can say, oh, I went home and voted for this, this sham of a bill.

The American people are becoming more and more cynical. There is a 9 percent approval rating for the Congress. I hope that those who are watching know again the Democrats are in charge. If you want a Congress that is not going to leave you cynical, that is not going to walk away from its job, that is not going to leave you paying $4 a gallon for gas, then you need to pay attention to who is representing you.

Mr. PENCE. I thank the gentlewoman from North Carolina for her passion and candor.

If I can yield to each of our last two speakers, then we will be able to clear the baffles. I think those that might be looking in, Mr. Speaker, can sense the frustration, not of the opposite political party, not of a frustrated minority, but what you are hearing here is the frustration of public men and women that know the American people are hurting. Seniors, small business owners, family farmers, school systems are struggling under the weight of record gasoline and diesel prices, and we ought not to be on this floor playing politics with this issue. We ought to be compromising. We ought to throw open the windows, open the blinds, have the debate, take the votes and let the cards fall where they may. That is mostly certainly not what is happening this week.

I yield to the distinguished gentleman from Texas on the Energy and Commerce Committee, Mr. BURGESS.

Mr. BURGESS. I thank the gentleman from Indiana. It just strains credulity. I sit on the Subcommittee on Energy and Air Quality of the Energy and Commerce Committee, and it strains credulity that I come to the floor of the House tonight and find that this bill has been filed by the Rules Committee.

We have had tons of hearings over the last 18–20 months in our subcommittee, and fact is, we never got a chance to look at this bill in subcommittee. We never got a chance to mark it up in subcommittee or full committee. Why even bother having congressional committees, when this stuff is going to spring from whole cloth in the Speaker's Office? It makes no sense.

I need to say a word about refineries, because we have tried for the last 3 years since Hurricane Katrina roared ashore to get siting for new gasoline refineries in this country.

We passed an Energy Policy Act in August of 2005. It became obsolete in September when Hurricane Katrina came ashore. In October 2005, we as Republicans tried to pass legislation that would allow for siting of new refineries on closed military bases.

□ 2230

It's come up in various forms again and again over the last 3 years. Most recently, at the end of July, I tried to add an amendment onto the military construction appropriations bill, the only appropriations bill we have had in the Congress this year, and I was denied. I was told that the military service organizations wanted a clean bill. It was important to them to get this done quickly, but the bill had passed out of committee on May 24, and it was July 31 that we were hearing it here on the floor of the House. We had plenty of time to arrange these things and allow for amendments.

I would just have to add, if we want to talk about, for our members, the men and women of the military, we ought to be working too on the Department of Defense appropriations bill, because their pay raises are going to be in that bill. If we kick the can down to road to an omnibus bill at the end of the year, we are asking our men and women, who are serving, to protect us this very evening to delay receiving those benefits that they so richly deserve.

This bill is a travesty. I have been going through it here in the back here while we have been talking. You have credits in here to Freddie and Fannie, for crying out loud. Is that a good idea for with what we have just been through?

There are earmarks in this bill. There are very specific targeted pieces of legislation contained within this bill. This bill is not a good idea. We would fix those things in committee if we only had the chance.

Mr. PENCE. I thank the gentleman from Texas very much for those thoughtful insights.

The gentleman from Georgia (Mr. BROUN) is recognized for 1 minute.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

We hear this bill called a sham, a charade, a travesty. Let's make it clear to the American people, this bill is a bald-faced lie. It's a bald-faced lie because the Democratic majority that controls this House is going to say they are for drilling, they are for producing oil. They are not.

We have heard from Mr. SHADEGG. There is nothing in there to stop the lawsuits, the endless lawsuits that are going to keep us from producing oil. We don't know what oil is in this bill, but we know in submission that are aren't in this bill. There's nothing about nuclear.

It won't come to a floor controlled by NANCY PELOSI that has anything dealing with nuclear energy. We won't have new refineries. It's a sham, it's a travesty. It is a charade, but is it a lie?

It's a lie to the American people that's being put forth by the Democratic majority, by NANCY PELOSI and STENY HOYER, and the American people need to know that. It's not about trying to produce energy. It's about a line to the American people, giving cover to some of their folks so that they can go home and say I voted for a drilling bill.

Now we need a drill to bill, but we need a bill to produce oil, and this is not it. So I encourage my Democratic colleagues to oppose this bill.

Mr. PENCE. I thank the gentleman for Georgia and all my colleagues who are here and those that offered to come here.

I just say from my heart, and I have been passionate on the floor tonight, but it's a passion that is borne of a desire to solve this problem.

But seeing a bill 290 pages long dropped on to the floor of this Congress less than 24 hours before it is to be debated does not represent a serious effort to bring about bipartisan compromise in this Congress. My colleagues of goodwill know this.

The truth is the American people want this Congress to come together in an open, fair debate and take and develop a comprehensive energy strategy that says yes to conservation, yes to solar, yes to wind, yes to nuclear, yes to greater fuel efficiently standards, and takes a bipartisan vote to lift the moratorium and let the American people have access to our vast domestic reserves on the Outer Continental Shelf and in Alaska.

Wherever those votes fall, let the cards fall where they may. But that's the process the American people want to see happen, and that is the basis upon which we can build a long-term strategy to achieve American energy independence. We have just begun this battle. It will continue tomorrow.

HONORING CONGRESSMAN JOHN SEIBERLING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the Chair recognizes the gentleman from Ohio (Mr. RYAN) for half the time remaining before midnight, which is approximately 43 minutes.

Mr. RYAN of Ohio. Mr. Speaker, we appreciate the opportunity to be here.

Tonight we rise to honor one of the great Members of Congress that has ever stepped foot into this Chamber, and that has ever served in the United States Congress, and that's John Seiberling. Mr. Seiberling passed away a few weeks ago. We rise today, I am joined by my colleague, and I join my colleague, Congresswoman BETTY SUTTON. We split the Congressman's old district in Akron and Kent, her particular district goes up to Lorraine, but Ms. SUTTON has to leave us, because she is going to go into the Rules Committee room and actually put forth some comprehensive energy legislation that we just heard so much that we weren't doing, that's going to be here on floor of this week addressing all of the issues that the American people want us to address.

With that, Ms. SUTTON, I will yield to you.

Ms. SUTTON. I thank the gentleman. I thank you for putting together this hour that we have to honor Congressman John Seiberling. I do rise with a deep sense of humility and appreciation to speak about this great man.

Congressman Seiberling was an extraordinary public servant and humanitarian who gave countless years of humble service to the people of northeast Ohio and our country. His unflinching commitment to the rule of law and the pursuit of social justice have inspired so many. Through selfless service, John Seiberling and his extraordinary wife, Betty, have given those of us in the Akron community, Ohio and this Nation, far more than we can adequately pay tribute to here tonight.

But for all that you have given us so generously in service, we thank you.

Though I am almost certain he would argue this point, John Seiberling was a great man, and the fact that he would, with humility, object to such praise, would only prove the point. Congressman Seiberling, together with Congressman RALPH REGULA, worked to create the Cuyahoga Valley National Park, a gift for the ages, bettering the lives of people throughout our area, our country and our world. From near and far, people visit the Cuyahoga Valley National Park, making it among the most visited national parks in this country.

Congressman Seiberling was a special soul, one who traveled a path of common good. He touched so many lives throughout this Nation and beyond, and I, like others, like TIM and others here today, were so fortunate to have him touch ours.

I shall never forget the occasion that I became aware of John Seiberling. I was blessed with an opportunity to visit Washington, D.C., as a high school student.

As fate would have it, on the day that I came to this, the United States House of Representatives, I sat in the gallery, and the distinguished gentleman from Ohio, Congressman John Seiberling, rose to the floor to speak to an issue of the day.

Though I will always recall this amazing experience, I could not tell

you the subject matter of his remarks. It was not the subject that struck me that day, it was his passion, his unabashed resolve. It was the heart with which he spoke on behalf of those he so clearly served.

After leaving Congress, Representative Seiberling returned home to Akron and continued his service to our community as a teacher and a scholar.

Fate again brought me to his presence. As a law student at the University of Akron School of Law, I had the privilege to be his student. My fellow law students and I were blessed to witness his humble strength and his enduring belief in public service as a pursuit of a high calling.

As he taught us about the legislative process, which was the subject of the course, we learned about the work and perseverance that went into the creation of the Cuyahoga Valley National Park and also into passage of the Alaska Lands Act of 1980, which was an achievement of historic proportion.

But amazing though his achievements were, Congressman Seiberling never bragged of his accomplishments. He was far too modest for such things.

Instead, he focused on teaching us about how to make the legislative process work, even against long odds. For the knowledge that he shared, I will always be grateful.

Though his modesty precluded him from bragging, make no mistake. The Alaska Lands Act of 1980 was historic, and as its author, Congressman Seiberling deserves our admiration and appreciation.

Describing the importance of this immense contribution to the country, in 2001, when President Clinton presented Congressman Seiberling with the Presidential Citizens Medal, Clinton said, ''With that legislation, John Seiberling single-handedly saved more of our wilderness than any previous American, a legacy that will last for generations.''

Congressman Seiberling, with his vision, perseverance and courage, with his heart and mind combined, he made our community and our country and our world a better and more just place, leaving us with a legacy and inspiration that shall long endure.

Thank you, Congressman Seiberling, for the life that you lived and the example you set.

Betty, thank you and your family for all that you have given so generously. I thank you for the time.

Mr. RYAN of Ohio. Good luck up in rules. I know we are going to do the right thing. I know Congressman Seiberling would be proud of the efforts we have been making on behalf of the environment, on behalf of alternative energy.

I just had the opportunity to kind of peruse through some of my old staff, was his old staff, had an opportunity to peruse, as you were talking the Plain Dealer Magazine from 1986 when Congressman Seiberling retired, and they did a full spread. Just looking through here, I had prepared remarks, but this is a heck of a lot better than what I was going to say.

As you go through, and you talk, as Congresswoman SUTTON was talking about the Cuyahoga Valley and the park, which basically, for those who don't know the area, Cleveland and Akron would have just grown together, and they would have just been this huge, you know, megacity.

Because of the vision of John Seiberling and RALPH REGULA, who is just retiring from Congress now, there is this huge Cuyahoga Valley National Park that is one of the beautiful landscapes in Ohio, has separated Akron and Cleveland and provided this gorgeous scenic area. But that's the kind of vision that Congressman Seiberling had.

I am trying to find the quote here from Mr. REGULA, if I can find it, the newspaper is sticking together because it's 22 years old, but there is a great quote in here from Mr. REGULA, just talking about how this is John Seiberling's legacy, is that the Cuyahoga Valley National Park.

To have the vision and the foresight that Congressman John Seiberling had is something that I think all of us who serve in Congress aspire to, because it's not about dealing with, necessarily, the problems that we have today, but as we deal with those problems, figure out how we put the country in a good position 10, 15, 20 years from now. When this gentleman was talking about the Cuyahoga Valley National Park 30 years ago, almost 40 years ago, and when he was talking about preserving the wilderness and the natural landscape of our country, not just historic buildings, but historic landscape, and the natural landscape that we have in this country, he was a man ahead of his time.

I also had an opportunity to look through one of his old pieces of campaign literature. As we hear the rhetoric, and I know Congressman Seiberling wouldn't in the least bit mind me incorporating some of what the Democrats are doing today into his kind of memorial here, he wouldn't mind that in the least bit, I was looking through his campaign literature.

I just want to share with everyone some of the things he was saying in his election in 1970, 38 years ago, when the Vietnam War was going on, issues on the economy, I will give you an example here. On the economy, ''I oppose the economic policies of the Nixon administration. Instead of ending the war and massive military space spending, Nixon has chosen to squeeze the little guy with high prices and unemployment.''

On pollution, ''Facing the greatest environmental crisis of our history, we must move as fast as possible to end the major causes of pollution. I favor a system of fees to be charged against polluters in proportion to the amount of pollution they create.''

This is a guy who was in northeast Ohio and not too far from coal country, standing up saying this is what I believe in. This is what I believe, and this is where I think the country needs to go.

□ 2245

On cities, ''Our Nation's priorities are out of whack. The urban crisis is the result. We must cut spending for extravagant military projects and start spending more on health care, crime control, education, housing, recreation areas, public transportation, and other pressing human needs.''

He was extremely involved in the impeachment of Richard Nixon because he sat on the Judiciary Committee. He was obviously involved in interior projects and in making sure that the natural beauty of the United States was preserved. I believe that, as Ms. SUTTON stated earlier, he partnered with Congressman Mo Udall and led the way to adding more than 100 million acres to our national parks—wildlife refuges, wild rivers, wilderness areas. He successfully moved to enact the Alaska National Interest Lands Conservation Act in 1980, protecting 56 million acres in Alaska's parks, wilderness areas and forests and, as I mentioned earlier, with Congressman REGULA, 34,000 acres of the Cuyahoga Valley National Park, which is now one of the Nation's most visited.

This is just a great guy, I mean just a class act. His lineage comes from the Goodyear Tire Company, which his grandfather started. He just goes back from that kind of stock—Harvard, Columbia stock—that kind of ivy league stock, but he never, ever lost that common touch.

We were talking about Stephanie Tubbs Jones earlier and how you can be on stages with Presidents and can be passing key pieces of legislation, but when you run into them at the grocery store, they're the same people that you always knew. John Seiberling was just like that.

Mr. Speaker, we've been joined by the dean of the Ohio delegation, the gentlewoman from Toledo (Ms. KAPTUR).

I don't know. Did you have an opportunity to serve with Mr. Seiberling for a few years?

Ms. KAPTUR. Congressman RYAN, I just want to thank you for your leadership in assembling this Special Order this evening. Every member of the delegation joins you in extending our deepest sympathy to Betty, to John's family, to all of his friends, not just in Akron but across this country. I know how proud he would be of you and of your service to have this very intelligent force here inside the Congress.

I had the great joy of serving with John Seiberling. One can offer many

plaudits and memories of his great work, and I am flooded with memories as I speak this evening, but one word comes to mind. That word is ''integrity.'' John Seiberling was absolutely an honest, decent, patriotic American. I recall many of his great works. I think he had these beige Chuck-A Boots, these Chuck-A Boots. Do you remember when those were in style? He always wore them. You knew when John had the Chuck-A Boots on that he'd either been up in Alaska or that he'd just come back from trying to get the Cuyahoga National Recreation Area designated or that he'd been out west in some park or on some mountain somewhere. He always had like a tweed jacket, and he had a cut about him where you knew that he had been raised in a family of wealth. He didn't spend a lot of money on clothes, but he dressed a certain way. There was a certain cut of the man that helped to define him, and when he looked at you, he looked at you straight, and you always knew where John Seiberling stood. There was a certain way he held himself. It was as though he held up the honor of the office by the way he held his spine.

I remember the day that Betty sat in the gallery when those of us who were here honored his legacy and his last day of service here in the Congress. I can't believe it was that many years ago, because he was such a force here within the Congress, itself, such a force for integrity of the institution. In fact, in my office, I have a plaque that I had made because of a plaque he had hung in his office, which said that this office belongs to the people of his congressional district in Ohio. I was so impressed that, outside my office, I had a sign made: ''This office belongs to the people of the 9th Congressional District.'' John Seiberling always held us to a higher standard.

I have to tell you that I had an experience. When I was first elected, there were only two eagles left on Lake Erie, which is in the western part of Ohio, the region that I represent, and John had just started on the Cuyahoga National Recreation Area. This past year, something really wonderful happened. We've increased the number of eagles to 12 times what used to exist. We have 144 nesting pairs now, but a year and a half ago, two of those critters flew over to the Cuyahoga National Recreation Area, and they took nest, and they've now had three baby eaglets. Every time I think of that, I say, ''Thank you, John Seiberling, for what you did,'' as we give rebirth to this region of America.

When he grew up, the Cuyahoga River became a national disgrace as it burned, and people still remember that image today, but John knew it had to be healed. He began doing just what Congressman RYAN and what Congresswoman SUTTON have said, working here in the House and, of course, with our dear friend Congressman RALPH REGULA as well, to put into place these green emeralds, these jewels of parklands that have now been placed, expanded and improved to a point where our western basin of Lake Erie can touch the eastern side of Ohio in a way that helps to raise up the symbol of this country, the bald eagle.

If it would be all right with the gentleman, I have remarks I would like to place in the RECORD.

Mr. RYAN of Ohio. Of course.

Ms. KAPTUR. I don't know if it was noted that John was born in 1918, in this month of September, to Lieutenant John Frederick Seiberling and Henrietta McBrayer Buckler. Like his father, John went on to serve his country in the Armed Forces. While fighting in World War II while in the United States Army, he was awarded the Legion of Merit in the recognition of his role in planning motor transport for the D-day invasion of Normandy.

When you think back to what he did as a young man and from his military service on, he never stopped fighting for his country. He was such a patriot. Congressman RYAN talked about his ivy league education and his roots, his scion from the Goodyear Tire and Rubber Company. He could have come here, and he could have represented Wall Street, but John Seiberling never did that. He represented the best interests of this country. He never tried to clean up for himself. I remember, after he retired, he sent me this beautiful, beautiful book about flowers in the Akron area and about the ecosystem of the northeastern part of Ohio. He was always teaching; he was always contributing, and he made this institution sparkle.

Now, was he a telegenic figure? We seem to be in an age of television and media where everybody has got to have the right makeup and the right glasses. Are you telegenic? Are you TV ready? Are you camera ready? You know, John Seiberling didn't care about that. Sometimes his tweed suit would be a little bit rumpled. I wish for more Members with rumpled suits whose hair isn't exactly combed. John was always very neat—don't get me wrong—but he was there for the country, and he trudged it from coast to coast.

I think that his service on the House Judiciary Committee, history will note, took great courage as he drafted the Articles of Impeachment brought against former President Richard Nixon. Imagine the courage and the scholarship and the acumen that that effort entailed. He was a man to be dealt with, and you knew exactly where he stood, and when he was in your corner, he never wavered.

I wanted to mention his devotion to his family, to Betty. They were a team. I remember one time, Congressman RYAN, when for whatever reason I ended up in Akron, Ohio, at this big event in the city. I walked in this room, and I was meeting buckeyes whom I'd never met before. All of a sudden, there came this man down the aisle, to be seated with his wife. He had retired from Congress, and his vision wasn't that good at that point. They brought John Seiberling in, and the audience just applauded wall to wall until he took his seat with his wife's next to his. He was present for the program, and he heard every word. His mind was quick, and he absorbed everything that happened. When I went up to him afterwards, he knew exactly who I was; he knew exactly what had happened, and he was there to try to change America for the better in that particular election year.

To their sons John, David and Stephen, all I will say is thank you from the Kaptur family for allowing us to know your father because, to this day, he has an influence inside this institution. I learned so much from him, and he was so kind to me as a new Member and as the first woman from my region of Ohio ever to be elected here. He welcomed me. He helped to tutor me. He made me feel very much a part of this institution from day one. I shall always be grateful to him. I never forget him. He is a standard that I hold and is someone to whom I still look up in my own work. As I look at that plaque every day, I think of him. I can't tell you how many people have commented on it, and I always say, ''That's from Congressman Seiberling.'' His life still resonates here and across our country. We loved him, too.

Now, he wasn't exactly a lovable figure in a way. There was a certain circumstance about him. I suppose, because of his lawyerly training, you sort of felt like you were meeting a judge in a way and that he was judging every person and every event at which he was present, but there was also a great strength, and you wanted to know him better. You wanted him to teach you. You wanted to learn from him. The country is better served by individuals like him.

I doubt that John took millions of dollars away from here in any way, personally or politically. He wasn't that kind of guy. He served our country. Oh, we would be so much better if we could have more John Seiberlings in this institution.

So I say to Congressman RYAN thank you so much. You know in whose footsteps you walk. Congresswoman SUTTON knows in whose footsteps she walks.

I just feel very fortunate to have been able to serve here long enough to have known John Seiberling. His perseverance, I think, has inspired us all.

I would say to the gentleman I have other remarks to make, but I'm sure that you have other material there that you would like to place in the

RECORD. I just know John is watching over us and is wanting us to do better, to do better for the Republic because he did better for the Republic, and we hope to make him proud.

Mr. RYAN of Ohio. I appreciate the gentlelady's coming. We thank you for your personal recollections. Those of us who came a few years after had to hear the stories, but you were here for a lot of that and for a lot of those fights.

You know, even until the last few weeks of his life, until the last few months of his life, at any time I talked to him, he wanted to talk about what was going on in the country. He wanted to talk about what the President was doing and how he was doing it wrong. He wanted to talk about alternative energy. I mean, as you said, his mind was always working on how we can fix the country, on how the country can do better and on how we can move in a new direction.

I want to share an article. Tom Diemer from the Plain Dealer wrote this article and did a great job, which he always does, about Mr. Seiberling's reflecting on his accomplishments with the Cuyahoga Valley National Park. He is quoting Mr. REGULA as saying:

''`Without John Seiberling, there would never, never have been a Cuyahoga Valley National Park.' The Canton area lawmaker and an original cosponsor of the parks bill said, 'Not a chance. This is going to be a lasting monument to John Seiberling.' ''

Against strong odds and Gerald Ford in '74 to try to get this greenbelt together, Mr. Seiberling said, ''That is one I am most satisfied with. Saving the beautiful valley was a real joy. I get letters every week from people who say, 'I just drove through the Cuyahoga Valley, and I'm just so grateful to you for taking action to preserve this beautiful area, and it means a lot to me and my children.' ''

□ 2300

''When I get letters like that,'' Mr. Seiberling went on to say, ''it brings tears to my eyes because I realize that those people have the same feelings that I do.''

And that was him right there. I mean, that's him in a nutshell, that he understood what the people wanted, and he knew that he was down here to execute those values and those ideas, and he did it. And just a wonderful guy.

So I would also like to extend my condolences to Betty and the three sons and the big family on behalf of me and all the constituents from the 17th district, how great it is when we walk around and talk to MARK UDALL and he talks about his dad's relationship with Mr. Seiberling and all the battles that they had.

In closing here, I would like to just share and ask, Mr. Speaker, that this article be submitted for the RECORD. And I'll make a copy. And this is John Seiberling's political philosophy and legislative philosophy summed up in this article by Mr. Diemer. ''What we are trying to do is maintain a livable world.'' Think how appropriate this is for today. ''What we are trying to do is maintain a livable world free of nuclear disaster, a world that we have not polluted to the point where we can't breathe, and where we preserve some natural beauty so that we can have the solace and the experiences of being out in God's world. I feel basically it is all part of the same effort to preserve part of our heritage for our children.''

Peace, a clean environment, pristine national parks and wildlife areas, and how urban sprawl has eaten a lot of it up in our time. And I think for those of us who fill his shoes here, it's now our obligation to go in and talk about urban redevelopment, to talk about preserving these natural spaces.

But more importantly, as the debate on energy has heated up over the past few weeks and few months, for us to present a comprehensive energy policy here, and to fund the investments in alternative energy.

He would be all over this. He would be at the cutting edge of biodiesel and solar and wind, and I think in some ways we're honoring his legacy as we move into the alternative energy areas.

And just think what he would be thinking today, as Merrill Lynch is getting bought out, Lehman Brothers is going bankrupt. When you think of all the problems in the housing market, because the government failed to regulate the markets properly, he would be at the forefront of every single one of these fights.

So you and I and Betty and those of us who need to honor him by coming down here and making sure that this standard that he set for us gets met every day here.

Ms. KAPTUR. You know what is really interesting Congressman RYAN, is that coming from the background that he did, he could have been an unceasing voice for business as usual. But John took that background and he grew from it and he became something beyond his own heritage in a way, and he wanted to make America a better place.

Having seen some of what happened in industry run amuck, he believed in industry, but he knew it could be done in a better way and he set a different path for America. And his family has every right to feel blessed and gratified, as we do, for having known him. And Ohioans and every American really has a right to consider themselves very, very fortunate for having had a man like John Seiberling in our lives, if only for a time.

And I know that his family will miss him deeply. We certainly have missed him from the day that he left here, and we hope that the strength that he gave to all of us and to his family in life will comfort them now.

And we know that John Seiberling made his mark, and we feel very fortunate to have counted him among our most beloved colleagues.

Mr. RYAN of Ohio. And in closing, I would just like to say, from one of his old, a couple of his older pieces of campaign literature, he had the tag line, ''The Guts To Do What's Right.'' And that was John Seiberling.

RECESS

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

Accordingly (at 11 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2359

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARDOZA) at 11 o'clock and 59 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6899, COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–853) on the resolution (H. Res. 1433) providing for consideration of the bill (H.R. 6899) to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ARCURI (at the request of Mr. HOYER) for today on account of travel problems.

Mr. ELLISON (at the request of Mr. HOYER) for today on account of business in the district.

Mr. GENE GREEN of Texas (at the request of Mr. HOYER) for September 11

and today on account of a weather emergency in the district.

Ms. JACKSON-LEE of Texas (at the request of Mr. HOYER) for September 11 on account of hurricane preparations in district.

Mr. KIND (at the request of Mr. HOYER) for today on account of travel delays.

Mr. LAMPSON (at the request of Mr. HOYER) for September 11 on account of hurricane dangers in district.

Mr. NADLER (at the request of Mr. HOYER) for September 11 on account of September 11 ceremony in district.

Mr. ORTIZ (at the request of Mr. HOYER) for September 11 on account of important business in district.

Mr. POE (at the request of Mr. BOEHNER) for September 11 through today on account of preparations and recovery efforts in regards to Hurricane Ike.

Mr. REICHERT (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. BRADY of Texas (at the request of Mr. BOEHNER) for today and September 16 on account of recovery efforts in regards to Hurricane Ike.

Mr. CULBERSON (at the request of Mr. BOEHNER) for September 11 through September 16 on account of preparations and recovery efforts in regards to Hurricane Ike.

Mr. DREIER (at the request of Mr. BOEHNER) for today on account of the death of his mother.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WATSON) to revise and extend their remarks and include extraneous material:)

Mr. REYES, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. BRALEY of Iowa, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. DAVIS of Kentucky) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Kentucky, for 5 minutes, September 18 and 22.

Mr. POE, for 5 minutes, September 18 and 22.

Mr. JONES, for 5 minutes, September 18 and 22.

Mr. BURTON of Indiana, for 5 minutes, today, September 16, 17, 18 and 19.

Mr. WOLF, for 5 minutes, September 16 and 17.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. BOOZMAN, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6532. An act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

ADJOURNMENT

Mr. WELCH of Vermont. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), under its previous order, the House adjourned until today, Tuesday, September 16, 2008, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8301. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Coverage Enhancement Option Provisions (RIN: 0563-AC15) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8302. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Almonds Grown in California; Order Amending Marketing Order No. 981 [Docket No. AO-214-A7; AMS-FV-07-0050; FV07-981-1] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8303. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Amendment of General Regulations for Federal Milk Marketing Agreements and Marketing Orders; Addition of Supplemental Rules of Practice for Amendatory Formal Rulemaking Proceedings [Doc. No. AMS-DA-07-0069; DA-08-04] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8304. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Decreased Assessment Rate [Docket No. AMS-FV-08-0060; FV08-993-1 IFR] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8305. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Cattle; State and Area Classifications; Texas [Docket No. APHIS-2008-0003] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8306. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Linuron; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-OPP-2008-0491; FRL-8379-6] received September 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8307. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Hexythiazox; Pesticide Tolerance [EPA-HQ-OPP-2007-0507; FRL-8378-8] received September 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8308. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fludioxonil; Pesticide Tolerances [EPA-HQ-OPP-2007-0940; FRL-8379-9] received September 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8309. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2008-0549; FRL-8378-2] received September 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8310. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Uniconazole-P; Pesticide Tolerances [EPA-HQ-OPP-2007-1199; FRL-8376-6] received September 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8311. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tebuconazole; Pesticide Tolerances [EPA-HQ-OPP-2005-0097; FRL-8376-7] received September 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8312. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraflufen-ethyl; Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2007-0366; FRL-8377-6] received September 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8313. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisitions in Support of Operations in Iraq or Afghanistan [DFARS Case 2008-D002] (RIN: 0750-AG02) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8314. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Security-Guard Functions [DFARS Case 2006-D050] (RIN: 0750-AF64) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8315. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Limitation on Service Contracts for Military Flight Simulators [DFARS Case 2008-D013] (RIN: 0750-AG04) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8316. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final

rule — Direct Single Family Housing Loans and Grants (RIN: 0575-AC69) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8317. A letter from the Associate General Counsel for Legislation and Regulations, Department of Health and Human Services, transmitting the Department's final rule — Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Conforming Amendment To Include Students With Disabilities Receiving Assistance as of November 30, 2005 [Docket No. FR-5226-F-01] (RIN: 2501-AD43) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8318. A letter from the Acting Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption From Registration Under Section 12(g) of the Securities Exchange Act of 1934 for Foreign Private Issuers [Release No. 34-58465; International Series Release No. 1309; File No. S7-04-08] (RIN: 3235-AK04) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8319. A letter from the Under Secretary Food Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Final Rule, Management of Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions-Briefing Sheet—received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8320. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Radiology Devices; Reclassification of Bone Sonometers [[Docket No. FDA-2005-N-0346] (formerly Docket No. 2005N-0467)] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8321. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — General and Plastic Surgery Devices; Reclassification of the Tissue Adhesive for Topical Approximation of Skin Device [[Docket No. FDA-2006-P-0140] (formerly Docket No. 2006P-0071)] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8322. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Current Good Manufacturing Practice and Investigational New Drugs Intended for Use in Clinical Trials [[Docket No. FDA-2005-N-0170] (formerly Docket No. 2005N-0285)] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8323. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule [EPA-HQ-SFUND-2008-0086, EPA-HQ-SFUND-2008-0085 EPA-HQ-SFUND-2008-0081, EPA-HQ-SFUND-2008-0082, EPA-HQ-SFUND-2007-0690, EPA-HQ-SFUND-2008-0084; FRL-8710-8] (RIN: 2050-AD75) received September 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8324. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #5 and #6 [Docket No. 080428611-8612-01] (RIN: 0648-XJ22) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8325. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9; Correction [Docket No. 070717340-8451-02] (RIN: 0648-AP60) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8326. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Trawl Catcher Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ35) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8327. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ66) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8328. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XJ58) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8329. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 071106673-8011-02] (RIN: 0648-XJ73) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8330. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XJ81) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8331. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wilkes-Barre, PA [Docket No. FAA-2008-0130; Airspace Docket No. 08-AEA-11] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8332. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Emporium, PA [Docket No. FAA-2007-0275; Airspace Docket No. 07-AEA-15] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8333. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Gettysburg, PA. [Docket No. FAA-2007-0309; Airspace Docket No. 07-AEA-20] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8334. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; New Stuyahok, AK [Docket No. FAA-2007-29008; Airspace Docket No. 07-AAL-11] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8335. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Waynesburg, PA [Docket No. FAA-2007-0022; Airspace Docket 07-AEA-07] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8336. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Canon, GA. [Docket No. FAA-2008-0154; Airspace Docket No. 08-ASO-10] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8337. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Legal Descriptions of Multiple Federal Airways in the Vicinity of Farmington, NM [Docket No. FAA-2008-0186; Airspace Docket No. 08-ANM-2] (RIN: 2120-AA66) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8338. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lexington, OK [Docket No. FAA-2008-0003; Airspace Docket No. 08-ASW-1] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8339. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Bettles, AK [Docket No. FAA-2007-0342; Airspace Docket No. 07-AAL-20] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8340. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Proposed Establishment of Class E Airspace; Huntsville, AR [Docket No. FAA-2008-0004; Airspace Docket No. 08-ASW-2] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8341. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Phillipsburg, KS [Docket No. FAA-2006-25943; Airspace Docket No. 06-ACE-13] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8342. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Phillipsburg, KS [Docket No. FAA-2006-25943; Airspace Docket No. 06-ACE-13] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8343. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; New Albany, MS [Docket No. FAA-2007-0161; Airspace Docket No. 07-ASO-25] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8344. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Independence, KS [Docket No. FAA-2007-28635; Airspace Docket No. 07-ACE-7] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8345. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Pagosa Springs, CO [Docket No. FAA-2007-29164; Airspace Docket No. 07-ANM-14] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8346. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Restricted 2204; Oliktok Point, AK [Docket No. FAA-2008-0257; Airspace Docket No. 08-AAL-7] (RIN: 2120-AA66) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8347. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Class E Airspace; Hawesville, KY [Docket No. FAA-2008-0334; Airspace Docket No. 08-ASO-11] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8348. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Allakaket, AK [Docket No. FAA-2008-0141; Airspace Docket No. 08-AAL-4] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8349. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Routes (T-Routes); Sacramento and San Francisco, CA [Docket No. FAA-2008-0037; Airspace Docket No. 07-AWP-6] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8350. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Area Navigation Jet Routes J-888R and J-996R: Alaska [Docket No. FAA-2008-0180; Airspace Docket No. 08-AAL-6] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8351. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Restricted Areas R-5314A, B, C, D, E, F, H, and J; and Revocation of Restricted Area R-5314G; Dare County Range, NC [Docket No. FAA-2008-0519; Airspace Docket No. 08-ASO-6] (RIN: 2120-AA66) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8352. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; St. Mary's, AK [Docket No. FAA-2008-0134; Airspace Docket No. 08-AAL-3] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8353. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Airplanes [Docket No. FAA-2007-0347; Directorate Identifier 2007-NM-253-AD; Amendment 39-15437; AD 2008-06-25] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8354. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 355 N Helicopters [Docket No. FAA-2008-0041; Directorate Identifier 2007-SW-16-AD; Amendment 39-15599; AD 2008-14-04] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8355. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Models DHC-6-1, DHC-6-100, DHC-6-200, and DHC-6-300 Airplanes [Docket No. FAA-2008-0367 Directorate Identifier 2007-CE-089-AD; Amendment 39-15574; AD 2008-13-11] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8356. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arrius 2F Turboshaft Engines [Docket No. FAA-2007-28053; Directorate Identifier 2007-NE-18-AD; Amendment 39-15590; AD 2008-13-27] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8357. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model 382, 382B, 382E, 382F, 382G, and 382J Series Airplanes [Docket No. FAA-2008-0740; Directorate Identifier 2008-NM-077-AD; Amendment 39-15605; AD 2008-14-10] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8358. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800 and -900 Series Airplanes [Docket No. FAA-2007-27740; Directorate Identifier 2006-NM-290-AD; Amendment 39-15256; AD 2007-23-10] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8359. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2008-0363; Directorate Identifier 2008-NM-020-AD; Amendment 39-15553; AD 2008-12-10] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8360. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2007-0393; Directorate Identifier 2007-NM-183-AD; Amendment 39-15548; AD 2008-12-05] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8361. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Model 525 Airplanes [Docket No. FAA-2008-0306; Directorate Identifier 2008-CE-014-AD; Amendment 39-15544; AD 2008-12-01] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8362. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Black River Falls, WI [Docket No. FAA-2008-0024; Airspace Docket No. 08-AGL-4] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8363. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; La Pointe, WI [Docket No. FAA-2008-0025; Airspace Docket No. 08-AGL-3] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8364. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wilkes-Barre, PA [Docket No. FAA-2008-0130; Airspace Docket No. 08-AEA-11] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8365. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Vinalhaven, ME. [Docket No. FAA-2008-0061; Airspace Docket No. 08-ANE-92] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8366. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lady Lake, FL [Docket No. FAA-2008-0072; Airspace Docket No. 08-ASO-03] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8367. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marienville, PA. [Docket No. FAA-2007-0162; Airspace Docket No. 07-AEA-13] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8368. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cranberry Township, PA. [Docket No. FAA-2007-0278; Airspace Docket No. 07-AEA-18] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8369. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Brunswick, ME [Docket

No. FAA-2008-0203; Airspace Docket No. 08-ANE-99] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8370. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Route T-209; GA [Docket No. FAA-2007-28161; Airspace Docket No. 07-ASO-6] (RIN: 2120-AA66) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8371. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Jacksonville NAS, FL [Docket No. FAA-2007-29057; Airspace Docket 07-ASO-20] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8372. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Jacksonville Cecil Field, FL [Docket No. FAA-2007-29055; Airspace Docket 07-ASO-19] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8373. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Jacksonville Whitehouse NOLF, FL [Docket No. FAA-2007-29058; Airspace Docket 07-ASO-21] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8374. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Brunswick, ME [Docket No. FAA-2008-0203; Airspace Docket No. 08-ANE-99] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8375. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Georgetown, Texas [Docket No. FAA-2007-29373; Airspace Docket No. 07-ASW-10] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8376. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG. (RRD) TAY 650-15 Turbofan Engines [Docket No. FAA-2007-0037; Directorate Identifier 2007-NE-41-AD; Amendment 39-15521; AD 2008-10-14] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8377. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model L-1011 Series Airplanes [Docket No. FAA-2008-0181; Directorate Identifier 2007-NM-180-AD; Amendment 39-15524; AD 2008-11-02] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8378. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F, and -400ER Series Airplanes [Docket No. FAA-2007-28388; Directorate Identifier 2006-NM-163-AD; Amendment 39-15523; AD 2008-11-01] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8379. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, and -200C Series Airplanes [Docket No. FAA-2007-29069; Directorate Identifier 2007-NM-176-AD; Amendment 39-15525; AD 2008-11-03] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8380. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes [Docket No. FAA-2008-0048; Directorate Identifier 2007-NM-276-AD; Amendment 39-15527; AD 2008-11-05] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8381. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0024; Directorate Identifier 2007-NM-086-AD; Amendment 39-15526; AD 2008-11-04] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8382. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Allakaket, AK [Docket No. FAA-2008-0141; Airspace Docket No. 08-AAL-4] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8383. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; St. Mary's, AK [Docket No. FAA-2008-0134; Airspace Docket No. 08-AAL-3] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8384. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. AT-400, AT-500, AT-600, and AT-800 Series Airplanes [Docket No. FAA-2007-0258; Directorate Identifier 2007-CE-090-AD; Amendment 39-15518; AD 2008-10-12] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8385. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2006-26710; Directorate Identifier 2006-NM-147-AD; Amendment 39-15517; AD 2008-10-11] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8386. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2007-28384; Directorate Identifier 2006-NM-165-AD; Amendment 39-15516; AD 2008-10-10] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8387. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-28383; Directorate Identifier 2006-NM-180-AD; Amendment 39-15515; AD 2008-10-09] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8388. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200F, 747-300, 747-400, and 747-400D Series Airplanes [Docket No. FAA-2007-0045; Directorate Identifier 2007-NM-169-AD; Amendment 39-15501; AD 2008-09-20] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8389. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 50 Airplanes [Docket No. FAA-2008-0118; Directorate Identifier 2007-NM-289-AD; Amendment 39-15502; AD 2008-09-21] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8390. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, -400D, and -400F Series Airplanes [Docket No. FAA-2007-28386; Directorate Identifier 2006-NM-162-AD; Amendment 39-15512; AD 2008-10-06] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8391. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2007-0214; Directorate Identifier 2007-NM-224-AD; Amendment 39-15528; AD 2008-11-06] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8392. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2008-0014; Directorate Identifier 2007-NM-249-AD; Amendment 39-15456; AD 2008-08-04] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8393. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Model Avro 146-RJ Airplanes [Docket No. FAA-2007-0371; Directorate Identifier 2007-NM-269-AD; Amendment 39-15511; AD 2008-10-05] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8394. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2007-28385; Directorate Identifier 2006-NM-181-AD; Amendment 39-15513; AD 2008-10-07] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8395. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-16A, S-61D, S-61E, and S-61V Helicopters [Docket No. FAA-2007-0284; Directorate Identifier 2004-SW-06-AD; Amendment 39-15510; AD 2008-10-04] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8396. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes; and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2008-0516; Directorate Identifier 2008-NM-026-AD; Amendment 39-15514; AD 2008-10-08] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8397. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2008-0527; Directorate Identifier 2008-CE-027-AD; Amendment 39-15520; AD 2008-10-13] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on September 15, 2008]

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6627. A bill to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes (Rept. 110–842, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 6842. A bill to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism; with amendments (Rept. 110–843). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 5167. A bill to amend the National Defense Authorization Act for Fiscal Year 2008 to remove the authority of the President to waive certain provisions; with amendments (Rept. 110–844). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5772. A bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities; with an amendment (Rept. 110–845). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 6503. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program (Rept. 110–846). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. Recommending that the House of Representatives find Karl Rove in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on the Judiciary (Rept. 110–847). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 998. A bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purpose; with an amendment (Rept. 110–848). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6460. A bill to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes; with an amendment (Rept. 110–849, Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. S.J. Res. 35. An act to amend Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona. (Rept. 110–850). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 6625. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; with an amendment (Rept. 110–851, Pt. 1). Ordered to be printed.

Mr. MCGOVERN: Committee on Rules. H. Res. 1434. A resolution providing for consideration of the bill (H.R. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism (Rept. 110–852). Referred to the House Calendar and ordered to be printed.

Ms. SLAUGHTER: Committee on Rules. H. Res. 1433. A resolution providing for consideration of the bill (H.R. 6899) to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes (Rept. 110–853). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

[The following actions occurred on September 12, 2008]

The Committee on Oversight and Government Reform discharged from further consideration. H.R. 5350 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The Committee on Education and Labor discharged from further consideration. H.R. 2352 referred to the Committee of the Whole House on the State of the Union.

[The following actions occurred on September 15, 2008]

The Committee on Science and Technology discharged from further consideration. H.R. 6460 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The Committee on Veterans' Affairs discharged from further consideration. H.R. 6625 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

[The following actions occurred on September 12, 2008]

H.R. 2343. Referral to the Committee on Armed Services extended for a period ending not later than September 19, 2008.

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than September 26, 2008.

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than September 26, 2008.

H.R. 554. Referral to the Committees on Agriculture and the Judiciary extended for a period ending not later than September 26, 2008.

H.R. 1717. Referral to the Committee on Energy and Commerce extended for a period ending not later than September 26, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Mr. MCKEON, Mr. HINOJOSA, and Mr. KELLER):

H.R. 6889. A bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes; to the Committee on Education and Labor. considered and passed.

By Mr. MELANCON (for himself, Mr. GEORGE MILLER of California, Mr. JEFFERSON, Mr. ALEXANDER, Mr. BOUSTANY, Mr. CAZAYOUX, and Mr. MCCRERY):

H.R. 6890. A bill to extend the waiver authority for the Secretary of Education under section 105 of subtitle A of title IV of division B of Public Law 109-148, relating to elementary and secondary education hurricane

recovery relief; to the Committee on Education and Labor.

By Mr. MCCRERY:

H.R. 6891. A bill to authorize the closure of a municipal airport in Pollock, Louisiana, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MOORE of Wisconsin (for herself, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. HASTINGS of Florida, Mr. OBERSTAR, Mr. LANGEVIN, Mr. KENNEDY, Mr. ELLISON, Mr. THOMPSON of Mississippi, Mr. FATTAH, and Mr. MEEK of Florida):

H.R. 6892. A bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative; to the Committee on the Judiciary.

By Mr. MCDERMOTT (for himself and Mr. WELLER):

H.R. 6893. A bill to amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. BACHUS, and Mr. FRANK of Massachusetts):

H.R. 6894. A bill to extend and reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Financial Services.

By Mr. PEARCE:

H.R. 6895. A bill to provide for accelerated approval by the Nuclear Regulatory Commission of certain licenses for nuclear power plants, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Alabama (for himself, Mr. BRADY of Texas, Mr. MCDERMOTT, Mr. GOHMERT, Mr. LEWIS of Kentucky, Mr. BONNER, Mr. SMITH of Washington, Mr. REICHERT, Mr. BOREN, Mr. ALEXANDER, Mr. MARCHANT, Mrs. BLACKBURN, Mr. DICKS, Mr. BAIRD, Ms. BERKLEY, Mr. JONES of North Carolina, Mr. DEFAZIO, Mr. DAVIS of Kentucky, Mr. WU, Mr. YOUNG of Alaska, Mrs. MCMORRIS RODGERS, Mrs. MUSGRAVE, Mr. WALDEN of Oregon, Mr. INSLEE, Mr. HASTINGS of Washington, Mr. SCOTT of Georgia, Mr. LARSEN of Washington, Mr. OBERSTAR, Mr. HERGER, Mr. SPRATT, and Mr. ROSS):

H.R. 6896. A bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 6897. A bill to authorize the Secretary of Veterans Affairs to make certain payments to eligible persons who served in the Philippines during World War II; to the Committee on Veterans' Affairs.

By Mr. STARK (for himself, Ms. SCHWARTZ, Mr. MCDERMOTT, Mr. MCNULTY, Mr. LEVIN, Mr. EMANUEL, Mr. NEAL of Massachusetts, Mr. PASCRELL, and Mr. LEWIS of Georgia):

H.R. 6898. A bill to promote the adoption and meaningful use of health information technology, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself, Mr. GENE GREEN of Texas, Mr. GEORGE MILLER of California, and Mr. DINGELL):

H.R. 6899. A bill to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Ways and Means, Oversight and Government Reform, the Judiciary, Financial Services, Transportation and Infrastructure, the Budget, Rules, Science and Technology, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAZAYOUX:

H.R. 6900. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that Federal disaster assistance may be provided to provide reimbursement for certain amounts paid in insurance deductibles, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. HOOLEY (for herself and Mrs. CUBIN):

H.R. 6901. A bill to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DAVIS of Kentucky (for himself, Mr. ROGERS of Kentucky, Mr. LEWIS of Kentucky, Mr. WHITFIELD of Kentucky, Mr. YARMUTH, and Mr. CHANDLER):

H.R. 6902. A bill to designate the facility of the United States Postal Service located at 513 6th Avenue in Dayton, Kentucky, as the ''Staff Sergeant Nicholas Ray Carnes Post Office''; to the Committee on Oversight and Government Reform.

By Mr. GENE GREEN of Texas (for himself, Ms. MCCOLLUM of Minnesota, Ms. SOLIS, Mrs. CAPPS, Ms. BALDWIN, Mr. BUTTERFIELD, Ms. SCHAKOWSKY, Ms. MATSUI, and Mr. COHEN):

H.R. 6903. A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HOOLEY (for herself and Mr. WU):

H.R. 6904. A bill to designate the facility of the United States Postal Service located at 1706 NW 24th Avenue in Portland, Oregon, as the ''Vera Katz Post Office''; to the Committee on Oversight and Government Reform.

By Mr. TERRY:

H.R. 6905. A bill to amend the Public Health Service Act to improve the Nation's surveillance and reporting for diseases and conditions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 6906. A bill to amend the Social Security Act and the Public Health Service Act to provide for sex education, substance abuse treatment and prevention, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELCH of Vermont:

H.R. 6907. A bill to prohibit any golden parachute payment for executives and directors of Fannie Mae and Freddie Mac unless specifically authorized by law; to the Committee on Financial Services.

By Ms. LEE (for herself, Ms. WATERS, Mr. WAXMAN, and Mrs. CHRISTENSEN):

H. Con. Res. 413. Concurrent resolution expressing the sense of Congress on the need for a national AIDS strategy; to the Committee on Energy and Commerce.

By Mr. SKELTON:

H. Con. Res. 414. Concurrent resolution commending veterans of the Korean Constabulary for their outstanding sacrifice and service and urging the Government of the Republic of Korea to recognize the service and sacrifice made by the Korean Constabulary; to the Committee on Foreign Affairs.

By Mr. PORTER (for himself, Mr. ENGLISH of Pennsylvania, Mr. BRADY of Texas, and Mr. CAMP of Michigan):

H. Res. 1432. A resolution supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children; to the Committee on Ways and Means.

By Mr. HODES (for himself, Mr. WAXMAN, Mr. WEXLER, Mr. HASTINGS of Florida, Ms. SCHWARTZ, Mr. MCGOVERN, Mr. WEINER, Mr. KLEIN of Florida, Mr. MCNULTY, Mr. JOHNSON of Georgia, Mr. COHEN, Mr. BURTON of Indiana, Ms. MOORE of Wisconsin, Ms. BERKLEY, Mrs. CAPPS, Mrs. MALONEY of New York, Mr. LOBIONDO, Mr. KIRK, Mr. CROWLEY, Mr. BERMAN, Mr. KAGEN, Ms. LEE, Mr. CARNAHAN, Mr. VAN HOLLEN, Mr. ELLISON, Mr. SIRES, Ms. WASSERMAN SCHULTZ, Mr. MILLER of North Carolina, Mr. RAMSTAD, Mr. MARSHALL, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. PENCE, Mrs. DRAKE, Mr. KUCINICH, Mr. NADLER, and Mr. MITCHELL):

H. Res. 1435. A resolution recognizing the 70th anniversary of the 1938 occurrence of Kristallnacht, The Night of Broken Glass; to the Committee on Foreign Affairs.

By Mr. ABERCROMBIE (for himself, Ms. HIRONO, Mr. PETERSON of Pennsylvania, Mr. FALEOMAVAEGA, and Ms. BORDALLO):

H. Res. 1436. A resolution congratulating the Waipio Little League baseball team for winning the 2008 Little League World Championship; to the Committee on Oversight and Government Reform.

By Mr. BERRY (for himself, Mr. MORAN of Kansas, Mrs. MCMORRIS RODGERS, and Mr. WEINER):

H. Res. 1437. A resolution expressing support for designation of the month of October

as ''American Pharmacists Month'' and expressing the sense of the House of Representatives that all people in the United States should join in celebrating our Nation's pharmacists for their contributions to the health and well-being of our citizens; to the Committee on Energy and Commerce.

By Mr. NUNES (for himself, Mr. COSTA, Mr. CARDOZA, Mr. KENNEDY, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. BERMAN, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. RADANOVICH, Ms. ROS-LEHTINEN, and Mr. SIRES):

H. Res. 1438. A resolution commemorating the 50th anniversary of the Azorean Refugee Act of 1958 and celebrating the extensive contributions of Portuguese-American communities to the United States; to the Committee on the Judiciary.

By Mr. RUPPERSBERGER (for himself, Ms. GRANGER, and Mr. GONZALEZ):

H. Res. 1439. A resolution expressing support for designation of the month of September 2009 as ''National Atrial Fibrillation Awareness Month'' and supporting efforts to educate the public about atrial fibrillation; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 89: Mr. SHULER.
H.R. 245: Mr. PAYNE.
H.R. 303: Mr. ISRAEL.
H.R. 661: Mr. LYNCH and Mr. DOGGETT.
H.R. 758: Mr. ROSKAM.
H.R. 1014: Mr. BLUMENAUER and Mr. TIM MURPHY of Pennsylvania.
H.R. 1022: Ms. MATSUI.
H.R. 1110: Mr. SCALISE and Mr. UPTON.
H.R. 1279: Mr. FOSTER and Mr. KIND.
H.R. 1280: Mr. WEINER, Mrs. GILLIBRAND, Mr. COURTNEY, Mr. MCNERNEY, Mrs. CAPPS, and Ms. DELAURO.
H.R. 1322: Mr. HOLT.
H.R. 1542: Mr. INSLEE, Mr. SHERMAN, and Ms. SHEA-PORTER.
H.R. 1618: Mr. HELLER.
H.R. 1820: Mr. RUSH, Mr. KUCINICH, Mr. CARNAHAN, Mr. LYNCH, Mr. JACKSON of Illinois, and Ms. CLARKE.
H.R. 1843: Mr. SCOTT of Virginia and Mr. LUCAS.
H.R. 1881: Mr. COURTNEY.
H.R. 2038: Mr. BOSWELL.
H.R. 2221: Mr. RUSH, Ms. SPEIER, Mr. MOORE of Kansas, and Mr. COURTNEY.
H.R. 2335: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2493: Mr. LATTA.
H.R. 2596: Mr. KUCINICH.
H.R. 2652: Mr. MCCOTTER.
H.R. 2706: Mr. COLE of Oklahoma.
H.R. 2994: Mrs. DAVIS of California.
H.R. 3016: Mr. BISHOP of New York.
H.R. 3019: Mr. HINOJOSA and Mrs. CAPITO.
H.R. 3232: Mr. DEAL of Georgia, Mr. FALEOMAVAEGA, Mr. STUPAK, Ms. RICHARDSON, and Mr. TIM MURPHY of Pennsylvania.
H.R. 3326: Mr. PRICE of North Carolina, Mr. DICKS, Mr. TIERNEY, Mr. JACKSON of Illinois, Mr. SIRES, Mr. MURPHY of Connecticut, and Ms. CORRINE BROWN of Florida.
H.R. 3334: Mr. BISHOP of New York.
H.R. 3622: Mr. MOLLOHAN, Mr. CARNAHAN, and Mr. CHABOT.
H.R. 3652: Mr. COURTNEY, Mr. BROWN of South Carolina, and Mr. CARSON.
H.R. 3697: Mr. MCCOTTER.
H.R. 4113: Mr. SMITH of Washington.
H.R. 4544: Mr. BOUCHER, Mr. HERGER, Mrs. MILLER of Michigan, and Mr. SHERMAN.
H.R. 4899: Ms. SCHAKOWSKY.
H.R. 4900: Mr. HODES.
H.R. 5167: Mr. SAM JOHNSON of Texas.
H.R. 5174: Mr. ALTMIRE.
H.R. 5180: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 5268: Mr. COURTNEY, Mr. FOSTER, and Mr. HINOJOSA.
H.R. 5454: Mr. WITTMAN of Virginia.
H.R. 5469: Mr. HINCHEY.
H.R. 5532: Mr. BUYER.
H.R. 5611: Mr. COURTNEY.
H.R. 5615: Mr. FORTUÑO.
H.R. 5721: Mr. PEARCE.
H.R. 5748: Mr. BUTTERFIELD.
H.R. 5762: Mr. LYNCH and Mr. DOGGETT.
H.R. 5804: Ms. MOORE of Wisconsin.
H.R. 5827: Mr. SHAYS.
H.R. 5833: Mr. CARNAHAN.
H.R. 5838: Ms. BALDWIN.
H.R. 5840: Mr. FRANK of Massachusetts.
H.R. 5868: Mr. PUTNAM.
H.R. 5924: Mr. PORTER.
H.R. 5946: Mr. ROTHMAN.
H.R. 5984: Mr. GOODLATTE.
H.R. 6045: Ms. SLAUGHTER.
H.R. 6078: Mr. ISRAEL and Mr. MICHAUD.
H.R. 6138: Mr. HELLER.
H.R. 6166: Mr. CANTOR.
H.R. 6198: Mr. MEEKS of New York and Ms. NORTON.
H.R. 6205: Mr. ROTHMAN.
H.R. 6217: Mr. SCHIFF.
H.R. 6258: Mr. TIM MURPHY of Pennsylvania.
H.R. 6259: Ms. ZOE LOFGREN of California.
H.R. 6328: Mr. FILNER.
H.R. 6353: Mr. SOUDER.
H.R. 6380: Mr. BUTTERFIELD.
H.R. 6381: Mr. NADLER.
H.R. 6438: Mr. LYNCH, Mr. GRIJALVA, Mr. BISHOP of New York, Ms. SHEA-PORTER, and Mr. ROSS.
H.R. 6462: Mr. MURTHA.
H.R. 6485: Mr. BUCHANAN, Mr. CARNEY, Ms. MATSUI, Mr. SARBANES, Mr. MITCHELL, Mr. SCOTT of Virginia, and Mr. LANGEVIN.
H.R. 6496: Mr. MCDERMOTT.
H.R. 6533: Mr. SIMPSON.
H.R. 6548: Ms. CASTOR, Mrs. CAPPS, Ms. WOOLSEY, Mrs. BLACKBURN, and Mr. FILNER.
H.R. 6562: Mr. KENNEDY.
H.R. 6567: Mr. TIERNEY and Mr. PRICE of North Carolina.
H.R. 6569: Ms. BORDALLO, Mr. GRIJALVA, and Mr. MCGOVERN.
H.R. 6573: Ms. LEE, Mr. SCHIFF, and Mr. KAGEN.
H.R. 6587: Mr. CARNAHAN.
H.R. 6591: Ms. DEGETTE and Mr. UDALL of Colorado.
H.R. 6594: Ms. SCHAKOWSKY, Mr. BISHOP of Georgia, and Mr. KUCINICH.
H.R. 6595: Mr. ARCURI, Mr. FOSTER, and Mr. BRALEY of Iowa.
H.R. 6597: Mr. MOORE of Kansas and Ms. WOOLSEY.
H.R. 6598: Mr. LEVIN, Mrs. LOWEY, Mr. MITCHELL, Mr. MOLLOHAN, Mr. DEFAZIO, Mr. LYNCH, and Ms. SHEA-PORTER.
H.R. 6614: Mr. BARRETT of South Carolina.
H.R. 6632: Mr. SHAYS.
H.R. 6643: Mr. BERMAN, Mr. INSLEE, Mr. FILNER, and Mr. REICHERT.
H.R. 6659: Mr. BACHUS.
H.R. 6694: Mr. SIRES, Ms. MATSUI, Mr. TERRY, Mr. CARDOZA, Ms. LEE, Mr. TIBERI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON of Ohio, Mr. CLAY, Mr. CLEAVER, Mr. CARSON, Mr. ROTHMAN, and Mr. PASCRELL.
H.R. 6695: Mr. CARNAHAN.
H.R. 6702: Mr. HINCHEY and Mr. HINOJOSA.
H.R. 6731: Mr. GRIJALVA.
H.R. 6763: Mr. BOREN and Mr. CARNAHAN.
H.R. 6798: Ms. SCHAKOWSKY.
H.R. 6820: Mr. HINCHEY, Mr. BLUMENAUER, Ms. LEE, and Mr. FILNER.
H.R. 6831: Ms. BERKLEY and Ms. BORDALLO.
H.R. 6844: Mr. MARIO DIAZ-BALART of Florida and Mr. SOUDER.
H.R. 6846: Mr. MCGOVERN, Ms. WATERS, and Mr. PAYNE.
H.R. 6850: Mr. SHULER and Mr. BRADY of Pennsylvania.
H.R. 6856: Mr. KLEIN of Florida.
H.R. 6860: Mrs. MYRICK and Mrs. DRAKE.
H.R. 6864: Mr. REHBERG, Mr. MORAN of Kansas, Mr. BURTON of Indiana, Mrs. BACHMANN, Mr. PLATTS, Mr. PUTNAM, Mr. SALI, Mr. MITCHELL, Mr. BOOZMAN, Mr. HENSARLING, and Mr. LATTA.
H.R. 6867: Mr. LEVIN, Mr. GEORGE MILLER of California, Mr. DINGELL, and Mr. KUCINICH.
H.R. 6873: Mr. FARR, Mr. ALLEN, Mr. CHANDLER, Mrs. MALONEY of New York, Ms. SUTTON, Ms. DELAURO, Mr. MCNULTY, Mr. WILSON of Ohio, Ms. BERKLEY, Mr. HINOJOSA, Mr. HOEKSTRA, and Mr. SNYDER.
H. Con. Res. 360: Mr. KUCINICH.
H. Con. Res. 371: Mr. NADLER.
H. Con. Res. 378: Mr. KIND, Ms. HERSETH SANDLIN, and Mr. BISHOP of Utah.
H. Con. Res. 388: Mr. KLINE of Minnesota and Mr. FORBES.
H. Con. Res. 393: Mr. GOODE and Mr. LEVIN.
H. Con. Res. 411: Mrs. EMERSON and Mr. CASTLE.
H. Res. 227: Ms. WATERS.
H. Res. 373: Ms. LORETTA SANCHEZ of California.
H. Res. 620: Ms. Loretta Sanchez of California.
H. Res. 644: Mrs. WILSON of New Mexico.
H. Res. 671: Mr. BOREN, Mr. KLEIN of Florida, Mr. WEINER, Mr. SCHIFF, Mr. KENNEDY, Mr. BRALEY of Iowa, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. ACKERMAN, and Mr. CRAMER.
H. Res. 758: Ms. SCHWARTZ and Mr. ISRAEL.
H. Res. 799: Mr. FILNER.
H. Res. 906: Mrs. GILLIBRAND, Mr. ABERCROMBIE, Mr. DAVIS of Kentucky, and Mrs. WILSON of New Mexico.
H. Res. 988: Mr. BRADY of Pennsylvania.
H. Res. 1042: Mrs. WILSON of New Mexico, Mr. REYNOLDS, Mr. MOORE of Kansas, Mr. REICHERT, Mrs. CUBIN, Mr. UPTON, Mr. CANTOR, Mr. LUCAS, and Mr. MCHENRY.
H. Res. 1055: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 1200: Mr. ALTMIRE, Mr. SPACE, Mr. BARTLETT of Maryland, and Mr. ROSS.
H. Res. 1232: Mr. BISHOP of New York.
H. Res. 1272: Mrs. CAPPS and Ms. SCHAKOWSKY.
H. Res. 1303: Mr. HOLT and Mr. MCDERMOTT.
H. Res. 1314: Mr. DAVIS of Illinois.
H. Res. 1326: Mr. OLVER.
H. Res. 1328: Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. TANNER, Mr. SMITH of New Jersey, Mr. BRADY of Pennsylvania, and Mr. FILNER.
H. Res. 1335: Mr. GARRETT of New Jersey and Mr. BOREN.
H. Res. 1352: Mr. ACKERMAN, Mr. HINCHEY, Mr. CROWLEY, Mr. ISRAEL, Mr. KUHL of New York, and Mrs. LOWEY.
H. Res. 1354: Mr. FILNER.
H. Res. 1356: Mr. FERGUSON.
H. Res. 1364: Mrs. GILLIBRAND, Mr. FORBES, Mr. MILLER of Florida, Mr. LAMBORN, and Mrs. DAVIS of California.
H. Res. 1375: Mr. ROSKAM, Ms. BERKLEY, Mr. CHABOT, Mr. BERMAN, Mr. JOHNSON of Illinois, Mr. RUSH, Mr. KIRK, Mr. SHIMKUS, Mr.

HINOJOSA, Mr. LOEBSACK, Mr. SHAYS, Mr. HIGGINS, Mr. MANZULLO, Mr. LEWIS of Georgia, Mr. CRAMER, Mr. GRIJALVA, Mr. CHANDLER, Mr. MOORE of Kansas, and Mr. PUTNAM.

H. Res. 1381: Ms. DELAURO, Mr. GORDON, Mr. GRIJALVA, Ms. SUTTON, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. BOSWELL, Mr. WAXMAN, Mrs. CAPPS, Mr. UPTON, and Mr. MCNULTY.

H. Res. 1386: Mr. SHULER, Ms. DEGETTE, Mr. MILLER of North Carolina, Mr. GORDON, Mr. PRICE of Georgia, Mr. UDALL of Colorado, and Mr. SESSIONS.

H. Res. 1390: Mrs. EMERSON and Mr. HINOJOSA.

H. Res. 1395: Mr. WAXMAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. LEE.

H. Res. 1401: Mr. MARIO DIAZ-BALART of Florida and Ms. ROS-LEHTINEN.

H. Res. 1409: Ms. BALDWIN.

H. Res. 1411: Ms. HOOLEY and Ms. SCHAKOWSKY.

H. Res. 1416: Mr. WESTMORELAND, Mr. WHITFIELD of Kentucky, Mr. KAGEN, Mr. ROSS, Mr. PRICE of Georgia, and Mr. KINGSTON.

H. Res. 1421: Mr. FORBES, Mr. MCGOVERN, Ms. GIFFORDS, and Mr. MARSHALL.

H. Res. 1427: Mr. CARTER, Mr. PUTNAM, Mr. BROUN of Georgia, Mr. HALL of Texas, and Mrs. BLACKBURN.

H. Res. 1428: Ms. ROYBAL-ALLARD, Mr. MOORE of Kansas, Mr. WESTMORELAND, Mr. RUPPERSBERGER, Ms. NORTON, Mrs. MCMORRIS RODGERS, and Ms. WASSERMAN SCHULTZ.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. FRANK OF MASSACHUSETTS

The provisions that warranted a referral to the Committee on Financial Services in H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. RAHALL

The provisions that warranted a referral to the Committee on Natural Resources in H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. DINGELL

The provisions that warranted a referral to the Committee on Energy and Commerce in H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) or Rule XXI.

OFFERED BY MR. RANGEL

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. WAXMAN

The provisions that warranted a referral to the Committee on Oversight and Government Reform in H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. CONYERS

The provisions that warranted a referral to the Committee on the Judiciary in H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. OBERSTAR

The provisions that warranted a referral to the Committee on Transportation and Infrastructure in H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. SPRATT

The provisions that warranted a referral to the Committee on the Budget in H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MS. SLAUGHTER

The provisions that warranted a referral to the Committee on Rules in H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. GORDON OF TENNESSEE

The provisions that warranted a referral to the Committee on Science and Technology in H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. BERMAN

The provisions that warranted a referral to the Committee on Foreign Affairs in H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3995: Ms. SHEA-PORTER.

H.R. 6384: Mr. HELLER.

SENATE—*Monday, September 15, 2008*

The Senate met at 3 p.m. and was called to order by the Honorable BILL NELSON, a Senator from the State of Florida.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, by whose providence our forebears brought forth this Nation, conceived in liberty and dedicated to equal justice for all, give to our Senators a passion for that more perfect union which is yet to be. Inspire them to recommit to the noble principles upon which our Nation was founded. Give them the wisdom to trust You with all their hearts and to passionately and humbly pursue Your will, knowing that you have promised to direct their paths. Today, may our lawmakers experience the constancy of Your presence. Guide them with Your higher wisdom, and bring them to the end of this day with their hearts at peace with You.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL NELSON led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BILL NELSON, a Senator from the State of Florida, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

TRYING TIMES

Mr. REID. Mr. President, in the past few days, we have seen a real meltdown in our financial community. One major investment bank failed. Another is filing for bankruptcy. As we know, Bear Stearns was propped up because of Government money. Lehman Brothers is being purchased by another bank. It is hard to comprehend that Bear Stearns is no longer what it was. Lehman Brothers is, in effect, gone. The name may be saved, but that may be all. We have other companies that we are watching very closely. One of the companies was saved by a competitor, and the Federal Reserve is now saying they must liberalize access to its discount window.

By all accounts, this was a remarkable turn of events for Wall Street, our Nation's financial markets, and the world's financial markets. When all the smoke of these major financial shakeups has cleared—and we don't know when that will be—our job remains the same as always; that is, the Members of Congress, to do everything we can to help the American people make it through these trying times.

What we are seeing on Wall Street today is yet more fallout from the Bush and now McCain economic policies that have failed our country. The Bush administration failed to police lenders and neglected to protect consumers. That led to the subprime crisis and cost millions of American families their homes and continues to wreak havoc on neighborhoods and financial institutions throughout America. This Bush-McCain ''anything goes'' approach, which the Bush administration has called free market economics but has amounted to nothing more than willful neglect for American families, has resulted in, I repeat, millions of lost jobs, millions of lost homes, with an enormous price tag for the American taxpayer to accompany that. If there ever was a reminder of our country's desperate need for new economic leadership, what more do we need? This is it.

Today, Monday, with what happened around the financial markets to our great country, with all the bad news today, Senator JOHN MCCAIN said the fundamentals of our economy are strong. Think about that. I don't know what that means. I don't know if anyone knows what that means. For whom is the economy strong? It is not strong for homeowners in Nevada. It is certainly not strong for homeowners in Florida, Arizona, California, and most every other place in America. It is not strong for wage earners who are spending more of their paychecks than ever to buy gas to get to work, and then they have to come home at day's end. School districts are having a difficult time because busing is now an integral part of a school district. Trucking companies are in desperate shape, all because of the high price of fuel.

It is not just middle-class families that are saving less and spending more on groceries, clothing, and health care; it is throughout our society. The economy certainly isn't strong for the 606,000 Americans who lost their jobs this year. This is 606,000 people, and you have JOHN MCCAIN saying the economy looks good. I really don't understand what he means, that the fundamentals are good. The economy is not strong for fixed-income seniors, which the Presiding Officer's State of Florida has more than any other place in the union. Certainly, in Nevada, we are the most rapidly growing senior population. It is not strong for them or especially for those in the Northeast because they have so much heating done with fuel oil. The prices will go up by at least 50 percent—some say 75 percent—this year. There may be places in America where the economy is strong, such as country clubs and boardrooms at firms that haven't folded. For the rest of America, this economy is not strong. It will not solve itself, no matter what President Bush and JOHN MCCAIN say. Fixing this mess will take real leadership and a change of direction.

During this work period, I hope Congress will show some leadership, with some direction from the President, which we don't have, by passing another economic stimulus plan that creates jobs and invests in our economy.

We have a lot to do in the next 2 weeks. That is all we have left until the due date for us to leave here. I hope we can leave here, but I don't know that we can. Everybody should understand that we may do the unthinkable and have to have votes here on Friday and maybe even on Monday. We have to get essential work done.

The Defense authorization bill—we need to complete that legislation. There will be no rollcall votes on this today. The managers have worked most of Thursday and Friday. Of course, today they are available and have been available to come up with an agreement on amendments before the cloture vote on the bill. If the managers of the bill don't get an agreement on how to move forward with amendments, we will have a cloture vote in the morning. We have no choice. Senators have until 4 o'clock today to file first-degree amendments to the bill.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

This Defense authorization bill is an important piece of legislation. I don't know how else to phrase its importance. We know the security of our Nation depends on things other than this Defense authorization bill. We know we are importing 70 percent of our oil. That is important to the security of our country. For a basic understanding of how to treat our military, this bill is it. These two experienced legislators have worked together for decades on this committee. They have put forward some extremely important issues, including the pay raise for the troops and so many other things, to maintain the integrity of our military. Not to pass a Defense bill—how can we leave here and not do that?

There are 51 Democratic Senators, and every one of them will vote for this legislation. We need help from the other side. Now, did everyone have the opportunity to offer all of the amendments they wanted? The answer is yes. Did they get a chance to vote on them? No, but that is not our fault or the managers' fault. I hope unanimous consent can be reached on a list of amendments and that we will dispose of those as quickly as we can. This would allow Senators to have their voices heard, which could perhaps allow us to pass this without another Republican filibuster. We are probably at about 95 filibusters now, Mr. President.

Once we complete this bill, then we are going to have to move to our energy legislation—first of all, the tax extenders. That is so important. We have an economy that we have talked about a little bit today, about how very shaky it is. If we extend the tax credits for renewable energy, we would create hundreds of thousands of jobs. These are not just jobs where the Sun shines a lot; these are jobs everywhere in America. In my little hometown of Searchlight, NV, renewable energy has hit there. There is a company that is going to put in windmills there. It takes a while, with environmental impact statements, but they have gotten permission in the Federal agencies to do this. That would happen all over America today. But what has happened is that people who have these projects are backing out of them because they don't have the tax credits. You cannot have people investing huge amounts of money for a tax credit of 1 year or 6 months, and the legislation that will be brought before the body will have multiyear, long-term tax credits. That is what we need. That is going to happen. We have worked out an arrangement with the Finance Committee, as I understand it, that it will all be paid for, which I think will be acceptable to both Democrats and Republicans.

Then we are going to have to do the other tax extenders, with AMT and other problems. We cannot pay for all that. I certainly cannot tell the House of Representatives how to do business, and they don't tell us how to do ours, but I hope they will allow this vote on what we are going to send them.

The Presiding Officer and this Senator from Nevada served in the House of Representatives. When we served there, the leaders we had there never, ever tried to pass legislation just with Democrats, even though we had a significant majority when we served in the House. We always looked to Tip O'Neill and Jim Wright, who were our leaders, and they would go to the Republicans and try to get enough votes to pass it. I hope we can do it. This is passable. We need to do this on the tax credits and tax extenders.

Mr. President, I have expressed to everybody, and I say it here today, that even though I don't think there is going to be immediate relief from drilling, we are going to have some drilling votes here. It is the consensus of the American people, and both Democrats and Republicans, that we should have some drilling votes. We are going to do that. Senator BINGAMAN came up with a proposal that he worked on for weeks. We will do that, and then we will move to what the Republicans want. We will vote on that, and then we are going to have the bipartisan proposal of the Gang of 10. In the meantime, we will get from the House, I think, a bill they will pass over there dealing with energy. As I understand it, it won't have any of the tax extenders on it, but it will have a number of important issues to people over here.

Then there are a lot of things we need to deal with, which I have talked about briefly. I hope we can get direction from the President. We can call it a stimulus bill, supplemental appropriations, emergency funding—call it whatever you want, but we have real problems out there in our country that deserve Federal attention. We hope we can get something done there.

Then we have the continuing resolution we have to do so we can fund the Government. I can only speak for myself and my counterpart, Senator MCCONNELL, will have to speak for himself, but I think it is our initial hope that we can fund the Government until sometime in February. But if not, then we will have to come back here for a lame-duck session. But we have to fund the Government. We tried in the past, on one occasion, to shut down the Government, and it didn't work very well. We are going to do everything we can to make sure that does not happen.

During this period of time, we have a variety of other bipartisan pieces of legislation that the House has passed and that we need to try to move forward on. We hope we can do that.

Again, we may have to have some votes on Friday, and hopefully not over the weekend, but this is important business that we need to do and so little time left to do it. The American people expect us to get it done. Everyone should look at their schedules this weekend to see what we can get done so we don't have to be here for an extended period of time.

This Defense bill should pass, and after that, we would have to have a very quick conference with the House. Certainly, people work on these bills for a long time, both the Senate managers and the House managers, so that can be completed.

As to this energy legislation, I hope the House will take what we do with all the tax extenders.

We talked about the other business that needs to be done. There is a limited number of items we need to do, but we cannot leave unless we do them.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid amendment No. 5290, to change the enactment date.

Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.

Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature.

Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. I thank the Presiding Officer.

Mr. President, I will speak momentarily, but I wish to defer to the distinguished chairman, and I will follow him with brief remarks.

I will continue, Mr. President. I wish to say on behalf of my staff and that of the distinguished chairman, we have an old saying in the Navy: ''All hands on deck.'' Both staffs were present throughout the weekend. I am pleased to advise the Chair and other Senators following this proceeding that we have put together a significant package of amendments on which we use the phrase around here ''both sides of the aisle agreed upon.'' But I will leave it to the chairman to address that issue.

I believe I am under the instruction of my Republican leader at this time that I am not able to agree to a UC request. But I do hope that can be resolved very quickly and that we can move to that package and receive such other amendments as Senators may wish to call up. There are some 250 pending at the desk and at such time the chairman and I are ready to work with Members on trying to resolve those amendments or otherwise have votes. I know a number of amendments are pending that will require votes.

The ACTING PRESIDENT pro tempore. The Senator from Michigan, the chairman of the committee.

Mr. LEVIN. Mr. President, I thank my friend from Virginia. First, we have, I think, about 50 or more amendments that our staffs have worked very hard on and we have been consulted on, obviously, which we will be able to vote on hopefully today, if possible, and if not, as soon as we get clearance from Senator WARNER's side, we will be happy to proceed with them. We are going to keep working on additional amendments.

In the meantime, we are together working to try to come up with a unanimous consent request which can get the approval of this body. We need Members to come to the floor to try to work with us on those amendments. Where rollcalls are going to be necessary, we can fit them in at sometime prior, hopefully, to the vote on cloture. As the leader said, we need to have a unanimous consent agreement in hand prior to that cloture vote for the sake of the body.

I worry a great deal about the future of our bill. I say ''our bill'' because this is a bipartisan bill. This is not a partisan committee, and it is not a partisan bill. I worry about what is going to happen to our bill if we cannot either get a unanimous consent agreement or cloture tomorrow—one or the other.

We will continue to be here this afternoon. Hopefully, colleagues will come to the floor and work with us and our staffs to either work out amendments or, if rollcalls are necessary, to find a spot for those rollcalls to take place.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I begin by commending the chairman and the ranking member on working very hard on an extremely important bill. I rise in my position as the vice chairman of the Intelligence Committee to ask consent that we be able to add an amendment which deals with the intelligence portion of the Defense authorization and appropriations bills that I feel must be addressed.

I ask unanimous consent to set aside the pending amendments and call up amendment No. 5387.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. I object, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BOND. Mr. President, I am not surprised. I am disappointed that my effort to simply call up one of seven amendments I filed to the Defense authorization bill is being denied. Our very distinguished, articulate majority leader has said it is not his fault if people can't get votes. I should note that he has filled up the tree, a procedural move that denies a vote on any nonmajority leader-approved amendment.

I now will explain why I think these provisions are vitally important. These are measures that have been dealt with and approved by this body and the other body in some instances, by this body in some instances, and by the Intelligence Committee in other times.

The amendment I tried to call up, as well as the other six I filed, is important not only for the intelligence community but for congressional oversight as we continue to fight this war on terror.

Unfortunately, for reasons that make no sense to me, I have been informed there is a desire not to entertain any amendments relating to the intelligence community on the bill. We have seen from the 9/11 Commission and most other observers of the legislative process that the one area of the 9/11 Commission recommendations, on a bipartisan basis, that has not been adopted has been to combine the intelligence authorization and appropriations process. I am here today to offer some amendments that would effect that coordination.

I join with my other colleagues who have indicated they refuse to acquiesce in a UC agreement until such time as we can work out a reasonable accommodation. I want to see this bill passed. Obviously, it is critically important, but so is stopping the waste of billions of dollars and improving the operations of the intelligence community. It is a mistake, and I cannot agree to a UC agreement until we have had some resolution of these questions.

It is certainly no surprise to the occupant of the chair, who is a valued member of both the Defense authorization committee and the Intelligence Committee, that the intelligence community has been without essential oversight as ordinarily provided in the authorization process.

Our efforts in the Intelligence Committee to have a bill signed into law last year were derailed by partisan provisions that ultimately resulted in a Presidential veto. The same poison pills were put into this year's intelligence authorization bill. So it will not move forward. As vice chairman of the Intelligence Committee, I believe it is time to take partisan games out of the intelligence oversight. I believe it is high time to return to congressional oversight of intelligence activities by the executive branch.

It is ironic that some of my colleagues have been so vocal, and at times biting, in their criticism of the administration's intelligence spending programs. Yet when we now have the opportunity to seek congressional oversight over them, they seek to deny us the opportunity to do so. It is almost as if some would rather have a reason to criticize the system rather than the opportunity to fix it.

I am here today to ask for the opportunity to begin to fix it. So I filed these amendments—good, sound provisions that have good bipartisan support and I believe will improve not only our oversight but the work of the Intelligence Committee.

Each one of these amendments was included in the Intelligence Committee's 2009 authorization bill, and almost all were part of the 2008 bill. So there are no surprises here.

First among them is amendment No. 5387 that authorizes funds for the intelligence community's budget. How much more fundamental can we get? That sets out the parameters for the intelligence community, just as the overall Armed Services Committee bill sets out parameters for appropriations by the Defense Appropriations Subcommittee on defense issues.

The first amendment combines five sections from the Intelligence Committee's 2009 authorization act and authorizes different types of funding for the intelligence community—the National Intelligence Program funds, funding of the intelligence community management account, and funding the CIA's disability and retirement accounts. These are all basic budgetary authorizations on which I hope we can agree. I ask my colleagues to join me in supporting this amendment.

My remaining amendments include a number of what I can call, I believe without challenge, ''good government'' provisions. These provisions will ensure that the Director of National Intelligence has the authority he needs to manage the intelligence community and will ensure that American taxpayers are actually getting the best bang for their buck and not wasting billions and billions of dollars, which I have addressed on the floor previously.

The next amendment is No. 5388. What is this good government amendment? This amendment is aimed at discouraging cost overruns on intelligence satellites and other expensive intelligence programs and is modeled after the longstanding Nunn-McCurdy provisions that apply to Department of Defense major acquisitions.

Last week I stated on the floor that billions and billions and billions—I won't tell you how many because it is classified—of dollars have been wasted on overhead programs because they were not effectively managed.

The next amendment, No. 5389, requires the DNI to conduct vulnerability assessments of our major systems

used by the intelligence community. This provision has been in the past two intelligence authorization bills. It requires the DNI to conduct initial and subsequent periodic vulnerability assessments of each intelligence community major system. These assessments should identify system vulnerabilities and exploitation potentials and should make recommendations for reducing risks.

We all know there are those who seek to do us ill who have the ability to compromise many of our programs. Those of us who are familiar with it know how many ways this can happen. I am not going to give anybody any ideas by telling them how to do it. Too many people already know. If we have learned anything during this election cycle, it is that the American people are tired of having their money wasted. They are demanding better spending habits and better accountability from their Government, which brings me to my next amendment, accountability reviews by the Director of National Intelligence. Amendment No. 5390 allows the DNI to conduct accountability reviews of elements of the intelligence community or personnel of such element in relation to a significant failure or deficiency within the intelligence community.

My amendment, agreed to by the Intelligence Committee, would strengthen the DNI's authority and influence in this area, as well as congressional oversight. This amendment confirms the DNI's ability to recommend disciplinary action against persons within the Office of the DNI who have failed to measure up to expectations and are under his jurisdiction. I believe this is a reasonable place to start.

The next one is a future-year budget plan, amendment No. 5391. I think it is reasonable for Congress and our intelligence community to stop wasting billions of dollars on intelligence programs that prove too costly to complete. How does this happen? One reason is that we have never required the intelligence community to show us the full cost of these expensive programs in the budget. My fifth amendment would ensure that this would not happen again.

Now, I will tell the occupant of the chair and my fellow Intelligence Committee member, the distinguished Senator from Virginia, as well as the chairman of the committee who has staff who sits in as frequently as he can on our Intelligence Committee oversight hearings, that there are many wonderful programs that come to us with maybe a couple-hundred-million-dollar budget expenditure the first year. But when you look out to the future years, that number goes up, potentially swallowing the entire intelligence portion of the budget.

I think we in Congress ought to say: Wait a minute. Before we spend that first couple hundred million dollars, tell us what the cost is going to be and what it is going to take out of the budget in future years to accommodate it.

This amendment would require the intelligence community to provide Congress with a future-year intelligence plan that is a 5-year budget and a long-term budget projection that covers 10 years beyond the future intelligence plan. These requirements would ensure that Congress would not appropriate or legislate in the dark without knowing what these wonderful new ideas—and there are some great ideas—are going to cost in the future and how we are going to pay for them.

Next, my final good government provision, No. 5392, requires annual personnel level assessments for the intelligence community. As with most all of my amendments, the provision has been included in the last two intelligence authorization bills.

So why the need for this amendment? These assessments will help Congress get a better sense of the personnel growth in the IC before we mark up annual authorization bills. For some time now both the Senate and House Intelligence Committees have been concerned with rising personnel growth in the IC.

Finally, I have also just filed an amendment relating to a classified technology demonstration program. I talked about that last week. My amendment, which has bipartisan support in both the House and the Senate and has been passed by both bodies in the past, will ensure that billions of taxpayer dollars that have been wasted through poor management and oversight will not be followed by more in the future.

This amendment, as I described last week, would say that before the National Reconnaissance Organization embarks on spending billions of dollars on a program, it needs to do a demonstration program in the millions of dollars category to see if all the systems work so that we have a good idea before we get a system that has wasted billions and billions of dollars to find out only then that it can't work.

I think Congress has a reasonably high expectation of the DNI and of his ability to reform the intelligence community, but we cannot expect great results if we don't give the authorities and the support he needs to demand performance and accountability. My amendments will give him these authorities and will also allow Congress to perform our real effective oversight duties.

These amendments have been vetted with the Intelligence Committees over the past 2 years and most were contained in the 2008 Intelligence Authorization Act that passed both Houses of Congress. I believe and I think my colleagues' votes over the past 2 years have shown that they make sense and are reasonable.

If there is no consideration of including these amendments or simply allowing a vote on the budget amendment, which is the most important of all, then I am left with little choice but to continue to object to any UC agreements on this bill.

I thank my distinguished colleagues, the Chair, and the ranking member, for listening to my comments, and I look forward to being able to work out with them a reasonable accommodation of these very important matters that I think are essential to ensuring effective intelligence oversight of the money that we spend in the National Intelligence Program.

Mr. President, I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL.) Without objection, it is so ordered.

Mr. NELSON of Florida. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. NELSON of Florida pertaining to the introduction of S. Res. 660 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. NELSON of Florida. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, may I inquire what is the business before the Senate.

The PRESIDING OFFICER. The Senate is on the Defense authorization bill.

Mr. DODD. I thank the Chair.

Madam President, I have an amendment I have filed with the floor leadership on this bill dealing with Iran sanctions. It is called the Comprehensive Iran Sanctions, Accountability and Divestment Act for 2008. I want to share some thoughts about this proposal with my colleagues. I am fully cognizant that our friend from Michigan, Senator LEVIN, the manager of this bill, has a lot of amendments with which he is dealing. I don't know whether we will have a chance to actually vote on this bill, but I want to

spend a few minutes talking about the importance of this amendment and its value.

Obviously, there is a lot going on today with the financial crisis in the country. As chairman of the Banking Committee, I will have more to say about that tomorrow. I have been having conversations with fellow committee members among others.

Today I want to talk about this issue specifically and then address an issue as well dealing with the devastation of Hurricanes Gustav and Ike and Tropical Storms Fay and Hanna that ripped through the Caribbean.

We are considering, of course, the Defense authorization bill. This proposal, adopted and developed by the Committee on Banking, Housing, and Urban Affairs in conjunction with my Republican colleague and friend, RICHARD SHELBY of Alabama, former chairman of the committee, would impose tough new sanctions on the Government of Iran, to authorize investors to divest from companies active in Iran's energy sector and to combat the proliferation of black market weapons networks overseas.

I am delighted to have my colleague, Senator SHELBY, as a sponsor of the amendment. In my view, we need a comprehensive strategy on Iran that builds our leverage within the context of a major new diplomatic push for meaningful negotiations.

Let me be clear. Sanctions against the Government of Iran are not an end unto themselves but, rather, one means of driving a resolution of the problem of Iran's apparent nuclear ambitions. The Europeans' recent decision to impose additional financial sanctions on Iran is a very positive development that exerts further pressure to that end. The approach embodied in the bill I am talking about this afternoon is targeted and strategic, maximizing the economic leverage of the United States, our partners and allies in Europe and elsewhere, and international investors, while avoiding the risk of a more indiscriminate approach.

The Banking Committee exercises jurisdiction over virtually all aspects of U.S. financial and economic sanctions policy toward Iran, which can be summarized in three categories: No. 1, the U.S. trade and investment ban administered by the Treasury Department's Office of Foreign Assets Control; No. 2, sanctions against foreign companies that invest substantially in the energy sector, proceeds from which support Iran's proliferation or terrorism-related activities; and, No. 3, targeted financial measures, including freezing assets of individuals involved in that proliferation.

Last year, the committee conducted a hearing on the effectiveness of Iran sanctions. Working with the administration, the Banking Committee acted swiftly to strengthen the U.S. trade/investment ban, and ultimately we saw enactment in October of the International Emergency Economic Powers Enhancement Act. This new law holds violators of U.S. sanctions law accountable, adding, I might add, jail time and severe fines against those investing in Iran or other state sponsors of terror.

Also, last year, shortly after the House of Representatives acted on its version of Iran-related legislation, I then asked the majority leader, Senator HARRY REID, to expedite Senate consideration of various Iran-related bills. The leader, as you might expect, agreed and moved quickly. But we were unable to clear them completely on the other side of this Chamber, which I regret.

The Government Accountability Office then issued a report last December raising questions about whether our current sanctions regime against Iran furthers U.S. policy objectives and how they might be made more effective. Among other things, that report concluded that the ongoing illegal transshipment of sensitive dual-use technologies from often unwitting U.S. and other Western suppliers to countries such as Iran—sometimes through three or four levels of suppliers—is one very effective way around current U.S. sanctions.

In recent months, the Banking Committee refined and combined in one package various pieces of the Iran-related legislation, accommodating concerns of Members on both sides of the political aisle and those of the Bush administration. We now have a very streamlined bill that I hope will enjoy broad bipartisan support if I am given the opportunity to offer it on the Defense authorization bill. This streamlined version of this sanctions bill was reported out of the Banking Committee in July by a strong bipartisan vote of 19 to 2.

The missile tests that Iran conducted in July were provocative, and its persistent refusal to abide by United Nations Security Council demands—despite a host of sanctions already in place—is very troubling. Iran's behavior with respect to weapons proliferation, support for terrorism, destabilization of its neighbors, and threats against our allies and interests demands a very serious response.

We only have a few weeks remaining in this legislative session. We will not return to actually legislate until late January of next year. I would hope we would find time, whether on this bill or some other vehicle, to enact, as I am confident we can, with a strong bipartisan vote, this Iran sanctions idea. This bill is one very important part of that response.

I again thank Senator SHELBY, my colleague, as well as other committee members, Republicans and Democrats, who worked together to pass this legislation. Senator EVAN BAYH of Indiana, Senator BROWNBACK of Kansas, Senators SMITH, DURBIN, LAUTENBERG, and others have worked very hard on the Iran issues and deserve a great deal of credit for the product we have been able to put together. I thank, as well, Senator OBAMA for his critical work on this Iran divestment legislation which, again, was adopted in a strong bipartisan fashion by the committee as part of its integrated bill.

Current U.N. Security Council sanctions against the Government of Iran have been extremely important, but I think we have an obligation to take measures, consistent with the objectives of the U.N. sanctions, to increase the leverage of the United States and our allies in a much more aggressive, diplomatic, and political initiative to bring Iran back to the table and ultimately persuade its Government to change its behavior.

Let me describe briefly the sanctions provisions.

First, the bill expands the definition of ''person'' under the Iran Sanctions Act to include financial institutions, underwriters, guarantors, and other business entities and extends the applicability of sanctions to oil and gas pipelines and tankers. It imposes a broad ban on imports directly from Iran to the United States and exports from the United States to Iran of those few items still able to be shipped while exempting food and medicines to Iran, certain informational materials, and aids to navigation designed for safe operation of commercial aircraft.

The bill also provides for a freezing of assets of those members of the diplomatic community or Iranian military who have been identified by the President of the United States as active in weapons proliferation or terrorist activity. The bill clarifies that U.S. entities that establish a subsidiary for the purpose of getting around U.S. sanctions laws can be held liable for the activities of their subsidiaries. The bill also increases funding to the Office of Terrorism and Financial Intelligence of the Treasury Department to ensure that the international financial system is not used by those who support terrorism or engage in proliferation-sensitive activities.

Finally, this bill imposes new requirements that the President actually make a determination and report every 6 months to Congress regarding the sanctionability of certain eligible investments in Iran's energy sector. This is designed to address the problem of billions of dollars in oil and gas investment projects being subject to sanctions—over $27 billion in eligible oil and gas investments since 1999, according to the Congressional Research Service—but successive administrations refusing to make final determinations required by law, much less impose appropriate sanctions on entities

involved in such projects, I might add, have raised some certain issues.

In addition to expanding U.S. sanctions on the Government of Iran, this bill would also provide a simple formula for divestment from firms which invest significant amounts in Iran's energy sector with provisions patterned after the Sudan Accountability and Divestment Act that we all voted for earlier this year.

The rationale for this is straightforward. Many of us believe Americans should be able to divest from energy firms doing business with the Iranian regime whose policies they abhor and which by their presence indirectly help to prop up that regime. They should be given the tools they need to make socially responsible decisions, and investors who choose to divest—States, large pension and mutual funds, and others—should be held harmless for these decisions. Likewise, firms which continue to do business in the energy sector in Iran should recognize the substantial risks involved in this decision and adjust their strategies accordingly.

This bill is as much about enabling investors to manage risk as about having Congress set foreign policy. Make no mistake. Investing in Iran these days is risky business, and investors should be fully informed of those risks going in. This bill does not require divestment, it simply permits it, as with the Sudan legislation—if the investments in Iran's energy sector are substantial and if the divestment process is crafted consistent with the provisions of this bill.

Divestment from Iran is already well underway nationwide, prompted by campaigns patterned after the South African divestment movement and that involving the Sudan. Eight States of our country have already enacted Iran divestment legislation. Other States have enacted broader divestment legislation focused on state sponsors of terrorism. Many more States are considering Iran divestment measures in their State legislatures or have taken steps administratively to allow for such divestment.

Some colleges and universities have begun to divest their holdings, as well, and efforts are underway at many more. Large cities, nonprofit organizations, pension and mutual funds have joined this campaign. It is a campaign that enjoys, I might add, worldwide support, and that could provide significant economic leverage to the diplomatic and political efforts to curtail Iran's apparent nuclear ambitions.

How would it work? First, the amendment authorizes States and localities to divest from companies involved in the energy sector in Iran and sets universal divestment standards. Secondly, the bill allows mutual fund and corporate pension fund managers to cut ties with companies involved in these key sectors and offers limited protection from lawsuits for those choosing to divest or not to invest in the first place, while preserving their normal fiduciary duties. Third, this bill allows State and local governments to divest their public pension funds from businesses invested in Iran's energy sector. Fourth, it establishes a new mechanism for disclosure for firms divesting their holdings in such entities and sunsets, I might add, the divestment mechanism when the President of the United States certifies that Iran has ceased its support for international terrorism and its support of weapons of mass destruction.

Let's be very clear about what this amendment achieves in terms of divestment—and what it does not do. It does not outsource foreign policy to State and local governments or run afoul of the supremacy clause of the Constitution, as some have claimed. Rather, it protects the rights of investors to make socially responsible decisions—to refrain from holding assets that may serve to bolster the Government of Iran. It allows States and other investors to divest in a relatively uniform way, if they so choose, so they may avoid the complications of diverging approaches.

Under this bill, States can act out of concern for the long-term financial and reputational risks posed by an affiliation with certain investments in the nation of Iran. Once identifying these specific risks, States are to inform the companies with a notice detailing such issues—not merely based on a foreign policy concern but on the State's assessment of the economic risks posed by investments in firms involved in certain energy-related business in Iran. It thus outlines a Federal divestment policy—a complicated and yet very clear path consistent with U.S. unilateral and multilateral sanctions already imposed, I might add—and authorizes investors to act consistently with that policy, again, if they so choose.

Finally, and very importantly—unlike other legislation acted upon by Congress—the amendment I am offering provides new incentives for countries to strengthen their export control systems to stop the illegal diversion of sensitive and dual-use technology to countries such as Iran and imposes additional licensing requirements on those who refuse to cooperate.

As we confront the realities of a global marketplace, with manufacturers assembling parts of complex machinery such as aircraft and computers from a supply chain spanning the globe, and as regimes such as Iran, North Korea, and Syria trawl various transshipment hubs for such parts to assemble high-technology weapons, it makes sense to address this problem head on.

We have developed a way to do this similar to an approach previously proposed in regulatory form by the administration, with an array of carrots and, if necessary, sticks to prod unwilling countries to get serious about developing and implementing tough, comprehensive export control rules and systems. This measure will strengthen antidiversion measures, and it will help countries willing to bolster their systems to do so and impose tighter licensing restrictions on those countries that have a record of spotty enforcement or that are unwilling to improve their systems.

I was pleased we were able to come to an agreement on this comprehensive approach in the Banking Committee. I might point out that similar legislation was adopted under the leadership of Senator MAX BAUCUS and CHUCK GRASSLEY at the Senate Finance Committee, also, I might add, on a bipartisan basis. Much more assertive diplomacy and efforts to bolster our relationship with Iran's people, coupled with tougher financial measures such as these to increase economic pressure to bring the Iranian Government to the table, is the way forward for U.S. policy.

Our European and other allies continue, as I mentioned earlier, to work closely with the United States to increase economic and diplomatic pressure on Iran. I happen to believe this measure complements those diplomatic efforts. It is providing the kind of tools that those who are responsible for the conduct of foreign policy ought to have that will give them the leverage necessary to try and bring Iran back to that negotiating table, back to that political table, that will allow us to diffuse this growing problem, this threat that we all worry about, and bring us to a conclusion that will be satisfactory to us and to Iran, as well, I might point out. The steps contained in this bill are consistent with the strong international consensus that Iran's behavior is unacceptable, and they are in sync with the U.N. sanctions and those additional sanctions imposed by our allies.

Again, I thank my colleagues, particularly Senator SHELBY of the Senate Banking Committee, and the 17 other members of that committee, for the adoption of this comprehensive, bipartisan proposal on Iran sanctions. My hope would be, as I said earlier, that we would have the opportunity to offer this proposal before the conclusion of this session of Congress.

Madam President, I wish to briefly, if I could, turn to another subject matter, and one that has certainly captured the attention of all of us in recent days; that is, of course, these tremendous storms that have been raging through the Caribbean as well as, of course, the devastating damage in Texas in the Galveston area, particularly. The sights and the pictures we are all witnessing on television and in the newspapers certainly bring back the dreadful memories of Katrina.

These storms that have ravaged our country are natural disasters. Certainly our prayers and our hopes are with the people of the Galveston area and others who have been afflicted by the terrible flooding in the Midwest. We are concerned about them, and we will do everything we can to help them put their lives back in order.

The devastation we have witnessed is heart-rending, and I think it is incumbent upon us to respond generously and speedily to help the tens of thousands along the Texas coast who need our help.

I rise also to discuss the humanitarian catastrophes inflicted against the people of the Caribbean. I chair the subcommittee on foreign relations that deals with Latin America, and I am particularly interested, obviously, in what happens in this part of the world. I served as a Peace Corps volunteer not far from the Haitian border of the Dominican Republic when I left college in 1966. I served for 2 years in that country, and I have gone back many times over the years and have maintained a close relationship. So when I see these storms ravaging the island of Hispaniola, which includes the Dominican Republic and Haiti, and roar through the island of Cuba—it has done such devastation; I am told it is the worst storm to inflict such damage on that country in more than a half of century—I wish to take a moment to talk about what we might do.

I support an amendment offered by Senator LUGAR, the ranking member of the Senate Foreign Relations Committee, and which we have introduced on a bipartisan basis. We hope this might be something that all of our colleagues would support as well. It is to respond to the devastation these storms have caused on the island of Cuba to the Cuban people.

Across the Caribbean, millions of people have been displaced, lost their homes, and watched helplessly as bridges and infrastructure were washed out, leaving them isolated and without supplies. They face serious shortages of food, medicine, and hope.

The need in Haiti is extremely grave. USAID has undertaken an urgent program in Haiti, where hundreds of storm victims have died, thousands of homes have been destroyed, and untold people have been weakened by chronic malnutrition, lack food and water. USAID has already launched a $20 million program to rush assistance to the suffering people of Haiti, and further needs are certain to be identified there in our hemisphere's poorest country where the average income is something like a few dollars a week. It is a nation that has been devastated over the last number of years.

In Jamaica, 72 communities have been hit hard, leaving a dozen people dead and thousands without shelter. The U.S. Ambassador in Kingston has declared a disaster and has begun disbursing $100,000 there. USAID is working with the Jamaican disaster specialists to purchase and deliver hundreds of thousands of dollars of supplies to communities cut off when roads were washed out. The relief supplies include hygiene kits, plastic sheeting, jerry cans, and blankets.

This very effective response brings relief to innocent victims of the storms and it projects the American message of concern and hope for our Caribbean neighbors. Unfortunately, I cannot say the same for our response to the crisis caused by the hurricanes that have battered the lives of the 11 million people on the island of Cuba. Evacuations of 2 million citizens helped reduce the loss of life, but the damage is immense. Hurricanes Gustav and Ike destroyed 150,000 homes and seriously damaged 200,000 others. The United Nations estimates that Cuba suffered between $3 billion and $4 billion in losses. Hundreds of thousands of victims are without shelter, fresh water, and electricity, damage to agriculture is massive, food and medicine are in short supply, and the need for materials to repair homes vastly overtakes supply.

The State Department offered to disburse $100,000 in emergency funds through the U.S. Interests Section—our Embassy in Havana—which is a step in the right direction, and I applaud them making that offer. In addition, over the weekend the State Department offered an emergency shipment of $5 million of assistance to Cuba. Cuban officials—in what I think is a very shortsighted move, in my opinion—rejected the offer, saying they would not accept a handout from a country that would not sell the same items to them.

The administration has also authorized certain U.S.-based nongovernmental organizations, with activities the administration has previously approved, to provide larger amounts of humanitarian assistance in Cuba, including cash donations to approved recipients for 90 days. These Government-approved channels for assistance to Government-approved recipients are again steps in the right direction, but given the devastation that has occurred, it is not hardly enough. They disallow, moreover, the outpouring of assistance from Americans individually who want to help directly and generously, as Americans do in times such as these, not just through administration-approved channels.

Large numbers of the Cuban-American community in our country, eager to help family members back on the island of Cuba, are blocked from doing so by tough regulations that the administration implemented in 2004 in an effort to promote the collapse of the Cuban regime. These regulations dramatically and drastically impair citizens of our country—who come ethnically from the island of Cuba and who have family members there—of the ability to visit their families during this time, even under extraordinary circumstances such as the death of a loved one. The regulations drastically impair their ability to send cash assistance to families in the same manner as all other Caribbean, Central American, and Mexican families do—families who have citizens in this country and have families in Jamaica and Haiti, the Dominican Republic—to go there and provide assistance to them.

It is no secret that the U.S. embargo on Cuba has been, at least in my view, a dismal failure. Rather than weaken the Cuban Government and force it to change, it has only served to weaken the Cuban people and deprive them of any hope at all. The administration's tougher regulations circumscribing Americans' right to help family and friends in dire need in Cuba are part of the same failed policy. Apparently, some in the Bush administration believe that holding firm on embargo policy—even during a humanitarian disaster—will discredit Fidel or Raul Castro and lead to their precipitous downfall. When human suffering is as massive as we see in Cuba today after these hurricanes, there is no room, in my view, for such cynicism.

Despite the obvious need for a total overhaul of policy toward Cuba, the amendment Senator LUGAR and I have introduced today addresses only the immediate humanitarian crisis and only on a temporary basis. For a period of 180 days, our amendment would lift prohibitions on Americans with families in Cuba to travel to the island to provide help during the crisis. Secondly, only for 180 days, our proposal would ease restrictions on the cash remittances by any American to Cuban people at this time of extreme need—only for 180 days. Thirdly, our proposal would expand the definition of gift parcels that Americans are authorized to send to the Cuban people or nongovernmental organizations over the next 180 days to include food, medication, clothing, hygiene items, and other daily necessities. Fourth, the bill would allow the cash sale using mechanisms similar to those already in place for the sale of agricultural products, of certain items Cubans need to rebuild their homes, again for a limited period of 180 days.

Let me be absolutely clear. These measures do not lift the embargo at all. They have nothing to do with the embargo per se but merely loosen some of these less humane regulations implemented in 2004 in a direct response to a humanitarian crisis. Cuban Americans in this country ought to be allowed to help their family members on the island of Cuba during this time—for 180 days—to be able to send food and clothing and medicines, some cash remittances, or to travel there to help

out, and they should not be banned by the United States of America.

Let me promise you something: Hugo Chavez will be filling that gap. Why are we going to allow, in this hemisphere, someone in Venezuela whom we abhor to step in to provide some assistance and help when the United States ought to be doing something, at least allowing people to step in to make a difference in the lives of these people?

These are modest steps that allow the greatness and the generosity of the American people to shine through without political or ideological filters. I can think of no better way of giving the Cuban people a message of hope that we stand with them. We disagree with their Government and their Government policies, and we are not likely to change that anytime soon. But we care about them and what happens to their families and their children. In a natural disaster, the worst in 50 years, an island country 90 miles off our shore, we ought to be able to do a better job than sit here and lecture about geopolitics and allow them to go through this suffering without allowing people to help others to get back on their feet again.

The intent of this amendment has broad support. The U.S. Conference of Catholic Bishops wrote:

> In light of the devastation and humanitarian disaster caused by recent hurricanes in Cuba and the efforts of extended families, friends and organizations to reach those in need, I urge you, [President Bush] to suspend—even temporarily—Treasury and Commerce Department restrictions and licensing requirements for humanitarian travel and remittances by American citizens and assistance by not-for-profit organizations. At times of crisis, there are simple and basic acts of charity on which people rely.

The Catholic bishops and numerous NGOs are right, and we know it, and I think we should help.

To those who think that refusing to help will somehow serve our U.S. national interests, I make just two observations. We need to be honest with ourselves: To be seen as wanting the Cuban people to suffer and starve—while we rush to the aid of their Caribbean neighbors—is not going to contribute to our common goal of promoting a peaceful, democratic transition, which Cuba desperately needs and deserves, and good relations between our countries in the future.

Moreover, as we stand on the sidelines, other countries are more than willing to fill that vacuum. As I mentioned a moment ago, President Chavez of Venezuela has been most generous, according to press reports. Russia has sent four cargo planes with tons of emergency supplies and construction materials. China has provided over $300,000. Spain has already sent planeloads of relief supplies. Brazil, Argentina, and Mexico are offering assistance without political restrictions.

Senator LUGAR and I believe this is a moment in which we ought to set aside—at least for 180 days—our differences to a nation of people who are less than 100 miles off our shore, who have family members—many courageous people who live in this country and who want to do something to help their family members and friends as they go through recovering from these terrible storms that have ravaged their nation. At the appropriate time, Senator LUGAR and I wish to offer this amendment and urge our colleagues, whatever other differences we may have had and will have on Cuban policy, this is a moment when we all ought to come together to step up and make a difference in the lives of people who, frankly, could use the help.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

THE ECONOMY

Mr. SANDERS. Madam President, honest people may have differences of opinion as to what type of public policies to pursue to improve our economy, but there should not be a difference of opinion in terms of the state of the economy today, whether it is in Michigan, your State, whether Vermont, my State, or any of the other 48 States. The fact is that for tens and tens of millions of working families in this country, people are having and experiencing great difficulty. And within that context and the context of the Wall Street Journal reporting that today was a day when America's financial system was shaken to its core, and the Dow Jones average went down by some 500 points, I found it rather stunning, if I may use that word, to hear Senator MCCAIN state that ''the fundamentals of our economy are strong.'' In saying that he is simply echoing what President Bush has been saying year after year after year, despite all of the evidence to the contrary. One does try to get a handle on understanding what world Senator MCCAIN and President Bush are living in when they would suggest that ''the fundamentals of our economy are strong.'' Clearly, they have not been talking to working families around the United States of America.

My perception of the economy is if you get off of the country club circuit, you stop talking to the millionaires and the billionaires and the large campaign contributors, and you talk to ordinary working people, people who own small businesses, what you find, in fact, is that the middle class in our country is under more assault than has been the case since before the Great Depression.

The reality of American life today is that poverty is increasing. Over 5 million Americans have slipped out of the middle class into poverty. What we have all over America is families where mom and dad are both working and are now lining up outside emergency food shelves because the limited income they are earning is not providing enough money to provide the food they and their kids need. That does not suggest to me that the fundamentals of our economy are strong.

Since President Bush has been in office, over 7 million Americans have lost their health insurance, and the cost of health insurance has soared. Approximately 20,000 Americans die every single year because they can't gain access to medical care, to primary health care. We spend twice as much per capita on health care as any other nation, yet we are the only nation in the industrialized world that does not provide, by law, health care to all of its people. That does not suggest to me that ''the fundamentals of our economy are strong.''

Health care is perhaps the most basic need, maybe outside of food, outside of shelter, that people have, and 46 million Americans are without health insurance. I don't quite understand how Senator MCCAIN believes in that regard that ''the fundamentals of our economy are strong.''

Since President Bush has been in office, median income for working-age Americans has gone down by over $2,000 after adjusting for inflation. Family income is going down. People are spending more for food. The cost of gas, of course, is now off the wall. College education costs are up. How does that sound like a situation in which ''the fundamentals of our economy are strong,'' according to Senator MCCAIN.

I think the confusion in all of this is pretty easily understood. The truth is ''the fundamentals of our economy are strong'' if you are within the top 1 percent of our country. If you are a millionaire or billionaire, you know what, Senator MCCAIN is right; the fundamentals of the economy are strong for those people.

If you are one of the 400 wealthiest people in our country, you collectively own $1.4 trillion of America—400 families, and your wealth has exploded in the last 8 years. In fact, in America today, the top one-tenth of 1 percent earn more income than do the bottom 50 percent. Within that context, certainly, if you are among the top one-tenth of 1 percent, we can understand why Senator MCCAIN would suggest that ''the fundamentals of our economy are strong.''

What frightens me is that anyone who is so removed from the economic reality facing the American people clearly is not going to have a prescription on how to address the real problems facing ordinary Americans. If

your diagnosis is wrong, if you are a physician and you make an incorrect diagnosis, your treatment is not going to work very well. If you are President of the United States, whether it is Bush or something that MCCAIN aspires to, clearly your actions are not going to be effective if you do not understand what is going on.

Let me, if I might, contrast what has been going on under President Bush compared to what was going on under President Clinton. I am not here to tell you that under President Clinton everything was rosy, there were no problems. That certainly was not the case, and I, personally, as an independent, had some strong disagreements with the Clinton administration on a number of issues, including trade. But it is important to understand, contrasting what Clinton accomplished for the middle class as opposed to what Bush did. In fact, MCCAIN's ideas are to follow economically the line of action that President Bush has established over the last 8 years.

During the Clinton administration, over 22 million new jobs were created. Were all of those jobs great-paying jobs? No, they were not. But 22 million jobs is a significant number of new jobs. Under the Bush administration, less than 6 million new jobs were created—22 million versus 6 million.

During the Clinton administration, 6 million Americans were lifted out of poverty. They went from poverty to the middle class. That is good. Under the Bush administration, the exact opposite occurred; 6 million Americans went from the middle class into poverty.

Under Clinton, median income went up. Under Bush, median income went down.

I am not quite clear how our colleague, Senator MCCAIN, believes that ''the fundamentals of our economy are strong.'' The dynamic of what is going on in this country economically is that under the Bush-McCain economic policies, 99 percent of Americans have been net losers under President Bush's tax-and-spend policies. What we are seeing is a historical shift, a redistribution of wealth and income from the middle class to the very wealthy. We are talking about hundreds of billions of dollars going out of the pockets of the middle class, ending up in the pockets of the wealthiest 1 percent.

I sit on the Budget Committee. I have some sense of where this country is spending its money and where this country is not spending its money. I have very great concerns that 4 more years of Bush's policies, in which we continue to give huge tax breaks to the wealthiest 1 percent, while underfunding the needs of the middle class and working families, while ignoring our environment, while not investing in sustainable energy, while maintaining an absurd health care policy in which health care costs rise and in which more and more people are underinsured—I fear that 4 more years of those policies will create a situation from which the middle class of this country may never recover.

What the American dream has always been about is that parents work very hard—that was certainly the case within my family—to try to see their kids do better than they did. My parents never went to college. My parents never had much money. My parents never in a million years would have dreamed that their son would be a Senator. That is way outside their wildest dreams. They worked hard so my brother and I could have a better life economically than they did.

What I worry about—and it is not just me, it is economists all over this country who are now looking at our economy, the fact that we are shedding millions of good-paying, blue-collar jobs, that we are shedding millions of good-paying, white-collar jobs—what economists are now saying is that for the first time in the history of this country our kids, the young people, our grandchildren, if we do not reverse tack, will have a lower standard of living than their parents.

In other words, the American dream, which is what the middle class has been all about, is now turned upside down. There are large numbers of working people today who are earning less money than their parents did while living in less adequate housing than their parents did. It seems to me, if there is anything we have learned over the last 8 years—in which President Bush has given an incredible amount of tax breaks to people who do not need them, in which we have deregulated industry, where we have ignored global warming and investing in sustainable energy—it seems to me, if there is anything we have learned in the last 8 years, it is that this trickle-down economics of tax breaks for billionaires and cutting back on the needs of ordinary people is not the direction in which this country should be moving.

Please count me in as someone who does not believe, as Senator MCCAIN does, that ''the fundamentals of this economy are strong.'' I think the middle class is being shaken right now. People are frightened, and we need a new course for this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD SOLDIERS ACCOUNTABILITY ACT OF 2008

Mr. DURBIN. Madam President, I am going to make a short statement in reference to S. 2135. After that statement, I will ask to lay before the Senate a Message from the House with respect to that.

I would like to say at the outset that this bill, S. 2135, is known as the Child Soldiers Accountability Act.

In January of 2007, at the beginning of this Congress, the Senate Judiciary Committee embarked on an experiment, establishing a new subcommittee, called the Human Rights and the Law Subcommittee. It was the first time in the 219-year history of the Senate that a subcommittee or committee focused specifically on the issue of human rights was formed.

I thank Senator PATRICK LEAHY, the Chairman of the Judiciary committee, for giving me the opportunity to serve as the first chairman of the Human Rights and the Law Subcommittee.

Senator TOM COBURN, Republican of Oklahoma, is the ranking member of the subcommittee. Senator COBURN and I disagree on many issues, but we have formed an unusual partnership in this subcommittee, working across party lines to address some of the most urgent human rights crises in the world.

One of the first hearings we held focused on the scourge of child soldiers.

We learned that up to 250,000 children currently serve as combatants, porters, human mine detectors and sex slaves in state-run armies, paramilitaries and guerilla groups around the world.

Under treaties that we have ratified, there is a clear legal prohibition on recruiting and using child soldiers. But, as we learned at our hearing, recruiting and using child soldiers does not violate U.S. criminal or immigration law.

Senator COBURN and I introduced the Child Soldiers Accountability Act to close this loophole in the law. This legislation will make it illegal under U.S. criminal and immigration law to recruit or use child soldiers.

This bipartisan bill will ensure that those who recruit or use children as soldiers will not find safe haven in our country. It will give the U.S. Government the tools to prosecute or deport the war criminals who commit this horrible human rights abuse.

The Child Soldiers Accountability Act passed the Senate unanimously last December. The Judiciary Committee in the House of Representatives held a hearing on the bill and made some thoughtful revisions. Earlier this week, the House passed the legislation unanimously. Now, the Senate is poised to send it to President Bush for his signature.

I would like to thank all of my colleagues in the Senate for supporting the Child Soldiers Accountability Act, especially, Senator COBURN, the bill's

lead Republican cosponsor; Judiciary Committee Chairman LEAHY, a cosponsor who helped shepherd the bill through the Committee; and Senators RUSS FEINGOLD and SAM BROWNBACK, the bill's other original cosponsors

I would also like to thank Members of the House of Representatives for their support, especially JOHN CONYERS and LAMAR SMITH, the chairman and ranking member of the House Judiciary Committee; BOBBY SCOTT and LOUIE GOHMERT, the chairman and ranking member of the Crime Subcommittee; and ZOE LOFGREN and STEVE KING, the chairman and ranking member of the House Immigration Subcommittee.

At our hearing on child soldiers, we heard moving testimony from a remarkable young man named Ismael Beah. Mr. Beah is a former child soldier and author of the bestselling book ''A Long Way Gone: Memoirs of a Boy Soldier.'' Mr. Beah said the Child Soldiers Accountability Act ''would set a clear example that there is no safe haven anywhere for those who recruit and use children in war.'' Mr. Beah also posed a challenge to all of us:

> When you go home tonight to your children, your cousins, and your grandchildren and watch them carrying out their various childhood activities, I want you to remember that at that same moment, there are countless children elsewhere who are being killed; injured; exposed to extreme violence; and forced to serve in armed groups, including girls who are raped. . . . As you watch your loved ones, those children you adore most, ask yourselves whether you would want these kinds of suffering for them. If you don't, then you must stop this from happening to other children around the world whose lives and humanity are as important and of the same value as all children everywhere.

We have a moral obligation to respond to Mr. Beah's challenge. I hope the Child Soldiers Accountability Act is one small step towards ending the scourge of child soldiers.

Madam President, this narrowly tailored bipartisan legislation would make it a crime and a violation of immigration law to recruit or use child soldiers. Congress must ensure that perpetrators who use children to wage war are held accountable and do not find safe haven in our country.

The Child Soldiers Accountability Act passed the Senate unanimously in December 19, 2007. On September 8, 2008, the House passed the bill unanimously with modest revisions. Now the Senate is poised to pass this.

I would like to again thank all of my colleagues in the Senate who have worked with me to enact the Child Soldiers Accountability Act, especially, Senator TOM COBURN, the bill's lead Republican cosponsor and the Ranking Member of the Human Rights and the Law Subcommittee, which I chair; Senator PATRICK LEAHY, a cosponsor of this bill and Chairman of the Senate Judiciary Committee, who has been a leader on this and so many other human rights issues; Senator RUSSELL FEINGOLD, and Senator SAM BROWNBACK, the bill's other original cosponsors; and Senators CHRISTOPHER DODD, JOHN KERRY, BLANCHE LINCOLN, BARACK OBAMA, and ROBERT MENENDEZ, the bill's other sponsors.

I would also like to thank members of the House of Representatives who worked diligently to revise and pass the Child Soldiers Accountability Act with overwhelming bipartisan support, especially Representatives JOHN CONYERS and LAMAR SMITH, the Chairman and Ranking Member of the House Judiciary Committee; Representatives BOBBY SCOTT and LOUIE GOHMERT, the Chairman and Ranking Member of the House Crime, Terrorism, and Homeland Security Subcommittee; and Representatives ZOE LOFGREN and STEVE KING the Chairman and Ranking Member of the House Immigration, Citizenship, Refugees, Border Security, and International Law Subcommittee.

Of all the unspoken casualties of war, the use of children as soldiers is among the most heartbreaking and horrific. Up to 250,000 children are currently serving as soldiers around the world. State-run armies, paramilitaries and guerrilla groups use these girls and boys—some as young as 7 or 8 years old—as combatants, porters, sex slaves, spies and human mine detectors. These child soldiers are denied the childhood that our children and grandchildren have and to which every child has an inalienable right.

In Burma, Chad, Somalia, Sudan and Uganda, government forces continue to recruit children, often through intimidation, coercion and violence. Government forces in countries such as Burundi, Colombia and the Democratic Republic of Congo often use children as spies or informants. Government-backed militias in the Darfur region of Sudan, Sri Lanka and Côte d'Ivoire use children in hostilities. Armed groups in Colombia, Côte d'Ivoire, the Democratic Republic of Congo and northern Uganda have raped girl soldiers and subjected them to other forms of abuse. A senior officer in the Chadian National Army summed up the cold calculus that drives government forces and armed groups to continue this abhorrent practice:

> Child soldiers are ideal because they don't complain, they don't expect to be paid, and if you tell them to kill, they kill.

Despite all of this, there are signs that the world is beginning to rise to the challenge of stopping the use of children in armed conflict. Since 2004, there has been a decrease in the number of conflicts in which children are directly involved, from 27 in 2004 to 17 by the end of 2007. More than 110 countries, including the United States, have adopted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, an international agreement that sets the minimum age for compulsory recruitment of soldiers at 18. International courts have begun prosecuting those who use child soldiers.

While these are important and positive developments, the reality is that war criminals around the world continue to use children to wage war with virtual impunity. The ability of international courts to prosecute those who recruit child soldiers is severely limited. Too many perpetrators still believe they are outside the reach of the law. National courts can and must play a greater role in prosecuting perpetrators.

As a nation founded upon the principle of individual freedom and a historical leader on human rights, the United States has a special obligation to lead the effort to end the use of child soldiers worldwide.

Unfortunately, recruiting and using child soldiers does not violate U.S. criminal or immigration law. As a result, war criminals who have forced children into combat can find safe haven in the U.S. and our government has no power to prosecute them. In contrast, other grave human rights violations, including genocide and torture, are punishable under U.S. criminal and immigration law.

I introduced the Child Soldiers Accountability Act to close this loophole. This bill will make it a crime to recruit or use persons under the age of 15 as soldiers. It will also enable the government to deport or deny admission to an individual who recruited or used child soldiers under the age of 15.

Only a handful of countries have passed legislation creating criminal penalties for the use or recruitment of child soldiers to date. By enacting this legislation, the United States will lead the way towards a future where war criminals who recruit or use child soldiers will not find safe haven anywhere in the world. We will send a clear message to those adults who deliberately recruit or use children to wage war that there are real consequences for their actions.

By holding such individuals criminally responsible, our country will help to deter the recruitment and use of child soldiers. This bill will provide an important new tool to the Domestic Security Section in the Justice Department's Criminal Division, which bears primary responsibility for criminal prosecutions of human rights abusers.

We can help to end impunity for the recruitment and use of child soldiers by deporting or denying admission to foreign perpetrators and working with their home governments to ensure they will be prosecuted upon return. There have been only a few international and national prosecutions for child soldier use or recruitment to date. Under the Child Soldiers Accountability Act, an

individual who recruited or used child soldiers need not have been convicted of doing so in order to be denied admission or deported. Requiring a conviction would allow those who use children to wage war to benefit from the prevailing impunity for this crime.

Recognizing that perpetrators often use drugs, threats, violence or other means to pressure child soldiers into committing serious human rights violations, including the recruitment of other children, this legislation seeks to hold adults accountable for their actions and is not intended to make inadmissible or deportable child soldiers who participated in the recruitment of other children. This legislation should not be interpreted as placing new restrictions on or altering the legal status of former child soldiers who are seeking admission to or are already present in the United States.

Former child soldiers should be treated as victims and should not be subjected to punitive measures for offenses they committed while they were children. Effectively rehabilitating and reintegrating child soldiers into society requires extensive care and support from family and others. In the absence of such support, former child soldiers may become a generation of adults that will perpetuate conflict and undermine security, creating unforeseen challenges that our children will have to address.

Last month, at the Beijing Olympic Games, Lopez Lomong, who was abducted at the age of six to be trained as a child soldier in Sudan, carried the United States flag at the opening ceremony. Mr. Lomong escaped the militia camp where he was held with three other boys and, after ten years at a refugee camp, resettled in the United States with a family in New York and went on to represent the United States at the Olympics. This incredible journey shows us how important it is to provide opportunities to those children who have been recruited or used to serve as combatants.

Recruiting and using child soldiers is morally wrong and must be stopped. Unfortunately, neither moral suasion nor international agreements has brought this abhorrent practice to an end. We must end impunity for this horrific crime by closing the loopholes in our laws and prosecuting those who use or recruit child soldiers as the war criminals they are.

Mr. LEAHY. Madam President, I am pleased that the Senate today will pass S. 2135, the Child Soldiers Accountability Act, which will combat the unconscionable practice of using children as soldiers in violent conflicts. I thank Senator DURBIN and Senator COBURN for introducing this important legislation and I am proud to be a cosponsor. I also thank them for their leadership on the Judiciary Committee's new Subcommittee on Human Rights and the Law. Their leadership in working with the House sponsors to produce a consensus bill that we can all support has been critical. The United States should do all it can to prevent and punish this conduct, which is so contrary to our values.

The use of children as soldiers has been universally condemned as abhorrent and unacceptable. Yet over the last decade hundreds of thousands of children have fought and died in conflicts around the world. This legislation would close the gap in our law and enable the U.S. Government to bring child soldier perpetrators that are found in our country to justice.

This bill creates a tough new criminal provision aimed at those who recruit or conscript children under the age of 15 into armed conflict. It extends U.S. jurisdiction to perpetrators of this crime who are present in the United States, regardless of their nationality and where the crime takes place, so that those who exploit children will not find this country to be a sanctuary from prosecution. The bill also amends immigration law to allow those who have used children as soldiers to be barred or removed from the United States.

This bill is the second piece of legislation to pass both houses of Congress resulting from the work of the Judiciary Committee's Subcommittee on Human Rights and the Law. I was proud to work with Senator DURBIN to create the Human Rights and the Law Subcommittee. I am glad that the efforts Senator DURBIN and I have made to make this subcommittee a force for change and to bring focus on these important issues is resulting in legislative action, as well as providing a forum to put a spotlight on important issues. The aubcommittee has already worked to make the Genocide Accountability Act law, and it will soon provide a powerful new tool in America's efforts to prevent and punish genocide. The Subcommittee has made further progress with hearings and legislation dealing with human trafficking and other vital issues.

The conduct prohibited by the Child Soldiers Accountability Act is appalling but happens all too often throughout the world. We should do everything we can to stop this offense to human rights and human dignity, which exacts such great costs from too many of the world's children. I commend the Senate for passing this important legislation today and I hope the President will quickly sign this legislation into law.

Mr. DURBIN. Madam President, I ask the Chair to lay before the Senate a message from the House with respect to S. 2135.

The PRESIDING OFFICER laid before the Senate a message from the House as follows:

S. 2135

Resolved, That the bill from the Senate (S. 2135) entitled ''An Act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Soldiers Accountability Act of 2008''.

SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS.

(a) CRIME FOR RECRUITING OR USING CHILD SOLDIERS.—

(1) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

''§ 2442. Recruitment or use of child soldiers

''(a) OFFENSE.—Whoever knowingly—

''(1) recruits, enlists, or conscripts a person to serve while such person is under 15 years of age in an armed force or group; or

''(2) uses a person under 15 years of age to participate actively in hostilities;

knowing such person is under 15 years of age, shall be punished as provided in subsection (b).

''(b) PENALTY.—Whoever violates, or attempts or conspires to violate, subsection (a) shall be fined under this title or imprisoned not more than 20 years, or both and, if death of any person results, shall be fined under this title and imprisoned for any term of years or for life.

''(c) JURISDICTION.—There is jurisdiction over an offense described in subsection (a), and any attempt or conspiracy to commit such offense, if—

''(1) the alleged offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20));

''(2) the alleged offender is a stateless person whose habitual residence is in the United States;

''(3) the alleged offender is present in the United States, irrespective of the nationality of the alleged offender; or

''(4) the offense occurs in whole or in part within the United States.

''(d) DEFINITIONS.—In this section:

''(1) PARTICIPATE ACTIVELY IN HOSTILITIES.—The term 'participate actively in hostilities' means taking part in—

''(A) combat or military activities related to combat, including sabotage and serving as a decoy, a courier, or at a military checkpoint; or

''(B) direct support functions related to combat, including transporting supplies or providing other services.

''(2) ARMED FORCE OR GROUP.—The term 'armed force or group' means any army, militia, or other military organization, whether or not it is state-sponsored, excluding any group assembled solely for nonviolent political association.''.

(2) STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code is amended by adding at the end the following:

''§ 3300. Recruitment or use of child soldiers

''No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.''.

(3) CLERICAL AMENDMENT.—Title 18, United States Code, is amended—

(A) in the table of sections for chapter 118, by adding at the end the following:

''2442. Recruitment or use of child soldiers.'';

and

(B) in the table of sections for chapter 213, by adding at the end the following:

''3300. Recruitment or use of child soldiers.''.

(b) GROUND OF INADMISSIBILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

''(G) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has engaged in the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.''.

(c) GROUND OF REMOVABILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

''(F) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has engaged in the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is deportable.''.

(d) ASYLUM AND WITHHOLDING OF REMOVAL.—

(1) ISSUANCE OF REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Homeland Security shall promulgate final regulations establishing that, for purposes of sections 241(b)(3)(B)(iii) and 208(b)(2)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)(iii); 8 U.S.C. 1158(b)(2)(A)(iii)), an alien who is deportable under section 237(a)(4)(F) of such Act (8 U.S.C. 1227(a)(4)(F)) or inadmissible under section 212(a)(3)(G) of such Act (8 U.S.C. 1182(a)(3)(G)) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.

(2) AUTHORITY TO WAIVE CERTAIN REGULATORY REQUIREMENTS.—The requirements of chapter 5 of title 5, United States Code (commonly referred to as the ''Administrative Procedure Act''), chapter 35 of title 44, United States Code (commonly referred to as the ''Paperwork Reduction Act''), or any other law relating to rulemaking, information collection, or publication in the Federal Register, shall not apply to any action to implement paragraph (1) to the extent the Attorney General or the Secretary Homeland of Security determines that compliance with any such requirement would impede the expeditious implementation of such paragraph.

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the measure be printed in the RECORD,

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE OF THE ECONOMY

Mr. DURBIN. Today was an ominous day on Wall Street. It is my understanding that the Dow Jones Index may have lost more than 500 points by the close of business. It is a day that will be remembered, but it will be remembered not just for that loss but what led to it. The announcement over the weekend that Lehman Brothers, one of the premier investment banks in the city of New York, was facing financial trouble and may close was followed by the announcement that Bank of America was going to acquire Merrill Lynch. It has been one body blow after another when it comes to economic news in America—first the rescue of Bear Stearns, then Fannie Mae and Freddie Mac, where our Federal Government last weekend had to announce that we were coming to their rescue to keep these giants of the housing industry afloat until this economy improves.

All of these things coming together today has obviously caused concern across America. Many people have commented on the situation, and one of those was the Senator from Arizona, Mr. JOHN MCCAIN. I will quote what Senator MCCAIN said today in Jacksonville, FL, about the problems facing Wall Street:

> You know, there has been tremendous turmoil in our financial markets and Wall Street. People are frightened by these investments. Our economy—I think still the fundamentals of our economy are strong, but these are very, very difficult times. I promise you we will never put America in this position again.

This is not the first time JOHN MCCAIN has made a pronouncement on the state of America's economy and announced it strong. And I would say to Senator MCCAIN that despite his travels across the United States, he has not had an opportunity to sit down with people who are trying to work for a living and trying to make ends meet at home. If he did, he would understand that what happened today on Wall Street, as troubling as it is, is merely an echo of what has happened across America among working families for the last several years. We are now seeing unemployment rates at record levels. We are seeing mortgage foreclosures at historic highs. We are watching as the retirement savings of workers and families across America are diminished every single day by the decline in the stock market and their investments. We are watching major banks across America collapse because of poor management and poor oversight by this Government. And most of us believe it is a clear signal that we need to step up for change in the economic policy in America.

Senator MCCAIN clearly believes this economy is still fundamentally strong. Let him tell that to a working family in Illinois, a family whom I recently ran into downstate struggling to get by, their kids with student loan debt; the family worried about the plant closing in Bloomington, IL; a daughter with a college degree can find no better job than a bartender; a husband and father worried about where his kid's future is going to lead. This is the state of the economy today for those who do not live in the rarified atmosphere of Washington.

This economy is troubling. In the State of Michigan, one out of eight people is on food stamps. And to say that this is a fundamentally strong economy overlooks the obvious. The Presiding Officer, from the State of Vermont, is a Senator who understands firsthand that in the New England area, people will face heating oil costs this winter that will double. For many of them, it is thousands of dollars just to keep their homes warm—one of the basic necessities of life. These are the realities of life in America.

Those who argue the economy is strong are overlooking the obvious. For many people, this economy is failing them. No matter how hard they work, no matter how many hours they put in, how many jobs they have to try to put together to keep their families fed, warm, and clothed, it becomes impossible. As they fall further and further behind, they turn to Washington and say: What are you going to do about it?

This is the obvious question for us in Washington: Are we going to continue the Bush economic and tax policies we have seen over the last 8 years? I certainly hope not. Look at where it has brought us. But Senator JOHN MCCAIN endorses the Bush economic policies. He will continue those policies. In fact, he will add on to them, giving tax breaks to corporations such as ExxonMobil at a time when we need fundamental change in the economic policies of this country.

For Senator MCCAIN to believe this is a strong economy is to overlook what is happening to real Americans, businesses, family farmers, and others who are struggling to get by every day.

We need to promise the American people that the next 4 years won't be more of the same, as Senator MCCAIN has promised, but a real change here in the economic philosophy in Washington. It has to be an economy that really makes the American worker and the small business and the family farmer the central point of our economic philosophy.

We need a Tax Code that does not reward wealth but rewards work.

We need to make sure we have oversight by Federal agencies in Washington. The era of proclaiming that Government is the problem really rings hollow when you look at the lack of Government oversight that has led to so many economic failures.

There are times when the free market economy cannot regulate itself, cannot protect itself—in fact, may turn on itself if you are not careful. The only chance for the consumers and workers is a government that steps up, makes certain that greed does not overwhelm the basic fundamental principles behind a free market economy. That is what happened to us in the subprime mortgage mess which has led to so many foreclosures across America, has led to this administration coming to the rescue of major banks and financial institutions. If they have the right to be rescued, then they have the right to be regulated, as far as I am concerned.

As Paul Krugman said in this morning's New York Times, ''This is a time for us to step up and understand there is a responsibility here in Washington.'' When Senator MCCAIN does not see that, when he does not understand the economic challenges facing us, then he cannot really promise to bring change that we need to Washington, DC. We need to have a government which has appropriate oversight of those financial institutions, understands that the credit market of America is no longer, as Paul Krugman said, a market that is dominated by big banks in marble buildings but is a market that is dominated in many respects by investment banks that are loosely, if ever, regulated. That has to change.

We also have to give assurance to the American people that hard work will be rewarded. They have to know that if they go to work, work hard, bring home that paycheck, try to spend it to make sure their family is well off, that at the end of the day, they can realize the American dream.

Most importantly—and Senator MCCAIN may not agree with me on this—I am troubled by the fact that most Americans are now worried that their children will not be as rich as they were, that they will not have the comfort many families have today. If we are going to reestablish the American dream and really make it clear that this economy can serve working families and middle-income families, then we have to get beyond Senator MCCAIN's analysis that we are living in a strong economy. But, of course, what else could he say? He has endorsed the economic plan that brought us to this moment. He is going to stick with it even if the facts do not prove him right.

The American people have the last word on November 4, a chance to bring real change to this town, change to this Congress, and change to the economic policies which have brought us to the sorry state we are in today.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Rhode Island is recognized.

AMENDMENT NO. 5369

Mr. WHITEHOUSE. Mr. President, I have an amendment I have filed to the Defense authorization bill, amendment No. 5369. I would like a take a few minutes to discuss it here today. I hope very much that this amendment can be called up. Indeed, I hope the entire intelligence authorization bill could be called up as a part of the compromise on the Defense authorization.

Chairman ROCKEFELLER on the Intelligence Committee has done exemplary work to make sure we have a good, intense authorization bill. I hope very much that my colleagues on the other side of the aisle will allow that to be called forward and voted on.

This particular amendment I want to talk about now, although it is small, is very important, and in my view it should be noncontroversial. This amendment is cosponsored by Senators FEINSTEIN, ROCKEFELLER, HAGEL, KENNEDY, FEINGOLD, WYDEN, CARDIN, and DODD. I thank all of those Senators for their cosponsorship.

The amendment is simple. It holds the United States only to standards we already require of our own military, only to standards we ourselves demand of other nations. Put simply, the amendment would require America's intelligence agencies to notify the International Committee of the Red Cross that an individual has been detained and to provide the ICRC with access to that individual in a manner consistent with the practices of the U.S. military. These terms of access are very reasonable, and confidentiality by the ICRC is maintained.

I said this was an important amendment. Why is this important? Well, President Clinton said it well recently:

> America's true strength comes from the power of our example, not the example of our power.

If you really believe in our country and her virtue and in her promise, you understand this, and you understand what grievous and lasting harm America has suffered from this administration's embrace of torture and from this administration's embrace of torture's handmaiden: secret detention.

If you go down the corridors of history and you survey the evil practices of tyrant regimes, you find one of their most notorious methods of coercion and subjugation is holding prisoners incommunicado. From the oubliettes of Bourbon, France, to Calcutta's Black Hole; from the Gestapo's secret prisons to the Soviet gulags; from medieval dungeons to the bamboo cages of the Killing Fields, secret and anonymous imprisonment has always been the hallmark of the despot. Now the Bush administration has stamped America with this shameful mark.

America long opposed disappearances and secret detentions around the world as incompatible with our principles of liberty and justice. Just this past March, in its 2007 Annual Human Rights Report, the U.S. Department of State criticized the Governments of North Korea, Burma, and Sri Lanka for engaging in ''disappearances.'' Yet, on December 8, 2005, the Bush administration acknowledged that the ICRC did not have access to detainees—to all detainees—held outside of Guantanamo. President Bush confirmed as much nearly 9 months later when he stated publicly that it had been ''necessary'' to move certain detainees to an ''environment where they can be held secretly.''

This amendment should be unremarkable given the historic role of the ICRC. The ICRC has been visiting detainees in connection with armed conflict since 1915. Last year, the ICRC visited 518,000 detainees in 77 countries. This organization visits prisoners, in its words, ''to ensure respect for their life, dignity and fundamental right to judicial guarantees.'' All these notions are part of the bedrock, as we know, of our own Constitution. A seminal text on this subject, ''The Treatment of Prisoners Under International Law,'' describes the prohibition of incommunicado detention as among the most central of all international prisoner safeguards.

The ICRC holds this unique role in part because of the way it conducts its business.

After a visit, the ICRC reports its findings confidentially to the detaining government. The ICRC has said this confidentiality is fundamental to its success, noting that it ''makes it easier for the ICRC and the detaining authorities to achieve concrete progress in detention places.'' Because of the ICRC's approach, this amendment carefully safeguards our national security. There is even flexibility for what are called ''imperative considerations of military necessity.'' Notably, the ICRC has played an important role for U.S. troops detained by other governments. The American Red Cross reports that the ICRC visited 55 U.S. prisoners of war in Iraq during the first gulf war and three U.S. servicemembers in a Serbian prison during the Kosovo conflict.

In World War II, in the places where the ICRC could operate, it provided badly need assistance to U.S. soldiers. For example, in Shanghai, one of the few areas the Japanese permitted ICRC access to detainees, the ICRC delegate sent the U.S. prisoners of war food and clothing. PFC Floyd H. Comfort, a part of the Wake Island Marine garrison said:

> If it had not been for the International Red Cross, I guess we all would have starved to death.

Respected members of our military family recognize that this amendment would strengthen our ability to advocate for appropriate treatment of Americans detained overseas. I would like to place in the RECORD a letter from 38 retired military leaders, distinguished generals and admirals who have concluded this amendment is a ''critical measure to ensure continuing respect for the norm that [ICRC] access must be provided to all captives in wartime.''

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 15, 2008.

Hon. SHELDON WHITEHOUSE,
U.S. Senate,
Washington, DC.
Hon. CHUCK HAGEL,
U.S. Senate,
Washington, DC.
Hon. DIANE FEINSTEIN,
U.S. Senate,
Washington, DC.
Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate,
Washington, DC.

DEAR SENATORS: As retired military leaders of the U.S. Armed Forces, we write to express our strong support for Amendment Number 5369 to the pending defense authorization bill, originally introduced as section 323 of the Intelligence Authorization Act for Fiscal Year 2009. We believe this provision, which would require the intelligence community to provide the International Committee of the Red Cross (''Red Cross'') with notification of and access to prisoners in U.S. custody in a manner consistent with the practices of the Armed Forces, is a critical measure to ensure continuing respect for the norm that such access must be provided to all captives in wartime.

The U.S. military has a strong interest in all countries upholding this norm. When our soldiers, sailors, airmen and Marines go into battle, we owe them the assurance that, should they be captured by the enemy, the United States will be able to aggressively assert their rights to humane treatment, to be held in recognized places of detention, and to be registered with and visited by the Red Cross, which can raise concerns about their treatment. This is important no matter whether military or intelligence agents are holding our people captive. When we violate this norm ourselves, by holding prisoners in secret—''off the books''—denying that they are in our custody and refusing to permit the Red Cross access to them to monitor their treatment, we dangerously undermine our ability to demand that our enemies adhere to it, now and in future wars.

This is not just a theoretical concern. In 1993, when U.S. Warrant Officer Michael Durant was captured by forces under the control of Somali warlord Mohamed Farah Aideed, the United States demanded assurances that Durant's treatment be consistent with the Geneva Conventions and that the Red Cross be given access to Durant, who was seriously wounded, to monitor that treatment. The United States asserted that it would afford Somali forces the same protections. Within five days, the Red Cross was permitted to visit Durant, and he was subsequently released.

We know from painful experience that Red Cross access to captured prisoners can be an important prophylactic against abuse and can help to ensure that we are in compliance with the laws of war in the treatment of those in our custody. Confidential Red Cross reports and recommendations alert military commanders to serious abuses that, left unaddressed, can undermine prison discipline and—if exposed—undermine the war effort. It was the Red Cross which, according to a report by Major General George Fay, notified military authorities in Iraq about the abuses at Abu Ghraib, leading to some of the military's first disciplinary actions against those involved.

The Red Cross has been visiting prisoners in armed conflict situations since the height of First World War. Under U.S. military policy, the Red Cross is presumptively authorized to have access to prisoners. Moreover, Department of Defense Directive 2310.01E, issued in September 2006, mandates that the Red Cross ''be allowed to offer its services during an armed conflict, however characterized, to which the United States is a party.''

Over time, the Armed Forces have built a mutually beneficial relationship with the Red Cross and have developed well established practices for Red Cross notification and access to prisoners. These practices are tailored to accommodate the demands of battlefield intelligence gathering and detention, and do not interfere with prisoner interrogations.

Red Cross notification and access to prisoners is an essential buttress to the integrity of humane treatment obligations under the Geneva Conventions. We strongly support Amendment Number 5369 to the pending defense authorization bill and urge its adoption into law as an important step in restoring the moral authority of the United States and demonstrating the commitment of our Nation to treat all prisoners humanely.

Sincerely,

General Joseph Hoar, USMC (Ret.); General John P. Jumper, USAF (Ret.); General Charles Krulak, USMC (Ret.); General Merrill A. McPeak, USAF (Ret.); General Volney F. Warner, USA (Ret.); Vice Admiral Lee F. Gunn, USN (Ret.); Lieutenant General Claudia J. Kennedy, USA (Ret.); Vice Admiral Albert H. Konetzni Jr., USN (Ret.).

Lieutenant General Charles Otstott, USA (Ret.); Vice Admiral Jack Shanahan, USN (Ret.); Lieutenant General Harry E. Soyster, USA (Ret.); Lieutenant General James M. Thompson, USA (Ret.); Major General John Batiste, USA (Ret.); Rear Admiral James Arden Barnett, Jr. USNR (Ret.); Major General Paul Eaton, USA (Ret.); Major General Eugene Fox, USA (Ret.).

Major General Larry Gottardi, USA (Ret.); Rear Admiral Don Guter, USN (Ret.); Rear Admiral John D. Hutson, USN (Ret.); Major General Melvyn Montano, ANG (Ret.); Major General Eric Olson, USA (Ret.); Rear Admiral David M. Stone, USN (Ret.); Major General Antonio 'Tony' M. Taguba, USA (Ret.); Brigadier General Hugh Aitken, USMC (Ret.).

Brigadier General Dorian Anderson, USA (Ret.); Brigadier General David M. Brahms, USMC; Brigadier General Stephen A. Cheney, USMC (Ret.); Brigadier General James P. Cullen, USA (Ret.); Brigadier General Evelyn P. Foote, USA (Ret.); Brigadier General Lief H. Hendrickson, USMC; Brigadier General Oscar Hilman, USA (Ret.).

Brigadier General David R. Irvine, USA (Ret.); Brigadier General John H. Johns, USA (Ret.); Brigadier General David L. McGinnis, USA (Ret.); Brigadier General Murray G. Sagsveen, USA (Ret.); Brigadier General Earl Simms, USA (Ret.); Brigadier General Anthony Verrengia, USAF (Ret.); Brigadier General Stephen N. Xenakis, USA (Ret.).

BIOGRAPHICAL INFORMATION

GENERAL JOSEPH HOAR, USMC (RET.)

General Hoar served as Commander-in-Chief, U.S. Central Command. After the first Gulf War, General Hoar led the effort to enforce the naval embargo in the Red Sea and the Persian Gulf, and to enforce the no-fly zone in the south of Iraq. He oversaw the humanitarian and peacekeeping operations in Kenya and Somalia and also supported operations in Rwanda, and the evacuation of U.S. civilians from Yemen during the 1994 civil war. He was the Deputy for Operations for the Marine Corps during the Gulf War and served as General Norman Schwarzkopf's Chief of Staff at Central Command. General Hoar currently runs a consulting business in California.

GENERAL JOHN P. JUMPER, USAF (RET.)

General John P. Jumper has been a director of Conde Nast Portfolio since his retirement from the Air Force in 2006. Prior to retirement, General Jumper was Chief of Staff of the United States Air Force, where he functioned as a military advisor to the Secretary of Defense, National Security Council and the President. Between February 2000 and September 2001, General Jumper was the Commander of Headquarters Air Combat Control. He has also served at the Pentagon as Deputy Chief of Staff for Air and Space Operations, as the Senior Military Assistant to two secretaries of defense, and as Special Assistant to the Chief of Staff for Roles and Missions.

GENERAL CHARLES KRULAK, USMC (RET.)

General Krulak served as the 31st Commandant of the Marine Corps from July 1995 to June 1999. He is a graduate of the U.S. Naval Academy; the Amphibious Warfare School; the Army Command and General Staff College; and the National War College. He also holds a master's degree in labor relations from George Washington University. General Krulak has held a variety of command and staff positions including commanding officer of a platoon and two rifle companies during two tours of duty in Vietnam. He was also assigned duty as the Deputy Director of the White House Military Office in September 1987, and he commanded the 6th Marine Expeditionary Brigade and 2d FSSG during the Gulf War.

GENERAL MERRILL A. MC PEAK, USAF (RET.)

General McPeak served as the Chief of Staff of the U.S. Air Force. Previously, General McPeak served as Commander in Chief of the U.S. Pacific Air Forces. He is a command pilot, having flown more than 6,000 hours, principally in fighter aircraft.

GENERAL VOLNEY F. WARNER, USA (RET.)

General Volney F. Warner served as a Province Senior Advisor in South Vietnam and as the Military Assistant to the Special Assistant to the President for Vietnam Affairs and as Executive Officer and Senior Aide to the Army Chief of Staff. In 1979, he assumed his duties as Commander in Chief, U.S. Readiness Command. After retirement, General Warner was Vice President of Applied Technology, Vertex Systems, Incorporated, and later established V.F. Warner and Associates, a Washington-based consulting firm.

VICE ADMIRAL LEE F. GUNN, USN (RET.)

Vice Admiral Gunn served as the Inspector General of the Department of the Navy from 1997 until retirement in August 2000. Admiral Gunn's sea duty included: command of the frigate USS Barbey; command of Destroyer Squadron 31, the Navy's tactical and technical development anti-submarine warfare squadron; and command of Amphibious Group Three, supporting the First Marine Expeditionary Force in Southwest Asia and East Africa. Gunn is from Bakersfield, California and is a graduate of UCLA, having received his commission from the Naval ROTC program at UCLA in June 1965.

LIEUTENANT GENERAL CLAUDIA J. KENNEDY, USA (RET.)

General Kennedy is the first and only woman to achieve the rank of three-star general in the United States Army. Kennedy

served as Deputy Chief of Staff for Army Intelligence, Commander of the U.S. Army Recruiting Command, and as Commander of the 703d military intelligence brigade in Kunia, Hawaii.

VICE ADMIRAL ALBERT H. KONETZNI JR., USN (RET.)

Vice Admiral Konetzni served as the Deputy and Chief of Staff, of the U.S. Atlantic Fleet and Deputy Commander, U.S. Fleet Forces Command, where he was responsible for 160 ships, nearly 1,200 aircraft and 50 bases manned by more than 133,000 personnel. He has also served as Commander, Submarine Force, U.S. Pacific Fleet; Commander, Submarine Group Seven (Yokosuka, Japan); and Assistant Chief of Naval Personnel for Personnel Policy and Career Progression. Admiral Konetzni has received two Distinguished Service Medals, six awards of the Legion of Merit, and three awards of the Meritorious Service Medal for his naval service. His Homeland Security efforts have earned him the U.S. Coast Guard Distinguished Service Medal.

LIEUTENANT GENERAL CHARLES OTSTOTT, USA (RET.)

General Otstott served 32 years in the Army. As an Infantryman, he commanded at every echelon including command of the 25th Infantry Division (Light) from 1988–1990. His service included two combat tours in Vietnam. He completed his service in uniform as Deputy Chairman, NATO Military Committee, 1990–1992.

VICE ADMIRAL JACK SHANAHAN, USN (RET.)

Admiral Shanahan served in the Navy for 35 years before his retirement in 1977. A former commander of the North Atlantic fleet, Admiral Shanahan served in combat in WWII, Korea and Vietnam.

LIEUTENANT GENERAL HARRY E. SOVSTER, USA (RET.)

Lieutenant General Soyster served as Director, Defense Intelligence Agency during DESERT SHIELD/STORM. He also served as Deputy Assistant Chief of Staff for Intelligence, Department of the Army, Commanding General, U.S. Army Intelligence and Security Command and in the Joint Reconnaissance Center, Joint Chiefs of Staff In Vietnam he was an operations officer in a field artillery battalion. Upon retirement he was VP for International Operations with Military Professional Resources Incorporated and returned to government as Special Assistant to the SEC ARMY for WWII 60th Anniversary Commemorations completed in 2006.

LIEUTENANT GENERAL JAMES M. THOMPSON, USA (RET.)

General Thompson graduated from West Point in 1950. He attended Oxford University as a Rhodes Scholar in 1951. After serving in various command and staff assignments through brigade level, he was assigned to the Army Staff in Plans and Policy, then to Director for Estimates, DIA and subsequently to the Pentagon as Deputy Director for Plans, Policy and NSC Affairs in the Secretary of Defense's Office. His next two major assignments were to Turkey as a Major General, Chief of the Military Mission and then as a Lieutenant General to Naples, Italy as Chief of Staff to Admiral William J. Crowe in NATO's Southern Region.

REAR ADMIRAL JAMES ARDEN BARNETT, JR. USNR (RET.)

Rear Admiral Jamie Barnett's last active duty assignment was Deputy Commander of the Navy Expeditionary Combat Command (NECC). NECC trains, equips and sends forward Seabees, Riverine Forces and Explosive Ordinance specialists, among others, and currently has over 9,000 Sailors in Iraq and Afghanistan. NECC also provides the expeditionary guard battalion in Guantanamo. Rear Admiral Barnett has previously served as the Director of Naval Education and Training in the Pentagon. He served in the port of Ad Dammam, Saudi Arabia during Operation Desert Storm. He retired in June 2008 after 32 years in the Navy and Navy Reserve.

MAJOR GENERAL JOHN BATISTE, USA (RET.)

General Batiste commanded the First Infantry Division in Kosovo and Iraq. Prior to that, he was the Senior Military Assistant to Deputy Secretary of Defense Paul Wolfowitz. He is currently President of Klein Steel Services in Rochester, NY.

MAJOR GENERAL PAUL EATON, USA (RET.)

General Eaton recently retired from the U.S. Army after more than 33 years service. His assignments include Infantry command from the company to brigade levels, command of the Infantry Center at Fort Benning and Chief of Infantry. His most recent operational assignment was Commanding General of the command charged with reestablishing Iraqi Security Forces 2003–2004, where he built the command and established the structure and infrastructure for the Iraqi Armed Forces. Other operational assignments include Somalia, Bosnia and Albania. Other assignments include the Joint Staff, Deputy Commanding General for Transformation and Stryker Unit. Development and Assistant Professor and head of the French Department at West Point. He is a 1972 graduate of West Point.

MAJOR GENERAL EUGENE FOX, USA (RET.)

Major General Fox retired from the U.S Army in 1989 after 33 years of service. He commanded Field Artillery and Air Defense Units from platoon to brigade level, instructed in a service school, and served in various capacities in the acquisition of DoD weapons systems to include several years as program manager. His last active duty position was the Deputy Director of the Strategic Defense Initiative Office. Subsequent to military retirement General Fox has served as a Defense Consultant for various companies and government agencies.

MAJOR GENERAL LARRY GOTTARDI, USA (RET.)

General Gottardi retired in 2006 after 35 years of service in various posts, including Commanding General, XVIII Airborne Corps Artillery at Fort Bragg, North Carolina, and Chief of Public Affairs, Office of the Secretary of the Army, Deputy Chief of Staff, G–1, US Army Forces Command. He has been decorated with the Distinguished Service Medal (with Oak Leaf Cluster), the Defense Superior Service Medal (with Oak Leaf Cluster), and Legion of Merit (with 3 Oak Leaf Clusters).

REAR ADMIRAL DON GUTER, USN (RET.)

Admiral Guter served in the U.S. Navy for 32 years, concluding his career as the Navy's Judge Advocate General from 2000 to 2002. Admiral Guter currently serves as the Dean of Duquesne University Law School in Pittsburgh, PA.

REAR ADMIRAL JOHN D. HUTSON, USN (RET.)

Rear Admiral John D. Hutson served in the U.S. Navy from 1973 to 2000. He was the Navy's Judge Advocate General from 1997 to 2000. Admiral Hutson now serves as President and Dean of the Franklin Pierce Law Center in Concord, New Hampshire. He also joined Human Rights First's Board of Directors in 2005.

MAJOR GENERAL MELVYN MONTANO, ANG (RET.)

Major General Montano retired as Adjutant General of New Mexico on 1 December 1999, completing a military career of 45 years and 9 months. General Montano began his military career in 1954 enlisting in the New Mexico Air National Guard. After serving 16 years as an enlisted person, he received a direct commission as a First Lieutenant in April 1970. He is a Vietnam veteran, having served at Tuy Hoa Air Base, Republic of Vietnam in June, 1968. He was appointed the Adjutant General in December 1994. General Montano is the first Hispanic Air National Guard Officer appointed as Adjutant General in the United States. General Montano lives in Albuquerque, New Mexico.

MAJOR GENERAL ERIC OLSON, USA (RET.)

General Olson achieved the rank of Major General before retiring from the United States Army in January 2006. He began his distinguished military career after graduating from the United States Military Academy in 1972. His first duty position was as platoon leader in the 4th Infantry Division (Mechanized) at Fort Carson, Colorado. Subsequently, General Olson has commanded at every level from platoon to division, spending his last three years of service as the Commanding General of the 25th Infantry Division (Light). General Olson also served as the Commander of Combined, Joint Task Force 76, responsible for all security and reconstruction operations in Afghanistan. In his 33-year military career, General Olson has held several staff positions in joint, combined, and the Department of the Army staffs. He was also the 68th Commandant of Cadets at the United States Military Academy, West Point from 2000 to 2002. General Olson currently serves as the Chief of Staff and Special Advisor to the Special Inspector General for Iraq Reconstruction.

REAR ADMIRAL DAVID M. STONE, USN (RET.)

Rear Admiral David M. Stone, USN (Ret.) is a native of Algonquin, Illinois and graduated from the US Naval Academy in 1974. He held four significant ''at sea'' commands during his 32 years of service, including command of the warship USS John Hancock, Command of the US Naval Middle East Force in the Arabian Gulf, Command of Natos Standing Naval Force Mediterranean during the Kosovo Campaign, and Command of the Nimitz Battlegroup. He also served ashore in key positions in the Pentagon and in Europe. Following his Navy service, he was called upon, after the attacks of 9/11, to serve as an Assistant Secretary in the newly formed Department of Homeland Security where he was responsible for the security of the United States Transportation System as the Director of TSA (The Transportation Security Administration). He was appointed by President Bush and unanimously confirmed by the US Senate for that critical leadership post. He holds three Masters degrees in the areas of National Security, International Affairs, and Management. Rear Admiral Stone is currently President of the Alacrity Homeland Group and Co-Founder of Blue Ocean Capital Partners. He resides with his wife (Faith) in Arlington, Virginia.

MAJOR GENERAL ANTONIO ''TONY'' M. TAGUBA, USA (RET.)

Major General Antonio ''Tony'' M. Taguba, USA (Ret.) served 34 years on active duty until his retirement on 1 January 2007. He has served in numerous leadership and staff positions most recently as Deputy Commanding General, Combined Forces Land

Component Command during Operations Iraqi Freedom in Kuwait and Iraq, as Deputy Assistant Secretary of Defense for Reserve Affairs, and as Deputy Commanding General for Transformation, US Army Reserve Command. Born in Manila, Philippines in 1950, he graduated from Idaho State University in 1972 with a BA degree in History. He holds MA degrees from Webster University in Public Administration, Salve Regina University in International Relations, and US Naval War College in National Security and Strategic Studies.

BRIGADIER GENERAL HUGH AITKEN, USMC (RET.)

General Aitken enlisted in the Marine Corps in 1946 and was commissioned a Second Lieutenant in 1948. Throughout his career, he had extensive experience serving in and commanding infantry units to include being the Assistant Division Commander, 2d Marine Division. He also served several tours at Headquarters Marine Corps in Strategic Plans and Manpower Divisions. He was Director, Manpower Plans and Policy Division at the time of retirement in August 1980.

BRIGADIER GENERAL DORIAN ANDERSON, USA (RET.)

General Anderson served 30 years as a Commissioned Officer and later as a Flag Officer US Army, holding leadership and command positions at all levels as an Infantry Officer culminating as Commanding General, US Army Human Resources Command, Alexandria, VA. General Anderson is a 1975 graduate of the United States Military Academy at West Point, NY, holds an MA in Management from Webster University and is a 1995 graduate of the US Army War College at Carlisle Barracks, PA. He is a 2006 graduate of The Executive Program at University of Virginia's Darden Business School.

BRIGADIER GENERAL DAVID M. BRAHMS, USMC

General Brahms served in the Marine Corps from 1963–1988. He served as the Marine Corps' senior legal adviser from 1983 until his retirement in 1988. General Brahms currently practices law in Carlsbad, California and sits on the board of directors of the Judge Advocates Association.

BRIGADIER GENERAL STEPHEN A. CHENEY, USMC (RET.)

Brigadier General Steve Cheney served nine years on the Marine Corps' two Recruit Depots, including a tour as the commanding general at Parris Island. He was also the inspector general for the Marine Corps. Brigadier General Cheney retired in 2001; he is now the president of the Marine Military Academy in Harlingen, Texas, and is on the board of directors for the American Security Project.

BRIGADIER GENERAL JAMES P. CULLEN, USA (RET.)

Mr. Cullen is a retired Brigadier General in the United States Army Reserve Judge Advocate General's Corps and last served as the Chief Judge (IMA) of the U.S. Army Court of Criminal Appeals. He currently practices law in New York City.

BRIGADIER GENERAL EVELYN P. FOOTE, USA (RET.)

General Foote was Commanding General of Fort Belvoir in 1989. She was recalled to active duty in 1996 to serve as Vice Chair of the Secretary of the Army's Senior Review Panel on Sexual Harassment. She is President of the Alliance for National Defense, a non-profit organization.

BRIGADIER GENERAL LIEF H. HENDRICKSON, USMC

As a General Officer, General Hendrickson served as the Commanding General, Marine Corps Base, Quantico, as President of the Marine Corps University and as Commanding General, Education Command. General Hendrickson amassed over 5,000 flight hours. His personal decorations include the Distinguished Service Medal, Defense Superior Service Medal, Defense Meritorious Service Medal, Meritorious Service Medal with two gold stars, Air Medal and the Joint Staff Badge.

BRIGADIER GENERAL OSCAR HILMAN, USA (RET.)

Among his many assignments, General Hilman served as the Commander of the 81st Brigade Combat Team in support of Operation Iraqi Freedom II, and as the Deputy Commanding General of I Corps and Fort Lewis. General Hilman was born in Camarines Sur, in the Republic of Philippines in February 1950. He is a graduate of Philippine College of Criminology, Central Washington University, and he received his Masters of Science Degree in Strategic Science from the United States Army War College. General Hilman's awards and decorations include: Legion of Merit with Oak Leaf Cluster, Bronze Star Medal with Oak Leaf Cluster, the Meritorious Service Medal with 4 Oak Leaf Clusters, Army Commendation Medal with 2 Oak Leaf Clusters, Army Achievement Medal, Good Conduct Medal, Army Reserve Components Achievement Medal with Silver Oak Leaf Cluster and 2 Bronze Oak Leaf Clusters, National Defense Service Medal with 2 Bronze Stars, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Humanitarian Service Medal with 2 Bronze Stars, Armed Forces Reserve Medal with Gold Hourglass and M Device, the Army Service Ribbon, and the Combat Action Badge.

BRIGADIER GENERAL DAVID R. IRVINE, USA (RET.)

Brigadier General Irvine enlisted in the 96th Infantry Division, United States Army Reserve, in 1962. He received a direct commission in 1967 as a strategic intelligence officer. He maintained a faculty assignment for 18 years with the Sixth U.S. Army Intelligence School, and taught prisoner of war interrogation and military law for several hundred soldiers, Marines, and airmen. He retired in 2002, and his last assignment was Deputy Commander for the 96th Regional Readiness Command. General Irvine is an attorney, and practices law in Salt Lake City, Utah. He served 4 terms as a Republican legislator in the Utah House of Representatives, has served as a congressional chief of staff, and served as a commissioner on the Utah Public Utilities Commission.

BRIGADIER GENERAL JOHN H. JOHNS, USA (RET.)

Brigadier General John H. Johns, USA (Ret), Ph.D., served in Vietnam and was a key member of a group that developed the Army's counterinsurgency doctrine in the early 1960s at Ft. Bragg and later in the Pentagon. After retirement from active duty, he served as a Deputy Assistant Secretary of Defense and then as a professor at the National Defense University for 14 years, where he specialized in National Security Strategy.

BRIGADIER GENERAL DAVID L. MCGINNIS, USA (RET.)

Brigadier General David L. McGinnis is a veteran of two ground combat assignments in Vietnam with a Special Operations and Force Management background. Dave experienced 29 years of service in the Army uniform. His military career ended in 1995 as a Brigadier General, New York National Guard. After retirement he worked as a Principle Director for Strategic Plans and Analysis, in the Office of the Secretary of Defense and as the Senior Fellow of the National Guard Association of the United States. Since 2000, McGinnis has provided a steady stream of independent analysis on important issues, provided commentary in the national news media, served as a Senior Associate with the Center for Strategic and International Studies and is an Adjunct Fellow with the Bipartisan American Security Project. Dave is a member of the Legion de Lafayette of the National Guard Education Foundation and is currently serving on the By Laws Committee of the National Guard Association of the United States.

BRIGADIER GENERAL MURRAY G. SAGSVEEN, USA (RET.)

Brigadier General Sagsveen entered the U.S. Army in 1968, with initial service in the Republic of Korea. He later joined the North Dakota Army National Guard. His assignments included Staff Judge Advocate for the 164th Engineer Group, Staff Judge Advocate for the State Area Command, Special Assistant to the National Guard Bureau Judge Advocate, and Army National Guard Special Assistant to the Judge Advocate General of the Army. He completed the U.S. Army War College in 1988. At the time of his retirement in 1996, he was a brigadier general and the senior judge advocate in the Army National Guard. General Sagsveen currently serves as the general counsel of the American Academy of Neurology in St. Paul, Minnesota. In February 2004, he participated in a medical conference in Baghdad, Iraq, and he has been participating in an effort among U.S. specialty medical societies to assist physicians in that country.

BRIGADIER GENERAL EARL SIMMS, USA (RET.)

General Simms currently serves as the Vice President of Army Programs for Serco Inc. of Vienna, Virginia. He served 32 years on active duty in numerous leadership and staff positions until his retirement in September 2000. Most recently he served as the Commanding General, Soldiers Support Institute at Fort Jackson, South Carolina and as the 59th Adjutant General of the Army. He graduated from West Virginia State College in 1968 with a BS degree in Education. He holds a MA degree in Public Administration from Shippensburg University.

BRIGADIER GENERAL ANTHONY VERRENGIA, USAF (RET.)

Brigadier General Verrengia retired from the USAF in 1989, after 38 years of uniformed service. He is a veteran of the Cold War, Korean War, and Vietnam War. He is a Master Navigator, who flew in all types of Military Air Transport Operations for over twenty years. During his career he also held Command and Staff positions in Operations, Plans, Logistics, Training and Personnel, and served at all levels of Air Force Command from the Squadron to Numbered AF, to Major Air Command, to the Air Staff in Washington, DC He is a Graduate of the Air Command and Staff College, The Air War College, the Industrial College of the Armed Forces, and the National War College.

BRIGADIER GENERAL STEPHEN N. XENAKIS, USA (RET.)

Dr. Stephen N. Xenakis has served in the U.S. Army, as well as in healthcare management, academic medicine, and clinical practice. He retired from the Army in 1998 at the rank of Brigadier General and held many high level positions, including Commanding General of the Southeast Regional Army Medical Command. He currently serves as

the Director of Child and Adolescent Psychiatry at the Psychiatric Institute of Washington.<Q P="02">

Mr. WHITEHOUSE. This letter comes from battlefield warriors and intelligence officers who participated in every major American conflict from World War II until today. One of them, indeed, only 2½ years ago, was a member of our Joint Chiefs of Staff. These flag officers go on to say that ''when we violate this norm ourselves, by holding prisoners in secret—'off the books'—denying that they are in our custody and refusing to permit Red Cross access to them to monitor their treatment, we dangerously undermine our ability to demand that our enemies adhere to it, now and in future wars.''

These military leaders also emphasize that the U.S. military's practices for ICRC notification and access to prisoners ''are tailored to accommodate the demands of battlefield intelligence gathering and detention and do not interfere with prisoner interrogations.''

The ill-advised course that leads one down to darkness was famously described by Winston Churchill. He said:

> It is a fine broad stairway at the beginning, but after a bit, the carpet ends. A little further on there are only flagstones, and a little farther on still these break beneath your feet.

This is the dark corridor down which a misguided administration has led America. The sooner we turn back, the stronger and safer America will be. Remember also the Gospel according to Matthew, chapter 25, verses 36 to 40:

> I was naked and you clothed me. I was sick and you visited me. I was in prison and you came to me.

This applies even to those who are, to quote from Matthew again, ''the least of our brethren'' because ultimately it is not about who they are, it is about who we are. And who are we? We are still that city on a hill. We are still a beacon to other nations. The light of our faith in human freedom still brightens the world. And as we trust in God, let's also trust in that faith and freedom, in that faith in America. Let's step back from the dark side, away from the grim tactics of tyrant regimes and into the light of our faith in America.

I hope we can bring up this amendment. I can't imagine why anybody in this room would object. Yet here we are.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I also ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COUNTY PAYMENTS REAUTHORIZATION

Mr. WYDEN. Mr. President, around the Halls of Congress this week are some wonderful folks walking around in green shirts trying to save our rural schools and many rural communities across our country. These are folks who come from areas such as mine where the Federal Government owns much of the land. For decades and decades, in these communities, the secured money for funding schools in our State and for a variety of other services, such as police and essential needs for counties, has come through Federal timber payments. As the distinguished Presiding Officer knows, as a result of environmental law changes and other policies these communities have been strapped for funds now for quite some time.

In 2000, the distinguished Senator from Idaho Mr. CRAIG, and I, wrote legislation that brought essential funds to these communities so they could secure quality education for their students, for their families. But the law expired in 2006. So we sought, then, to extend this program on a multiyear basis. We had a vote in the Senate with overwhelming support for the legislation. Mr. President, 74 Senators voted for it, but the other body was not able to pass the legislation. So at that time the program was extended for just 1 year, and now it appears unless additional help is passed in this Congress, we are going to see many of these communities simply not able to survive.

I have been told in my State alone two rural communities would simply have to shut their doors, and we are looking at the prospect of the State taking over those communities.

The reason all those folks in the green shirts are walking the corridors this week is they are making one last-ditch effort to get the funding passed before these county governments have to make what are not just drastic cuts to their budgets permanent but cuts that will be so severe, as I have indicated, the communities simply could not survive.

The energy tax extenders bill is the last best hope for getting this done, and as a result of the exceptional work done by Chairman BAUCUS and Senator GRASSLEY, the multiyear reauthorization of the county payments legislation has been included in their proposal. I think a number of colleagues on both sides of the aisle have been very supportive of this effort. I particularly express my thanks to Chairman BAUCUS, the distinguished leader; Senator REID, the chairman of the energy community, and Senator Jeff Bingaman. All of them have been enormously helpful as we have prosecuted this cause for months on end.

On the Republican side, Senator GRASSLEY has been extraordinarily helpful. Senator CRAIG, who authored this legislation originally with me, has been very helpful. Senator SMITH of my home State continues to strongly support this effort. I am also very grateful to Senator CRAPO from Idaho who continually brings up, at practically every session of the Senate Finance Committee, how important it is to reauthorize this proposal.

I know in the last few weeks of our fall session it is going to be easy to block legislation and hard to pass it. But I am very hopeful the energy tax legislation, which includes the county payments legislation, which has the strong bipartisan support of Chairman BAUCUS and Ranking Member GRASSLEY, will prevail in the Senate and will go to the House of Representatives.

For literally decades, support from the Federal Government for these essential services, particularly schools in much of the country—but fighting meth, law enforcement, and other essential services in my State—have, in effect, been part of a bigger agreement with the Federal Government. In effect, what happened is something like 100 years ago, when the National Forest System was created, the communities that had largely forested areas said: We are going to offer a benefit to all the people of this country in terms of the National Forest System, but in return for placing these lands in public ownership, our communities would get support for essential services. For decades and decades that went on, and it was quite beneficial to both sides—to the rural communities and to the Federal Government—and we saw in my home State people from all over the country come and enjoy the National Forest System in Oregon and other communities around the United States.

But we saw, in the late 1970s and 1980s, because of the change in environmental policy and changes in the size of the timber cut, the money shriveled up for these rural communities. So it is essential we pass this legislation, particularly for this multiyear purpose, because it is our sense that in these rural communities, they know they have to look to the future for a variety of other opportunities to have family wage employment.

For example, in our part of the world, we hope to have a very significant job-creating program to thin out the second row of trees. This is an opportunity to get merchantable timber to the mills but do it in a way that helps family wage employment and is good for the environment. We are going to have rural communities and folks from the forest product sector and environmental leaders supporting us in that effort. In the other body, a friend of the Presiding Officer and myself, Congressman FAZIO, has championed a similar effort. But to set in place these new programs such as thinning and biomass, where we can create clean energy from our forests, we are going to

need a bit of time. That is why this multiyear program is so extraordinarily important.

It is my view that the best opportunity we have had for some time to get county payments passed has come about because of the strong bipartisan work done in this Chamber to add county payments to the energy tax legislation. It is my hope, as we did when 74 Senators came together to support the original legislation I offered in this session, that, once again, we can get strong bipartisan support for county payments as part of the energy tax bill. If we can get it sent from the Senate in a timely way to the other body, I think this time it will be possible to thread the needle, secure the funding for our rural communities, give them the opportunity to make the transition to these other areas that will allow them to strengthen their economy and particularly bring to our schools, to our law enforcement agencies the tools that are so desperately needed at this critical time.

Ms. COLLINS. Mr. President, I rise to speak in support of amendment No. 5276 to the National Defense Authorization Act, an amendment that would establish a government-wide Contingency Contracting Corps.

Through numerous hearings and investigations, the Senate Homeland Security Committee has documented many costly failures in contracting and acquisition management related to Federal operations following Hurricane Katrina and in Iraq and Afghanistan. The Special Inspector General for Iraq Reconstruction, other IGs, and the Government Accountability Office have also reported on serious problems in Federal contracting. Many of these well-documented problems might have been avoided or mitigated if the government had a reserve cadre of skilled acquisition professionals who could be dispatched to areas in urgent need to assist with procurement and contract-management tasks.

Last year, I introduced S. 680, the Accountability in Government Contracting Act of 2007, with Senators LIEBERMAN, CARPER, COLEMAN, and MCCASKILL as original cosponsors. The Senate passed this bill unanimously last November 7, including a title that would establish a government-wide Contingency Contracting Corps. Unfortunately, House leaders have failed to take up our unanimously passed bill.

Just a few days before the Senate action, the Army released the report of a special commission on procurement headed by former Under Secretary of Defense Jacques Gansler. The Gansler Report noted that while contracting workload had increased by 350 percent since 1995, the Army's contract-oversight staff had declined by almost 50 percent. The report's recommendations for more people, better training, organizational reform, and other improvements offer us a case study of the challenges facing the Federal acquisition process.

''First and most important is the people,'' Dr. Gansler said while presenting his report. He was right, and that truth is at the core of the amendment that Senator LIEBERMAN and I now offer.

The need for a Contingency Contracting Corps is urgent. The Federal Government purchases more than $440 billion of goods and services each year. Some of these purchases are pursuant to contracts issued under the stress and urgency of military operations or an emergency response.

Purchasing on such a prodigious scale and across a vast array of departments and programs can create abundant opportunities for fraud, waste, and abuse. And doing so under the stress of military or disaster-recovery operations without sufficient staff skilled in working in those conditions can multiply the potential for trouble.

Unfortunately, our government moved into the 21st century with 22 percent fewer Federal civilian acquisition personnel than it had at the start of the 1990s. And as noted, the decline in the DOD acquisition workforce was even more pronounced.

We have seen that the urgent demands of natural disasters, a terrorist attack, or active military operations can overwhelm any agency's acquisition workforce. This amendment would provide the equivalent of a rapid-reaction force or strike team to ensure that emergency acquisition activities are performed swiftly, effectively, and economically.

The Corps would draw on volunteers from civilian and uniformed Federal-acquisition professionals. It would be managed by the OFPP Administrator. The Administrator would be authorized to prescribe additional training and determine when the Corps would be deployed. Any deployments would be made in consultation with the heads of the affected agencies, and in the case of military or civilian DOD employees, with the concurrence of the Defense Department.

The Contingency Contracting Corps is not a substitute for the many other reforms needed to improve government-wide acquisition, but it can help our Nation deal with urgent demands by temporarily reallocating trained acquisition staff from their regular duties to areas of pressing need. The Corps would help guard against the wasteful and excessive spending that too often occurs in exigent circumstances.

I urge my colleagues to adopt this much-needed, carefully constructed, and bipartisan amendment.

Mr. President, I rise to speak in support of amendment No. 5277 to the National Defense Authorization Act, an amendment that will improve stewardship of taxpayer dollars while promoting more transparency and competition in the procurement of goods and services by our government. Senator LIEBERMAN, chairman of the Homeland Security and Governmental Affairs Committee, joins me in sponsoring this amendment.

Our amendment, the Accountability in Government Contracting Act, is a bipartisan response to contracting problems identified by the Homeland Security Committee that pose increasing dangers of waste, fraud, and abuse as Federal contracting continues to grow.

The amendment consists of provisions that passed the Senate unanimously last November as part of S. 680. Many of that bill's provisions were included in last year's defense authorization. The remaining provisions are offered in this amendment, with modifications based on discussions with other members of the Senate Armed Services Committee.

Joining Senator LIEBERMAN and me in this effort are Senators COLEMAN, CARPER, AKAKA, MCCASKILL, and TESTER.

The Federal Government purchases about $440 billion in goods and services each year. The rising costs of military operations, natural disasters, homeland security precautions, and other vital programs will drive those expenditures to even higher levels in the years ahead.

This prodigious level of purchasing creates abundant opportunities for fraud, waste, and abuse. We have seen far too many outrageous failures in government contracting, such as unusable trailers for hurricane victims, shoddy construction of schools and clinics in Afghanistan, or the installation in Iraq of showers for our troops that pose electric-shock hazards. All of these failures and more demand strong steps to protect taxpayer dollars and deliver better acquisition outcomes.

Obstacles to improvement include personnel shortages, resource constraints, poor program administration, and inadequate accountability an transparency in the contracting process.

The resource challenges go far beyond funding, and start with a simple lack of trained personnel. The Federal Government moved into the 21st century with 22 percent fewer Federal civilian acquisition personnel than it had at the start of the 1990s. The Department of Defense, which has the largest acquisition budget, has been disbursing enormous amounts of money to contractors since the first Gulf war, but saw its acquisition workforce shrink by more than 50 percent between 1994 and 2005.

Among the current, attenuated Federal acquisition workforce, nearly 40 percent were eligible to retire at the end of the last fiscal year. Meanwhile,

the number and scale of federal purchases continue to rise, making this human-capital crisis even more dire.

Other challenges to fair, effective, and open competition and oversight include inadequate definition of requirements, overuse of letter contracts that fail to include all critical terms until after performance is complete, excessive tiering of subcontracts, and insufficient publicly available data on Federal contracts.

Our amendment offers sensible, practical reforms to address these problems.

A critical feature of this legislation will help recruit, retain, and develop an adequate Federal acquisition workforce. It establishes an acquisition internship program that will provide professional training and development for careers in Federal procurement and acquisition management to at least 200 college graduates per year. Another provision would require that government chief acquisition officers have extensive management experience—a requirement lacking in current law.

Our amendment also promotes more competition for government contracts—a positive step for both contractors and taxpayers.

Competition for government contracts helps to control costs, encourage innovation, and improve quality. Unfortunately, the tide has been running the wrong way. While the dollar volume of Federal contracting has nearly doubled since the year 2000, fewer than half of all ''contract actions''—new contracts and payments against existing contracts—are now subject to full and open competition, down from more than three-quarters in the year 2000.

Our Homeland Security Committee investigations of federal contracting problems in the Hurricane Katrina disaster and in our military operations in Iraq and Afghanistan have confirmed the obvious concerns about this trend.

We need more competition, less sole-source contracting, and tougher management of Federal contracts. Our amendment mandates enhanced competition for each task or delivery order over the simplified acquisition threshold.

It further encourages competition for those orders by requiring Internet postings of notices of all sole-source task-or-delivery orders above the simplified acquisition threshold, within 14 business days after the award.

Another provision takes aim at abuse of interagency and enterprise-wide contracts, which account for 40 percent of Federal contract spending. It requires the Office of Federal Procurement Policy to survey, review, and provide guidance on procedures for creating, using, and continuing these interagency acquisitions. This step should eliminate some of the redundancies that have been discovered in these complex arrangements—redundancies that reduce the government's purchasing power and waste tax dollars.

I shall briefly note some other important provisions of the amendment.

The amendment will rein in the practice of hastily awarding letter contracts missing key terms, such as price, scope or schedule, and then failing to supply those terms until the contractor delivers the good or service—thereby placing all risk of failure on the government. In Iraq and Katrina contracting, we saw the perils of failing to supply the ''missing term'' promptly. For example, in July 2006, the Special Inspector General for Iraq Reconstruction identified 194 individual task orders valued at $3.4 billion that were classified as ''undefinitized contract actions.''

The government has allowed too much money and too many contract actions to linger in this status. The amendment corrects this flaw by requiring clear guidance in the Federal Acquisition Regulation and strong justification for making such contracts or orders.

Contracting for Hurricane Katrina and in Iraq has also involved excessive tiering of subcontractors, driving up costs and complicating contract administration. The amendment mandates regulatory guidance for minimizing tiering to ensure that every layer of subcontracting adds value or serves a valid purpose in meeting Federal requirements.

In our committee investigation of debris removal after Hurricane Katrina, a disaster that required clearing away nearly 100 million cubic yards of debris, we found that some contracts involved five or six tiers of subcontractors, often with little or no apparent added value. This provision would put in place government-wide requirements to control this practice and its potential for wasting tax dollars.

Another important provision requires the OFPP to review and report on existing policies and to recommend needed changes to ensure that Federal agencies are not contracting out essential core responsibilities of government. The risks of such activity were made starkly clear in our committee's recent discovery that a contractor wrote parts of FEMA's request for proposals for the TOPOFF 5 emergency-management exercise and was then allowed to bid on the contract. This clear conflict of interest threatened both the integrity of the competitive process and objective implementation of Federal policy.

The amendment also restricts the defacto outsourcing of program-management responsibility when a large contractor becomes a ''lead systems integrator'' for a multipart project and requires the OFPP to craft a government-wide definition of lead systems integrators.

The Accountability in Government Contracting Act combines practical, workable, and targeted reforms to improve a complex process that expends hundreds of billions of taxpayer dollars every year. As the SIGIR said of these proposals in a Homeland Security Committee hearing last year, ''these kinds of reforms are exactly what will save taxpayer dollars ... and address very directly the problems that we have been experiencing in contracting in Iraq.''

My amendment will pay recurring dividends for years to come in higher quality proposals, in avoidance of wasteful and excessive spending, and in better results for our citizens. I urge my colleagues to support it.

Mr. BAYH. Mr. President, I rise today in support of section 254 of the fiscal year 2009 National Defense Authorization Act. I thank Chairman LEVIN and Senator JACK REED for working with me on this piece of legislation which is based on recommendations of the National Academy of Sciences and the Department of Defense. Critical technologies that help protect our national security are being outsourced to the global economy and to nations that may not have our best interests at heart. One such technology is printed circuit boards, a type of electronics technology that is integrated into every weapons system we deploy, from the F–22 to UAVs to the MRAP. For years we relied on industry to maintain the technological advantage in this critical area, but we now must take more action to ensure that the United States maintains and protects this capability to better ensure our national security.

Due to economic pressures, industry has increasingly outsourced the manufacture of printed circuit boards, and we are in danger of losing the industrial base capable of building and maintaining these components, especially those with critical security technologies required for our military. Without this critical technology, many components in numerous defense systems would cease to function. The Department of Defense spends roughly $500 million annually on procuring these components, and it is imperative that we safeguard their future production. We cannot allow continued outsourcing to move production to China and other nations. We must protect our access to critical and sensitive pieces of hardware that are the basis of our military technological advantage.

Previous Department of Defense efforts to address these issues have been incomplete, underfunded, and disjointed. It is critical that we establish an executive agent to monitor and protect issues related to the U.S. printed circuit board industry. Safeguarding the technology and manufacturing capabilities of printed circuit boards will protect our national interests today and in the future. Not only will this executive agent be instrumental in maintaining existing legacy systems but

will also ensure the military's advancement of emerging technologies are used in the next generation of military hardware. Failure to establish an executive agent and take aggressive action would result in the eventual loss of a critical technology and the diminishing capacity of our military's ability to safeguard our national security. Therefore, I urge support of section 254 and of the National Defense Authorization Act.

Mr. LEVIN. Mr. President, Senator WARNER and I and our staffs and a number of other Senators have been trying to work out a unanimous consent agreement that would control the continuation of the deliberation and debate on this bill. We have completed a draft of a complicated unanimous consent agreement. It runs a little over two pages. I have been able to give it to Senator WARNER now. As always, he is very helpful and responsive and has assured me they can look at this overnight and, in the morning, give us a response, hopefully early, as to whether this, or some variation of it, will be acceptable on that side of the aisle. I thank my friend from Virginia and assure folks that even though we weren't able to get specific votes today, because of a previous agreement that there would be no votes today, we hope that in the morning we will be able to have a roadmap for the balance of this bill.

Mr. WARNER. Mr. President, I have seen earlier iterations of this. I will take this up with the leadership and our colleagues early tomorrow, but I am not certain what time. I presume this would not require any votes in the morning.

Mr. LEVIN. That is correct.

Mr. WARNER. I think that would best serve our purposes. In consultation with our two staff directors and colleagues on our staff who work side by side, we have now cleared—both sides—about 75 amendments. So work has been going on throughout the day. I think we can, hopefully tomorrow, share this with colleagues and get a resolution of the timetables to move forward on the bill.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate move to a period of morning business, with Senators permitted to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORMER VICE PRESIDENT PROTECTION ACT

Mr. LEAHY. Mr. President, I am pleased that the House of Representatives today passed the Former Vice President Protection Act, H.R. 5938—a bill to ensure that that former Vice Presidents and immediate family members receive Secret Service protection for 6 months after they leave office. I am especially pleased that this important legislation, which will now be sent to the President for signature, includes key provisions of the Identity Theft Enforcement and Restitution Act, a critical cyber crime bill I introduced last year and that has twice unanimously passed the Senate in this Congress. I hope that the President will promptly sign this measure into law.

Although the Secret Service has provided protection to former Vice Presidents over the last 30 years through a variety of temporary grants of authority, this legislation will provide clear authority for the Secret Service to provide such protection for the first time. The men and women of the Secret Service perform the very difficult job of protecting our current and former leaders exceptionally well. I am pleased that this legislation will help the Secret Service to carry out this important mission.

This bipartisan legislation also includes important cyber crime provisions—portions of the Identity Theft Enforcement and Restitution Act—to protect the privacy rights of all Americans. The anticyber crime provisions in this bill are long overdue. A recent survey by the Federal Trade Commission found that that more than 8 million Americans fell victim to identity theft in 2005. In addition, a new report by the Organization for Economic Cooperation and Development encourages democratic governments around the world to more aggressively fight identity theft, by enacting stronger cyber crime laws and stiffening the penalties to deter potential cybercriminals.

The key anticyber crime provisions that are included in this legislation will close existing gaps in our criminal law to keep up with the cunning and ingenuity of today's identity thieves. First, to better protect American consumers, the legislation provides the victims of identity theft with the ability to seek restitution in Federal court for the loss of time and money spent restoring their credit and remedying the harms of identity theft, so that identity theft victims can be made whole. Second, to address the increasing number of computer hacking crimes that involve computers located within the same State, the cybercrime amendment eliminates the jurisdictional requirement that a computer's information must be stolen through an interstate or foreign communication in order to federally prosecute this crime.

Third, this legislation also addresses the growing problem of the malicious use of spyware to steal sensitive personal information, by eliminating the requirement that the loss resulting from the damage to a victim's computer must exceed $5,000 in order to federally prosecute the offense. The bill carefully balances this necessary change with the legitimate need to protect innocent actors from frivolous prosecutions, and clarifies that the elimination of the $5,000 threshold applies only to criminal cases.

In addition, the amendment addresses the increasing number of cyber attacks on multiple computers, by making it a felony to employ spyware or keyloggers to damage 10 or more computers, regardless of the aggregate amount of damage caused. By making this crime a felony, the amendment ensures that the most egregious identity thieves will not escape with minimal punishment under Federal cyber crime laws. The legislation also strengthens the protections for American businesses, which are more and more becoming the focus of identity thieves, by adding two new causes of action under the cyber extortion statute—threatening to obtain or release information from a protected computer and demanding money in relation to a protected computer—so that this bad conduct can be federally prosecuted. And, lastly, the legislation adds the remedy of civil and criminal forfeiture to the arsenal of tools to combat cyber crime and our amendment directs the U.S. Sentencing Commission to review its guidelines for identity theft and cyber crime offenses.

Senator SPECTER and I have worked closely with the Department of Justice and the Secret Service in crafting these updates to our cyber crime laws and the legislation added as an amendment to the Former Vice President Protection Act has the strong support of these Federal agencies and the support of a broad coalition of business, high tech and consumer groups. The bill as amended to include these critical cyber crime provisions is a good, bipartisan bill that will help to better protect our Nation's leaders and to better protect all Americans from the growing threat of identity theft and other cyber crimes.

I thank Senator SPECTER for his hard work on this legislation. I also thank Senators BIDEN and HATCH and the bipartisan coalition of Senators who have joined with us to ensure its passage. In addition, I thank House Judiciary Committee Chairman CONYERS and Congressman BOBBY SCOTT for their assistance in enacting this bill. I also thank Majority Leader REID, House Majority Leader HOYER and House Majority Whip CLYBURN for their leadership in advancing this legislation.

Lastly, I thank the many high tech, business and consumer organizations who have worked so hard to enact this legislation to better protect the privacy and security of American consumers and American businesses. I encourage the President to promptly sign this important criminal legislation into law.

REMEMBERING MUNIR SAID THALIB

Mr. FEINGOLD. Mr. President, last week marked the fourth anniversary of the tragic death of Munir Said Thalib, one of Indonesia's leading human rights defenders. Munir was powerful voice who brought attention to the human rights violations committed by Indonesia's military in East Timor, Papua, and Aceh Province during and after the rule of President Suharto. He founded the Commission for Disappearances and Victims of Violence (Kontras) and championed accountability and justice on behalf of the victims of ''disappearances'' during the final days of the regime in the late 1990s. Munir, 37, was poisoned with arsenic while traveling from Jakarta to Amsterdam to study international humanitarian law.

Munir as a singular figure who inspired crowds with his impassioned pleas for nonviolence, worked with progressive elements in the military even while challenging army abuses, and made a point of using himself as an example to inspire others. By refusing to show fear in the face of threats and intimidation, including several attempts on his life, he served as a model for those otherwise afraid to stand up to human rights violators.

Now, 4 years after Munir's untimely death, there is promise that those responsible for his murder will be brought to justice. Despite delays and setbacks, two of those charged have now been convicted, but those who planned the assassination remained at large. Now, 3 years after a fact-finding team established by current President Yudhoyono discovered evidence of involvement by officials of the State Intelligence Agency, a retired general and former senior intelligence officer is on trial for his alleged role in the crime. This trial is an opportunity for Munir's friends and family, for the Indonesian Government, and for the citizens of Indonesia, to obtain a fair accounting of the facts and application of the law. I note with appreciation the work of the investigators in the case so far and convey my strongest support for a fair, timely and transparent process and a just outcome for all concerned.

President Yudhoyono has called the case a test for Indonesia, and Munir's supporters similarly argue that ''justice for Munir is justice for all.'' The willingness of the government to investigate the role of senior staff at the State Intelligence Agency is a significant step forward, and I hope it is an indication of increased accountability more generally. Those who committed human rights abuses must be identified and brought to justice, both to provide a sense of closure for victims who suffered these atrocities as well as to set the important precedent that human and political rights play an important role in today's Indonesia. I encourage the Indonesian Government to undertake similar investigations for other crimes, and urge them to do so in a timely and fair manner.

The decision to undertake this trial is an important indicator of the government's commitment to address ongoing human rights abuses, and to protect human rights activists. I am hopeful this will be the beginning of a more systematic process that prioritizes basic human rights and the rule of law and recognizes that Indonesia has yet to deal effectively with past human rights violations in Aceh, East Timor, Papua, Jakarta, and elsewhere. I hope the resolution of Munir's case will be a blow against impunity and provide an opportunity to promote much-needed military and intelligence reform. Indonesia has made positive reforms since the end of the Suharto regime, but must continue to develop proper mechanisms for accountability, to ensure that such human rights abuses are not repeated.

Indonesia continues to be an important ally of the United States and we must work toward a strong and effective partnership, particularly as we seek to combat extremism around the globe. It is in the national interest of both countries for Indonesia to successfully complete its process of reform and democratization. However, this strengthening relationship must not come at the expense of a principled stance on human rights and accountability. As we commemorate Munir's death, we must remember that part of this commemoration includes addressing the continuing legacy of Indonesia's recent authoritarian past.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Soaring gasoline prices are putting a tighter and tighter pinch on our pocket book for transportation needs. We've taken many steps to reduce the cost of fuel including reducing the way we drive as well as where and how often we drive. Savings from these steps, however, have not caused a reduction in our fuel costs. Rather the cost of fuel has jumped so rapidly, that these efficiencies are almost invisible.

We have an older home which needs a new roof but the cost of composition shingles has risen so significantly that other areas of our budget, if possible, will have to make up the difference. The aging process bringing the shingles to the end of their life is not slowing so a replacement delay is not possible. Working against these circumstances is the escalating price of petroleum products.

The price of products we purchase from the grocery store has risen in correlation with fuel costs. Our food budget is being strained to the limit because the cost of transportation to deliver the products to the grocery story is much more.

We have been advised by government in some communities that the cost of public services, e.g. law enforcement and fire protection will have to be decreased or curtailed because of the extreme jump in the cost of gasoline. We envision our property as well as persons becoming less safe.

We are thankful there are security regulations in place that prevent investors from being ripped off by unscrupulous people. At the same time, we are extremely concerned that in today's world speculators in commodities can manipulate the market. Why cannot the US Government take action immediately to bring control to such activity? Wouldn't this be a good place to start and one where something could happen quickly?

We were citizens of Washington State several decades ago when a governmental entity, Washington Public Power and Supply System (WPPSS) attempted to construct nuclear power plants according to the wishes of the citizens. We watched millions and millions of hard-earned public dollars go down the drain as environmentalists' voices were given audience and commitments. We literally witnessed the promise of nuclear energy disappear. One of us was employed in State Government. One of our sons is now employed in a nuclear energy support position and we have an in-depth understanding of the benefits as well as risks. The fear tactics used by environmentalists (not facts and data) drove the actions of government.

We have a sleeping giant available in nuclear energy and facts and data, not emotions needs to govern our elected officials' decisions. The problems with energy are not new and have been spoken of frequently since we were born in the late 30's and early 40's. We would hope our Senators and members of Congress would wake up and do that which is best for today and tomorrow.

In a short 9.3 year period, the cost of regular grade gasoline has risen from $0.899 per gallon to $4.079 today. That is a 430% increase in cost. At the beginning of this period, we had time to make changes but have squandered them away with political posturing and contention.

Let us do something now. Now does not mean never or whenever. It means Never Override Wisdom. Help Please. Do something now.

KEITH and PATRICIA, *Idaho Falls.*

I appreciate the opportunity to share a little about how the high fuel prices are affecting my family. I have the great opportunity to work as a teacher in the public school setting and to work on the family farm in the summer. I have experienced higher prices for fuel and everything else that is needed (i.e. food, clothes, etc.) over the past year. When everything is going up but our paychecks it makes it difficult to raise a family. While already living with limited means, it is hard to cut back the necessities when all we are there aren't many. The family farm is also suffering. My father-in-law is considering selling a portion of the land to pay for overhead costs of running the rest of the lawn. He may also have to lease the ground out as he can no longer afford the expenses that go along with the small operation. This farm has been in the family for over 75 years. My wife struggles with her part time job because as she goes to work for several hours a day, one hour of the day goes to pay the fuel to get there.

I guess that I could go on and on about how we are all struggling because the high cost of energy; fuel for cars, propane for heat, electricity, higher food cost, etc... but I guess that I would like to share my thoughts on our dependence on foreign energy sources and the hold these entities have on us. I believe that we have been blessed in our country with the resources that we need. More and more of our jobs are being outsourced to other countries and we are buying more of their products. Because we have these oil reserves that we are not accessing because a minority squeaked and got the grease, there is a serious problem. The USA is known for high standards in both safety and environmental protection for anything that we do. If a few Caribou have their grazing area slightly interrupted because of an oil well, it is okay. They will adapt and everything will be okay. Conservation and Protection is very important. I believe that our God has given us this great land for our use. We must be careful and use it wisely, not foolishly. I believe that our current practices are foolish. We have made ourselves a target and it is hurting us all. Our country is so far in debt and our dollar is worth less and less. This has to change. Even if the use of our own oil is temporary, I believe that it will send the message to the oil cartel that we are not solely dependant on them.

I also believe that we need to stop the large oil companies from hindering our development of technologies of alternate fuel sources and different engines. With all our knowledge today, why has the internal combustion engine, basically, not changed in all that time. We hear of Hydrogen Fuel Cells, Electric Cars, BioFuel, etc... but somehow these ideas are not making it full time the consumer. Things have got to get better. I shutter to think that it is going to get worse for it gets better.

KEVIN, *Georgetown.*

Thank you for being an advocate for Idahoans in Washington. As you know, those of us in sparsely populated states often feel disenfranchised and like our voices are not heard, even that our votes are for naught. I, for one, am grateful that you are a strong voice for Idaho.

You asked for stories of how the high cost of energy is impacting our lives. My story will not have the power of those who must drive long distances to work or those who are engaged in providing our nation with food and who find their very livelihood threatened. I am a widow; I lost my husband a year ago. The last year has been lonely and bleak in many ways, and I miss my husband more than I can express. Our children all live far away—the closest is in Portland, Oregon, one in Houston, another in London, England, another in California. While I do have a few family members here in Idaho Falls, including my sister who lives with me, but my children are who are my greatest comfort since the death of my husband. They cannot afford to travel to see me. And now I cannot travel to see them, nor can my sister see her grandchildren in Boise very often because we cannot afford the gas. In fact, I have not left the city limits of Idaho Falls since Thanksgiving because we simply cannot afford to travel.

My house is all electric—a change we made in the 1970s due to the oil embargo. My heat bills were close to $300 a month during this very long and very cold winter we just had. As a disabled widow living on a fixed income, this increase was a burden, to say the least. And I know the city of Idaho Falls is preparing to increase our utility bills. I cannot even imagine what really poor people are doing, but if the prices go up, we will have people right here in Bonneville County who will freeze to death. And I am sick at heart thinking of what the next winters brings when I think of gas and electricity and food even for my small household.

The cost of everything has gone up, food prices are skyrocketing, and the trickle-down will be a burden of those of us in the middle and lower classes. When people cannot pay their bills or pay for the basic necessities of life they become desperate. And we all know the most dangerous thing in the world is not a fanatic, but someone who is desperate.

Please help us, Sen. Crapo; please plead our cause and the cause of this nation before Congress. This is not about Democrats or Republicans, liberals or conservatives. This is about the people who elected them becoming desperate with no end in sight. Please tell them we need responsible representatives, not posturing demigods out to line their pockets and further their own agendas. I pray for the day that we can tell the oil producing nations (except for those in North America) to go to hell, that we will no longer need their oil. It is time this nation ceased being a hostage to those who would destroy us. Enough is enough.

I am sorry this is so rambling and poorly expressed. But Sen. Crapo, I know you're a good man and that you truly speak for us in honesty and dignity. Thank you for letting me say my piece. God Bless you and your staff.

STELLA, *Idaho Falls.*

Thank you for providing a convenient avenue for the public to hear your personal view on this important issue and for giving the opportunity to let our opinions also be heard. It is comforting to know that the people's representative is at least attempting to represent the people. Here's my take on the situation:

I own a '98 Honda Civic—hardly a gas-guzzler. I recently paid my car off, but now my gas payments are equal to what my monthly payments used to be. I pay more for gas each month than I do for car insurance. I live like the majority of Idahoans probably do: I drive to work and school during the week; I go to church and visit family on the weekend. I make a modest living and drive a modest car, and yet I am paying premium prices for regular gasoline. I feel the pain at the gas pump, at the grocery store, and in my wallet.

Fundamentally, I see two sides of the solution to our problem—the domestic side and the foreign side. Domestically we should be producing and refining more of our own oil. We know where to find it. It is in ANWR, it is off-shore, and it is in many other places that should be made available to ''We the People''. (It is our country, after all.) It is possible to safely and responsibly recover and refine our own oil. We the People need to provide incentives to American companies for oil exploration and recovery. We need to make it possible for American companies to build new oil refineries. All this needs to happen while simultaneously discouraging the formation of monopolies as we continue to build the national oil industry. We should also continue to encourage private research and development of new energy sources by American companies. We should not be waiting for the world's answer to oil to come from Europe or Japan. America leads the world in power and in ideas; we should also lead the world in energy. That is energy independence.

The foreign answer is a lot more complicated, but it has a lot to do with the notion of free trade (and it applies to more than just the trade of oil). If an oil producing nation pays its employees slave wages while US companies must pay union wages, is it free trade? No. If they fail to comply with environmental standards to which US companies are bound, is it free trade? No. If the nation is a known sponsor or sympathizer of terrorism or drug trafficking, is it free trade? No. If they deny basic human rights to women, children, a certain race/nationality, or a specific religion, is it free trade? No. If we believe these are basic standards of civilization for our own people, how can we support governments that clearly do not abide by the same standards, and yet still call it free trade? In good conscience, we clearly cannot. So what do we do? Impose tariffs or embargos? Maybe. How about trade incentives for like-minded countries? Like I said, it is complicated. The answer may be that we just work to set things right one step at a time, and continue to move forward. We know oil is more than likely just a temporary solution to our energy needs, and we know we would like to achieve energy independence, so if We the People are all united in our determination to approach that goal, the solution may become clear.

CRAIG, *Meridian.*

I am responding to your newsletter soliciting stories of how high petroleum prices and energy costs impact average Idaho citizens and families like mine. Please read my story.

I am a husband and father of six children. This escalation of energy costs has a huge impact upon us. Gas is up past $4.10 per gallon. I commute from Meridian to Boise 5 days a week. My daily fluctuating 8–10 hour work schedule does not allow for carpooling or Commuteride or bus. So public transportation does not help me in the least. And there are many Idahoans where public transportation is just impractical with our many work schedules. I may do errands to or from work as I pass by a store on my way to eliminate an extra car trip. We also travel to our church in Nampa twice each Sunday. My wife drives her minivan to grocery shop,

take kids to music lessons, dentist, eye doctor, little league games, the library, etc. and as much as possible she combine trips to conserve fuel. We may eat out as a family once a month.

In addition to soaring gas prices, Idaho Power was approved for another 6% hike for electrical rates. Intermountain Gas also recently implemented a similar rate hike. My property taxes in Meridian went up 40% per year in 2006 and 2007.

Senator, we are financially squeezed in so many ways it would seem unbelievable if it weren't true. We grow a few vegetables in our small garden. We buy goods in bulk when we can. We use coupons and watch for the best sales. We do not have cable TV or high-speed internet. My wife cuts everyone's hair but her own. We live very frugally and frankly we are just getting by. But let me also say, by God's grace, we are a happy family.

I look at the stimulus money we received as a way to pay off some credit card debt we've accumulated. We have little savings with the poor economy. So with the stimulus money we'll buy gas, put food on the table, pay for the roof over our head, buy the kids some clothes we could not get at the local thrift store. Maybe have some money left over to go out to dinner once or twice or see a movie in a theater for the first time this year. It certainly cannot be used for many luxuries as our buying power is shrinking day-by-day due to the high cost of energy driving up the cost of everything from food and fuel to goods and services.

Senator, I am sad to say, you and your colleagues in the House and Senate, Republican and Democrat alike, are for the most part responsible for America's poor economic condition especially as it relates to energy costs. You have the influence and power to make positive changes but you thus far have refused to do anything but blame the energy companies and demand that automakers manufacture cars that nobody wants to buy. Stop blaming energy producing companies for high energy costs when it is largely the fault of Congress for overregulation, high taxation, and prevention of domestic acquisition!

Why don't you actually do something to end this crisis? You proffer wind and solar power which are currently very inefficient, expensive and are decades away from having any real impact on our plight. You fund public transportation that only benefits the very urban areas. You subsidize burning our food supply (corn)—which drives up food prices—to produce ethanol which creates more pollution due to energy used in its production and its inefficiency in our automobile engines. You allow our economic policy to be controlled by the Marxist groups in our country, i.e. environmentalists, liberal special interest groups, and the political media that have no other desire than to turn our wonderful democracy backward (economically) that it may become the utopian socialist state they idolize.

You asked for my solutions to help the American people out of this crisis. Please note that my suggestions, unlike those typical of Congress, will not cost the American taxpayers anything. They are as follows:

1. The President needs to address the American people and declare an Economic State of Emergency and by Executive Order mandate immediate and drastic measures to increase domestic fuel production (oil, natural gas, coal).

2. Drill for oil in the USA now! Alaska, Montana, Wyoming, off-shore, anywhere there are great reserves of oil and natural gas. We can drill in more efficient and environmentally friendly ways than any other nation. We do not need to fund private companies to produce more energy, just get out of their way and allow them to do it! Net charge to taxpayers: $0.

3. Fast track building of oil refineries. Eliminate years of red tape. Look at converting existing moth-balled military installations near ports and energy sources. Just permit private companies to do it. Net charge to taxpayers: $0.

4. Mandate a single environmental friendly blend of gasoline for all of the USA. Eliminate the six summer/winter blends of fuel for different US regions which create artificial shortages and inflate prices due to limited refining capacities and inability to legally use particular blends outside EPA specified areas. Just have all the states use the one blend that works the best. Net charge to taxpayers: $0.

5. Stop mandating burning our food for fuel! Corn used for ethanol is driving up the cost of everything we eat just as fast as oil prices drive up the cost of transporting them. Congress is to blame for this! This year, for the first time in history, the USA will import wheat to feed its citizens. This is an outrage! Do not continue to subsidize ethanol! Net charge to taxpayers: $0.

6. Stop wasting taxpayer money by buying carbon credits for the federal government. Ridiculous waste of taxpayer money! Need I say more? Net charge to taxpayers: $0.

7. Remove the pending phase-out of (inexpensive) incandescent bulbs in favor of the costly and toxic fluorescent bulbs. That phase-out appeared in the last so-called ''energy bill.'' Net charge to taxpayers: $0.

8. Do not increase taxes on oil companies. Taxes have never produced one drop of oil. Stop punishing the companies that make our economy possible. Remember your history? American ingenuity coupled with cheap, abundant energy resources built this country! Net cost to taxpayers: $0.

9. Denounce those who would legislate based on the man-made global warming environmental hoax. Every government mandated policy that flows from this unproven, unscientific, misguided environmental ''religion'' drags the economy down further. The latest word from the scientific community is the globe is now cooling. Go figure! Net cost to taxpayers: $0.

If we work together, we can rebuild America into the strong nation it once was by putting it back on the road to energy independence. But Congress must be willing to act now; by swallowing its collective pride and by removing obstacles that hinder our potential for economic success from becoming reality.

VANCE, *Meridian*.

ADDITIONAL STATEMENTS

CONGRATULATING HAWAII'S 2008 LITTLE LEAGUE WORLD SERIES CHAMPIONS

• Mr. AKAKA. Mr. President, I congratulate our Little League team from Waipio, HI, for winning the 2008 Little League World Series last month in Williamsport, PA.

On Sunday, August 24, the Waipio Little League team from West Oahu defeated international division champion Matamoros, Mexico in the Little League World Series Championship game, by a score of 12 to 3.

Led by pitcher Caleb Duhay, who struck out seven, and infielder Tanner Tokunaga, who hit two home runs, the team from Waipio scored first and never trailed. Outfielder Iolana Akau added another Waipio home run and made a spectacular diving catch late in the game to lock in Waipio's victory.

Waipio's team roster includes Matthew Yap, Kainoa Fong, Ulumano Farm, Christian Donahue. Iolana Akau, Trevor Ling, Jordan Ulep, Caleb Duhay, Jedd Andrade, Tanner Tokunaga, Pikai Winchester, Keelen Obedoza, and Khade Paris. The team is led by manager Timo Donahue and coaches Kiha Akau and Gregg Tsugawa.

Waipio went undefeated in the Little League World Series Tournament, beating seven U.S. teams to get into the U.S. Championship game. Hawaii beat a spirited team from Lake Charles, LA, 7 to 5, in an exciting, come-from-behind victory, to advance to the World Championship game.

I am proud of their impressive victory but more so of the humility and sportsmanship that the team from Waipio displayed as they won with aloha. I recognize the sacrifices made by the coaches, family members, and friends, who worked hard to help these youngsters follow their dreams. I applaud them all and wish them the best in future endeavors, both on the field and off.•

MISSISSIPPI RIVER PARKWAY COMMISSION

• Mr. HARKIN. Mr. President, when I visit eastern Iowa, I often drive along the Mississippi River. And there, on any given day, one can visit this area and marvel at the sight of the mighty Mississippi River winding its way south from Lake Itaska in Minnesota toward the Gulf of Mexico—a total distance of over 2,500 miles. From this vantage point, high above the river, you see pleasure boaters and fishermen spending the day on the water. You can see river barges carrying Iowa corn and soybeans to far away markets. And most importantly, you see that this is a national treasure that needs to be protected and preserved for all generations to come.

The Mississippi Parkway Commission was created in 1938 in order to develop and oversee what was at that time called the Mississippi River Parkway. The Parkway Commission is the only organization connecting all 10 States bordering the Mississippi River, with a mission devoted to promoting, preserving, and enhancing the resources of the Mississippi River Valley, and to developing the amenities of the Great River Road.

This year, 10 States, including my home State of Iowa, will celebrate the

70th anniversary of the Mississippi River Parkway Commission and the Great River Road. Among the many accomplishments of the commision of the past 70 years are the development of a Great River Road Interpretive Center Network, a consumer Web site, and National Scenic Byway designation for the majority of the Great River Road. In carrying out its duties, the commission has partnered with a number of Federal agencies, including the National Forest Service, the National Park Service, the Federal Highway Administration, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the Environmental Protection Agency.

On the occasion of its anniversary, I wish to congratulate the Mississippi River Parkway Commission, as well as the commission's new national Pilot, Patsi Ramicitti from Bettendorf, IA. I am pleased that Patsi's energy and dedication to advancing one of the region's most vital assets are being recognized. May her efforts and those of all past, present and future members of the commission continue to strengthen the knowledge of and access to the incredible natural resources offered by the mighty Mississippi.●

TRIBUTE TO FRANCES LANDERS

● Mr. PRYOR. Mr. President, it is with great honor that I would like to recognize remarkable contributions of 91-year-old Frances Landers of El Dorado, AR. At a time when most people consider retirement, Frances dedicated the past 30 years of her life to making education accessible to the children of Haiti. Through her selfless years of service, Frances' work and formation of the Haiti Education Foundation have opened educational doors of opportunity for hundreds of children who otherwise might never have learned to read.

Frances visited Haiti this past April to say her goodbyes, for this was most likely her last visit. She first came to Haiti in 1977 as a medical volunteer with her late husband Dr. Gardner Landers, an ophthalmologist, to help people with cataract problems. Dr. and Mrs. Landers began making two trips a year, providing surgery and eyeglasses to the Haitian people. During these visits, she met Father Jean-Wilfrid Albert, a chaplain of the mission hospital. Through Father Albert and her numerous mission trips, Frances discovered that many villages had no school and most citizens were illiterate. Impassioned to make a difference, Frances returned to Arkansas and began raising money. Through her dedication, perseverance and conviction, she soon launched one school, and over time, many others followed.

Because of her establishment of the Haiti Education Foundation, there are now 40 primary schools and 10 secondary schools, which are currently educating more than 11,000 Haitian children. Through donations and scholarships, the foundation provides schooling, hot lunches, shoes, school uniforms, textbooks, Creole bibles, milk, and goats for families. These schools set the foundation for students to enroll in universities and pursue careers that allow them to break past poverty barriers.

Ms. Landers continues to raise awareness and funding to ensure the foundation's success. She has lived in service to the people of Haiti and is an extraordinary example of what can be achieved when committed to a worthwhile endeavor. Today, I honor and thank Frances Landers for her continual interest in others and inspiring those around her to do the same.●

HONORING SOJOURNER ELEMENTARY SCHOOL

● Mr. SMITH. Mr. President, I wish to congratulate the exceptional educators at Sojourner Elementary School of Milwaukie, OR. Last week, Intel Corporation named Sojourner the ''Star Innovator'' among six winners of the 2008 Intel Schools of Distinction Awards and among hundreds of applicants who entered the competition.

Intel Corporation chose Sojourner Elementary because of its groundbreaking teaching strategies in mathematics and the marked improvement of its young math students. Oregon State Assessment data indicate that mathematics achievement at Sojourner has steadily improved over the past 4 years. Sojourner uses an innovative ''team teaching'' approach. At each level, at least one teacher completes additional coursework and training in mathematics. This ongoing professional development has resulted in teachers specializing in content and academic knowledge in mathematics.

Increasingly, technology is playing an important role in the classroom, and teachers at Sojourner are using it effectively to excite and engage students. Computers at Sojourner are equipped with the software necessary to complete computer-based units from the school's math curriculum, and teachers are trained to implement these units. With Intel's Star Innovator award, Sojourner Elementary will receive additional funds, products, and services to continue its unique program.

Sojourner also involves parents in the learning process, a proven strategy for improving the performance of young students. Newsletters produced at each level inform parents as to the specific content in class so that parents can provide appropriate support at home. All families have math ''kits'' at home so that students can continue to develop ideas at the conceptual level. Families also have access to the district Web site, where the online Student Learning Center provides valuable resources for practice activities at a variety of levels.

In the field of education, there is no single path to success. That is why it is important to highlight those programs like Sojourner's that are successful and reward their efforts. Intel's work in promoting mathematics and science education comes at a critical time when America needs more engineers and more mathematicians to stay competitive in a globalizing economy. I am grateful to the teachers at Sojourner Elementary who have worked so hard to set a new standard in math education and that Intel has taken on the responsibility of awarding these remarkable achievements. Our Nation benefits tremendously from sharing these best practices, and I am proud to honor the exceptional work that Sojourner Elementary is doing to educate our Nation's children and the future leaders of America.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 1255. A bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes (Rept. No. 110–460).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2332. A bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership (Rept. No. 110–461).

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 531. A bill to repeal section 10(f) of Public Law 93–531, commonly known as the ''Bennett Freeze'' (Rept. No. 110–462).

By Mr. REID (for Mr. BIDEN), from the Committee on Foreign Relations, with amendments:

H.R. 176. To authorize the establishment of educational exchange and development programs for member countries of the Caribbean Community (CARICOM) (Rept. No. 110–463).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

H.R. 5235. A bill to establish the Ronald Reagan Centennial Commission.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1276. A bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 3197. A bill to amend title 11, United States Code, to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 3325. A bill to enhance remedies for violations of intellectual property laws, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 3488. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for qualified donations of employee services; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. CARPER, and Mr. KERRY):

S. 3489 A bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself, Mr. VOINOVICH, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LIEBERMAN, Mr. KERRY, Ms. COLLINS, and Mr. LEAHY):

S. 3490. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mr. WHITEHOUSE, and Mrs. CLINTON):

S. Res. 659. A resolution designating September 27, 2008, as Alcohol and Drug Addiction Recovery Day; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. INHOFE, Mr. BROWNBACK, Mr. CASEY, Mrs. CLINTON, Mrs. DOLE, Mr. DURBIN, Mr. FEINGOLD, Mr. HATCH, Mr. ISAKSON, Mr. KERRY, Mr. LIEBERMAN, Mr. MARTINEZ, Mr. MENENDEZ, Ms. SNOWE, Mrs. BOXER, Mr. CARDIN, and Mr. COLEMAN):

S. Res. 660. A resolution condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. WICKER):

S. Res. 661. A resolution supporting the goals and ideals of National Spina Bifida Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON:

S. Con. Res. 98. A concurrent resolution expressing the sense of Congress on the need for a national AIDS strategy; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 394

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 439

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 519

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 519, a bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 732

At the request of Mr. DODD, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 732, a bill to empower Peace Corps volunteers, and for other purposes.

S. 860

At the request of Mr. SMITH, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 906

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 906, a bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

S. 932

At the request of Mrs. LINCOLN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1232

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1556

At the request of Mr. SMITH, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1738

At the request of Mr. REID, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. BARRASSO), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mrs. MURRAY), the Senator from Washington (Ms. CANTWELL), the Senator from Montana

(Mr. BAUCUS), the Senator from Colorado (Mr. SALAZAR), the Senator from Kansas (Mr. ROBERTS), the Senator from Oregon (Mr. WYDEN), the Senator from Massachusetts (Mr. KERRY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 2092

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2092, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

S. 2668

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 3136

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 3136, a bill to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition.

S. 3283

At the request of Mr. TESTER, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 3283, a bill to award a congressional gold medal to Dr. Joseph Medicine Crow, in recognition of his especially meritorious role as a warrior of the Crow Tribe, Army Soldier in World War II, and author.

S. 3286

At the request of Mr. BROWN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3286, a bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes.

S. 3311

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 3311, a bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses.

S. 3344

At the request of Mr. COBURN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3344, a bill to defend against child exploitation and child pornography through improved Internet Crimes Against Children task forces and enhanced tools to block illegal images, and to eliminate the unwarranted release of convicted sex offenders.

S. 3362

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3362, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

S. 3367

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3367, a bill to amend title XVIII of the Social Security Act to revise the timeframe for recognition of certain designations in certifying rural health clinics under the Medicare program.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3453

At the request of Mr. MENENDEZ, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3453, a bill to authorize the adjustment of status for immediate family members of aliens who served honorably in the Armed Forces of the United States during the Afghanistan and Iraq conflicts.

S. 3484

At the request of Mr. SPECTER, the names of the Senator from Maine (Ms. COLLINS), the Senator from Maryland (Mr. CARDIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3484, a bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

S. CON. RES. 87

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Con. Res. 87, a concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

S. RES. 616

At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Michigan (Ms. STABENOW), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 616, a resolution reducing maternal mortality both at home and abroad.

S. RES. 636

At the request of Mr. LIEBERMAN, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Alabama (Mr. SESSIONS), the Senator from Alabama (Mr. SHELBY), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. Res. 636, a resolution recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the United States Armed Forces who made that success possible.

AMENDMENT NO. 5275

At the request of Mr. REID, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 5275 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5302

At the request of Mr. NELSON of Florida, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 5302 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5303

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico

(Mr. DOMENICI), the Senator from California (Mrs. BOXER) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 5303 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5327

At the request of Mr. CHAMBLISS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 5327 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5339

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 5339 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5368

At the request of Mr. LIEBERMAN, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Alabama (Mr. SHELBY), the Senator from Alabama (Mr. SESSIONS), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 5368 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5369

At the request of Mr. WHITEHOUSE, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 5369 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5371

At the request of Ms. LANDRIEU, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 5371 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5409

At the request of Mr. BROWN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 5409 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5472

At the request of Mr. DURBIN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 5472 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5499

At the request of Mr. WEBB, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 5499 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 3488. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for qualified donations of employee services; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to speak on the Serve America Act of 2008. I, along with my good friend, the senior Senator from Massachusetts, have introduced this legislation in hopes that it will expand service opportunities for people throughout our country. I am pleased to report that it also has the support of Senators MCCAIN, OBAMA, COCHRAN, and DODD.

For some time I have supported the idea of encouraging our people to give 2-years of volunteer service over the course of their lives. In addition, I have long believed that community and faith-based organizations are doing most of the best work at addressing the needs of our people. And, I might add, they do it at a fraction of what it would cost the Federal Government to do similar work. These are the reasons Senator KENNEDY and I have drafted and introduced the Save America Act.

This bill does many things. Most apparently, it creates new national service corps that will enlist the help of our people to address specific areas of national need, including education, energy efficiency, access to health care, economic opportunity for the disadvantaged and disaster relief. It also encourages individuals and nonprofit groups to come up with new and innovative ways to encourage volunteerism and to use the help of volunteers effectively. In addition, it enlists the help of the private sector in addressing important needs in our Nation and community.

There are a number of provisions in this bill that I believe will be of interest particularly to those of us we ascribe to conservative principles. For example, it will benefit thousands of faith-based and religious organizations throughout the country—they are eligible to participate in virtually every new program in the bill. It also preserves a very significant role for State governments at every step. Like many of my colleagues, I would like to see individuals, churches and communities do more and have the Government do less. While this bill does create new Government programs, the programs are specifically designed to foster this type of volunteer spirit and alleviate the need for bloated Government programs throughout Washington to accomplish the same goals.

Senator KENNEDY and I are committed to ensuring that this bill receives broad, bipartisan support, not only among those in Congress, but among the American people as well. Toward that end, Senator KENNEDY and I have agreed that, when this bill is considered in the HELP Committee, which is chaired by the gentleman from Massachusetts, we will work with Members of both parties to offset the spending in this bill and ensure that it is budget neutral. I think we have all heard the cries from our constituents for more fiscal responsibility and discipline in Congress. While this bill does authorize some spending, our commitment to offset these costs will ensure that it will not add to the Federal deficit.

Senator KENNEDY and I have also introduced the Incentive to Serve Tax

Act as a companion piece to the Serve America Act. This bill would provide tax incentives to encourage companies to ''donate'' their employees' time to charitable service through employer-directed projects. Specifically, the bill would provide companies a tax credit equal to 25 percent of the compensation paid to an employee who performs at least 160 hours of a specified charitable service.

For example, one company presently has a program to provide managerial and educational workers to an underdeveloped school system. This tax incentive would encourage this company to provide even more such service and encourage other companies to utilize their employees with various skills and knowledge to target specific areas that need to be addressed in the communities where those workers live and work. By doing so, everyone benefits.

These two bills, I believe, represent efforts that all Members can get behind. As we saw at the Service Nation Summit last night, the Presidential candidates from both parties have expressed their support for this bill and for expanding service opportunities nationwide. Indeed, I think that they both recognize that an investment in the generosity and ingenuity of the American people is a pretty safe bet. I encourage all my colleagues to support this legislation.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

SEPTEMBER 11, 2008.

Senator ORRIN HATCH,
Hart Senate Office Building,
Washington, DC.

DEAR ORRIN: Thank you for all of your work on the Serve America Act and your continued leadership on service issues. I am thrilled to be a partner with you on this critical legislation to expand domestic and international service opportunities for Americans of all ages.

I'm confident that together we will win broad, bipartisan support for this legislation in the new Congress. I am grateful for your commitment to work together to ensure the necessary funding to implement these initiatives and existing service programs. I am committed to working with you to achieve these goals while working within budget constraints and ensuring that all the spending in the bill is paid for with adequate offsets. It will require that the new Administration and new Congress make tough choices, but I think we can both agree that the benefits that will flow to those volunteering and those served will be worth it.

I am sorry that I cannot join you in New York for the National Summit and as always you'll represent our cause well. I look forward to continuing to work with you to ensure that all Americans have the opportunity to serve their communities and the nation, while tackling some of the greatest challenges of our day.

Sincerely,

EDWARD M. KENNEDY.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 659—DESIGNATING SEPTEMBER 27, 2008, AS ALCOHOL AND DRUG ADDICTION RECOVERY DAY

Mr. SCHUMER (for himself, Mr. WHITEHOUSE, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 659

Whereas treatment and long-term recovery from substance use disorders can offer a renewed outlook on life for those who are addicted and their family members;

Whereas more than 23,000,000 people in the United States struggle with substance use disorders;

Whereas people who receive treatment for substance use disorders can lead more productive and fulfilling lives, personally and professionally;

Whereas studies have consistently found that treatment is essential for people to be successful in their paths of recovery;

Whereas real stories of long-term recovery can inspire others to ask for help and improve their own lives, the lives of their families, and the entire community;

Whereas it is critical that we educate our community members that substance use disorders are treatable chronic diseases, and that by reaching out to those who suffer from these disorders we can improve the quality of life for the entire community;

Whereas, to help achieve this goal, the Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the National Council on Alcoholism and Drug Dependency, the Partnership for a Drug-Free America, and A&E Television Networks, along with thousands of people from across the country, will hold a Recovery Rally on the Brooklyn Bridge and in City Hall Park in New York City on September 27, 2008; and

Whereas the Recovery Rally will be part of National Alcohol and Drug Addiction Recovery Month: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 27, 2008, as Alcohol and Drug Addiction Recovery Day; and

(2) calls upon the people of the United States to observe this day with appropriate programs, activities, and ceremonies.

SENATE RESOLUTION 660—CONDEMNING ONGOING SALES OF ARMS TO BELLIGERENTS IN SUDAN, INCLUDING THE GOVERNMENT OF SUDAN, AND CALLING FOR BOTH A CESSATION OF SUCH SALES AND AN EXPANSION OF THE UNITED NATIONS EMBARGO ON ARMS SALES TO SUDAN

Mr. NELSON of Florida (for himself, Mr. INHOFE, Mr. BROWNBACK, Mr. CASEY, Mrs. CLINTON, Mrs. DOLE, Mr. DURBIN, Mr. FEINGOLD, Mr. HATCH, Mr. ISAKSON, Mr. KERRY, Mr. LIEBERMAN, Mr. MARTINEZ, Mr. MENENDEZ, Mr. SNOWE, Mrs. BOXER, Mr. CARDIN, and Mr. COLEMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 660

Whereas, since 2003, the conflict in the Darfur region of Sudan has killed at least 300,000 people and displaced more than 2,500,000, according to the United Nations;

Whereas, on July 22, 2004, the Senate declared, ''the atrocities unfolding in Darfur, Sudan, are genocide'', and on September 9, 2004, then-Secretary of State Colin Powell testified before the Committee on Foreign Relations of the Senate that ''genocide has occurred and may still be occurring in Darfur'' and ''the Government of Sudan and the Janjaweed bear responsibility'';

Whereas, on July 30, 2004, the United Nations Security Council passed Resolution 1556, imposing an arms embargo on non-governmental belligerents in Darfur, requiring ''all states [to] take the necessary measures to prevent the sale or supply . . . of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned'' to those belligerents;

Whereas, on March 29, 2005, the United Nations Security Council passed Resolution 1591, extending the embargo imposed by Security Council Resolution 1556 to apply to the Government of Sudan, establishing a sanctions committee to monitor the arms embargo, and prohibiting the Government of Sudan from moving arms into Darfur except with the advance approval of that committee;

Whereas Security Council Resolutions 1556 and 1591 together impose on all United Nations member states the obligation not to sell or supply arms to any belligerent operating in Darfur, including the Sudanese military, and obligate the Government of Sudan not to transfer any arms to Darfur without the approval of the sanctions committee;

Whereas, in September 2006, the Panel of Experts on the Sudan, established pursuant to Security Council Resolution 1591, reported to the United Nations Security Council that a senior official of the Government of Sudan told the Panel that ''the Government had a sovereign right to transfer weapons and additional military personnel into Darfur without obtaining the specific permission of the Security Council'';

Whereas the Panel of Experts on the Sudan also concluded that ''the Government of the Sudan continues to violate the arms embargo by transferring equipment and related weapons into Darfur'' and that ''[t]he Government of the Sudan remains adamant that it has the right to transfer troops and equipment into Darfur without reference to the sanctions Committee'' established pursuant to Security Council Resolution 1591;

Whereas, in October 2007, the Panel of Experts on the Sudan reported numerous instances in which the Government of Sudan had transferred arms to Darfur without seeking the approval of the sanctions committee;

Whereas, according to a May 2007 report by Amnesty International, weapons transferred to Sudan from China and Russia are used extensively in Darfur;

Whereas, according to a July 2008 report by the British Broadcasting Corporation, weapons have been transferred to Darfur from China since the arms embargo imposed by Security Council Resolution 1591 became effective;

Whereas, at the insistence of the Governments of China and Russia, arms sales to the Government of Sudan were excluded from the arms embargo imposed by Security

Council Resolution 1556, though not from Security Council Resolution 1591, passed 8 months later; and

Whereas, according to data provided by the Government of Sudan to the United Nations, arms sales from China to the Government of Sudan have increased dramatically since the late 1990s, and from 2004 through 2006, China supplied approximately 90 percent of small arms imported into Sudan: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should seek a peaceful resolution to the conflict in Darfur and should continue to pursue a political solution as well as the immediate and unfettered deployment of the peacekeeping forces of the United Nations-African Union Mission in Darfur, without regard to the country of origin of those forces;

(2) the United States supports United Nations Security Council Resolutions 1556 (2004) and 1591 (2005), imposing an arms embargo on all belligerents in Darfur, and supports consistent enforcement of the embargo;

(3) taken together, the obligation imposed by the United Nations on all member states to ''take the necessary measures to prevent the sale or supply'' of arms to belligerents operating in Darfur, the well-documented existence of arms in Darfur that were transferred from China and Russia, and the insistence of the Government of Sudan that it will not abide by the embargo, lead to the conclusion that continued sale of arms to Sudan under these circumstances violates the United Nations arms embargo imposed by Security Council Resolutions 1556 and 1591;

(4) all United Nations member states should immediately cease all arms sales to the Government of Sudan, until the conflict in Darfur, and the armed conflict related to the Comprehensive Peace Agreement, have been peacefully resolved; and

(5) the United States Permanent Representative to the United Nations should use the voice and vote of the United States in the United Nations Security Council to seek an expansion of the arms embargo imposed by Security Council Resolutions 1556 and 1591 to cover all of Sudan, with an appropriate exception for non-lethal assistance to the Government of Southern Sudan.

Mr. NELSON of Florida. Mr. President, I rise today to introduce a resolution calling for a stop to the illegal flow of arms into Sudan and an expansion of the United Nations embargo on arms sales to Sudan.

I am happy we have a number of cosponsors of this legislation—as a matter of fact, Senators INHOFE, BROWNBACK, CASEY, CLINTON, DOLE, DURBIN, FEINGOLD, HATCH, ISAKSON, KERRY, LIEBERMAN, MARTINEZ, MENENDEZ, SNOWE, and BOXER.

You can see with Senators spanning the breadth and depth of the Senate, they are recognizing this is one of the most important issues facing planet Earth at this time in trying to stop the genocide in Darfur. Last July 14, the Chief Prosecutor of the International Criminal Court in The Hague requested a warrant for the arrest of Sudan's President Bashir on the charges of genocide, war crimes, and crimes against humanity.

In part, it was because of his arming the jingaweit militias in Darfur. Our colleagues certainly are urging the prosecution of Bashir for these crimes. But it is now time for the international community and the Congress to take further action in order to prevent the continued export of arms to the regime, the Sudan regime in Khartoum.

This resolution is a call to action to stop the steady stream of arms going from countries such as China and Russia into Darfur. The loopholes in the current UN arms regime are recognized as the main cause for the continued violence and the killings there. Two UN arms embargoes are currently in place prohibiting the Government of Sudan from moving arms into Darfur except with the advance approval of the UN monitoring body.

The embargoes also require foreign nations to take measures to ensure they do not militarily assist anyone in the conflict in Darfur. Yet those embargoes are impossible to enforce since the Government of Sudan can still receive as many weapons as it wants, as long as the government in Khartoum promises that the arms are not going to be used in Darfur, which, of course, it makes those promises and then completely ignores them.

As Sudan's main weapons suppliers, China and Russia, they turn a blind eye to the fact that the weapons they sold are being used to kill the innocent civilians in Darfur, and the weapons continue to flow into the country.

Now, remember, earlier in the year, China had shipped a huge weapons cache to the regime in Zimbabwe. But fortunately the ship was turned away by the dockworkers in South Africa. In the case of Sudan, however, the Chinese arms reached their final destination.

According to the United Nations, China supplies approximately 90 percent of Sudan's imports of small arms today. Expanding the present embargo would help us prohibit China and Russia from selling to Sudan regardless of where those arms were used in the country.

In the October 2007 report, the U.N. panel of experts cited numerous instances in which the Government of Sudan had egregiously violated the obligations under international law. Likewise, Amnesty International has reported that Chinese and Russian weapons are used extensively in Darfur.

This year, the BBC aired a long expose on the arms flow into Sudan, and that BBC expose proved that Chinese weapons have been transferred to Darfur since the arms embargo was imposed by the United Nations resolution.

So how much more proof do we need? I tried to go to the Sudan last year, but the Government of Sudan denied me a visa. So I had to go in through the back door by going into Chad and going to the border there. As I traveled along that border of Chad and the Sudan, I saw there the squalid refugee camps where 400,000 of those people who had fled Darfur had taken refuge from the killings and the violence.

By the way, the killings and the violence did not stop once they were in the refugee camps in Chad. Since 2003, the conflict in Darfur has killed at least an unbelievable 300,000 people, and it has displaced more than 2.5 million.

They know the horrors of war, hunger, and, unfortunately the women know the horrors of rape. And the attacks on the refugee camps continue.

As a matter of fact, the men in the refugee camps make the women go out to collect the firewood. Anytime they go outside of the perimeter of the refugee camp, they are subject to being attacked and raped.

Governments, religious leaders, human rights activists, and nongovernmental organizations have issued calls to end the genocide. The people of Darfur, nevertheless, remain vulnerable to daily attacks by these militias, armed with Chinese and Russian firearms, and they continue to suffer.

We have been putting the spotlight on Darfur for several years now and nothing gets done. The Government of Sudan makes promises, the United Nations tries to do things, and nothing gets done. Resolutions and envoys have thus far failed to stop countries from funneling the arms into Darfur.

At the upcoming session of the United Nations General Assembly, we now have another opportunity to name and shame the perpetrators and to halt the immoral export of weapons to the killing fields.

That is what this resolution is about. It pledges to continue United States support for a political solution in Darfur, and it calls for the immediate and unfettered deployment of a United Nations-African Union peacekeeping force, without regard to the country of origin of those forces.

It calls for the immediate end of arms sales to the Government of Sudan from all U.N. member states. That will continue until the conflict in Darfur has been resolved. This resolution calls for the use of the voice and vote of the United States in the Security Council in order to expand that embargo to cover all of the arms going into the Sudan except for an appropriate exception for the nonlethal assistance to the Government of southern Sudan. At this upcoming 63rd U.N. General Assembly, when it opens next week, the U.S. must support this expanded embargo that will try to bring some sense into the madness that is over there. If the U.N. Security Council were to strengthen the embargo regime, it would send a strong signal to the Sudanese Government that their support in the international community is shifting.

It is going to be this Senator's great privilege, as one of two Senators representing the Senate Foreign Relations Committee, to represent the Senate at the United Nations General Assembly. I plan to bring up this issue over and over again to the U.N. delegates I meet. I hope the Senate will see fit to support this effort by passing this resolution.

SENATE RESOLUTION 661—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SPINA BIFIDA AWARENESS MONTH

Mr. DODD (for himself and Mr. WICKER) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 661

Whereas spina bifida is the most common, permanently disabling birth defect;

Whereas spina bifida occurs during the first month of pregnancy and leaves a permanent opening in the spinal column that subsequently impacts nearly every organ system;

Whereas an estimated 70,000 to 130,000 people in the United States currently live with spina bifida;

Whereas all women of childbearing age are at risk of having a spina bifida affected pregnancy;

Whereas an estimated 70 percent of neural tube defects such as spina bifida can be prevented if a woman consumes adequate amounts of folic acid, which is found in most over-the-counter multivitamins and foods rich in folate such as spinach, prior to becoming pregnant;

Whereas Hispanic women are at the highest risk, between 1.5 and 2 times higher than non-Hispanic whites, of delivering a baby with spina bifida or another neural tube defect, yet are the least likely to consume sufficient amounts of folic acid prior to becoming pregnant;

Whereas people with spina bifida face unprecedented medical complications associated with aging because people with spina bifida are living longer than people with spina bifida in previous generations lived and care for spina bifida is complex and involves myriad clinical specialists;

Whereas a 2005 nationwide survey of spina bifida clinics revealed that the current system of care serving people with spina bifida does not fully meet current or anticipated needs and physicians have little evidence-based research about spina bifida on which to build neurological, orthopedic, or urologic treatment regimens and interventions;

Whereas the National Spina Bifida Program, administered by the Centers for Disease Control and Prevention, exists to improve the health, well being, and overall quality of life for the individuals and families affected by spina bifida through numerous programmatic components, including the National Spina Bifida Patient Registry and critical quality of life research in spina bifida;

Whereas the National Spina Bifida Patient Registry helps to improve the quality of care, to reduce morbidity and mortality from spina bifida, and to increase the efficiency of, and decrease the cost of, care by supporting the collection of longitudinal treatment data, developing quality measures and treatment standards of care and best practices, identifying centers of excellence in spina bifida, evaluating the clinical and cost effectiveness of the treatment of spina bifida, and exchanging evidence-based information among health care providers across the country; and

Whereas October has been designated as ''National Spina Bifida Awareness Month'' to increase awareness of spina bifida, of ways to prevent spina bifida, and of the need for increased funding to support improving evidence-based research and enhancing the quality of life of those living with spina bifida: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Spina Bifida Awareness Month and of national organizations working for people with spina bifida;

(2) recognizes the importance of—

(A) highlighting the occurrence of spina bifida;

(B) recognizing the struggles and successes of people who live with spina bifida; and

(C) advancing efforts to decrease the incidence of spina bifida;

(3) supports the ongoing development of the National Spina Bifida Patient Registry to improve lives through research and to improve the treatment of spina bifida in both children and adults;

(4) recognizes that there is a continued need for a commitment of resources for efforts to reduce and prevent disabling birth defects like spina bifida; and

(5) commends the work of national organizations that educate, support, and provide hope for individuals who are affected by spina bifida and their families.

SENATE CONCURRENT RESOLUTION 98—EXPRESSING THE SENSE OF CONGRESS ON THE NEED FOR A NATIONAL AIDS STRATEGY

Mrs. CLINTON submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 98

Whereas the Centers for Disease Control and Prevention estimate that more than 1,000,000 people are currently living with HIV in the United States;

Whereas the Centers for Disease Control and Prevention estimate that 56,300 individuals were newly infected with HIV in 2006;

Whereas approximately 25 percent of individuals with HIV are unaware that they are infected;

Whereas the estimate by the Centers for Disease Control and Prevention utilizes a new methodology that has resulted in more accurate estimates of new infections than the previous methodology;

Whereas previous estimates of HIV infection rates undercounted the rate of infection by 40 percent;

Whereas the Centers for Disease Control and Prevention have determined that the leading transmission category of HIV infection is male-to-male sexual contact, followed by heterosexual contact and injection drug use;

Whereas the 2000 United States Census noted that African Americans account for approximately 13 percent of the population of the United States, but in 2006 African Americans accounted for 46 percent of HIV diagnoses;

Whereas, of the estimated 18,849 people under the age of 25 who were diagnosed with HIV between 2001 and 2005, more than 60 percent were African American;

Whereas the rate of AIDS diagnoses for African-American adults and adolescents is 10 times higher than that of their White counterparts and the rate of diagnoses for Black women is nearly 23 times the rate for White women;

Whereas, in 2006, Black women accounted for 61 percent of new HIV infections among women and had an infection rate that was almost 15 times higher than that of White women;

Whereas AIDS is the leading cause of death for Black women between the ages of 25 and 34;

Whereas the Black AIDS Institute notes that there are more African Americans living with HIV in the United States than there are people living with HIV in 7 out of the 15 focus countries served by the President's Emergency Plan for AIDS Relief;

Whereas the Centers for Disease Control and Prevention note that socioeconomic issues impact the rates of HIV infection among Blacks, and studies have found an association between higher AIDS incidence and lower incomes;

Whereas, in 2006, Hispanics accounted for 18 percent of new HIV/AIDS diagnoses, but account for approximately 15 percent of the overall population, according to the Bureau of the Census;

Whereas, in 2005, HIV/AIDS was the fourth leading cause of death among Hispanic men and women between the ages of 35 and 44;

Whereas, in 2006, Hispanic women were 5 times more likely to have AIDS than non-Hispanic White women;

Whereas, according to the Kaiser Family Foundation, funding for domestic HIV prevention programs was decreased by more than $40,000,000 in the 5-year period beginning with fiscal year 2003 and ending with fiscal year 2008, despite the evidence that HIV infections continue to increase in at-risk communities;

Whereas, according to the Kaiser Family Foundation, the President's fiscal year 2009 budget requests a decrease of $15,700,000 for the Minority AIDS Initiative, despite the fact that HIV has a disproportionate impact on African Americans and other racial and ethnic minority populations;

Whereas the Centers for Disease Control and Prevention are engaging in outreach programs to increase HIV testing in jurisdictions with the highest AIDS case rates among African Americans, and those outreach programs are expected to identify approximately 20,000 previously undiagnosed cases;

Whereas, despite those efforts, the Centers for Disease Control and Prevention have noted that ''new strategies are warranted to increase HIV testing, particularly among persons who are disproportionately affected by HIV infection'';

Whereas the United States must do more to address the disproportionate impact of HIV and AIDS in minority communities;

Whereas the United States needs to address the stigma faced by individuals living with HIV and AIDS and help communities have an open discussion about HIV and the behaviors that contribute to increased transmission rates;

Whereas the United States needs to ensure that prevention efforts are founded on a base of scientific evidence and reinforce interventions that have proven successful;

Whereas the United States must do more to provide education and testing in the communities most at risk;

Whereas the United States needs to involve individuals living with HIV and AIDS in the development of policies and programs regarding prevention and treatment; and

Whereas the United States needs to develop a comprehensive national AIDS strategy that will unite efforts to prevent new HIV infections, treat HIV and AIDS, reduce stigma, and increase education about HIV and associated conditions: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls upon the President to develop a national AIDS strategy, with the input of individuals living with HIV and the communities that have been adversely impacted by the AIDS epidemic;

(2) calls upon the Federal Government to partner with African-American communities, particularly faith-based groups and community-based organizations, to develop strategies to reduce and reverse the impact of the epidemic upon Black communities;

(3) calls upon the Department of Health and Human Services to increase education and outreach regarding HIV prevention, testing, and treatment, to ensure that all people in the United States are aware of how to protect themselves from infection; and

(4) calls upon the people of the United States to educate themselves about HIV infection and the ways in which they can protect themselves.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5504. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5505. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5506. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5507. Mr. KOHL (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5508. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5509. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5510. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5511. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5512. Mr. NELSON, of Nebraska (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5513. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5514. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5515. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5516. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5517. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5518. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5519. Mr. JOHNSON (for himself, Mr. THUNE, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5520. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5521. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5522. Mr. LEVIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5523. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5524. Mr. REID (for Mr. KENNEDY (for himself, Mr. ISAKSON, Mrs. MURRAY, Mr. COLEMAN, and Mr. KERRY)) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5525. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5526. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5527. Mr. REID (for Mr. KENNEDY (for himself, Mr. BIDEN, Mr. BAYH, and Mrs. MCCASKILL)) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5528. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5529. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5530. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5531. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5532. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5533. Mr. BURR (for himself, Mrs. CLINTON, Mr. ALEXANDER, Mr. INHOFE, Mr. WICKER, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5534. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5535. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5536. Mr. SESSIONS (for himself, Mr. NELSON, of Nebraska, Mr. LIEBERMAN, Mr. KYL, Mr. INHOFE, Mr. GRAHAM, Mr. VITTER, Mr. BROWNBACK, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5537. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5538. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5539. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5540. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5541. Mrs. FEINSTEIN (for herself, Mr. SCHUMER, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5542. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5543. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5544. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5545. Mr. HATCH (for himself, Mr. VITTER, Mr. COLEMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5546. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5547. Mr. HATCH (for himself, Mr. BENNETT, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5548. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5549. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5550. Mr. DOMENICI (for himself, Mr. INHOFE, Mr. BOND, Mr. COBURN, Mr. ENZI, Mr. BARRASSO, Mr . CRAIG, Mr. BENNETT, Mr. ALLARD, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5551. Mr. HARKIN (for himself, Mr. OBAMA, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5552. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5553. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5554. Mr. BAUCUS (for himself, Mr. CONRAD, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5555. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5556. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5557. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5558. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5559. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5560. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5561. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5562. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5563. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5564. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5565. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5566. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5567. Mr. REID (for Mr. KENNEDY (for himself, Mr. ALEXANDER, Mr. HARKIN, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. VOINOVICH, Mr. BROWN, Mrs. MURRAY, Mr. SALAZAR, Mr. BOND, and Mr. REID)) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5568. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5569. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5570. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5571. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5572. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5573. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5574. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5575. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5355 submitted by Mr. GRAHAM (for himself and Mr. LIEBERMAN) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5576. Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. STEVENS, Mr. SMITH, Ms. SNOWE, Mr. GRAHAM, Mr. GRASSLEY, Mr. NELSON, of Florida, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5577. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5578. Mr. LAUTENBERG (for himself, Mr. HAGEL, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5579. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5580. Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5581. Mr. DODD (for himself, Mr. LUGAR, Mr. DURBIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5582. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5583. Mr. TESTER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5584. Mr. REID (for Mr. KENNEDY (for himself, Mr. BIDEN, Mr. BAYH, and Mrs. MCCASKILL)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5585. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5586. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5587. Mr. TESTER (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5588. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5589. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5590. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5591. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5592. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5593. Mr. KERRY (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5594. Mr. LUGAR (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5595. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5504. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal years, and for other purposes; which was ordered to lie on the table; as follows:

On page 396, after line 20, add the following:

(e) PROHIBITION ON LARGE-SCALE INFRASTRUCTURE PROJECTS USING IRAQ SECURITY FORCES FUND RESOURCES.—Amounts authorized to be appropriated by this Act or any other Act for the Iraq Security Forces Fund that remain unobligated may not be obligated for any large-scale infrastructure project in Iraq.

SA 5505. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

SEC. 2822. LAND CONVEYANCE, GEORGE F. PENNINGTON UNITED STATES ARMY RESERVE CENTER, MARION, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Marion County, Ohio (in

this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 5.3 acres located at the George F. Pennington United States Army Reserve Center, 2164 Harding Way Highway East, Marion, Ohio, for the construction of a fire station.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto the property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5506. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, insert the following:

SEC. ___. INCLUSION OF CLAIMS RELATING TO ATMOSPHERIC TESTING ON JULY 16, 1945, UNDER THE RADIATION EXPOSURE COMPENSATION ACT.

(a) IN GENERAL.—The Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by inserting after section 4 the following:

''SEC. 4A. CLAIMS RELATING TO ATMOSPHERIC NUCLEAR TESTING ON JULY 16, 1945.

''(a) CLAIMS RELATING TO LEUKEMIA.—

''(1) IN GENERAL.—Subject to paragraph (4), an individual described in paragraph (2) shall receive compensation in an amount specified in paragraph (3).

''(2) ELIGIBLE INDIVIDUALS.—An individual described in this paragraph is an individual who—

''(A)(i) was physically present in the affected area from July 16, 1945, to July 15, 1946; or

''(ii) participated onsite in the test involving the atmospheric detonation of a nuclear device on July 16, 1945; and

''(B) submits written documentation that the individual developed leukemia—

''(i) after the period of physical presence described in subparagraph (A)(i) or onsite participation described in subparagraph (A)(ii) (as the case may be); and

''(ii) more than 2 years after first exposure to fallout from the atmospheric detonation of a nuclear device on July 16, 1945.

''(3) COMPENSATION.—The amount of compensation payable under this paragraph is the amount as follows:

''(A) In the case of an individual described in paragraph (2)(A)(i), $50,000.

''(B) In the case of an individual described in paragraph (2)(A)(ii), $75,000.

''(4) CONDITIONS.—The conditions described in this paragraph are as follows:

''(A) The individual's initial exposure to fallout from the atmospheric detonation of a nuclear device on July 16, 1945 occurred before the individual reached 21 years of age.

''(B) The claim for compensation under paragraph (3) is filed with the Attorney General by or on behalf of the individual.

''(C) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

''(b) CLAIMS RELATING TO SPECIFIED DISEASES.—

''(1) IN GENERAL.—Subject to paragraph (4), an individual described in paragraph (2) shall receive compensation in an amount specified in paragraph (3).

''(2) ELIGIBLE INDIVIDUALS.—An individual described in this paragraph is an individual who—

''(A)(i) was physically present in the affected area from July 16, 1945, to July 15, 1947; or

''(ii) participated onsite in the test involving the atmospheric detonation of a nuclear device on July 16, 1945; and

''(B) submits written medical documentation that the individual, after a period of physical presence described in subparagraph (A)(i) or onsite participation described in subparagraph (A)(ii) (as the case may be), contracted a specified disease.

''(3) COMPENSATION.—The amount of compensation payable under this paragraph is the amount as follows:

''(A) In the case of an individual described in paragraph (2)(A)(i), $50,000.

''(B) In the case of an individual described in paragraph (2)(A)(ii), $75,000.

''(4) CONDITIONS.—The conditions described in this paragraph are as follows:

''(A) The claim for compensation under paragraph (3) is filed with the Attorney General by or on behalf of the individual.

''(B) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

''(c) PAYMENTS.—Payments under this section may be made only in accordance with section 6.

''(d) DEFINITIONS.—In this section:

''(1) The term 'affected area' means the counties of San Miguel, Torrance, Guadalupe, De Baca, Socorro (including the town of Socorro), and Lincoln (including the town of Carrizozo) in the State of New Mexico.

''(2) The term 'specified disease' means—

''(A) leukemia (other than chronic lymphocytic leukemia), if the first exposure to fallout from the atmospheric detonation of a nuclear device occurred after the age of 20 and the onset of the leukemia was at least 2 years after first exposure; and

''(B) the following diseases, if onset was at least 5 years after first exposure: multiple myeloma, lymphomas (other than Hodgkin's disease), and primary cancer of the thyroid, male or female breast, esophagus, stomach, pharynx, small intestine, pancreas, bile ducts, gall bladder, salivary gland, urinary bladder, brain, colon, ovary, liver (except if cirrhosis or hepatitis B is indicated), or lung.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in the section heading, by inserting ''**ON OR AFTER JANUARY 21, 1951**'' after ''**NUCLEAR TESTING**''; and

(B) in subsection (a)(1)(A)(ii)(II), by striking ''more that 2 years'' and inserting ''more than 2 years''.

(2) Section 6 of such Act is amended—

(A) in subsection (b)(2)—

(i) in subparagraph (A), by striking ''leukemia under section 4(a)(1), a specified disease under section 4(a)(2)'' and inserting ''leukemia under section 4(a) or section 4A(a), a specified disease under section 4(a)(2) or 4A(b)''; and

(ii) in subparagraph (C), by inserting ''or 4A(b)(2)(A)(ii)'' after ''section 4(a)(2)(C)'';

(B) in subsection (c)—

(i) in paragraph (2)(A)—

(I) in the matter preceding clause (i), by inserting '', a claim under subsection (a) or (b)(2)(A)(i) of section 4A,'' after ''section 4''; and

(II) by amending clause (i) to read as follows:

''(i) exposure to radiation, from atmospheric nuclear testing, in an affected area (as defined in section 4(b)(1) or section 4A(d)(1)) at any time during a period described in subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4 or subsection (a) or (b)(2)(A)(i) of section 4A, or'';

(ii) in paragraph (2)(B), by inserting ''or section 4A(b)(2)(A)(ii)'' after ''section 4(a)(2)(C)''; and

(iii) in paragraph (4)(B), by striking ''section 4 or 5'' and inserting ''section 4, 4A, or 5''; and

(C) in subsection (e), by striking ''in the affected area (as defined in section 4(b)(1)) at any time during the period described in subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4'' and inserting ''in an affected area (as defined in section 4(b)(1) or section 4A(d)(1)) at any time during a period described in subsection (a)(1), (a)(2)(A), or (a)(2)(B) of section 4 or subsection (a) or (b)(2)(A)(i) of section 4A''.

SA 5507. Mr. KOHL (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. PAYMENTS TO FAMILIES OF CERTAIN VICTIMS OF TERRORISM.

(a) IN GENERAL.—Subject to the availability of appropriations specifically for the purpose specified in this section as provided in appropriations Acts enacted on or after October 1, 2007, and notwithstanding any other provision of law, the Secretary of State shall, in addition to any death gratuity payment under section 413(a) of the Foreign Service Act of 1980 (22 U.S.C. 3973(a)), provide for payment to the surviving dependents of a covered individual who was killed as a result of an act of international terrorism (as such term is defined in section 2331(1) of title 18, United States Code) that occurred between January 1, 1998, and the date of the enactment of this Act, including the bombing of August 7, 1998, in Nairobi, Kenya, of an amount equal to ten times the salary specified in subsection (c). Such a payment shall be accorded the same treatment as a payment made under section 413(a) of the Foreign Service Act of 1980 (22 U.S.C. 3973(a)).

(b) COVERED INDIVIDUAL DEFINED.—In this section, the term ''covered individual'' means—

(1) a member of the Foreign Service or Government executive branch employee subject to the authority of a chief of mission pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927); or

(2) an individual who was otherwise serving at a United States diplomatic or consular mission abroad without a regular salary.

(c) SPECIFIED SALARY.—The salary to be used for purposes of determining payment under this section shall be $94,000.

SA 5508. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 309, after line 20, add the following:

SEC. 1068. CLARIFICATION OF CERTAIN ELIGIBILITY REQUIREMENTS FOR ENHANCED DISABILITY SEVERANCE PAY.

Sections 1212(c)(1)(A) and 1212(d)(2) of title 10, United States Code, as added by section 1646 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 472), are amended by striking ''incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.'' and inserting ''incurred (as determined under criteria prescribed by the Secretary of Defense)—

''(i) as a direct result of armed conflict;

''(ii) while engaged in hazardous service;

''(iii) in the performance of duty under conditions simulating war; or

''(iv) through an instrumentality of war.''.

SA 5509. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. NO ACCRUAL OF INTEREST FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

(a) IN GENERAL.—Section 455(o) of the Higher Education Act of 1965 (20 U.S.C. 1087e(o)) is amended—

(1) in paragraph (1)—

(A) by striking ''paragraphs (2) and (4)'' and inserting ''paragraph (3)''; and

(B) by striking ''for which the first disbursement is made on or after October 1, 2008'';

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

SA 5510. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 342, between lines 10 and 11, insert the following:

SEC. 1208. AUTHORITY FOR USE OF FUNDS TO PROVIDE HELICOPTER SUPPORT FOR AFRICAN UNION/UNITED NATIONS PEACEKEEPING OPERATION IN DARFUR, SUDAN.

(a) SUPPORT AUTHORIZED.—Amounts authorized to be appropriated pursuant to this Act may be used, with the concurrence of the Secretary of State, to transfer, equip, upgrade, refurbish, or lease helicopters or other related equipment to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan (UNAMID) established pursuant to United Nations Security Council Resolution 1769 (2007).

(b) TRANSFER AUTHORITY.—The President may utilize the authority provided under sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A, and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2781).

(c) DRAW DOWN AUTHORITY TO ACQUIRE HELICOPTERS BY CONTRACT.—The exercise under this section of the authority under section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) includes—

(1) the authority to acquire helicopters by contract; and

(2) the authority to acquire by mutual agreement such equipment from the stocks of foreign countries.

(d) LIMITS ON AUTHORITY.—

(1) FUNDING LIMITATION.—Not more than $100,000,000 may be made available to carry out this section.

(2) SUNSET.—The authorities under this section shall expire two years after the date of the enactment of this Act.

SA 5511. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

Subtitle E—Child Soldiers Prevention

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Child Soldiers Prevention Act of 2008''.

SEC. 1242. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) CHILD SOLDIER.—Consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child, the term ''child soldier''—

(A) means—

(i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;

(ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;

(iii) any person under 16 years of age who has been voluntarily recruited into governmental armed forces; or

(iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(B) includes any person described in clauses (ii), (iii), or (iv) of subparagraph (A) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

SEC. 1243. PROHIBITION.

(a) IN GENERAL.—Subject to subsections (c), (d), and (e), none of the funds appropriated or otherwise made available for international military education and training, foreign military financing, or the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), the Arms Export Control Act (22 U.S.C. 2751), or under any Act making appropriations for foreign operations, export financing, and related programs may be obligated or otherwise made available, and no licenses for direct commercial sales of military equipment may be issued to, the government of a country that is clearly identified, pursuant to subsection (b) for the most recent year preceding the fiscal year in which the appropriated funds, transfer, or license, would have been used or issued in the

absence of a violation of this subtitle, as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) IDENTIFICATION AND NOTIFICATION TO COUNTRIES IN VIOLATION OF STANDARDS.—

(1) PUBLICATION OF LIST OF FOREIGN GOVERNMENTS.—The Secretary of State shall include a list of the foreign governments that have violated the standards under this subtitle and are subject to the prohibition in subsection (a) in the report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

(2) NOTIFICATION OF FOREIGN COUNTRIES.—The Secretary of State shall formally notify any government identified pursuant to subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the national interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—Not later than 45 days after each waiver is granted under paragraph (1), the President shall notify the appropriate congressional committees of the waiver with the justification for granting such waiver.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a country assistance otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that the government of such country—

(1) has implemented measures that include an action plan and actual steps to come into compliance with the standards outlined in section 1244(b); and

(2) has implemented policies and mechanisms to prohibit and prevent future government or government-supported use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR PROFESSIONALIZATION OF THE MILITARY.—

(1) IN GENERAL.—The President may provide assistance to a country for international military education, training, and nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10, United States Code) otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that—

(A) the government of such country is taking reasonable steps to implement effective measures to demobilize child soldiers in its forces or in government-supported paramilitaries and is taking reasonable steps within the context of its national resources to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) LIMITATION.—The exception under paragraph (1) may not remain in effect for a country for more than 2 years.

SEC. 1244. REPORTS.

(a) INVESTIGATION OF ALLEGATIONS REGARDING CHILD SOLDIERS.—United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the annual Human Rights Report that relate to child soldiers under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n (f) and 2304(h)), the Secretary of State shall ensure that such reports include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) ANNUAL REPORT TO CONGRESS.—If, in any of the 5 years following the date of the enactment of this Act, a country or countries are notified pursuant to section 1243(b)(2) or a waiver is granted pursuant to section 1243(c)(1), the President shall submit a report to the appropriate congressional committees not later than June 15 of the following year that contains—

(1) a list of the countries receiving notification that they are in violation of the standards under this subtitle;

(2) a list of any waivers or exceptions exercised under this subtitle;

(3) justification for any such waivers and exceptions; and

(4) a description of any assistance provided under this subtitle pursuant to the issuance of such waiver.

SEC. 1245. TRAINING FOR FOREIGN SERVICE OFFICERS.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following:

''(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided for chiefs of mission, deputy chiefs of mission, and other officers of the Service who are or will be involved in the assessment of child soldier use or the drafting of the annual Human Rights Report, instruction on matters related to child soldiers, and the substance of the Child Soldiers Prevention Act of 2008.''.

SEC. 1246. EFFECTIVE DATE; APPLICABILITY.

This subtitle, and the amendments made by this subtitle, shall take effect 180 days after the date of the enactment of this Act and shall apply to funds obligated after such effective date.

SA 5512. Mr. NELSON of Nebraska (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. AUTHORIZATION FOR PAYMENT OF HAZARDOUS DUTY PAY FOR ARDUOUS PERSONNEL TEMPOS AND OTHER FACTORS.

(a) AUTHORITY TO PAY HAZARDOUS DUTY PAY FOR ARDUOUS PERSONNEL TEMPOS AND OTHER FACTORS.—Section 305(a) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a) SPECIAL PAY AUTHORIZED.—''; and

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

''(2) In designating duty as hardship duty for purposes of this section, the Secretary of Defense shall take into account the following:

''(A) Quality-of-life and living conditions in the area of a member's assignment.

''(B) The mission a member is performing.

''(C) Whether the tempo of operations under which a member is performing the duty exceeds the thresholds established in section 991 of title 10.

''(D) Whether the time a member has served on deployment during the course of the member's career in specified locations or operations (such as combat zones or combat operations), missions, or assignments exceeds a period specified by the Secretary of Defense.

''(E) Such other factors as the Secretary of Defense considers appropriate.''.

(b) REPEAL OF HIGH-DEPLOYMENT ALLOWANCE.—

(1) REPEAL.—Section 436 of title 37, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 436.

SA 5513. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 395, line 9, strike ''(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—'' and insert the following:

(4) EXCEPTION FOR MILITARY CONSTRUCTION.—The limitations in paragraphs (1) and (2) do not apply to military construction (as that term is defined in section 2801 of title 10, United States Code).

(5) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—

SA 5514. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1056. REPORT ON INTEGRATION OF UNITED STATES INSTRUMENTS OF NATIONAL POWER.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States did not adequately provide for the integration of all instruments of national power of the United States in addressing Iraq, resulting in significant delays in securing stability and governance within that country.

(b) REPORT REQUIRED.—Not later than June 30, 2009, the Secretary of Defense shall, in coordination with the Secretary of State, the Secretary of the Treasury, the Director of National Intelligence, and the head of other appropriate departments and agencies of the United States Government, submit to Congress a report containing an assessment of feasibility and advisability of the following:

(1) Integrating the long-term strategy, contingency planning, and crisis-action planning processes of the departments and agencies of the United States Government that contribute to the diplomatic, informational, military, and economic instruments of national power of the United States.

(2) Synchronizing the long-term budgeting processes of the departments and agencies described in paragraph (1) to ensure funding strategies and requests support efforts under that paragraph and paragraphs (3) and (4) .

(3) Incorporating, where applicable, the departments and agencies described in paragraph (1) into planning and operations of the combatant commands, including an assessment of the potential for such departments and agencies to have permanent manning on the command staffs of the combatant commands and of the responsibilities and authorities that would be assigned to these positions to ensure effective application of the full range of instruments of national power of the United States.

(4) Aligning the regional responsibilities around the globe between the departments and agencies described in paragraph (1) such that they are congruent with each other and serve to streamline command lines of authority, logistical supply chains, administrative oversight, and resource allocation.

SA 5515. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IV, add the following:

SEC. 556. PROHIBITION ON CONTRACTS FOR OUTSOURCING OF IMPLEMENTATION AND ADMINISTRATION OF THE EDUCATIONAL ASSISTANCE PROGRAM UNDER THE POST-9/11 VETERANS EDUCATIONAL ASSISTANCE ACT OF 2008.

No amounts authorized to be appropriated by this Act or any other Act may be obligated or expended to enter into a contract with a non-governmental entity to implement or administer on a permanent basis the provisions of chapter 33 of title 38, United States Code.

SA 5516. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. INSTITUTE OF MEDICINE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the purpose of conducting a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the misadministration of medications, including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that increase the risk of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the military, other government agencies, and civilian sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risk of medication misadministration and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) REPORT.—Not later than 18 months after entering into the agreement for the study required under subsection (a), the Institute of Medicine shall submit to the Secretary of Defense, and to Congress, a report on the study containing such findings and determinations as the Institute of Medicine considers appropriate in light of the study.

SA 5517. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, insert the following:

SEC. 1041. ESTABLISHMENT OF REGISTRY OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES EXPOSED IN THE LINE OF DUTY TO OCCUPATIONAL AND ENVIRONMENTAL HEALTH CHEMICAL HAZARDS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish and administer a registry of members and former members of the Armed Forces who were exposed in the line of duty to occupational and environmental health chemical hazards in concentrations that exceed the military exposure guidelines to assist in the provision of care to such members and former members.

(b) REGISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), for every member and former member of the Armed Forces who requests to be included in the registry required by subsection (a), the Secretary shall—

(A) register such member or former member in such registry; and

(B) collect such information about such member or former member as the Secretary considers appropriate for purposes of establishing and administering such registry.

(2) EXCLUSION.—The Secretary may exclude from the registry required by subsection (a) individuals for whom the Secretary has evidence that indicates that such individual is not a member or former member of the Armed Forces who was exposed in the line of duty to an occupational and environmental health chemical hazard in a concentration that exceeded the military exposure guidelines.

(c) NOTIFICATION.—In the case that the Secretary learns that a member or former member of the Armed Forces may have been exposed in the line of duty to an occupational and environmental health chemical hazard in a concentration that exceeds the military exposure guidelines for such hazard, the Secretary shall—

(1) notify of such exposure—

(A) such member or former member;

(B) the commanding officer of the unit to which such member or former member belonged at the time of such exposure; and

(C) in the case of a member of the National Guard, the Adjutant General of the State concerned; and

(2) inform such member or former member that such member or former member may request to be included in the registry required by subsection (a).

(d) EXAMINATION.—The Secretary shall give each individual in the registry required by subsection (a) a complete physical and medical examination.

(e) MILITARY EXPOSURE GUIDELINES DEFINED.—In this section, the term ''military exposure guidelines'' means the military exposure guidelines specified in the January 2002 Chemical Exposure Guidelines for Deployed Military Personnel, United States Army Center for Health Promotion and Preventive Medicine Technical Guide 230 (or any successor technical guide that establishes military exposure guidelines for the assessment of the significance of field exposures to occupational and environmental health chemical hazards during deployments).

SEC. 1042. SCIENTIFIC REVIEW OF ASSOCIATION OF HEALTH EFFECTS WITH EXPOSURE TO OCCUPATIONAL AND ENVIRONMENTAL HEALTH CHEMICAL HAZARDS THAT EXCEED MILITARY EXPOSURE GUIDELINES.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with the Institute of Medicine of the National Academies for the Institute of Medicine to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than two months after the date of the enactment of this Act.

(b) REVIEW OF SCIENTIFIC EVIDENCE.—Under an agreement between the Secretary of Defense and the Institute of Medicine under this section, the Institute of Medicine shall, for each health effect reported in the registry established in section 1041(a) with respect to exposure to an occupational and environmental health chemical hazard listed in the military exposure guidelines, review and summarize the scientific evidence, and assess the strength thereof, concerning the association between the health effect and the exposure to such occupational and environmental health chemical hazard in a concentration that exceeds the military exposure guidelines.

(c) SCIENTIFIC DETERMINATIONS CONCERNING HEALTH EFFECTS.—

(1) IN GENERAL.—For each health effect reviewed under subsection (b), the Institute of Medicine shall determine (to the extent that available scientific data permit meaningful determinations)—

(A) whether a statistical association with the occupational and environmental health chemical hazard exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association;

(B) the increased risk of the health effect among those exposed to occupational and environmental health chemical hazards in the line of duty; and

(C) whether there exists a plausible biological mechanism or other evidence of a causal relationship between the occupational and environmental health chemical hazard and the health effect.

(2) DISCUSSION AND REASONING.—The Institute of Medicine shall include in its reports under subsection (f) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(d) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—

(1) IN GENERAL.—The Institute of Medicine shall make any recommendations it has for additional scientific studies to resolve areas of continuing scientific uncertainty relating to exposure to occupational and environmental health chemical hazards.

(2) CONSIDERATIONS.—In making recommendations for further study, the Institute of Medicine shall consider the following:

(A) The scientific information that is currently available.

(B) The value and relevance of the information that could result from additional studies.

(C) The cost and feasibility of carrying out such additional studies.

(e) SUBSEQUENT REVIEWS.—The agreement under subsection (a) shall require the Institute of Medicine—

(1) to periodically conduct as comprehensive a review as is practicable of the evidence referred to in subsection (b) that has become available since the last review of such evidence under this section; and

(2) to make its determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(f) REPORTS.—

(1) REPORTS TO CONGRESS.—

(A) IN GENERAL.—The agreement under subsection (a) shall require the Institute of Medicine to submit, not later than the end of the 18-month period beginning on the date of the enactment of this Act and not less frequently than once every two years thereafter, to the appropriate committees of Congress a report on the activities of the Institute of Medicine under the agreement.

(B) CONTENTS.—The report described in paragraph (1) shall include the following:

(i) The determinations and discussion referred to in subsection (c).

(ii) Any recommendations of the Institute of Medicine under subsection (d).

(2) REPORTS TO SECRETARY OF DEFENSE.—The agreement under subsection (a) shall require the Institute of Medicine, in the case that the Institute of Medicine makes any conclusive determination under subsection (c)(1) with respect to any health effect studied under subsection (b), to submit, not later than 30 days after the date of such determination, to the Secretary of Defense a report describing such determination.

(g) LIMITATION ON AUTHORITY.—The agreement under this section shall be effective for a fiscal year to the extent that appropriations are available to carry out the agreement.

(h) SUNSET.—This section shall cease to be effective 10 years after the last day of the fiscal year in which the Institute of Medicine submits to the Secretary of Defense the first report under subsection (f).

(i) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—

(1) IN GENERAL.—If the Secretary of Defense is unable within the time period prescribed in subsection (a)(2) to enter into an agreement described in subsection (a)(1) with the Institute of Medicine on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate scientific organization that—

(A) is not part of the Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Institute of Medicine.

(2) TREATMENT.—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section to the Institute of Medicine shall be treated as a reference to the other organization.

(j) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives.

(2) MILITARY EXPOSURE GUIDELINES.—The term ''military exposure guidelines'' means the military exposure guidelines specified in the January 2002 Chemical Exposure Guidelines for Deployed Military Personnel, United States Army Center for Health Promotion and Preventive Medicine Technical Guide 230 (or any successor technical guide that establishes military exposure guidelines for the assessment of the significance of field exposures to occupational and environmental health chemical hazards during deployments).

SEC. 1043. REVISION IN AUTHORITIES FOR PROVISION OF PRIORITY HEALTH CARE FOR CERTAIN VETERANS EXPOSED TO OCCUPATIONAL AND ENVIRONMENTAL HEALTH CHEMICAL HAZARDS.

(a) AUTHORIZED INPATIENT CARE.—Section 1710(e) of title 38, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following:

''(F) A veteran who was exposed in the line of duty to an occupational and environmental health chemical hazard in a concentration that exceeds the military exposure guidelines is eligible (subject to paragraph (2)) for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.'';

(2) in paragraph (2), by adding at the end the following:

''(C) In the case of a veteran described in paragraph (1)(F), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to—

''(i) a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in paragraph (1)(F); or

''(ii) a health effect for which the National Academy of Sciences, in a report issued in accordance with section 1042 of the National Defense Authorization Act for Fiscal Year 2009, has determined that there is limited or suggestive evidence of the lack of a positive association between occurrence of the health effect in humans and exposure to an occupational and environmental health chemical hazard listed in the military exposure guidelines.''; and

(3) in paragraph (4), by adding at the end the following:

''(C) The term 'military exposure guidelines' means the military exposure guidelines specified in the January 2002 Chemical Exposure Guidelines for Deployed Military Personnel, United States Army Center for Health Promotion and Preventive Medicine Technical Guide 230 (or any successor technical guide that establishes military exposure guidelines for the assessment of the significance of field exposures to occupational and environmental health chemical hazards during deployments).''.

(b) TECHNICAL AMENDMENT.—Section 1710(e)(4) is amended in the matter before subparagraph (A) by striking ''For purposes of this subsection—'' and inserting ''In this subsection:''.

SA 5518. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. OIL SAVINGS.

(a) FINDINGS.—Congress finds that—

(1) the United States imports more oil from the Middle East today than before the attacks on the United States on September 11, 2001;

(2) the United States remains the most oil-dependent industrialized nation in the world, consuming approximately 25 percent of the oil supply of the world;

(3) the Department of Defense is the largest Federal Government consumer of oil in the United States;

(4) the ongoing dependence of the United States on foreign oil is one of the greatest threats to the national security and economy of the United States; and

(5) the United States needs to take transformative steps to wean itself from its addiction to oil.

(b) POLICY ON REDUCING OIL DEPENDENCE.—It is the policy of the United States to reduce the dependence of the United States on oil, and thereby—

(1) alleviate the strategic dependence of the United States on oil-producing countries;

(2) reduce the economic vulnerability of the United States; and

(3) reduce the greenhouse gas emissions associated with oil use.

(c) OIL SAVINGS REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act and every 3 years thereafter, the Secretary of Defense shall submit to Congress a report on options for agency action that, when taken together, would save from the baseline determined under paragraph (4)—

(A) 8 percent of the oil consumed by the Department of Defense per day on average during calendar year 2016;

(B) 35 percent of the oil consumed by the Department of Defense per day on average during calendar year 2026; and

(C) 50 percent of the oil consumed by the Department of Defense per day on average during calendar year 2030.

(2) CONTENTS.—Each report shall—

(A) include a description of the advantages and disadvantages (including implications for national security) for each option; and

(B) not include options for an alternative or synthetic fuel if the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel is greater than the emissions from the equivalent quantity of conventional fuel produced from conventional petroleum sources.

(3) ADDITIONAL LEGISLATIVE AUTHORITY.—Each report may include a request to Congress for any additional legislative authority that is necessary to implement any recommendations made in the report.

(4) BASELINE.—In performing the analyses required for the report, the Secretary of Defense (in consultation with the Energy Information Administration) shall—

(A) determine oil savings as the projected reduction in oil consumption from baseline consumption by the Department of Defense as established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2008'';

(B) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2030; and

(C) account for any overlap among implementation actions to ensure that the projected oil savings from all the recommendations, taken together, are as accurate as practicable.

(d) ANNUAL REPORT ON OIL SAVINGS MEASURES.—Not later than 1 year after the date of initial oil savings report under subsection (c) and annually thereafter, the Secretary of Defense shall submit to Congress a report that describes and evaluates the oil savings measures that the Department of Defense has implemented during the prior year.

(e) RELATIONSHIP TO OTHER LAWS.—Nothing in this section affects the authority provided or responsibility delegated under any other law.

SA 5519. Mr. JOHNSON (for himself, Mr. THUNE, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 122, between lines 9 and 10, insert the following:

SEC. 564. IMPACT AID FOR CONSOLIDATED LOCAL EDUCATIONAL AGENCIES.

Section 8002(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(g)) is amended to read as follows:

''(g) FORMER DISTRICTS.—

''(1) CONSOLIDATION.—[For fiscal year 2006 and all succeeding fiscal years,] if the school district of a local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of 2 or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility and any amount for which the local educational agency is eligible under this section for any fiscal year on the basis of 1 or more of those former districts, as designated by the local educational agency.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is—

''(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for, and was determined to be eligible under, section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as that section was in effect for that fiscal year; or

''(B) a local educational agency whose school district is formed by the consolidation of 2 or more districts, at least 1 of which former districts was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, if—

''(i) for fiscal years 2006, 2007, 2008, and 2009, the local educational agency notifies the Secretary not later than 30 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009 of the designation; and

''(ii) for fiscal year 2010 and any subsequent fiscal year, the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

''(3) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for fiscal year 2006, 2007, or 2008, the Secretary may obligate funds from any of such fiscal years as may be necessary to carry out this subsection.''.

SA 5520. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 6 and 7, insert the following:

SEC. 854. EXPANDING OPPORTUNITIES FOR WOMEN ENTREPRENEURS.

(a) PURPOSE.—The purpose of this section is to ensure that small business concerns owned by women receive a full and fair opportunity to compete for Federal contracts.

(b) FINDINGS.—Congress finds the following:

(1) As a result of discrimination and barriers they have faced, businesses owned and controlled by women are underrepresented in our national economy.

(2) Relevant evidence includes the following:

(A) Numerous disparity studies conducted in every region of the Nation showing disparities in the utilization of women-owned businesses in Federal, State, and local government contracting despite their availability in relevant markets and industries.

(B) A recent RAND study showing that women-owned businesses were underutilized in Federal contracting in as many as 87 percent of the industries in the North American Industry Classification System codes.

(C) Census data showing that despite the fact that women-owned companies represent 30.4 percent of all privately-held firms in the Nation, they only generate approximately 4.2 percent of the gross domestic product of the United States.

(D) According to the Federal Procurement Data System, the portion of Federal contracts awarded to women-owned business has never exceeded 3.41 percent despite the fact that there has been a Federal contracting goal for women of 5 percent since 1994.

(E) Women's access to capital is important for the economy and social welfare, but this access continues to be limited. Of women owning larger businesses, 56 percent use commercial credit. However, these statistics lag behind men's access. For example, 71 percent of large male-owned businesses use credit.

(F) Reports from women owners of businesses that they are subject to stereotypes about their suspected lack of competence and higher performance standards than white men. Those reports also show that women-owned businesses encounter discrimination in obtaining loans and surety bonds, receiving price quotes from suppliers, working with trade unions, obtaining public and private sector prime contracts and subcontracts, and being paid promptly.

(3) Businesses owned and controlled by women make exceedingly important contributions to the economy of the Nation, and promoting women's business opportunities is a valuable and necessary way to maintain a well functioning society and is in the national interest.

(c) AUTHORITY.—Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) by striking paragraphs (1) through (4) and inserting the following:

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'contracting officer' has the meaning given such term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5));

''(B) the term 'covered industry' means an industry in North American Industry Classification System code 11 (Forestry), 21 (Mining), 22 (Utilities), 23 (Construction), 31 (Manufacturing), 32 (Manufacturing), 33 (Manufacturing), 42 (Wholesale Trade), 44 (Retail Trade), 45 (Retail Trade), 48 (Transportation), 49 (Transportation), 51 (Information), 52 (Finance and Insurance), 53 (Real Estate and Rental and Leasing), 54 (Professional, Scientific, and Technical Services), 56 (Administrative and Support, Waste Management, and Remediation Services), 61 (Education Services), 62 (Health Care and Social Assistance), 71 (Arts, Entertainment, and Recreation), 72 (Accommodation and Food Services), or 81 (Other Services), or any successor to such codes; and

''(C) the term 'small business concern owned and controlled by women' has the meaning given such term in section 3(n), except that ownership shall be determined without regard to any community property law.

''(2) AUTHORITY TO RESTRICT COMPETITION.—

''(A) IN GENERAL.—In accordance with this subsection, a contracting officer may restrict competition for any contract for the procurement of goods or services by the Federal Government to small business concerns owned and controlled by women if—

''(i) each of the small business concerns owned and controlled by women is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership shall be determined without regard to any community property law);

''(ii) the contracting officer has a reasonable expectation that 2 or more small business concerns owned and controlled by women will submit offers for the contract;

''(iii) the contract is for the procurement of goods or services with respect to a covered industry;

''(iv) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price;

''(v) each small business concern owned and controlled by women is certified in a manner described in subparagraph (B); and

''(vi) the anticipated award price of the contract does not exceed—

''(I) $5,500,000 in the case of a contract in an industry with a North American Industry Classification System code that corresponds to manufacturing; and

''(II) $3,500,000 in the case of all other contracts.

''(B) ACCEPTANCE OF CERTIFICATION.—For purposes of subparagraph (A)(v), a contracting officer shall accept a certification that a business concern is a small business concern owned and controlled by women if such certification is made by—

''(i) a Federal department or agency or a State or local government;

''(ii) a national certifying entity approved by the Administrator; or

''(iii) the business concern, if the business concern—

''(I) submits a certification that it is a small business concern owned and controlled by women; and

''(II) provides adequate documentation in accordance with standards established by the Administrator to support the certification.

''(C) NO PAST FINDING OF DISCRIMINATION REQUIRED.—A contracting officer may restrict competition under this paragraph regardless of whether the contracting officer makes a finding of past gender discrimination by the contracting agency.

''(3) DEADLINE.—Not later than 90 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, the Administrator shall—

''(A) approve national certifying entities for the purposes of paragraph (2)(B)(ii); and

''(B) establish the standards described in paragraph (2)(B)(iii).

''(4) WAIVER.—With respect to a small business concern owned and controlled by women, the Administrator may waive paragraph (2)(A)(i) if the Administrator determines that the small business concern owned and controlled by women is in an industry in which small business concerns owned and controlled by women are substantially under-represented in Federal contracting.'';

(2) in paragraph (5)—

(A) by striking ''(2)(F)'' in each place it appears and inserting ''(2)(B)''; and

(B) by adding at the end the following:

''(D) PROTESTS BY SMALL BUSINESS CONCERNS.—For purposes of this paragraph, the term 'interested party' shall include any small business concern.''; and

(3) by adding at the end the following:

''(7) SUNSET.—The authority under this subsection to restrict competition for a contract to small business concerns owned and controlled by women shall terminate 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009.''.

(d) PROCEDURES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall establish the procedures relating to the verification of eligibility required by paragraph (5)(A) of section 8(m) of the Small Business Act (15 U.S.C. 637(m)).

(e) MENTOR-PROTÉGÉ PROGRAM.—The Administrator of the Small Business Administration shall establish a mentor-protégé program for small business concerns owned and controlled by women (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)), modeled on the mentor-protégé program of the Small Business Administration for small businesses participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)). Any funds authorized to be appropriated for the program under this subsection, shall supplement and not supplant, funds available for mentor-protege programs in operation on the day before the date of enactment of this Act.

SA 5521. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

SEC. 1233. REPORT ON UNITED STATES POLICY TOWARD DARFUR, SUDAN.

(a) REPORTS REQUIRED.—

(1) INITIAL REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on—

(A) the policy of the United States to address the inter-related crises in the Darfur region of Sudan, eastern Chad, and north-eastern Central African Republic; and

(B) the contributions of the Department of Defense and the Department of State to the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union in support of the United Nations Mission in Darfur (UNAMID), the United Nations Mission in the Central African Republic and Chad (MINURCAT), and the European Union mission in Eastern Chad (EUFOR) to address the crises in Darfur and the surrounding region.

(2) UPDATE.—Not later than 180 days after the submission of the report required under paragraph (1), the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees an update of the report highlighting changes in the situation.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) A comprehensive explanation of the security, political, and economic policy of the United States to address the crises in the Darfur region of Sudan, eastern Chad, and north-eastern Central African Republic, and the activities undertaken by the Department of Defense and the Department of State in support of that policy, including—

(A) a description of contributions of financial assistance, training, and military equipment in support of UNAMID, MINURCAT, and EUFOR;

(B) a description of United States efforts to help move the political process toward a peaceful resolution, including efforts to support the full implementation of the terms of the 2005 Comprehensive Peace Agreement (CPA) and the 2006 Darfur Peace Agreement (DPA), and an assessment of the factors impeding the implementation of the CPA and DPA;

(C) a description of United States humanitarian and development assistance to the Darfur region of Sudan, eastern Chad, and north-eastern Central African Republic; and

(D) a description of United States efforts and strategy to improve security conditions in Chad.

(2) An assessment of the conduct of the Government of Sudan in facilitating or obstructing progress with respect to—

(A) the deployment and access of United Nations peacekeeping forces to conflict areas;

(B) the full implementation of the DPA, including demobilization and disarmament of the Janajweed militias;

(C) the voluntary safe return of internally displaced persons and refugees;

(D) security for humanitarian aid workers and access to persons in need, including maintenance of secure supply routes; and

(E) importation and distribution within Sudan of supplies and equipment necessary for the full deployment and maintenance of United Nations peacekeeping forces' camps and operations.

(3) A description of international funding and equipment contributions to UNAMID, the composition of countries making up UNAMID forces, and the distribution and deployment of supplies, equipment, and personnel and an assessment of whether UNAMID forces are capable of carrying out their responsibilities as defined by United Nations Security Council Resolution 1769 (2007), including a description of the factors impeding their force deployment and operational effectiveness.

(4)(A) A description of—

(i) the relations of the Government of the People's Republic of China with the Government of Sudan;

(ii) the activities of the Government of the People's Republic of China in Sudan, including involvement in peacekeeping activities;

(iii) United States engagement with the People's Republic of China regarding Sudan; and

(iv) the quantity and type of arms and related materiel sold by the People's Republic of China, or entities operating under its jurisdiction, to the Government of Sudan.

(B) An assessment as to whether any arms sold directly, or through intermediaries, by the People's Republic of China, Russia, or any other member of the United Nations to the Government of Sudan constitute a violation of—

(i) the embargo on the provision of arms and related materiel as imposed by United Nations Security Council Resolution 1556 (2004); or

(ii) the embargo on the provision of arms and related materiel to the parties of the N'Djamena Ceasefire Agreement and all other belligerents in the states of North Darfur, South Darfur, and West Darfur, as imposed by United Nations Security Council Resolution 1591 (2005).

(5) An assessment of the security conditions in Sudan, including—

(A) the levels and location of violence and the parties to violence;

(B) the underlying factors contributing to violence and the state of negotiations between parties to armed conflict;

(C) violent acts carried out against refugees, displaced persons, humanitarian organizations, and peacekeeping forces, and the Government of Sudan's role in supporting or preventing these acts;

(D) the number, composition, and location of refugees and internally displaced persons stemming from conflict in Sudan;

(E) the impact of the crisis in the Darfur region of Sudan on security conditions in eastern Chad, north-eastern Central African Republic, and the region; and

(F) the impact of arms embargoes against the Government of Sudan on security conditions in eastern Chad, north-eastern Central African Republic, and the Darfur region of Sudan.

(c) FORM.—The report and update required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(d) AVAILABILITY.—The unclassified portion of the report and update submitted under subsection (a) shall be made available to the public.

(e) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 1262 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 405) is hereby repealed.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) GOVERNMENT OF SUDAN.—The term ''Government of Sudan''—

(A) means the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front) or any successor government formed on or after October 13, 2006 (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan); and

(B) does not include the regional government of southern Sudan.

(3) MILITARY EQUIPMENT.—The term ''military equipment'' means—

(A) weapons, arms, military supplies, and equipment that readily may be used for military purposes, including radar systems or military-grade transport vehicles; and

(B) supplies or services sold or provided directly or indirectly to any force actively participating in armed conflict in Sudan.

SA 5522. Mr. LEVIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. SENSE OF SENATE ON IRAQ AND THE NEED FOR AN EFFECTIVE STRATEGY FOR IRAQ AND AFGHANISTAN TO ADDRESS THE TERRORIST THREAT.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Armed Forces have performed brilliantly in Iraq and Afghanistan and have worked tirelessly to carry out the missions they were given. The families of those in the Armed Forces have provided strong support and contributed to the success of the Armed Forces.

(2) The cost of the war in Iraq is enormous, more than $600,000,000,000 since 2003.

(3) More than 4,000 Americans have died in Iraq, and more than 30,000 have been wounded.

(4) Multiple and extended deployments have overstreched the military and depleted equipment, leading the Army Vice Chief of Staff to say in April 2008 that ''Today our Army is out of balance. The current demand for forces in Iraq and Afghanistan exceeds our sustainable supply of soldiers, of units and equipment, and limits our ability to provide ready forces for other contingencies. Our readiness, quite frankly, is being consumed as fast as we can build it''.

(5) In his address to the Nation on January 10, 2007, the President announced the surge of five United States combat brigades consisting of approximately 30,000 additional United States combat troops.

(6) The President stated that the surge would create a situation where ''the (Iraqi) government will have the breathing space it needs to make progress in other critical areas'' and ''reducing the violence in Baghdad will help make reconciliation possible''.

(7) The President described Iraq's commitment as follows: ''To establish its authority, the Iraqi government plans to take responsibility for security in all of Iraq's provinces by November (2007). To give every Iraqi citizen a stake in the country's economy, Iraq will pass legislation to share oil revenues among all Iraqis. To show that it is committed to delivering a better life, the Iraqi government will spend $10 billion of its own money on reconstruction and infrastructure projects that will create new jobs. To empower local leaders, Iraqis plan to hold provincial elections later this year (2007). And to allow more Iraqis to re-enter their nation's political life, the government will reform de-Baathification laws, and establish a fair process for considering amendments to Iraq's constitution''.

(8) A number of factors led to the decrease in violence in Iraq. Increased numbers of United States Armed Forces deployed to Iraq, the use of enhanced United States special operations, the emergence of the Anbar Awakening starting in 2006, the 2007 and 2008 ceasefires of the Jaysh al-Mahdi, and the improved capability of the Iraqi Army produced tangible improvements in the security situation in Iraq.

(9) The Government of Iraq has not reached the political accommodation that was the stated purpose of the surge. The Government of Iraq has still not enacted an oil revenue sharing law, enacted a provincial election law necessary for regional elections, considered changes to its constitution, completed steps to disband and integrate militias, or adequately dealt with the enormous number of refugees and internally displaced citizens.

(10) Preserving the hard-fought gains of United States troops in Iraq depends upon compromise and accommodation among the Iraqi political leaders and an increase in governmental capacity by the Government of Iraq.

(11) The open-ended commitment of United States forces to Iraq takes the pressure off the Iraq leaders to take the political steps essential to ending the conflict.

(12) The United States is spending an average of $10,000,000,000 per month while the Iraqi government is projected to achieve a budget surplus of $79,000,000,000 by the end of this year.

(13) To date, United States taxpayers have paid approximately $48,000,000,000 for stabilization and reconstructions activities in Iraq.

(14) Iraq's overall rate of budget execution has declined in each of the last three years, from 73 percent in 2005 to 65 percent in 2007. The Government of Iraq spent only 28 percent of its $12,200,000,000 capital investment budget in 2007. Furthermore, the rate of execution for budgeted capital investments by Iraq's central ministries decreased from 14 percent in 2005 to 11 percent in 2007.

(15) The United States Ambassador to Iraq, Ryan Crocker, who previously served as United States Ambassador to Pakistan, testified before Congress on April 8, 2008, that al Qaeda poses a greater strategic threat in the Afghanistan-Pakistan border area than in Iraq.

(16) Afghanistan and Pakistan are the central front in the fight against terrorism.

(17) Al Qaeda has regrouped in Pakistan. According to the July 2007 National Intelligence Estimate, al Qaeda, ''has protected or regenerated key elements of its Homeland attack capability, including: a safehaven in the Pakistan Federally Administered Tribal Areas (FATA), operational lieutenants, and its top leadership... As a result, we judge that the United States currently is in a heightened threat environment''.

(18) The Taliban has surged in Afghanistan and violence is increasing. June was the second deadliest month in Afghanistan since the war began, with 23 American deaths from hostilities, compared with 22 in Iraq. Improvised explosive device attacks have risen sharply, reaching a high of 2,615 in 2007, up from 1,931 in 2006.

(19) Poppy fields in Afghanistan produce 93 percent of the world's opium, which is used by the Taliban to finance the insurgency.

(20) Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff, said on August 28, 2008, that there is a ''very real, urgent requirement'' for more troops in Afghanistan.

(21) Admiral Michael Mullen cautioned on September 10, 2008 the United States was ''running out of time'' in Afghanistan... and ''I'm not convinced we are winning it in Afghanistan. I am convinced we can''.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to honor the exemplary service, commend the bravery, and recognize the successes of the men and women of the United States Armed Forces in Iraq and Afghanistan and thank their families for their sacrifices; and

(2) that the President of the United States should promptly promulgate and implement a strategy which—

(A) resets and rebuilds the United States Armed forces to confront national security challenges around the world, including Afghanistan;

(B) will promote success in Iraq by redeploying United States combat troops from Iraq in a deliberate manner on a timeline that is militarily sound within the context of all threats facing the nation and ensures the safety of our forces, and will help pressure the Iraqis to take control and responsibility for their country and make the difficult decisions to resolve the political differences between Iraqi factions; and

(C) will succeed in the central front in the global war on terror, specifically in Afghanistan and Pakistan, and will capture or kill Usama bin Laden and the senior Al Qaeda leadership.

SA 5523. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 452, between lines 9 and 10, insert the following:

SEC. 2806. EXPANSION OF AUTHORITY FOR PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

Section 2881a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary of the Navy'' and inserting ''(1) The Secretary of the Navy''; and

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

''(2) The Secretary of the Army may carry out a project under the authority of this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing for all ranks at Fort Polk, Louisiana.'';

(2) in subsection (b), by striking ''The Secretary of the Navy'' and inserting ''The Secretaries of the Army and Navy'';

(3) in subsection (d)(1), by striking ''The Secretary of the Navy'' and inserting ''The Secretaries of the Army and Navy'';

(4) in subsection (e)(1), by striking ''The Secretary of the Navy shall transmit'' and inserting ''The Secretaries of the Army and Navy shall each transmit''; and

(5) in subsection (f)—

(A) by striking ''The authority'' and inserting ''(1) The authority''; and

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

''(2) The authority of the Secretary of the Army to enter into a contract under the pilot program shall expire September 30, 2010.''.

SA 5524. Mr. REID (for Mr. KENNEDY (for himself, Mr. ISAKSON, Mrs. MURRAY, Mr. COLEMAN, and Mr. KERRY)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. HELMETS-TO-HARDHATS PROGRAM.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.—The amount authorized to be appropriated for fiscal year 2009 by section 421 for military personnel is hereby increased by $3,500,000.

(b) AVAILABILITY FOR HELMETS-TO-HARDHATS PROGRAM.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2009 by section 421 for military personnel, as increased by subsection (a), $3,500,000 is available for the Helmets-to-Hardhats Program.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (1) for the Helmets-to-Hardhats Program is in addition to any other amounts available in this Act for that program.

(c) HELMETS-TO-HARDHATS PROGRAM DEFINED.—In this section, the term ''Helmets-to-Hardhats Program'' means the program conducted by the Center for Military Recruitment, Assessment and Veterans Employment (a nonprofit labor-management cooperation committee) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

SA 5525. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 6 and 7, insert the following:

SEC. 257. PROGRAM FOR NANOTECHNOLOGY MANUFACTURING FOR AIR FORCE SYSTEMS.

(a) PROGRAM AUTHORIZED.—The Secretary of the Air Force may establish a program for nanotechnology manufacturing housed within the Air Force Materiel Command to support development of technologies and capabilities to support Air Force mission performance that has as its mission the development, acquisition, modernization, and integration of net-centric command and control, intelligence, surveillance, and reconnaissance capabilities and combat support information systems. The program should utilize specialized expertise in—

(1) the management of the development and acquisition of electronic command and control systems;

(2) the identification and determination of the needs of operational users; and

(3) systems acquisition management and oversight, including defining systems to best meet the needs of operational users, including by soliciting proposals from industry, selecting contractors, and monitoring progress.

(b) PROGRAM ELEMENTS.—The Program may include the following elements:

(1) Innovative research and development on nanotechnologies and nanotechnology manufacturing technologies.

(2) Development of nanotechnology manufacturing capabilities to support the needs of the Air Force and the Department of Defense.

(3) Establishment of research and manufacturing centers to support the Program.

(4) Identification and determination of the needs of operational users.

(5) Program management and oversight, including identifying nanotechnologies and operational user needs, soliciting proposals from industry and academia, selecting contractors, and funding appropriate research and development efforts.

(c) COORDINATION.—The Program shall be coordinated with—

(1) appropriate elements of industry, academia, and federally funded research centers, including an institution of higher education to provide management and research support that has demonstrated expertise in the program elements set forth in subsection (b); and

(2) other entities as determined by the Secretary of the Air Force.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the congressional defense committees on activities undertaken under this section.

SA 5526. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. DESIGNATION OF USS CONSTITUTION AS AMERICA'S SHIP OF STATE.

(a) FINDINGS.—Congress makes the following findings:

(1) The 3rd Congress authorized, in the Act entitled ''An Act to Provide a Naval Armament'', approved on March 27, 1794 (1 Stat. 350, Chap. XII), the construction of six frigates as the first ships to be built for the United States Navy.

(2) One of the six frigates was built in Boston between 1794 and 1797, and is the only one of the original six ships to survive.

(3) President George Washington named this frigate ''Constitution'' to represent the Nation's founding document.

(4) President Thomas Jefferson, asserting the right of the United States to trade on the high seas, dispatched the frigate CONSTITUTION in 1803 as the flagship of the Mediterranean Squadron to end the depredations of the Barbary States against United States ships and shipping, which led to a treaty being signed with the Bashaw of Tripoli in the Captain's cabin aboard the frigate CONSTITUTION on June 4, 1805.

(5) The frigate CONSTITUTION, with her defeat of HMS GUERRIERE, secured the first major victory by the young United States Navy against the Royal Navy during the War of 1812, gaining in the process the nickname ''Old Ironsides'', which she has proudly carried since.

(6) Congress awarded gold medals to four of the ship's commanding officers (Preble, Hull, Stewart, and Bainbridge), a record unmatched by any other United States Navy vessel.

(7) The frigate CONSTITUTION emerged from the War of 1812 undefeated, having secured victories over three additional ships of the Royal Navy.

(8) As early as May 1815, the frigate CONSTITUTION had already been adopted as a symbol of the young Republic, as attested by the [Washington] National Intelligencer which proclaimed, ''Let us keep 'Old Ironsides' at home. She has, literally become the Nation's Ship ... and should thus be preserved ... in honorable pomp, as a glorious Monument of her own, and our other Naval Victories.''.

(9) Rumors in 1830 that ''Old Ironsides,'' an aging frigate, was about to be scrapped resulted in a public uproar demanding that the ship be restored and preserved, spurred by Oliver Wendell Holmes' immortal poem ''Old Ironsides''.

(10) ''Old Ironsides'' circumnavigated the world between 1844 and 1846, showing the American flag as she searched for future coaling stations that would eventually fuel the steam-powered navy of the United States.

(11) The first Pope to set foot on United States sovereign territory was Pius IX onboard the frigate Constitution in 1849.

(12) ''Old Ironsides'' helped evacuate the United States Naval Academy from Annapolis, Maryland, to Newport, Rhode Island, in 1860 to prevent this esteemed ship from falling into Confederate hands.

(13) Congressman John F. ''Honey Fitz'' Fitzgerald introduced legislation in 1896 to return ''Old Ironsides'' from the Portsmouth (New Hampshire) Naval Shipyard, where she was moored pier side and largely forgotten, to Boston for her 100th birthday.

(14) Thousands of school children contributed pennies between 1925 an 1927 to help fund a much needed restoration for ''Old Ironsides''.

(15) Between 1931 and 1934, more than 4,500,000 Americans gained inspiration, at the depth of the Great Depression, by going aboard ''Old Ironsides'' as she was towed to 76 ports on the Atlantic, Gulf, and Pacific coasts.

(16) The 83rd Congress enacted the Act of July 23, 1954 (68 Stat. 527, chapter 565), which directed the Secretary of the Navy to transfer to the States and appropriate commissions four other historic ships then on the Navy inventory, and to repair and equip USS CONSTITUTION, as much as practicable, to her original condition, but not for active service.

(17) Queen Elizabeth II paid a formal visit to USS CONSTITUTION in 1976, at the start of her state visit marking the Bicentennial of the United States.

(18) The USS CONSTITUTION, in celebration of her bicentennial, returned to sea under sail on July 21, 1997 for the first time since 1881, proudly setting sails purchased by the contributions of thousands of pennies given by school children across the United States.

(19) The USS CONSTITUTION is the oldest commissioned warship afloat in the world.

(20) The USS CONSTITUTION is a National Historic Landmark.

(21) The USS CONSTITUTION continues to perform official, ceremonial duties, including in recent years hosting a congressional dinner honoring the late Senator John Chafee of Rhode Island, a special salute for the dedication of the John Moakley Federal Courthouse, a luncheon honoring British Ambassador Sir David Manning, and a special underway demonstration during which 60 Medal of Honor recipients each received a personal Medal of Honor flag.

(22) The USS CONSTITUTION celebrated on October 21, 2007, the 210th anniversary of her launching.

(23) The USS CONSTITUTION will remain a commissioned ship in the United States Navy, with the Navy retaining control of the ship, its material condition, and its employment.

(24) The USS CONSTITUTION'S primary mission will remain education and public outreach, and any Ship of State functions will be an adjunct to the ship's primary mission.

(b) DESIGNATION AS AMERICA'S SHIP OF STATE.—

(1) IN GENERAL.—The USS Constitution is hereby designated as ''America's Ship of State''.

(2) REFERENCES.—The USS Constitution may be known or referred to as ''America's Ship of State''.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the President, Vice President, executive branch officials, and members of Congress should utilize the USS CONSTITUTION for the conducting of pertinent matters of state, such as hosting visiting heads of state, signing legislation relating to the Armed Forces, and signing maritime related treaties.

(4) FEE OR REIMBURSEMENT STRUCTURE FOR NON-DEPARTMENT OF THE NAVY USE.—The Secretary of the Navy shall determine an appropriate fee or reimbursement structure for any non-Department of the Navy entities using the USS CONSTITUTION for Ship of State purposes.

SA 5527. Mr. REID (for Mr. KENNEDY (for himself, Mr. BIDEN, Mr. BAYH, and Mrs. MCCASKILL)) submitted an amendment intended to be proposed Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, before line 6, insert the following:

SEC. 344. REPORT ON RAPID FIELDING CAPABILITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on each military service's program and any joint programs for rapidly equipping or meeting the needs of forces engaged in ongoing combat operations.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of the process used by each service individually or through a joint program.

(2) An assessment of the ease with which those in combat operations are able to request needed equipment.

(3) An assessment of how quickly each service is able to evaluate requests originated by those in combat operations.

(4) An explanation of any institutional or budgetary pressures that slow down each service's ability to provide the requests that come from those in combat operations.

(5) A cost benefit analysis of unifying the rapid fielding of equipment as a joint program office.

(6) An assessment of the methods used by each military service to evaluate the effectiveness of the service's rapid fielding program.

(7) An assessment of the nature and extent of senior leader visibility and participation in resolving urgent needs requests.

(8) An assessment of the impacts urgent needs acquisitions have on the broader acquisition programs of a service.

(9) An assessment of the speed with which urgent needs requests are evaluated and resolved and the sufficiency of the resolutions.

(10) Recommendations for making improvements and mitigating and resolving issues associated with the matters discussed in paragraphs (1) through (9).

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form to the maximum extent practicable, but may contain a classified annex, if necessary.

SA 5528. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. REVIEW OF PROCESSES FOR THE AWARD OF MILITARY DECORATIONS AND CITATIONS FOR SERVICE IN THE ARMED FORCES SINCE MARCH 20, 2003.

(a) IN GENERAL.—Each Secretary of a military department shall take appropriate actions to ensure that each member and unit of the Armed Forces (including members and units of the National Guard and Reserve) under the jurisdiction of such Secretary that has served in the Armed Forces since March 20, 2003, has been awarded each decoration, medal, citation, commendation, or other military award to which such member or unit is entitled by reason of service in the Armed Forces since that date.

(b) REVIEW OF PROCESSES.—In furtherance of meeting the requirement in subsection (a), the Secretary of the military department concerned shall provide for a review of the processes relied on to ensure accuracy in the delivery of military awards for service in the Armed Forces since March 20, 2003, in order to determine whether any decorations, medals, citations, commendations, or other awards to be awarded as described in that subsection have yet to be awarded.

(c) PROCEDURES FOR EXPEDITED REVIEW OF CERTAIN AWARDS.—

(1) IN GENERAL.—Each Secretary of a military department shall review the procedures of such military department to ensure timely review by general officers or flag officers, as applicable, of recommendations for the award by such military department of decorations medals, badges, or other military awards for service in combat or under hostile fire that require the approval of a general or flag officer.

(2) CONSULTATION.—The Secretary of the Army and the Secretary of the Air Force shall each consult with the adjutants general of the States under the jurisdiction of such Secretary in conducting the reviews of procedures under paragraph (1).

(d) REPORT ON PROGRESS IN AWARD.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall submit to Congress a report on the reviews required by subsections (b) and (c).

SA 5529. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 216. SENSE OF SENATE ON DEMONSTRATION OF THE SENIOR YEAR ELECTRO-OPTICAL RECONNAISSANCE SYSTEM ON THE JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) For fiscal year 2008, Congress appropriated $16,000,000 to demonstrate the Senior Year Electro-Optical Reconnaissance System (SYERS) electro-optical sensor on the E-8 Joint Surveillance Target Attack Radar System (JSTARS) to fulfill a requirement for a combat identification capability on the Joint Surveillance Target Attack Radar System.

(2) To date, $1,500,000 of such funds have been obligated for a feasibility study to determine how to install and employ the Senior Year Electro-Optical Reconnaissance System on the Joint Surveillance Target Attack Radar System.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of the Air Force should obligate the entire $16,000,000 appropriated for fiscal year 2008 for a demonstration of the Senior Year Electro-Optical Reconnaissance System on the Joint Surveillance Target Attack Radar System only for the purpose of demonstrating or integrating the Senior Year Electro-Optical Reconnaissance System on the Joint Surveillance Target Attack Radar System.

SA 5530. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 6 and 7, insert the following:

SEC. 854. BIENNIAL REVIEW OF THE SMALL ARMS INDUSTRIAL BASE.

Section 2473(c) of title 10, United States Code, is amended—

(1) by striking ''In this section'' and inserting ''(1) In this section'';

(2) by inserting before the period at the end the following: '', and any subsequent modifications to such list of firms pursuant to the review required by paragraph (2)''; and

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

''(2) The Secretary of the Army shall direct the Army Science Board, not later than January 1, 2009, and every two years thereafter, to review and determine, based upon manufacturing capability and capacity—

''(A) whether any firms included in the small arms production industrial base should be eliminated or modified and whether any additional firms should be included; and

''(B) whether any of the small arms listed in subsection (d) should be eliminated or modified and whether any additional small arms, such as handguns, including revolvers or pistols, should be included in the list.''.

SA 5531. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. PROSPECTIVE APPLICABILITY OF REQUIREMENT FOR OBTAINING ASSOCIATES DEGREE FOR NON-SENIOR MILITARY INSTRUCTORS IN THE JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

Section 2033(c)(2)(B) of title 10, United States Code, is amended by striking ''Award'' and inserting ''Effective for individuals who commence employment as non-senior military instructors under the program after October 17, 2006, award''.

SA 5532. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 20, add the following:

SEC. 314. STUDY AND EVALUATION OF POLICIES CONCERNING THE RE-USE, RE-REFINING, OR RECYCLING OF USED FUELS AND LUBRICATING OILS.

(a) STUDY AND EVALUATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report reviewing the policies and programs of the Department of Defense concerning the re-use, re-refining, or recycling of used fuels and lubricating oils for the purpose of identifying cost-savings, energy conservation, and environmental benefits.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an evaluation of the existing closed loop recycling process;

(2) an identification of what regulatory or other barriers may exist that constrain the ability of the Department of Defense to re-use, re-refine, or recycle used fuels and lubricating oils; and

(3) an estimate of projected cost-savings, energy conservation, and environmental benefits through these Department of Defense programs.

SA 5533. Mr. BURR (for himself, Mrs. CLINTON, Mr. ALEXANDER, Mr. INHOFE, Mr. WICKER, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. ACCEPTANCE OF CHARITABLE GIFTS ON BEHALF OF WOUNDED AND ILL MEMBERS OF THE ARMED FORCES BY FIRST GENERAL OR FLAG OFFICER IN CHAIN OF COMMAND OF UNITS COMPRISED OF WOUNDED AND ILL MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 2601(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) Under regulations prescribed by the Secretary of Defense, the first general or flag officer in the chain of command of a unit comprised exclusively of members of the armed forces described in paragraph (1)(A) (as determined without taking into account members of such unit performing command or administrative duties with respect to such unit or of a unit that includes such members) may accept, hold, administer, and spend gifts, devises, or bequests of personal property, money, or services for the benefit of the members of the armed forces described in paragraph (1)(A) after consultation with a judge advocate or attorney from the office of general counsel of the armed force concerned.

''(B)(i) Except as provided in clause (ii), the amount of any gift, devise, or bequest accepted by the officer specified in subparagraph (A) may not exceed $50,000.

''(ii) The amount a gift, devise, or bequest accepted by the officer specified in subparagraph (A) may exceed $50,000 under such circumstances, if any, as the Secretary of Defense may specify in the regulations prescribed under this paragraph.

''(C) Nothing in subparagraph (A) or (B) shall be construed to require an officer specified in subparagraph (A) to accept or reject offers of gifts.

''(D) Offers of gifts to units described in subparagraph (A), or to the members of such units as described in that subparagraph, may be processed in accordance with the other provisions of this section.''.

(b) REPORT ON UTILIZATION OF AUTHORITIES.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the utilization of the authorities provided in paragraph (2) of section 2601(b) of title 10, United States Code (as amended by subsection (a)). The report shall include the following:

(1) A description of the authorities in paragraph (2) of section 2601(b) of title 10, United States Code (as so amended), including a description of any limitations on such authorities under the regulations required by that paragraph.

(2) A description of the gifts, devises, and bequests accepted under such authorities, and of the administration and use of any gifts, devises, and bequests so accepted.

(3) An assessment of the utility of such authorities in assisting commanders of units comprised of wounded and ill members of the Armed Forces in carrying out the mission of such units.

SA 5534. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. TRANSITIONAL HEALTH CARE FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO AGREE TO SERVE IN THE SELECTED RESERVE.

(a) PROVISION OF TRANSITIONAL HEALTH CARE.—Section 1145(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.''.

(b) EFFECTIVE DATE.—Subparagraph (F) of section 1145(a)(2) of title 10, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces who are separated from active duty after the date of the enactment of this Act.

SA 5535. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

SEC. 2822. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the County of Laramie, Wyoming (in this section referred to as the ''County'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5536. Mr. SESSIONS (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. KYL, Mr. INHOFE, Mr. GRAHAM, Mr. VITTER, Mr. BROWNBACK, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. SENSE OF THE SENATE ON SUPPORT OF CZECH REPUBLIC AND POLAND FOR NATO MISSILE DEFENSE EFFORTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Heads of State and Government of the North Atlantic Treaty Organization (NATO) agreed at the Bucharest Summit on April 3, 2008, that ''[b]allistic missile proliferation poses an increasing threat to Allies' forces, territory and populations''.

(2) As part of a broad response to counter the ballistic missile threat, the Heads of State and Government of NATO ''recognise the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets''.

(3) On July 8, 2008, the United States Government and the Government of the Czech Republic signed an agreement on the stationing of a United States radar facility in the Czech Republic to track ballistic missiles.

(4) On August 20, 2008, the United States Government and the Government of Poland signed an agreement on the stationing of 10 ground-based missile defense interceptors to defend NATO territory and populations from Iranian ballistic missiles.

(5) The United States radar facility in the Czech Republic and the United States ground-based ballistic missile defense interceptor facility in Poland will become part of a future NATO-wide missile defense architecture.

(6) The Government of Iran continues to defy international calls to cease its nuclear weapons program and continues to develop and test longer-range ballistic missiles and space launch vehicles.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the decision by the Governments of Poland and the Czech Republic to station elements of a missile defense system on their territory is a clear affirmation of the commitment of those governments to support the defense of Europe and the United States against the threat of certain long-range ballistic missiles;

(2) the Senate—

(A) recognizes the importance of these decisions taken by the Governments of Poland and the Czech Republic, as well as the decision by NATO to support missile defense at the Bucharest Summit in April 2008; and

(B) notes the care and seriousness with which these governments have undertaken their evaluation and consideration of these issues;

(3) these decisions will deepen the strategic relationship between these governments and make a substantial contribution to the collective capability of NATO to counter existing and future ballistic missile threats;

(4) these decisions by the Governments of Poland and the Czech Republic—

(A) are a clear indication of their commitment to uphold their independence and sovereignty; and

(B) demonstrate their determination to play a positive role in the defense of freedom; and

(5) in light of all these circumstances, the United States Government should fully fund and proceed with the deployment of a missile defense system in Europe as soon as technically feasible, which program will provide additional protection for the United States and Europe against certain long-range ballistic missile threats.

SA 5537. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 20, add the following:

SEC. 314. CONTINUATION OF DIRECT-NOTIFICATION EFFORTS REGARDING EXPOSURE TO DRINKING WATER CONTAMINATION AT CAMP LEJEUNE, NORTH CAROLINA.

The Secretary of the Navy shall continue the direct-notification efforts required under section 315 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 56) to communicate to former and retired Marines, their dependents, and civilian employees who were stationed at Camp Lejeune, North Carolina, between 1957 and 1987 until the Secretary determines that such an approach is no longer productive. The Secretary shall continue with an aggressive follow-on media notification effort through publications that target former and retired military and retiree populations, and continue to operate the recently established call-in center.

SA 5538. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. REPORT ON CREATING CAREERS FOR MILITARY SPOUSES.

(a) STUDY.—The Under Secretary of Defense for Personnel and Readiness, in conjunction with the Deputy Under Secretary of Defense for Military Community and Family Policy, shall conduct a study of the challenges that face qualified military spouses in finding and maintaining employment during the terms of service of their active duty spouses.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional committees a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of the major challenges that face qualified military spouses in finding and maintaining employment during the terms of service of their spouses.

(B) A listing of significant incentive programs the Department of Defense could utilize to create incentives for the hiring of qualified military spouses, including those the Department can implement independently and those that require statutory changes.

(C) A description of the resources available to qualified military spouses for assistance in finding and maintaining employment.

(D) An examination of the implications for retention of military service members of insufficient employment opportunities for qualified military spouses.

(E) A description of current programs to assist qualified military spouses in securing telecommuting and home office employment.

(F) An examination of the career needs and opportunities for career enhancement for the spouses of seriously injured and ill recovering service members.

(c) QUALIFIED MILITARY SPOUSE DEFINED.—In this section, the term ''qualified military spouse'' means a spouse of a member of the Armed Forces who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term ''extended active duty'' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

SA 5539. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 815. APPLICABILITY OF BUY AMERICAN REQUIREMENTS TO OPERATION IRAQI FREEDOM.

(a) IN GENERAL.—Section 2533a(d)(1) of title 10, United States Code, is amended by inserting before the period the following: ''(other than Operation Iraqi Freedom (OIF))''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to procurements made on or after the date of the enactment of this Act.

SA 5540. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, the following:

SEC. 332. REPORT ON EQUIPPING MILITARY AIRCRAFT WITH LASER-BASED COUNTERMEASURES FOR THE PROTECTION OF SUCH AIRCRAFT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plans of the Department of Defense for equipping fixed wing and rotary wing military aircraft with laser-based countermeasures for the protection of such aircraft. The report shall include a description of the plans of the Department to consider a full range of technologies to provide a functional, laser-based infrared countermeasure capability for both fixed wing and rotary wing aircraft.

SA 5541. Mrs. FEINSTEIN (for herself, Mr. SCHUMER, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. AUTISM THERAPY SERVICES FOR AUTISTIC CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) MAXIMUM MONTHLY AMOUNT.—The Secretary of Defense shall ensure that autistic children of members of the Armed Forces enrolled in the Extended Care Health Option program shall be eligible to receive $5,000 per month of autistic therapy services.

(b) DEFINITIONS.—In this section:

(1) AUTISTIC THERAPY SERVICES.—The term ''autistic therapy services'' includes applied behavior analysis.

(2) EXTENDED CARE HEALTH OPTION PROGRAM.—The term ''Extended Care Health Option program'' means the program of extended benefits provided pursuant to subsections (d), (e), and (f) of section 1079 of title 10, United States Code.

(c) FUNDING.—Of the amount authorized to be appropriated by section 1403(a) for Defense Health Program, $29,000,000 may be available to carry out this section.

SA 5542. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. REPORT ON POLICIES AND PRACTICES OF THE ARMED FORCES REGARDING PREVENTION AND RESPONSE TO SEXUAL ASSAULT AND RAPE.

(a) VIEWS ON ESTABLISHMENT OF CERTAIN REQUIREMENTS RELATING TO PREVENTION AND RESPONSE TO SEXUAL ASSAULT AND RAPE.—

(1) REPORTS TO SECRETARY OF DEFENSE.—Not later than June 1, 2009, each Secretary of a military department shall submit to the Secretary of Defense a report providing views on the establishment for each Armed Force under the jurisdiction of such Secretary of a military department of the following:

(A) A requirement that military commanders report on the outcomes of cases of sexual assault and rape in units under their command, including—

(i) a description of the actions taken to punish assailants;

(ii) a description of any retaliatory measures experienced by victims; and

(iii) a detailed justification for disposing of such cases through nonjudicial punishment or other administrative actions.

(B) A requirement that military protective orders be classified as standing military orders, with such orders to be overturned only after an investigation has occurred and appropriate command authorities have completely adjudicated allegations.

(C) A requirement for notification to appropriate local civilian law enforcement agencies on any military protective order issued at a military installation to provide continuity of protection to victims of sexual assault or rape in the Armed Forces.

(D) A requirement that each member of the Armed Forces who has notified the member's command that the member has been sexually assaulted or raped is afforded an opportunity to be transferred to another unit if a military protective order is issued.

(2) TRANSMITTAL TO CONGRESS.—The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and

the House of Representatives the reports submitted to the Secretary under paragraph (1). In transmitting such reports, the Secretary shall include an analysis by the Secretary of the information contained in such reports.

(b) REPORTS ON POLICIES TO INCREASE AND ENCOURAGE THE PREVENTION, INVESTIGATION, AND PROSECUTION OF SEXUAL ASSAULT AND RAPE.—

(1) REPORTS TO SECRETARY OF DEFENSE.—Not later than six months after the date of the enactment of this Act, each Secretary of a military department shall submit to the Secretary of Defense a report on the policies of the Armed Force or Armed Forces under the jurisdiction of such Secretary of a military department to increase and encourage the prevention, investigation, and prosecution of cases of sexual assault and rape in the Armed Forces.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) An analysis of trends in the prevention and reporting of cases of sexual assaults and rape in the Armed Forces.

(B) A review of current training methods for all personnel involved in military investigations of cases of sexual assault and rape in the Armed Forces, including judge advocates.

(C) A review of the capacity of the legal infrastructure of the Armed Forces to investigate and prosecute effectively cases of sexual assault in the Armed Forces.

(D) An identification and analysis of any additional barriers, such as the availability of staff and the adequacy of resources, on military installations and facilities in the United States and abroad, and in theaters of operations, to conduct effective investigations of cases of sexual assault and rape in the Armed Forces.

(E) A review of the disposition of cases of sexual assault and rape in the Armed Forces.

(F) The feasability of expanding, enhancing, and developing programs for the Armed Forces on prevention and response to sexual assault and rape that use proven best-practice methods, support victims of sexual assault or rape, and focus on creating a culture with zero tolerance for sexual assault and rape.

(G) Any initiatives for improved oversight of existing programs of the Armed Forces on prevention and response to sexual assault and rape, including—

(i) performance metrics to evaluate the effectiveness of such programs; and

(ii) a timeline for the implementation of such metrics.

(H) Plans for increased communication and data sharing between the Sexual Assault Prevention and Response Office and other components of the Armed Forces, on the one hand, and the Department of Defense, on the other, to enhance coordination and oversight of cases of sexual assault and rape in the Armed Forces as such cases move through the legal process.

(I) Recommendations for—

(i) improvements to the legal infrastructure of the Armed Forces to ensure that the capacity of such infrastructure is adequate to meet the needs of victims of sexual assault in the Armed Forces; and

(ii) means of eliminating the barriers identified under that paragraph; and

(iii) such other matters as the Secretary of the military department concerned considers appropriate.

(3) TRANSMITTAL TO CONGRESS.—The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives the reports submitted to the Secretary under paragraph (1). In transmitting such reports, the Secretary shall include an analysis by the Secretary of the information contained in such reports.

SA 5543. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 815. PROHIBITION ON USE IN DEPARTMENT OF DEFENSE CONTRACTS OF NARROWLY-BASED ECONOMIC PRICE ADJUSTMENT INDICES.

Not later than 180 days after the date of the enactment of this Act, the Defense Supplement to the Federal Acquisition Regulation shall be modified to prohibit contracting officers of the Department of Defense from entering into contracts with economic price adjustment clauses based on the Bureau of Labor Statics employment cost index for total compensation, aircraft manufacturing (NAICS Product Code 336411), or any other employment cost index that is not broad enough to minimize the effect of any single company, including the contractor concerned.

SA 5544. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ENHANCEMENT AND IMPROVEMENT OF PROCEDURES RELATING TO OVERSEAS VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) ENHANCEMENT AND IMPROVEMENT OF CERTAIN PROCEDURES.—

(1) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)) is amended—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application, absentee ballot application, and completed ballot that is submitted by absent uniformed services voters and overseas voters described by section 107(1)(1) without any requirement for notarization of such document;''; and

(C) in paragraph (5), as redesignated by paragraph (1) of this subsection, by inserting before the semicolon the following: ''and permit the submittal of the official post card form by electronic mail transmission, so long as the privacy and security protocols to send and receive official post card forms by the Internet are protected to the greatest degree possible and is feasible for the States, the District of Columbia and the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands''.

(2) CONFORMING AMENDMENT.—Section 104(a) of such Act (42 U.S.C. 1973ff–3(a)) is amended by striking ''section 102(a)(4)'' and inserting ''section 102(a)(5)''.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) to encourage the States to permit members of the Armed Forces and overseas voters to apply for, receive, and submit absentee ballots for election for Federal office by electronic means; and

(2) to encourage the Department of Defense to implement and maintain programs that permit the secure submittal by members of the Armed Forces of absentee ballots for election for Federal office by electronic means.

SA 5545. Mr. HATCH (for himself, Mr. VITTER, Mr. COLEMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) by striking ''(e) The'' and inserting ''(e)(1) Except as provided in paragraph (2), the''; and

(B) by adding at the end the following:

''(2) The maximum age limit for an original appointment to a position as a firefighter or law enforcement officer (as defined by section 8401(14) or (17), respectively) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.''.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of title 5, United States Code), or customs and border protection officer (as defined in section 8401(36) of title 5, United States Code) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by adding ''or'' at the end; and

(3) by inserting after paragraph (2) the following:

''(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

''(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1083(e) of the National Defense Authorization Act for Fiscal Year 2009; and

''(B) on the date of that original appointment met the requirements of section 3307(e)(2) of this title or section 1083(a)(2) of the National Defense Authorization Act for Fiscal Year 2009,''.

(c) MANDATORY SEPARATION.—Section 8425 of title 5, United States Code, is amended—

(1) in subsection (b)(1), in the first sentence, by inserting '', except that a law enforcement officer, firefighter, nuclear materials courier, or customs and border protection officer eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age'' before the period;

(2) in subsection (c), in the first sentence, by inserting '', except that a member of the Capitol Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age'' before the period; and

(3) in subsection (d), in the first sentence, by inserting '', except that a member of the Supreme Court Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age'' before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''total service as'' and inserting ''civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,''; and

(2) in paragraph (2), by striking ''so much of such individual's total service as exceeds 20 years'' and inserting ''the remainder of such individual's total service''.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of the enactment of this Act and shall apply to appointments made on or after that effective date.

SA 5546. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

SEC. 2822. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—If the Secretary of the Army determines that it is the national security interest of the United States, the Secretary may convey, without consideration, to the State of Utah (in this section, the ''State'') on behalf of the Utah National Guard all right, title, and interest of the United States in and to two parcels of real property, including improvements thereon, that are located within the boundaries of Camp Williams, Utah, consisting of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan.

(b) CONDITION.—As a condition of the conveyance, the Secretary shall, not later than 21 days before carrying out the conveyance, submit a report to Congress certifying that the purpose of the conveyance is to further the interest of national security and the property conveyed will be used for military purposes only.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is not being used in a manner consistent with subsection (b), the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after consultation with the Governor of the State of Utah and an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5547. Mr. HATCH (for himself, Mr. BENNETT, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 152. SUSTAINMENT OF THE MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Minuteman III Intercontinental Ballistic Missile (ICBM) is our Nation's only land-based strategic missile system.

(2) Beginning in fiscal year 2009, the United States will cease production of the Minuteman III Intercontinental Ballistic Missile. The Department of Defense has no plan to replace the Minuteman III Intercontinental Ballistic Missile at the end of its service life in 2030.

(3) The ability to address in a timely and cost efficient manner the readiness and reliability problems in the Minuteman III Intercontinental Ballistic Missile motor may be lost after 2010.

(4) To mitigate similar risks, the Navy has established a low production and life extension program for the D–5 missile that manufactures 12 motor stacks per year.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a national security risk may be created if production of the Minuteman III Intercontinental Ballistic Missile ceases without plans to repair or replace motors if needed after 2010.

(2) this situation necessitates the initiation of a production sustainment capability study for the Minuteman III Intercontinental Ballistic Missile to address and correct unforeseen problems affecting strategic readiness;

(3) the Nation's ability to maintain and respond to unanticipated age related problems in the Minuteman III Intercontinental Ballistic Missile during 30 years after production stops;

(4) a low-rate solid rocket motor life extension program for the Minuteman III Intercontinental Ballistic Missile may be needed to sustain and maintain the unique manufacturing and engineering infrastructure necessary to preserve this vital national capability; and

(5) the budget request for the Air Force for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code), should include sufficient funds to implement the plan identified in the report required by subsection (d).

(c) REVIEW ON ICBM SUSTAINMENT.—The Secretary of the Air Force shall conduct a review of issues surrounding the long-term sustainment with respect to the Minuteman III Intercontinental Ballistic Missile. The review shall include a determination of the actions necessary—

(1) to assure the readiness and reliability of the Minuteman III Intercontinental Ballistic Missile force; and

(2) to maintain a national manufacturing and engineering infrastructure for intercontinental ballistic missiles.

(d) REPORT ON REVIEW.—The Secretary of the Air Force shall submit to Congress, at the same time the budget for fiscal year 2010 is submitted to Congress pursuant to section 1105 of title 31, United States Code, a report on the review required by subsection (c). The report shall include—

(1) a plan to implement the actions determined necessary as a result of the review; and

(2) an estimate of the costs associated with implementing and carrying out such actions.

(e) SOLID ROCKET MOTOR LIFE EXTENSION PROGRAM.—Using amounts authorized to be appropriated by this Act and available for the Minuteman III Intercontinental Ballistic Missile modernization, the Air Force may initiate a solid rocket motor life extension program for that missile, consistent with the unfunded requirements list of the Air Force for fiscal year 2009.

SA 5548. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. EXTENSION OF COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACK.

(a) EXTENSION.—Section 1409 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A–348; 50 U.S.C. 2301 note), as amended by section 1052(j) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3435), is further amended by striking ''The Commission shall terminate'' and all that follows through the period at the end and inserting ''The Commission shall terminate March 31, 2012.''.

(b) ANNUAL REPORTS.—Section 1403 of that Act (114 Stat. 1654A–346; 50 U.S.C. 2301 note), as amended by section 1052(f) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is further amended by adding at the end the following new subsection:

''(c) ANNUAL REPORTS.—The Commission shall, not later than March 1 of each of years 2010, 2011, and 2012, submit to Congress a report—

''(1) assessing the changes to the vulnerability of United States military systems and critical civilian infrastructures resulting from the EMP threat and changes in the threat;

''(2) describing the progress, or lack of progress, in protecting United States military systems and critical civilian infrastructures from EMP attack; and

''(3) containing recommendations to address the threat and protect United States military systems and critical civilian infrastructures from attack.''.

(c) FUNDING.—Section 1408 of that Act (114 Stat. 1654A–348; 50 U.S.C. 2301 note), as amended by section 1052(i) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3435), is further amended by adding at the end the following: ''Such funds shall not exceed $3,000,000 per fiscal year.''.

(d) ADDITIONAL MEMBERS.—Effective as of the date that is 90 days after the date of the enactment of this Act—

(1) section 1401 of that Act (114 Stat. 1654A–346; 50 U.S.C. 2301 note), as amended by section 1052(d) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is further amended by striking subsections (c) and (d) and inserting the following new subsections:

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Commission shall be composed of eleven members.

''(2) DOD AND FEMA MEMBERS.—Seven of the members shall be appointed by the Secretary of Defense, and two of the members shall be appointed by the Director of the Federal Emergency Management Agency. In the event of a vacancy in the membership of the Commission under this paragraph, the Secretary of Defense shall appoint a new member. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives.

''(3) FCC AND HHS MEMBERS.—One of the members shall be appointed by the Chairman of the Federal Communications Commission, and one of the members shall be appointed by the Secretary of Health and Human Services. In the event of a vacancy in the membership of the Commission under this paragraph, the vacancy shall be filled in the same manner as the original appointment under this paragraph. In selecting an individual for appointment to the Commission, the Chairman of the Federal Communications Commission shall consult with the chairmen and ranking minority members of the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. In selecting an individual for appointment to the Commission, the Secretary of Health and Human Services shall consult with the chairmen and ranking minority members of the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

''(d) QUALIFICATIONS.—Members of the Commission appointed by the Secretary of Defense and the Director of the Federal Emergency Management Agency shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and military aspects of electromagnetic pulse effects referred to in subsection (b). The member of the Commission appointed by the Chairman of the Federal Communications Commission shall be appointed from among private United States citizens with knowledge and expertise in telecommunications, network infrastructure and management, information services, and emergency preparedness communications. The member of the Commission appointed by the Secretary of Health and Human Services shall be appointed from among private United States citizens with knowledge and expertise in public health, including preparedness for, and response to, public health emergencies.''; and

(2) section 1405(b)(1) of that Act (114 Stat. 1654A–347; 50 U.S.C. 2301 note) is amended by striking ''Five'' and inserting ''Six''.

SA 5549. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. ___. TECHNOLOGY DEMONSTRATION PROGRAM.

Notwithstanding any other provision of law, the Director of National Intelligence shall transfer not less than $250,000,000 from unobligated balances of fiscal year 2009 National Intelligence Program funds to the Central Intelligence Agency Program to fund the technology demonstration program specified in the classified annex to Conference Report 110–478 for H.R. 2082 (Intelligence Authorization Act for Fiscal Year 2008 passed by the House and Senate on February 13, 2008) and the classified annex to Senate Report 110–333 for S. 2996 (Intelligence Authorization Act for Fiscal Year 2009 passed by the Senate Select Committee on Intelligence on May 8, 2008). The transfer of such funds shall not be subject to any reprogramming procedures.

SA 5550. Mr. DOMENICI (for himself, Mr. INHOFE, Mr. BOND, Mr. COBURN, Mr. ENZI, Mr. BARRASSO, Mr. CRAIG, Mr. BENNETT, Mr. ALLARD, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. PROCUREMENT AND ACQUISITION OF FUELS.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

SA 5551. Mr. HARKIN (for himself, Mr. OBAMA, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 581 and insert the following:

SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PREVENTION OF SUICIDES BY MEMBERS OF THE ARMED FORCES.

(a) POLICY REQUIRED.—Not later than November 1, 2009, the Secretary of Defense shall develop a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(b) PURPOSES.—The purposes of the policy required by this section shall be as follows:

(1) To ensure that investigations, analyses, and appropriate data collection can be conducted, across the military departments, on the causes and factors surrounding suicides by members of the Armed Forces.

(2) To develop effective strategies and policies for the education of members of the Armed Forces and their families to assist in preventing suicides and suicide attempts by members of the Armed Forces.

(c) ELEMENTS REGARDING INVESTIGATIONS.—The policy required by subsection (b)(1) shall include, but not be limited to, the following:

(1) Requirements for investigations and data collection in connection with suicides by members of the Armed Forces.

(2) A requirement for the appointment by the appropriate military authority of a separate investigating officer to conduct an administrative investigation into each suicide by a member of the Armed Forces in accordance with the requirements specified under paragraph (1).

(3) Requirements for minimum information to be determined under each investigation pursuant to paragraph (2), including, but not limited to, the following:

(A) Any mental illness or other mental health condition, including Post Traumatic Stress Disorder (PTSD), of the member of the Armed Forces concerned at the time of the completion of suicide.

(B) Any other illness or injury of the member at the time of the completion of suicide.

(C) Any receipt of health care services, including mental health care services, by the member before the completion of suicide.

(D) Any utilization of prescription drugs by the member before the completion of suicide.

(E) The number, frequency, and dates of deployment of the member.

(F) The military duty assignment of the member at the time of the completion of suicide.

(G) Any observations by family members, health care providers, medical care managers, and other members of the Armed Forces of any symptoms of depression, anxiety, alcohol or drug abuse, or other relevant behavior in the member before the completion of suicide.

(H) The results of a psychological autopsy of the member, if conducted.

(4) A requirement for a report from each administrative investigation conducted pursuant to paragraph (2) which shall set forth the findings and recommendations resulting from such investigation.

(5) Procedures for the protection of the confidentiality of information contained in each report on an investigation pursuant to paragraph (4).

(6) A requirement that the Deputy Chief of Staff for Personnel of the military department concerned receive and analyze each report on an investigation pursuant to paragraph (4).

(7) The appointment by the Secretary of Defense of an appropriate official or executive agent within the Department of Defense to receive and analyze each report on an investigation pursuant to paragraph (4) in order to—

(A) identify trends or common causal factors in suicides by members of the Armed Forces; and

(B) advise the Secretary on means by which the suicide education and prevention strategies and programs of the military departments can respond appropriately and effectively to such trends and causal factors.

(8) A requirement for an annual report to the Secretary of Defense by each Secretary of a military department on the following:

(A) The results of investigations into suicide by members of the Armed Forces pursuant to paragraph (2) for each calendar year beginning with 2010.

(B) Actions taken to improve the suicide education and prevention strategies and programs of the military departments.

(C) Total number of suicides among members of the Armed Forces during the period beginning on January 1, 2009, and ending at the end of the most recent calendar year quarter preceding the submittal of such report, including the number of suicides confirmed and the number of deaths being investigated as a suicide, set forth—

(i) by calendar year in which death occurred;

(ii) by military department of the members concerned; and

(iii) by whether death occurred while the members concerned were deployed or while assigned to permanent duty station or homeport.

(d) CONSTRUCTION OF INVESTIGATION WITH OTHER INVESTIGATION REQUIREMENTS.—The investigation of the suicide by a member of the Armed Forces under the policy required by this section shall be in addition to any other investigation of the suicide required by law, including any investigation for criminal purposes.

(e) REQUIRED REVIEWS.—The policy required by subsection (b)(2) shall be based upon:

(1) A review and evaluation of existing suicide prevention efforts across the military departments, including an assessment of the effectiveness of current efforts and of how such efforts are addressing issues related to combat stress.

(2) A review and evaluation of existing suicide prevention training by each service for members of the Armed Forces (including members of the National Guard and Reserve), for civilian health care community and family support professionals of the Department of Defense, and for such other service personnel of the Department as the Secretary shall designate for purposes of this paragraph.

(f) REPORT ON SUICIDE PREVENTION PROGRESS.—Each service secretary shall separately report to the Committees on Armed Services of the Senate and House of Representatives by August 1, 2009, on actions taken to accomplish the following:

(1) Enhancement of basic training courses, including lifesaving courses, for members of the Armed Forces aimed at recognition of risk factors for suicide, identification of signs and symptoms of mental health concerns and combat stress, and protocols for responding to crisis situations involving members of the Armed Forces who may be at high risk for suicide.

(2) Enhancement of training for military supervisory medics and medical personnel on matters relating to recognition of risk factors for suicide, identification of signs and symptoms of mental health concerns and combat stress, and protocols for responding to crisis situations involving members of the Armed Forces who may be at high risk for suicide.

(3) Enhancement of access of military leaders and personnel to resources to prevent and respond to traumatic events, such as members in crisis or loss of unit members, which personnel shall include qualified mental health professionals and may include medical staff, chaplains, family support staff, peers, and other appropriate personnel.

(4) Enhancement of campaigns of outreach throughout the Armed Forces and the military family communities intended to—

(A) reduce the stigma among members of the Armed Forces and their families, and in such communities, associated with mental health concerns;

(B) encourage members of the Armed Forces and individuals in such communities to seek help with such concerns;

(C) increase awareness among members of the Armed Forces and in such communities that mental health is essential to overall health; and

(D) increase awareness among members of the Armed Forces and in such communities regarding substance abuse concerns, relationship and financial difficulties, and legal and occupational difficulties; and

(5) Enhancement of post-deployment assistance for spouses and parents of returning members including members of the National Guard and Reserve, who are returning from deployment assistance in—

(A) understanding issues that arise in the readjustment of such members—

(i) for members of the National Guard and Reserve, to civilian life; and

(ii) for members of the regular components of the Armed Forces, to military life in a non-combat environment;

(B) identifying signs and symptoms of substance abuse, mental health conditions, traumatic brain injury, and risk factors for suicide; and

(C) encouraging such members and their families in seeking assistance for such conditions and in seeking assistance on relationship, financial, legal, and occupational difficulties.

(g) SUICIDE PREVENTION TRAINING.—For purposes of this section, suicide prevention training is comprehensive training on suicide prevention (including, at a minimum, education, training, peer-to-peer support methods, outreach, and de-stigmatization of seeking mental health assistance) developed by the Secretary of Defense and each Secretary concerned for purposes of this section in consultation with the Secretary of Veterans Affairs, the National Institute of Mental Health, the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services, and the Centers for Disease Control and Prevention.

(h) REPORT ON POLICY.—Not later than November 1, 2009, the Secretary of the Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy required by this section. The report shall include the following:

(1) A description of the policy.

(2) A plan for the implementation of the policy throughout the Department of Defense, which plan shall be developed by the Secretary of Defense in consultation with the following:

(A) The Secretary of Veterans Affairs.

(B) The National Institute of Mental Health.

(C) The Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

(D) The Centers for Disease Control and Prevention.

SA 5552. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3116. LIMITATION ON TRANSFERS OF RESPONSIBILITY FOR THE DISPOSITION OF FISSILE MATERIALS.

Section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402) is

amended by adding at the end the following new subsection:

''(g) LIMITATION ON TRANSFERS OF RESPONSIBILITIES FOR THE DISPOSITION OF FISSILE MATERIALS.—

''(1) IN GENERAL.—No provision of law enacted on or after January 1, 2008, other than a provision of law enacted as part of an act authorizing appropriations for a fiscal year for the defense activities of the Department of Energy, that transfers any responsibility for the disposition of fissile materials, including the construction and operation of Project 99–D–143, Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina, and related programs, shall become effective until the President certifies to Congress that the responsibility to be transferred no longer serves nuclear nonproliferation, foreign policy, or national security objectives.

''(2) TRANSFER OF CERTAIN FUNDS TO ADMINISTRATOR.—Any amounts authorized to be appropriated on or after January 1, 2008, and any transfers of amounts authorized to be appropriated before January 1, 2008, relating to Project 99–D–143, Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina, that are designated for an organizational unit or component of the Administration shall, notwithstanding such designation, be transferred to the Administrator.''.

SA 5553. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. MODIFICATION OF AUTHORITY RELATED TO ARMY CORPS OF ENGINEERS PROJECTS, WOONSOCKET LOCAL FLOOD PROTECTION DISTRICT AND FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Notwithstanding any other provision of law, the Chief of Engineers, in carrying out section 2875 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 563) and section 2866 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 108–364; 120 Stat. 2499), shall accept title to the Woonsocket Local Flood Protection District, Rhode Island project and the Fox Point Hurricane Barrier, Providence, Rhode Island project, as prescribed under such sections, respectively, without regard to their condition.

SA 5554. Mr. BAUCUS (for himself, Mr. CONRAD, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 332. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF THE MANAGEMENT OF ENCROACHMENT OF CIVILIAN ACTIVITIES ON MILITARY INSTALLATIONS AND ACTIVITIES IN THE UNITED STATES.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the current programs of, and options available to, the Department of Defense for managing the encroachment of civilian activities (including the use of waters and airspace) on military installations and activities in the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the extent to which the Department of Defense has identified encroachment of civilian activities (including the use of waters and airspace) on military installations and activities in the United States.

(2) A description of the extent to which the Department has considered non-attainment of air quality standards as part of its domestic basing strategy.

(3) A description of the evidence of the Department to be used by installation commanders to work with communities surrounding such installations to manage civilian encroachment on such installations.

(4) A description of the plans of the Department for mitigating civilian encroachment on military installations in the United States and to address non-attainment of air quality standards.

(5) An assessment of the actions of the Department to address civilian encroachment on military installations in the United States and to address non-attainment of air quality standards.

(6) An identification of alternative courses available to the Department to minimize the effects of encroachment of civilian activities on military operations in the United States.

(7) Any other matters relating to the encroachment of civilian activities on military installations and activities in the United States that the Comptroller General considers appropriate.

SA 5555. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, beginning on line 16, strike ''(other than amounts described in paragraph (3))''.

On page 395, strike lines 5 through 8.

At the end of title XVI, add the following:

SEC. 1617. PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.

(a) CERTIFICATIONS ON CERTAIN CERP PROJECTS.—A project in Iraq in excess of $500,000 that is funded with amounts in the Commanders' Emergency Response Program may not be commenced after the date of the enactment of this Act unless the Secretary of Defense certifies that the project responds to urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people. The authority to make certifications under this subsection may be delegated only to the Deputy Secretary of Defense or the Under Secretary of Defense for Policy.

(b) REPORTS ON CERTAIN PROJECTS.—In addition to any other information in the quarterly reports on the Commanders' Emergency Response Program under section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119, Stat 3455), as amended by section 1205 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366), each quarterly report on the Commanders' Emergency Response Program that is so submitted after the date of the enactment of this Act shall include the following:

(1) A written statement by the Secretary of Defense affirming that each project in Iraq in excess of $500,000 and funded with amounts in the Commanders' Emergency Response Program that was commenced during the quarter covered by such report was issued a certification as required by subsection (a).

(2) For each project described in paragraph (1) the following:

(A) A description of such project, including a justification for the determination that such project responds to urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people.

(B) A description or estimate of the aggregate cost of such project over the life of the project, and the portion, if any, of such aggregate cost being paid by the Government of Iraq.

(C) A description of the current status of such project, including its projected completion date.

(D) A description of the plan for the transition of such project upon completion to the people of Iraq and for the sustainment of any completed facilities, including any commitments by the Government of Iraq to sustain projects requiring the support of that government for sustainment.

SA 5556. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 338, between lines 12 and 13, insert the following:

(e) ACCOUNTABILITY FOR EQUIPMENT PROVIDED UNDER PROGRAM.—

(1) IN GENERAL.—Such section, as so amended, is further amended—

(A) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively;

(B) by inserting after subsection (c) the following new subsection (d):

''(d) ACCOUNTABILITY FOR EQUIPMENT PROVIDED.—

''(1) IN GENERAL.—The Secretary of Defense and the Secretary of State shall jointly establish procedures and guidelines for accountability for any equipment provided to a foreign country's national military forces under the program under subsection (a).

''(2) ELEMENTS.—The procedures and guidelines established under paragraph (1) shall—

''(A) ensure that any foreign military forces provided equipment under the program are informed of best practices in physical security and stockpile management with respect to such equipment;

''(B) ensure that an appropriate representative of the United States is notified when small arms and light weapons, ammunition, and sensitive defense articles, defense services, and technologies provided under the program are physically received by foreign military forces; and

''(C) ensure that the Department of Defense provides for the retention and maintenance of records or reports on equipment provided under the program in the same manner as prescribed in section 40A of the Arms Export Control Act (22 U.S.C. 2785).

''(3) GUIDANCE ON COMPLIANCE.—The Secretary of Defense and the Secretary of State shall take appropriate actions to provide guidance to the personnel of the Department of Defense and personnel of the Department of State who carry out activities under the program on the procedures and guidelines established under paragraph (1), including any procedures and guidelines established to meet the requirements of paragraph (2).''; and

(C) in subsection (g), as redesignated by paragraph (1) of this subsection, by striking ''subsection (e)(3)'' and inserting ''subsection (f)(3)''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect six months after the date of the enactment of this Act.

SA 5557. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. SENSE OF SENATE ON EXPEDITIONARY MEDICAL SUPPORT PACKAGES.

It is the sense of the Senate that—

(1) Expeditionary Medical Support (EMEDS) packages are an important part of the disaster response capabilities provided by the Department of Defense; and

(2) the Department of Defense should consider ways to improve its homeland defense and civil support capabilities related to the use and movement of military health system assets, including Expeditionary Medical Support packages.

SA 5558. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, line 18, insert before the period the following: ''relative to the ballistic missile threat posed by North Korea, Iran, and other countries with active ballistic missile development and fielding programs''.

SA 5559. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, strike lines 2 and 3 and insert the following:

(2) assess any lessons learned from the design, development, and construction of the Airborne Laser system that could improve the operational effectiveness, suitability and survivability, or the affordability, of any future system; and

(3) submit to the Secretary of Defense and to

SA 5560. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 721. MILITARY FAMILY AUTISM SUPPORT CENTERS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish one or more military family autism support centers.

(b) PURPOSES.—The purposes of each center established under subsection (a) shall be as follows:

(1) To provide diagnostic services and therapy to children of military families diagnosed with autism spectrum disorder and related disorders, with such services and therapy to be similar the services and therapy provided by the not-for-profit autism support center located in Columbus, Georgia, which supports military families at Fort Benning, Georgia.

(2) To train therapists to provide treatment to autistic children, with special emphasis placed on training the spouses of members of the Armed Forces to provide such treatment.

(c) EXECUTIVE AGENT.—The Secretary shall designate the Commandant of the Marine Corps as the lead agent in the establishment and operation of centers under subsection (a).

(d) LOCATIONS.—

(1) IN GENERAL.—One of the first two centers to be established under subsection (a) shall be established on the East Coast of the United States, and one shall be established on the West Coast of the United States.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the center established under paragraph (1) on the East Coast of the United States should be located in the vicinity of Camp Lejeune, Fort Bragg, and Seymour Johnson Air Force Base, North Carolina, and the center established under paragraph (1) on the West Coast of the United States should be located in the vicinity of San Diego, California.

(e) DISCHARGE OF PURPOSES.—In discharging its purposes under this section, each center established under subsection (a) shall utilize in the diagnosis and treatment of children of military families with autism medical, educational, and developmental therapies that have been successfully used to successfully treat autistic children.

(f) TUITION ASSISTANCE.—For purposes of assisting in the training of therapists under this section, the Secretary of Defense shall, in consultation with the Secretary of Labor, consider the feasability and advisability of establishing a tuition assistance program to facilitate the participation of military spouses in such training.

(g) REPORTS.—Not later than one year after establishing a center under subsection (a), and one year thereafter, the Secretary shall submit to the congressional defense committees a report on such center. Each report on a center shall set forth the following:

(1) The number of therapists trained at the center during the preceding year.

(2) The number of children receiving diagnosis and therapy at the center during such year.

(3) The average number of hours per week that therapy was provided at the center during such year.

(4) A description of the nature of therapy provided at the center during such year.

(5) An assessment of the contribution of the center to military readiness and retention during such year.

(6) An assessment of the efficacy of the center during such year.

SA 5561. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 237. CONSULTATION AND REPORTING REQUIREMENTS FOR CANCELLATIONS OF PLANNED MISSILE DEFENSE FLIGHT TESTS.

(a) CONSULTATION REQUIRED PRIOR TO CANCELLATION.—Prior to determining to cancel any planned missile defense flight test, the Director of the Missile Defense Agency shall consult, at a minimum, with each of the following officials:

(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) The Director of Operational Test and Evaluation.

(3) The Commander of the United States Strategic Command, who shall represent the views and requirements of the commanders of the combatant commands in such consultations.

(b) REPORT REQUIRED AFTER CONSULTATION.—

(1) IN GENERAL.—If, after meeting the consultation requirements of subsection (a), the Director of the Missile Defense Agency determines to cancel a planned missile defense flight test, the Director shall submit to Congress a notification (in written, unclassified form) of the determination.

(2) ELEMENTS.—The notification on the cancellation of a planned missile defense flight test under paragraph (1) shall include the following:

(A) The specific reasons for the determination to cancel the flight test, and a justification of the determination.

(B) The implications and risks for the testing and development program which will result from canceling the flight test.

(C) A plan describing how the original objectives of the flight test will still be met, notwithstanding the cancellation.

(D) The views and recommendations of the Under Secretary of Defense for Acquisition, Technology, and Logistics; the Director of Operational Test and Evaluation; and the Commander of the United States Strategic Command regarding the cancellation.

(E) Any modifications in the allocation of budget and testing resource as a result of the cancellation of the flight test.

(3) DEADLINE.—The notification on a determination to cancel a planned missile defense flight test shall be submitted under paragraph (1) not later than 7 days after the date on which the Director issues the determination to cancel the test.

SA 5562. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. SENSE OF THE SENATE ON SUPPORT OF CZECH REPUBLIC AND POLAND FOR MISSILE DEFENSE EFFORTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Heads of State and Government of the North Atlantic Treaty Organization (NATO) agreed at the Bucharest Summit on April 3, 2008, that ''[b]allistic missile proliferation poses an increasing threat to Allies' forces, territory and populations''.

(2) As part of a broad response to counter the ballistic missile threat, the Heads of State and Government of NATO ''recognise the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets''.

(3) At the Bucharest Summit, the NATO Heads of State and Government stated that, with respect to the planned deployment of United States missile defense capability, ''[w]e are exploring ways to link this capability with current NATO missile defence efforts as a way to ensure that it would be an integral part of any future NATO wide missile defence architecture''.

(4) At the Bucharest Summit, the NATO Heads of State and Government stated that, ''[b]earing in mind the principle of the indivisibility of Allied security as well as NATO solidarity, we task the Council in Permanent Session to develop options for a comprehensive missile defence architecture to extend coverage to all Allied territory and populations not otherwise covered by the United States system for review at our 2009 Summit, to inform any future political decision''.

(5) On July 8, 2008, the United States Government and the Government of the Czech Republic signed an agreement on the stationing of a United States radar facility in the Czech Republic to track ballistic missiles.

(6) On August 20, 2008, the United States Government and the Government of Poland signed an agreement on the stationing of 10 ground-based missile defense interceptors in Poland.

(7) Supplemental Status of Forces Agreements (SOFA) regarding the missile defense deployment agreements, not yet signed, are required elements of any final agreements to deploy the planned missile defense capabilities in the Czech Republic and Poland.

(8) In order to take legal effect, any final bilateral missile defense agreements must be submitted to and ratified by the parliaments of the Czech Republic and Poland, respectively.

(9) The deployment of the planned United States missile defense system in the Czech Republic and Poland would not provide protection to southeastern portions of NATO territory against missile attack. Additional missile defense capabilities would be required to protect these areas against missile attack, including against existing short- and medium-range missile threats.

(10) According to the Director of Operational Test and Evaluation, the ground-based interceptor planned to be deployed in Poland would require three flight tests to demonstrate whether it could accomplish its mission in an operationally effective manner. Such testing is not expected to begin before the fall of 2009, and is unlikely to be concluded before 2011.

(11) The Government of Iran continues to defy international calls to cease its uranium enrichment program, has deployed hundreds of short- and medium-range ballistic missiles, and continues to develop and test ballistic missiles of increasing range, as well as a space launch vehicle.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the decisions by the Governments of Poland and the Czech Republic to station elements of a missile defense system on their territory are a clear affirmation of the commitment of those governments to support the defense of NATO, including the United States, against the threat of long-range ballistic missiles;

(2) the Senate—

(A) recognizes the importance of these decisions taken by the Governments of Poland and the Czech Republic, as well as the statements made by NATO Heads of State and Government relative to missile defense at the Bucharest Summit in April 2008; and

(B) notes the care and seriousness with which the Governments of Poland and the Czech Republic have undertaken their evaluation and consideration of these issues; and

(3) these decisions will deepen the strategic relationship between the United States Government and the Governments of Poland and the Czech Republic and make a substantial contribution to the collective capability of NATO to counter future long-range ballistic missile threats.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify the requirements of section 226 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 41), or [section 232] of this Act.

SA 5563. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ELECTRONIC DATABASE OF INFORMATION ON THE INCIDENCE OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.

(a) DATABASE REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretaries of the military departments, establish and maintain an electronic database on the incidence of suicide and attempted suicide among members of the Armed Forces on active duty, including the information specified in subsection (c).

(b) COVERAGE OF DEMOBILIZED MEMBERS OF RESERVE COMPONENTS.—To the extent practicable, the members of the Armed Forces covered by the database required under subsection (a) shall include members of the National Guard and Reserve who are demobilized from active duty during the 720-day period beginning on the date of their demobilization.

(c) INFORMATION.—The information to be included in the database required by subsection (a) shall include, to the extent practicable, the following:

(1) For each Armed Force—

(A) the number of members on active duty who have attempted suicide; and

(B) the number of members on active duty who have committed suicide.

(2) With respect to the members of the Armed Forces who commit or attempt suicide, aggregated information (with such information organized and presented, to the extent practicable, in tabular form) on the following:

(A) The sex of the members.

(B) The race or ethnicity of the members.

(C) The Armed Force of the members.

(D) The grade, military occupational specialty, duty status, and duty location of the members at the time of the completion or attempt.

(E) The physical location of the members at the time of the completion or attempt.

(F) A description of any combat experience of the members, including the location of such experience, the intensity and duration of such experience, and the time between the last such experience and the attempt.

(G) The highest level of education achieved by the members.

(H) Any mental health conditions, including Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), or substance use disorder, diagnosed or otherwise detected in the members.

(I) Any previous psychological care or treatment received by the members for a condition under subparagraph (H) or another mental health condition.

(J) Any family history of the members of mental illness, suicide, or both.

(K) Any physical or sexual abuse suffered by the members.

(L) Any recent marital or other relationship difficulties of the members.

(M) Any recent disciplinary actions taken against the members.

(N) Any recent legal difficulties of the members.

(O) Any recent financial or employment difficulties of the members.

(P) Any prior communications of suicidal intent by the members.

(3) Such other information as the Secretary considers appropriate for purposes of the database.

(d) SEPARATE INFORMATION ON EACH ATTEMPT.—Each attempted suicide of a member of the Armed Forces (whether or not completed) shall be treated as a separate attempt at suicide for purposes of subsection (c)(2).

(e) UPDATES.—The database required by subsection (a) shall be updated on a continuing basis.

(f) REPORTS.—

(1) REPORTS TO CONGRESS.—Not later than 90 days after the establishment of the database required by subsection (a), and every 180 days thereafter, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the following:

(A) Aggregated data on the incidence of suicide among members of the Armed Forces on active duty.

(B) An assessment of recent trends in suicides and attempted suicides among members of the Armed Forces on active duty.

(2) AVAILABILITY TO PUBLIC.—Each report under paragraph (1) shall be made available to the public through the Internet website of the Assistant Secretary of Defense for Health Affairs that is available to the public.

(3) PROTECTION OF PERSONAL INFORMATION.—The information in any report under paragraph (1) shall not include any personal information or personally-identifying information on any member of the Armed Forces covered by the database.

(g) CONSTRUCTION WITH OTHER REQUIREMENTS.—The requirements of this section are in addition to the requirements of section 581.

SA 5564. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. ENHANCEMENTS OF EXTENDED CARE HEALTH OPTION PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) INCREASE IN AMOUNT OF REIMBURSEMENT FOR CERTAIN COSTS.—The maximum monthly amount of reimbursement for health care services for a family of a member of the Armed Forces under the Extended Care Health Option program shall be $5,000.

(b) ELIGIBILITY FOR PARTICIPATION IN PROGRAM AFTER RETIREMENT OR SEPARATION FROM THE ARMED FORCES.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of a regular component of the Armed Forces who retires from the Armed Forces shall be eligible for health care benefits under the Extended Care Health Option program during the one-year period beginning on the date of the retirement of the member from the Armed Forces.

(2) DISABLED MEMBERS.—A member of a regular component of the Armed Forces who is retired or separated from the Armed Forces for disability under chapter 61 of title 10, United States Code, shall be eligible for health care benefits under the Extended Care Health Option program during the two-year period beginning on the date of the retirement or separation of the member from the Armed Forces.

(3) FAMILY MEMBERS.—The family members of a member of the Armed Forces eligible for health care benefits under the Extended Care Health Option program under this subsection are eligible for health care benefits under the program during the period of the member's eligibility for benefits under the program.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the Extended Care Health Option program. The report shall include the following:

(1) An assessment of the effectiveness of the Extended Care Health Option program in meeting the objectives of the program, including the effectiveness of the program in providing to beneficiaries the health care services which the program was established to provide.

(2) For the most recent fiscal year for which data is available, a description for each medical condition for which health care services are provided under the Extended Care Health Option program of the number of military families participating in the program whose monthly costs for such services exceeded $2,500, and a statement of the reasons why the monthly costs of such families for such services have exceeded such amount.

(d) EXTENDED CARE HEALTH OPTION PROGRAM DEFINED.—In this section, the term ''Extended Care Health Option program'' means the program of extended benefits provided pursuant to subsections (d), (e), and (f) of section 1079 of title 10, United States Code.

SA 5565. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. REIMBURSEMENT OF TRAVEL EXPENSES OF COVERED BENEFICIARIES FOR TRAVEL FOR SPECIALTY CARE UNDER EXCEPTIONAL CIRCUMSTANCES.

(a) REIMBURSEMENT AUTHORIZED.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) REIMBURSEMENT FOR TRAVEL UNDER EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Defense may provide reimbursement for reasonable travel expenses of travel of covered beneficiaries and accompaniment to a specialty care provider not otherwise authorized by that subsection under such exceptional circumstances as the Secretary considers appropriate for purposes of this section.''.

(b) TECHNICAL AMENDMENT.—Subsection (a) of such section is amended by inserting ''of Defense'' after ''the Secretary''.

SA 5566. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

Subtitle E—Enhanced Partnership With Pakistan

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Enhanced Partnership with Pakistan Act of 2008''.

SEC. 1242. FINDINGS.

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and comity, and the vital interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing months of political tension and intrigue, as well as mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of that country's populace, and serve as a model to other countries around the world.

(4) Pakistan is a major non-NATO ally of the United States, and has been a valuable partner in the battle against al Qaeda and the Taliban.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past 6 years.

(6) Since the terrorist attacks of September 11, 2001, more al Qaeda terrorist suspects have been apprehended in Pakistan than in any other country, including Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi.

(7) Despite the sacrifices and cooperation of the security forces of Pakistan, the top leadership of al Qaeda, as well as the leadership and rank-and-file of affiliated terrorist groups, are believed to use Pakistan's Federally Administered Tribal Areas (FATA) as a haven and a base from which to organize terrorist actions in Pakistan and with global reach.

(8) According to a Government Accountability Office Report, (GAO–08–622), ''since 2003, the administration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA'' and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(9) According to United States military sources and unclassified intelligence reports, including the July 2007 National Intelligence Estimate entitled, ''The Terrorist Threat to the U.S. Homeland'', the Taliban, al Qaeda, and their Pakistani affiliates continue to use

territory in Pakistan as a haven, recruiting location, and rear base for violent actions in both Afghanistan and Pakistan, as well as attacks globally, and pose a threat to the United States homeland.

(10) The toll of terrorist attacks, including suicide bombs, on the people of Pakistan include thousands of citizens killed and wounded across the country, over 1,400 military and police forces killed (including 700 since July 2007), and dozens of tribal, provincial, and national officials targeted and killed, as well as the brazen assassination of former prime minister Benazir Bhutto while campaigning in Rawalpindi on December 27, 2007, and several attempts on the life of President Pervaiz Musharraf, and the rate of such attacks have grown considerably over the past 2 years.

(11) The people of Pakistan and the United States share many compatible goals, including—

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

(B) solidifying democracy and the rule of law in Pakistan;

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

(D) promoting the social and material well-being of Pakistani citizens, particularly through development of such basic services as public education, access to potable water, and medical treatment; and

(E) safeguarding the peace and security of South Asia, including by facilitating peaceful relations between Pakistan and its neighbors.

(12) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

(13) The election of a civilian government in Pakistan in February 2008 provides an opportunity, after nearly a decade of military-dominated rule, to place relations between Pakistan and the United States on a new and more stable foundation.

(14) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 1243. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term ''counterinsurgency'' means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through the use of subversion and armed conflict.

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(4) FATA.—The term ''FATA'' means the Federally Administered Tribal Areas of Pakistan.

(5) NWFP.—The term ''NWFP'' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(6) PAKISTAN-AFGHANISTAN BORDER AREAS.—The term ''Pakistan-Afghanistan border areas'' includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) SECURITY-RELATED ASSISTANCE.—The term ''security-related assistance'' means—

(A) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(B) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(C) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368).

(8) SECURITY FORCES OF PAKISTAN.—The term ''security forces of Pakistan'' means the military, paramilitary, and intelligence services of the Government of Pakistan, including the armed forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, Frontier Corps, and Frontier Constabulary.

SEC. 1244. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support the consolidation of democracy, good governance, and rule of law in Pakistan;

(2) to affirm and build a sustained, long-term, multifaceted relationship with Pakistan;

(3) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

(4) to work with Pakistan and the countries bordering Pakistan to facilitate peace in the region and harmonious relations between the countries of the region;

(5) to work with the Government of Pakistan to prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, or elsewhere in the world;

(6) to work in close cooperation with the Government of Pakistan to coordinate military and paramilitary action against terrorist targets;

(7) to work with the Government of Pakistan to help bring peace, stability, and development to all regions of Pakistan, especially those in the Pakistan-Afghanistan border areas, including support for an effective counterinsurgency strategy; and

(8) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods.

SEC. 1245. SENSE OF CONGRESS ON AUTHORIZATION OF FUNDS.

(a) SENSE OF CONGRESS ON AUTHORIZATION OF FUNDS.—It is the sense of Congress that there should be authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the following amounts:

(1) For fiscal year 2009, up to $1,500,000,000.

(2) For fiscal year 2010, up to $1,500,000,000.

(3) For fiscal year 2011, up to $1,500,000,000.

(4) For fiscal year 2012, up to $1,500,000,000.

(5) For fiscal year 2013, up to $1,500,000,000.

(b) SENSE OF CONGRESS ON ECONOMIC SUPPORT FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate, there should be authorized to be appropriated up to $1,500,000,000 per year for fiscal years 2014 through 2018 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

(c) SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.—It is the sense of Congress that security-related assistance to the Government of Pakistan should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (5), (6), and (7) of section 1244.

(d) USE OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations under this section shall be used for projects determined by an objective measure to be of clear benefit to the people of Pakistan, including projects that promote—

(1) just and democratic governance, including—

(A) political pluralism, equality, and the rule of law;

(B) respect for human and civil rights;

(C) independent, efficient, and effective judicial systems;

(D) transparency and accountability of all branches of government and judicial proceedings; and

(E) anticorruption efforts among police, civil servants, elected officials, and all levels of government administration, including the military;

(2) economic freedom, including—

(A) private sector growth and the sustainable management of natural resources;

(B) market forces in the economy; and

(C) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders; and

(3) investments in people, particularly women and children, including—

(A) broad-based public primary and secondary education and vocational training for both boys and girls;

(B) the construction of roads, irrigation channels, wells, and other physical infrastructure;

(C) agricultural development to ensure food staples in times of severe shortage;

(D) quality public health, including medical clinics with well trained staff serving rural and urban communities; and

(E) public-private partnerships in higher education to ensure a breadth and consistency of Pakistani graduates to help strengthen the foundation for improved governance and economic vitality.

(e) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan to provide assistance under this section.

(f) AUTHORITY TO USE FUNDS FOR OPERATIONAL EXPENSES.—Funds authorized by this section may be used for operational expenses. Funds may also be made available to

the Inspector General of the United States Agency for International Development to provide audits and program reviews of projects funded pursuant to this section.

(g) USE OF SPECIAL AUTHORITY.—The President is encouraged to utilize the authority of section 633(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2393(a)) to expedite assistance to Pakistan under this section.

(h) USE OF FUNDS.—Funds appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs by the United States mission in Pakistan, subject to existing reporting and notification requirements.

(i) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify Congress not later than 15 days before providing any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government.

(2) ANNUAL REPORT.—The President shall submit to the appropriate congressional committees a report on assistance provided under this section. The report shall describe—

(A) all expenditures under this section, by region;

(B) the intended purpose for such assistance, the strategy or plan with which it is aligned, and a timeline for completion associated with such strategy or plan;

(C) the partner or partners contracted for that purpose, as well as a measure of the effectiveness of the partner or partners;

(D) any shortfall in financial, physical, technical, or human resources that hinder effective use and monitoring of such funds; and

(E) any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any.

(j) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that the Government of Pakistan should allocate a greater portion of its budget, consistent with its ''Poverty Reduction Strategy Paper'', to the recurrent costs associated with education, health, and other priorities described in this section.

SEC. 1246. LIMITATION ON CERTAIN ASSISTANCE.

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(b) LIMITATION ON ARMS TRANSFERS.—Beginning in fiscal year 2012, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) CERTIFICATION.—The certification required by this subsection is a certification to the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted efforts to prevent al Qaeda and associated terrorist groups from operating in the territory of Pakistan;

(2) are making concerted efforts to prevent the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

(3) are not materially interfering in the political or judicial processes of Pakistan.

(d) WAIVER.—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is in the national security interests of the United States to provide such waiver.

(e) PRIOR NOTICE OF WAIVER.—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor.

SEC. 1247. COALITION SUPPORT FUNDS.

(a) ACCOUNTING REPORTS.—Not later than May 1 and November 1 of each year, the President shall submit to the appropriate congressional committees and the Committees on Armed Services of the Senate and the House of Representatives a complete accounting of the Coalition Support Fund payments made to Pakistan for the preceding two fiscal quarters. The accounting shall include a description of each claim presented by the Government of Pakistan and reimbursed by the United States, in sufficient detail to permit Congress to provide effective oversight.

(b) PROHIBITION ON REIMBURSEMENT WITHOUT ACCOUNTING REPORT.—Except as provided in subsection (c), no claim for funding under the Coalition Support Fund made after the date of the enactment of this Act may be paid until the President has submitted the accounting described in subsection (a) for the most recent two fiscal quarters.

(c) WAIVER.—The Secretary of Defense may waive the prohibition in subsection (b) for a nonrenewable 6-month period for an individual Coalition Support Fund claim if the Secretary submits to the committees described in subsection (a) a written certification that such waiver is in the national security interests of the United States.

(d) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex. The unclassified portion shall be submitted in a searchable electronic format.

SEC. 1248. AFGHANISTAN-PAKISTAN BORDER STRATEGY.

(a) DEVELOPMENT OF COMPREHENSIVE STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-border strategy for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measurers in and near the border areas of Pakistan and Afghanistan, especially in known or suspected safe havens such as Pakistan's FATA, the NWFP, parts of Balochistan, and other critical areas in the south and east border areas of Afghanistan.

(b) REPORT.—Not later than June 1, 2009, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the FATA, as well as proposed timelines and budgets for implementing the strategy.

SEC. 1249. SPECIAL ENVOY FOR REGIONAL COOPERATION.

(a) STATEMENT OF POLICY.—Congress declares that it is in the national interest of the United States that the countries of South and Central Asia work together to address common challenges hampering the stability, security, and development of their region and to enhance their cooperation.

(b) ESTABLISHMENT.—The President shall appoint a special envoy to promote closer cooperation between the countries of South and Central Asia.

(c) APPOINTMENT.—The special envoy will be appointed with the advice and consent of the Senate and shall have the rank of ambassador.

(d) DUTIES.—

(1) IN GENERAL.—The primary responsibility of the special envoy shall be to coordinate United States policy on issues relating to strengthening and facilitating relations between the nations of South and Central Asia for the benefit of stability and economic growth in the region.

(2) ADVISORY ROLE.—The special envoy shall advise the President and the Secretary of State, as appropriate, and, in coordination with the Assistant Secretary of State for South and Central Asian Affairs, shall make recommendations regarding effective strategies and tactics to achieve United States policy objectives to—

(A) stem cross-border terrorist activities;

(B) provide assistance to refugees to ensure orderly and voluntary repatriation from neighboring states;

(C) bolster people-to-people ties and economic cooperation between the nations of South and Central Asia, including bilateral trade relations;

(D) explore opportunities to anticipate and seek solutions to critical cross-border issues; and

(E) offer comprehensive efforts to support effective counter-narcotics strategies in South and Central Asia.

SEC. 1250. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan; and

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally.

SA 5567. Mr. REID (for Mr. KENNEDY (for himself, Mr. KENNEDY, Mr. ALEXANDER, Mr. HARKIN, Mr. BINGAMAN, Ms, MURKOWSKI, Mr. VOINOVICH, Mr. BROWN, Mrs. MURRAY, Mr. SALAZAR, Mr. BOND, and Mr. REID)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

SEC. 3116. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended—

(1) in subsection (c), by inserting ''and subtitle B'' after ''this subtitle'' each place it appears;

(2) in subsection (d), by inserting ''and subtitle B'' after ''this subtitle'';

(3) in subsection (e), by inserting ''and subtitle B'' after ''this subtitle'' each place it appears;

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection (g):

''(g) NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH OMBUDSMAN.—In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B.''.

(b) CONSTRUCTION.—Except as specifically provided in subsection (g) of section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (a) of this section, nothing in the amendments made by such subsection (a) shall be construed to alter or affect the duties and functions of the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384*l* et seq.).

SA 5568. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 329, after line 14, add the following:

SEC. 1110. SENIOR PROFESSIONAL PERFORMANCE.

(a) SHORT TITLE.—This section may be cited as the ''Senior Professional Performance Act of 2008''.

(b) PAY PROVISIONS RELATING TO CERTAIN SENIOR-LEVEL POSITIONS.—

(1) LOCALITY PAY.—Section 5304 of title 5, United States Code, is amended—

(A) in subsection (g), by amending paragraph (2) to read as follows:

''(2) The applicable maximum under this subsection shall be level III of the Executive Schedule for—

''(A) positions under subparagraphs (A) and (B) of subsection (h)(1); and

''(B) any positions under subsection (h)(1)(C) as the President may determine.''; and

(B) in subsection (h)—

(i) in paragraph (1)—

(I) by striking subparagraph (A);

(II) in subparagraph (D)—

(aa) in clause (v), by striking ''or'' at the end;

(bb) in clause (vi), by striking the period at the end and inserting ''; or''; and

(cc) by adding at the end the following:

''(vii) a position to which section 5376 applies (relating to certain senior-level and scientific and professional positions).''; and

(III) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively; and

(ii) in paragraph (2)(B)—

(I) in clause (i)—

(aa) by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) and (B)''; and

(bb) by striking ''or (vi)'' and inserting ''(vi), or (vii)''; and

(II) in clause (ii)—

(aa) by striking ''paragraph (1)(D)'' and inserting ''paragraph (1)(C)''; and

(bb) by striking ''or (vi)'' and inserting ''(vi), or (vii)''.

(2) ACCESS TO HIGHER MAXIMUM RATE OF BASIC PAY.—Section 5376(b) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) subject to paragraph (3), not greater than the rate of basic pay payable for level III of the Executive Schedule.''; and

(B) by adding at the end the following:

''(3) In the case of an agency which has a performance appraisal system which, as designed and applied, is certified under section 5307(d) as making meaningful distinctions based on relative performance, paragraph (1)(B) shall apply as if the reference to 'level III' were a reference to 'level II'.

''(4) No employee may suffer a reduction in pay by reason of transfer from an agency with an applicable maximum rate of pay prescribed under paragraph (3) to an agency with an applicable maximum rate of pay prescribed under paragraph (1)(B).''.

(3) AUTHORITY FOR EMPLOYMENT; APPOINTMENTS; CLASSIFICATION STANDARDS.—Title 5, United States Code is amended—

(A) in section 3104(a), in the second sentence, by striking ''prescribes'' and inserting ''prescribes and publishes in such form as the Director may determine'';

(B) in section 3324(a) by striking ''the Office of Personnel Management'' and inserting: ''the Director of the Office of Personnel Management on the basis of qualification standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director'';

(C) in section 3325—

(i) in subsection (a), in the second sentence, by striking ''or its designee for this purpose'' and inserting the following: ''on the basis of standards developed by the agency involved in accordance with criteria specified in regulations prescribed by the Director of the Office of Personnel Management''; and

(ii) by adding at the end the following:

''(c) The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to carry out the purpose of this section.''; and

(D) in section 5108(a)(2) by inserting ''published by the Director of the Office of Personnel Management in such form as the Director may determine'' after ''and procedures''.

(4) EFFECTIVE DATE AND APPLICATION.—

(A) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first pay period beginning on or after the 180th day following the date of enactment of this Act.

(B) NO REDUCTIONS IN RATES OF PAY.—

(i) IN GENERAL.—The amendments made by this subsection may not result, at the time such amendments take effect, in a reduction in the rate of basic pay for an individual holding a position to which section 5376 of title 5, United States Code, applies.

(ii) DETERMINATION OF RATE OF PAY.—For the purposes of clause (i), the rate of basic pay for an individual described in that clause shall be deemed to be the rate of basic pay set for the individual under section 5376 of title 5, United States Code, plus any applicable locality pay paid to that individual on the day before the effective date under subparagraph (A), subject to regulations that the Director of the Office of Personnel Management may prescribe.

(C) REFERENCES TO MAXIMUM RATES.—Except as otherwise provided by law, any reference in a provision of law to the maximum rate under section 5376 of title 5, United States Code—

(i) as provided before the effective date of the amendments made by this subsection, shall be considered a reference to the rate of basic pay for level IV of the Executive Schedule; and

(ii) as provided on or after the effective date of the amendments made by this subsection, shall be considered a reference to—

(I) the rate of basic pay for level III of the Executive Schedule; or

(II) if the head of the agency responsible for administering the applicable pay system certifies that the employees are covered by a performance appraisal system meeting the certification criteria established by regulation under section 5307(d), level II of the Executive Schedule.

(c) LIMITATIONS ON CERTAIN PAYMENTS.—

(1) IN GENERAL.—Section 5307(d) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking all after ''purposes of'' and inserting: ''applying the limitation in the calendar year involved, has a performance appraisal system certified under this subsection as making, in its design and application, meaningful distinctions based on relative performance.''; and

(B) in paragraph (3)(B)—

(i) by striking all beginning with ''An'' through ''2 calendar years'' and inserting ''The certification of an agency performance appraisal system under this subsection shall be for a period not to exceed 24 months beginning on the date of certification, unless extended by the Director of the Office of Personnel Management for up to 6 additional months''; and

(ii) by striking '', for purposes of either or both of those years,''.

(2) EXTENSION OF CERTIFICATION.—

(A) EXTENSION TO 2009.—

(i) IN GENERAL.—For any certification of a performance appraisal system under section 5307(d) of title 5, United States Code, in effect on the date of enactment of this Act and scheduled to expire at the end of calendar year 2008, the Director of the Office of Personnel Management may provide that such a certification shall be extended without requiring additional justification by the agency.

(ii) LIMITATION.—The expiration of any extension under this subparagraph shall be not later than the later of—

(I) June 30, 2009; or

(II) the first anniversary of the date of the certification.

(B) EXTENSION TO 2010.—

(i) IN GENERAL.—For any certification of a performance appraisal system under section 5307(d) of title 5, United States Code, in effect on the date of enactment and scheduled to expire at the end of calendar year 2009, the Director of the Office of Personnel Management may provide that such a certification

shall be extended without requiring additional justification by the agency.

(ii) LIMITATION.—The expiration of any extension under this subparagraph shall be not later than the later of—

(I) June 30, 2010; or

(II) the second anniversary of the date of the certification.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act.

SA 5569. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1002 and insert the following:

SEC. 1002. PROGRAM LEVEL FUNDING GUIDANCE.

(a) MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE.—

(1) PROCUREMENT.—Amounts authorized to be appropriated to an account of the Department of Defense by a provision of title I of this Act shall be available under that title for each program specified in the column designated ''Program Title'' in the amount specified in the column designated as ''Senate Authorized'' and, if applicable, in the number for such program specified in the column designated as ''Qty'', in the table as follows:

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

(Dollars in Thousands)

	Authorization Request	Senate Change	Senate Authorization
Title I - PROCUREMENT			
Aircraft Procurement, Army	5,009,835	-52,400	4,957,435
Missile Procurement, Army	2,211,460		2,211,460
Weapons & Tracked Combat Vehicles, Army	3,687,077	2,200	3,689,277
Procurement of Ammunition, Army	2,275,791	28,000	2,303,791
Other Procurement, Army	11,367,926	493,778	11,861,704
Joint Improvised Explosive Device Defeat Fund	496,300	-496,300	
Aircraft Procurement, Navy	14,716,774	12,500	14,729,274
Weapons Procurement, Navy	3,575,482	30,000	3,605,482
Procurement of Ammunition, Navy & Marine Corps	1,122,712	9,000	1,131,712
Shipbuilding & Conversion, Navy	12,732,918	304,300	13,037,218
Other Procurement, Navy	5,482,856	33,650	5,516,506
Procurement, Marine Corps	1,512,765	-17,100	1,495,665
Aircraft Procurement, Air Force	12,676,496	558,790	13,235,286
Missile Procurement, Air Force	5,536,728	20,000	5,556,728
Procurement of Ammunition, Air Force	894,478	1,000	895,478
Other Procurement, Air Force	16,128,396	-12,900	16,115,496
Procurement, Defense-Wide	3,164,228	302,700	3,466,928
National Guard and Reserve Equipment			
Rapid Acquisition Fund	102,045		102,045
TOTAL PROCUREMENT	102,694,267	1,217,218	103,911,485

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Subtitle B—Army Programs

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	AIRCRAFT PROCUREMENT, ARMY						
	AIRCRAFT						
	FIXED WING						
001	JOINT CARGO AIRCRAFT (JCA)	7	264,160			7	264,160
002	UTILITY F/W AIRCRAFT						
	ROTARY WING						
003	ARMED RECONNAISSANCE HELICOPTER	28	358,841	-8	-75,000	20	283,841
	Reduce aggressive ramp up of production rate				[-75,000]		
004	ADVANCE PROCUREMENT (CY)		80,010				80,010
005	HELICOPTER, LIGHT UTILITY (LUH)	36	224,518			36	224,518
006	UH-60 BLACKHAWK (MYP)	63	925,852			63	925,852
007	ADVANCE PROCUREMENT (CY)		137,175				137,175
008	CH-47 HELICOPTER (MYP)	16	443,519			16	443,519
009	ADVANCE PROCUREMENT (CY)						
010	HELICOPTER NEW TRAINING	1	2,381			1	2,381
011	DRUG INTERDICTION						
	MODIFICATION OF AIRCRAFT						
012	GUARDRAIL MODS (MIP)		119,057				119,057
013	MULTI SENSOR ABN RECON (MIP)(ARL)		23,297				23,297
014	AH-64 MODS		607,969				607,969
015	ADVANCE PROCUREMENT (CY)		29,373				29,373
016	CH-47 CARGO HELICOPTER MODS		674,586				674,586

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
017	ADVANCE PROCUREMENT (CY)		49,619				49,619
018	UTILITY/CARGO AIRPLANE MODS		14,921				14,921
019	AIRCRAFT LONG RANGE MODS		577				577
020	UTILITY HELICOPTER MODS		10,866		3,000		13,866
	Additional forward looking infrared (FLIR) systems				[3,000]		
021	KIOWA WARRIOR		13,722				13,722
022	AIRBORNE AVIONICS		174,978		11,300		186,278
	Additional avionics navigation equipment -- Army UFR				[11,300]		
023	GATM (Global Air Traffic Management)		79,223				79,223
	SPARES AND REPAIR PARTS						
024	SPARE PARTS (AIR)		6,875				6,875
	SUPPORT EQUIPMENT AND FACILITIES						
	GROUND SUPPORT AVIONICS						
025	AIRCRAFT SURVIVABILITY EQUIPMENT		56,906				56,906
026	ASE INFRARED CM		433,941				433,941
	OTHER SUPPORT						
027	AIRBORNE COMMAND & CONTROL						
028	AVIONICS SUPPORT EQUIPMENT		5,028		249		5,277
	Avionic support equipment – Army UFR				[249]		
029	COMMON GROUND EQUIPMENT		103,882				103,882
030	AIRCREW INTEGRATED SYSTEMS		40,697		2,440		43,137
	Aircrew integrated systems – Army UFR				[2,440]		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
031	AIR TRAFFIC CONTROL		122,775		5,493		128,268
	Air traffic control equipment- Army UFR				[5,493]		
032	INDUSTRIAL FACILITIES		2,536		116		2,652
	Additional avionics & airborne instrumentation equipment -- Army UFR				[116]		
033	LAUNCHER, 2.75 ROCKET		2,442				2,442
034	AIRBORNE COMMUNICATIONS		109		2		111
	Additional high frequency radio equipment -- Army UFR				[2]		
	TOTAL - AIRCRAFT PROCUREMENT, ARMY		5,009,835		-52,400		4,957,435
	MISSILE PROCUREMENT, ARMY						
	OTHER MISSILES						
	SURFACE-TO-AIR MISSILE SYSTEM						
001	PATRIOT SYSTEM SUMMARY	108	512,086			108	512,086
002	PATRIOT/MEADS CAP SYSTEM SUMMARY		31,049				31,049
003	ADVANCE PROCUREMENT (SLAMRAAM)		40,468				40,468
	AIR-TO-SURFACE MISSILE SYSTEM						
004	HELLFIRE	372	48,629			372	48,629
	ANTI-TANK/ASSAULT MISSILE SYSTEM						
005	JAVELIN (AAWS-M) SYSTEM SUMMARY	605	259,326			605	259,326

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
006	TOW 2 SYSTEM SUMMARY	1,586	85,988			1,586	85,988
007	ADVANCE PROCUREMENT (CY)						
008	GUIDED MLRS ROCKET (GMLRS)	1,938	247,213			1,938	247,213
009	MLRS REDUCED RANGE PRACTICE ROCKETS	4,014	25,300			4,014	25,300
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	57	246,041			57	246,041
011	ARMY TACTICAL MSL SYS (ATACMS) - SYS SUM						
	MODIFICATION OF MISSILES						
	MODIFICATIONS						
012	PATRIOT MODS		524,500				524,500
013	JAVELIN MISSILE MODS						
014	ITAS/TOW MODS		137,109				137,109
015	MLRS MODS		1,872				1,872
016	HIMARS MODIFICATIONS		16,408				16,408
017	HELLFIRE MODIFICATIONS						
	SPARES AND REPAIR PARTS						
018	SPARES AND REPAIR PARTS		24,901				24,901
	SUPPORT EQUIPMENT AND FACILITIES						
019	AIR DEFENSE TARGETS		6,442				6,442
020	ITEMS LESS THAN $5.0M (MISSILES)		10				10
021	PRODUCTION BASE SUPPORT		4,118				4,118

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	TOTAL - MISSILE PROCUREMENT, ARMY		2,211,460				2,211,460
	PROCUREMENT OF WEAPONS & TRACKED COMBAT						
	TRACKED COMBAT VEHICLES						
001	ABRAMS TRNG DEV MOD						
002	BRADLEY PROGRAM	21	171,989			21	171,989
003	BRADLEY TRAINING DEVICES (MOD)		4,386				4,386
004	ABRAMS TANK TRAINING DEVICES						
005	STRYKER VEHICLE	119	1,174,947			119	1,174,947
006	FUTURE COMBAT SYSTEMS: (FCS)	6	128,419			6	128,419
007	ADVANCE PROCUREMENT (CY)		26,164				26,164
008	FCS SPIN OUTS		161,879				161,879
009	ADVANCE PROCUREMENT (CY)		14,788				14,788
	MODIFICATION OF TRACKED COMBAT VEHICLES						
010	CARRIER, MOD						
011	FIST VEHICLE (MOD)	6	33,426			6	33,426
012	BRADLEY PROGRAM (MOD)		311,925				311,925
013	HOWITZER, MED SP FT 155MM M109A6 (MOD)		28,913				28,913
014	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	39	132,701			39	132,701
015	ARMORED BREACHER VEHICLE	11	34,713			11	34,713
016	ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)						
017	JOINT ASSAULT BRIDGE	11	40,464			11	40,464

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
018	M1 ABRAMS TANK (MOD)		341,569				341,569
019	SYSTEM ENHANCEMENT PGM: SEP M1A2						
020	ABRAMS UPGRADE PROGRAM	29	351,179			29	351,179
021	ITEMS LESS THAN $5.0M (TCV-WTCV)						
022	PRODUCTION BASE SUPPORT (TCV-WTCV)		7,136				7,136
	WEAPONS AND OTHER COMBAT VEHICLES						
023	HOWITZER, LIGHT, TOWED, 105MM, M119	90	118,431			90	118,431
024	M240 MEDIUM MACHINE GUN (7.62MM)	5,900	61,334			5,900	61,334
025	MACHINE GUN, CAL .50 M2 ROLL	6,167	99,881			6,167	99,881
026	M249 SAW MACHINE GUN (5.56MM)	5,150	22,134			5,150	22,134
027	MK-19 GRENADE MACHINE GUN (40MM)	785	17,328			785	17,328
028	MORTAR SYSTEMS	165	15,500			165	15,500
029	M107, CAL. 50, SNIPER RIFLE		223				223
030	XM320 GRENADE LAUNCHER MODULE (GLM)	9,342	31,756			9,342	31,756
031	XM110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	508	7,407			508	7,407
032	M4 CARBINE	88,964	151,055			88,964	151,055
033	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	7,135	9,097			7,135	9,097
034	COMMON REMOTELY OPERATED WEAPONS						
035	FUTURE HANDGUN SYSTEM (FHS)	5,000	3,468			5,000	3,468
036	HOWITZER LT WT 155MM (T)	38	113,205			38	113,205
	MODIFICATION OF WEAPONS AND OTHER COMBAT						
037	MK-19 GRENADE MACHINE GUN MODS		7,654				7,654

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
038	M4 CARBINE MODS		16,796				16,796
039	M2 50 CAL MACHINE GUN MODS						
040	M249 SAW MACHINE GUN MODS		7,088				7,088
041	M240 MEDIUM MACHINE GUN MODS		21,128				21,128
042	PHALANX MODS						
043	M119 MODIFICATIONS		964				964
044	M16 RIFLE MODS		1,181				1,181
045	MODIFICATIONS LESS THAN $5.0M		3,763				3,763
	SUPPORT EQUIPMENT AND FACILITIES						
046	ITEMS LESS THAN $5.0M (WOCV-WTCV)		2,187				2,187
047	PRODUCTION BASE SUPPORT (WOCV-WTCV)		6,545				6,545
048	INDUSTRIAL PREPAREDNESS		3,104				3,104
049	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)		1,250		2,200		3,450
	Additional small arms – Army UFR				[2,200]		
050	REF SMALL ARMS						
051	CLOSED ACCOUNT ADJUSTMENTS						
	TOTAL - PROCUREMENT OF WTCV, ARMY		3,687,077		2,200		3,689,277

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	PROCUREMENT OF AMMUNITION, ARMY						
	AMMUNITION						
	SMALL/MEDIUM CALIBER AMMUNITION						
001	CTG, 5.56MM, ALL TYPES		197,130				197,130
002	CTG, 7.62MM, ALL TYPES		59,181				59,181
003	CTG, HANDGUN, ALL TYPES		6,276				6,276
004	CTG, .50 CAL, ALL TYPES		183,813				183,813
005	CTG, 20MM, ALL TYPES						
006	CTG, 25MM, ALL TYPES		14,742				14,742
007	CTG, 30MM, ALL TYPES		79,066				79,066
008	CTG, 40MM, ALL TYPES		293,322				293,322
	MORTAR AMMUNITION						
009	60MM MORTAR, ALL TYPES		17,055				17,055
010	81MM MORTAR, ALL TYPES		58,521				58,521
011	CTG, MORTAR, 120MM, ALL TYPES		117,601				117,601
	TANK AMMUNITION						
012	CTG TANK 105MM: ALL TYPES		15,829				15,829
013	CTG, TANK, 120MM, ALL TYPES		151,015				151,015
	ARTILLERY AMMUNITION						
014	CTG, ARTY, 75MM: ALL TYPES		2,741				2,741
015	CTG, ARTY, 105MM: ALL TYPES		42,153				42,153
016	CTG, ARTY, 155MM, ALL TYPES		85,030				85,030

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
017	PROJ 155MM EXTENDED RANGE XM982		34,220				34,220
018	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL		43,338				43,338
	ARTILLERY FUZES						
019	ARTILLERY FUZES, ALL TYPES		19,969				19,969
	MINES						
020	MINES, ALL TYPES		4,846				4,846
021	MINE, CLEARING CHARGE, ALL TYPES		2,606				2,606
022	ANTIPERSONNEL LANDMINE ALTERNATIVES		52,000				52,000
	ROCKETS						
023	SHOULDER LAUNCHED MUNITIONS, ALL TYPES		28,020				28,020
024	ROCKET, HYDRA 70, ALL TYPES		142,521				142,521
	OTHER AMMUNITION						
025	DEMOLITION MUNITIONS, ALL TYPES		28,886				28,886
026	GRENADES, ALL TYPES		71,608		7,000		78,608
	Program increase (Grenades all types)				[7,000]		
027	SIGNALS, ALL TYPES		89,357				89,357
028	CARTRIDGE, IMPULSE, BBU-35/B						
029	SIMULATORS, ALL TYPES		20,027				20,027
030	SIMULATOR, HOSTILE FIRE, XM34						
031	SIMULATOR, TARGET HIT, XM35 (WHITE STAR)						
032	FLARE, AIRCRAFT, COUNTERMEASURE, XM216						
033	ALL OTHER (AMMO)						

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	MISCELLANEOUS						
034	AMMO COMPONENTS, ALL TYPES		15,228				15,228
035	NON-LETHAL AMMUNITION, ALL TYPES		21,193				21,193
036	CAD/PAD ALL TYPES		2,806				2,806
037	ITEMS LESS THAN $5 MILLION		6,996				6,996
038	AMMUNITION PECULIAR EQUIPMENT		10,598				10,598
039	FIRST DESTINATION TRANSPORTATION (AMMO)		12,564				12,564
040	CLOSEOUT LIABILITIES		100				100
	AMMUNITION PRODUCTION BASE SUPPORT						
	PRODUCTION BASE SUPPORT						
041	PROVISION OF INDUSTRIAL FACILITIES		187,388		21,000		208,388
	Radford AAP upgrades				[20,000]		
	Bomb line modernization				[1,000]		
042	LAYAWAY OF INDUSTRIAL FACILITIES		5,085				5,085
043	MAINTENANCE OF INACTIVE FACILITIES		5,619				5,619
044	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL		144,327				144,327
045	ARMS INITIATIVE		3,014				3,014
	RE-ESTIMATE OF GUARANTEED LOAN						
046	RE-ESTIMATE OF GUAR LOAN						
	TOTAL - PROCUREMENT OF AMMUNITION, ARMY		2,275,791		28,000		2,303,791

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	OTHER PROCUREMENT, ARMY						
	TACTICAL AND SUPPORT VEHICLES						
	TACTICAL VEHICLES						
001	TACTICAL TRAILERS/DOLLY SETS		88,428				88,428
002	SEMITRAILERS, FLATBED:		62,345				62,345
003	SEMITRAILERS, TANKERS		47,476				47,476
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)		946,734				946,734
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)		944,687		80,700		1,025,387
	Additional palletized loading systems - Army UFR				[80,700]		
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING		19,378				19,378
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)		923,348		43,100		966,448
	Additional heavy equipment transporter system (HETS) – Army UFR				[43,100]		
008	ARMORED SECURITY VEHICLES (ASV)	202	195,385			202	195,385
009	MINE PROTECTION VEHICLE FAMILY		182,367				182,367
010	TRUCK, TRACTOR, LINE HAUL, M915/M916		14,870				14,870
011	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV		213,341				213,341
012	HMMWV RECAPITALIZATION PROGRAM						
013	MODIFICATION OF IN SVC EQUIP		32,219				32,219
014	ITEMS LESS THAN $5.0M (TAC VEH)		511				511
015	TOWING DEVICE-FIFTH WHEEL	3	218			3	218

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	NON-TACTICAL VEHICLES						
016	HEAVY ARMORED SEDAN	3	595			3	595
017	PASSENGER CARRYING VEHICLES	8	280			8	280
018	NONTACTICAL VEHICLES, OTHER		3,380				3,380
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT						
	COMM-JOINT COMMUNICATIONS						
019	COMBAT IDENTIFICATION PROGRAM						
020	JOINT COMBAT IDENTIFICATION MARKING SYSTEM		12,910				12,910
021	WIN-T - GROUND FORCES TACTICAL NETWORK		287,605		-42,000		245,605
	Area Common User System modernization program reduction				[-42,000]		
022	JCSE EQUIPMENT (USREDCOM)		4,114				4,114
	COMM-SATELLITE COMMUNICATIONS						
023	SECOMP-I						
024	DEFENSE ENTERPRISE WIDEBAND SATCOM		88,286				88,286
025	SHF TERM		298		15,000		15,298
	Super high frequency terminals – Army UFR				[15,000]		
026	SAT TERM, EMUT (SPACE)		807				807
027	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)		92,311		16,500		108,811
	Additional defense advanced GPS receivers – Army UFR				[16,500]		
028	SMART-T (SPACE)		85,286				85,286

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
029	SCAMP (SPACE)		993				993
030	GLOBAL BRDCST SVC - GBS		35,385				35,385
031	MOD OF IN-SVC EQUIP (TAC SAT)		6,075		4,000		10,075
	Tactical satellite equipment upgrades – Army UFR				[4,000]		
	COMM-C3 SYSTEM						
032	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)		33,513		-4,722		28,791
	Net-enabled command capability program reduction				[-4,722]		
	COMM-COMBAT COMMUNICATIONS						
033	ARMY DATA DISTRIBUTION SYSTEM (EPLRS)		36,077				36,077
034	RADIO TERMINAL SET, MIDS LVT(2)		8,570				8,570
035	SINCGARS FAMILY		84,888				84,888
036	AMC CRITICAL ITEMS - OPA2		4,073				4,073
037	MULTI-PURPOSE INFORMATIONS OPERATIONS		7,801				7,801
038	BRIDGE TO FUTURE NETWORKS						
039	COMMS-ELEC EQUIP FIELDING		7,828				7,828
040	SPIDER APLA REMOTE CONTROL UNIT	125	18,000			125	18,000
041	SOLDIER ENHANCEMENT PROGRAM		7,545				7,545
042	COMBAT SURVIVOR EVADER LOCATOR (CSEL)		16,155				16,155
043	RADIO, IMPROVED HF (COTS) FAMILY		48,436		22,800		71,236
	Commercial, off-the-shelf tactical radios equipment – Army UFR				[22,800]		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
044	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)		38,281		1,400		39,681
	Medical communication & combat casualty care equipment – Army UFR				[1,400]		
	COMM-INTELLIGENCE COMMUNICATIONS						
045	CI AUTOMATION ARCHITECTURE		1,500				1,500
	INFORMATION SECURITY						
046	TSEC - ARMY KEY MGT SYS (AKMS)		34,774				34,774
047	INFORMATION SYSTEM SECURITY PROGRAM-ISSP		76,570				76,570
	COMM-LONG HAUL COMMUNICATIONS						
048	TERRESTRIAL TRANSMISSION		9,167				9,167
049	BASE SUPPORT COMMUNICATIONS		35,120				35,120
050	ELECTROMAG COMP PROG (EMCP)						
051	WW TECH CON IMP PROG (WWTCIP)		28,736				28,736
	COMM-BASE COMMUNICATIONS						
052	INFORMATION SYSTEMS		278,999				278,999
053	DEFENSE MESSAGE SYSTEM (DMS)		6,726				6,726
054	INSTALLATION INFO INFRASTRUCTURE MOD		231,336		3,000		234,336
	Information technology upgrades				[3,000]		
055	PENTAGON INFORMATION MGT AND TELECOM		33,317				33,317
	ELECT EQUIP-NAT FOR INT PROG (NFIP)						
56	FOREIGN COUNTERINTELLIGENCE PROG (FCI)		[ ]				[ ]
57	GENERAL DEFENSE INTELL PROG (GDIP)		[ ]				[ ]

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
058	ALL SOURCE ANALYSIS SYS (ASAS) (MIP)		58,333				58,333
059	JTT/CIBS-M (MIP)		11,377				11,377
060	PROPHET GROUND (MIP)		114,085				114,085
061	TACTICAL UNMANNED AERIAL SYS (TUAS)MIP		316,598				316,598
062	SMALL UNMANNED AERIAL SYSTEM (SUAS)		30,023				30,023
063	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)		26,802				26,802
064	DRUG INTERDICTION PROGRAM (DIP)						
065	TACTICAL EXPLOITATION SYSTEM (MIP)						
066	DCGS-A (MIP)		177,973				177,973
067	TROJAN (MIP)		10,409				10,409
068	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)		2,423				2,423
069	CI HUMINT AUTO REPRTING AND COLL(CHARCS)		37,632				37,632
070	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM		6,358				6,358
071	ITEMS LESS THAN $5.0M (MIP)		27,731				27,731
	ELECT EQUIP-ELECTRONIC WARFARE (EW)						
072	LIGHTWEIGHT COUNTER MORTAR RADAR		46,397				46,397
073	WARLOCK	38				38	
074	COUNTERINTELLIGENCE/SECURITY		993		25,000		25,993
	Triton III				[25,000]		
075	CI MODERNIZATION (MIP)		1,297				1,297

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	ELECT EQUIP-TACTICAL SURV. (TAC SURV)						
076	SENTINEL MODS		33,142				33,142
077	NIGHT VISION DEVICES		465,592		28,800		494,392
	Additional night vision devices - Army UFR				[28,800]		
078	LONG RANGE ADVANCED SCOUT SURVEILLANCE	41	210,766			41	210,766
079	NIGHT VISION, THERMAL WPN SIGHT		416,866		52,500		469,366
	Additional driver vision enhancement systems – Army UFR				[52,500]		
080	RADIATION MONITORING SYSTEMS		3,440				3,440
081	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)						
082	ARTILLERY ACCURACY EQUIP		447				447
083	MOD OF IN-SVC EQUIP (MMS)						
084	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE		2,579				2,579
085	PROFILER	8	12,517			8	12,517
086	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)		16,342				16,342
087	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)		231,651				231,651
088	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER		150,094				150,094
089	COMPUTER BALLISTICS: LHMBC XM32		2,269				2,269
090	MORTAR FIRE CONTROL SYSTEM		21,037				21,037
091	COUNTERFIRE RADARS		107,061				107,061
092	INTEGRATED MET SYS SENSORS (IMETS) - MIP						
093	ENHANCED SENSOR & MONITORING SYSTEM		1,987				1,987

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	ELECT EQUIP-TACTICAL C2 SYSTEMS						
094	TACTICAL OPERATIONS CENTERS		196,245				196,245
095	FIRE SUPPORT C2 FAMILY		53,908				53,908
096	BATTLE COMMAND SUSTAINMENT SUPPORT		36,829				36,829
097	FAAD C2		7,489				7,489
098	AIR & MSL DEFENSE PLANNING & CONTROL SYS		57,674				57,674
099	KNIGHT FAMILY		100,709				100,709
100	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		2,101		5,900		8,001
	Life cycle software support – Army UFR				[5,900]		
101	AUTOMATIC IDENTIFICATION TECHNOLOGY		83,530		5,900		89,430
	Additional automatic identification equipment – Army UFR				[5,900]		
102	TC AIMS II		31,879		5,900		37,779
	Additional transportation coordinator's automated information for movement system equipment (TC AIMS) - Army UFR				[5,900]		
103	JOINT NETWORK MANAGEMENT SYSTEM (JNMS)		11,059				11,059
104	TACTICAL INTERNET MANAGER		4,809				4,809
105	DATA PRODUCTS		30,077				30,077
106	MANEUVER CONTROL SYSTEM (MCS)		123,009				123,009
107	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)		67,960		300		68,260
	Additional logistics automation systems – Army UFR				[300]		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
108	MOUNTED BATTLE COMMAND ON THE MOVE		25,869				25,869
	ELECT EQUIP - AUTOMATION						
109	GENERAL FUND ENTERPRISE BUSINESS SYSTEM		30,137				30,137
110	ARMY TRAINING MODERNIZATION		13,481				13,481
111	AUTOMATED DATA PROCESSING EQUIP		105,343				105,343
112	CSS COMMUNICATIONS		36,744		5,900		42,644
	Combat service support communications equipment – Army UFR				[5,900]		
113	RESERVE COMPONENT AUTOMATION SYS (RCAS)		42,462				42,462
	ELECT EQUIP-AUDIO VISUAL SYS (A/V)						
114	AFRTS						
115	ITEMS LESS THAN $5.0M (A/V)		6,677				6,677
116	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)		12,613				12,613
	ELECT EQUIP-MODS TACTICAL SYS/EQ						
117	WEAPONIZATION OF UNMANNED AERIAL SYSTEM		15,124				15,124
	ELECT EQUIP-SUPPORT						
118	ITEMS UNDER $5M (SSE)		6,517				6,517
119	PRODUCTION BASE SUPPORT (C-E)		514				514
	OTHER SUPPORT EQUIPMENT						
	CHEMICAL DEFENSIVE EQUIPMENT						
120	PROTECTIVE SYSTEMS	35	1,085			35	1,085
121	MASK, ACFT						

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
122	CBRN SOLDIER PROTECTION		58,426				58,426
123	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)		16,814				16,814
	BRIDGING EQUIPMENT						
124	TACTICAL BRIDGING	19	93,930			19	93,930
125	TACTICAL BRIDGE, FLOAT-RIBBON		147,270				147,270
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT						
126	HANDHELD STANDOFF MINEFIELD DETECTION SYS-		46,007				46,007
127	GRND STANDOFF MINE DETECTION SYSTEM		46,783		6,000		52,783
	Fido explosives detector				[6,000]		
128	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD		58,437				58,437
129	< $5M, COUNTERMINE EQUIPMENT		3,192				3,192
130	AERIAL DETECTION		12,773				12,773
	COMBAT SERVICE SUPPORT EQUIPMENT						
131	HEATERS AND ECU'S		12,996				12,996
132	LAUNDRIES, SHOWERS AND LATRINES		7,002				7,002
133	SOLDIER ENHANCEMENT		9,898				9,898
134	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)						
135	LAND WARRIOR				102,000		102,000
	Program increase				[102,000]		
136	FORCE PROVIDER						
137	FIELD FEEDING EQUIPMENT		70,847		5,400		76,247
	Additional field feeding systems – Army UFR				[5,400]		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
138	PARACHUTE & AERIAL DEL SYS		63,420				63,420
139	MOBILE INTEGRATED REMAINS COLLECTION		17,803				17,803
140	ITEMS LESS THAN $5M (ENG SPT)		32,602				32,602
141	ITEMS LESS THAN $5.0M (CSS EQ)						
	PETROLEUM EQUIPMENT						
142	QUALITY SURVEILLANCE EQUIPMENT		1,285				1,285
143	DISTRIBUTION SYSTEMS, PETROLEUM & WATER		61,545				61,545
	WATER EQUIPMENT						
144	WATER PURIFICATION SYSTEMS		51,164		1,200		52,364
	Additional water purification systems – Army UFR				[1,200]		
	MEDICAL EQUIPMENT						
145	COMBAT SUPPORT MEDICAL		62,336		4,300		66,636
	Additional combat medical support equipment – Army UFR				[4,300]		
	MAINTENANCE EQUIPMENT						
146	MOBILE MAINTENANCE EQUIPMENT SYSTEMS		57,994				57,994
147	ITEMS LESS THAN $5.0M (MAINT EQ)		1,329				1,329
	CONSTRUCTION EQUIPMENT						
148	GRADER, ROAD MTZD, HVY, 6X4 (CCE)		37,698		1,000		38,698
	Additional graders – Army UFR				[1,000]		
149	SKID STEER LOADER (SSL) FAMILY OF SYSTEM		19,943		3,000		22,943
	Additional skid steer loaders – Army UFR				[3,000]		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
150	SCRAPERS, EARTHMOVING				1,000		1,000
	Additional scrapers – Army UFR				[1,000]		
151	DISTR, WATER, SP MIN 2500G SEC/NON-SEC		6,555		1,000		7,555
	Additional water distributors – Army UFR				[1,000]		
152	MISSION MODULES - ENGINEERING		31,525		1,000		32,525
	Additional engineer mission module water distributors – Army UFR				[1,000]		
153	LOADERS		27,988		2,000		29,988
	Additional loaders – Army UFR				[2,000]		
154	HYDRAULIC EXCAVATOR		9,565				9,565
155	TRACTOR, FULL TRACKED		33,727		2,000		35,727
	Additional tractors – Army UFR				[2,000]		
156	CRANES				1,000		1,000
	Additional cranes – Army UFR				[1,000]		
157	PLANT, ASPHALT MIXING		7,906				7,906
158	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS		54,508		8,000		62,508
	Additional high mobility engineer excavators - Army UFR				[8,000]		
159	CONST EQUIP ESP		44,703		1,000		45,703
	Additional construction equipment - Army UFR				[1,000]		
160	ITEMS LESS THAN $5.0M (CONST EQUIP)		17,030		4,000		21,030
	Additional equipment – Army UFR				[4,000]		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	RAIL FLOAT CONTAINERIZATION EQUIPMENT						
161	JOINT HIGH SPEED VESSEL (JHSV)	1	168,846			1	168,846
162	HARBORMASTER COMMAND AND CONTROL CENTER		17,615				17,615
163	CAUSEWAY SYSTEMS						
164	ITEMS LESS THAN $5.0M (FLOAT/RAIL)		7,803				7,803
	GENERATORS						
165	GENERATORS AND ASSOCIATED EQUIP		217,749		44,600		262,349
	Additional tactical electric generators – Army UFR				[44,600]		
	MATERIAL HANDLING EQUIPMENT						
166	ROUGH TERRAIN CONTAINER HANDLER (RTCH)		45,000				45,000
167	ALL TERRAIN LIFTING ARMY SYSTEM		48,981				48,981
	TRAINING EQUIPMENT						
168	COMBAT TRAINING CENTERS SUPPORT		16,508				16,508
169	TRAINING DEVICES, NONSYSTEM		218,614		32,900		251,514
	Combat Arms Training System				[8,000]		
	Immersive group simulation				[6,000]		
	Joint fires and effects trainer				[5,000]		
	Laser collective combat training				[8,000]		
	Urban training center instrumentation				[2,900]		
	Operator driving simulators				[5,000]		
170	CLOSE COMBAT TACTICAL TRAINER		60,676				60,676

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
171	AVIATION COMBINED ARMS TACTICAL TRAINER (AVCAT)		23,106				23,106
	TEST MEASURE AND DIG EQUIPMENT (TMD)						
172	CALIBRATION SETS EQUIPMENT		9,689				9,689
173	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)		46,296				46,296
174	GENERAL PURPOSE ELECTRONIC TEST EQUIPMENT		22,377				22,377
	OTHER SUPPORT EQUIPMENT						
175	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT		20,190				20,190
176	PHYSICAL SECURITY SYSTEMS (OPA3)		104,774				104,774
177	BASE LEVEL COM'L EQUIPMENT		4,123				4,123
178	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)		45,741				45,741
179	PRODUCTION BASE SUPPORT (OTH)		3,107				3,107
180	BUILDING, PRE-FAB, RELOCATABLE						
181	SPECIAL EQUIPMENT FOR USER TESTING		24,201				24,201
182	AMC CRITICAL ITEMS OPA3		10,826		2,400		13,226
	Additional spares – Army UFR				[2,400]		
183	MA8975		2,624				2,624
	SPARES AND REPAIR PARTS						
	OPA2						
184	INITIAL SPARES - C&E		36,334				36,334
	OPA3						
185	INITIAL SPARES - OTHER SUPPORT EQUIP						

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
999	CLASSIFIED PROGRAMS		2,636				2,636
	TOTAL - OTHER PROCUREMENT, ARMY		11,367,926		493,778		11,861,704
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND						
	NETWORK ATTACK						
001	ATTACK THE NETWORK						
	JIEDDO DEVICE DEFEAT						
002	DEFEAT THE DEVICE		196,300		-196,300		
	Transfer to Title XV and Title XVI				[-196,300]		
	FORCE TRAINING						
003	TRAIN THE FORCE						
	STAFF AND INFRASTRUCTURE						
004	OPERATIONS		300,000		-300,000		
	Transfer to Title XV and Title XVI				[-300,000]		
	TOTAL - JOINT IED DEFEAT FUND		496,300		-496,300		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	AIRCRAFT PROCUREMENT, NAVY						
	COMBAT AIRCRAFT						
001	AV-8B (V/STOL)HARRIER (MYP)		3,401				3,401
002	EA-18G	22	1,604,800			22	1,604,800
003	ADVANCE PROCUREMENT (CY)		46,831				46,831
004	F/A-18E/F (FIGHTER) HORNET (MYP)	23	1,868,688			23	1,868,688
005	ADVANCE PROCUREMENT (CY)		42,616				42,616
006	JOINT STRIKE FIGHTER	8	1,602,084			8	1,602,084
007	ADVANCE PROCUREMENT (CY)		258,814				258,814
008	V-22 (MEDIUM LIFT)	30	2,133,401			30	2,133,401
009	ADVANCE PROCUREMENT (CY)		87,000				87,000
010	UH-1Y/AH-1Z	20	474,141			20	474,141
011	MH-60R	18	470,455			18	470,455
012	ADVANCE PROCUREMENT (CY)		79,215				79,215
013	MH-60S (MYP)	31	1,045,004			31	1,045,004
014	ADVANCE PROCUREMENT (CY)		140,759				140,759
015	MMA ADVANCE PROCUREMENT (CY)		110,568				110,568
016	E-2C (EARLY WARNING) HAWKEYE (MYP)	3	496,374	-1	-165,500	2	330,874
	Defer one aircraft to reflect radar development delays				[-165,500]		
017	ADVANCE PROCUREMENT (CY)		92,749				92,749

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	AIRLIFT AIRCRAFT						
018	C-40A	2	154,994			2	154,994
	TRAINER AIRCRAFT						
019	T-45TS (TRAINER) GOSHAWK	44	289,253			44	289,253
020	JPATS						
	OTHER AIRCRAFT						
021	KC-130J	2	119,545			2	119,545
022	ADVANCE PROCUREMENT (CY)		33,932				33,932
023	F-5						
024	VTUAV	3	55,337			3	55,337
025	OTHER SUPPORT AIRCRAFT						
	MODIFICATION OF AIRCRAFT						
026	EA-6 SERIES		33,436				33,436
027	AV-8 SERIES		51,093				51,093
028	ADVERSARY						
029	F-18 SERIES		450,909				450,909
030	H-46 SERIES		34,636				34,636
031	AH-1W SERIES		6,375				6,375
032	H-53 SERIES		56,381		8,000		64,381
	Integrated mechanical diagnostics health & usage management system (IMDS)				[8,000]		
033	SH-60 SERIES		72,493				72,493

Title I - Procurement
(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
034	H-1 SERIES		8,901				8,901
035	EP-3 SERIES		72,370				72,370
036	P-3 SERIES		297,896		160,000		457,896
	Critical P-3 life sustainment improvements				[160,000]		
037	S-3 SERIES						
038	E-2 SERIES		11,489				11,489
039	TRAINER A/C SERIES		26,160				26,160
040	C-2A		22,120				22,120
041	C-130 SERIES		6,468				6,468
042	FEWSG		671				671
043	CARGO/TRANSPORT A/C SERIES		17,952				17,952
044	E-6 SERIES		88,894				88,894
045	EXECUTIVE HELICOPTERS SERIES		31,819				31,819
046	SPECIAL PROJECT AIRCRAFT		14,113				14,113
047	T-45 SERIES		67,666				67,666
048	POWER PLANT CHANGES		28,219				28,219
049	JPATS SERIES		8,892				8,892
050	AVIATION LIFE SUPPORT MODS		7,190				7,190
051	COMMON ECM EQUIPMENT		66,425		10,000		76,425
	AN/AAR-47 hostile fire improvements				[10,000]		
052	COMMON AVIONICS CHANGES		148,940				148,940

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
053	COMMON DEFENSIVE WEAPON SYSTEM		10,786				10,786
054	ID SYSTEMS		12,032				12,032
055	V-22 (TILT/ROTOR ACFT) OSPREY		41,473				41,473
	AIRCRAFT SPARES AND REPAIR PARTS						
056	SPARES AND REPAIR PARTS		1,229,135				1,229,135
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES						
057	COMMON GROUND EQUIPMENT		442,390				442,390
058	AIRCRAFT INDUSTRIAL FACILITIES		11,068				11,068
059	WAR CONSUMABLES		62,256				62,256
060	OTHER PRODUCTION CHARGES		27,870				27,870
061	SPECIAL SUPPORT EQUIPMENT		36,539				36,539
062	FIRST DESTINATION TRANSPORTATION		1,756				1,756
063	CANCELLED ACCOUNT ADJUSTMENTS						
	TOTAL - AIRCRAFT PROCUREMENT, NAVY		14,716,774		12,500		14,729,274
	WEAPONS PROCUREMENT, NAVY						
	BALLISTIC MISSILES						
	MODIFICATION OF MISSILES						
001	TRIDENT II MODS	24	1,093,168			24	1,093,168
	SUPPORT EQUIPMENT AND FACILITIES						
002	MISSILE INDUSTRIAL FACILITIES		3,496				3,496

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	ORDNANCE SUPPORT EQUIPMENT						
019	ORDNANCE SUPPORT EQUIPMENT		43,708				43,708
	TORPEDOES AND RELATED EQUIPMENT						
	TORPEDOES AND RELATED EQUIP.						
020	SSTD						
021	ASW TARGETS		8,929				8,929
	MOD OF TORPEDOES AND RELATED EQUIPMENT						
022	MK-46 TORPEDO MODS	120	77,782			120	77,782
023	MK-48 TORPEDO ADCAP MODS		61,545				61,545
024	QUICKSTRIKE MINE		3,506				3,506
	SUPPORT EQUIPMENT						
025	TORPEDO SUPPORT EQUIPMENT		36,002				36,002
026	ASW RANGE SUPPORT		9,872				9,872
	DESTINATION TRANSPORTATION						
027	FIRST DESTINATION TRANSPORTATION		3,442				3,442
	OTHER WEAPONS						
	GUNS AND GUN MOUNTS						
028	SMALL ARMS AND WEAPONS		13,619				13,619
	MODIFICATION OF GUNS AND GUN MOUNTS						
029	CIWS MODS		167,967				167,967
030	COAST GUARD WEAPONS		21,082				21,082
031	GUN MOUNT MODS		60,061				60,061

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
032	LCS MODULE WEAPONS		2,786				2,786
033	CRUISER MODERNIZATION WEAPONS		45,168				45,168
034	AIRBORNE MINE NEUTRALIZATION SYSTEMS		8,618				8,618
	OTHER						
035	MARINE CORPS TACTIAL UNMANNED AERIAL		20,532				20,532
036	CANCELLED ACCOUNT ADJUSTMENTS						
	SPARES AND REPAIR PARTS						
037	SPARES AND REPAIR PARTS		53,360				53,360
	TOTAL - WEAPONS PROCUREMENT, NAVY		3,575,482		30,000		3,605,482
	PROCUREMENT OF AMMUNITION, NAVY & MARINE						
	PROC AMMO, NAVY						
	NAVY AMMUNITION						
001	GENERAL PURPOSE BOMBS		168,437				168,437
002	JDAM	169	9,306			169	9,306
003	AIRBORNE ROCKETS, ALL TYPES		32,250				32,250
004	MACHINE GUN AMMUNITION		18,916				18,916
005	PRACTICE BOMBS		39,419				39,419
006	CARTRIDGES & CART ACTUATED DEVICES		46,644				46,644
007	AIRCRAFT ESCAPE ROCKETS						
008	AIR EXPENDABLE COUNTERMEASURES		79,805				79,805

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	OTHER MISSILES						
	STRATEGIC MISSILES						
003	TOMAHAWK	207	281,096			207	281,096
	TACTICAL MISSILES						
004	AMRAAM	147	146,830			147	146,830
005	SIDEWINDER	205	57,497			205	57,497
006	JSOW	496	149,144			496	149,144
007	SLAM-ER						
008	STANDARD MISSILE	70	227,958			70	227,958
009	RAM	90	74,287			90	74,287
010	HELLFIRE	1,068	95,358			1,068	95,358
011	AERIAL TARGETS		83,313				83,313
012	OTHER MISSILE SUPPORT		9,478				9,478
	MODIFICATION OF MISSILES						
013	ESSM	86	85,061			86	85,061
014	HARM MODS		42,735				42,735
015	STANDARD MISSILES MODS		77,360				77,360
	SUPPORT EQUIPMENT AND FACILITIES						
016	WEAPONS INDUSTRIAL FACILITIES		3,266		30,000		33,266
	Accelerate facility restoration program				[30,000]		
017	FLEET SATELLITE COMM FOLLOW-ON		479,680				479,680
018	ADVANCE PROCUREMENT (CY)		27,776				27,776

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
009	JATOS		3,178				3,178
010	MK 258 MOD 1		967				967
011	5 INCH/54 GUN AMMUNITION		20,959				20,959
012	INTERMEDIATE CALIBER GUN AMMUNITION		15,780				15,780
013	OTHER SHIP GUN AMMUNITION		35,111				35,111
014	SMALL ARMS & LANDING PARTY AMMO		45,129				45,129
015	PYROTECHNIC AND DEMOLITION		10,464				10,464
016	AMMUNITION LESS THAN $5 MILLION		3,207				3,207
	PROC AMMO, MC						
	MARINE CORPS AMMUNITION						
017	SMALL ARMS AMMUNITION		108,436				108,436
018	5.56 MM, ALL TYPES						
019	7.62 MM, ALL TYPES						
020	LINEAR CHARGES, ALL TYPES		17,677				17,677
021	.50 CALIBER						
022	40 MM, ALL TYPES		60,433				60,433
023	60MM, ALL TYPES		44,846				44,846
024	81MM, ALL TYPES		54,879				54,879
025	120MM, ALL TYPES		87,500				87,500
026	CTG 25MM, ALL TYPES		2,300				2,300
027	9 MM ALL TYPES						

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
028	GRENADES, ALL TYPES		39,038		9,000		48,038
	Program increase (Grenades all types)				[9,000]		
029	ROCKETS, ALL TYPES		26,087				26,087
030	ARTILLERY, ALL TYPES		117,213				117,213
031	EXPEDITIONARY FIGHTING VEHICLE						
032	DEMOLITION MUNITIONS, ALL TYPES		18,974				18,974
033	FUZE, ALL TYPES		3,460				3,460
034	NON LETHALS		2,158				2,158
035	AMMO MODERNIZATION		5,644				5,644
036	ITEMS LESS THAN $5 MILLION		4,495				4,495
	TOTAL - PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS		1,122,712		9,000		1,131,712
	SHIPBUILDING AND CONVERSION, NAVY						
	OTHER WARSHIPS						
001	CARRIER REPLACEMENT PROGRAM		2,712,251				2,712,251
002	ADVANCE PROCUREMENT (CY)		1,214,188				1,214,188
003	VIRGINIA CLASS SUBMARINE	1	2,107,040			1	2,107,040
004	ADVANCE PROCUREMENT (CY)		1,316,548		79,000		1,395,548
	Additional funds to smooth ramp up to 2 boats per year				[79,000]		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
005	CVN REFUELING OVERHAULS	1	606,561			1	606,561
006	ADVANCE PROCUREMENT (CY)		21,389				21,389
007	SSN ERO						
008	SSBN ERO	1	221,823			1	221,823
009	ADVANCE PROCUREMENT (CY)		39,363				39,363
010	DDG 1000	1	2,502,803			1	2,502,803
011	ADVANCE PROCUREMENT (CY)		50,980				50,980
012	DDG-51						
013	LITTORAL COMBAT SHIP	2	920,000		-123,000	2	797,000
	Fully fund two ships to cost cap in FY 09, reflecting government furnished material (GFM) from cancelled ships				[-123,000]		
	AMPHIBIOUS SHIPS						
014	LPD-17		103,216		-103,216		
	Transfer to SCN 15				[-103,216]		
015	ADVANCE PROCUREMENT (CY)				273,216		273,216
	Transfer from SCN 14				[103,216]		
	Advance procurement for additional ship in FY 10				[170,000]		
016	LHA REPLACEMENT				178,300		178,300
	Transfer from National Defense Sealift Fund				[348,300]		
	Reflect delays in LHA (R) program				[-170,000]		
017	INTRATHEATER CONNECTOR	1	174,782			1	174,782

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM						
018	SPECIAL PURPOSE						
019	OCEANOGRAPHIC SHIPS						
020	OUTFITTING		429,587				429,587
021	SERVICE CRAFT		36,317				36,317
022	LCAC SLEP	6	110,918			6	110,918
023	COMPLETION OF PY SHIPBUILDING PROGRAMS		165,152				165,152
	TOTAL - SHIPBUILDING AND CONVERSION, NAVY		12,732,918		304,300		13,037,218
	OTHER PROCUREMENT, NAVY						
	SHIPS SUPPORT EQUIPMENT						
	SHIP PROPULSION EQUIPMENT						
001	LM-2500 GAS TURBINE		7,973				7,973
002	ALLISON 501K GAS TURBINE		9,405				9,405
003	OTHER PROPULSION EQUIPMENT		38,800				38,800
	NAVIGATION EQUIPMENT						
004	OTHER NAVIGATION EQUIPMENT		47,549				47,549
	UNDERWAY REPLENISHMENT EQUIPMENT						
005	UNDERWAY REPLENISHMENT EQUIPMENT						
	PERISCOPES						
006	SUB PERISCOPES & IMAGING EQUIP		69,078				69,078

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	OTHER SHIPBOARD EQUIPMENT						
007	DDG MOD		165,496		25,000		190,496
	Planning, engineering & procurement for service life extension alterations				[25,000]		
008	FIREFIGHTING EQUIPMENT		8,293				8,293
009	COMMAND AND CONTROL SWITCHBOARD		6,345				6,345
010	POLLUTION CONTROL EQUIPMENT		27,923				27,923
011	SUBMARINE SUPPORT EQUIPMENT		22,686				22,686
012	VIRGINIA CLASS SUPPORT EQUIPMENT		199,904				199,904
013	SUBMARINE BATTERIES		41,132				41,132
014	STRATEGIC PLATFORM SUPPORT EQUIP		9,953				9,953
015	DSSP EQUIPMENT		5,733				5,733
016	CG MODERNIZATION		232,370				232,370
017	LCAC		174				174
018	MINESWEEPING EQUIPMENT		11,991				11,991
019	ITEMS LESS THAN $5 MILLION		136,156				136,156
020	CHEMICAL WARFARE DETECTORS		6,598				6,598
021	SUBMARINE LIFE SUPPORT SYSTEM		15,212				15,212
	REACTOR PLANT EQUIPMENT						
022	REACTOR POWER UNITS						
023	REACTOR COMPONENTS		236,693				236,693
	OCEAN ENGINEERING						

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
024	DIVING AND SALVAGE EQUIPMENT		6,549				6,549
	SMALL BOATS						
025	STANDARD BOATS		17,839				17,839
	TRAINING EQUIPMENT						
026	OTHER SHIPS TRAINING EQUIPMENT		5,689				5,689
	PRODUCTION FACILITIES AND EQUIPMENT						
027	OPERATING FORCES IPE		51,631				51,631
	OTHER SHIP SUPPORT						
028	NUCLEAR ALTERATIONS		70,694				70,694
029	LCS MODULES		131,241				131,241
	LOGISTIC SUPPORT						
030	LSD MIDLIFE		90,675				90,675
	DRUG INTERDICTION SUPPORT						
031	DRUG INTERDICTION SUPPORT						
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT						
	SHIP RADARS						
032	RADAR SUPPORT	2	10,503			2	10,503
	SHIP SONARS						
033	SPQ-9B RADAR		9,281				9,281
034	AN/SQQ-89 SURF ASW COMBAT SYSTEM	3	117,685			3	117,685
035	SSN ACOUSTICS		284,153				284,153
036	UNDERSEA WARFARE SUPPORT EQUIPMENT	3	15,578			3	15,578

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
037	SONAR SWITCHES AND TRANSDUCERS		13,858				13,858
	ASW ELECTRONIC EQUIPMENT						
038	SUBMARINE ACOUSTIC WARFARE SYSTEM		20,857				20,857
039	SSTD		10,058				10,058
040	FIXED SURVEILLANCE SYSTEM		44,997				44,997
041	SURTASS		26,675				26,675
042	TACTICAL SUPPORT CENTER		25,188				25,188
	ELECTRONIC WARFARE EQUIPMENT						
043	AN/SLQ-32		29,280				29,280
044	INFORMATION WARFARE SYSTEMS						
	RECONNAISSANCE EQUIPMENT						
045	SHIPBOARD IW EXPLOIT		83,408				83,408
	SUBMARINE SURVEILLANCE EQUIPMENT						
046	SUBMARINE SUPPORT EQUIPMENT PROG		103,597				103,597
	OTHER SHIP ELECTRONIC EQUIPMENT						
047	NAVY TACTICAL DATA SYSTEM						
048	COOPERATIVE ENGAGEMENT CAPABILITY		34,561				34,561
049	GCCS-M EQUIPMENT		25,923				25,923
050	NAVAL TACTICAL COMMAND SUPPORT SYSTEM		31,283				31,283
051	ATDLS		14,206				14,206
052	MINESWEEPING SYSTEM REPLACEMENT		49,024				49,024
053	SHALLOW WATER MCM		7,355				7,355

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
054	NAVSTAR GPS RECEIVERS (SPACE)		10,893				10,893
055	ARMED FORCES RADIO AND TV		4,178				4,178
056	STRATEGIC PLATFORM SUPPORT EQUIP		4,106				4,106
	TRAINING EQUIPMENT						
057	OTHER TRAINING EQUIPMENT		29,791				29,791
	AVIATION ELECTRONIC EQUIPMENT						
058	MATCALS		17,409				17,409
059	SHIPBOARD AIR TRAFFIC CONTROL		7,944				7,944
060	AUTOMATIC CARRIER LANDING SYSTEM		18,787				18,787
061	NATIONAL AIR SPACE SYSTEM		29,066				29,066
062	AIR STATION SUPPORT EQUIPMENT		8,238				8,238
063	MICROWAVE LANDING SYSTEM		10,799				10,799
064	FACSFAC						
065	ID SYSTEMS		34,560				34,560
066	TAC A/C MISSION PLANNING SYS(TAMPS)		9,512				9,512
	OTHER SHORE ELECTRONIC EQUIPMENT						
067	DEPLOYABLE JOINT COMMAND AND CONT		9,031				9,031
068	TADIX-B		5,309				5,309
069	GCCS-M EQUIPMENT TACTICAL/MOBILE		6,209				6,209
070	COMMON IMAGERY GROUND SURFACE SYSTEMS		67,133				67,133
071	RADIAC		9,840				9,840
072	GPETE		5,521				5,521

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
073	INTEG COMBAT SYSTEM TEST FACILITY		4,558				4,558
074	EMI CONTROL INSTRUMENTATION		8,384				8,384
075	ITEMS LESS THAN $5 MILLION		48,930				48,930
	SHIPBOARD COMMUNICATIONS						
076	SHIPBOARD TACTICAL COMMUNICATIONS		9				9
077	PORTABLE RADIOS		14,352				14,352
078	SHIP COMMUNICATIONS AUTOMATION		333,335				333,335
079	COMMUNICATIONS ITEMS UNDER $5M		35,647				35,647
080	SUBMARINE BROADCAST SUPPORT		3,139				3,139
081	SUBMARINE COMMUNICATION EQUIPMENT		76,761				76,761
	SATELLITE COMMUNICATIONS						
082	SATELLITE COMMUNICATIONS SYSTEMS		122,003				122,003
	SHORE COMMUNICATIONS						
083	JCS COMMUNICATIONS EQUIPMENT		2,376				2,376
084	ELECTRICAL POWER SYSTEMS		1,293				1,293
085	NAVAL SHORE COMMUNICATIONS		8,563				8,563
	CRYPTOGRAPHIC EQUIPMENT						
086	INFO SYSTEMS SECURITY PROGRAM (ISSP)		101,153				101,153
	CRYPTOLOGIC EQUIPMENT						
087	CRYPTOLOGIC COMMUNICATIONS EQUIP		16,716				16,716
	OTHER ELECTRONIC SUPPORT						
088	COAST GUARD EQUIPMENT		16,846				16,846

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	DRUG INTERDICTION SUPPORT						
089	OTHER DRUG INTERDICTION SUPPORT						
	AVIATION SUPPORT EQUIPMENT						
	SONOBUOYS						
090	SONOBUOYS - ALL TYPES		112,603				112,603
	AIRCRAFT SUPPORT EQUIPMENT						
091	WEAPONS RANGE SUPPORT EQUIPMENT		64,396				64,396
092	EXPEDITIONARY AIRFIELDS		8,308				8,308
093	AIRCRAFT REARMING EQUIPMENT		12,761				12,761
094	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT		46,362				46,362
095	METEOROLOGICAL EQUIPMENT		24,742				24,742
096	OTHER PHOTOGRAPHIC EQUIPMENT		1,603				1,603
097	AVIATION LIFE SUPPORT		17,673				17,673
098	AIRBORNE MINE COUNTERMEASURES		39,363				39,363
099	LAMPS MK III SHIPBOARD EQUIPMENT		35,117				35,117
100	OTHER AVIATION SUPPORT EQUIPMENT		13,335				13,335
	ORDNANCE SUPPORT EQUIPMENT						
	SHIP GUN SYSTEM EQUIPMENT						
101	NAVAL FIRES CONTROL SYSTEM		1,695				1,695
102	GUN FIRE CONTROL EQUIPMENT		8,244				8,244
	SHIP MISSILE SYSTEM EQUIPMENT						
103	HARPOON SUPPORT EQUIPMENT						

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
104	NATO SEASPARROW		12,270				12,270
105	RAM GMLS		23,492				23,492
106	SHIP SELF DEFENSE SYSTEM		46,687				46,687
107	AEGIS SUPPORT EQUIPMENT		85,424				85,424
108	TOMAHAWK SUPPORT EQUIPMENT		61,976				61,976
109	VERTICAL LAUNCH SYSTEMS		5,644				5,644
	FBM SUPPORT EQUIPMENT						
110	STRATEGIC MISSILE SYSTEMS EQUIP		118,814				118,814
	ASW SUPPORT EQUIPMENT						
111	SSN COMBAT CONTROL SYSTEMS		98,010				98,010
112	SUBMARINE ASW SUPPORT EQUIPMENT		5,374				5,374
113	SURFACE ASW SUPPORT EQUIPMENT		4,622				4,622
114	ASW RANGE SUPPORT EQUIPMENT		9,199				9,199
	OTHER ORDNANCE SUPPORT EQUIPMENT						
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		46,546				46,546
116	ITEMS LESS THAN $5 MILLION		3,535				3,535
	OTHER EXPENDABLE ORDNANCE						
117	ANTI-SHIP MISSILE DECOY SYSTEM		38,077				38,077
118	SURFACE TRAINING DEVICE MODS		9,822				9,822
119	SUBMARINE TRAINING DEVICE MODS		33,583		3,800		37,383
	Standardize metrics assessment of readiness & training				[3,800]		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	CIVIL ENGINEERING SUPPORT EQUIPMENT						
120	PASSENGER CARRYING VEHICLES		1,966				1,966
121	GENERAL PURPOSE TRUCKS		829				829
122	CONSTRUCTION & MAINTENANCE EQUIP		12,167				12,167
123	FIRE FIGHTING EQUIPMENT		16,289				16,289
124	TACTICAL VEHICLES		29,686				29,686
125	AMPHIBIOUS EQUIPMENT		14,041				14,041
126	POLLUTION CONTROL EQUIPMENT		5,418				5,418
127	ITEMS UNDER $5 MILLION		22,379				22,379
128	PHYSICAL SECURITY VEHICLES		1,116				1,116
	SUPPLY SUPPORT EQUIPMENT						
129	MATERIALS HANDLING EQUIPMENT		14,971				14,971
130	OTHER SUPPLY SUPPORT EQUIPMENT		9,247				9,247
131	FIRST DESTINATION TRANSPORTATION		6,216				6,216
132	SPECIAL PURPOSE SUPPLY SYSTEMS		74,103				74,103
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT						
	TRAINING DEVICES						
133	TRAINING SUPPORT EQUIPMENT		16,764				16,764
	COMMAND SUPPORT EQUIPMENT						
134	COMMAND SUPPORT EQUIPMENT		43,175		4,850		48,025
	Man overboard indicators (MOBI)				[4,850]		
135	EDUCATION SUPPORT EQUIPMENT		2,018				2,018

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
136	MEDICAL SUPPORT EQUIPMENT		6,493				6,493
137	NAVAL MIP SUPPORT EQUIPMENT		1,646				1,646
138	INTELLIGENCE SUPPORT EQUIPMENT		[ ]				[ ]
139	OPERATING FORCES SUPPORT EQUIPMENT		13,116				13,116
140	C4ISR EQUIPMENT		13,510				13,510
141	ENVIRONMENTAL SUPPORT EQUIPMENT		24,244				24,244
142	PHYSICAL SECURITY EQUIPMENT		144,863				144,863
143	ENTERPRISE INFORMATION TECHNOLOGY		35,600				35,600
144	CLASSIFIED PROGRAMS		[ ]				[ ]
145	SPECIAL PROGRAM		[ ]				[ ]
	PRODUCTIVITY PROGRAMS						
146	JUDGMENT FUND REIMBURSEMENT						
	OTHER						
147	CANCELLED ACCOUNT ADJUSTMENTS						
	SPARES AND REPAIR PARTS						
148	SPARES AND REPAIR PARTS		251,765				251,765
999	CLASSIFIED PROGRAMS		18,314				18,314
	TOTAL - OTHER PROCUREMENT, NAVY		5,482,856		33,650		5,516,506

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	PROCUREMENT, MARINE CORPS						
	WEAPONS AND COMBAT VEHICLES						
	TRACKED COMBAT VEHICLES						
001	AAV7A1 PIP		5,441				5,441
002	EXPEDITIONARY FIGHTING VEHICLE						
003	LAV PIP		64,526				64,526
004	M1A1 FIREPOWER ENHANCEMENTS		14,708				14,708
	ARTILLERY AND OTHER WEAPONS						
005	EXPEDITIONARY FIRE SUPPORT SYSTEM		22,102				22,102
006	155MM LIGHTWEIGHT TOWED HOWITZER		2,500				2,500
007	HIGH MOBILITY ARTILLERY ROCKET SYSTEM		109,460				109,460
008	WEAPONS AND COMBAT VEHICLES UNDER $5		24,220				24,220
	WEAPONS						
009	MODULAR WEAPON SYSTEM						
	OTHER SUPPORT						
010	MODIFICATION KITS		11,165				11,165
011	WEAPONS ENHANCEMENT PROGRAM		24,223				24,223
	GUIDED MISSILES AND EQUIPMENT						
	GUIDED MISSILES						
012	GROUND BASED AIR DEFENSE		12,569				12,569
013	JAVELIN						

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	OTHER SUPPORT						
014	MODIFICATION KITS		4,925				4,925
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT						
	COMMAND AND CONTROL SYSTEMS						
015	UNIT OPERATIONS CENTER		14,883				14,883
	REPAIR AND TEST EQUIPMENT						
016	REPAIR AND TEST EQUIPMENT		35,188				35,188
	OTHER SUPPORT (TEL)						
017	COMBAT SUPPORT SYSTEM		34,665				34,665
018	MODIFICATION KITS						
	COMMAND AND CONTROL SYSTEM (NON-TEL)						
019	ITEMS UNDER $5 MILLION (COMM & ELEC)		9,661				9,661
020	AIR OPERATIONS C2 SYSTEMS		77,978				77,978
	RADAR AND EQUIPMENT (NON-TEL)						
021	RADAR SYSTEMS		32,516				32,516
	INTELL/COMM EQUIPMENT (NON-TEL)						
022	FIRE SUPPORT SYSTEM		2,654				2,654
023	INTELLIGENCE SUPPORT EQUIPMENT		49,838				49,838
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)						
024	NIGHT VISION EQUIPMENT		24,868				24,868
	OTHER SUPPORT (NON-TEL)						
025	COMMON COMPUTER RESOURCES		106,499				106,499

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
026	COMMAND POST SYSTEMS		15,816				15,816
027	RADIO SYSTEMS		95,845				95,845
028	COMM SWITCHING & CONTROL SYSTEMS		40,639				40,639
029	COMM & ELEC INFRASTRUCTURE SUPPORT		15,527				15,527
	SUPPORT VEHICLES						
	ADMINISTRATIVE VEHICLES						
030	COMMERCIAL PASSENGER VEHICLES		1,201				1,201
031	COMMERCIAL CARGO VEHICLES		13,691				13,691
	TACTICAL VEHICLES						
032	5/4T TRUCK HMMWV (MYP)	7	2,666			7	2,666
033	MOTOR TRANSPORT MODIFICATIONS						
034	MEDIUM TACTICAL VEHICLE REPLACEMENT		944				944
035	LIGHTWEIGHT PRIME MOVER						
036	LOGISTICS VEHICLE SYSTEM REP		324,578		-25,000		299,578
	Program reduction & realignment				[-25,000]		
037	FAMILY OF TACTICAL TRAILERS		27,619				27,619
038	TRAILERS		8,424				8,424
	OTHER SUPPORT						
039	ITEMS LESS THAN $5 MILLION		4,046				4,046
	ENGINEER AND OTHER EQUIPMENT						
040	ENVIRONMENTAL CONTROL EQUIP ASSORT		5,131				5,131
041	BULK LIQUID EQUIPMENT		9,571				9,571

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
042	TACTICAL FUEL SYSTEMS		19,067				19,067
043	POWER EQUIPMENT ASSORTED		16,501				16,501
044	AMPHIBIOUS SUPPORT EQUIPMENT		13,239				13,239
045	EOD SYSTEMS		28,568				28,568
	MATERIALS HANDLING EQUIPMENT						
046	PHYSICAL SECURITY EQUIPMENT		12,589				12,589
047	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)		11,813				11,813
048	MATERIAL HANDLING EQUIP		30,758				30,758
049	FIRST DESTINATION TRANSPORTATION		5,867				5,867
	GENERAL PROPERTY						
050	FIELD MEDICAL EQUIPMENT		6,623		7,900		14,523
	Combat casualty care equipment upgrades				[7,900]		
051	TRAINING DEVICES		57,476				57,476
052	CONTAINER FAMILY		4,050				4,050
053	FAMILY OF CONSTRUCTION EQUIPMENT		22,461				22,461
054	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)		7,987				7,987
055	BRIDGE BOATS						
056	RAPID DEPLOYABLE KITCHEN		2,907				2,907
	OTHER SUPPORT						
057	MODIFICATION KITS						
058	ITEMS LESS THAN $5 MILLION		8,114				8,114

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	SPARES AND REPAIR PARTS						
059	SPARES AND REPAIR PARTS		14,460				14,460
	TOTAL - PROCUREMENT, MARINE CORPS		1,512,765		-17,100		1,495,665

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	AIRCRAFT PROCUREMENT, AIR FORCE						
	COMBAT AIRCRAFT						
	TACTICAL FORCES						
001	F-35	8	1,673,787			8	1,673,787
002	ADVANCE PROCUREMENT (CY)		136,904		35,000		171,904
	F136 engine advance procurement				[35,000]		
003	F-22A	20	3,054,197			20	3,054,197
004	ADVANCE PROCUREMENT (CY)				497,000		497,000
	Advance procurement or line close down costs				[497,000]		
	AIRLIFT AIRCRAFT						
	TACTICAL AIRLIFT						
005	C-17A (MYP)		367,554		-48,800		318,754
	Purchasing spares ahead of need				[-40,000]		
	USAF-requested transfer to APAF 34				[-8,800]		
	OTHER AIRLIFT						
006	C-130J				25,000		25,000
	USAF-requested transfer from APAF 31				[25,000]		
007	ADVANCE PROCUREMENT (CY)		96,000				96,000
008	HC/MC-130 RECAP	6	507,677			6	507,677
009	ADVANCE PROCUREMENT (CY)		80,000				80,000
010	KC-X ADVANCE PROCUREMENT (CY)		61,660		-61,660		
	USAF-requested transfer to PE 65221F (RDAF 83)				[-61,660]		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
011	JOINT CARGO AIRCRAFT		5,439				5,439
	TRAINER AIRCRAFT						
	OPERATIONAL TRAINERS						
012	JPATS		33,196		-5,542		27,654
	USAF-requested correction of JPATS (T-6) spares adjustment				[-5,542]		
	OTHER AIRCRAFT						
	HELICOPTERS						
013	CSAR-X ADVANCE PROCUREMENT (CY)		15,000		-15,000		
	Reflect delays in acquisition program				[-15,000]		
014	V22 OSPREY	6	409,027			6	409,027
015	ADVANCE PROCUREMENT (CY)		14,266				14,266
	MISSION SUPPORT AIRCRAFT						
016	C-29A FLIGHT INSPECTION ACFT	1	31,877			1	31,877
017	C-40						
018	CIVIL AIR PATROL A/C		2,435				2,435
	OTHER AIRCRAFT						
019	TARGET DRONES		70,576				70,576
020	GLOBAL HAWK	5	658,319		31,000	5	689,319
	UAV NAS radar				[31,000]		
021	ADVANCE PROCUREMENT (CY)		53,832				53,832

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
022	MQ-1	38	378,703		31,000	38	409,703
	UAV NAS radar				[31,000]		
023	MQ-9	9	161,439			9	161,439
	MODIFICATION OF IN-SERVICE AIRCRAFT						
	STRATEGIC AIRCRAFT						
024	B-2A		330,392		18,500		348,892
	B-2 radar - transfer from PE 64204F (RDAF 61)				[18,500]		
025	B-1B		71,774				71,774
026	B-52		41,699		57,600		99,299
	SAASM				[18,100]		
	CONNECT				[22,800]		
	AWI				[16,700]		
027	F-117						
	TACTICAL AIRCRAFT						
028	A-10		144,077				144,077
029	F-15		12,326				12,326
030	F-16		273,694				273,694
031	F-22A		327,046				327,046
	AIRLIFT AIRCRAFT						
032	C-5		485,484				485,484
033	ADVANCE PROCUREMENT (CY)		97,600				97,600

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
034	C-17A		331,535		8,800		340,335
	USAF-requested transfer from APAF 5				[8,800]		
035	C-21		11,001		-10,249		752
	USAF-requested transfer to APAF 40				[-10,249]		
036	C-32A		11,373				11,373
037	C-37A		2,407				2,407
	TRAINER AIRCRAFT						
038	GLIDER MODS		121				121
039	T-6		21,122		-367		20,755
	USAF-requested correction of JPATS (T-6) spares adjustment				[-367]		
040	T-1		25		10,249		10,274
	USAF-requested transfer from APAF 35				[10,249]		
041	T-38		59,934				59,934
042	T-43		2,269				2,269
	OTHER AIRCRAFT						
043	KC-10A (ATCA)		1,899				1,899
044	C-12		468				468
045	C-20 MODS		1,535				1,535
046	VC-25A MOD		60,875				60,875
047	C-40		9,911				9,911

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
048	C-130		422,814		-7,800		415,014
	Accelerate LAIRCM upgrades for C-130 aircraft				[15,000]		
	Accelerate LAIRCM upgrades for AFSOC C-130 aircraft				[2,200]		
	Reduce C-130 AMP overhead growth				[-25,000]		
049	C130J MODS		59,350		-25,000		34,350
	USAF-requested transfer to APAF 6				[-25,000]		
050	C-135		134,188				134,188
051	COMPASS CALL MODS		24,605				24,605
052	DARP		106,989				106,989
053	E-3		86,468				86,468
054	E-4		28,098				28,098
055	E-8		30,657				30,657
056	H-1		13,200				13,200
057	H-60		17,250				17,250
058	GLOBAL HAWK MODS		103,939				103,939
059	OTHER AIRCRAFT		151,932				151,932
060	MQ-1 MODS		148,532				148,532
061	MQ-9 MODS		24,590				24,590
062	CV-22 MODS		22,621				22,621
	AIRCRAFT SPARES AND REPAIR PARTS						
063	INITIAL SPARES/REPAIR PARTS		257,001				257,001

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Title I - Procurement
(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES						
	COMMON SUPPORT EQUIP						
064	AIRCRAFT REPLACEMENT SUPPORT EQUIP		104,861				104,861
	POST PRODUCTION SUPPORT						
065	B-1						
066	B-2A						
067	B-2A		36,783				36,783
068	B-52						
069	C-5		18,210				18,210
070	C-21		19,025		-19,025		
	USAF-requested transfer to APAF 75				[-19,025]		
071	C-130						
072	EC-130J		5,382				5,382
073	F-15		20,189				20,189
074	F-16		13,623				13,623
075	T-6		8,841		-8,841		
	USAF-requested correction of JPATS (T-6) spares adjustment				[-8,841]		
076	OTHER AIRCRAFT		48,593				48,593
077	T-1				19,025		19,025
	USAF-requested transfer from APAF 75				[19,025]		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	INDUSTRIAL PREPAREDNESS						
078	INDUSTRIAL RESPONSIVENESS		24,380				24,380
	WAR CONSUMABLES						
079	WAR CONSUMABLES		80,622				80,622
	OTHER PRODUCTION CHARGES						
080	OTHER PRODUCTION CHARGES		521,357		27,900		549,257
	Litening targeting pod upgrades				[27,900]		
081	DEPOT MODERNIZATION						
82	CLASSIFIED PROGRAMS		[ ]				[ ]
83	SPECIAL PROGRAMS		[ ]				[ ]
84	OTHER SPECIAL PROGRAMS		[ ]				[ ]
	CLASSIFIED PGMS						
	OTHER PRODUCTION CHARGES SOF						
085	CANCELLED ACCT ADJUSTMENTS						
	DARP						
086	DARP		21,028				21,028
999	CLASSIFIED PROGRAMS		10,913				10,913
	TOTAL - AIRCRAFT PROCUREMENT, AIR FORCE		12,676,496		558,790		13,235,286

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	PROCUREMENT OF AMMUNITION, AIR FORCE						
	PROCUREMENT OF AMMO, AIR FORCE						
	ROCKETS						
001	ROCKETS		29,436				29,436
	CARTRIDGES						
002	CARTRIDGES		150,815		1,000		151,815
	Improved stores ejection cartridges				[1,000]		
	BOMBS						
003	PRACTICE BOMBS		24,590				24,590
004	GENERAL PURPOSE BOMBS		149,695				149,695
005	SENSOR FUZED WEAPON						
006	JOINT DIRECT ATTACK MUNITION	3,647	105,719			3,647	105,719
007	WIND CORRECTED MUNITIONS DISPENSER						
	FLARE, IR MJU-7B						
008	CAD/PAD		38,190				38,190
009	EXPLOSIVE ORDNANCE DISPOSAL (EOD)		3,246				3,246
010	SPARES AND REPAIR PARTS		4,618				4,618
011	MODIFICATIONS		1,235				1,235
012	ITEMS LESS THAN $5,000,000		2,477				2,477
	FUZES						
013	FLARES		304,159				304,159
014	FUZES		72,133				72,133

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	WEAPONS						
	SMALL ARMS						
015	SMALL ARMS		8,165				8,165
	TOTAL - PROCUREMENT OF AMMUNITION, AIR FORCE		894,478		1,000		895,478
	MISSILE PROCUREMENT, AIR FORCE						
	BALLISTIC MISSILES						
	MISSILE REPLACEMENT EQUIPMENT-BALLISTIC						
001	MISSILE REPLACEMENT EQ-BALLISTIC		26,658				26,658
	OTHER MISSILES						
	TACTICAL						
002	JASSM	260	240,295	-145	-80,000	115	160,295
	Reflect delays in program certification				[-80,000]		
003	SIDEWINDER (AIM-9X)	275	77,223			275	77,223
004	AMRAAM	281	294,746			281	294,746
005	PREDATOR HELLFIRE MISSILE	642	63,585			642	63,585
006	SMALL DIAMETER BOMB	2,612	133,209			2,612	133,209
	INDUSTRIAL FACILITIES						
007	INDUSTR'L PREPAREDNS/POL PREVENTION		2,408				2,408

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	MODIFICATION OF IN-SERVICE MISSILES						
	CLASS IV						
008	ADVANCED CRUISE MISSILE		42				42
009	AGM-130 POWERED GBU-15						
010	MISSILE REPLACEMENT EQ-BALLISTIC						
011	MM III MODIFICATIONS		296,354				296,354
012	AGM-65D MAVERICK		256				256
013	AIR LAUNCH CRUISE MISSILE (ALCM)		10,150				10,150
	SPARES AND REPAIR PARTS						
	MISSILES AND REPAIR PARTS						
014	INITIAL SPARES/REPAIR PARTS		26,923				26,923
	OTHER SUPPORT						
	SPACE PROGRAMS						
015	ADVANCED EHF		16,564				16,564
016	ADVANCE PROCUREMENT (CY)				100,000		100,000
	Advance procurement of AEHF 4				[100,000]		
017	WIDEBAND GAPFILLER SATELLITES(SPACE)		22,492				22,492
018	ADVANCE PROCUREMENT (CY)						
019	SPACEBORNE EQUIP (COMSEC)		17,407				17,407
020	GLOBAL POSITIONING (SPACE)		108,043				108,043
021	ADVANCE PROCUREMENT (CY)		2,400				2,400

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Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
022	NUDET DETECTION SYSTEM		1,250				1,250
023	DEF METEOROLOGICAL SAT PROG(SPACE)		99,788				99,788
024	DEFENSE SUPPORT PROGRAM(SPACE)						
025	TITAN SPACE BOOSTERS(SPACE)						
026	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	4	1,205,278			4	1,205,278
027	MEDIUM LAUNCH VEHICLE(SPACE)		5,756				5,756
028	SBIR HIGH (SPACE)	2	1,664,043			2	1,664,043
029	ADVANCE PROCUREMENT (CY)		54,000				54,000
	SPECIAL PROGRAMS						
030	CANCELLED ACCOUNTS						
031	DEFENSE SPACE RECONN PROGRAM		158,966				158,966
32	SPECIAL PROGRAMS		[ ]				[ ]
033	SPECIAL UPDATE PROGRAMS		212,515				212,515
34	CLASSIFIED PROGRAM		[ ]				[ ]
35	OTHER PROGRAMS		[ ]				[ ]
999	CLASSIFIED PROGRAMS		796,377				796,377
	TOTAL - MISSILE PROCUREMENT, AIR FORCE		5,536,728		20,000		5,556,728

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	OTHER PROCUREMENT, AIR FORCE						
	VEHICULAR EQUIPMENT						
	PASSENGER CARRYING VEHICLES						
001	ARMORED VEHICLE						
002	PASSENGER CARRYING VEHICLES		17,662				17,662
	CARGO AND UTILITY VEHICLES						
003	MEDIUM TACTICAL VEHICLE		23,002				23,002
004	HIGH MOBILITY VEHICLE (MYP)						
005	CAP VEHICLES		889				889
	SPECIAL PURPOSE VEHICLES						
006	HMMWV, ARMORED						
007	SECURITY AND TACTICAL VEHICLES		30,597				30,597
	FIRE FIGHTING EQUIPMENT						
008	FIRE FIGHTING/CRASH RESCUE VEHICLES		27,020				27,020
	MATERIALS HANDLING EQUIPMENT						
009	HALVERSEN LOADER						
	BASE MAINTENANCE SUPPORT						
010	RUNWAY SNOW REMOV AND CLEANING EQU		23,051				23,051
011	ITEMS LESS THAN $5,000,000(VEHICLES)		39,984				39,984
	CANCELLED ACCOUNT ADJUSTMENT						
012	CANCELLED ACCOUNT ADJUSTMENTS (BPA						

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	ELECTRONICS AND TELECOMMUNICATIONS						
	COMM SECURITY EQUIPMENT (COMSEC)						
013	COMSEC EQUIPMENT		137,914				137,914
014	MODIFICATIONS (COMSEC)		1,557				1,557
	INTELLIGENCE PROGRAMS						
015	INTELLIGENCE TRAINING EQUIPMENT		2,671				2,671
016	INTELLIGENCE COMM EQUIPMENT		15,441		3,500		18,941
	Eagle Vision one meter SAR upgrades				[3,500]		
	ELECTRONICS PROGRAMS						
017	AIR TRAFFIC CONTROL & LANDING SYS		9,832				9,832
018	NATIONAL AIRSPACE SYSTEM		47,224				47,224
019	THEATER AIR CONTROL SYS IMPROVEMEN		68,502				68,502
020	WEATHER OBSERVATION FORECAST		29,377				29,377
021	STRATEGIC COMMAND AND CONTROL		53,739				53,739
022	CHEYENNE MOUNTAIN COMPLEX		13,662				13,662
023	DRUG INTERDICTION SPT		950				950
	SPECIAL COMM-ELECTRONICS PROJECTS						
024	GENERAL INFORMATION TECHNOLOGY		100,052		1,900		101,952
	NextGen OTHR risk reduction				[1,900]		
025	AF GLOBAL COMMAND & CONTROL SYS		16,148				16,148
026	MOBILITY COMMAND AND CONTROL		10,475				10,475
027	AIR FORCE PHYSICAL SECURITY SYSTEM		57,728				57,728

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
028	COMBAT TRAINING RANGES		55,315		10,700		66,015
	Unmanned threat emitter (UMTE) modernization				[10,700]		
029	MINIMUM ESSENTIAL EMERGENCY COMM N		1				1
030	C3 COUNTERMEASURES		7,754				7,754
031	GCSS-AF FOS		55,783				55,783
032	THEATER BATTLE MGT C2 SYSTEM		22,525				22,525
033	AIR & SPACE OPERATIONS CTR-WPN SYS		35,050		-29,000		6,050
	AOC				[-29,000]		
	AIR FORCE COMMUNICATIONS						
034	BASE INFO INFRASTRUCTURE		337,190				337,190
035	USCENTCOM		42,677				42,677
	DISA PROGRAMS						
036	SPACE BASED IR SENSOR PGM SPACE		80,405				80,405
037	NAVSTAR GPS SPACE		25,526				25,526
038	NUDET DETECTION SYS SPACE		27,626				27,626
039	AF SATELLITE CONTROL NETWORK SPACE		65,383				65,383
040	SPACELIFT RANGE SYSTEM SPACE		101,983				101,983
041	MILSATCOM SPACE		106,323				106,323
042	SPACE MODS SPACE		23,121				23,121
043	COUNTERSPACE SYSTEM		29,232				29,232
	ORGANIZATION AND BASE						
044	TACTICAL C-E EQUIPMENT		293,153				293,153

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
045	COMBAT SURVIVOR EVADER LOCATER		26,878				26,878
046	RADIO EQUIPMENT		13,463				13,463
047	TV EQUIPMENT (AFRTV)						
048	CCTV/AUDIOVISUAL EQUIPMENT		7,423				7,423
049	BASE COMM INFRASTRUCTURE		135,808				135,808
050	ITEMS LESS THAN $5,000,000						
	MODIFICATIONS						
051	COMM ELECT MODS		33,258				33,258
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP						
	PERSONAL SAFETY AND RESCUE EQUIPMENT						
052	NIGHT VISION GOGGLES		18,626				18,626
	DEPOT PLANT AND MATERIAL HANDLING EQUIP						
053	MECHANIZED MATERIAL HANDLING EQUIP		21,573				21,573
	BASE SUPPORT EQUIPMENT						
054	BASE PROCURED EQUIPMENT		17,038				17,038
055	MEDICAL/DENTAL EQUIPMENT						
056	CONTINGENCY OPERATIONS		6,483				6,483
057	PRODUCTIVITY CAPITAL INVESTMENT		3,021				3,021
058	MOBILITY EQUIPMENT		26,459				26,459
059	ITEMS LESS THAN $5,000,000 (BASE S)		14,237				14,237
	SPECIAL SUPPORT PROJECTS						
60	PRODUCTION ACTIVITIES		[ ]				[ ]

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
061	DARP RC135		22,924				22,924
062	DISTRIBUTED GROUND SYSTEMS		251,805				251,805
63	SELECTED ACTIVITIES		[ ]				[ ]
064	SPECIAL UPDATE PROGRAM		410,370				410,370
065	DEFENSE SPACE RECONNAISSANCE PROG.		15,805				15,805
	SPARES AND REPAIR PARTS						
066	SPARES AND REPAIR PARTS		25,616				25,616
999	CLASSIFIED PROGRAMS		13,041,085				13,041,085
	TOTAL - OTHER PROCUREMENT, AIR FORCE		16,128,396		-12,900		16,115,496

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	MINE RESISTANT AMBUSH PROT VEH FUND						
	MINE RESISTANT AMBUSH PROT VEH FUND						
001	MINE RESISTANT AMBUSH PROT VEH FUND						
	TOTAL - MINE RESISTANT AMBUSH PROT VEH FUND						
	PROCUREMENT, DEFENSE-WIDE						
	MAJOR EQUIPMENT						
	MAJOR EQUIPMENT, OSD/WHS						
001	MAJOR EQUIPMENT, OSD		105,946				105,946
	MAJOR EQUIPMENT, MDA						
001a	MAJOR EQUIPMENT, MDA				257,000		257,000
	THAAD long lead (transfer from RDDW 72)				[65,000]		
	THAAD long lead				[75,000]		
	THAAD radar long lead				[40,000]		
	SM-3 long lead				[20,000]		
	SM-3 long lead (transfer from RDDW 81)				[57,000]		
	MAJOR EQUIPMENT, NSA						
2	INTEL SUPPORT TO INFORMATION OPS		[ ]				[ ]
3	CYBER SECURITY – CCP		[ ]				[ ]
4	CYBER SECURITY INITIATIVE		[ ]				[ ]
5	CONSOLIDATED CRYPTOLOGIC PROGRAM		[ ]				[ ]

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
006	INFORMATION SYSTEMS SECURITY PROGRAM		4,505				4,505
7	DEFENSE AIRBORNE RECONNAISSANCE PGM		[ ]				[ ]
	MAJOR EQUIPMENT, WHS						
008	WHS MOTOR VEHICLES						
009	MAJOR EQUIPMENT, WHS		26,649				26,649
	MAJOR EQUIPMENT, DISA						
010	INTERDICTION SUPPORT						
011	INFORMATION SYSTEMS SECURITY		54,934				54,934
012	DEFENSE MESSAGE SYSTEM						
013	GLOBAL COMMAND AND CONTROL SYSTEM		10,973				10,973
014	GLOBAL COMBAT SUPPORT SYSTEM		2,788				2,788
015	TELEPORT PROGRAM		15,062				15,062
016	ITEMS LESS THAN $5 MILLION		121,296				121,296
017	NET CENTRIC ENTERPRISE SERVICES (NCES)		36,765				36,765
018	DEFENSE INFORMATION SYSTEM NETWORK (DISN)		90,328				90,328
019	PUBLIC KEY INFRASTRUCTURE		1,894				1,894
020	SR. LEADERSHIP CMD CONT						
021	JOINT COMMAND AND CONTROL PROGRAM		7,952				7,952
022	CYBER SECURITY INITIATIVE		19,100				19,100
	MAJOR EQUIPMENT, DIA						
23	DIA SUPPORT TO CENTCOM INTELIGENCE		[ ]				[ ]
24	INTELLIGENCE AND COMMUNICATIONS		[ ]				[ ]

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
25	COMBATANT COMMAND OPERATIONS		[ ]				[ ]
26	DIA SUPPORT TO SOUTHCOM INTEL ACTIVITIES		[ ]				[ ]
27	DIA SUPPORT TO PACOM MANAGEMENT HQ		[ ]				[ ]
28	INTELLIGENCE SUPPORT TO INFO OPS		[ ]				[ ]
29	DIA SUPPORT TO PACOM INTELLIGENCE ACTIVITIES		[ ]				[ ]
30	DIA SUPPORT TO EUCOM INTELLIGENCE ACTIVITIES		[ ]				[ ]
31	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES		[ ]				[ ]
32	DEFENSE HUMINT INTELLIGENCE		[ ]				[ ]
	MAJOR EQUIPMENT, DLA						
033	MAJOR EQUIPMENT		8,789				8,789
	MAJOR EQUIPMENT, DCAA						
034	ITEMS LESS THAN $5 MILLION		1,523				1,523
	MAJOR EQUIPMENT, TJS						
035	MAJOR EQUIPMENT, TJS		25,897				25,897
	MAJOR EQUIPMENT, DHRA						
036	PERSONNEL ADMINISTRATION		19,214				19,214
	NATIONAL GEOSPATIAL INTELLIGENCE AGENCY						
37	NATIONAL GEOSPATIAL - INTELLIGENCE PROGRAM						
38	DEFENSE GEOSPATIAL - INTELLIGENCE PROGRAM						
	DEFENSE THREAT REDUCTION AGENCY						
039	VEHICLES						
040	OTHER MAJOR EQUIPMENT		5,621				5,621

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	MAJOR EQUIPMENT, AFIS						
041	MAJOR EQUIPMENT, AFIS						
	MAJOR EQUIPMENT, DODEA						
042	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS		1,498				1,498
	MAJOR EQUIPMENT, DCMA						
043	MAJOR EQUIPMENT		2,149				2,149
	MAJOR EQUIPMENT, DTSA						
044	MAJOR EQUIPMENT		436				436
	MAJOR EQUIPMENT, BTA						
045	MAJOR EQUIPMENT, BTA		689				689
	MAJOR EQUIPMENT, DMACT						
046	A - WEAPON SYSTEM COST	3	11,158			3	11,158
	SPECIAL OPERATIONS COMMAND						
	AVIATION PROGRAMS						
047	ROTARY WING UPGRADES AND SUSTAINMENT		51,950				51,950
048	MC-130H AIR REFUELING SYSTEM						
049	MH-47 SERVICE LIFE EXTENSION PROGRAM		63,667				63,667
050	MH-60 SOF MODERNIZATION PROGRAM		98,163				98,163
051	NON-STANDARD AVIATION	6	39,172			6	39,172
052	SOF TANKER RECAPITALIZATION		36,286				36,286
053	SOF U-28		7,659				7,659
054	MC-130H, COMBAT TALON II						

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
055	CV-22 SOF MOD	6	162,971			6	162,971
056	AC-130U GUNSHIP ACQUISITION						
057	C-130 MODIFICATIONS		47,018				47,018
058	AIRCRAFT SUPPORT		1,347				1,347
	SHIPBUILDING						
059	ADVANCED SEAL DELIVERY SYSTEM (ASDS)		5,760				5,760
060	MK8 MOD1 SEAL DELIVERY VEHICLE		7,061				7,061
	AMMUNITION PROGRAMS						
061	SOF ORDNANCE REPLENISHMENT		67,083				67,083
062	SOF ORDNANCE ACQUISITION		5,540				5,540
	OTHER PROCUREMENT PROGRAMS						
063	COMMUNICATIONS EQUIPMENT AND ELECTRONICS		67,220				67,220
064	SOF INTELLIGENCE SYSTEMS		54,122		13,300		67,422
	ISR mission equipment package				[13,300]		
065	SMALL ARMS AND WEAPONS		15,689		4,400		20,089
	MK 17 rifle				[4,400]		
66	CLASSIFIED PROGRAMS		[ ]				[ ]
067	MARITIME EQUIPMENT MODIFICATIONS		1,265				1,265
068	SPECIAL APPLICATIONS FOR CONTINGENCIES		12,484				12,484
069	SOF COMBATANT CRAFT SYSTEMS		18,795				18,795
070	SPARES AND REPAIR PARTS		3,272				3,272
71	SPECIAL PROGRAM		[ ]				[ ]

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
072	TACTICAL VEHICLES		3,702				3,702
073	MISSION TRAINING AND PREPARATION SYSTEMS		34,151				34,151
074	COMBAT MISSION REQUIREMENTS		21,593				21,593
075	MILCON COLLATERAL EQUIPMENT		11,722				11,722
076	UNMANNED VEHICLES		27,194				27,194
77	CLASSIFIED PROGRAM GDIP		[ ]				[ ]
078	SOF AUTOMATION SYSTEMS		55,248				55,248
079	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES		15,862				15,862
080	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE		25,892				25,892
081	SOF SOLDIER PROTECTION AND SURVIVAL		15,455				15,455
082	SOF VISUAL AUGMENTATION, LASERS AND SENSOR		30,201		5,000		35,201
	Hand-held imager / long range				[5,000]		
083	SOF TACTICAL RADIO SYSTEMS		33,966				33,966
084	SOF MARITIME EQUIPMENT		13,450				13,450
085	DRUG INTERDICTION						
086	MISCELLANEOUS EQUIPMENT		15,331				15,331
087	SOF OPERATIONAL ENHANCEMENTS		315,443		5,000		320,443
	M53 joint chemical biological protective mask				[5,000]		
088	PSYOP EQUIPMENT		64,778				64,778
	CHEMICAL/BIOLOGICAL DEFENSE						
	CBDP						
089	INSTALLATION FORCE PROTECTION		88,565				88,565

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Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
090	INDIVIDUAL PROTECTION		80,211				80,211
091	DECONTAMINATION		22,299				22,299
092	JOINT BIOLOGICAL DEFENSE PROGRAM		38,702				38,702
093	COLLECTIVE PROTECTION		37,784				37,784
094	CONTAMINATION AVOIDANCE		199,610		18,000		217,610
	Joint chemical agent detector (JCAD)				[10,000]		
	Joint bio standoff detection system (JBSDS)				[8,000]		
999	CLASSIFIED PROGRAMS		671,379				671,379
	TOTAL - PROCUREMENT, DEFENSE-WIDE		3,164,228		302,700		3,466,928
	RAPID ACQUISITION FUND						
001	JOINT RAPID ACQUISITION CELL		102,045				102,045
	TOTAL - RAPID ACQUISITION FUND		102,045				102,045
	NATIONAL GUARD & RESERVE EQUIPMENT						
	RESERVE EQUIPMENT						
	ARMY RESERVE						
001	MISCELLANEOUS EQUIPMENT						
	NAVY RESERVE						
002	MISCELLANEOUS EQUIPMENT						

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2009 Request Qty	FY 2009 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	MARINE CORPS RESERVE						
003	MISCELLANEOUS EQUIPMENT						
	AIR FORCE RESERVE						
004	MISCELLANEOUS EQUIPMENT						
	NATIONAL GUARD EQUIPMENT						
	ARMY NATIONAL GUARD						
005	MISCELLANEOUS EQUIPMENT						
	AIR NATIONAL GUARD						
006	MISCELLANEOUS EQUIPMENT						
	TOTAL - NATIONAL GUARD & RESERVE EQUIPMENT						

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—Amounts authorized to be appropriated to an account of the Department of Defense by a provision of title II of this Act shall be available under that title for each program specified in the column designated ''Program Title'' in the amount specified in the column designated as ''Senate Authorized'' in the table as follows:

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Title II - RDT&E
(Dollars in Thousands)

Title II -- RESEARCH, DEVELOPMENT, TEST & EVALUATION	Authorization Request	Senate Change	Senate Authorized
Research, Development, Test & Evaluation, Army	10,524,085	331,125	10,855,210
Research, Development, Test & Evaluation, Navy	19,337,238	104,954	19,442,192
Research, Development, Test & Evaluation, Air Force	28,066,617	255,860	28,322,477
Research, Development, Test & Evaluation, Defense-wide	21,499,229	-574,500	20,924,729
Operational Test & Evaluation	188,772	0	188,772
TOTAL RDT&E	79,615,941	117,439	79,733,380

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY			
		BASIC RESEARCH			
0601101A	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	19,832		19,832
0601102A	2	DEFENSE RESEARCH SCIENCES	176,959	7,500	184,459
		Advanced energy storage research		[3,000]	
		Drug resistant infections research		[1,500]	
		Military operating environments research		[1,500]	
		Organic semiconductor modeling and simulation		[1,500]	
0601103A	3	UNIVERSITY RESEARCH INITIATIVES	76,980	9,200	86,180
		Low temperature vehicle performance research		[2,000]	
		Nanocomposite materials research		[2,000]	
		Nanocomposite wireless power systems research		[1,500]	
		Nanoscale biosensor research		[2,500]	
		Urban simulation and training research		[1,200]	
0601104A	4	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	105,622		105,622
		SUBTOTAL, BASIC RESEARCH, ARMY	379,393	16,700	396,093

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
		APPLIED RESEARCH			
0602105A	5	MATERIALS TECHNOLOGY	26,985	9,675	36,660
		Cold spray technology development		[2,000]	
		Composite materials applied research and technology		[2,000]	
		Improvised explosive device blast simulations		[475]	
		Magnetic nanosensor development		[2,000]	
		Nanosensor manufacturing research		[1,500]	
		Ultrasonic consolidation research		[1,700]	
0602120A	6	SENSORS AND ELECTRONIC SURVIVABILITY	46,147	2,000	48,147
		Hydrogen battery research		[2,000]	
0602122A	7	TRACTOR HIP	18,192		18,192
0602211A	8	AVIATION TECHNOLOGY	42,013	2,500	44,513
		Slowed-rotor technologies		[2,500]	
0602270A	9	ELECTRONIC WARFARE TECHNOLOGY	16,611		16,611
0602303A	10	MISSILE TECHNOLOGY	48,174		48,174
0602307A	11	ADVANCED WEAPONS TECHNOLOGY	19,664		19,664
0602308A	12	ADVANCED CONCEPTS AND SIMULATION	17,048	3,000	20,048
		Photonics research for sniper detection		[3,000]	

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0602601A	13	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	55,234	18,000	73,234
		Advanced vehicle technology and fuel development		[1,500]	
		Condition based maintenance simulation tools		[4,500]	
		Fuel cell development for medium and heavy-duty vehicles		[4,000]	
		Ground vehicle reliability modeling		[2,000]	
		Hybrid electric vehicle batteries for FCS		[2,000]	
		Lightweight electric drive technologies		[2,000]	
		Military fuels research program		[2,000]	
0602618A	14	BALLISTICS TECHNOLOGY / ROBOTICS	71,550		71,550
0602622A	15	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	2,295		2,295
0602623A	16	JOINT SERVICE SMALL ARMS PROGRAM	7,531		7,531
0602624A	17	WEAPONS AND MUNITIONS TECHNOLOGY	30,576	3,500	34,076
		UGV weaponization		[3,500]	
0602705A	18	ELECTRONICS AND ELECTRONIC DEVICES	45,278	2,000	47,278
		Soldier portable power pack technologies		[2,000]	
0602709A	19	NIGHT VISION TECHNOLOGY	25,647		25,647
0602712A	20	COUNTERMINE SYSTEMS	21,815	3,000	24,815
		Standoff IED detection technologies		[3,000]	
0602716A	21	HUMAN FACTORS ENGINEERING TECHNOLOGY	17,348		17,348
0602720A	22	ENVIRONMENTAL QUALITY TECHNOLOGY	16,064		16,064
0602782A	23	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	24,014	2,000	26,014
		Portable compass/positioning/timing device development		[2,000]	
0602783A	24	COMPUTER AND SOFTWARE TECHNOLOGY	5,495		5,495

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0602784A	25	MILITARY ENGINEERING TECHNOLOGY	52,066	4,000	56,066
		Geosciences and atmospheric research		[2,500]	
		Nanocomposite panels for blast and ballistic protection		[1,500]	
0602785A	26	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	16,412		16,412
0602786A	27	WARFIGHTER TECHNOLOGY	21,948	3,000	24,948
		Ballistic materials for force protection		[1,500]	
		Mobile feeding unit development		[1,500]	
0602787A	28	MEDICAL TECHNOLOGY	75,395	35,500	110,895
		Bioengineering research		[2,500]	
		Biomechanics research		[1,000]	
		Blast wave effect modeling		[5,000]	
		Dengue fever treatment research		[2,000]	
		Dried blood technology clinical research		[2,000]	
		Extremity war injuries research program		[5,000]	
		Genetics research for soldier survivability		[2,000]	
		Military photomedicine program		[8,000]	
		Nanomaterials research for biological processes		[2,000]	
		PTSD research		[2,500]	
		Traumatic brain injury research		[3,500]	
		SUBTOTAL, APPLIED RESEARCH, ARMY	**723,502**	**88,175**	**811,677**

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
		ADVANCED TECHNOLOGY DEVELOPMENT			
0603001A	29	WARFIGHTER ADVANCED TECHNOLOGY	46,793	3,500	50,293
		Biosensor controller systems development		[3,500]	
0603002A	30	MEDICAL ADVANCED TECHNOLOGY	59,043	46,000	105,043
		Advanced fibrin dressings		[5,000]	
		Battlefield tracheal intubation technologies		[2,000]	
		Bioelectrics research		[2,000]	
		Combat wound initiative		[5,500]	
		Electronic vital signs monitoring		[3,000]	
		Gulf War veterans' illnesses research		[13,000]	
		Joint medical logistics modernization program		[4,000]	
		Lower limb prosthetics research		[2,500]	
		Mild traumatic brain injury assessment sensor research		[2,000]	
		Online military medical training program		[2,000]	
		Regenerative medicine research		[5,000]	
0603003A	31	AVIATION ADVANCED TECHNOLOGY	57,277	7,000	64,277
		Helicopter vulnerability reduction technologies		[1,500]	
		Tactical integration systems development		[3,500]	
		UAV payload delivery systems		[2,000]	
0603004A	32	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	73,697		73,697

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0603005A	33	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	107,992	100,250	208,242
		Advanced battery development program		[10,000]	
		Advanced digital hydraulic hybrid drive systems		[3,500]	
		Advanced lithium vehicle battery systems		[3,000]	
		Advanced tactical wheeled vehicle electric drive systems		[5,000]	
		Advanced thermal and oil management controls research		[5,000]	
		Antiballistic windshield armor		[4,000]	
		Composite armor cab development		[2,000]	
		Development of logistical fuel processors		[3,500]	
		Diverse threat sensor development		[1,000]	
		Dynamometer facility upgrade		[4,250]	
		Fastening & joining research		[2,000]	
		Ground vehicle integration technologies		[4,000]	
		Hostile fire detection systems		[2,500]	
		Hybrid electric blast protected vehicle technologies		[4,000]	
		Hybrid engine development program		[6,000]	
		Hydraulic hybrid vehicle systems		[3,000]	
		Next generation non-tactical vehicle propulsion technologies		[5,000]	
		Nickel metal hydride battery development		[2,000]	
		Power and energy research equipment upgrades		[12,000]	
		Power management control and integration systems		[2,000]	
		Solid hydrogen storage systems development		[1,000]	
		Unmanned ground vehicle initiative		[12,000]	
		Vehicle prognostics technologies		[3,500]	

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0603006A	34	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	9,183		9,183
0603007A	35	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	6,853		6,853
0603008A	36	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,961		50,961
0603009A	37	TRACTOR HIKE	14,562		14,562
0603015A	38	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	18,881	5,500	24,381
		Joint fires training systems		[3,500]	
		Modeling architectures for battle command experimentation		[2,000]	
0603020A	39	TRACTOR ROSE	11,575		11,575
0603100A	40	IED DEFEAT TECHNOLOGY DEVELOPMENT			
0603103A	41	EXPLOSIVES DEMILITARIZATION TECHNOLOGY	10,564	500	11,064
		Deactivation of military explosives research		[500]	
0603105A	42	MILITARY HIV RESEARCH	7,116		7,116
0603125A	43	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	13,064		13,064
0603238A	44	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHNOLOGY DEMONSTRATION			
0603270A	45	ELECTRONIC WARFARE TECHNOLOGY	23,996	2,000	25,996
		Laser development for light aircraft missile defense		[2,000]	
0603313A	46	MISSILE AND ROCKET ADVANCED TECHNOLOGY	63,998	1,000	64,998
		Hypersonic interceptor studies		[1,000]	
0603322A	47	TRACTOR CAGE	12,372		12,372
0603606A	48	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	30,797		30,797
0603607A	49	JOINT SERVICE SMALL ARMS PROGRAM	8,809		8,809

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0603710A	50	NIGHT VISION ADVANCED TECHNOLOGY	39,916	3,500	43,416
		Short range electro-optic sensors		[3,500]	
0603728A	51	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	15,519		15,519
0603734A	52	MILITARY ENGINEERING ADVANCED TECHNOLOGY	7,654	3,000	10,654
		Direct methanol fuel cell development		[2,000]	
		Fuel cell technologies for continuity of operations		[1,000]	
0603772A	53	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	48,236		48,236
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY	**738,858**	**172,250**	**911,108**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
0603024A	54	UNIQUE ITEM IDENTIFICATION (UID)	649	2,000	2,649
		Unique item ID data management research		[2,000]	
0603305A	55	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE)	14,005	15,500	29,505
		Advanced electronics integration		[4,000]	
		Advanced environmental control systems		[5,000]	
		Advanced fuel cell research		[3,500]	
		Radiation hardening initiative		[3,000]	
0603308A	56	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	19,986	3,000	22,986
		High-altitude integration testbed		[3,000]	
0603327A	57	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	116,410	5,000	121,410
		IAMD architecture analysis program		[5,000]	
0603460A	58	JOINT AIR-TO-GROUND MISSILE (JAGM)			

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0603619A	59	LANDMINE WARFARE AND BARRIER - ADV DEV	29,234		29,234
0603627A	60	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	3,840		3,840
0603639A	61	TANK AND MEDIUM CALIBER AMMUNITION / FCS	45,866		45,866
0603653A	62	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	108,012	4,500	112,512
		Stryker active protection system		[4,500]	
0603747A	63	SOLDIER SUPPORT AND SURVIVABILITY	30,716		30,716
0603766A	64	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV	12,275		12,275
0603774A	65	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	2,588		2,588
0603779A	66	ENVIRONMENTAL QUALITY TECHNOLOGY	5,355		5,355
0603782A	67	WARFIGHTER INFORMATION NETWORK-TACTICAL	414,357		414,357
0603790A	68	NATO RESEARCH AND DEVELOPMENT	5,041		5,041
0603801A	69	AVIATION - ADV DEV	7,455		7,455
0603804A	70	LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	44,141		44,141
0603805A	71	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS	17,788		17,788
0603807A	72	MEDICAL SYSTEMS - ADV DEV	26,308		26,308
0603827A	73	SOLDIER SYSTEMS - ADVANCED DEVELOPMENT	36,558		36,558
0603850A	74	INTEGRATED BROADCAST SERVICE	11,238		11,238
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY	**951,822**	**30,000**	**981,822**
		SYSTEM DEVELOPMENT & DEMONSTRATION			
0603808A	75	CLASSIFIED PROGRAM			

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0604201A	76	AIRCRAFT AVIONICS	71,562	3,000	74,562
		Vibration management enhancement research		[3,000]	
0604220A	77	ARMED RECONNAISSANCE HELOCOPTER (ARH)	135,652		135,652
0604270A	78	ELECTRONIC WARFARE DEVELOPMENT (MIP)	32,325		32,325
0604321A	79	ALL SOURCE ANALYSIS SYSTEM	16,465		16,465
0604328A	80	TRACTOR CAGE	16,807		16,807
0604329A	81	COMMON MISSILE			
0604601A	82	INFANTRY SUPPORT WEAPONS	42,414	3,000	45,414
		Next generation helmet		[3,000]	
0604604A	83	MEDIUM TACTICAL VEHICLES	1,949		1,949
0604609A	84	SMOKE, OBSCURANT AND TARGET DEFEATING SYS	5,603		5,603
0604622A	85	FAMILY OF HEAVY TACTICAL VEHICLES	2,901		2,901
0604633A	86	AIR TRAFFIC CONTROL	14,214		14,214
0604642A	87	LIGHT TACTICAL WHEELED VEHICLES		5,000	5,000
		HMMWV modernization research		[5,000]	
0604645A	88	ARMORED SYSTEMS MODERNIZATION (ASM)-SDD			
0604646A	89	NON-LINE OF SIGHT LAUNCH SYSTEM	200,099	2,000	202,099
		NLOS-LS anti-tamper research		[2,000]	
0604647A	90	NON-LINE OF SIGHT CANNON	89,841		89,841
0604660A	91	FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE	774,257		774,257
0604661A	92	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	1,413,945		1,413,945
0604662A	93	FCS RECONNAISSANCE (UAV) PLATFORMS	34,379		34,379
0604663A	94	FCS UNMANNED GROUND VEHICLES	96,918		96,918
0604664A	95	FCS UNATTENDED GROUND SENSORS	12,967		12,967

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0604665A	96	FCS SUSTAINMENT & TRAINING R&D	539,145		539,145
0604666A	97	MODULAR BRIGADE ENHANCEMENT	64,900		64,900
0604710A	98	NIGHT VISION SYSTEMS	44,508		44,508
0604713A	99	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,499		2,499
0604715A	100	NON-SYSTEM TRAINING DEVICES - SDD	35,424	6,000	41,424
		Urban training development		[6,000]	
0604741A	101	AIR DEFENSE CZ AND INTELLIGENCE - (C-RAM)	22,415		22,415
0604742A	102	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	26,244		26,244
0604746A	103	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	23,582		23,582
0604760A	104	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)	16,095		16,095
0604780A	105	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	29,468		29,468
0604783A	106	JOINT NETWORK MANAGEMENT SYSTEM	676		676
0604802A	107	WEAPONS AND MUNITIONS - SDD	52,140	3,000	55,140
		Extended range sniper rifle research		[3,000]	
0604804A	108	LOGISTICS AND ENGINEER EQUIPMENT	37,718		37,718
0604805A	109	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS	9,795		9,795
0604807A	110	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT - SDD	34,971		34,971
0604808A	111	LANDMINE WARFARE/BARRIER (FCS)	126,475		126,475
0604812A	112	CLASSIFIED PROGRAM	[ ]		[ ]
0604814A	113	ARTILLERY MUNITIONS / XM 982	78,197		78,197
0604817A	114	COMBAT IDENTIFICATION	10,909		10,909
0604818A	115	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	67,535		67,535
0604820A	116	RADAR DEVELOPMENT			

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0604822A	117	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	60,308		60,308
0604823A	118	FIREFINDER	47,845		47,845
0604827A	119	SOLDIER SYSTEMS - WARRIOR	15,790		15,790
0604854A	120	ARTILLERY SYSTEMS	42,300		42,300
0604869A	121	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	431,270		431,270
0604870A	122	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	6,260		6,260
0605013A	123	INFORMATION TECHNOLOGY DEVELOPMENT	73,740		73,740
0605450A	124	JOINT AIR-TO-GROUND MISSILE (JAGM)	118,517		118,517
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY	**4,881,024**	**22,000**	**5,003,024**
		RDT&E MANAGEMENT SUPPORT			
0603808A	125	CLASSIFIED PROGRAM	[ ]		[ ]
0604256A	126	THREAT SIMULATOR DEVELOPMENT	21,416		21,416
0604258A	127	TARGET SYSTEMS DEVELOPMENT	13,498	3,000	16,498
		Fixed-wing aerial target development		[3,000]	
0604759A	128	MAJOR T&E INVESTMENT	64,618		64,618
0604812A	129	CLASSIFIED PROGRAM			
0605103A	130	RAND ARROYO CENTER	16,339		16,339
0605301A	131	ARMY KWAJALEIN ATOLL	174,601		174,601
0605326A	132	CONCEPTS EXPERIMENTATION PROGRAM	28,271		28,271
0605502A	133	SMALL BUSINESS INNOVATIVE RESEARCH			
0605601A	134	ARMY TEST RANGES AND FACILITIES	342,079		342,079

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0605602A	135	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	74,624	3,000	77,624
		LIDAR and modeling improvements		[3,000]	
0605604A	136	SURVIVABILITY/LETHALITY ANALYSIS	41,066		41,066
0605605A	137	DOD HIGH ENERGY LASER TEST FACILITY	2,835	15,000	17,835
		HELSTF		[15,000]	
0605606A	138	AIRCRAFT CERTIFICATION	5,054		5,054
0605702A	139	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	8,289		8,289
0605706A	140	MATERIEL SYSTEMS ANALYSIS	17,028		17,028
0605709A	141	EXPLOITATION OF FOREIGN ITEMS	3,530		3,530
0605712A	142	SUPPORT OF OPERATIONAL TESTING	72,942		72,942
0605716A	143	ARMY EVALUATION CENTER	63,382		63,382
0605718A	144	SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART)	5,325		5,325
0605801A	145	PROGRAMWIDE ACTIVITIES	73,748		73,748
0605803A	146	TECHNICAL INFORMATION ACTIVITIES	42,905		42,905
0605805A	147	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	20,857		20,857
0605857A	148	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	5,125		5,125
0605898A	149	MANAGEMENT HQ - R&D	15,665		15,665
0909999A	150	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, ARMY	**1,113,197**	**21,000**	**1,134,197**
		OPERATIONAL SYSTEMS DEVELOPMENT			
0603778A	151	MLRS PRODUCT IMPROVEMENT PROGRAM	59,749		59,749
0603820A	152	WEAPONS CAPABILITY MODIFICATIONS UAV			

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0102419A	153	AEROSTAT JOINT PROJECT OFFICE	356,434		356,434
0203726A	154	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	15,860		15,860
0203735A	155	COMBAT VEHICLE IMPROVEMENT PROGRAMS	141,114		141,114
0203740A	156	MANEUVER CONTROL SYSTEM	37,151		37,151
0203744A	157	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	452,787		452,787
0203752A	158	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	332		332
0203758A	159	DIGITIZATION	9,534		9,534
0203759A	160	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	38,418		38,418
0203764A	161	TACTICAL WHEELED VEHICLE IMPROVEMENT PROGRAM			
0203801A	162	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	37,871		37,871
0203802A	163	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	1,527	10,000	11,527
		Javelin modernization		[10,000]	
0203808A	164	TRACTOR CARD	19,601		19,601
0208010A	165	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	920		920
0208053A	166	JOINT TACTICAL GROUND SYSTEM	1,957		1,957
0208058A	167	JOINT HIGH SPEED VESSEL (JHSV)	2,936		2,936
0301359A	168	SPECIAL ARMY PROGRAM	[ ]		[ ]
0303028A	169	SECURITY AND INTELLIGENCE ACTIVITIES			
0303140A	170	INFORMATION SYSTEMS SECURITY PROGRAM	38,090		38,090
0303141A	171	GLOBAL COMBAT SUPPORT SYSTEM	104,934	-40,000	64,934
		GCSS		[-30,000]	
		PLM+		[-10,000]	
0303142A	172	SATCOM GROUND ENVIRONMENT (SPACE)	106,327		106,327
0303150A	173	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	12,922		12,922

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0303158A	174	JOINT COMMAND AND CONTROL PROGRAM (JC2)	15,203		15,203
0305204A	175	TACTICAL UNMANNED AERIAL VEHICLES	50,976		50,976
0305206A	176	AIRBORNE RECONNAISANCE SYSTEMS	[ ]		[ ]
0305208A	177	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	57,704		57,704
0702239A	178	AVIONICS COMPONENT IMPROVEMENT PROGRAM	1,023		1,023
0708045A	179	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	69,084	11,000	80,084
		Castings research for weapons systems		[3,500]	
		Manufacturing metrology research		[3,000]	
		Nanotechnology manufacturing research		[2,500]	
		Near-net shaped body armor plate development		[2,000]	
1001018A	180	NATO JOINT STARS			
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY	1,632,454	-19,000	1,613,454
	999	CLASSIFIED PROGRAMS	3,835		3,835
		Total, RDT&E Army	10,524,085	331,125	10,855,210

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(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY			
		BASIC RESEARCH			
0601103N	1	UNIVERSITY RESEARCH INITIATIVES	103,707	2,500	106,207
		Automated technology for landmine detection		[1,500]	
		Radiation hardened electronic systems		[1,000]	
0601152N	2	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	17,298		17,298
0601153N	3	DEFENSE RESEARCH SCIENCES	407,271	6,500	413,771
		Energetics research		[1,500]	
		Manufacturing engineering educational outreach program		[2,000]	
		Quantum studies research		[1,500]	
		S&T educational outreach programs		[1,500]	
		SUBTOTAL, BASIC RESEARCH, NAVY	528,276	9,000	537,276
		APPLIED RESEARCH			
0602114N	4	POWER PROJECTION APPLIED RESEARCH	79,913	7,500	87,413
		Free electron laser development		[3,500]	
		High brightness electron source development		[1,500]	
		UAV fuel cell technologies		[2,500]	

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(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0602123N	5	FORCE PROTECTION APPLIED RESEARCH	131,310	20,500	151,810
		Composite materials research for high speed craft		[3,000]	
		Energy systems integration research		[3,000]	
		Infrared materials research		[3,000]	
		Novel coating technologies for military equipment		[3,500]	
		Port security technologies		[3,500]	
		SOF combatant signature and weight performance research		[2,000]	
		Towed array systems M&S		[2,500]	
0602131M	6	MARINE CORPS LANDING FORCE TECHNOLOGY	36,480	4,500	40,980
		Rapid awareness systems		[4,500]	
0602234N	7	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY			
0602235N	8	COMMON PICTURE APPLIED RESEARCH	77,054		77,054
0602236N	9	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	93,862	1,500	95,362
		Acoustic Research Detachment test support upgrades		[1,500]	
0602271N	10	RF SYSTEMS APPLIED RESEARCH	54,830	1,500	56,330
		RF power technologies		[1,500]	
0602435N	11	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	47,278		47,278
0602651M	12	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,084		6,084
0602747N	13	UNDERSEA WARFARE APPLIED RESEARCH	58,658		58,658
0602782N	14	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	47,869		47,869
		SUBTOTAL, APPLIED RESEARCH, NAVY	633,338	35,500	668,838

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(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
		ADVANCED TECHNOLOGY DEVELOPMENT			
0603114N	15	POWER PROJECTION ADVANCED TECHNOLOGY	60,360	6,000	66,360
		Mobile target tracking technologies		[3,500]	
		Watercraft APS		[2,500]	
0603123N	16	FORCE PROTECTION ADVANCED TECHNOLOGY	55,099	21,500	76,599
		Combined mishap reduction system		[2,000]	
		Integrated vehicle health monitoring system		[3,500]	
		Navy / USMC fuel cell non-tactical vehicle initiative		[5,000]	
		Single generator operations lithium ion battery		[9,000]	
		Wide band gap semiconductor materials		[2,000]	
0603235N	17	COMMON PICTURE ADVANCED TECHNOLOGY	104,578	-61,200	43,378
		High integrity GPS		[-61,200]	
0603236N	18	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	112,520		112,520
0603271N	19	RF SYSTEMS ADVANCED TECHNOLOGY	37,058		37,058
0603640M	20	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	100,787	2,000	102,787
		Acoustic combat sensors		[2,000]	
0603851M	21	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,020		11,020
0603729N	22	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	12,129		12,129
0603747N	23	UNDERSEA WARFARE ADVANCED TECHNOLOGY	81,490		81,490
0603758N	24	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	70,216		70,216
0603782N	25	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	33,426		33,426
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY	678,683	-31,700	646,983

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(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
0603207N	26	AIR/OCEAN TACTICAL APPLICATIONS	66,133		66,133
0603216N	27	AVIATION SURVIVABILITY	5,917		5,917
0603237N	28	DEPLOYABLE JOINT COMMAND AND CONTROL	5,905		5,905
0603254N	29	ASW SYSTEMS DEVELOPMENT	28,799		28,799
0603261N	30	TACTICAL AIRBORNE RECONNAISSANCE	4,298		4,298
0603382N	31	ADVANCED COMBAT SYSTEMS TECHNOLOGY	4,367		4,367
0603502N	32	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	119,164		119,164
0603506N	33	SURFACE SHIP TORPEDO DEFENSE	49,171		49,171
0603512N	34	CARRIER SYSTEMS DEVELOPMENT	120,511		120,511
0603513N	35	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	4,003	13,100	17,103
		DDG-51 permanent magnet hybrid electric propulsion		[7,600]	
		High temperature superconducting (HTS) propulsion motor		[5,500]	
0603525N	36	PILOT FISH	86,017		86,017
0603527N	37	RETRACT LARCH	93,078		93,078
0603536N	38	RETRACT JUNIPER	159,175		159,175
0603542N	39	RADIOLOGICAL CONTROL	1,094		1,094
0603553N	40	SURFACE ASW	29,574		29,574
0603559N	41	SSGN CONVERSION			
0603561N	42	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	141,720	15,000	156,720
		Continue SSBN(X) design & study activities		[15,000]	
0603562N	43	SUBMARINE TACTICAL WARFARE SYSTEMS	10,212		10,212
0603563N	44	SHIP CONCEPT ADVANCED DESIGN	31,111		31,111
0603564N	45	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	14,627		14,627

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0603570N	46	ADVANCED NUCLEAR POWER SYSTEMS	158,270		158,270
0603573N	47	ADVANCED SURFACE MACHINERY SYSTEMS			
0603576N	48	CHALK EAGLE	352,858		352,858
0603581N	49	LITTORAL COMBAT SHIP (LCS)	371,008		371,008
0603582N	50	COMBAT SYSTEM INTEGRATION	54,401		54,401
0603609N	51	CONVENTIONAL MUNITIONS	8,124		8,124
0603611M	52	MARINE CORPS ASSAULT VEHICLES / EFV	316,052		316,052
0603612M	53	USMC MINE COUNTERMEASURES SYSTEMS - ADV DEV			
0603635M	54	USMC GROUND COMBAT/SUPPORT SYSTEM / JLTV	59,049		59,049
0603654N	55	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	115,086		115,086
0603658N	56	COOPERATIVE ENGAGEMENT	38,316		38,316
0603713N	57	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	7,737		7,737
0603721N	58	ENVIRONMENTAL PROTECTION	19,632		19,632
0603724N	59	NAVY ENERGY PROGRAM	5,611		5,611
0603725N	60	FACILITIES IMPROVEMENT	4,086	2,000	6,086
		Hydrokinetic power generator		[2,000]	
0603734N	61	CHALK CORAL	117,543		117,543
0603739N	62	NAVY LOGISTIC PRODUCTIVITY	2,846	4,000	6,846
		Highly integrated optical interconnect for military avionics		[4,000]	
0603746N	63	RETRACT MAPLE	138,091		138,091
0603748N	64	LINK PLUMERIA	60,444		60,444
0603751N	65	RETRACT ELM	139,139		139,139
0603755N	66	SHIP SELF DEFENSE	11,001		11,001
0603764N	67	LINK EVERGREEN	75,995		75,995

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0603787N	68	SPECIAL PROCESSES	60,678		60,678
0603790N	69	NATO RESEARCH AND DEVELOPMENT	10,129		10,129
0603795N	70	LAND ATTACK TECHNOLOGY	40,028	-30,000	10,028
		Reflect cancellation of ERGM development		[-30,000]	
0603851M	71	NONLETHAL WEAPONS	46,902		46,902
0603860N	72	JOINT PRECISION APPROACH AND LANDING SYSTEMS	99,929		99,929
0603879N	73	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE)	41,807		41,807
0603889N	74	COUNTERDRUG RDT&E PROJECTS			
0603925N	75	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS		10,700	10,700
		Develop directed energy weapons for asymmetric threats		[10,700]	
0604272N	76	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES	63,244		63,244
0604327N	77	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM			
0604450N	78	JOINT AIR-TO-GROUND MISSILE (JAGM)			
0604707N	79	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT	47,518		47,518
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY	**3,440,400**	**14,800**	**3,455,200**
		SYSTEM DEVELOPMENT & DEMONSTRATION			
0604212N	80	OTHER HELO DEVELOPMENT	58,210		58,210
0604214N	81	AV-8B AIRCRAFT - ENG DEV	29,924		29,924
0604215N	82	STANDARDS DEVELOPMENT	71,920		71,920

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0604216N	83	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	70,329		70,329
0604218N	84	AIR/OCEAN EQUIPMENT ENGINEERING	5,750		5,750
0604221N	85	P-3 MODERNIZATION PROGRAM	3,589		3,589
0604230N	86	WARFARE SUPPORT SYSTEM	8,611		8,611
0604231N	87	TACTICAL COMMAND SYSTEM	128,742		128,742
0604234N	88	ADVANCED HAWKEYE	484,159		484,159
0604245N	89	H-1 UPGRADES	3,795		3,795
0604261N	90	ACOUSTIC SEARCH SENSORS	45,790		45,790
0604262N	91	V-22A	68,763		68,763
0604264N	92	AIR CREW SYSTEMS DEVELOPMENT	16,192		16,192
0604269N	93	EA-18	128,906		128,906
0604270N	94	ELECTRONIC WARFARE DEVELOPMENT	106,932		106,932
0604273N	95	VH-71A EXECUTIVE HELO DEVELOPMENT	1,047,835		1,047,835
0604280N	96	JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)	834,650		834,650
0604300N	97	SC-21 TOTAL SHIP SYSTEM ENGINEERING	678,936	-87,200	591,736
		Reduce CG(X) R&D to reflect delay in program decisions		[-87,200]	
0604307N	98	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	188,500		188,500
0604311N	99	LPD-17 CLASS SYSTEMS INTEGRATION	985		985
0604329N	100	SMALL DIAMETER BOMB (SDB)	19,574		19,574
0604366N	101	STANDARD MISSILE IMPROVEMENTS	234,653		234,653
0604373N	102	AIRBORNE MCM	39,882		39,882
0604378N	103	NAVAL INTEGRATED FIRE CONTROL - COUNTER AIR SYSTEMS ENGINEERING	10,533		10,533

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0604501N	104	ADVANCED ABOVE WATER SENSORS	153,558	-33,600	119,958
		Reduce CG(X) R&D to reflect delay in program decisions		[-33,600]	
0604503N	105	SSN-688 AND TRIDENT MODERNIZATION	143,453	4,100	147,553
		Improved towed array handler		[4,100]	
0604504N	106	AIR CONTROL	8,191		8,191
0604512N	107	SHIPBOARD AVIATION SYSTEMS	42,843		42,843
0604518N	108	COMBAT INFORMATION CENTER CONVERSION	14,792		14,792
0604558N	109	NEW DESIGN SSN	167,357	5,300	172,657
		Submarine electronic chart updates		[5,300]	
0604561N	110	SSN-21 DEVELOPMENTS			
0604562N	111	SUBMARINE TACTICAL WARFARE SYSTEM	58,592		58,592
0604567N	112	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	72,932	5,400	78,332
		Transfer LHA (R) contract design from NDSF		[5,400]	
0604601N	113	MINE DEVELOPMENT	2,008		2,008
0604603N	114	UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS			
0604610N	115	LIGHTWEIGHT TORPEDO DEVELOPMENT	50,732		50,732
0604654N	116	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,858		10,858
0604703N	117	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	5,263		5,263
0604727N	118	JOINT STANDOFF WEAPON SYSTEMS	22,510		22,510
0604755N	119	SHIP SELF DEFENSE (DETECT & CONTROL)	35,999		35,999
0604756N	120	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	36,238	10,700	46,938
		Next generation Phalanx		[10,700]	
0604757N	121	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	57,574	9,000	66,574
		NULKA improvements		[9,000]	

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0604761N	122	INTELLIGENCE ENGINEERING	13,750		13,750
0604771N	123	MEDICAL DEVELOPMENT	7,833	2,500	10,333
		Composite tissue transplantation research		[2,500]	
0604777N	124	NAVIGATION/ID SYSTEM	49,007		49,007
0604784N	125	DISTRIBUTED SURVEILLANCE SYSTEM			
0604800N	126	JOINT STRIKE FIGHTER (JSF)	1,532,748	215,000	1,747,748
		Fund competitive propulsion system		[215,000]	
0605013M	127	INFORMATION TECHNOLOGY DEVELOPMENT	30,238		30,238
0605013N	128	INFORMATION TECHNOLOGY DEVELOPMENT	72,497		72,497
0605172N	129	MULTINATIONAL INFORMATION SHARING (MNIS)			
0605212N	130	CH-53K RDTE	570,484		570,484
0605430N	131	C/KC-130 AVIONICS MODERNIZATION PROGRAM (AMP)	24,407		24,407
0605450N	132	JOINT AIR-TO-GROUND MISSILE (JAGM)	62,324		62,324
0605500N	133	MULTI-MISSION MARITIME AIRCRAFT (MMA)	1,132,026		1,132,026
0304785N	134	TACTICAL CRYPTOLOGIC SYSTEMS	16,678		16,678
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY	**8,682,052**	**131,200**	**8,813,252**
		RDT&E MANAGEMENT SUPPORT			
0604256N	135	THREAT SIMULATOR DEVELOPMENT	24,959		24,959
0604258N	136	TARGET SYSTEMS DEVELOPMENT	80,337		80,337
0604759N	137	MAJOR T&E INVESTMENT	42,391		42,391
0605152N	138	STUDIES AND ANALYSIS SUPPORT - NAVY	8,084		8,084
0605154N	139	CENTER FOR NAVAL ANALYSES	49,745		49,745

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0605155N	140	FLEET TACTICAL DEVELOPMENT			
0605502N	141	SMALL BUSINESS INNOVATIVE RESEARCH			
0605804N	142	TECHNICAL INFORMATION SERVICES	713		713
0605853N	143	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	51,568		51,568
0605856N	144	STRATEGIC TECHNICAL SUPPORT	3,597		3,597
0605861N	145	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	69,913		69,913
0605862N	146	RDT&E INSTRUMENTATION MODERNIZATION			
0605863N	147	RDT&E SHIP AND AIRCRAFT SUPPORT	195,017		195,017
0605864N	148	TEST AND EVALUATION SUPPORT	356,254	-10,000	346,254
		Unjustified request		[-10,000]	
0605865N	149	OPERATIONAL TEST AND EVALUATION CAPABILITY	12,195		12,195
0605866N	150	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	2,708		2,708
0605867N	151	LINK CRIMSON	25,358		25,358
0605873M	152	MARINE CORPS PROGRAM WIDE SUPPORT	24,687		24,687
0305885N	153	TACTICAL CRYPTOLOGIC ACTIVITIES	1,998		1,998
0804758N	154	SERVICE SUPPORT TO JFCOM, JNTC	5,148		5,148
0909999N	155	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, NAVY	**954,672**	**-10,000**	**944,672**
		OPERATIONAL SYSTEMS DEVELOPMENT			
0603660N	156	ADVANCED DEVELOPMENT PROJECTS	[ ]		[ ]
0604227N	157	HARPOON MODIFICATIONS	68,214		68,214

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0604402N	158	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT	275,823		275,823
0101221N	159	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	80,120	-19,346	60,774
		LINAC		[4,000]	
		Navy RRW		[-23,346]	
0101224N	160	SSBN SECURITY TECHNOLOGY PROGRAM	34,131		34,131
0101226N	161	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	7,384		7,384
0101402N	162	NAVY STRATEGIC COMMUNICATIONS	47,495		47,495
0203761N	163	RAPID TECHNOLOGY TRANSITION (RTT)	34,469		34,469
0204136N	164	F/A-18 SQUADRONS	71,232		71,232
0204152N	165	E-2 SQUADRONS	54,096		54,096
0204163N	166	FLEET TELECOMMUNICATIONS (TACTICAL)	26,696	3,000	29,696
		Warfighter enhanced decision making		[3,000]	
0204229N	167	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	14,212		14,212
0204311N	168	INTEGRATED SURVEILLANCE SYSTEM	20,565		20,565
0204413N	169	AMPHIBIOUS TACTICAL SUPPORT UNITS	2,325		2,325
0204571N	170	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	28,017		28,017
0204574N	171	CRYPTOLOGIC DIRECT SUPPORT	1,441		1,441
0204575N	172	ELECTRONIC WARFARE (EW) READINESS SUPPORT	24,276		24,276
0205601N	173	HARM IMPROVEMENT	31,427		31,427
0205604N	174	TACTICAL DATA LINKS	4,247		4,247
0205620N	175	SURFACE ASW COMBAT SYSTEM INTEGRATION	21,720		21,720
0205632N	176	MK-48 ADCAP	15,879		15,879

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0205633N	177	AVIATION IMPROVEMENTS	122,906	4,000	126,906
		Radio frequency synthetic subsystems for military automated test systems		[3,000]	
		Rapid repair structural adhesives		[1,000]	
0205658N	178	NAVY SCIENCE ASSISTANCE PROGRAM	3,625		3,625
0205675N	179	OPERATIONAL NUCLEAR POWER SYSTEMS	71,576		71,576
0206313M	180	MARINE CORPS COMMUNICATIONS SYSTEMS	273,696		273,696
0206623M	181	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	136,080		136,080
0206624M	182	MARINE CORPS COMBAT SERVICES SUPPORT	9,646		9,646
0207161N	183	TACTICAL AIM MISSILES	6,679		6,679
0207163N	184	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	8,556		8,556
0208058N	185	JOINT HIGH SPEED VESSEL (JHSV)	11,960		11,960
0301303N	186	MARITIME INTELLIGENCE	[ ]		[ ]
0301323N	187	COLLECTION MANAGEMENT	[ ]		[ ]
0301327N	188	TECHNICAL RECONNAISANCE AND SURVEILLANCE	[ ]		[ ]
0301372N	189	CYBER SECURITY INITIATIVE - GDIP	[ ]		[ ]
0303109N	190	SATELLITE COMMUNICATIONS (SPACE)	652,463		652,463
0303140N	191	INFORMATION SYSTEMS SECURITY PROGRAM	27,037		27,037
0303158M	192	JOINT COMMAND AND CONTROL PROGRAM (JC2)	2,000		2,000
0303158N	193	JOINT COMMAND AND CONTROL PROGRAM (JC2)	4,148		4,148
0305149N	194	COBRA JUDY	101,114		101,114
0305160N	195	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	8,208		8,208
0305192N	196	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	4,614		4,614
0305204N	197	TACTICAL UNMANNED AERIAL VEHICLES	45,717		45,717

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0305205N	198	ENDURANCE UNMANNED AERIAL VEHICLES	480,098	-48,200	431,898
		Reflect delay in BAMS program		[-48,200]	
0305206N	199	AIRBORNE RECONNAISSANCE SYSTEMS	55,719		55,719
0305207N	200	MANNED RECONNAISSANCE SYSTEMS	13,982		13,982
0305208N	201	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,540		44,540
0307207N	202	AERIAL COMMON SENSOR (ACS)	74,604		74,604
0308601N	203	MODELING AND SIMULATION SUPPORT	8,007		8,007
0702207N	204	DEPOT MAINTENANCE (NON-IF)	21,130		21,130
0702239N	205	AVIONICS COMPONENT IMPROVEMENT PROGRAM	1,877		1,877
0708011N	206	INDUSTRIAL PREPAREDNESS	56,681	1,700	58,381
		Digital direct manufacturing technologies		[1,700]	
0708730N	207	MARITIME TECHNOLOGY (MARITECH)		15,000	15,000
		National Shipbuilding Research Program		[15,000]	
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E	3,110,432	-43,846	3,066,586
	999	CLASSIFIED PROGRAMS	1,309,385		1,309,385
		Total, RDT&E Navy	19,337,238	104,954	19,442,192

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE			
		BASIC RESEARCH			
0601102F	1	DEFENSE RESEARCH SCIENCES	309,926		309,926
0601103F	2	UNIVERSITY RESEARCH INITIATIVES	125,949	8,100	134,049
		Advanced design technologies for hypersonics research		[2,000]	
		Diamond substrates for microelectronics research		[2,500]	
		Information security research		[2,000]	
		Military decision cycle time research		[1,600]	
0601108F	3	HIGH ENERGY LASER RESEARCH INITIATIVES	13,425		13,425
0301555F	4	CLASSIFIED PROGRAM	[ ]		[ ]
0301556F	5	SPECIAL PROGRAM	[ ]		[ ]
0305172F	6	COMBINED ADVANCED APPLICATIONS	[ ]		[ ]
		SUBTOTAL, BASIC RESEARCH, AIR FORCE	449,300	8,100	457,400
		APPLIED RESEARCH			
0602015F	7	MEDICAL DEVELOPMENT			
0602102F	8	MATERIALS	117,143	8,500	125,643
		Advanced carbon fiber research and testing		[2,500]	
		Fire and blast resistant materials research		[2,000]	
		Health monitoring sensors for aerospace components		[1,500]	
		Thermal protection systems for hypersonics		[2,500]	

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0602201F	9	AEROSPACE VEHICLE TECHNOLOGIES	122,870	1,500	124,370
		Optical connector research		[1,500]	
0602202F	10	HUMAN EFFECTIVENESS APPLIED RESEARCH	82,091	4,500	86,591
		Joint theater air-ground simulation system		[2,500]	
		Satellite control system training technology		[2,000]	
0602203F	11	AEROSPACE PROPULSION	218,049	7,000	225,049
		Hybrid bearing development		[2,000]	
		X-51B scramjet research		[5,000]	
0602204F	12	AEROSPACE SENSORS	109,048	4,500	113,548
		Information quality research		[1,500]	
		Wideband electronic sensing technologies		[3,000]	
0602601F	13	SPACE TECHNOLOGY	117,519	13,000	130,519
		Seismic research program		[13,000]	
0602602F	14	CONVENTIONAL MUNITIONS	55,963		55,963
0602605F	15	DIRECTED ENERGY TECHNOLOGY	62,871		62,871
0602702F	16	COMMAND CONTROL AND COMMUNICATIONS	109,492	2,500	111,992
		Cyber attack mitigation technologies		[2,500]	
0602890F	17	HIGH ENERGY LASER RESEARCH	49,449		49,449
		SUBTOTAL, APPLIED RESEARCH, AIR FORCE	**1,044,495**	**41,500**	**1,085,995**
		ADVANCED TECHNOLOGY DEVELOPMENT			
0603112F	18	ADVANCED MATERIALS FOR WEAPON SYSTEMS	41,926	5,000	46,926
		Metals affordability initiative		[5,000]	

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0603203F	19	ADVANCED AEROSPACE SENSORS	56,916	2,000	58,916
		Reconfigurable secure computing technologies		[2,000]	
0603211F	20	AEROSPACE TECHNOLOGY DEV/DEMO	44,918		44,918
0603216F	21	AEROSPACE PROPULSION AND POWER TECHNOLOGY	170,856	9,000	179,856
		Assured aerospace fuels research		[3,000]	
		HISTED supersonic/hypersonic cruise missile engine		[6,000]	
0603231F	22	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	26,630		26,630
0603270F	23	ELECTRONIC COMBAT TECHNOLOGY	21,056		21,056
0603311F	24	BALLISTIC MISSILE TECHNOLOGY			
0603401F	25	ADVANCED SPACECRAFT TECHNOLOGY	80,958	2,000	82,958
		Thin film amorphous solar arrays		[2,000]	
0603444F	26	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	4,638		4,638
0603601F	27	CONVENTIONAL WEAPONS TECHNOLOGY	11,813	3,000	14,813
		Integrated targeting devices		[3,000]	
0603605F	28	ADVANCED WEAPONS TECHNOLOGY	44,507		44,507
0603680F	29	MANUFACTURING TECHNOLOGY PROGRAM	39,729		39,729
0603789F	30	C3I ADVANCED DEVELOPMENT	30,103	2,000	32,103
		Optical interconnects research		[2,000]	
0603801F	31	SPECIAL PROGRAMS			
0603924F	32	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	4,013	5,000	9,013
		HEL directed energy weapons		[5,000]	
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE	578,263	28,000	606,263

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
0603260F	33	INTELLIGENCE ADVANCED DEVELOPMENT	4,988		4,988
0603287F	34	PHYSICAL SECURITY EQUIPMENT	477		477
0603421F	35	NAVSTAR GLOBAL POSITIONING SYSTEM III			
0603423F	36	GLOBAL POSITIONING SYSTEM III - OPERATIONAL CONTROL SEGMENT	2,975	304,360	307,335
		GPS III-OCX		[304,360]	
0603427F	37	GPS OPERATIONAL CONTROL SEGMENT - BACKWARDS COMPATIBILITY	304,360	-304,360	0
		GPS III-OCX backwards compatibility		[-304,360]	
0603430F	38	ADVANCED EHF MILSATCOM (SPACE)	388,041		388,041
0603432F	39	POLAR MILSATCOM (SPACE)	237,749		237,749
0603438F	40	SPACE CONTROL TECHNOLOGY	76,845	5,000	81,845
		Space situational awareness		[5,000]	
0603742F	41	COMBAT IDENTIFICATION TECHNOLOGY	29,400		29,400
0603790F	42	NATO RESEARCH AND DEVELOPMENT	4,334		4,334
0603791F	43	INTERNATIONAL SPACE COOPERATIVE R&D	627		627
0603845F	44	TRANSFORMATIONAL SATCOM (TSAT)	842,974	350,000	1,192,974
		TSAT		[350,000]	
0603850F	45	INTEGRATED BROADCAST SERVICE	21,105		21,105
0603851F	46	INTERCONTINENTAL BALLISTIC MISSILE	65,629		65,629
0603854F	47	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,422		12,422
0603858F	48	SPACE RADAR			
0603859F	49	POLLUTION PREVENTION	2,877		2,877
0603860F	50	JOINT PRECISION APPROACH AND LANDING SYSTEMS	7,479		7,479
0604015F	51	NEXT GENERATION BOMBER			

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0604796F	52	ALTERNATIVE FUELS	28,464		28,464
0604830F	53	AUTOMATED AIR-TO-AIR REFUELING	9,889		9,889
0604856F	54	COMMON AERO VEHICLE (CAV)			
0604857F	55	OPERATIONALLY RESPONSIVE SPACE	110,032	10,000	120,032
		ORS		[10,000]	
0305178F	56	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS)	289,469		289,469
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE	**2,440,136**	**365,000**	**2,805,136**
		SYSTEM DEVELOPMENT & DEMONSTRATION			
0603840F	57	GLOBAL BROADCAST SERVICE (GBS)	18,790		18,790
0604222F	58	NUCLEAR WEAPONS SUPPORT	20,166		20,166
0604226F	59	B-1B	128,871		128,871
0604233F	60	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	7,462		7,462
0604240F	61	B-2 ADVANCED TECHNOLOGY BOMBER	351,417	-18,500	332,917
		B-2 Radar (Transfer to APAF 24)		[-18,500]	
0604261F	62	PERSONNEL RECOVERY SYSTEMS			
0604270F	63	ELECTRONIC WARFARE DEVELOPMENT	54,995		54,995
0604287F	64	PHYSICAL SECURITY EQUIPMENT	52		52
0604329F	65	SMALL DIAMETER BOMB (SDB)	125,067		125,067
0604421F	66	COUNTERSPACE SYSTEMS	74,918		74,918

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0604425F	67	SPACE SITUATION AWARENESS SYSTEMS	210,501	10,000	220,501
		SBSS 10		[10,000]	
0604429F	68	AIRBORNE ELECTRONIC ATTACK	34,279		34,279
0604441F	69	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	529,771	30,000	559,771
		SBIRS operations and training		[30,000]	
0604443F	70	THIRD GENERATION INFRARED SURVEILLANCE (3GIRS)	149,064	-30,000	119,064
		Third generation infrared surveillance		[-30,000]	
0604602F	71	ARMAMENT/ORDNANCE DEVELOPMENT	2,095		2,095
0604604F	72	SUBMUNITIONS	1,730		1,730
0604617F	73	AGILE COMBAT SUPPORT	5,790		5,790
0604618F	74	JOINT DIRECT ATTACK MUNITION			
0604706F	75	LIFE SUPPORT SYSTEMS	10,998		10,998
0604735F	76	COMBAT TRAINING RANGES	28,047		28,047
0604740F	77	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	177		177
0604750F	78	INTELLIGENCE EQUIPMENT	1,488		1,488
0604762F	79	COMMON LOW OBSERVABLES VERIFICATION SYSTEM (CLOVERS)			
0604800F	80	JOINT STRIKE FIGHTER (JSF)	1,524,016	250,000	1,774,016
		Fund competitive propulsion system		[215,000]	
		Technology development for F135 engine		[35,000]	
0604853F	81	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	33,719		33,719
0605011F	82	RDT&E FOR AGING AIRCRAFT	13,828		13,828
0605221F	83	NEXT GENERATION AERIAL REFUELING AIRCRAFT	831,759	61,660	893,419
		USAF-requested transfer from APAF 10		[61,660]	

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0605277F	84	CSAR-X RDT&E	305,062	-40,000	265,062
		Reflect delays in acquisition program		[-40,000]	
0605278F	85	HC/MC-130 RECAP	11,692		11,692
0207434F	86	LINK-16 SUPPORT AND SUSTAINMENT	186,213		186,213
0207450F	87	E-10 SQUADRONS	42,215		42,215
0207451F	88	SINGLE INTEGRATED AIR PICTURE (SIAP)	66,909		66,909
0207701F	89	FULL COMBAT MISSION TRAINING	135,152		135,152
0401138F	90	JOINT CARGO AIRCRAFT (JCA)	26,777		26,777
0401318F	91	CV-22	18,562		18,562
0401845F	92	AIRBORNE SENIOR LEADER C3 (SLC3S)	1,992		1,992
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, AIR FORCE	**4,953,574**	**263,160**	**5,216,734**
		RDT&E MANAGEMENT SUPPORT			
0604256F	93	THREAT SIMULATOR DEVELOPMENT	34,568		34,568
0604759F	94	MAJOR T&E INVESTMENT	61,818	4,000	65,818
		High speed test track		[4,000]	
0605101F	95	RAND PROJECT AIR FORCE	28,676		28,676
0605502F	96	SMALL BUSINESS INNOVATION RESEARCH			
0605712F	97	INITIAL OPERATIONAL TEST & EVALUATION	29,537		29,537
0605807F	98	TEST AND EVALUATION SUPPORT	787,737		787,737
0605860F	99	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	14,895		14,895
0605884F	100	SPACE TEST PROGRAM (STP)	48,072		48,072

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0605976F	101	FACILITIES RESTORATION AND MODERNIZATION - TEST AND EVALUATION SUPPORT	46,234		46,234
0605978F	102	FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT	28,898		28,898
0804731F	103	GENERAL SKILL TRAINING			
1001004F	104	INTERNATIONAL ACTIVITIES	3,910		3,910
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, AIR FORCE	1,084,345	4,000	1,088,345
		OPERATIONAL SYSTEMS DEVELOPMENT			
0604263F	105	COMMON VERTICAL LIFT SUPPORT PLATFORM	3,868		3,868
0605024F	106	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	20,987		20,987
0605798F	107	ANALYSIS SUPPORT GROUP	[ ]		[ ]
0101113F	108	B-52 SQUADRONS	38,651	9,500	48,151
		B-52 CONECT		[9,500]	
0101120F	109	ADVANCED CRUISE MISSILE			
0101122F	110	AIR-LAUNCHED CRUISE MISSILE (ALCM)	396		396
0101313F	111	STRAT WAR PLANNING SYSTEM - USSTRATCOM	17,553		17,553
0101314F	112	NIGHT FIST - USSTRATCOM	5,299		5,299
0101815F	113	ADVANCED STRATEGIC PROGRAMS	[ ]	[-10,000]	[ ]
		ISSO		[-10,000]	
0102326F	114	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	23,858		23,858
0102823F	115	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	15		15

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0203761F	116	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND	20,807		20,807
0205219F	117	MQ-9 UAV	43,557		43,557
0207131F	118	A-10 SQUADRONS			
0207133F	119	F-16 SQUADRONS	123,979		123,979
0207134F	120	F-15E SQUADRONS	184,213		184,213
0207136F	121	MANNED DESTRUCTIVE SUPPRESSION	5,585		5,585
0207138F	122	F-22A SQUADRONS	700,305		700,305
0207141F	123	F-117A SQUADRONS			
0207161F	124	TACTICAL AIM MISSILES	5,748		5,748
0207163F	125	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	54,239		54,239
0207170F	126	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	3,192		3,192
0207247F	127	AF TENCAP	11,578		11,578
0207248F	128	SPECIAL EVALUATION PROGRAM			
0207253F	129	COMPASS CALL	4,670		4,670
0207268F	130	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	150,956		150,956
0207277F	131	CSAF INNOVATION PROGRAM			
0207325F	132	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	13,035		13,035
0207410F	133	AIR & SPACE OPERATIONS CENTER (AOC)	118,834	-40,400	78,434
		Delay AOC, Increment 10.2		[-40,400]	
0207412F	134	MODULAR CONTROL SYSTEM	60,590		60,590
0207417F	135	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	126,300		126,300
0207418F	136	TACTICAL AIRBORNE CONTROL SYSTEMS	1,530		1,530
0207423F	137	ADVANCED COMMUNICATIONS SYSTEMS	29,782		29,782

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0207424F	138	EVALUATION AND ANALYSIS PROGRAM	794,036		794,036
0207433F	139	ADVANCED PROGRAM TECHNOLOGY			
0207438F	140	THEATER BATTLE MANAGEMENT (TBM) C4I	19,437		19,437
0207445F	141	FIGHTER TACTICAL DATA LINK	62,788		62,788
0207446F	142	BOMBER TACTICAL DATA LINK	11,702		11,702
0207448F	143	C2ISR TACTICAL DATA LINK	1,727		1,727
0207449F	144	COMMAND AND CONTROL (C2) CONSTELLATION	32,151		32,151
0207581F	145	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	97,641	98,000	195,641
		Improve maturity of MP-RTIP sensor suite for larger aircraft		[98,000]	
0207590F	146	SEEK EAGLE	21,645		21,645
0207591F	147	ADVANCED PROGRAM EVALUATION			
0207601F	148	USAF MODELING AND SIMULATION	28,981		28,981
0207605F	149	WARGAMING AND SIMULATION CENTERS	3,870		3,870
0207697F	150	DISTRIBUTED TRAINING AND EXERCISES	7,137		7,137
0208006F	151	MISSION PLANNING SYSTEMS	97,560		97,560
0208021F	152	INFORMATION WARFARE SUPPORT	12,220		12,220
0208161F	153	SPECIAL EVALUATION SYSTEM	1,077,970		1,077,970
0301310F	154	NATIONAL AIR INTELLIGENCE CENTER	[ ]		[ ]
0301314F	155	COBRA BALL	[ ]		[ ]
0301315F	156	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]		[ ]
0301324F	157	FOREST GREEN	[ ]		[ ]
0301386F	158	GDIP COLLECTION MANAGEMENT	[ ]		[ ]
0302015F	159	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	4,069		4,069
0303112F	160	AIR FORCE COMMUNICATIONS (AIRCOM)			

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0303131F	161	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	70,995		70,995
0303140F	162	INFORMATION SYSTEMS SECURITY PROGRAM	187,933		187,933
0303141F	163	GLOBAL COMBAT SUPPORT SYSTEM	4,320		4,320
0303150F	164	GLOBAL COMMAND AND CONTROL SYSTEM	3,218		3,218
0303158F	165	JOINT COMMAND AND CONTROL PROGRAM (JC2)	3,234		3,234
0303601F	166	MILSATCOM TERMINALS	337,098		337,098
0304111F	167	SPECIAL ACTIVITIES	[ ]		[ ]
0304260F	168	AIRBORNE SIGINT ENTERPRISE	173,631		173,631
0304311F	169	SELECTED ACTIVITIES	[ ]		[ ]
0304348F	170	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)	[ ]		[ ]
0305099F	171	COMMUNICATION, NAVIGATION, SURVEILLANCE	6,275		6,275
0305103F	172	CYBER SECURITY INITIATIVE	2,083		2,083
0305110F	173	SATELLITE CONTROL NETWORK (SPACE)	16,758		16,758
0305111F	174	WEATHER SERVICE	47,347	6,000	53,347
		Integrate all terrain, weather & risk assessment information into one display		[6,000]	
0305114F	175	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	6,867		6,867
0305116F	176	AERIAL TARGETS	34,777		34,777
0305124F	177	SPECIAL APPLICATIONS PROGRAM	[ ]		[ ]
0305127F	178	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
0305128F	179	SECURITY AND INVESTIGATIVE ACTIVITIES	786		786
0305142F	180	APPLIED TECHNOLOGY AND INTEGRATION			
0305146F	181	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	39		39

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(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0305159F	182	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	[ ]	[-404,000]	[ ]
		FINDER		[25,000]	
		Phased Array		[27,000]	
		Program reduction		[-50,000]	
		Program reduction		[-406,000]	
0305160F	183	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)			
0305164F	184	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	127,513		127,513
0305165F	185	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	91,277		91,277
0305172F	186	COMBINED ADVANCED APPLICATIONS	[ ]		[ ]
0305173F	187	SPACE AND MISSILE TEST AND EVALUATION CENTER	1,985		1,985
0305174F	188	SPACE WARFARE CENTER	3,003		3,003
0305182F	189	SPACELIFT RANGE SYSTEM (SPACE)	12,376		12,376
0305193F	190	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	1,237		1,237
0305206F	191	AIRBORNE RECONNAISSANCE SYSTEMS	149,752	-10,000	139,752
		Blackswift testbed		[-10,000]	
0305207F	192	MANNED RECONNAISSANCE SYSTEMS	12,819		12,819
0305208F	193	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	107,834		107,834
0305219F	194	MQ-1 PREDATOR UAV	24,773	10,000	34,773
		UAV sense and avoid		[10,000]	
0305220F	195	GLOBAL HAWK UAV	284,292		284,292
0305221F	196	NETWORK-CENTRIC COLLABORATIVE TARGETING	8,807		8,807
0305265F	197	GPS III SPACE SEGMENT	420,342		420,342
0305887F	198	ELECTRONIC COMBAT INTELLIGENCE SUPPORT	5,438		5,438

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0305906F	199	NCMC - TW/AA SYSTEM			
0305913F	200	NUDET DETECTION SYSTEM (SPACE)	41,292		41,292
0305924F	201	NATIONAL SECURITY SPACE OFFICE	10,797		10,797
0305940F	202	SPACE SITUATION AWARENESS OPERATIONS	16,166		16,166
0307141F	203	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT	15,726		15,726
0308699F	204	SHARED EARLY WARNING (SEW)	3,152		3,152
0401115F	205	C-130 AIRLIFT SQUADRONS	172,560		172,560
0401119F	206	C-5 AIRLIFT SQUADRONS	125,063		125,063
0401130F	207	C-17 AIRCRAFT	236,047	-48,000	188,047
		Reduce growth in performance improvement program		[-48,000]	
0401132F	208	C-130J PROGRAM	52,354		52,354
0401134F	209	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	32,100		32,100
0401218F	210	KC-135 AIRCRAFT	7,133		7,133
0401219F	211	KC-10 AIRCRAFT			
0401221F	212	KC-135 TANKER REPLACEMENT			
0401314F	213	OPERATIONAL SUPPORT AIRLIFT			
0401839F	214	AIR MOBILITY TACTICAL DATA LINK			
0408011F	215	SPECIAL TACTICS / COMBAT CONTROL	5,728		5,728
0702207F	216	DEPOT MAINTENANCE (NON-IF)	1,531		1,531
0702806F	217	ACQUISITION AND COMMAND SUPPORT	34,428		34,428
0708011F	218	INDUSTRIAL PREPAREDNESS			
0708012F	219	LOGISTICS SUPPORT ACTIVITIES			

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0708610F	220	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	189,679	-50,000	139,679
		Expeditionary combat support system (ECSS)		[-50,000]	
0708611F	221	SUPPORT SYSTEMS DEVELOPMENT	8,145		8,145
0804757F	222	JOINT NATIONAL TRAINING CENTER	3,214		3,214
0808716F	223	OTHER PERSONNEL ACTIVITIES	116		116
0901202F	224	JOINT PERSONNEL RECOVERY AGENCY	5,768		5,768
0901212F	225	SERVICE-WIDE SUPPORT	3,016		3,016
0901218F	226	CIVILIAN COMPENSATION PROGRAM	8,123		8,123
0901220F	227	PERSONNEL ADMINISTRATION	18,625		18,625
0901538F	228	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	31,782	-15,000	16,782
		DEAMS		[-15,000]	
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE	**7,211,815**	**-39,900**	**7,171,915**
	999	CLASSIFIED PROGRAMS	10,304,689	-414,000	9,890,689
		Total, RDT&E Air Force	**28,066,617**	**255,860**	**28,322,477**

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE			
		BASIC RESEARCH			
0601000BR	1	DTRA BASIC RESEARCH INITIATIVE	18,000		18,000
0601101E	2	DEFENSE RESEARCH SCIENCES	195,657		195,657
0601111D8Z	3	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY			
0601114D8Z	4	DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH	2,833	8,000	10,833
		Program increase		[8,000]	
0601120D8Z	5	NATIONAL DEFENSE EDUCATION PROGRAM	68,972		68,972
0601384BP	6	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	53,191	4,000	57,191
		In-vitro models for biodefense vaccines		[1,000]	
		Superstructural particle evaluation		[3,000]	
		SUBTOTAL, BASIC RESEARCH, DEFENSE-WIDE	338,653	12,000	350,653
		APPLIED RESEARCH			
0602000D8Z	7	JOINT MUNITIONS TECHNOLOGY	15,254		15,254
0602227D8Z	8	MEDICAL FREE ELECTRON LASER			
0602228D8Z	9	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE	15,156		15,156
0602234D8Z	10	LINCOLN LABORATORY RESEARCH PROGRAM	31,340	2,800	34,140
		Next generation OTHR risk reduction		[2,800]	
0602303E	11	INFORMATION & COMMUNICATIONS TECHNOLOGY	254,009		254,009

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(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0602304E	12	COGNITIVE COMPUTING SYSTEMS	145,262		145,262
0602383E	13	BIOLOGICAL WARFARE DEFENSE	66,291		66,291
0602384BP	14	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	203,731	18,500	222,231
		Agent fate response tool		[2,000]	
		Chem-Bio IR detector		[3,000]	
		Multivalent Marburg/Ebola vaccine		[4,500]	
		Rapid response chem-bio countermeasures		[4,000]	
		Therapeutics against botulism		[5,000]	
0602670D8Z	15	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH	7,685		7,685
0602702E	16	TACTICAL TECHNOLOGY	371,481	-4,500	366,981
		Laser guided bullet		[-4,500]	
0602715E	17	MATERIALS AND BIOLOGICAL TECHNOLOGY	285,264		285,264
0602716BR	18	WMD DEFEAT TECHNOLOGY			
0602716E	19	ELECTRONICS TECHNOLOGY	211,457	2,500	213,957
		Three dimensional integrated circuit research		[2,500]	
0602717BR	20	WMD DEFENSE TECHNOLOGIES			
0602718BR	21	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	211,078	6,000	217,078
		Blast mitigation and protection		[2,000]	
		National incident management system		[4,000]	
0303153K	22	JOINT SPECTRUM CENTER			
1160401BB	23	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	23,104	2,000	25,104
		FOPEN radar technologies		[2,000]	

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(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
1160407BB	24	SOF MEDICAL TECHNOLOGY DEVELOPMENT	2,459	1,500	3,959
		Portable TBI diagnosis systems		[1,500]	
		SUBTOTAL, APPLIED RESEARCH, DEFENSE-WIDE	**1,843,571**	**28,800**	**1,872,371**
		ADVANCED TECHNOLOGY DEVELOPMENT			
0603000D8Z	25	INSENSITIVE MUNITIONS - ADVANCED DEVELOPMENT	15,970		15,970
0603121D8Z	26	SO/LIC ADVANCED DEVELOPMENT	32,832		32,832
0603122D8Z	27	COMBATING TERRORISM TECHNOLOGY SUPPORT	79,970	2,000	81,970
		TBI threshold research		[2,000]	
0603160BR	28	COUNTERPROLIFERATION INITIATIVES - PROLIFERATION PREVENTION AND DEFEAT	211,325		211,325
0603175C	29	BALLISTIC MISSILE DEFENSE TECHNOLOGY	118,718		118,718
0603225D8Z	30	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	23,727		23,727
0603286E	31	ADVANCED AEROSPACE SYSTEMS	107,857	-3,000	104,857
		A160		[-3,000]	
0603287E	32	SPACE PROGRAMS AND TECHNOLOGY	287,009	-50,000	237,009
		Blackswift testbed		[-40,000]	
		ISIS		[-10,000]	
0603384BP	33	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEVELOPMENT	337,927	7,200	345,127
		Engineered biological detectors		[2,700]	
		Improved CBR filters		[2,000]	
		Raman chemical ID system		[2,500]	

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0603618D8Z	34	JOINT ELECTRONIC ADVANCED TECHNOLOGY	9,320		9,320
0603648D8Z	35	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	206,337	22,800	229,137
		C2 Gap Filler JCTD		[22,800]	
0603662D8Z	36	NETWORKED COMMUNICATIONS CAPABILITIES	39,923		39,923
0603665D8Z	37	BIOMETRICS SCIENCE AND TECHNOLOGY	10,579		10,579
0603670D8Z	38	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT	9,381		9,381
0603680D8Z	39	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	11,981	10,000	21,981
		High performance defense manufacturing technology program		[10,000]	
0603711D8Z	40	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	8,449		8,449
0603712S	41	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	19,375	19,000	38,375
		Biofuels research program		[4,000]	
		Emerging critical interconnection technology program		[2,000]	
		Mobile microgrid research		[3,000]	
		Vehicle fuel cell & hydrogen logistics program		[10,000]	
0603713S	42	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	30,000		30,000
0603716D8Z	43	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	69,038		69,038
0603720S	44	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT		3,000	3,000
		Superlattice nanotechnology research		[3,000]	
0603727D8Z	45	JOINT WARFIGHTING PROGRAM	11,098		11,098
0603739E	46	ADVANCED ELECTRONICS TECHNOLOGIES	201,146		201,146
0603745D8Z	47	SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD)	7,984		7,984

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0603750D8Z	48	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS			
0603755D8Z	49	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	208,079		208,079
0603760E	50	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	338,964		338,964
0603764E	51	LAND WARFARE TECHNOLOGY			
0603765E	52	CLASSIFIED DARPA PROGRAMS	196,697		196,697
0603766E	53	NETWORK-CENTRIC WARFARE TECHNOLOGY	156,733		156,733
0603767E	54	SENSOR TECHNOLOGY	226,470		226,470
0603768E	55	GUIDANCE TECHNOLOGY	110,572		110,572
0603769SE	56	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,538		13,538
0603781D8Z	57	SOFTWARE ENGINEERING INSTITUTE	31,244		31,244
0603805S	58	DUAL USE TECHNOLOGY			
0603826D8Z	59	QUICK REACTION SPECIAL PROJECTS	113,924	2,000	115,924
		Special warfare domain awareness		[2,000]	
0603828D8Z	60	JOINT EXPERIMENTATION	114,947	1,500	116,447
		WMD exercises		[1,500]	
0603832D8Z	61	JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	38,147		38,147
0603941D8Z	62	TEST & EVALUATION SCIENCE & TECHNOLOGY	94,672		94,672
0603942D8Z	63	TECHNOLOGY TRANSFER	2,170		2,170
1160402BB	64	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	28,930		28,930
1160472BB	65	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED	10,990		10,990
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, DEFENSE-WIDE	3,536,023	14,500	3,550,523

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
0603161D8Z	66	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P	38,758		38,758
0603228D8Z	67	PHYSICAL SECURITY EQUIPMENT			
0603527D8Z	68	RETRACT LARCH	22,945		22,945
0603709D8Z	69	JOINT ROBOTICS PROGRAM	11,847		11,847
0603714D8Z	70	ADVANCED SENSOR APPLICATIONS PROGRAM		20,000	20,000
		ASAP		[20,000]	
0603851D8Z	71	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	31,600		31,600
0603881C	72	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	1,019,073	-7,000	1,012,073
		Short-range ballistic missile defense		[28,000]	
		THAAD long lead (Transfer to new MDA procurement line)		[-65,000]	
		Upper-tier follow-on to Arrow		[30,000]	
0603882C	73	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	2,076,662		2,076,662
0603883C	74	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT	421,229	-45,800	375,429
		Program reduction		[-45,800]	
0603884BP	75	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	51,291	4,000	55,291
		Real-time viral agent detectors		[4,000]	
0603884C	76	BALLISTIC MISSILE DEFENSE SENSORS	1,076,983	-59,800	1,017,183
		Mobile sensor network concept		[5,000]	
		Premature funds		[-64,800]	
0603888C	77	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR	386,817	-45,000	341,817
		Premature funds		[-45,000]	
0603889C	78	BALLISTIC MISSILE DEFENSE TEST & TARGETS	665,445		665,445

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0603890C	79	BALLISTIC MISSILE DEFENSE SYSTEMS CORE	432,262	-30,000	402,262
		BMD systems core		[-30,000]	
0603891C	80	SPECIAL PROGRAMS - MDA	288,315	-100,000	188,315
		MDA special programs		[-100,000]	
0603892C	81	AEGIS BMD	1,157,783	23,000	1,180,783
		Aegis BMD/SM-3 enhancements		[80,000]	
		SM-3 long lead (Transfer to MDA procurement line 1A)		[-57,000]	
0603893C	82	SPACE TRACKING & SURVEILLANCE SYSTEM	242,441	-50,000	192,441
		Premature funds		[-50,000]	
0603894C	83	MULTIPLE KILL VEHICLE	354,455	-50,000	304,455
		Excess funds		[-50,000]	
0603895C	84	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	29,771	-10,000	19,771
		Space test bed		[-10,000]	
0603896C	85	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATIONS	289,277		289,277
0603897C	86	BALLISTIC MISSILE DEFENSE HERCULES	55,955		55,955
0603898C	87	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	69,982		69,982
0603904C	88	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	96,404		96,404
0603905C	89	BALLISTIC MISSILE DEFENSE DISTRIBUTED MULTI ECHELON TRAINING SYSTEM (DMETS)			
0603906C	90	REGARDING TRENCH	2,978		2,978
0603907C	91	SEA BASED X-BAND RADAR (SBX)			
	91X	Missile Defense Agency undistributed reduction		-268,700	-268,700
0603920D8Z	92	HUMANITARIAN DEMINING	14,373		14,373

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0603923D8Z	93	COALITION WARFARE	14,030		14,030
0604016D8Z	94	DEPARTMENT OF DEFENSE CORROSION PROGRAM	5,102	6,500	11,602
		Asset lifecycle program		[3,500]	
		Corrosion control, prevention and prediction research		[3,000]	
0604648D8Z	95	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	14,962		14,962
0604670D8Z	96	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING	5,991	2,500	8,491
		COMPOEX		[2,500]	
0604787D8Z	97	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	19,643		19,643
0604828D8Z	98	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	16,906		16,906
0605017D8Z	99	REDUCTION OF TOTAL OWNERSHIP COST	24,765		24,765
0303191D8Z	100	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,524		3,524
0604400D8Z	100X	UAS AIRSPACE INTEGRATION		15,000	15,000
		UAV modeling and simulation		[15,000]	
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, DEFENSE-WIDE	**8,941,569**	**-595,300**	**8,346,269**
		SYSTEM DEVELOPMENT & DEMONSTRATION			
0604051D8Z	101	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	30,363		30,363
0604161D8Z	102	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	4,355		4,355

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0604165D8Z	103	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	117,572	30,000	147,572
		Biconic vehicle manufacture		[-15,000]	
		Hypersonic boost glide vehicle		[45,000]	
0604384BP	104	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	299,373		299,373
0604709D8Z	105	JOINT ROBOTICS PROGRAM	5,725		5,725
0604764K	106	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	13,770		13,770
0604771D8Z	107	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	20,600		20,600
0605000BR	108	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	15,946		15,946
0605013BL	109	INFORMATION TECHNOLOGY DEVELOPMENT	11,611		11,611
0605018BTA	110	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM	37,400		37,400
0605020BTA	111	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES	148,958		148,958
0605021SE	112	HOMELAND PERSONNEL SECURITY INITIATIVE	400		400
0605140D8Z	113	TRUSTED FOUNDRY	42,360		42,360
0605648D8Z	114	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM	5,883		5,883
0303129K	115	DEFENSE MESSAGE SYSTEM			
0303141K	116	GLOBAL COMBAT SUPPORT SYSTEM	18,604		18,604
0303158K	117	JOINT COMMAND AND CONTROL PROGRAM (JC2)	147,339	-90,000	57,339
		NECC		[-90,000]	
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, DEFENSE-WIDE	920,259	-60,000	860,259
		RDT&E MANAGEMENT SUPPORT			
0603757D8Z	118	TRAINING TRANSFORMATION (T2)	38,729		38,729

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Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0604774D8Z	119	DEFENSE READINESS REPORTING SYSTEM (DRRS)	11,385		11,385
0604875D8Z	120	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	14,310		14,310
0604940D8Z	121	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	133,852	8,500	142,352
		SAM hardware simulators		[5,000]	
		Range network enterprise technologies		[3,500]	
0604943D8Z	122	THERMAL VICAR	9,658		9,658
0605100D8Z	123	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	8,834		8,834
0605104D8Z	124	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	34,520		34,520
0605110D8Z	125	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT	4,007		4,007
0605117D8Z	126	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	62,816		62,816
0605126J	127	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	55,282		55,282
0605128D8Z	128	CLASSIFIED PROGRAM USD(P)			
0605130D8Z	129	FOREIGN COMPARATIVE TESTING	34,910		34,910
0605161D8Z	130	NUCLEAR MATTERS-PHYSICAL SECURITY	4,475		4,475
0605170D8Z	131	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	14,723		14,723
0605200D8Z	132	GENERAL SUPPORT TO USD (INTELLIGENCE)	4,379		4,379
0605384BP	133	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	100,082		100,082
0605502BR	134	SMALL BUSINESS INNOVATION RESEARCH			
0605502C	135	SMALL BUSINESS INNOVATIVE RESEARCH - MDA			
0605502D8Z	136	SMALL BUSINESS INNOVATIVE RESEARCH			
0605502E	137	SMALL BUSINESS INNOVATIVE RESEARCH			
0605502S	138	SMALL BUSINESS INNOVATIVE RESEARCH			

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0605790D8Z	139	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE	2,165	3,000	5,165
		Anti-tamper software systems		[3,000]	
0605798D8Z	140	DEFENSE TECHNOLOGY ANALYSIS	11,040		11,040
0605798S	141	DEFENSE TECHNOLOGY ANALYSIS			
0605799D8Z	142	FORCE TRANSFORMATION DIRECTORATE	20,701	-15,000	5,701
		Program reduction		[-15,000]	
0605801KA	143	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	52,696		52,696
0605803SE	144	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	25,435		25,435
0605804D8Z	145	DEVELOPMENT TEST AND EVALUATION	20,396		20,396
0605897E	146	DARPA AGENCY RELOCATION	28,000		28,000
0605898E	147	MANAGEMENT HQ - R&D	52,700		52,700
0606100D8Z	148	BUDGET AND PROGRAM ASSESSMENTS	5,878		5,878
0301555G	149	CLASSIFIED PROGRAM	[ ]		[ ]
0301558G	150	SPECIAL PROGRAM	[ ]		[ ]
0303166D8Z	151	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	30,039		30,039
0303169D8Z	152	INFORMATION TECHNOLOGY RAPID ACQUISITION	5,254		5,254
0305103E	153	CYBER SECURITY INITIATIVE	50,000	-25,000	25,000
		Program reduction		[-25,000]	
0305193D8Z	154	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	17,625		17,625
0305193G	155	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[ ]		[ ]
0305400D8Z	156	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	831		831
0901585C	157	PENTAGON RESERVATION	19,734		19,734
0901598C	158	MANAGEMENT HQ - MDA	86,453		86,453

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0901598D8W	159	IT SOFTWARE DEV INITIATIVES	599		599
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DEFENSE-WIDE	**961,508**	**-28,500**	**933,008**
		OPERATIONAL SYSTEMS DEVELOPMENT			
0604130V	160	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS)	11,533		11,533
0605127T	161	PARTNERSHIP FOR PEACE (PFP) INFORMATION MANAGEMENT SYSTEM	2,498		2,498
0607384BP	162	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	10,274		10,274
0607828D8Z	163	JOINT INTEGRATION AND INTEROPERABILITY	49,371		49,371
0204571J	164	JOINT STAFF ANALYTICAL SUPPORT	8,030		8,030
0208043J	165	CLASSIFIED PROGRAMS	1,728		1,728
0208045K	166	C4I INTEROPERABILITY	76,226		76,226
0301011G	167	CRYPTOLOGIC ACTIVITIES	[ ]		[ ]
0301144K	168	JOINT/ALLIED COALITION INFORMATION SHARING	19,073		19,073
0301301L	169	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]		[ ]
03011318BB	170	HUMINT (CONTROLLED)	[ ]		[ ]
0301371G	171	CYBER SECURITY INITIATIVE - CCP	[ ]		[ ]
0301372L	172	CYBER SECURITY INITIATIVE - GDIP	[ ]		[ ]
0301555BB	173	CLASSIFIED PROGRAMS	[ ]		[ ]
0301555BZ	174	CLASSIFIED PROGRAMS	[ ]		[ ]
0301556BB	175	SPECIAL PROGRAM	[ ]		[ ]
0301556BZ	176	SPECIAL PROGRAM	[ ]		[ ]
0302016K	177	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	615		615

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0302019K	178	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	16,054		16,054
0303126K	179	LONG-HAUL COMMUNICATIONS - DCS	8,508		8,508
0303131K	180	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	9,685		9,685
0303135G	181	PUBLIC KEY INFRASTRUCTURE (PKI)	15,577		15,577
0303138G	182	KEY MANAGEMENT INFRASTRUCTURE (KMI)	49,578		49,578
0303140D8Z	183	INFORMATION SYSTEMS SECURITY PROGRAM	13,459		13,459
0303140G	184	INFORMATION SYSTEMS SECURITY PROGRAM	394,074	1,000	395,074
		Software assurance education		[1,000]	
0303140K	185	INFORMATION SYSTEMS SECURITY PROGRAM			
0303148K	186	DISA MISSION SUPPORT OPERATIONS	2,181		2,181
0303149J	187	C4I FOR THE WARRIOR	3,662		3,662
0303149K	188	C4I FOR THE WARRIOR			
0303150K	189	GLOBAL COMMAND AND CONTROL SYSTEM	36,374	-2,000	34,374
		SORTS		[-2,000]	
0303153K	190	JOINT SPECTRUM CENTER	19,319		19,319
0303170K	191	NET-CENTRIC ENTERPRISE SERVICES (NCES)	429		429
0303610K	192	TELEPORT PROGRAM	2,060		2,060
0304210BB	193	SPECIAL APPLICATIONS FOR CONTINGENCIES	16,225		16,225
0304345BQ	194	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP)	[ ]		[ ]
0305102BQ	195	DEFENSE GEOSPATIAL-INTELLIGENCE PROGRAM	[ ]		[ ]
0305103D8Z	196	CYBER SECURITY INITIATIVE	1,000		1,000
0305103G	197	CYBER SECURITY INITIATIVE	[ ]		[ ]
0305103K	198	CYBER SECURITY INITIATIVE	12,800		12,800

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0305125D8Z	199	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	12,700		12,700
0305127BZ	200	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
0305146BZ	201	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	2,947		2,947
0305183L	202	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES	[ ]		[ ]
0305186D8Z	203	POLICY R&D PROGRAMS	8,237		8,237
0305193G	204	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[ ]		[ ]
0305193L	205	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[ ]		[ ]
0305199D8Z	206	NET CENTRICITY	12,716		12,716
0305202G	207	DRAGON U-2	[ ]		[ ]
0305206G	208	AIRBORNE RECONNAISANCE SYSTEMS	[ ]		[ ]
0305207G	209	MANNED RECONNAISANCE SYSTEMS	[ ]		[ ]
0305208BB	210	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,165		3,165
0305208BQ	211	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
0305208G	212	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
0305208K	213	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,227		3,227
0305208L	214	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
0305219BB	215	MQ-1 PREDATOR A UAV	13,679		13,679
0305229G	216	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)	[ ]		[ ]
0305866L	217	DIA SUPPORT TO SOUTHCOM INTELLIGENCE ACTIVITIES	[ ]		[ ]
0305880L	218	COMBATANT COMMAND INTELLIGENCE OPERATIONS	[ ]		[ ]
0305883L	219	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT	[ ]		[ ]
0305884L	220	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[ ]		[ ]

Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
0305885G	221	TACTICAL CRYPTOLOGIC ACTIVITIES	[ ]	[25,000]	[ ]
		Final e-Curfew		[25,000]	
0305889G	222	COUNTERDRUG INTELLIGENCE SUPPORT	[ ]		[ ]
0307141G	223	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV	[ ]		[ ]
0307207G	224	AERIAL COMMON SENSOR	[ ]		[ ]
0708011S	225	INDUSTRIAL PREPAREDNESS	20,480	30,000	50,480
		Industrial base innovation fund		[30,000]	
0708012S	226	LOGISTICS SUPPORT ACTIVITIES	2,846		2,846
0902298J	227	MANAGEMENT HEADQUARTERS (JCS)	3,401		3,401
1001018D8Z	228	NATO JOINT STARS	27,756		27,756
1130435BB	229	STORM			
1160279BB	230	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG			
1160403BB	231	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	43,977		43,977
1160404BB	232	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	13,263		13,263
1160405BB	233	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	39,125		39,125
1160408BB	234	SOF OPERATIONAL ENHANCEMENTS	48,137		48,137
1160421BB	235	SPECIAL OPERATIONS CV-22 DEVELOPMENT	38,229		38,229
1160425BB	236	SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYSTEMS			
1160426BB	237	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT	7,090		7,090
1160427BB	238	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	4,052		4,052
1160428BB	239	UNMANNED VEHICLES (UV)	1,527		1,527
1160429BB	240	MC130J SOF TANKER RECAPITALIZATION	4,659		4,659

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Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
1160477BB	241	SOF WEAPONS SYSTEMS	2,759		2,759
1160478BB	242	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	3,190		3,190
1160479BB	243	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	3,495		3,495
1160482BB	244	SOF ROTARY WING AVIATION	3,822		3,822
1160483BB	245	SOF UNDERWATER SYSTEMS	3,142		3,142
1160484BB	246	SOF SURFACE CRAFT	5,206		5,206
1160488BB	247	SOF PSYOP	15,554		15,554
1160489BB	248	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	14,686		14,686
1160490BB	249	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	8,729		8,729
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE	**1,152,127**	**29,000**	**1,181,127**
	999	CLASSIFIED PROGRAMS	3,805,519	25,000	3,830,519
		Total, RDT&E Defense-Wide	**21,499,229**	**-574,500**	**20,924,729**

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Title II - RDT&E
(Dollars in Thousands)

Program Element	Line	Program Title	FY2009 Request	Senate Change	Senate Authorized
		OPERATIONAL TEST & EVALUATION, DEFENSE			
0605118OTE	1	OPERATIONAL TEST AND EVALUATION	53,196		53,196
0605131OTE	2	LIVE FIRE TEST AND EVALUATION	11,572		11,572
0605814OTE	3	OPERATIONAL TEST ACTIVITIES AND ANALYSES	124,004		124,004
		Total, Operational Test & Evaluation, Defense	**188,772**	**0**	**188,772**
		TOTAL RDT&E	**79,616,941**	**117,439**	**79,733,380**

(3) OPERATION AND MAINTENANCE.—Amounts of title III of this Act shall be available the amount specified in the column designated as ''Senate Authorized'' in the table authorized to be appropriated to an account under that title for each program specified in of the Department of Defense by a provision the column designated ''Program Title'' in as follows:

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Title III - Operation and Maintenance

(Dollars in Thousands)

Program Title	FY2009 Request	Senate Change	Senate Authorized
Operation and Maintenance, Army	31,243,092	39,368	31,282,460
Operation and Maintenance, Navy	34,922,398	-110,800	34,811,598
Operation and Maintenance, Marine Corps	5,597,254	10,100	5,607,354
Operation and Maintenance, Air Force	35,902,487	-657,900	35,244,587
Operation and Maintenance, Defense-wide	26,091,864	-165,300	25,926,564
Operation and Maintenance, Army Reserve	2,642,341	300	2,642,641
Operation and Maintenance, Navy Reserve	1,311,085		1,311,085
Operation and Maintenance, Marine Corps Reserve	213,131		213,131
Operation and Maintenance, Air Force Reserve	3,142,892		3,142,892
Operation and Maintenance, Army National Guard	5,875,546	34,300	5,909,846
Operation and Maintenance, Air National Guard	5,879,576	4,350	5,883,926
US Court of Appeals for the Armed Forces, Defense	13,254		13,254
Overseas Humanitarian, Disaster And Civic Aid	83,273		83,273
Cooperative Threat Reduction	414,135	20,000	434,135
Environmental Restoration, Army	447,776		447,776
Environmental Restoration, Navy	290,819		290,819
Environmental Restoration, Air Force	496,277		496,277
Environmental Restoration, Defense	13,175		13,175
Environmental Restoration Formerly Used Sites	257,796		257,796
Overseas Contingency Operations Transfer Fund	9,101		9,101
TOTAL TITLE III – BY APPROPRIATION	**154,847,272**	**-825,582**	**154,021,690**

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		Operation and Maintenance, Army			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2020	010	MANEUVER UNITS	1,259,183		1,259,183
2020	020	MODULAR SUPPORT BRIGADES	107,517		107,517
2020	030	ECHELONS ABOVE BRIGADE	606,827		606,827
2020	040	THEATER LEVEL ASSETS	963,864		963,864
2020	050	LAND FORCES OPERATIONS SUPPORT	1,244,612		1,244,612
2020	060	AVIATION ASSETS	1,013,851	3,000	1,016,851
		Unmanned aircraft systems concept development		[3,000]	
		LAND FORCES READINESS			
2020	070	FORCE READINESS OPERATIONS SUPPORT	1,821,481		1,821,481
2020	080	LAND FORCES SYSTEMS READINESS	624,053	2,000	626,053
		Shipping containers		[2,000]	
2020	090	LAND FORCES DEPOT MAINTENANCE	737,303		737,303
		LAND FORCES READINESS SUPPORT			
2020	100	BASE OPERATIONS SUPPORT	7,309,710	21,600	7,331,310
		Life cycle logistics contracting		[21,600]	
2020	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,093,829	7,768	2,101,597
		Barracks repairs		[7,768]	
2020	120	MANAGEMENT AND OPERATIONAL HQ	301,149		301,149

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
2020	130	COMBATANT COMMANDERS CORE OPERATIONS	262,556		262,556
2020	140	ADDITIONAL ACTIVITIES	274,654		274,654
2020	150	COMMANDERS EMERGENCY RESPONSE PROGRAM			
2020	160	RESET			
2020	170	COMBATANT COMMANDERS ANCILLARY MISSIONS	282,990		282,990
		TOTAL, BA 01: OPERATING FORCES	18,903,579	34,368	18,937,947
		BUDGET ACTIVITY 02: MOBILIZATION			
		MOBILITY OPERATIONS			
2020	180	STRATEGIC MOBILITY	204,559		204,559
2020	190	ARMY PREPOSITIONING STOCKS	122,273		122,273
2020	200	INDUSTRIAL PREPAREDNESS			
		TOTAL, BA 02: MOBILIZATION	326,832		326,832
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
2020	210	OFFICER ACQUISITION	121,985		121,985
2020	220	RECRUIT TRAINING	90,999		90,999
2020	230	ONE STATION UNIT TRAINING	66,512		66,512
2020	240	SENIOR RESERVE OFFICERS TRAINING CORPS	441,264		441,264

Title III - Operation and Maintenance
(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		BASIC SKILL/ ADVANCE TRAINING			
2020	250	SPECIALIZED SKILL TRAINING	825,237		825,237
2020	260	FLIGHT TRAINING	781,761		781,761
2020	270	PROFESSIONAL DEVELOPMENT EDUCATION	130,208		130,208
2020	280	TRAINING SUPPORT	852,545		852,545
		RECRUITING/OTHER TRAINING			
2020	290	RECRUITING AND ADVERTISING	645,968		645,968
2020	300	EXAMINING	148,274		148,274
2020	310	OFF-DUTY AND VOLUNTARY EDUCATION	244,844		244,844
2020	320	CIVILIAN EDUCATION AND TRAINING	223,957		223,957
2020	330	JUNIOR ROTC	149,329		149,329
		TOTAL, BA 03: TRAINING AND RECRUITING	4,722,883		4,722,883
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SECURITY PROGRAMS			
2020	340	SECURITY PROGRAMS	876,020		876,020

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		LOGISTICS OPERATIONS			
2020	350	SERVICEWIDE TRANSPORTATION	552,629	50,000	602,629
		Redistribution of Equipment		[50,000]	
2020	360	CENTRAL SUPPLY ACTIVITIES	630,145		630,145
2020	370	LOGISTIC SUPPORT ACTIVITIES	510,326		510,326
2020	380	AMMUNITION MANAGEMENT	450,394	25,000	475,394
		Ammunition inspections and warehousing		[25,000]	
		SERVICEWIDE SUPPORT			
2020	390	ADMINISTRATION	768,681		768,681
2020	400	SERVICEWIDE COMMUNICATIONS	1,154,085		1,154,085
2020	410	MANPOWER MANAGEMENT	276,925		276,925
2020	420	OTHER PERSONNEL SUPPORT	195,129		195,129
2020	430	OTHER SERVICE SUPPORT	1,152,968		1,152,968
2020	440	ARMY CLAIMS ACTIVITIES	233,680		233,680
2020	450	REAL ESTATE MANAGEMENT	58,345		58,345
		SUPPORT OF OTHER NATIONS			
2020	460	SUPPORT OF NATO OPERATIONS	408,788		408,788
2020	470	MISC. SUPPORT OF OTHER NATIONS	21,683		21,683
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	7,289,798	75,000	7,364,798

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
	998	Computing services		-50,000	-50,000
	998	Logistics Modernization Program		-20,000	-20,000
		Total Operation and Maintenance, Army	**31,243,092**	**39,368**	**31,282,460**
		Operation and Maintenance, Navy			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1804	010	MISSION AND OTHER FLIGHT OPERATIONS	3,873,884		3,873,884
1804	020	FLEET AIR TRAINING	969,661		969,661
1804	030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	53,272		53,272
1804	040	AIR OPERATIONS AND SAFETY SUPPORT	120,305		120,305
1804	050	AIR SYSTEMS SUPPORT	494,832		494,832
1804	060	AIRCRAFT DEPOT MAINTENANCE	1,127,774	63,000	1,190,774
1804	070	AIRCRAFT DEPOT OPERATIONS SUPPORT	142,618		142,618
		SHIP OPERATIONS			
1804	080	MISSION AND OTHER SHIP OPERATIONS	3,536,837	3,000	3,539,837
		Damage control management		[3,000]	
1804	090	SHIP OPERATIONS SUPPORT & TRAINING	689,893		689,893
1804	100	SHIP DEPOT MAINTENANCE	4,139,996		4,139,996
1804	110	SHIP DEPOT OPERATIONS SUPPORT	1,167,411		1,167,411

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		COMBAT OPERATIONS/SUPPORT			
1804	120	COMBAT COMMUNICATIONS	633,376		633,376
1804	130	ELECTRONIC WARFARE	85,349		85,349
1804	140	SPACE SYSTEMS AND SURVEILLANCE	160,175		160,175
1804	150	WARFARE TACTICS	397,763		397,763
1804	160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	315,803		315,803
1804	170	COMBAT SUPPORT FORCES	783,689		783,689
1804	180	EQUIPMENT MAINTENANCE	186,880		186,880
1804	190	DEPOT OPERATIONS SUPPORT	3,256		3,256
1804	200	COMBATANT COMMANDERS CORE OPERATIONS	152,167		152,167
1804	210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	261,105		261,105
		WEAPONS SUPPORT			
1804	220	CRUISE MISSILE	131,692		131,692
1804	230	FLEET BALLISTIC MISSILE	1,046,422		1,046,422
1804	240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	64,298		64,298
1804	250	WEAPONS MAINTENANCE	478,103	9,000	487,103
		MK 45 gun depot overhauls		[9,000]	
1804	260	OTHER WEAPON SYSTEMS SUPPORT	321,921		321,921
		BASE SUPPORT			
1804	270	ENTERPRISE INFORMATION	893,448		893,448
1804	280	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,734,146		1,734,146
1804	290	BASE OPERATING SUPPORT	4,158,483		4,158,483

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		TOTAL, BA 01: OPERATING FORCES	28,124,539	75,000	28,199,539
		BUDGET ACTIVITY 02: MOBILIZATION			
		READY RESERVE AND PREPOSITIONING FORCES			
1804	300	SHIP PREPOSITIONING AND SURGE	394,729		394,729
		ACTIVATIONS/INACTIVATIONS			
1804	310	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,276		7,276
1804	320	SHIP ACTIVATIONS/INACTIVATIONS	110,268		110,268
		MOBILIZATION PREPAREDNESS			
1804	330	FLEET HOSPITAL PROGRAM	27,650		27,650
1804	340	INDUSTRIAL READINESS	2,419		2,419
1804	350	COAST GUARD SUPPORT	25,473		25,473
		TOTAL, BA 02: MOBILIZATION	567,815		567,815

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
1804	360	OFFICER ACQUISITION	142,175		142,175
1804	370	RECRUIT TRAINING	11,136		11,136
1804	380	RESERVE OFFICERS TRAINING CORPS	116,985		116,985
		BASIC SKILLS AND ADVANCED TRAINING			
1804	390	SPECIALIZED SKILL TRAINING	540,855		540,855
1804	400	FLIGHT TRAINING	518,077		518,077
1804	410	PROFESSIONAL DEVELOPMENT EDUCATION	170,486		170,486
1804	420	TRAINING SUPPORT	155,533		155,533
		RECRUITING, AND OTHER TRAINING AND EDUCATION			
1804	430	RECRUITING AND ADVERTISING	272,498		272,498
1804	440	OFF-DUTY AND VOLUNTARY EDUCATION	163,077		163,077
1804	450	CIVILIAN EDUCATION AND TRAINING	95,959		95,959
1804	460	JUNIOR ROTC	50,494		50,494
		TOTAL, BA 03: TRAINING AND RECRUITING	2,237,275		2,237,275
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1804	470	ADMINISTRATION	735,822		735,822

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
1804	480	EXTERNAL RELATIONS	4,213		4,213
1804	490	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	109,968		109,968
1804	500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	163,568		163,568
1804	510	OTHER PERSONNEL SUPPORT	278,085		278,085
1804	520	SERVICEWIDE COMMUNICATIONS	381,511		381,511
1804	530	MEDICAL ACTIVITIES			
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
1804	540	SERVICEWIDE TRANSPORTATION	257,008		257,008
1804	550	ENVIRONMENTAL PROGRAMS			
1804	560	PLANNING, ENGINEERING AND DESIGN	240,991		240,991
1804	570	ACQUISITION AND PROGRAM MANAGEMENT	595,050		595,050
1804	580	HULL, MECHANICAL AND ELECTRICAL SUPPORT	60,723		60,723
1804	590	COMBAT/WEAPONS SYSTEMS	17,378		17,378
1804	600	SPACE AND ELECTRONIC WARFARE SYSTEMS	79,615		79,615
		INVESTIGATIONS AND SECURITY PROGRAMS			
1804	620	NAVAL INVESTIGATIVE SERVICE	504,649		504,649
		SUPPORT OF OTHER NATIONS			
1804	680	INTERNATIONAL HEADQUARTERS AND AGENCIES	6,570		6,570
		CANCELLED ACCOUNTS			
1804	690	CANCELLED ACCOUNT ADJUSTMENTS			
1804	700	JUDGMENT FUND			

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		OTHER PROGRAMS			
1804	999	OTHER PROGRAMS	557,618		557,618
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	3,992,769		3,992,769
	998	Unobligated Balances		-70,000	-70,000
	998	Computing services		-50,000	-50,000
	998	Overstatement of civilian pay		-65,800	-65,800
		Total Operation and Maintenance, Navy	34,922,398	-110,800	34,811,598
		Operation and Maintenance, Marine Corps			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1106	010	OPERATIONAL FORCES	759,814	2,500	762,314
		Marine Corps shelters		[2,500]	
1106	020	FIELD LOGISTICS	611,660	7,600	619,260
		Mobile corrosion protection		[7,600]	
1106	030	DEPOT MAINTENANCE	86,422		86,422

Title III - Operation and Maintenance
(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		USMC PREPOSITIONING			
1106	040	MARITIME PREPOSITIONING	73,725		73,725
1106	050	NORWAY PREPOSITIONING	5,217		5,217
		BASE SUPPORT			
1106	060	SUSTAINMENT, RESTORATION, & MODERNIZATION	803,530		803,530
1106	070	BASE OPERATING SUPPORT	1,940,671		1,940,671
		TOTAL, BA 01: OPERATING FORCES	4,281,039	10,100	4,291,139
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
1106	080	RECRUIT TRAINING	15,361		15,361
1106	090	OFFICER ACQUISITION	411		411
		BASIC SKILLS AND ADVANCED TRAINING			
1106	100	SPECIALIZED SKILL TRAINING	56,106		56,106
1106	110	FLIGHT TRAINING	361		361
1106	120	PROFESSIONAL DEVELOPMENT EDUCATION	22,882		22,882
1106	130	TRAINING SUPPORT	312,339		312,339
		RECRUITING AND OTHER TRAINING EDUCATION			
1106	140	RECRUITING AND ADVERTISING	238,900		238,900
1106	150	OFF-DUTY AND VOLUNTARY EDUCATION	64,080		64,080

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
1106	160	JUNIOR ROTC	17,740		17,740
		BASE SUPPORT			
1106	170	SUSTAINMENT, RESTORATION AND MODERNIZATION	55,737		55,737
1106	180	BASE OPERATING SUPPORT	155,530		155,530
		TOTAL, BA 03: TRAINING AND RECRUITING	939,447		939,447
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1106	190	SPECIAL SUPPORT	282,043		282,043
1106	200	SERVICEWIDE TRANSPORTATION	30,662		30,662
1106	210	ADMINISTRATION	45,545		45,545
		BASE SUPPORT			
1106	220	SUSTAINMENT, RESTORATION, AND MODERNIZATION	3,169		3,169
1106	230	BASE OPERATING SUPPORT	15,349		15,349
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	376,768		376,768
		Total Operation and Maintenance, Marine Corps	5,597,254	10,100	5,607,354

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		Operation and Maintenance, Air Force			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3400	010	PRIMARY COMBAT FORCES	4,158,181	47,900	4,206,081
		B-52 flying hours		[47,900]	
3400	020	PRIMARY COMBAT WEAPONS	290,744		290,744
3400	030	COMBAT ENHANCEMENT FORCES	680,109		680,109
3400	040	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,545,613		1,545,613
3400	050	COMBAT COMMUNICATIONS	1,711,951		1,711,951
3400	060	DEPOT MAINTENANCE	2,751,194	-448,000	2,303,194
		F-15 excess to requirement		[-497,000]	
		B-2 excess to requirment		[-2,000]	
		B-52 depot maintenance		[48,000]	
		Engine trader life extension		[3,000]	
3400	070	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,142,947		1,142,947
3400	080	BASE SUPPORT	2,434,047	2,100	2,436,147
		Land mobile radios		[2,100]	
		COMBAT RELATED OPERATIONS			
3400	090	GLOBAL C3I AND EARLY WARNING	1,167,875	2,800	1,170,675
		National Security Space Institute		[2,800]	
3400	100	NAVIGATION/WEATHER SUPPORT	277,681		277,681
3400	110	OTHER COMBAT OPS SPT PROGRAMS	674,169		674,169

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
3400	120	JCS EXERCISES			
3400	130	MANAGEMENT/OPERATIONAL HQ	215,775		215,775
3400	140	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	546,822	-10,000	536,822
		Threat finance		[-10,000]	
		SPACE OPERATIONS			
3400	150	LAUNCH FACILITIES	340,385		340,385
3400	160	LAUNCH VEHICLES	33,390		33,390
3400	170	SPACE CONTROL SYSTEMS	228,617		228,617
3400	180	SATELLITE SYSTEMS	91,067		91,067
3400	190	OTHER SPACE OPERATIONS	326,784		326,784
3400	200	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	191,764		191,764
3400	210	BASE SUPPORT	675,821		675,821
		COCOM			
3400	220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	626,787		626,787
3400	230	COMBATANT COMMANDERS CORE OPERATIONS	195,714		195,714
		TOTAL, BA 01: OPERATING FORCES	20,307,437	-405,200	19,902,237

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		BUDGET ACTIVITY 02: MOBILIZATION			
		MOBILITY OPERATIONS			
3400	240	AIRLIFT OPERATIONS	3,228,790		3,228,790
3400	250	AIRLIFT OPERATIONS C3I	91,392		91,392
3400	260	MOBILIZATION PREPAREDNESS	181,713		181,713
3400	270	PAYMENTS TO TRANSPORTATION BUSINESS AREA	308,895		308,895
3400	280	DEPOT MAINTENANCE	378,429		378,429
3400	290	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	242,505		242,505
3400	300	BASE SUPPORT	622,960		622,960
		TOTAL, BA 02: MOBILIZATION	5,054,684		5,054,684
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
3400	310	OFFICER ACQUISITION	88,547		88,547
3400	320	RECRUIT TRAINING	16,557		16,557
3400	330	RESERVE OFFICERS TRAINING CORPS (ROTC)	108,730		108,730
3400	340	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	79,052		79,052
3400	350	BASE SUPPORT	95,807		95,807
		BASIC SKILLS AND ADVANCED TRAINING			
3400	360	SPECIALIZED SKILL TRAINING	420,590		420,590
3400	370	FLIGHT TRAINING	948,787		948,787

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
3400	380	PROFESSIONAL DEVELOPMENT EDUCATION	178,749		178,749
3400	390	TRAINING SUPPORT	114,435		114,435
3400	400	DEPOT MAINTENANCE	14,711		14,711
3400	410	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	223,960		223,960
3400	420	BASE SUPPORT	648,618		648,618
		RECRUITING, AND OTHER TRAINING AND EDUCATION			
3400	430	RECRUITING AND ADVERTISING	196,140		196,140
3400	440	EXAMINING	5,242		5,242
3400	450	OFF-DUTY AND VOLUNTARY EDUCATION	206,608		206,608
3400	460	CIVILIAN EDUCATION AND TRAINING	161,089		161,089
3400	470	JUNIOR ROTC	74,558		74,558
		TOTAL, BA 03: TRAINING AND RECRUITING	3,582,180		3,582,180
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		LOGISTICS OPERATIONS			
3400	480	LOGISTICS OPERATIONS	917,794	1,000	918,794
		Advanced ultrasonic inspections		[1,000]	
3400	490	TECHNICAL SUPPORT ACTIVITIES	666,546		666,546
3400	500	SERVICEWIDE TRANSPORTATION	295,355		295,355
3400	510	DEPOT MAINTENANCE	68,869		68,869
3400	520	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	313,182		313,182
3400	530	BASE SUPPORT	1,192,616		1,192,616

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		SERVICEWIDE ACTIVITIES			
3400	540	ADMINISTRATION	226,665		226,665
3400	550	SERVICEWIDE COMMUNICATIONS	576,493		576,493
3400	560	PERSONNEL PROGRAMS	231,919		231,919
3400	570	ARMS CONTROL	38,669		38,669
3400	580	OTHER SERVICEWIDE ACTIVITIES	851,904		851,904
3400	590	OTHER PERSONNEL SUPPORT	23,851		23,851
3400	600	CIVIL AIR PATROL	24,445		24,445
3400	610	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	51,377		51,377
3400	620	BASE SUPPORT	358,164		358,164
		SECURITY PROGRAMS			
3400	630	SECURITY PROGRAMS	1,085,224		1,085,224
		SUPPORT TO OTHER NATIONS			
3400	640	INTERNATIONAL SUPPORT	35,113		35,113
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	6,958,186	1,000	6,959,186
	998	Unobligated Balances		-72,000	-72,000
	998	Computing services		-50,000	-50,000
	998	Overstatement of civilian pay		-131,700	-131,700
		Total Operation and Maintenance, Air Force	35,902,487	-657,900	35,244,587

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		Operation and Maintenance, Defense-wide			
		BUDGET ACTIVITY 1: OPERATING FORCES			
		DEFENSEWIDE ACTIVITIES			
0100	010	JOINT CHIEFS OF STAFF	406,141		406,141
0100	020	SPECIAL OPERATIONS COMMAND	3,652,060		3,652,060
		TOTAL, BUDGET ACTIVITY 1:	**4,058,201**		**4,058,201**
		BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
		DEFENSEWIDE ACTIVITIES			
0100	030	DEFENSE ACQUISITION UNIVERSITY	120,726		120,726
		RECRUITING AND OTHER TRAINING EDUCATION			
0100	040	NATIONAL DEFENSE UNIVERSITY	79,960		79,960
		TOTAL, BUDGET ACTIVITY 3:	**200,686**		**200,686**
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
		DEFENSEWIDE ACTIVITIES			
0100	050	AMERICAN FORCES INFORMATION SERVICE			
0100	060	CIVIL MILITARY PROGRAMS	107,987	5,200	113,187

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		Starbase		[5,200]	
0100	090	DEFENSE BUSINESS TRANSFORMATION AGENCY	156,652		156,652
0100	100	DEFENSE CONTRACT AUDIT AGENCY	418,006		418,006
0100	110	DEFENSE FINANCE AND ACCOUNTING SERVICE			
0100	120	DEFENSE INFORMATION SYSTEMS AGENCY	1,227,626	-45,000	1,182,626
		SORTS		[-20,000]	
		NECC		[-25,000]	
0100	140	DEFENSE LEGAL SERVICES	31,905		31,905
0100	150	DEFENSE LOGISTICS AGENCY	345,838		345,838
0100	160	DEFENSE MEDIA ACTIVITY	213,808		213,808
0100	170	DEFENSE POW/MIA OFFICE	16,731	13,700	30,431
		Expand research in North Korea		[13,700]	
0100	180	DEFENSE TECHNOLOGY SECURITY AGENCY	33,468		33,468
0100	190	DEFENSE THREAT REDUCTION AGENCY	355,331		355,331
0100	200	DEPARTMENT OF DEFENSE EDUCATION AGENCY	2,007,089		2,007,089
0100	210	DOD HUMAN RESOURCES ACTIVITY	557,029		557,029
0100	220	DEFENSE CONTRACT MANAGEMENT AGENCY	1,066,462		1,066,462
0100	230	DEFENSE SECURITY COOPERATION AGENCY	880,024	-100,000	780,024
		Global train and equip program		[-100,000]	
0100	240	DEFENSE SECURITY SERVICE	452,531		452,531
0100	260	OFFICE OF ECONOMIC ADJUSTMENT	50,654		50,654
0100	270	OFFICE OF THE SECRETARY OF DEFENSE	1,709,174	36,200	1,745,374
		Defense Readiness Reporting System		[16,200]	
		REPI		[20,000]	
0100	280	WASHINGTON HEADQUARTERS SERVICE	519,508		519,508

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Title III - Operation and Maintenance
(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		OTHER PROGRAMS			
0100	999	OTHER PROGRAMS	11,683,154		11,683,154
		TOTAL, BUDGET ACTIVITY 4:	21,832,977	-89,900	10,059,923
	998	Impact aid		30,000	30,000
	998	Impact aid for children with disabilites		5,000	5,000
	998	Special assistance to local eduction agencies		10,000	10,000
	998	Unobligated Balances		-70,400	-70,400
	998	Computing services		-50,000	-50,000
		Total Operation and Maintenance, Defense-Wide	26,091,864	-165,300	25,926,564

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		Operation and Maintenance, Army Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2080	010	MANEUVER UNITS	1,567		1,567
2080	020	MODULAR SUPPORT BRIGADES	16,419		16,419
2080	030	ECHELONS ABOVE BRIGADE	484,460		484,460
2080	040	THEATER LEVEL ASSETS	173,583		173,583
2080	050	LAND FORCES OPERATIONS SUPPORT	508,322		508,322
2080	060	AVIATION ASSETS	61,030		61,030
		LAND FORCES READINESS			
2080	070	FORCE READINESS OPERATIONS SUPPORT	254,901		254,901
2080	080	LAND FORCES SYSTEMS READINESS	87,541	4,800	92,341
		Mobile corrosion protection		[4,800]	
2080	090	LAND FORCES DEPOT MAINTENANCE	108,191		108,191
		LAND FORCES READINESS SUPPORT			
2080	100	BASE OPERATIONS SUPPORT	548,086		548,086
2080	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	255,912		255,912
2080	120	ADDITIONAL ACTIVITIES	13,531		13,531
		TOTAL, BA 01: OPERATING FORCES	2,513,543	4,800	2,518,343

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
2080	130	ADMINISTRATION	70,806		70,806
2080	140	SERVICEWIDE COMMUNICATIONS	6,189		6,189
2080	150	MANPOWER MANAGEMENT	8,491		8,491
2080	160	RECRUITING AND ADVERTISING	43,312		43,312
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	128,798		128,798
	998	Military technician cost avoidance		-4,500	-4,500
		Total Operation and Maintenance, Army Reserve	2,642,341	300	2,642,641
		Operation and Maintenance, Navy Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1806	010	MISSION AND OTHER FLIGHT OPERATIONS	604,501		604,501
1806	020	INTERMEDIATE MAINTENANCE	16,083		16,083
1806	030	AIR OPERATIONS AND SAFETY SUPPORT	3,156		3,156
1806	040	AIRCRAFT DEPOT MAINTENANCE	144,515		144,515
1806	050	AIRCRAFT DEPOT OPERATIONS SUPPORT	427		427

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		SHIP OPERATIONS			
1806	060	MISSION AND OTHER SHIP OPERATIONS	55,920		55,920
1806	070	SHIP OPERATIONS SUPPORT & TRAINING	595		595
1806	080	SHIP DEPOT MAINTENANCE	62,629		62,629
		COMBAT OPERATIONS SUPPORT			
1806	090	COMBAT COMMUNICATIONS	14,834		14,834
1806	100	COMBAT SUPPORT FORCES	122,567		122,567
		WEAPONS SUPPORT			
1806	110	WEAPONS MAINTENANCE	5,385		5,385
		BASE SUPPORT			
1806	120	ENTERPRISE INFORMATION	92,327		92,327
1806	130	SUSTAINMENT, RESTORATION AND MODERNIZATION	61,680		61,680
1806	140	BASE OPERATING SUPPORT	111,296		111,296
		TOTAL, BA 01: OPERATING FORCES	**1,295,915**		**1,295,915**

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1806	150	ADMINISTRATION	3,341		3,341
1806	160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	9,002		9,002
1806	170	SERVICEWIDE COMMUNICATIONS	2,396		2,396
1806	180	COMBAT/WEAPONS SYSTEMS			
1806	190	OTHER SERVICEWIDE SUPPORT	431		431
		CANCELLED ACCOUNTS			
1806	200	CANCELLED ACCOUNT ADJUSTMENTS			
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	15,170		15,170
		Total Operation and Maintenance, Navy Reserve	1,311,085		1,311,085
		Operation and Maintenance, Marine Corps Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1107	010	OPERATING FORCES	54,848		54,848
1107	020	DEPOT MAINTENANCE	11,640		11,640
1107	030	TRAINING SUPPORT	29,296		29,296

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		BASE SUPPORT			
1107	040	SUSTAINMENT, RESTORATION AND MODERNIZATION	16,174		16,174
1107	050	BASE OPERATING SUPPORT	68,065		68,065
		TOTAL, BA 01: OPERATING FORCES	180,023		180,023
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE ACTIVITIES			
1107	060	SPECIAL SUPPORT	7,616		7,616
1107	070	SERVICEWIDE TRANSPORTATION	815		815
1107	080	ADMINISTRATION	11,316		11,316
1107	090	RECRUITING AND ADVERTISING	8,712		8,712
		BASE SUPPORT			
1107	100	BASE OPERATING SUPPORT	4,649		4,649
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	33,108		33,108
		Total Operation and Maintenance, Marine Corps Reserve	213,131		213,131

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		Operation and Maintenance, Air Force Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3740	010	PRIMARY COMBAT FORCES	2,150,860		2,150,860
3740	020	MISSION SUPPORT OPERATIONS	115,971		115,971
3740	030	DEPOT MAINTENANCE	379,452		379,452
3740	040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	92,969		92,969
3740	050	BASE SUPPORT	277,350		277,350
		TOTAL, BA 01: OPERATING FORCES	**3,016,602**		**3,016,602**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE ACTIVITIES			
3740	060	ADMINISTRATION	71,059		71,059
3740	070	RECRUITING AND ADVERTISING	25,392		25,392
3740	080	MILITARY MANPOWER AND PERS MGMT (ARPC)	22,513		22,513
3740	090	OTHER PERS SUPPORT (DISABILITY COMP)	6,625		6,625
3740	100	AUDIOVISUAL	701		701
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**126,290**		**126,290**
		Total Operation and Maintenance, Air Force Reserve	**3,142,892**		**3,142,892**

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		Operation and Maintenance, Army National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2065	010	MANEUVER UNITS	905,866	11,500	917,366
		Aircraft humidity protection		[5,000]	
		Expandable light air mobility shelters		[6,500]	
2065	020	MODULAR SUPPORT BRIGADES	159,765		159,765
2065	030	ECHELONS ABOVE BRIGADE	553,548		553,548
2065	040	THEATER LEVEL ASSETS	267,183		267,183
2065	050	LAND FORCES OPERATIONS SUPPORT	41,141		41,141
2065	060	AVIATION ASSETS	852,986		852,986
		LAND FORCES READINESS			
2065	070	FORCE READINESS OPERATIONS SUPPORT	316,359	14,000	330,359
		Extended Cold Weather Clothing System		[1,000]	
		Rapid data management system		[9,500]	
		Weapons skills trainer		[3,500]	
2065	080	LAND FORCES SYSTEMS READINESS	120,210	8,800	129,010
		Emergency satellite communications		[4,000]	
		Mobile corrosion protection		[4,800]	
2065	090	LAND FORCES DEPOT MAINTENANCE	367,551		367,551

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		LAND FORCES READINESS SUPPORT			
2065	100	BASE OPERATIONS SUPPORT	756,579		756,579
2065	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	500,933		500,933
2065	120	MANAGEMENT AND OPERATIONAL HQ	504,977		504,977
2065	130	ADDITIONAL ACTIVITIES	87,089		87,089
		TOTAL, BA 01: OPERATING FORCES	5,434,187	34,300	5,468,487
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
2065	140	ADMINISTRATION	124,769		124,769
2065	150	SERVICEWIDE COMMUNICATIONS	50,668		50,668
2065	160	MANPOWER MANAGEMENT	7,679		7,679
2065	170	RECRUITING AND ADVERTISING	258,243		258,243
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	441,359		441,359
		Total Operation and Maintenance, Army National Guard	5,875,546	34,300	5,909,846

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		Operation and Maintenance, Air National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3840	010	AIRCRAFT OPERATIONS	3,580,927	4,350	3,585,277
		Controlled humidity protection		[3,600]	
		Crypto-linguist intelligence officer initiative		[750]	
3840	020	MISSION SUPPORT OPERATIONS	670,554		670,554
3840	030	DEPOT MAINTENANCE	691,199		691,199
3840	040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	300,101		300,101
3840	050	BASE SUPPORT	594,733		594,733
		TOTAL, BA 01: OPERATING FORCES	**5,837,514**	**4,350**	**5,841,864**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE ACTIVITIES			
3840	060	ADMINISTRATION	31,234		31,234
3840	070	RECRUITING AND ADVERTISING	10,828		10,828
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**42,062**		**42,062**
		Total Operation and Maintenance, Air National Guard	**5,879,576**	**4,350**	**5,883,926**

Title III - Operation and Maintenance

(Dollars in Thousands)

Account	Line Number	Program Title	FY2009 Request	Senate Change	Senate Authorized
		MISCELLANEOUS APPROPRIATIONS			
0104	010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,254		13,254
0819	010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	83,273		83,273
0134	010	COOPERATIVE THREAT REDUCTION	414,135	20,000	434,135
0810	020	ENVIRONMENTAL RESTORATION, ARMY	447,776		447,776
0810	030	ENVIRONMENTAL RESTORATION, NAVY	290,819		290,819
0810	040	ENVIRONMENTAL RESTORATION, AIR FORCE	498,277		498,277
0810	050	ENVIRONMENTAL RESTORATION, DEFENSE	13,175		13,175
0811	060	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	257,798		257,798
0118	070	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	9,101		9,101
0141	080	IRAQ FREEDOM FUND			
0838	090	SUPPORT OF INTERNATIONAL SPORTING COMPETITIONS, DEFEN			
4965	100	EMERGENCY RESPONSE FUND			
0833	110	EMERGENCY RESPONSE FUND, DEFENSE			
		TOTAL, MISCELLANEOUS APPROPRIATIONS	2,025,606	20,000	2,045,606
		TOTAL TITLE III – OPERATION AND MAINTENANCE	154,847,272	-825,582	154,021,690

(4) OTHER AUTHORIZATIONS.—Amounts authorized to be appropriated to an account of the Department of Defense by a provision of title XIV of this Act shall be available under that title for each program specified in the column designated ''Program Title'' in the amount specified in the column designated as ''Senate Authorized'' in the table as follows:

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TITLE XIV - OTHER AUTHORIZATIONS
(Dollars in Thousands)

Program Title	FY2009 Request	Senate Change	Senate Authorized
REVOLVING AND MANAGEMENT FUNDS			
DEFENSE WORKING CAPITAL FUNDS			
Defense Working Capital Funds	198,150		198,150
Defense Commissary Agency	1,291,084		1,291,084
NATIONAL DEFENSE SEALIFT FUND			
National Defense Sealift Fund	1,962,253	-353,700	1,608,553
MPF(F) LHA(R) advance procurement - transfer to SCN 16		[-348,300]	
MPF(F) LHA(R) R&D - transfer to RDN 112		[-5,400]	
DEFENSE COALITION SUPPORT FUND			
Defense Coalition Support Fund	22,000	-22,000	
NATIONAL DEFENSE STOCKPILE TRANSACTION FUND			
NDSTF Transfer to Defense Health Program	-1,300,000		-1,300,000
Inflation Savings (section 1407)		-1,048,000	-1,048,000
Total Revolving and Management Funds	**2,173,487**	**-1,423,700**	**749,787**
MILITARY PROGRAMS			
DEFENSE HEALTH PROGRAM			
DEFENSE HEALTH PROGRAM O&M	24,301,359		24,301,359
[Memo: Funds derived by transfer from National Defense Stockpile]	[1,300,000,000]		[1,300,000,000]
DEFENSE HEALTH PROGRAM LEGISLATIVE PROPOSAL	-1,184,000	1,184,000	
DEFENSE HEALTH PROGRAM R&D	193,938	3,000	196,938
TBI and PTSD research initiative (PE 63115HP)		[3,000]	

TITLE XIV - OTHER AUTHORIZATIONS
(Dollars in Thousands)

Program Title	FY2009 Request	Senate Change	Senate Authorized
DEFENSE HEALTH PROGRAM PROCUREMENT	303,905		303,905
Total Defense Health Program	**23,615,202**	**1,187,000**	**24,802,202**
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION			
CHEM DEMILITARIZATION - O&M	1,152,668		1,152,668
CHEM DEMILITARIZATION - RDT&E	268,881		268,881
CHEM DEMILITARIZATION - PROC	64,085		64,085
Total Chemical Agents and Munitions Destruction	**1,485,634**		**1,485,634**
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES			
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,060,463		1,060,463
Total Drug Interdiction and Counter-Drug Activities	**1,060,463**		**1,060,463**
OFFICE OF THE INSPECTOR GENERAL			
OPERATION AND MAINTENANCE	246,445	24,000	270,445
PROCUREMENT	1,400	2,000	3,400
Total Office of the Inspection General	**247,845**	**26,000**	**273,845**
Civil Programs (non-defense)			
Armed Forces Retirement Home	63,010		63,010
TOTAL OTHER AUTHORIZATIONS	**28,645,641**	**-210,700**	**28,434,941**

(b) MILITARY CONSTRUCTION.—

(1) MILITARY CONSTRUCTION GENERALLY.—Amounts authorized to be appropriated to an account of the Department of Defense by a provision of title XXI, XXII, XXIII, XXIV, or XXVI of this Act shall be available for military construction projects under such title for each military construction project specified in the column designated ''Project Title'' (together with the associated information in columns designated ''State/Country'' and ''Installation'') in the amount specified in the column designated as ''Senate Authorized'' in the table as follows:

SUMMARY OF FY 2009 MILITARY CONSTRUCTION AUTHORIZATIONS

	FY2009 Budget Request	Senate Change	Senate Authorized
Army	4,615,920	31,600	4,647,520
Navy	3,096,399	29,230	3,125,629
Air Force	934,892	127,172	1,062,064
Defense Agencies	1,783,998	-17,200	1,766,798
Chemical Demilitarization Construction	134,278	10,000	144,278
NATO Security Investment Program	240,867	0	240,867
Army National Guard	539,296	95,111	634,407
Army Reserve	281,687	0	281,687
Naval and Marine Corps Reserve	57,045	0	57,045
Air National Guard	34,374	121,750	156,124
Air Force Reserve	19,265	7,350	26,615
Subtotal Construction	**11,738,021**	**405,013**	**12,143,034**
Army Family Housing Construction	678,580	0	678,580
Army Family Housing Operations	716,110	0	716,110
Navy Family Housing Construction	382,778	0	382,778
Navy Family Housing Operations	376,062	0	376,062
Air Force Family Housing Construction	395,879	0	395,879
Air Force Family Housing Operations	599,465	0	599,465
Defense Agencies Family Housing Operations	49,231	0	49,231
Homeowners Assistance	4,500	0	4,500
Family Housing Improvement Fund	850	0	850
Subtotal Family Housing	**3,203,455**	**0**	**3,203,455**
Base Realignment and Closure IV	393,377	0	393,377
Base Realignment and Closure 2005	9,065,386	0	9,065,386
Subtotal Base Closure (Title XXVII)	**9,458,763**	**0**	**9,458,763**
Subtotal Construction, Housing and BRAC FY2009 Authorizations (Non-War)	**24,400,239**	**405,013**	**24,805,252**
Title XXIX War-Related Construction			
Army Military Construction		450,000	450,000
Navy Military Construction		50,000	50,000
Subtotal War-Related Construction	**0**	**500,000**	**500,000**
Grand Total Division B	**24,400,239**	**905,013**	**25,305,252**

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

Account Title	State/Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Army	ALABAMA	ANNISTON ARMY DEPOT	POWERTRAIN TRANSMISSION REPAIR FACILITY	27,000		27,000
Army	ALABAMA	ANNISTON ARMY DEPOT	SMALL ARMS REPAIR SHOP-DEPOT LEVEL	18,000		18,000
Army	ALABAMA	Redstone Arsenal	System Software Engineering Annex Phase III		16,500	16,500
Air Force	ALABAMA	MAXWELL AFB	AIR & SPACE BASIC COURSE COMBAT ARMS TNG FAC	15,556		15,556
Army Guard	ALABAMA	FORT MCCLELLAN	MULTIPURPOSE MACHINE GUN RANGE	3,000		3,000
Army	ALASKA	FORT RICHARDSON	CHILD DEVELOPMENT CENTER	15,000		15,000
Army	ALASKA	Fort Richardson	Multipurpose Machine Gun Range		3,100	3,100
Army	ALASKA	FORT WAINWRIGHT	BARRACKS COMPLEX	63,000		63,000
Army	ALASKA	FORT WAINWRIGHT	ORGANIZATIONAL VEHICLE PARKING	14,000		14,000
Army	ALASKA	FORT WAINWRIGHT	TACTICAL VEHICLE WASH FACILITY	21,000		21,000
Army	ALASKA	FORT WAINWRIGHT	TRAINING AIDS SUPPORT CENTER	12,400		12,400
Air Force	ALASKA	ELMENDORF AFB	C-17 RESTORE ROAD	2,000		2,000
Air Force	ALASKA	ELMENDORF AFB	F-22 AEROSPACE GROUND EQUIP SHOP	7,200		7,200
Air Force	ALASKA	ELMENDORF AFB	F-22 CORROSION CTRL/LO MX/COMPOSITE REPAIR FAC	22,400		22,400
Air Force	ALASKA	ELMENDORF AFB	F-22 FLIGHT SIMULATOR	16,400		16,400
Air Force	ALASKA	ELMENDORF AFB	F-22A 7 BAY AIRCRAFT SHELTER	20,400		20,400
Air Force	ALASKA	ELMENDORF AFB	F-22A 8 BAY AIRCRAFT SHELTER	22,200		22,200
Air Force	ALASKA	ELMENDORF AFB	F-22A FIELD TRAINING DETACHMENT	6,600		6,600
Air Force	ALASKA	ELMENDORF AFB	F-22A SQUADRON OPS/AMU 6 BAY HANGAR	41,100		41,100
Defense-Wide	ALASKA	FORT RICHARDSON	DENTAL CLINIC ADDITION/ALTERATION	6,300		6,300
Army Guard	ALASKA	Bethel Armory	Bethel Readiness Center		16,000	16,000
Army	ARIZONA	FORT HUACHUCA	UNIT MAINTENANCE FACILITIES	11,200		11,200
Army	ARIZONA	YUMA	RAW SEWAGE LAGOON AND OXIDATION POND	3,800		3,800
Navy	ARIZONA	YUMA	APPLIED INSTRUCTION FACILITY (MAWTS)	19,490		19,490
Air Force	ARIZONA	Davis Monthan AFB	Fire/Crash Rescue Station		15,000	15,000
Army Guard	ARIZONA	CAMP NAVAJO	READINESS CENTER	13,000		13,000
Army Guard	ARIZONA	FLORENCE	READINESS CENTER	13,800		13,800
Army Guard	ARIZONA	PAPAGO MILITARY RES	READINESS CENTER	24,000		24,000
Air Guard	ARKANSAS	Little Rock AFB	Engine Inspection and Maintenance Facility		4,000	4,000
Army	CALIFORNIA	FORT IRWIN	BARRACKS COMPLEX	17,500		17,500
Army	CALIFORNIA	FORT IRWIN	MILITARY OPERATIONS URBAN TERRAIN, PHASE 3	22,100		22,100
Army	CALIFORNIA	PRESIDIO MONTEREY	GENERAL INSTRUCTIONAL BUILDING	15,000		15,000
Army	CALIFORNIA	SIERRA ARMY DEPOT	WATER TREATMENT PLANT	12,400		12,400
Navy	CALIFORNIA	BARSTOW MCLB	BACHELOR ENLISTED QUARTERS	7,830		7,830
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - (41 AREA)	32,430		32,430
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - 33 AREA	30,300		30,300
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - 43 AREA	15,150		15,150
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - 62 AREA	25,920		25,920

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

Account Title	State/Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - AREA 13	33,320		33,320
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - AREA 14	32,350		32,350
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - CHAPPO (22 AREA)	48,640		48,640
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - DEL MAR (21 AREA)	33,190		33,190
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - DEL MAR (21 AREA)	33,440		33,440
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - HORNO (13 AREA)	33,790		33,790
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - HORNO (53 AREA)	40,660		40,660
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - LAS PULGAS AREA	34,340		34,340
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - PICO (24 AREA)	32,870		32,870
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - PICO (24 AREA)	32,260		32,260
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS - SAN MATEO AREA	34,500		34,500
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS -DEL MAR (21 AREA)	34,120		34,120
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS, SAN MATEO AREA	32,550		32,550
Navy	CALIFORNIA	CAMP PENDLETON	BACHELOR ENLISTED QUARTERS-MARGARITA (33 AREA)	31,170		31,170
Navy	CALIFORNIA	CAMP PENDLETON	BEQ - ARMORY, TRAINING FAC, SCI (52 AREA)	54,730		54,730
Navy	CALIFORNIA	CAMP PENDLETON	CONSOLIDATED COMMELEC MAINTENANCE & STORAGE	10,050		10,050
Navy	CALIFORNIA	CAMP PENDLETON	CORROSION CONTROL WATER TREATMENT FACILITY	52,520		52,520
Navy	CALIFORNIA	CAMP PENDLETON	INDOOR FITNESS CENTER	12,230		12,230
Navy	CALIFORNIA	CAMP PENDLETON	INFANTRY TRAINING CENTER	11,500		11,500
Navy	CALIFORNIA	CAMP PENDLETON	OPERATIONS ACCESS POINTS, RED BEACH	11,970		11,970
Navy	CALIFORNIA	CAMP PENDLETON	REGIMENTAL MAINTENANCE COMPLEX (PHASE 3)	33,620		33,620
Navy	CALIFORNIA	CAMP PENDLETON	SPECIAL OPERATIONS TRAINING BATTLE COURSE	22,250		22,250
Navy	CALIFORNIA	EL CENTRO	COMBINED CHILD CARE AND YOUTH CENTER	8,900		8,900
Navy	CALIFORNIA	MIRAMAR	COMBAT TRAINING TANK COMPLEX	10,820		10,820
Navy	CALIFORNIA	MIRAMAR	EMERGENCY RESPONSE STATION	6,530		6,530
Navy	CALIFORNIA	MIRAMAR	IN-LINE FUELING STATION MODIFICATION	22,930		22,930
Navy	CALIFORNIA	MIRAMAR	MILITARY WORKING DOG OPERATIONS CENTER	4,800		4,800
Navy	CALIFORNIA	MIRAMAR	MV-22 WASH RACK	3,690		3,690
Navy	CALIFORNIA	NORTH ISLAND	BERTHING LIMA CONVERSION	38,992		38,992
Navy	CALIFORNIA	NORTH ISLAND	CHILD DEVELOPMENT CENTER	14,270		14,270
Navy	CALIFORNIA	SAN CLEMENTE ISLAND	BACHELOR ENLISTED QUARTERS	34,020		34,020
Navy	CALIFORNIA	SAN DIEGO	RECRUIT RECONDITIONING FACILITY	16,790		16,790
Navy	CALIFORNIA	SAN DIEGO	RECRUIT SUPPORT BARRACKS	34,430		34,430
Navy	CALIFORNIA	TWENTYNINE PALMS	BACHELOR ENLISTED QUARTERS	36,470		36,470
Navy	CALIFORNIA	TWENTYNINE PALMS	BACHELOR ENLISTED QUARTERS	36,280		36,280
Navy	CALIFORNIA	TWENTYNINE PALMS	BEQ AND PARKING STRUCTURE	51,800		51,800
Navy	CALIFORNIA	TWENTYNINE PALMS	COMBINED ARMS MOUT (PHASE 2)	21,000		21,000
Air Force	CALIFORNIA	EDWARDS AFB	F-35 RAMP & SECURITY UPGRADE	3,100		3,100

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

Account Title	State/Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Air Force	CALIFORNIA	Travis AFB	Large Crash Rescue Station		12,100	12,100
Defense-Wide	CALIFORNIA	CORONADO	SOF COMBAT CREW TRAINING FACILITY	9,800		9,800
Defense-Wide	CALIFORNIA	DEF DISTRIB DEPOT-TRACY	REPLACE GENERAL PURPOSE WAREHOUSE	41,000		41,000
Defense-Wide	CALIFORNIA	DEF DISTRIB DEPOT-TRACY	REPLACE TRUCK ENTRANCE/CONTROL FACILITY	9,300		9,300
Army Reserve	CALIFORNIA	FORT HUNTER LIGGETT	MODIFIED RECORD FIRE RANGE	3,950		3,950
Naval Reserve	CALIFORNIA	LEMOORE	MARINE CORPS RESERVE CENTER	15,420		15,420
Army	COLORADO	FORT CARSON	BARRACKS & DINING	154,000		154,000
Army	COLORADO	FORT CARSON	BATTALION COMPLEX	45,000		45,000
Army	COLORADO	FORT CARSON	BRIGADE/BATTALION HQS	46,000		46,000
Army	COLORADO	FORT CARSON	COMPANY OPERATIONS FACILITIES	93,000		93,000
Army	COLORADO	FORT CARSON	INFRASTRUCTURE, BCT	69,000		69,000
Army	COLORADO	FORT CARSON	PHYSICAL FITNESS FACILITY	28,000		28,000
Army	COLORADO	FORT CARSON	UNIT MAINTENANCE FACILITIES	15,000		15,000
Army	COLORADO	FORT CARSON	VEHICLE MAINTENANCE SHOPS	84,000		84,000
Chemical Demil	COLORADO	PUEBLO DEPOT	AMMUNITION DEMILITARIZATION FACILITY PHASE 10	65,050		65,050
Air Force	COLORADO	Peterson AFB	Land Acquisition - 23 Acres		4,900	4,900
Air Force	COLORADO	U S AIR FORCE ACADEMY	UPGRADE ACADEMIC FACILITY, PHASE 5	18,000		18,000
Defense-Wide	COLORADO	BUCKLEY AIR FORCE BASE	SATELLITE PHARMACY	3,000		3,000
Army Guard	COLORADO	DENVER	READINESS CENTER	9,000		9,000
Army Guard	COLORADO	GRAND JUNCTION	READINESS CENTER	9,000		9,000
Air Guard	COLORADO	Buckley AFB	Alert Crew Headquarters		4,200	4,200
Navy	CONNECTICUT	GROTON	PIER 31 REPLACEMENT	46,050		46,050
Navy	CONNECTICUT	SUB Base New London	Indoor Small Arms Range		11,000	11,000
Army Guard	CONNECTICUT	CAMP RELL	REGIONAL TRAINING INSTITUTE	28,000		28,000
Army Guard	CONNECTICUT	EAST HAVEN	KD RANGE ADD/ALT	13,800		13,800
Air Force	DELAWARE	DOVER AFB	ADAL PHYSICAL FITNESS CENTER	19,000		19,000
Defense-Wide	DELAWARE	DOVER AFB	ALTER FUEL STORAGE TANK	3,373		3,373
Army Guard	DELAWARE	NEW CASTLE	ARMY AVIATION SUPPORT FACILITY ADD/ALT	28,000		28,000
Air Guard	DELAWARE	NEW CASTLE COUNTY APT	TFI - INFO OPS SQUADRON (IOS) FACILITY	3,200		3,200
Air Guard	DELAWARE	New Castle County Airport	Replace C-130 Aircraft Maintenance Shops		11,600	11,600
Naval Reserve	DELAWARE	WILMINGTON	NOSC PORTION, ARMED FORCES RESERVE CENTER	11,530		11,530
Navy	DISTRICT OF COLUMBIA	DISTRICT OF COLUMBIA	AUTONOMOUS SYSTEM RESEARCH LAB	24,220		24,220
Army	FLORIDA	MIAMI DORAL	SOUTHCOM HEADQUARTERS, INCREMENT II	81,600		81,600
Navy	FLORIDA	JACKSONVILLE	CHILD DEVELOPMENT CENTER	12,890		12,890
Navy	FLORIDA	MAYPORT	ALPHA WHARF IMPROVEMENTS	14,900		14,900
Navy	FLORIDA	TAMPA	JOINT COMMUNICATIONS SQUADRON FACILITY	29,000		29,000
Air Force	FLORIDA	Cape Canaveral Air Station	Satellite Operations Support Facility		8,000	8,000
Air Force	FLORIDA	EGLIN AFB	F-35 STUDENT DORMITORY (144 ROOM)	19,000		19,000

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

Account Title	State/Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Air Force	FLORIDA	MACDILL AFB	SOCCENT HDQTRS & COMMANDANT FACILITY	21,000		21,000
Defense-Wide	FLORIDA	EGLIN AFB	SOF BATTALION OPS COMPLEX	40,000		40,000
Defense-Wide	FLORIDA	HURLBURT FIELD	SOF SPECIAL TACTICS GROUP FACILITY	8,900		8,900
Defense-Wide	FLORIDA	JACKSONVILLE	REPLACE FUEL STORAGE TANKS	34,000		34,000
Defense-Wide	FLORIDA	MACDILL AFB	SOF ADD/ALTER 501B (HQ SOCOM)	10,500		10,500
Army Guard	FLORIDA	CAMP BLANDING	AMMUNITION SUPPLY POINT	12,400		12,400
Army	GEORGIA	FORT BENNING	AUTOMATED ANTI-ARMOR RANGE	8,800		8,800
Army	GEORGIA	FORT BENNING	BASIC 10M-25M FIRING RANGE 1	2,400		2,400
Army	GEORGIA	FORT BENNING	BASIC 10M-25M FIRING RANGE 2	2,400		2,400
Army	GEORGIA	FORT BENNING	BASIC 10M-25M FIRING RANGE 3	2,350		2,350
Army	GEORGIA	FORT BENNING	BASIC 10M-25M FIRING RANGE 4	2,500		2,500
Army	GEORGIA	FORT BENNING	BASIC 10M-25M FIRING RANGE 5	2,500		2,500
Army	GEORGIA	FORT BENNING	DIGITAL MULTIPURPOSE TRAINING RANGE	17,500		17,500
Army	GEORGIA	FORT BENNING	FIRE AND MOVEMENT RANGE	2,450		2,450
Army	GEORGIA	FORT BENNING	MAINTENANCE SHOP	42,000		42,000
Army	GEORGIA	FORT BENNING	MODIFIED RECORD-FIRE RANGE 1	4,900		4,900
Army	GEORGIA	FORT BENNING	MODIFIED RECORD FIRE RANGE 2	4,900		4,900
Army	GEORGIA	FORT BENNING	MODIFIED RECORD FIRE RANGE 3	4,500		4,500
Army	GEORGIA	FORT BENNING	RANGE ACCESS ROAD	9,100		9,100
Army	GEORGIA	FORT BENNING	RECEPTION STATION PHASE 2	39,000		39,000
Army	GEORGIA	FORT BENNING	STATIONARY TANK RANGE	6,900		6,900
Army	GEORGIA	FORT BENNING	TACTICAL VEHICLE WASH FACILITY	10,800		10,800
Army	GEORGIA	FORT BENNING	TRACKED VEHICLE DRIVERS COURSE	16,000		16,000
Army	GEORGIA	FORT BENNING	TRAINEE COMPLEX	32,000		32,000
Army	GEORGIA	FORT BENNING	TRAINING AREA INFRASTRUCTURE - OSUT AREA	16,000		16,000
Army	GEORGIA	FORT BENNING	TRAINING AREA INFRASTRUCTURE-NORTHERN AREA	13,800		13,800
Army	GEORGIA	FORT BENNING	UNIT MAINTENANCE FACILITIES	27,000		27,000
Army	GEORGIA	FORT STEWART	BARRACKS & DINING	121,000		121,000
Army	GEORGIA	FORT STEWART	BRIGADE COMPLEX	30,000		30,000
Army	GEORGIA	FORT STEWART	BRIGADE/BATTALION HQS	36,000		36,000
Army	GEORGIA	FORT STEWART	CHILD DEVELOPMENT CENTER	20,000		20,000
Army	GEORGIA	FORT STEWART	COMPANY OPERATIONS FACILITIES	75,000		75,000
Army	GEORGIA	FORT STEWART	INFRASTRUCTURE	59,000		59,000
Army	GEORGIA	FORT STEWART	PHYSICAL FITNESS FACILITY	22,000		22,000
Army	GEORGIA	FORT STEWART	SHOOT HOUSE	2,300		2,300
Army	GEORGIA	FORT STEWART	VEHICLE MAINTENANCE SHOPS	67,000		67,000
Navy	GEORGIA	ALBANY MCLB	BEQ REPLACEMENT	15,320		15,320
Air Force	GEORGIA	ROBINS AFB	AIRCRAFT HANGAR	24,100		24,100

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Account Title	State/Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Defense-Wide	GEORGIA	AUGUSTA	REGIONAL SECURITY OPERATIONS CENTER INCR IV	100,220		100,220
Defense-Wide	GEORGIA	FORT BENNING	CONSOLIDATED TROOP MEDICAL CLINIC	3,900		3,900
Defense-Wide	GEORGIA	HUNTER ARMY AIRFIELD	REPLACE FUEL STORAGE TANK	3,500		3,500
Army Guard	GEORGIA	DOBBINS ARB	READINESS CENTER	45,000		45,000
Naval Reserve	GEORGIA	MARIETTA	MARINE CORPS RESERVE CENTER	7,560		7,560
Air Force Reserve	GEORGIA	Dobbins Air Reserve Base	Construct New Control Tower		6,450	6,450
Army	HAWAII	Pohakuloa Training Area	Saddle Road, Phase V		21,300	21,300
Army	HAWAII	SCHOFIELD BARRACKS	BARRACKS	42,000		42,000
Army	HAWAII	SCHOFIELD BARRACKS	BATTALION COMPLEX	69,000		69,000
Army	HAWAII	SCHOFIELD BARRACKS	BATTALION COMPLEX	27,000		27,000
Army	HAWAII	SCHOFIELD BARRACKS	BRIGADE COMPLEX	65,000		65,000
Army	HAWAII	SCHOFIELD BARRACKS	INFRASTRUCTURE EXPANSION	76,000		76,000
Army	HAWAII	WAHIAWA	WIDEBAND SATCOM OPERATIONS CENTER	40,000		40,000
Navy	HAWAII	BARKING SANDS	ADVANCED RADAR DETECTION LABORATORY	28,900		28,900
Navy	HAWAII	KANEOHE	BACHELOR ENLISTED QUARTERS	28,200		28,200
Navy	HAWAII	PEARL HARBOR	CHILD DEVELPMENT CENTER	29,300		29,300
Navy	HAWAII	PEARL HARBOR	FITNESS CENTER	45,000		45,000
Navy	HAWAII	PEARL HARBOR	JOINT FORCES DEPLOYMENT STAGING AREA FISC	5,990		5,990
Navy	HAWAII	PEARL HARBOR	SUB DRIVE-IN MAGNETIC SILENCING FAC (INCREMENT II)	41,088		41,088
Air Force	HAWAII	Hickam AFB	Upgrade Electrical Distribution, Phase VI		8,700	8,700
Defense-Wide	HAWAII	PEARL HARBOR	REPLACE FUEL PIPELINE	27,700		27,700
Army Reserve	HAWAII	FORT SHAFTER	ARMY RESERVE CENTER	19,199		19,199
Army Guard	IDAHO	ORCHARD TRAINIG AREA	LIVE FIRE SHOOT HOUSE	1,850		1,850
Army Reserve	IDAHO	HAYDEN LAKE	AR CENTER/OMS/UNHEATED STORAGE	9,580		9,580
Navy	ILLINOIS	GREAT LAKES	RTC SPECIAL PROGRAMS BARRACKS	62,940		62,940
Defense-Wide	ILLINOIS	SCOTT AFB	USTRANSCOM JOINT INTEL OPERATIONS CENTER	13,977		13,977
Army Guard	ILLINOIS	Urbana Armory	Readiness Center		18,186	18,186
Army	INDIANA	Crane Army Ammo Activity	Ready Service Magazine Complex		8,300	8,300
Army Guard	INDIANA	CAMP ATTERBURY	MULTI PURPOSE MACHINE GUN RANGE	5,800		5,800
Army Guard	INDIANA	LAWRENCE	READINESS CENTER	21,000		21,000
Air Guard	IOWA	Fort Dodge	Vehicle Maintenance and Communications Training		5,600	5,600
Army	KANSAS	FORT RILEY	BATTALION COMPLEX	38,000		38,000
Army	KANSAS	FORT RILEY	BRIGADE COMPLEX	79,000		79,000
Army	KANSAS	FORT RILEY	COMMISSARY	23,000	-23,000	0
Army	KANSAS	FORT RILEY	RAIL SIDING	15,000		15,000
Defense-Wide	KANSAS	FORT RILEY	HOSPITAL ADDITION/ALTERATION	52,000		52,000
Army Reserve	KANSAS	DODGE CITY	ARMY RESERVE CENTER/LAND	8,100		8,100
Air Guard	KANSAS	Smoky Hill ANG Range	Smoky Hill Range Support Facility		7,100	7,100

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Chemical Demil	KENTUCKY	BLUE GRASS ARMY DEPOT	AMMUNITION DEMILITARIZATION FACILITY PH IX	57,218	10,000	67,218
Chemical Demil	KENTUCKY	BLUE GRASS ARMY DEPOT	BLUE GRASS DEPOT DEFENSE ACCESS ROAD	12,000		12,000
Army	KENTUCKY	FORT CAMPBELL	BATTALION COMPLEX	37,000		37,000
Army	KENTUCKY	FORT CAMPBELL	CHILD DEVELOPMENT CENTER	8,600		8,600
Army	KENTUCKY	FORT CAMPBELL	TRAINING SUPPORT CENTER	15,513		15,513
Army	KENTUCKY	FORT CAMPBELL	UNIT MAINTENANCE FACILITIES	47,000		47,000
Army	KENTUCKY	Fort Campbell	School Age Services Center		10,000	10,000
Defense-Wide	KENTUCKY	FORT CAMPBELL	MEDICAL/DENTAL CLINIC	24,000		24,000
Defense-Wide	KENTUCKY	FORT CAMPBELL	NEW ELEMENTARY SCHOOL	21,400		21,400
Defense-Wide	KENTUCKY	FORT CAMPBELL	SOF TACTICAL EQUIPMENT SHOP	15,000		15,000
Army	LOUISIANA	FORT POLK	UNIT OPERATIONS FACILITIES	29,000		29,000
Air Force	LOUISIANA	Barksdale AFB	Security Forces Complex		14,600	14,600
Navy	MAINE	Portsmouth Naval Shipyard	Dry Dock #3 Waterfront Support Facility		20,660	20,660
Army Guard	MAINE	BANGOR	REGIONAL TRAINING INSTITUTE PHASE 1	20,000		20,000
Navy	MARYLAND	INDIAN HEAD	SEWAGE TREATMENT PLANT UPGRADES	13,930		13,930
Navy	MARYLAND	NSWC, Indian Head	Energetics Systems and Technology Lab Complex		12,050	12,050
Navy	MARYLAND	SUITLAND	NATIONAL MARITIME INTEL CENTER (INCREMENT III)	12,439		12,439
Air Force	MARYLAND	ANDREWS AFB	ADMIN FACILITY ADDITION	28,000		28,000
Air Force	MARYLAND	ANDREWS AFB	NCR RELOCATION - ADMIN FACILITY	49,648		49,648
Defense-Wide	MARYLAND	ABERDEEN PROVING GROUND	USAMRICD REPLACEMENT, INCREMENT I	23,750		23,750
Defense-Wide	MARYLAND	FORT DETRICK	USAMRIID STAGE I, INCREMENT III	209,000		209,000
Defense-Wide	MARYLAND	FORT MEADE	SOUTH CAMPUS UTILITY PLANT PHASE 1	31,000		31,000
Army Guard	MARYLAND	EDGEWOOD	AASF ADD/ALT	28,000		28,000
Army Guard	MARYLAND	SALISBURY	READINESS CENTER ADD/ALT	9,800		9,800
Army Reserve	MARYLAND	BALTIMORE	ARMY RESERVE CENTER	11,600		11,600
Army Guard	MASSACHUSETTS	METHUEN	READINESS CENTER, ADD/ALT (ADRS)	21,000		21,000
Air Guard	MASSACHUSETTS	Otis ANG Base	Digital Ground Station Phase 1		14,300	14,300
Army Reserve	MASSACHUSETTS	FORT DEVENS	SHOOTHOUSE	1,900		1,900
Army	MICHIGAN	Detroit Arsenal	Access Control Point		6,100	6,100
Army Guard	MICHIGAN	Camp Grayling	Barracks Replacement, Phase I		16,943	16,943
Army Guard	MICHIGAN	Camp Grayling	Infantry Squad Battle Course		2,000	2,000
Army Reserve	MICHIGAN	SAGINAW	ARMY RESERVE CENTER/LAND	11,500		11,500
Army Guard	MINNESOTA	ARDEN HILLS	READINESS CENTER	15,000		15,000
Air Guard	MINNESOTA	Duluth 148th FW Base	Fuel Cell Hangar		4,500	4,500
Navy	MISSISSIPPI	GULFPORT	25 NAVAL CONSTRUCTION REGIMENT HQ FACILITY	6,900		6,900
Navy	MISSISSIPPI	Gulfport	Battalion Maintenance Facility & Equip Yard		5,870	5,870
Navy	MISSISSIPPI	NAS Meridian	Fitness Center		6,340	6,340
Air Force	MISSISSIPPI	COLUMBUS AFB	CHILD DEVELOPMENT CENTER	8,100		8,100

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Air Force	MISSISSIPPI	Keesler AFB	Indoor Firing Range		6,600	6,600
Air Guard	MISSISSIPPI	Gulfport-Biloxi IAP	Relocate Munitions Storage Complex		3,400	3,400
Army	MISSOURI	FORT LEONARD WOOD	TRAINING SUPPORT CENTER	18,500		18,500
Army	MISSOURI	FORT LEONARD WOOD	URBAN ASSAULT COURSE	2,350		2,350
Army	MISSOURI	Fort Leonard Wood	Mine Detection Training Facility and K-9 Kennel		10,800	10,800
Defense-Wide	MISSOURI	FORT LEONARD WOOD	PRIMARY CARE CLINIC ADDITION/ALTERATION	22,000		22,000
Army Reserve	MISSOURI	WELDON SPRINGS	ARMY RESERVE CENTER	11,700		11,700
Air Force	MONTANA	Malmstrom AFB	Upgrade Weapons Storage Area, Phase 1		10,000	10,000
Air Force	NEBRASKA	Offutt AFB	38th Recon Squadron Facility		11,800	11,800
Air Force	NEVADA	CREECH AFB	UAS 432 WING HQ MISSION SUPT FACILITY	7,000		7,000
Air Force	NEVADA	CREECH AFB	UAS DINING HALL	9,000		9,000
Air Force	NEVADA	CREECH AFB	UAS FLIGHT SIM & ACADEMICS FACILITY	9,800		9,800
Air Force	NEVADA	CREECH AFB	UAS MAIN GATE/SEWER TRANSFER FAC/INFRASTRUCT	6,500		6,500
Air Force	NEVADA	CREECH AFB	UAS OPS FACILITY	16,200		16,200
Air Force	NEVADA	NELLIS AFB	F-16 AGGRESSOR HANGAR/AIRCRAFT MAINT UNIT	30,800		30,800
Air Force	NEVADA	NELLIS AFB	F-16 AGRESSOR SQUADRON OPS/INFRASTRUCTURE	17,500		17,500
Air Force	NEVADA	NELLIS AFB	F-35 AIRFIELD PAVEMENTS	5,000		5,000
Air Force	NEVADA	Nellis AFB	Airfield Fire Rescue Station, Nellis		9,800	9,800
Army Guard	NEVADA	Elko	Readiness Center		11,375	11,375
Army Reserve	NEVADA	LAS VEGAS	ARMY RESERVE CENTER	33,900		33,900
Navy	NEW JERSEY	NWS Earle	Main Gate Security Improvements		8,160	8,160
Navy	NEW JERSEY	LAKEHURST	ADVANCED ARRESTING GEAR TEST SITE	15,440		15,440
Army Reserve	NEW JERSEY	FORT DIX	MODIFIED RECORD FIRE RANGE	3,825		3,825
Air Force	NEW MEXICO	HOLLOMAN AFB	F-22 ALTER HANGAR FOR LO/CRF	14,500		14,500
Air Force	NEW MEXICO	HOLLOMAN AFB	F-22A ADAL A/C MAINT UNIT	1,050		1,050
Air Force	NEW MEXICO	HOLLOMAN AFB	F-22A ADAL FLIGHT SIMULATOR FAC	3,150		3,150
Air Force	NEW MEXICO	HOLLOMAN AFB	F-22A ADAL JET ENGINE MAINTENANCE SHOP	2,150		2,150
Air Force	NEW MEXICO	HOLLOMAN AFB	F-22A AEROSPACE GROUND EQUIP FAC	4,600		4,600
Defense-Wide	NEW MEXICO	CANNON AFB	SOF MAINTENANCE HANGAR	18,100		18,100
Defense-Wide	NEW MEXICO	Cannon AFB	CV-22 Flight Simulator Facility		8,300	8,300
Defense-Wide	NEW MEXICO	KIRTLAND AFB	REPLACE FUEL STORAGE TANKS	14,400		14,400
Army	NEW YORK	FORT DRUM	BRIGADE COMPLEX-BARRACKS	29,000		29,000
Army	NEW YORK	FORT DRUM	BRIGADE COMPLEX-BARRACKS	24,000		24,000
Army	NEW YORK	FORT DRUM	UNIT MAINTENANCE FACILITIES	37,000		37,000
Army	NEW YORK	U S MILITARY ACADEMY	SCIENCE FACILITY, PHASE 1	67,000		67,000
Army Guard	NEW YORK	FORT DRUM	MANEUVER AREA TRAINING EQUIP SITE PH3	11,000		11,000
Army Guard	NEW YORK	QUEENSBURY	FIELD MAINTENANCE SHOP	5,900		5,900
Air Guard	NEW YORK	Gabreski Airport, Westhampton	Pararescue Facility, 106th Rescue Wing, Phase 2		7,500	7,500

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Air Guard	NEW YORK	HANCOCK FIELD	TFI - REAPER IOC/FOC BEDDOWN	5,000		5,000
Army Reserve	NEW YORK	KINGSTON	ARMY RESERVE CENTER/LAND	13,494		13,494
Army Reserve	NEW YORK	SHOREHAM	ADD/ALT ARMY RESERVE CENTER	15,031		15,031
Army Reserve	NEW YORK	STATEN ISLAND	ARMY RESERVE CENTER	18,550		18,550
Army	NORTH CAROLINA	FORT BRAGG	ACCESS ROADS PHASE 1	13,200		13,200
Army	NORTH CAROLINA	FORT BRAGG	TRAINING SUPPORT CENTER	20,500		20,500
Army	NORTH CAROLINA	FORT BRAGG	UTILITY UPGRADE (CAMP MACKALL)	3,200		3,200
Navy	NORTH CAROLINA	CAMP LEJEUNE	BACHELOR ENLISTED QUARTERS - CAMP JOHNSON	38,230		38,230
Navy	NORTH CAROLINA	CAMP LEJEUNE	BACHELOR ENLISTED QUARTERS - CAMP JOHNSON	23,760		23,760
Navy	NORTH CAROLINA	CAMP LEJEUNE	BACHELOR ENLISTED QUARTERS - FRENCH CREEK	33,950		33,950
Navy	NORTH CAROLINA	CAMP LEJEUNE	BACHELOR ENLISTED QUARTERS - HADNOT POINT	39,690		39,690
Navy	NORTH CAROLINA	CAMP LEJEUNE	BACHELOR ENLISTED QUARTERS - HADNOT POINT	39,320		39,320
Navy	NORTH CAROLINA	CAMP LEJEUNE	BACHELOR ENLISTED QUARTERS- COURTHOUSE BAY	35,690		35,690
Navy	NORTH CAROLINA	CAMP LEJEUNE	BACHELOR ENLISTED QUARTERS- HADNOT POINT	42,950		42,950
Navy	NORTH CAROLINA	CAMP LEJEUNE	CHILD DEVELOPMENT CENTER	13,950		13,950
Navy	NORTH CAROLINA	CAMP LEJEUNE	CONSOLIDATED MESSHALL-HADNOT POINT (200 AREA)	25,000		25,000
Navy	NORTH CAROLINA	CAMP LEJEUNE	INFANTRY PLATOON BATTLE COURSE - SR1	18,250		18,250
Navy	NORTH CAROLINA	CAMP LEJEUNE	MESSHALL - HADNOT POINT (400 AREA)	21,650		21,650
Navy	NORTH CAROLINA	CAMP LEJEUNE	MOD K-RANGES (PHASE 2)	20,220		20,220
Navy	NORTH CAROLINA	CHERRY POINT MCAS	2ND MAW COMMAND OPERATIONS FACILITY	30,480		30,480
Navy	NORTH CAROLINA	CHERRY POINT MCAS	BACHELOR ENLISTED QUARTERS	30,100		30,100
Navy	NORTH CAROLINA	CHERRY POINT MCAS	ENGINEERING PRODUCT SUPPORT FACILITY	18,840		18,840
Navy	NORTH CAROLINA	NEW RIVER	AIRCRAFT PARKING APRON ADDITION	6,830		6,830
Navy	NORTH CAROLINA	NEW RIVER	BACHELOR ENLISTED QUARTERS	36,740		36,740
Navy	NORTH CAROLINA	NEW RIVER	BACHELOR ENLISTED QUARTERS - MCAS	25,620		25,620
Navy	NORTH CAROLINA	NEW RIVER	ENLISTED DINING FACILITY	17,090		17,090
Air Force	NORTH CAROLINA	Seymour Johnson AFB	Consolidated Support Center		12,200	12,200
Defense-Wide	NORTH CAROLINA	FORT BRAGG	NEW ELEMENTARY SCHOOL	28,170		28,170
Defense-Wide	NORTH CAROLINA	FORT BRAGG	NEW INTERMEDIATE SCHOOL (IRWIN)	27,945		27,945
Defense-Wide	NORTH CAROLINA	FORT BRAGG	NEW MIDDLE SCHOOL	22,356		22,356
Defense-Wide	NORTH CAROLINA	FORT BRAGG	SOF EXPAND TRAINING COMPOUND	14,200		14,200
Defense-Wide	NORTH CAROLINA	FORT BRAGG	SOF HEADQUARTERS FACILITY	14,600		14,600
Defense-Wide	NORTH CAROLINA	FORT BRAGG	SOF SECURITY/FORCE PROTECTION	4,150		4,150
Defense-Wide	NORTH CAROLINA	FORT BRAGG	SOF TRAINING FACILITY	5,300		5,300
Army Reserve	NORTH CAROLINA	RALEIGH	ARMY RESERVE CENTER/LAND	25,581		25,581
Air Force	NORTH DAKOTA	Grand Forks AFB	Fire Station		13,000	13,000
Army	OKLAHOMA	FORT SILL	TRAINING COMPLEX UPGRADE	63,000		63,000
Air Force	OKLAHOMA	Altus AFB	Consol Digital Airport Surveil Radar (DASR)/RAPCON Facil		10,200	10,200

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Air Force	OKLAHOMA	TINKER AFB	AIRCRAFT MAINTENANCE HANGAR	48,600		48,600
Defense-Wide	OKLAHOMA	ALTUS AFB	REPLACE FUEL STORAGE DIKES	2,850		2,850
Defense-Wide	OKLAHOMA	TINKER AFB	MEDICAL/DENTAL CLINIC REPLACEMENT	65,000		65,000
Air Force Reserve	OKLAHOMA	TINKER AFB	AFR SCHEDULED MAINTENANCE HANGAR	9,900		9,900
Army	PENNSYLVANIA	CARLISLE BARRACKS	MUSEUM SUPPORT FACILITY	13,400		13,400
Army	PENNSYLVANIA	TOBYHANNA ARMY DEPOT	ELECTRONICS MAINTENANCE SHOP	15,000		15,000
Army	PENNSYLVANIA	Letterkenny Army Depot	Upgrade Munition Igloos Phase 2		7,500	7,500
Navy	PENNSYLVANIA	PHILADELPHIA	FULL SCALE ELECTRIC DRIVE TEST FACILITY	22,020		22,020
Defense-Wide	PENNSYLVANIA	PHILADELPHIA	CONVERT WAREHOUSE TO ADMIN SPACE	1,200		1,200
Army Reserve	PENNSYLVANIA	LETTERKENNY ARMY DEPOT	ARMY RESERVE CENTER	14,914		14,914
Navy	RHODE ISLAND	NEWPORT	FITNESS FACILITY	29,900		29,900
Army Guard	RHODE ISLAND	North Kingstown	Army Aviation Support Facility (addition to FY2008)		5,000	5,000
Air Guard	RHODE ISLAND	Quonset State Airport	Construct Air Traffic Control Tower		7,700	7,700
Army	SOUTH CAROLINA	FORT JACKSON	TRAINING COMPLEX UPGRADE	30,000		30,000
Navy	SOUTH CAROLINA	BEAUFORT	EOD/ORDNANCE OPERATIONS FACILITY	5,940		5,940
Navy	SOUTH CAROLINA	PARRIS ISLAND	THIRD RECRUIT TRAINING BATTALION (PHASE 2)	36,400		36,400
Navy	SOUTH CAROLINA	PARRIS ISLAND	THIRD RECRUIT TRAINING BN COMPLEX (PHASE 3)	28,350		28,350
Air Force	SOUTH CAROLINA	Shaw AFB	Physical Fitness Center		9,900	9,900
Air Force	SOUTH CAROLINA	CHARLESTON AFB	C-17 FLIGHT SIMULATOR ADDITION	4,500		4,500
Army Guard	SOUTH CAROLINA	ANDERSON	READINESS CENTER	12,000		12,000
Army Guard	SOUTH CAROLINA	BEAUFORT	READINESS CENTER ADD/ALT	3,400		3,400
Army Guard	SOUTH CAROLINA	EASTOVER	JOINT FORCES HEADQUARTERS	28,000		28,000
Air Force	SOUTH DAKOTA	Ellsworth AFB	Base Entry and Perimeter Gates		11,000	11,000
Army Guard	SOUTH DAKOTA	RAPID CITY	ARMED FORCES RESERVE CENTER	29,000		29,000
Army Guard	SOUTH DAKOTA	Camp Rapid	Barracks/Dining/Admin and Parking Complex Phase I		14,463	14,463
Air Guard	TENNESSEE	Knoxville	Replace Squadron Operations		8,000	8,000
Army Reserve	TENNESSEE	CHATTANOOGA	ARMY RESERVE CENTER	10,600		10,600
Army	TEXAS	CORPUS CHRISTI	DYNAMIC COMPONENT REBUILD FACILITY	39,000		39,000
Army	TEXAS	FORT BLISS	BARRACKS & DINING	148,000		148,000
Army	TEXAS	FORT BLISS	BARRACKS & DINING	148,000		148,000
Army	TEXAS	FORT BLISS	BATTALION COMPLEX	34,000		34,000
Army	TEXAS	FORT BLISS	BRIGADE/BATTALION HQS	44,000		44,000
Army	TEXAS	FORT BLISS	BRIGADE/BATTALION HQS	44,000		44,000
Army	TEXAS	FORT BLISS	CHAPEL	9,000		9,000
Army	TEXAS	FORT BLISS	COMPANY OPERATIONS FACILITIES, BCT	90,000		90,000
Army	TEXAS	FORT BLISS	COMPANY OPERATIONS FACILITIES, BCT 1	90,000		90,000
Army	TEXAS	FORT BLISS	DIGITAL MULTIPURPOSE RANGE COMPLEX	42,000		42,000
Army	TEXAS	FORT BLISS	INFRASTRUCTURE, IBCT1	98,000		98,000

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Army	TEXAS	FORT BLISS	INFRASTRUCTURE, IBCT2	100,000		100,000
Army	TEXAS	FORT BLISS	TRAINING SUPPORT CENTER	12,600		12,600
Army	TEXAS	FORT BLISS	UNIT MAINTENANCE FACILITIES	10,200		10,200
Army	TEXAS	FORT BLISS	VEHICLE MAINTENANCE SHOPS	81,000		81,000
Army	TEXAS	FORT BLISS	VEHICLE MAINTENANCE SHOPS	81,000		81,000
Army	TEXAS	FORT HOOD	UNIT MAINTENANCE FACILITIES	32,000		32,000
Army	TEXAS	FORT SAM HOUSTON	TRAINEE BARRACKS COMPLEX	98,000		98,000
Army	TEXAS	RED RIVER ARMY DEPOT	MANEUVER SYSTEMS SUSTAINMENT CTR, PHASE 1	6,900		6,900
Air Force	TEXAS	Dyess AFB	Multipurpose C-130 Maintenance Hangar		21,000	21,000
Air Force	TEXAS	FORT HOOD	TACP JOINT AIR GROUND CTR	10,800		10,800
Air Force	TEXAS	LACKLAND AFB	BMT RECRUIT DORMITORY	75,515		75,515
Defense-Wide	TEXAS	FORT SAM HOUSTON	MEDICAL INSTRUCTIONAL FACILITY	13,000		13,000
Army Reserve	TEXAS	SINTON	ARMY RESERVE CENTER	9,700		9,700
Air Force	UTAH	HILL AFB	F-22A HEAVY MAINT FAC & COMPOSITE BACK SHOP	36,000		36,000
Air Force	UTAH	Hill AFB	Three-bay Fire Station		5,400	5,400
Defense-Wide	UTAH	HILL AFB	HYDRANT FUEL SYSTEM	20,400		20,400
Army Guard	UTAH	CAMP WILLIAMS	AMMUNITION SUPPLY POINT	17,500		17,500
Army Guard	VERMONT	Ethan Allen Firing Range Jericho	Readiness Center		10,200	10,200
Air Guard	VERMONT	BURLINGTON IAP	SECURITY FORCES AND COMM FACILITY	6,600		6,600
Army	VIRGINIA	FORT BELVOIR	EMERGENCY SERVICES CENTER	7,200		7,200
Army	VIRGINIA	FORT EUSTIS	UNIT OPERATIONS FACILITIES	14,400		14,400
Army	VIRGINIA	Fort Eustis	Training Support Center, Phase 1		13,600	13,600
Army	VIRGINIA	FORT LEE	DINING FACILITY	10,600		10,600
Army	VIRGINIA	FORT LEE	TRAINEE BARRACKS COMPLEX	90,000		90,000
Army	VIRGINIA	FORT MYER	BARRACKS	14,000		14,000
Navy	VIRGINIA	NORFOLK	CHILD DEVELOPMENT CENTER	10,500		10,500
Navy	VIRGINIA	NORFOLK	NORFOLK HARBOR CHANNEL DREDGING	42,830		42,830
Navy	VIRGINIA	QUANTICO	AIRCRAFT MAINTENANCE HANGAR, TYPE II	27,750		27,750
Navy	VIRGINIA	QUANTICO	AIRCRAFT PARKING APRON (GREEN SIDE)	36,280		36,280
Navy	VIRGINIA	Marine Corps Base Quantico	Marine Corps Officer Candidate School HQ Facility		5,980	5,980
Navy	VIRGINIA	QUANTICO	INFRASTRUCTURE - RUSSELL ROAD (PHASE 1)	7,450		7,450
Navy	VIRGINIA	QUANTICO	INSTRUCTION FACILITY ADDITION - TBS	6,350		6,350
Navy	VIRGINIA	QUANTICO	INSTRUCTION FACILITY TBS (PHASE I)	25,200		25,200
Navy	VIRGINIA	QUANTICO	MESS HALL - OCS	13,750		13,750
Navy	VIRGINIA	QUANTICO	STUDENT QUARTERS - TBS (PHASE 3)	27,530		27,530
Defense-Wide	VIRGINIA	CRANEY ISLAND	REPLACE FUEL STORAGE TANKS	39,900		39,900
Defense-Wide	VIRGINIA	DAM NECK	SOF OPERATIONAL FACILITY INCREMENT II	31,000		31,000
Defense-Wide	VIRGINIA	FORT STORY	SOF SMALL ARMS RANGE	11,600		11,600

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

Account Title	State/Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Defense-Wide	VIRGINIA	PENTAGON	PENTAGON ATHLETIC CENTER PHASE 2	6,967		6,967
Defense-Wide	VIRGINIA	PENTAGON	PFPA HAZMAT FACILITY	16,401		16,401
Defense-Wide	VIRGINIA	PENTAGON	RAVEN ROCK WEST POWER PLANT	15,572		15,572
Army Guard	VIRGINIA	ARLINGTON	ARLINGTON HALL READINESS CENTER PHASE 2	15,500		15,500
Army Guard	VIRGINIA	FORT PICKETT	MULTIPURPOSE MACHINE GUN RANGE	2,950		2,950
Naval Reserve	VIRGINIA	NORFOLK	EODMU 10 OPERATIONS FACILITY	8,170		8,170
Naval Reserve	VIRGINIA	WILLIAMSBURG	ORDINANCE HANDLING CARGO OPS TRAINING SUPPORT	12,320		12,320
Army	WASHINGTON	FORT LEWIS	BATTALION COMPLEX	54,000		54,000
Army	WASHINGTON	FORT LEWIS	BATTALION COMPLEX	47,000		47,000
Army	WASHINGTON	FORT LEWIS	BRIGADE COMPLEX	30,000		30,000
Army	WASHINGTON	FORT LEWIS	BRIGADE COMPLEX, INCREMENT III	102,000		102,000
Army	WASHINGTON	FORT LEWIS	CHILD DEVELOPMENT CENTER	27,000		27,000
Navy	WASHINGTON	BANGOR	LIMITED AREA PROD & STORAGE COMPLEX (INCR V)	50,700		50,700
Navy	WASHINGTON	WHIDBEY ISLAND	HANGAR 5 RECAPITALIZATION (INCREMENT II)	34,000		34,000
Air Force	WASHINGTON	MCCHORD AFB	C-17 ADAL FLIGHT SIMULATOR	5,500		5,500
Defense-Wide	WASHINGTON	FORT LEWIS	SOF RANGER BATTALION COMPLEX	38,000		38,000
Army Guard	WASHINGTON	FORT LEWIS	AVIATION READINESS CENTER	32,000		32,000
Air Guard	WASHINGTON	McChord AFB	262 Information Warfare Aggressor SQ (IWAS) Facility		8,600	8,600
Army Reserve	WASHINGTON	SEATTLE	ARMY RESERVE CENTER	37,500		37,500
Air Guard	WEST VIRGINIA	Yeager Airport, Charleston	Fuel System/Corrosion Control Hangar		27,000	27,000
Army Reserve	WISCONSIN	FORT MCCOY	AUTO QUALIFICATION TRAINING RANGE	4,000		4,000
Air Guard	WISCONSIN	Truax Field	Communications and Audio Visual Training Facility		8,300	8,300
Air Force	WYOMING	F E WARREN AFB	RENOVATE HISTORIC DORMITORY	8,600		8,600
Air Guard	WYOMING	CHEYENNE MAP	TFI - C-130 SQDN OPERATIONS FACILITY	7,000		7,000
Army	AFGHANISTAN	BAGRAM AIR BASE	BULK FUEL STORAGE & SUPPLY, PHASE 8	26,000		26,000
Army	AFGHANISTAN	BAGRAM AIR BASE	BULK FUEL STORAGE & SUPPLY, PHASE 5	22,000		22,000
Army	AFGHANISTAN	BAGRAM AIR BASE	SOF HQ COMPLEX	19,000		19,000
Air Force	AFGHANISTAN	BAGRAM AIR BASE	C-130 MAINTENANCE HANGAR	27,400		27,400
Air Force	AFGHANISTAN	BAGRAM AIR BASE	CARGO HANDLING AREA EXPANSION	8,800		8,800
Air Force	AFGHANISTAN	BAGRAM AIR BASE	REFUELER RAMP	21,000		21,000
Navy	CUBA	GUANTANAMO BAY NS	CONSOLIDATED FITNESS COMPLEX	20,600		20,600
Defense-Wide	CZECH REPUBLIC	VARIOUS LOCATIONS	BMDS-EUROPEAN MIDCOURSE RADAR SITE	108,560		108,560
Navy	DIEGO GARCIA	DIEGO GARCIA	WHARF UPGRADE AND WAREHOUSE	35,060		35,060
Navy	DJIBOUTI	CAMP LEMONIER	AIRCRAFT MAINTENANCE HANGAR	12,630	-12,630	0
Navy	DJIBOUTI	CAMP LEMONIER	AIRCRAFT PARKING APRON	15,250		15,250
Navy	DJIBOUTI	CAMP LEMONIER	TELECOM FACILITY	3,330		3,330
Army	GERMANY	KATTERBACH	AIRCRAFT/VEHICLE MAINTENANCE COMPLEX	19,000		19,000

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

Account Title	State/Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Army	GERMANY	WIESBADEN MIL CMTY	COMMAND & BATTLE CENTER	119,000	-42,600	76,400
Defense-Wide	GERMANY	GERMERSHEIM	LOGISTICS DISTRIBUTION CENTER EUROPE	48,000		48,000
Defense-Wide	GREECE	SOUDA BAY	FUEL STORAGE TANKS AND PIPELINE REPL	27,761		27,761
Navy	GUAM	GUAM	BACHELOR ENLISTED QUARTERS, MAIN BASE	62,360		62,360
Navy	GUAM	GUAM	KILO WHARF EXTENSION (INCREMENT II)	50,912		50,912
Navy	GUAM	GUAM	WASTEWATER COLLECTION SYSTEM & UPGRADE	26,070		26,070
Air Force	GUAM	ANDERSEN AFB	COMBAT COMM MAINTENANCE FACILITY	5,200		5,200
Defense-Wide	GUAM	GUAM	CENTRAL UTILITY PLANT	30,000		30,000
Army	ITALY	VICENZA	BRIGADE COMPLEX-BARRACKS/COMMUNITY, INCR II	15,000		15,000
Army	ITALY	VICENZA	BRIGADE COMPLEX-OPERATIONS SPT FAC, INCR II	15,000		15,000
Army	JAPAN	CAMP ZAMA	SENSITIVE COMPARTMENTED INFORMATION FACILITY	2,350		2,350
Army	JAPAN	SAGAMIHARA	BATTLE COMMAND TRAINING CENTER	17,500		17,500
Army	KOREA	CAMP HUMPHREYS	VEHICLE MAINTENANCE SHOP	20,000		20,000
Air Force	KYRGYZSTAN	MANAS AIR BASE	HOT CARGO PAD	6,000		6,000
Defense-Wide	POLAND	VARIOUS LOCATIONS	BMDS-EUROPEAN INTERCEPTOR SITE	132,600		132,600
Air Force	QATAR	AL UDEID	CAS PARKING APRON	59,638	-59,638	0
Defense-Wide	QATAR	AL UDEID	SOF TRAINING RANGE	9,200		9,200
Air Force	UNITED KINGDOM	RAF LAKENHEATH	LARGE VEHICLE INSPECTION STATION	7,400		7,400
Air Force	CLASSIFIED	CLASSIFIED LOCATION	SPECIAL EVALUATION PROJECT	891		891
Navy	WORLDWIDE UNSPEC	VARIOUS WORLDWIDE	DATA CENTER	28,000	-28,000	0
Navy	WORLDWIDE UNSPEC	VARIOUS WORLDWIDE	JOINT OPERATIONS & SUPPORT COMPLEX, PHASE 1	17,800		17,800
Navy	WORLDWIDE UNSPEC	VARIOUS WORLDWIDE	P-8A INTEGRATED TRAINING CENTER	48,220		48,220
Air Force	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	COMMON BATTLEFIELD AIRMAN TRAINING COMPLEX	15,000		15,000
Air Force	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UAS FIELD TRAINING UNIT MAINT COMPLEX	22,000		22,000
Air Force	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UAS FIELD TRAINING UNIT OPS COMPLEX	15,500		15,500
Defense-Wide	WORLDWIDE UNSPEC	VARIOUS WORLDWIDE	ARMY-NAVY/TRANSPORT RADAR SURVEILLANCE-2 #3	25,500	-25,500	0
NSIP	WORLDWIDE UNSPEC	NATO	NATO SECURITY INVESTMENT PROGRAM	240,867		240,867
Army	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	HOST NATION SUPPORT	24,000		24,000
Army	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	23,000		23,000
Army	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	176,807		176,807
Navy	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	239,128		239,128
Navy	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	13,670		13,670
Air Force	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	70,494	2,610	73,104
Air Force	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	15,000		15,000
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	CONTINGENCY CONSTRUCTION	10,000		10,000
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	ENERGY CONSERVATION IMPROVEMENT PROGRAM	60,000		60,000
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION (TMA)	3,990		3,990

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FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

Account Title	State/Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN (NSA)	20,221		20,221
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN (MDA)	14,889		14,889
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN (SOCOM)	16,833		16,833
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN (OSD)	43,768		43,768
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN (DODEA)	1,830		1,830
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION (SOCOM)	7,697		7,697
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION (MDA)	3,457		3,457
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION (OSD)	3,000		3,000
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION (DODEA)	382		382
Defense-Wide	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION (JCS)	8,228		8,228
Defense-Wide	WORLDWIDE UNSPEC	VARIOUS WORLDWIDE	PLANNING AND DESIGN (TMA)	58,252		58,252
Defense-Wide	WORLDWIDE UNSPEC	VARIOUS WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION (DLA)	4,099		4,099
Army Guard	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	48,796	2,944	51,740
Army Guard	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	11,800		11,800
Air Guard	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	7,200		7,200
Air Guard	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	5,374	1,950	7,324
Army Reserve	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	13,963		13,963
Army Reserve	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	3,100		3,100
Naval Reserve	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	2,045		2,045
Air Force Reserve	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	3,822	900	4,822
Air Force Reserve	WORLDWIDE UNSPEC	VARIOUS WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	5,443		5,443

FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

Account Title	State/Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
FamHouse Con Navy	CUBA	GUANTANAMO BAY NS	REPLACE BARGO HOUSING (48)	22,385		22,385
FamHouse Con Navy	CUBA	GUANTANAMO BAY NS	REPLACE GRANADILLO CIRCLE HOUSING (38)	16,547		16,547
FamHouse Con Navy	CUBA	GUANTANAMO BAY NS	REPLACE GRANADILLO POINT HOUSING (60)	23,656		23,656
FamHouse Con Army	GERMANY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONSTRUCTION	32,000		32,000
FamHouse Con Army	GERMANY	WIESBADEN AB	FAMILY HOUSING REPLACEMENT CONSTRUCTION	20,000		20,000
FamHouse Con Army	GERMANY	WIESBADEN AB	FAMILY HOUSING REPLACEMENT CONSTRUCTION	43,000		43,000
FamHouse Con Army	GERMANY	WIESBADEN AB	FAMILY HOUSING REPLACEMENT CONSTRUCTION	38,000		38,000
FamHouse Con Army	KOREA	CAMP HUMPHREYS	FAMILY HOUSING NEW CONSTRUCTION	125,000		125,000
FamHouse Con AF	UNITED KINGDOM	RAF LAKENHEATH	REPLACE FAMILY HOUSING (182 UNITS)	71,828		71,828
FamHouse Con Army	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVEMENTS (1608 UNITS)	420,001		420,001
FamHouse Con Army	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	FAMILY HOUSING PLANNING AND DESIGN	579		579
FamHouse Ops Army	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	113,017		113,017
FamHouse Ops Army	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	OPERATIONS	124,780		124,780
FamHouse Ops Army	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	1,241		1,241
FamHouse Ops Army	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	LEASING	192,849		192,849
FamHouse Ops Army	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	252,189		252,189
FamHouse Ops Army	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PRIVATIZATION SUPPORT COSTS	32,034		32,034
FamHouse Con Navy	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVEMENTS	318,011		318,011
FamHouse Con Navy	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	FAMILY HOUSING PLANNING AND DESIGN	2,169		2,169
FamHouse Ops Navy	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	44,068		44,068
FamHouse Ops Navy	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	15,036		15,036
FamHouse Ops Navy	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	60,063		60,063
FamHouse Ops Navy	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	655		655
FamHouse Ops Navy	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	13,347		13,347
FamHouse Ops Navy	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	LEASING	130,281		130,281
FamHouse Ops Navy	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	87,074		87,074
FamHouse Ops Navy	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	PRIVATIZATION SUPPORT COSTS	25,558		25,558
FamHouse Con AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVEMENTS	316,343		316,343
FamHouse Con AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	FAMILY HOUSING PLANNING AND DESIGN	7,708		7,708
FamHouse Ops AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	100,997		100,997
FamHouse Ops AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	1,559		1,559
FamHouse Ops AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	56,837		56,837
FamHouse Ops AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	20,168		20,168
FamHouse Ops AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	42,189		42,189
FamHouse Ops AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	1,999		1,999
FamHouse Ops AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	LEASING ACCOUNT	565		565
FamHouse Ops AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	LEASING ACCOUNT	93,681		93,681

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FY2009 MILITARY CONSTRUCTION AUTHORIZATIONS

Account Title	State/Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
FamHouse Ops AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MAINTENANCE ACCOUNT	2,142		2,142
FamHouse Ops AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MAINTENANCE (RMPA & RMPC)	225,770		225,770
FamHouse Ops AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	DEBT ACCOUNT	1		1
FamHouse Ops AF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	HOUSING PRIVATIZATION	53,559		53,559
Fam House Ops DW	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	OPERATIONS	35		35
Fam House Ops DW	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	LEASING (NSA)	10,407		10,407
Fam House Ops DW	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	70		70
Fam House Ops DW	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT (DIA)	4,359		4,359
Fam House Ops DW	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	LEASING (DIA)	33,068		33,068
Fam House Ops DW	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	346		346
Fam House Ops DW	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT (DLA)	38		38
Fam House Ops DW	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	33		33
Fam House Ops DW	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	382		382
Fam House Ops DW	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	495		495
FHIF	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	FAMILY HOUSING IMPROVEMENT FUND	850		850
HOAP	WORLDWIDE UNSPEC	UNSPECIFIED WORLDWIDE	HOMEOWNERS ASSISTANCE PROGRAM	4,500		4,500
BRAC IV	WORLDWIDE UNSPEC	ARMY VARIOUS	BASE REALIGNMENT & CLOSURE IV, ARMY	72,855		72,855
BRAC IV	WORLDWIDE UNSPEC	NAVY VARIOUS	BASE REALIGNMENT & CLOSURE IV, NAVY	178,700		178,700
BRAC IV	WORLDWIDE UNSPEC	AIR FORCE VARIOUS	BASE REALIGNMENT & CLOSURE IV, AIR FORCE	139,155		139,155
BRAC IV	WORLDWIDE UNSPEC	DEF-WIDE VARIOUS	BASE REALIGNMENT & CLOSURE IV, DEFENSE-WIDE	2,667		2,667
BRAC 05	WORLDWIDE UNSPEC	ARMY VARIOUS	BASE REALIGNMENT & CLOSURE 2005, ARMY	4,486,178		4,486,178
BRAC 05	WORLDWIDE UNSPEC	NAVY VARIOUS	BASE REALIGNMENT & CLOSURE 2005, NAVY	871,492		871,492
BRAC 05	WORLDWIDE UNSPEC	AIR FORCE VARIOUS	BASE REALIGNMENT & CLOSURE 2005, AIR FORCE	1,072,925		1,072,925
BRAC 05	WORLDWIDE UNSPEC	DEF-WIDE VARIOUS	BASE REALIGNMENT & CLOSURE 2005, DEFENSE-WIDE	2,634,791		2,634,791
			GRAND TOTAL	24,400,239	405,013	24,805,252

(2) DEFENSE BASE CLOSURE AND REALIGNMENT.—Amounts authorized to be appropriated to an account of the Department of Defense by a provision of title XXVII of this Act shall be available for military construction projects under that title for each military construction project specified in the column designated ''Project Title'' (together with the associated information in columns designated ''Agency'', ''Location'', and ''State'') in the amount specified in the column designated as ''Authorization of Appropriation'' in the table as follows:

TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND
Fiscal Year 2009 Project Listing
(Dollars in Thousands)

Agency	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Air Force	80,110	Elmendorf AFB	AK	Aircraft Support Equip Shop	3,000	3,000
Air Force	80,110	Elmendorf AFB	AK	Add to Aerial Port	1,900	1,900
Air Force	80,110	Elmendorf AFB	AK	Add to and Alter for Squad Ops and AMU	8,200	8,200
Air Force	80	Elmendorf AFB	AK	Add to Combat Arms Maint. and Training Simulator	1,000	1,000
Air Force	80	Elmendorf AFB	AK	Alter Bldg 8515 for Supply and Security Forces	5,600	5,600
Air Force	80	Elmendorf AFB	AK	Base Engineer Complex	500	500
Air Force	80,110	Elmendorf AFB	AK	Fuel Cell/Corrosion Control Facility	22,000	22,000
Air Force	80	Elmendorf AFB	AK	Medical Training Facility	5,400	5,400
Air Force	80	Elmendorf AFB	AK	Operations and Training Facility	8,900	8,900
Air Force	80	Elmendorf AFB	AK	Training Fire Station	2,500	2,500
Air Force	80	Elmendorf AFB	AK	Vehicle Maintenance Shop	1,500	1,500
Army	189	Redstone Arsenal	AL	Rotary Wing Center	46,000	46,000
Army	148	Redstone Arsenal	AL	AMC & USASAC Headquarters, Increment II	0	98,000
MDA	134	Redstone Arsenal	AL	Von Braun Complex Phase 3 Increment II	0	127,000
Army	13	Jonesboro	AR	Armed Forces Reserve Center	23,000	23,000
Army	13	NW Arkansas (Fayetteville)	AR	Armed Forces Reserve Center	25,000	25,000
Navy	137B	MCAS Miramar	CA	HRSC Consolidation	20,940	20,940
Navy	138	MCAS Miramar	CA	Construct & Alter Regional Confinement Facility	31,950	31,950
Navy	184	NAWS China Lake	CA	Weapons and Armament Facility #1	32,870	32,870
Navy	184	NAWS China Lake	CA	Renovate Facilities, Ordnance Area	9,270	9,270
Navy	184	NAWS China Lake	CA	Lab Renovation, Building 5	25,520	25,520
Navy	184	NAWS China Lake	CA	Ordnance Storage Facilities	12,110	12,110
Air Force	91	Buckley AFB	CO	BRAC AFR Training Facility	7,200	7,200
Air Force	143B	Buckley AFB	CO	BRAC ARPC Administrative	25,000	25,000
Army	15	AFRC Middletown	CT	Armed Forces Reserve Center	68,000	68,000
Army	15	Newtown Armory	CT	Armed Forces Reserve Center	66,800	66,800
Air Force	85	Bradley IAP AGS	CT	Upgrade A-10 Engine CIRF	1,100	1,100
Navy	149	Washington	DC	Navy Systems Management Activity Relocation	14,963	14,963
Navy	149	Washington	DC	Navy Systems Management Activity Warehouse	7,610	7,610

TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND
Fiscal Year 2009 Project Listing
(Dollars in Thousands)

Agency	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Army	169	Dover AFB	DE	Joint Medical Examiner Facility	52,000	52,000
Army	16	AFRC Newark	DE	Armed Forces Reserve Center	26,000	26,000
Army	4	Eglin AFB	FL	Special Forces Complex	148,000	148,000
Air Force	125	Eglin AFB	FL	BRAC F-35 Construction Haul Road	810	810
Air Force	125	Eglin AFB	FL	BRAC F-35 Duke Field Barriers	1,550	1,550
Air Force	125	Eglin AFB	FL	F-35 (JSF) Renovate Maintenance Dock B1318	3,810	3,810
Air Force	125	Eglin AFB	FL	F-35 (JSF) Renovate Maintenance Dock B1344	2,008	2,008
Air Force	125	Eglin AFB	FL	F-35 (JSF) Renovate Warehouse B1404	1,050	1,050
Air Force	125	Eglin AFB	FL	F-35 (JSF) Utility Infrastructure Upgrades	10,400	10,400
Air Force	125	Eglin AFB	FL	JSF IFT Dining Facility	5,000	5,000
Air Force	125	Eglin AFB	FL	JSF Marine Corps/Navy Hangar (Increment II)	0	21,800
Air Force	125	Eglin AFB	FL	JSF Munition Maintenance	8,900	8,900
Air Force	128	NAS Pensacola	FL	BRAC-CSO Bachelor Quarters	39,600	39,600
Army	9	Fort Benning	GA	Medical Facility, Increment I	157,000	80,000
Army	9	Fort Benning	GA	Headquarters Bldg, Armor Officer Basic Crs	7,700	7,700
Army	9	Fort Benning	GA	General Instruction Complex 2, Increment I	77,000	39,000
Army	9	Fort Benning	GA	Vehicle Maintenance Instruction Facility	83,000	83,000
Army	2	Fort Benning	GA	CIDC Field Operations Bldg	3,050	3,050
Army	9	Fort Benning	GA	Infrastructure Support, Increment II	0	74,000
Army	2	Fort Gillem	GA	Armed Forces Reserve Center, Add/Alt	12,000	12,000
Air Force	79,103	Moody AFB	GA	BRAC Add/Alter Dental Clinic	1,000	1,000
Air Force	79,103	Moody AFB	GA	BRAC Child Development Center	4,000	4,000
Air Force	79,103	Moody AFB	GA	BRAC Community Activity Center	4,400	4,400
Air Force	79,103	Moody AFB	GA	BRAC Transient Lodging Facility	1,800	1,800
Air Force	79,103	Moody AFB	GA	BRAC Visiting Quarters	2,600	2,600
Air Force	79,103	Moody AFB	GA	LOLA/Ramp/Gun Berm	2,550	2,550
Air Force	104	Hickam AFB	HI	Flight Simulator Training Facility	5,000	5,000
Air Force	116	Sioux Gateway APT	IA	KC-135 Test Apron and Taxiway	3,000	3,000
Army	19	Carbondale	IL	Armed Forces Reserve Center	11,800	11,800

TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND
Fiscal Year 2009 Project Listing
(Dollars in Thousands)

Agency	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Air Force	90	Capital APT AGS	IL	F-16 CIRF Sound Suppressor Foundation	1,600	1,600
Air Force	90	Capital APT AGS	IL	Upgrade F-16 Engine CIRF	6,200	6,200
Army	20	Greenwood (Indianapolis)	IN	Armed Forces Reserve Center	39,000	39,000
Air Force	112	McConnell AFB	KS	Munitions Delivery Road	1,450	1,450
Air Force	112	McConnell AFB	KS	STAMP Relocation	4,900	4,900
Air Force	112	McConnell AFB	KS	STRAPP Relocation	1,800	1,800
Army	143	Fort Knox	KY	Human Resources Command Complex, Increment III	0	55,400
Army	9	Fort Knox	KY	Army Reserve Center, Phase 2	28,000	28,000
Army	23	Shreveport	LA	Armed Forces Reserve Center	16,500	16,500
Air Force	119	New Orleans ARS	LA	Establish F-15 CIRF	5,100	5,100
Air Force	119	New Orleans ARS	LA	F-15 CIRF Sound Suppressor Foundation	1,500	1,500
Air Force	94	Barnes MPT AGS	MA	EOD Facility	1,750	1,750
Army	169	Aberdeen Proving Ground	MD	Medical Research Lab, Chem Bio Defense	27,000	27,000
Army	174	Aberdeen Proving Ground	MD	Non-Medical Chem Bio Fac	27,000	27,000
Army	136	Aberdeen Proving Ground	MD	Headquarters Bldg, Army Test and Eval Cmd	43,000	43,000
Army	5	Aberdeen Proving Ground	MD	C4ISR, Phase 2, Increment I	251,000	89,000
Army	5	Aberdeen Proving Ground	MD	C4ISR, Phase 1, Increment III	0	142,000
Army	187	Aberdeen Proving Ground	MD	Army Research Lab Vehicle Technology	35,000	35,000
Army	189	Bethesda	MD	Community Support Facilities	11,200	11,200
Army	130	Fort Meade	MD	MILDEP Adjudication Activities	51,000	51,000
Army	141	Fort Meade	MD	Defense Media Activity, Increment I	61,000	44,000
Air Force	129	Andrews AFB	MD	BRAC Construct Administrative Facility	53,000	53,000
Air Force	129	Andrews AFB	MD	BRAC Construct POV Lane, Pearl Harbor Gate	1,350	1,350
DISA	140	Fort Meade	MD	Construct DISA Building	130,128	130,128
TMA	169	Bethesda (WRNMMC)	MD	Medical Center Addition - Increment II	200,500	201,350
Navy	65	Inspector-Instructor Bath	ME	Facility Renovation Project	540	540
Navy	65	Portsmouth	ME	Special Purpose BN Ops Facility	2,900	2,900
Army	176	Detroit Arsenal	MI	Administrative Office Buildings, Increment I	99,000	58,000
Army	176	Detroit Arsenal	MI	Weapons Maintenance and Operations Fac	6,400	6,400

TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND
Fiscal Year 2009 Project Listing
(Dollars in Thousands)

Agency	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Air Force	95	Selfridge ANGB	MI	Add To Alert Complex	870	870
Army	127	Leonard Wood	MO	Prime Power School Complex	29,000	29,000
Air Force	94	Lambert - St Louis IAP AGS	MO	Relocate 157 AOG	4,000	4,000
TMA	173G	Keesler AFB	MS	Community Hospital	67,700	67,700
Army	3	Fort Bragg	NC	Headquarters Bldg, FORSCOM/USARC, Increment II	0	150,000
Army	30	Beatrice Readiness Center	NE	Armed Forces Reserve Center	13,290	13,290
Army	31	Pease AFRC	NH	Armed Forces Reserve Center	34,000	34,000
Army	53	Lakehurst AFRC	NJ	Equipment Concentration Site	27,000	27,000
Army	188	Picatinny Arsenal	NJ	Packaging, Handling, Shipping & Trans Ctr	26,000	26,000
Army	188	Picatinny Arsenal	NJ	Fuze Eng Cmpb/Explosive Magazines	25,000	25,000
Army	188	Picatinny Arsenal	NJ	Guns & Weapons Systems Lab (Turret)	12,000	12,000
Army	188	Picatinny Arsenal	NJ	Guns & Weapons Systems Tech Data	13,000	13,000
Navy	68	McGuire AFB (Cookstown)	NJ	Aviation Supply Dept & AIMD Ops Facility	37,010	37,010
Navy	68	McGuire AFB (Cookstown)	NJ	Munitions Maintenance Facility	1,800	1,800
Navy	68	McGuire AFB (Cookstown)	NJ	NAVY VR Fleet Logistics Ops Facility (INCR II of II)	0	28,882
Navy	68	McGuire AFB (Cookstown)	NJ	Aviation Support Facility Hangar Renovation	12,000	12,000
Navy	68	McGuire AFB (Cookstown)	NJ	C-130 Flight Simulator Facility	4,260	4,260
Navy	68	McGuire AFB (Cookstown)	NJ	Helicopters Hangars & MAG HQ (INCR II of II)	0	41,941
Air Force	89,100	Nellis AFB	NV	Construct Airfield Pavements	7,800	7,800
Army	34	AFRC Farmingdale	NY	Armed Forces Reserve Center, Increment II	0	27,000
Army	5	West Point	NY	US Military Academy Prep School, Increment I	198,000	100,000
Army	37	Columbus	OH	Armed Forces Reserve Center	65,218	65,218
Army	37	Mansfield	OH	Armed Forces Reserve Center	30,714	30,714
Air Force	187	Wright-Patterson AFB	OH	Add to and Alter Sensors Laboratory (AFRL/SN)	40,000	40,000
Air Force	170	Wright-Patterson AFB	OH	Pipeline Dormitory	12,600	12,600
Air Force	170	Wright-Patterson AFB	OH	USAFSAM (Increment II)	0	30,000
Army	73	Broken Arrow	OK	Armed Forces Reserve Center	12,100	12,100
Army	38	Broken Arrow	OK	Armed Forces Reserve Center	54,900	54,900
Army	38	Muskogee	OK	Armed Forces Reserve Center	23,000	23,000

TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND
Fiscal Year 2009 Project Listing
(Dollars in Thousands)

Agency	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Army	10	Fort Sill	OK	ADA Brigade Complex, Increment II	0	47,000
Army	39	Camp Wythcombe	OR	Armed Forces Reserve Center	45,500	45,500
Army	40	AFRC Lewisburg	PA	Armed Forces Reserve Center	24,000	24,000
Army	40	AFRC Williamsport	PA	Armed Forces Reserve Center	18,500	18,500
Army	40	AFRC Willow Grove	PA	Armed Forces Reserve Center	30,000	30,000
Navy	137B	Philadelphia	PA	Renovate Building 9	20,570	20,570
Navy	57	Tobyhanna Army Depot	PA	Radar Maintenance Facility	2,450	2,450
Navy	73	NMCRC Pittsburgh	PA	NMCRC Moundsville to NMCRC Pittsburgh, PA	4,920	4,920
Army	41	AFRC Fort Allan	PR	Armed Forces Reserve Center	19,500	19,500
Army	41	AFRC Fort Buchanan	PR	Armed Forces Reserve Center	28,000	28,000
Army	41	Ceiba	PR	Armed Forces Reserve Center	36,000	36,000
Army	41	Mayaguez	PR	Armed Forces Reserve Center	37,000	37,000
Navy	181	NS Newport	RI	Maritime Subsurface Sensor Operations Facility	15,320	15,320
Army	3	Shaw AFB	SC	Headquarters Building, Third US Army	102,000	102,000
Air Force	3A	Shaw AFB	SC	Dormitory Renovation for HQ 3rd Army	2,350	2,350
Army	43	Kingsport	TN	Armed Forces Reserve Center	19,300	19,300
Air Force	92	McGhee Tyson APT AGS	TN	Expand Parking Apron & Hydrant Sys	5,200	5,200
Army	44	AFRC Amarillo	TX	Armed Forces Reserve Center	24,000	24,000
Army	10	Fort Bliss	TX	Division Headquarters Building	25,000	25,000
Army	10	Fort Bliss	TX	Combat Aviation Brigade Complex, Increment III	0	103,000
Army	10	Fort Bliss	TX	Brigade Combat Team Complex #3, Increment II	0	145,000
Army	10	Fort Bliss	TX	Tactical Equipment Maintenance Facility 1	79,000	79,000
Army	10	Fort Bliss	TX	Community Infrastructure	32,000	32,000
Army	44	AFRC Dyess AFB	TX	Armed Forces Reserve Center	40,000	40,000
Army	44	AFRC Lewisville	TX	Armed Forces Reserve Center	22,000	22,000
Army	44	AFRC Round Rock	TX	Armed Forces Reserve Center	41,000	41,000
Army	44	AFRC San Marcos	TX	Armed Forces Reserve Center	29,000	29,000
Army	44	AFRC Tyler	TX	Armed Forces Reserve Center	29,000	29,000
Air Force	113	NAS-JRB Fort Worth	TX	BRAC AFR Add Avionics Shop	1,050	1,050

TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND
Fiscal Year 2009 Project Listing
(Dollars in Thousands)

Agency	Commission Recommendation	Location	State	Project Title	Project Authorization	Authortzation of Appropriation
Air Force	113	NAS-JRB Fort Worth	TX	BRAC AFR ECM Shop	1,150	1,150
Air Force	111	Ellington Field	TX	Relocate 272 EIS HQ	2,650	2,650
Air Force	172	Fort Sam Houston	TX	Medical Field Training Complex	18,000	18,000
Air Force	172	Fort Sam Houston	TX	METC Medical Instructional Facility (Increment II)	0	98,400
Air Force	172	Fort Sam Houston	TX	METC Student Dorm #1 (Increment II)	0	41,200
Air Force	172	Fort Sam Houston	TX	METC Student Dorm #2 (Increment II	0	33,700
Air Force	172	Fort Sam Houston	TX	METC Student Dorm #3 (Increment I)	48,000	48,000
Air Force	170	Fort Sam Houston	TX	Tri-Service Research Facility	79,500	79,500
Air Force	170	Randolph AFB	TX	AF Audit Agency Relocation	1,338	1,338
TMA	172	Fort Sam Houston	TX	San Antonio Military Medical Center (North) Incr II	182,700	294,074
TMA	172	Lackland AFB	TX	WHMC Rennovation of Ambulatory Care Center	51,000	51,000
Air Force	113	Hill AFB	UT	Renovate LANTIRN CIRF Bldgs 584 & 578	2,500	2,500
Army	129	Arlington Hall	VA	Armed Forces Reserve Center, Add/Alt	80,100	80,100
Army	5	Fort Belvoir	VA	Network Operations Center	8,300	8,300
Army	132	Fort Belvoir	VA	Infrastructure Support, Increment II	0	23,000
Army	168	Fort Belvoir	VA	Infrastructure Support, Increment II	0	48,000
Army	169	Fort Belvoir	VA	Infrastructure Support, Increment II	0	20,000
Army	168	Fort Belvoir	VA	Defense Access Roads, EPG	38,000	38,000
Army	8	Fort Eustis	VA	Headquarters Building, TRADOC	113,000	113,000
Army	122	Fort Lee	VA	USAF Transportation Management School	16,500	16,500
Army	121	Fort Lee	VA	Warrior Training Facilities	12,000	12,000
Army	121	Fort Lee	VA	Combat Service Support School, Ph 1, Increment III	0	6,348
Army	133	Fort Lee	VA	Administrative Building (DCMA)	23,000	23,000
Army	121	Fort Lee	VA	Combat Service Support School, Ph 2, Increment II	0	143,000
Army	123	Fort Lee	VA	JCOE for Culinary Training	17,000	17,000
NGA	168	Fort Belvoir	VA	NGA Headquarters Facility	324,900	743,868
TMA	169	Fort Belvoir	VA	Hospital Replacement - Increment III	249,000	197,750
WHS	133	Fort Belvoir	VA	Office Complex	0	274,330
Navy	131	MCB Quantico	VA	Collocate MILDEP Invest Agencies (INCR II of II)	0	213,109

TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND
Fiscal Year 2009 Project Listing
(Dollars in Thousands)

Agency	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Navy	138	Chesapeake	VA	Joint Regional Correctional Facility (INCR I of II)	33,000	33,000
Navy	138	MCB Quantico	VA	Pre-trial Detainee Facility	5,570	5,570
Navy	8	NS Norfolk	VA	Renovate V47 for Combat Craft Facility	7,140	7,140
DIA	167	Rivanna Sta (Charlottesville)	VA	Joint Use Intelligence Analysis Facility - Phase 2	3,000	21,000
Army	45	AFRC White River Junction	VT	Armed Forces Reserve Center	28,000	28,000
Army	46	AFRC Everett	WA	Armed Forces Reserve Center	28,000	28,000
Air Force	116	Fairchild AFB	WA	Relocate Combat Communications	12,800	12,800
Army	48	Madison	WI	Armed Forces Reserve Center	25,375	25,375
Army	73	Madison	WI	Armed Forces Reserve Center	6,600	6,600
Air Force	97	Gen Mitchell IAP AGS	WI	Add Hydrant Refueling Outlet	1,150	1,150
Air Force	-	Various	Worldwide	Planning and Design	4,173	4,173
Army	-	Various	Worldwide	Planning and Design	12,000	12,000
Army	-	Various	Worldwide	Planning and Design (GDPR)	3,700	3,700
				Total Military Construction and P&D	5,141,743	7,224,798
Army	-	Various	Various	Environmental	54,831	54,831
Navy	-	Various	Various	Environmental	8,627	8,627
Air Force	-	Various	Various	Environmental	11,486	11,486
Defense Wide	-	Various	Various	Environmental	0	0
				Total Environmental	74,944	74,944
Army	-	Various	Various	Operation and Maintenance	481,561	481,561
Navy	-	Various	Various	Operation and Maintenance	254,336	254,336
Air Force	-	Various	Various	Operation and Maintenance	253,272	253,272
Defense Wide	-	Various	Various	Operation and Maintenance	340,152	340,152
				Total Operation and Maintenance	1,329,321	1,329,321
Army	-	Various	Various	MilPers PCS	0	0
Navy	-	Various	Various	MilPers PCS	9,785	9,785

TITLE XXVII - 2005 BASE REALIGNMENT AND CLOSURE ROUND
Fiscal Year 2009 Project Listing
(Dollars in Thousands)

Agency	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Air Force	-	Various	Various	MilPers PCS	6,786	6,786
Defense Wide	-	Various	Various	MilPers PCS	0	0
				Total MilPers PCS	16,571	16,571
Army	-	Various	Various	Other	157,991	157,991
Navy	-	Various	Various	Other	12,099	12,099
Air Force	-	Various	Various	Other	63,226	63,226
Defense Wide	-	Various	Various	Other	186,439	186,439
				Total Other	419,755	419,755
				TOTAL FY 2009 FUNDING FOR BRAC 2005	6,982,334	9,065,386

(3) WAR-RELATED MILITARY CONSTRUCTION.—Amounts authorized to be appropriated to an account of the Department of Defense by a provision of title XXIX of this Act shall be available for military construction projects under that title for each military construction project specified in the column designated ''Project Title'' (together with the associated information in columns designated ''State/Country'', ''Service'', and ''Installation'') in the amount specified in the column designated as ''Senate Authorized'' in the table as follows:

TITLE XXIX
SUBTITLE A - FY2008 AUTHORIZATIONS

State / Country	Service	Installation	Project Title	Previous FY2008 Authorized	Senate Change	Senate Authorized
			Projects inside the United States			
ALASKA	ARMY	FORT WAINWRIGHT	CHILD DEVELOPMENT CENTER	0	17,000	17,000
CALIFORNIA	ARMY	FORT IRWIN	CHILD DEVELOPMENT CENTER	0	11,800	11,800
CALIFORNIA	NAVY	SAN DIEGO	CHILD DEVELOPMENT CENTER	0	12,299	12,299
CALIFORNIA	AIR FORCE	BEALE AFB	CHILD DEVELOPMENT CENTER	0	17,600	17,600
COLORADO	ARMY	FORT CARSON	CHILD DEVELOPMENT CENTER	0	8,400	8,400
FLORIDA	AIR FORCE	EGLIN AFB	CHILD DEVELOPMENT CENTER	0	11,000	11,000
GEORGIA	ARMY	FORT GORDON	CHILD DEVELOPMENT CENTER	0	7,800	7,800
HAWAII	ARMY	SCHOFIELD BARRACKS	CHILD DEVELOPMENT CENTER	0	12,500	12,500
KENTUCKY	ARMY	FORT CAMPBELL	CHILD DEVELOPMENT CENTER	0	9,900	9,900
KENTUCKY	ARMY	FORT KNOX	CHILD DEVELOPMENT CENTER	0	7,400	7,400
NEW MEXICO	AIR FORCE	CANNON AFB	CHILD DEVELOPMENT CENTER	0	8,000	8,000
NORTH CAROLINA	ARMY	FORT BRAGG	CHILD DEVELOPMENT CENTER	0	8,500	8,500
NORTH CAROLINA	NAVY	CAMP LEJEUNE	CHILD DEVELOPMENT CENTER	0	16,000	16,000
OKLAHOMA	ARMY	FORT SILL	CHILD DEVELOPMENT CENTER	0	9,000	9,000
TEXAS	ARMY	FORT BLISS	CHILD DEVELOPMENT CENTER	0	5,700	5,700
TEXAS	ARMY	FORT BLISS	CHILD DEVELOPMENT CENTER	0	5,900	5,900
TEXAS	ARMY	FORT BLISS	CHILD DEVELOPMENT CENTER	0	5,700	5,700
TEXAS	ARMY	FORT HOOD	CHILD DEVELOPMENT CENTER	0	7,200	7,200
TEXAS	ARMY	FORT SAM HOUSTON	CHILD DEVELOPMENT CENTER	0	7,000	7,000
VIRGINIA	ARMY	FORT LEE	CHILD DEVELOPMENT CENTER	0	7,400	7,400
WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN - CDCs	0	6,000	6,000
WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN - CDCs	0	1,052	1,052
WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN - CDCs	0	1,427	1,427
			Subtotal Child Development Centers	0	204,578	204,578
CALIFORNIA	NAVY	CAMP PENDLETON	JIEDDO BATTLE COURSES	0	9,270	9,270
CALIFORNIA	NAVY	CHINA LAKE	JIEDDO BATTLE COURSES	0	7,210	7,210
CALIFORNIA	NAVY	POINT MUGU	JIEDDO BATTLE COURSES	0	7,250	7,250
CALIFORNIA	NAVY	TWENTYNINE PALMS	JIEDDO BATTLE COURSES	0	11,250	11,250
FLORIDA	NAVY	EGLIN AFB	JIEDDO BATTLE COURSE ADDITIONS	0	780	780
MISSISSIPPI	NAVY	GULFPORT	JIEDDO BATTLE COURSES	0	6,570	6,570

TITLE XXXIX
SUBTITLE A - FY2008 AUTHORIZATIONS

State / Country	Service	Installation	Project Title	Previous FY2008 Authorized	Senate Change	Senate Authorized
NORTH CAROLINA	NAVY	CAMP LEJEUNE	JIEDDO BATTLE COURSES	0	11,980	11,980
VIRGINIA	NAVY	YORKTOWN	JIEDDO BATTLE COURSES	0	8,070	8,070
WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN - JIEDDO	0	3,000	3,000
			Subtotal JIEDDO Battle Courses	0	65,380	65,380
			United States Total	0	269,958	269,958
			Projects Outside the United States			
IRAQ	ARMY	CAMP ADDER	CORPS SUPPORT CENTER PHASE 3	0	13,200	13,200
IRAQ	ARMY	CAMP RAMADI	INCINERATOR	0	6,200	6,200
IRAQ	ARMY	FALLUJAH	INCINERATORS	0	5,500	5,500
QATAR	AIR FORCE	AL UDEID	CLOSE AIR SUPPORT PARKING APRON	0	60,400	60,400
			Overseas Total	0	85,300	85,300
			Subtotal New FY 2008 Authorizations	0	355,258	355,258
			Repeal of Previous Authorizations			
IRAQ	ARMY	CAMP ADDER	ENTRY CONTROL POINT	4,850	-4,850	0
IRAQ	ARMY	CAMP ANACONDA	URBAN BYPASS ROAD	43,000	-43,000	0
IRAQ	ARMY	CAMP SPEICHER	WASTE WATER TREATMENT & COLLECTION SYS	9,800	-9,800	0
IRAQ	ARMY	CAMP VICTORY	ENTRY CONTROL POINT	5,000	-5,000	0
IRAQ	ARMY	TIKRIT	URBAN BYPASS ROAD	43,000	-43,000	0
			Subtotal Repeal of Previous Authorizations	105,650	-105,650	0
			Grand Total FY2008 Authorization Changes	105,650	249,608	355,258

(c) DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.—Amounts authorized to be appropriated to an account of the Department of Energy by a provision of title XXXI of this Act shall be available for national security programs of the Department of Energy under that title for each program specified in the column designated ''Program'' in the amount specified in the column designated as ''Senate Authorized'' in the table as follows:

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Discretionary Summary By Appropriation			
Energy And Water Development, And Related Agencies Appropriation Summary:			
Energy Programs (270)			
Electricity delivery and energy reliability	7,622	-7,622	—
Electricity Delivery and Energy Reliability	7,622	-7,622	—
Atomic Energy Defense Activities (050)			
National Nuclear Security Administration:			
Weapons activities			
Operation and maintenance	6,126,057	42,622	6,168,679
Construction	492,022	-50,000	442,022
Total, Weapons activities	6,618,079	-7,378	6,610,701
Defense Nuclear Nonproliferation			
Operation and maintenance	1,233,901	552,008	1,785,909
Construction	13,147	—	13,147
Total, Defense nuclear nonproliferation	1,247,048	552,008	1,799,056
Naval Reactors			
Operation and maintenance	806,054	—	806,054
Construction	22,000	—	22,000

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Total, Naval reactors	828,054	—	828,054
Office of the administrator	404,081	—	404,081
Total, National nuclear security administration	9,097,262	544,630	9,641,892
Environmental and other defense activities:			
Defense environmental cleanup			
Operation and maintenance	4,391,000	—	4,391,000
Construction	906,256	—	906,256
Total, Defense Environmental Cleanup	5,297,256	—	5,297,256
Other Defense Activities			
Health, safety and security	446,868	—	446,868
Legacy Management	185,981	—	185,981
Nuclear energy	565,819	-487,008	78,811
Defense related administrative support	108,190	—	108,190
Office of hearings and appeals	6,603	—	6,603
Subtotal, Other defense activities	1,313,461	-487,008	826,453
Total, Other Defense Activities	1,313,461	-487,008	826,453
Defense Nuclear Waste Disposal	247,371	-50,000	197,371
Total, Environmental & Other Defense Activities	6,858,088	-537,008	6,321,080
Total, Atomic Energy Defense Activities	15,955,350	7,622	15,962,972
Total, Discretionary Funding	15,962,972	—	15,962,972

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Electricity Delivery & Energy Reliability			
Operations and analysis			
Infrastructure security & energy restoration	7,622	-7,622	0
Subtotal, Electricity Delivery & Energy Reliability	7,622	-7,622	—
Weapons Activities			
Directed stockpile work			
Life extension programs			
B61 Life extension program	2,189		2,189
W76 Life extension program	209,196	-18,000	191,196
Total, Life extension programs	211,385	-18,000	193,385
Stockpile systems			
B61 Stockpile systems	80,434		80,434
W62 Stockpile systems	1,645		1,645
W76 Stockpile systems	68,418		68,418
W78 Stockpile systems	43,349		43,349
W80 Stockpile systems	32,034		32,034
B83 Stockpile systems	25,759		25,759
W87 Stockpile systems	37,189		37,189
W88 Stockpile systems	49,854		49,854
Total, Stockpile systems	338,682	—	338,682

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Reliable replacement warhead	10,000		10,000
Weapons dismantlement and disposition			
Operations and maintenance	116,822	12,000	128,822
Construction:			
99-D-141 Pit disassembly and conversionfacility, SRS	66,890		66,890
Total, Weapons dismantlement and disposition	183,712	12,000	195,712
Stockpile services			
Production support	302,126		302,126
Research and development support	36,231		36,231
R&D certification and safety	193,375		193,375
Management, technology, and production	201,375		201,375
Pit manufacturing	145,269	-20,000	125,269
Pit manufacturing capability	53,560		53,560
Total, Stockpile services	931,936	-20,000	911,936
Total, Directed stockpile work	1,676,715	-26,000	1,649,715
Campaigns:			
Science campaign			
Advanced certification	20,000		20,000
Primary assessment technologies	74,413		74,413
Dynamic plutonium experiments	23,734		23,734
Dynamic materials properties	85,805		85,805

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Advanced radiography	29,418		29,418
Secondary assessment technologies	79,292		79,292
Test readiness	10,408		10,408
Total, Science campaign	**323,070**	—	**323,070**
Engineering campaign			
Enhanced surety	35,641		35,641
technology	17,105		17,105
Nuclear survivability	21,753		21,753
Enhanced surveillance	68,243		68,243
Total, Engineering campaign	**142,742**	—	**142,742**
Inertial confinement fusion ignition and high yield campaign			
Ignition	103,644		103,644
NIF diagnostics, cryogenics and experimental support	68,248		68,248
Pulsed power inertial confinement fusion	8,920		8,920
laboratory plasmas	3,147		3,147
Facility operations and target production	180,384		180,384
NIF assembly and installation	56,899		56,899
Subtotal, Inertial confinement fusion and high yield campaign	**421,242**	—	**421,242**
Total, Inertial confinement fusion and high yield campaign	**421,242**	—	**421,242**

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Advanced simulation and computing campaign			
Operations and maintenance	561,742		561,742
Readiness Campaign			
Stockpile readiness	28,731		28,731
High explosives and weapon operations	8,927		8,927
Nonnuclear readiness	40,165		40,165
Tritium readiness			
Operations and maintenance	82,265	-27,600	54,665
Advanced design and production technologies	22,949		22,949
Total, Readiness campaign	183,037	-27,600	155,437
Total, Campaigns	1,631,833	-27,600	1,604,233
Readiness in technical base and facilities (RTBF)			
Operations of facilities			
Operations of facilities			
Operations of facilities			
Kansas City Plant	122,389		122,389
Lawrence Livermore National Laboratory	85,160		85,160
Los Alamos National Laboratory	298,112		298,112
Nevada Test Site	92,203		92,203
Pantex	104,361		104,361
Sandia National Laboratory	127,827		127,827

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Savannah River Site	108,114		108,114
Y-12 National security complex	216,904		216,904
Institutional site support	57,837		57,837
Total, Operations of facilities	1,212,907	—	1,212,907
Total, Operations of facilities	**1,212,907**	—	**1,212,907**
Program readiness	73,841		73,841
Material recycle and recovery	72,509		72,509
Containers	23,398		23,398
Storage	29,846		29,846
Subtotal, Readiness in technical base and facilities	**1,412,501**	—	**1,412,501**
Construction:			
09-D-404, Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	3,200		3,200
08-D-801 High pressure fire loop (HPFL) Pantex, TX	2,000		2,000
08-D-802 High explosive pressing facility Pantex Plant, Amarillo, TX	28,233		28,233
08-D-804 TA-55 Reinvestment project Los Alamos National Laboratory (LANL)	7,900		7,900

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
08-D-806 Ion beam laboratory refurbishment SNL, Albuquerque, NM	10,014		10,014
07-D-140 Project engineering and design (PED) various locations	7,446		7,446
07-D-220 Radioactive liquid waste treatment facility upgrade project, LANL	19,660		19,660
06-D-140 Project engineering design (PED) various locations	104,661		104,661
06-D-402 NTS replace fire stations 1 & 2 Nevada Test Site, NV.	9,340		9,340
05-D-402 Beryllium capability (BEC) project Y-12 National Security Complex, Oakridge, TN	5,015		5,015
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	100,200	-50,000	50,200
04-D-128 TA-18 Criticality experiments facility (CEF), Los Alamos National Laboratory Nevada Test Site, NV.	10,353		10,353

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Total, Construction	308,022	-50,000	258,022
Total, Readiness in technical base and facilities	1,720,523	-50,000	1,670,523
Secure transportation asset			
Operations and equipment	131,651		131,651
Program direction	89,421		89,421
Total, Secure transportation asset	221,072	----	221,072
Nuclear weapons incident response	221,936	0	221,936
Facilities and infrastructure recapitalization program			
Operations and maintenance	99,550	64,222	163,772
Construction			
08-D-601 Mercury highway Nevada Test Site, NV	11,700		11,700
08-D-602 Portable water system upgrades Y-12 Plant, Oak Ridge, TN	27,666		27,666
07-D-253 TA 1 heating systems modernization (HSM) Sandia National Laboratory	15,755		15,755
06-D-601 Electrical distribution system upgrade, Pantex Plant, Amarillo, TX	4,000		4,000

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
06-D-603 Steam plant life extension project (SLEP), Y-12, National Security Complex, Oakridge, TN	10,878		10,878
Total, Construction	**69,999**	**—**	**69,999**
Total, Facilities and infrastructure recapitalization program	**169,549**	**64,222**	**233,771**
Environmental projects and operations			
Long term stewardship	40,587		40,587
Transformation disposition	77,391		77,391
Safeguards and security			
Defense nuclear security			
Operations and maintenance	690,217	40,000	730,217
Construction:			
08-D-701 Nuclear materials S&S upgrade project Los Alamos National Laboratory	46,000		46,000
05-D-170 Project engineering and design, various locations	1,111		1,111
Total, Construction	**47,111**	**—**	**47,111**
Total, Defense nuclear security	**737,328**	**40,000**	**777,328**

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Cyber security	122,511		122,511
Total, Safeguards and security	859,839	40,000	899,839
Subtotal, Weapons Activities	6,618,445	622	6,619,067
Adjustments			
Use of prior year balances	-366	-8,000	-8,366
Total, Adjustments	-366	-8,000	-8,366
Total, Weapons Activities	6,618,079	-7,378	6,610,701
Defense Nuclear Nonproliferation			
Nonproliferation and verification R&D			
Operations and maintenance	261,944	25,000	286,944
Construction:			
07-SC-05 Physical Science Facility Pacific Northwest National Laboratory Richland, WA	13,147		13,147
Total, Construction	13,147	—	13,147
Total, Nonproliferation & verification R&D	275,091	25,000	300,091
Nonproliferation and international security			
Nonproliferation and international security	140,467	-20,000	120,467
GIPP		[-5000]	

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
GNEP support		[-15000]	0
International nuclear materials protection and cooperation	429,694	50,000	479,694
North Korea denuclearization		[50,000]	
Elimination of weapons-grade plutonium production program	141,299		141,299
Fissile materials disposition			
U.S. surplus fissile materials disposition			
Operations and maintenance			
U.S. surplus fissile materials disposition	40,774	19,200	59,974
Total, Operations and maintenance	**40,774**	**19,200**	**59,974**
Construction:			
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	—	467,808	467,808
Total, Construction	**—**	**467,808**	**467,808**
Total, U.S. surplus fissile materials disposition	**40,774**	**487,008**	**527,782**
Russian surplus materials disposition	1,000	10,000	11,000
Total, Fissile materials disposition	**41,774**	**497,008**	**538,782**
Global threat reduction initiative	219,641		219,641

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Subtotal, Defense Nuclear Nonproliferation	1,247,866	552,008	1,799,874
Use of prior year balances (NN)	-918		-918
Subtotal, Defense Nuclear Nonproliferation	1,247,048	552,008	1,799,056
Total, Defense Nuclear Nonproliferation	1,247,048	552,008	1,799,056
Naval Reactors			
Naval reactors development			
Operation and maintenance			
Operation and maintenance	771,600		771,600
Total, Operation and maintenance	771,600	—	771,600
Construction:			
09-D-190, PED, Infrastructure upgrades, KAPL	1,000		1,000
09-D-902, NRF Production Support Complex Idaho Falls	8,300		8,300
08-D-190 Project engineering and design Expended Core Facility M-290 recovering discharge station, Naval Reactor Facility, ID	300		300
07-D-190 Materials research technology complex (MRTC)	12,400		12,400

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Total, Construction	22,000	—	22,000
Total, Naval reactors development	793,600	—	793,600
Program direction	34,454		34,454
Total, Naval Reactors	828,054	—	828,054
Office Of The Administrator			
Office of the administrator	404,081		404,081
Congressionally directed projects	—		0
Total, Office Of The Administrator	404,081	—	404,081
Defense Environmental Cleanup			
Closure sites:			
Closure sites administration	13,209		13,209
Fernald	2,100	13,500	15,600
Miamisburg	30,574		30,574
Total, Closure sites	45,883	13,500	59,383
Hanford site:			
2012 completion projects			
Nuclear facility D&D river corridor closure project	165,248	80,577	245,825
Nuclear material stabilization and disposition PFP	113,483	8,972	122,455

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
SNF stabilization and disposition	122,171		122,171
Total, 2012 completion projects	**400,902**	**89,549**	**490,451**
2035 completion projects			
Nuclear facility D&D - remainder of Hanford	85,653		85,653
Richland community and regulatory support	19,620		19,620
Soil and water remediation - groundwater vadose zone	169,682		169,682
Solid waste stabilization and disposition 200 area	175,930	45,000	220,930
Total, 2035 completion projects	**450,885**	**45,000**	**495,885**
Total, Hanford site	**851,787**	**134,549**	**986,336**
Idaho National Laboratory:			
Nuclear material stabilization and disposition	2,030		2,030
SNF stabilization and disposition - 2012	20,334	7,000	27,334
Solid waste stabilization and disposition	178,767		178,767
Radioactive liquid tank waste stabilization and disposition	46,025		46,025
Construction			
06-D-401 Sodium bearing waste treatment project, Idaho	86,700		86,700
Total, Construction	**86,700**	**—**	**86,700**
Soil and water remediation - 2012	70,268	32,000	102,268

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Nuclear facility D & D	24,133	8,000	32,133
Idaho community and regulatory support	3,867		3,867
Total, Idaho National Laboratory	**432,124**	**47,000**	**479,124**
NNSA sites			
NNSA Service Center/SPRU	16,943	17,256	34,199
Nevada	65,674	10,000	75,674
Sandia National Laboratories		3,000	3,000
Pantex		5,000	5,000
Los Alamos National Laboratory	162,467	67,101	229,568
Total, NNSA sites and Nevada off-sites	**245,084**	**102,357**	**347,441**
Oak Ridge Reservation:			
Building 3019	58,000		58,000
Nuclear facility D & D ORNL	58,160	7,000	65,160
Nuclear facility D & D Y-12	32,392	20,000	52,392
technology park	105		105
OR reservation community and regulatory support	6,100		6,100
Soil and water remediation - offsites	4,730		4,730
Solid waste stabilization and disposition - 2012	78,183	4,000	82,183
Total, Oak Ridge Reservation	**237,670**	**31,000**	**268,670**
Office of River Protection:			
Waste treatment and immobilization plant			
Construction:			

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
01-D-416 Waste treatment and immobilization plant			
01-D-16A Low activity waste facility	160,000		160,000
01-D-16B Analytical laboratory	65,000		65,000
01-D-16C Balance of facilities	75,000		75,000
01-D-16D High level waste facility	125,000		125,000
01-D-16E Pretreatment facility	265,000		265,000
Total, Construction	**690,000**	—	**690,000**
Total, Waste treatment and immobilization plant	**690,000**	—	**690,000**
Tank farm activities			
Rad liquid tank waste stabilization and disposition	288,443	53,443	341,886
Total, Tank farm activities	**288,443**	**53,443**	**341,886**
Total, Office of River protection	**978,443**	**53,443**	**1,031,886**
Savannah River sites:			
2012 completion projects			
04-D-414 Container surveillance capability in 235F Project engineering and design	2,032		2,032
Total, construction	**2,032**	—	**2,032**
Total, 2012 completion projects	**2,032**	—	**2,032**
2035 completion projects			
SR community and regulatory support	12,500		12,500

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Nuclear material stabilization and disposition	339,311	8,000	347,311
Spent nuclear fuel stabilization and disposition	24,108	3,500	27,608
Solid waste stabilization and disposition	53,559		53,559
Soil and water remediation	67,121	16,000	83,121
Nuclear facility D & D	2,052	46,500	48,552
Total, 2035 completion projects	**498,651**	**74,000**	**572,651**
Tank farm activities			
Radioactive liquid tank waste stabilization and disposition	578,218		578,218
Construction:			
05-D-405 Salt waste processing facility, Savannah River	127,524		127,524
Total, Construction	**127,524**	**----**	**127,524**
Total, Tank farm activities	**705,742**	**----**	**705,742**
Total, Savannah River site	**1,206,425**	**74,000**	**1,280,425**
Waste Isolation Pilot Plant			
Waste isolation pilot plant	126,425	10,000	136,425
Central characterization project	29,069	8,694	37,763
Transportation	28,170		28,170
Community and regulatory support	27,860		27,860
Total, Waste Isolation Pilot Plant	**211,524**	**18,694**	**230,218**

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Program direction	308,765	10,000	318,765
Program support	33,930	8,500	42,430
Safeguards and Security:			
Waste Isolation Pilot Project	5,124		5,124
Oak Ridge Reservation	27,020		27,020
West Valley	1,400		1,400
Paducah	8,196		8,196
Richland/Hanford Site	75,265	8,170	83,435
Savannah River Site	134,336		134,336
Total, Safeguards and Security	**251,341**	**8,170**	**259,511**
Technology development	32,389		32,389
Uranium enrichment D&D fund contribution	463,000		463,000
Subtotal, Defense environmental cleanup	**5,298,385**	**501,213**	**5,799,578**
Use of prior year balances	-1,109	-501,213	-502,322
Total, Defense Environmental Cleanup	**5,297,256**	**—**	**5,297,256**
Other Defense Activities			
Health, safety and security			
Health, safety and security	347,271		347,271
Program direction	99,597		99,597
Total, Health, safety and security	**446,868**	**—**	**446,868**

DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Office of Legacy Management			0
Legacy management	174,397		174,397
Program direction	11,584		11,584
Total, Office of Legacy Management	185,981	—	185,981
Nuclear energy			
Infrastructure			
Idaho sitewide safeguards and security	78,811		78,811
Total, Infrastructure	78,811	—	78,811
Mixed oxide fuel fabrication facility			
Operations and maintenance	19,200	-19,200	0
Construction and other project costs:			
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	467,808	-467,808	0
Total, Mixed oxide fuel fabrication facility	487,008	-487,008	—
Total, Nuclear energy	565,819	-487,008	78,811
Defense related administrative support	108,190		108,190
Office of hearings and appeals	6,603		6,603
Subtotal, Other defense activities	1,313,461	-487,008	826,453
Total, Other Defense Activities	1,313,461	-487,008	826,453

Defense Nuclear Waste Disposal

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DEPARTMENT OF ENERGY
(Dollars in Thousands)

Program	FY2009 Request	Senate Change	Senate Authorized
Defense nuclear waste disposal	247,371	-50,000	197,371
Total, Department of Energy	**15,982,972**	**—**	**15,982,972**

(d) SENSE OF SENATE.—

(1) FINDINGS.—The Senate makes the following findings:

(A) Executive Order 13457, entitled ''Protecting American Taxpayers from Government Spending on Wasteful Earmarks'', makes clear that future earmarks would be honored only if included in the text of legislation. This Executive Order was an attempt to assure taxpayers their money would be spent responsibly by providing more transparency and accountability in the budget process.

(B) Any attempt to block the application of this Executive Order would be objectionable under the Constitution in that it would seek to prohibit the President from supervising Executive Branch agencies as to discretionary matters and to have agencies implement informal preferences of committees of Congress that are not enacted into law.

(2) SENSE OF SENATE.—It is the sense of the Senate that legislative language blocking the application of Executive Order 13457 should be rejected.

SA 5570. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) PROCEDURES.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

''SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

''(a) COLLECTION.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and Federal write-in absentee ballots prescribed under section 103, and for delivering the ballots to the appropriate election officials.

''(b) ENSURING DELIVERY PRIOR TO CLOSING OF POLLS.—

''(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall ensure that any marked absentee ballot for a regularly scheduled general election for Federal office which is collected prior to the deadline described in paragraph (3) is delivered to the appropriate election official in a State prior to the time established by the State for the closing of the polls on the date of the election.

''(2) CONTRACT WITH EXPRESS MAIL PROVIDERS.—

''(A) IN GENERAL.—The Presidential designee shall carry out this section by contract with one or more providers of express mail services.

''(B) SPECIAL RULE FOR VOTERS IN JURISDICTIONS USING POST OFFICE BOXES FOR COLLECTION OF MARKED ABSENTEE BALLOTS.—In the case of an absent uniformed services voter who wishes to use the procedures established under this section and whose marked absentee ballot is required by the appropriate election official to be delivered to a post office box, the Presidential designee shall enter into an agreement with the United States Postal Service for the delivery of the ballot to the election official under the procedures established under this section.

''(3) DEADLINE DESCRIBED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the last Tuesday that precedes the date of the election.

''(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to ensure timely delivery of the ballot under paragraph (1).

''(4) PROHIBITION ON REFUSAL BY STATES TO ACCEPT MARKED ABSENTEE BALLOTS NOT DELIVERED BY POSTAL SERVICE OR IN PERSON.—A State may not refuse to accept or process any marked absentee ballot delivered under the procedures established under this section on the grounds that the ballot is received by the State other than through delivery by the United States Postal Service.

''(c) TRACKING MECHANISM.—Under the procedures established under this section, the entity responsible for delivering marked absentee ballots to the appropriate election officials shall implement procedures to enable any individual whose ballot for a regularly scheduled general election for Federal office is collected by the Presidential designee to determine whether the ballot has been delivered to the appropriate election official, using the Internet, an automated telephone system, or such other methods as the entity may provide.

''(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term 'absent overseas uniformed services voter' means an overseas voter described in section 107(5)(A).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.''.

(2) EFFECTIVE DATE.—Section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by this subsection, shall apply with respect to the regularly scheduled general election for Federal office held on or after—

(A) November 2008; or

(B) if the Presidential designee determines that such date is not feasible, a date determined feasible by the Presidential designee (but in no case later than November 2010).

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL RESPONSIBILITIES.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

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

''(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.''.

(2) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff—1(a)) is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

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

''(6) carry out section 103A(b)(2) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.''.

(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in the regularly scheduled general election for Federal office held in November 2008 of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a), including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots in regularly scheduled elections for Federal office.

(d) REPORTS ON UTILIZATION OF PROCEDURES.—

(1) REPORTS REQUIRED.—Not later than 180 days after each regularly scheduled general election for Federal office held after January 1, 2008, the Presidential designee shall submit to the congressional defense committees a report on the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as so added, during such general election.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures.

(e) REPORT ON STATUS OF IMPLEMENTATION.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Presidential designee shall submit to the congressional defense committees a report on the status of the implementation of the program for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include a status of the implementation of the program and a detailed description of the specific steps taken towards its implementation.

(f) DEFINITIONS.—In this section:

(1) The term ''absent overseas uniformed services voter'' has the meaning given that term in section 103A(d) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(2) The term ''Presidential designee'' means the official designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

SEC. 588. PROHIBITION ON REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET NONESSENTIAL REQUIREMENTS.

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended by adding at the end the following new subsection:

''(e) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET NONESSENTIAL REQUIREMENTS.—A State shall accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) submitted in any manner by an absent uniformed services voter or overseas voter that contains the information required on the official post card form prescribed under section 101 (other than information which the Presidential designee, in consultation with the Election Assistance Commission, determines, under regulations promulgated by the Presidential designee, is not clearly necessary to prevent fraud in the conduct of elections).''.

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET NONESSENTIAL REQUIREMENTS.—A State shall accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter that contains the information required to be submitted with such ballot by the Presidential designee (other than information which the Presidential designee, in consultation with the Election Assistance Commission, determines, under regulations promulgated by the Presidential designee, is not clearly necessary to prevent fraud in the conduct of elections).''.

SA 5571. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, between lines 12 and 13, insert the following:

(12) The ballistic missile threat to the United States, deployed forces of the United States, and allies and friends of the United States from short-range, medium-range, intermediate-range, and long-range ballistic missiles of North Korea, Iran, and other countries with active ballistic missile programs, including the following:

(A) The ranges of the ballistic missiles in such programs.

(B) The fuel propulsion systems of such missiles.

(C) The booster and warhead characteristics of such missiles.

(D) The capacity of such missiles to employ countermeasures, decoys, or multiple re-entry vehicles.

SA 5572. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle E—Comprehensive Iran Sanctions, Accountability, and Divestment

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008''.

PART I—SANCTIONS

SEC. 1251. DEFINITIONS.

In this part:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(4) FAMILY MEMBER.—The term ''family member'' means, with respect to an individual, the spouse, children, grandchildren, or parents of the individual.

(5) INFORMATION AND INFORMATIONAL MATERIALS.—The term ''information and informational materials''—

(A) means information and informational materials described in section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)); and

(B) does not include information or informational materials—

(i) the exportation of which is otherwise controlled—

(I) under section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)); or

(II) under section 6 of that Act (50 U.S.C. App. 2405), to the extent that such controls promote the nonproliferation or anti-terrorism policies of the United States; or

(ii) with respect to which acts are prohibited by chapter 37 of title 18, United States Code.

(6) INVESTMENT.—The term ''investment'' has the meaning given that term in section 14(9) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(7) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term ''Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran'' has the meaning given that term in section 14(11) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(8) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(9) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

SEC. 1252. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) PERSON.—Section 14(13)(B) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by inserting ''financial institution, insurer, underwriter, guarantor, and any other business organization, including any foreign subsidiary, parent, or affiliate of the foregoing,'' after ''trust,''; and

(2) by inserting '', such as an export credit agency'' before the semicolon.

(b) PETROLEUM RESOURCES.—Section 14(14) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by striking ''petroleum and natural gas resources'' and inserting ''petroleum, petroleum by-products, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas''.

SEC. 1253. ECONOMIC SANCTIONS RELATING TO IRAN.

(a) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the effective date of this subtitle, the economic sanctions described in subsection (b) shall apply with respect to Iran.

(b) SANCTIONS.—The sanctions described in this subsection are the following:

(1) PROHIBITION ON IMPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article of Iranian origin may be imported directly or indirectly into the United States.

(B) EXCEPTION.—The prohibition in subparagraph (A) does not apply to imports from Iran of information and informational materials.

(2) PROHIBITION ON EXPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article of United States origin may be exported directly or indirectly to Iran.

(B) EXCEPTIONS.—The prohibition in subparagraph (A) does not apply to exports to Iran of—

(i) agricultural commodities, food, medicine, or medical devices;

(ii) articles exported to Iran to provide humanitarian assistance to the people of Iran;

(iii) information or informational materials; or

(iv) goods, services, or technologies necessary to ensure the safe operation of commercial passenger aircraft produced in the United States if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations for licensing the exportation of such goods, services, or technologies, if appropriate.

(3) FREEZING ASSETS.—

(A) IN GENERAL.—At such time as the United States has access to the names of persons in Iran, including Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran, that are determined to be subject to sanctions imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other provision of law relating to the imposition of sanctions with respect to Iran, the President shall take such action as may be necessary to freeze immediately the funds and other assets belonging to anyone so named and any family members or associates of those so named to whom assets or property of those

so named were transferred on or after January 1, 2008. The action described in the preceding sentence includes requiring any United States financial institution that holds funds and assets of a person so named to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(B) ASSET REPORTING REQUIREMENT.—Not later than 14 days after a decision is made to freeze the property or assets of any person under this paragraph, the President shall report the name of such person to the appropriate congressional committees.

(4) UNITED STATES GOVERNMENT CONTRACTS.—The head of an executive agency may not procure, or enter into a contract for the procurement of, any goods or services from a person that meets the criteria for the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(c) WAIVER.—The President may waive the application of the sanctions described in subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

SEC. 1254. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(2) OWN OR CONTROL.—The term ''own or control'' means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity;

(B) to hold a majority of seats on the board of directors of the entity; or

(C) to otherwise control the actions, policies, or personnel decisions of the entity.

(3) SUBSIDIARY.—The term ''subsidiary'' means an entity that is owned or controlled, directly or indirectly, by a United States person.

(4) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen, resident, or national of the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own or control the entity.

(b) IN GENERAL.—A United States person shall be subject to a penalty for a violation of the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), if—

(1) the President determines that the United States person establishes or maintains a subsidiary outside of the United States for the purpose of circumventing such provisions; and

(2) that subsidiary engages in an act that, if committed in the United States or by a United States person, would violate such provisions.

(c) WAIVER.—The President may waive the application of subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (b) shall take effect on the date of the enactment of this Act and apply with respect to acts described in subsection (b)(2) that are—

(A) commenced on or after the date of the enactment of this Act; or

(B) except as provided in paragraph (2), commenced before such date of enactment, if such acts continue on or after such date of enactment.

(2) EXCEPTION.—Subsection (b) shall not apply with respect to an act described in paragraph (1)(B) by a subsidiary owned or controlled by a United States person if the United States person divests or terminates its business with the subsidiary not later than 90 days after such date of enactment.

SEC. 1255. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) FINDING.—Congress finds that the work of the Office of Terrorism and Financial Intelligence of the Department of the Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.—There is authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence—

(1) $61,712,000 for fiscal year 2009; and

(2) such sums as may be necessary for each of the fiscal years 2010 and 2011.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE FINANCIAL CRIMES ENFORCEMENT NETWORK.—Section 310(d)(1) of title 31, United States Code, is amended by striking ''such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005'' and inserting ''$91,335,000 for fiscal year 2009 and such sums as may be necessary for each of the fiscal years 2010 and 2011''.

SEC. 1256. REPORTING REQUIREMENTS.

(a) FOREIGN INVESTMENT IN IRAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on—

(A) any foreign investments of $20,000,000 or more made in Iran's energy sector on or after January 1, 2008, and before the date on which the President submits the report; and

(B) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) SUBSEQUENT REPORTS.—Not later than 1 year after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on—

(A) any foreign investments of $20,000,000 or more made in Iran's energy sector during the 180-day period preceding the submission of the report; and

(B) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(b) FORM OF REPORTS.—The reports required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1257. SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS ON THE CENTRAL BANK OF IRAN.

Congress urges the President, in the strongest terms, to consider immediately using the authority of the President to impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support of terrorist groups.

PART II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

SEC. 1261. DEFINITIONS.

In this part:

(1) ENERGY SECTOR.—The term ''energy sector'' refers to activities to develop petroleum or natural gas resources or nuclear power.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 14(5) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(4) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent company, or subsidiary of any entity described in subparagraph (A) or (B).

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 1262. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES THAT INVEST IN IRAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should support the decision of any State or local government to divest from, or to prohibit the investment of assets of the State or local government in, a person that the State or local government determines poses a financial or reputational risk.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

(c) INVESTMENT ACTIVITIES DESCRIBED.—A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of $20,000,000 or more—

(A) in the energy sector of Iran; or

(B) in a person that provides oil or liquified natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquified natural gas, for the energy sector in Iran; or

(2) is a financial institution that extends $20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit to invest in the energy sector in Iran.

(d) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice to each person to which a measure is to be applied.

(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) OPPORTUNITY FOR HEARING.—The State or local government shall provide an opportunity to comment in writing to each person to which a measure is to be applied. If the person demonstrates to the State or local government that the person does not engage in investment activities in Iran described in subsection (c), the measure shall not apply to the person.

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person engages in investment activities in Iran described in subsection (c).

(e) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(f) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b) is not preempted by any Federal law or regulation.

(g) DEFINITIONS.—In this section:

(1) INVESTMENT.—The ''investment'' of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(2) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''assets'' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ''assets'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Subsections (d) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

SEC. 1263. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information available to the public—

''(A) conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007 (50 U.S.C. 1701 note); or

''(B) engage in investment activities in Iran described in section 1262(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008.''.

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any revisions the Commission determines to be necessary to the regulations requiring disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940 to include divestments of securities in accordance with paragraph (1)(B) of such section, as added by subsection (a).

SEC. 1264. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities in Iran described in section 1262(c) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) such divestment or avoidance of investment is conducted in accordance with section 2509.94–1 of title 29, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

PART III—PREVENTION OF TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF SENSITIVE ITEMS TO IRAN

SEC. 1271. DEFINITIONS.

In this part:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) END-USER.—The term ''end-user'' means an end-user as that term is used in the Export Administration Regulations.

(3) ENTITY OWNED OR CONTROLLED BY THE GOVERNMENT OF IRAN.—The term ''entity owned or controlled by the Government of Iran'' includes—

(A) any corporation, partnership, association, or other entity in which the Government of Iran owns a majority or controlling interest; and

(B) any entity that is otherwise controlled by the Government of Iran.

(4) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' means subchapter C of chapter VII of title 15, Code of Federal Regulations.

(5) GOVERNMENT.—The term ''government'' includes any agency or instrumentality of a government.

(6) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(7) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(8) TRANSSHIPMENT, REEXPORTATION, OR DIVERSION.—The term ''transshipment, reexportation, or diversion'' means the exportation, directly or indirectly, of items that originated in the United States to an end-user whose identity cannot be verified or to an entity owned or controlled by the Government of Iran in violation of the laws or regulations of the United States by any means, including by—

(A) shipping such items through 1 or more foreign countries; or

(B) by using false information regarding the country of origin of such items.

SEC. 1272. IDENTIFICATION OF LOCATIONS OF CONCERN WITH RESPECT TO TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF CERTAIN ITEMS TO IRAN.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies all countries that the Director determines are of concern with respect to transshipment, reexportation, or diversion of items subject to the provisions of the Export Administration Regulations to an entity owned or controlled by the Government of Iran.

SEC. 1273. DESTINATIONS OF POSSIBLE DIVERSION CONCERN AND DESTINATIONS OF DIVERSION CONCERN.

(a) DESTINATIONS OF POSSIBLE DIVERSION CONCERN.—

(1) DESIGNATION.—The Secretary of Commerce shall designate a country as a Destination of Possible Diversion Concern if the Secretary, in consultation with the Secretary of State and the Secretary of the Treasury, determines that such designation is appropriate to carry out activities to strengthen the export control systems of that country based on criteria that include—

(A) the volume of items that originated in the United States that are transported through the country to end-users whose identities cannot be verified;

(B) the inadequacy of the export and reexport controls of the country;

(C) the unwillingness or demonstrated inability of the government of the country to control diversion activities; and

(D) the unwillingness or inability of the government of the country to cooperate with the United States in interdiction efforts.

(2) STRENGTHENING EXPORT CONTROL SYSTEMS OF DESTINATIONS OF POSSIBLE DIVERSION CONCERN.—If the Secretary of Commerce designates a country as a Destination of Possible Diversion Concern under paragraph (1), the United States shall initiate government-to-government activities described in paragraph (3) to strengthen the export control systems of the country.

(3) GOVERNMENT-TO-GOVERNMENT ACTIVITIES DESCRIBED.—The government-to-government activities described in this paragraph include—

(A) cooperation by agencies and departments of the United States with counterpart agencies and departments in a country designated as a Destination of Possible Diversion Concern under paragraph (1) to—

(i) develop or strengthen export control systems in the country;

(ii) strengthen cooperation and facilitate enforcement of export control systems in the country; and

(iii) promote information and data exchanges among agencies of the country and with the United States; and

(B) efforts by the Office of International Programs of the Department of Commerce to strengthen the export control systems of the country to—

(i) facilitate legitimate trade in high-technology goods; and

(ii) prevent terrorists and state sponsors of terrorism, including Iran, from obtaining nuclear, biological, and chemical weapons, defense technologies, components for improvised explosive devices, and other defense items.

(b) DESTINATIONS OF DIVERSION CONCERN.—

(1) DESIGNATION.—The Secretary of Commerce shall designate a country as a Destination of Diversion Concern if the Secretary, in consultation with the Secretary of State and the Secretary of the Treasury, determines—

(A) that the government of the country is directly involved in transshipment, reexportation, or diversion of items that originated in the United States to end-users whose identities cannot be verified or to entities owned or controlled by the Government of Iran; or

(B) 12 months after the Secretary of Commerce designates the country as a Destination of Possible Diversion Concern under subsection (a)(1), that the country has failed—

(i) to cooperate with the government-to-government activities initiated by the United States under subsection (a)(2); or

(ii) based on the criteria described in subsection (a)(1), to adequately strengthen the export control systems of the country.

(2) LICENSING CONTROLS WITH RESPECT TO DESTINATIONS OF DIVERSION CONCERN.—

(A) REPORT ON SUSPECT ITEMS.—

(i) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Director of National Intelligence, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report containing a list of items that, if the items were transshipped, reexported, or diverted to Iran, could contribute to—

(I) Iran obtaining nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(II) support by Iran for acts of international terrorism.

(ii) CONSIDERATIONS FOR LIST.—In developing the list required under clause (i), the Secretary of Commerce shall consider—

(I) the items subject to licensing requirements under section 742.8 of title 15, Code of Federal Regulations (or any corresponding similar regulation or ruling) and other existing licensing requirements; and

(II) the items added to the list of items for which a license is required for exportation to North Korea by the final rule of the Bureau of Export Administration of the Department of Commerce issued on June 19, 2000 (65 Fed. Reg. 38148; relating to export restrictions on North Korea).

(B) LICENSING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall require a license to export an item on the list required under subparagraph (A)(i) to a country designated as a Destination of Diversion Concern.

(3) WAIVER.—The President may waive the imposition of the licensing requirement under paragraph (2)(B) with respect to a country designated as a Destination of Diversion Concern if the President—

(A) determines that such a waiver is in the national interest of the United States; and

(B) submits to the appropriate congressional committees a report describing the reasons for the determination.

(c) TERMINATION OF DESIGNATION.—The designation of a country as a Destination of Possible Diversion Concern or a Destination of Diversion Concern shall terminate on the date on which the Secretary of Commerce determines, based on the criteria described in subparagraphs (A) through (D) of subsection (a)(1), and certifies to Congress and the President that the country has adequately strengthened the export control systems of the country to prevent transshipment, reexportation, and diversion of items through the country to end-users whose identities cannot be verified or to entities owned or controlled by the Government of Iran.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1274. REPORT ON EXPANDING DIVERSION CONCERN SYSTEM TO COUNTRIES OTHER THAN IRAN.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that—

(1) identifies any country that the Director determines may be transshipping, reexporting, or diverting items subject to the provisions of the Export Administration Regulations to another country if such other country—

(A) is seeking to obtain nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(B) provides support for acts of international terrorism; and

(2) assesses the feasability and advisability of expanding the system established under section 1273 for designating countries as Destinations of Possible Diversion Concern and Destinations of Diversion Concern to include countries identified under paragraph (1).

PART IV—EFFECTIVE DATE; SUNSET

SEC. 1281. EFFECTIVE DATE; SUNSET.

(a) EFFECTIVE DATE.—Except as provided in sections 1254, 1262, and 1273(b)(2)(A), the provisions of, and amendments made by, this subtitle shall take effect on the date that is 120 days after the date of the enactment of this Act.

(b) SUNSET.—The provisions of this subtitle shall terminate on the date that is 30 days after the date on which the President certifies to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism under—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); and

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

SA 5573. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1056. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT ON THE EFFECTIVENESS OF MILITARY WHISTLEBLOWER PROTECTIONS.

(a) EVALUATION.—The Comptroller General of the United States shall—

(1) conduct a comprehensive analysis and evaluation of the effectiveness of military whistleblower protections afforded to members of the Armed Services by the Department of Defense;

(2) conduct a comprehensive audit and evaluation of a selected, statistically significant sample of military whistleblower cases at the Office of the Inspector General of the Department of Defense, as well as one or more Offices of the Inspector General of a military department (as selected by the Comptroller General for the purposes of this section), which audit and evaluation shall include a review of internal controls to ensure the funds are being effectively utilized for appropriate training on and investigation of military whistleblower reprisal complaints as set forth under section 1034 of title 10, United States Code; and

(3) conduct an analysis of Department wide efforts to educate and inform members of the Armed Forces about the protections provided to them under section 1034 of title 10, United States Code.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 1, 2009, the Comptroller General shall submit a report on the evaluation conducted under paragraph (1), the audit conducted under paragraph (2), and the analysis conducted under paragraph (3), together with supporting materials, to the Chairman and Ranking Minority Member of each of the followings:

(A) The Committees on Armed Services, Homeland Security and Governmental Affairs, and the Judiciary of the Senate.

(B) The Committees on Armed Services, Homeland Security, and the Judiciary of the House of Representatives.

(2) PUBLIC AVAILABILITY OF REPORT.—The Comptroller General shall make available to the public the report submitted under paragraph (1) not later than October 1, 2009.

SA 5574. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 309, after line 20, add the following:

SEC. 1068. CLARIFICATION OF CERTAIN ELIGIBILITY REQUIREMENTS FOR ENHANCED DISABILITY SEVERANCE PAY.

Sections 1212(c)(1)(A) and 1212(d)(2) of title 10, United States Code, as added by section 1646 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 472), are amended by striking ''incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.'' and inserting ''incurred (as determined under criteria prescribed by the Secretary of Defense)—

''(i) as a direct result of armed conflict;

''(ii) while engaged in hazardous service;

''(iii) in the performance of duty under conditions simulating war; or

''(iv) through an instrumentality of war.''.

SA 5575. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5355 submitted by Mr. GRAHAM (for himself and Mr. LIEBERMAN) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1041. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.''.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

SA 5576. Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. STEVENS, Mr. SMITH, Ms. SNOWE, Mr. GRAHAM, Mr. GRASSLEY, Mr. NELSON of Florida, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, adn for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

DIVISION —SUBMERSIBLE AND SEMI-SUBMERSIBLE VESSELS

SEC. 1. SHORT TITLE.

This division may be cited as the ''Maritime Drug Law Enforcement Act of 2008''.

SEC. 2. OPERATION OF SUBMERSIBLE OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) FINDING AND DECLARATION.—Section 70501 of title 46, United States Code, is amended—

(1) by inserting ''(1)'' after ''that''; and

(2) by striking ''States.'' and inserting ''States and (2) operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.''.

(b) SUBMERSIBLE OR SEMI-SUBMERSIBLE VESSEL DEFINED.—Section 70502 of title 46, United States Code. is amended by adding at the end thereof the following:

''(f) SEMI-SUBMERSIBLE VESSEL; SUBMERSIBLE VESSEL.—

''(1) SEMI-SUBMERSIBLE VESSEL.—The term 'semi-submersible vessel' means any watercraft constructed or adapted to be capable of operating with most of its hull and bulk under the surface of the water, including both manned and unmanned watercraft.

''(2) SUBMERSIBLE VESSEL.—The term 'submersible vessel' means a vessel that is capable of operating completely below the surface of the water, including both manned and unmanned watercraft.''.

(c) OPERATION PROHIBITED.—

(1) IN GENERAL.—Section 70503(a) of title 46, United States Code, is amended to read as follows:

''(a) IN GENERAL.—An individual may not knowingly or intentionally—

''(1) manufacture or distribute, or possess with intent to manufacture or distribute, a controlled substance on board—

''(A) a vessel of the United States or a vessel subject to the jurisdiction of the United States; or

''(B) any vessel if the individual is a citizen of the United States or a resident alien of the United States; or

''(2) operate by any means or embark in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, with the intent to evade detection.''.

(2) CONFORMING AMENDMENT.—Section 70503(c) is amended by striking ''subsection (a)'' and inserting ''subsection (a)(1)''.

(3) PRIMA FACIE EVIDENCE OF SUBMERSIBLES VIOLATION.—Section 70503 of title 46, United States Code, is amended by adding at the end the following:

''(e) EVIDENCE OF INTENT TO EVADE DETECTION.—In any enforcement proceeding for a violation of subsection (a)(2), the presence of any of the indicia described in paragraphs (1) (other than subparagraphs (B), (C), and (D)), (4), (5), or (6) of section 70507(b) may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.''.

(4) CLERICAL AMENDMENTS.—

(A) The heading for section 70503 of title 46, United States Code, is amended to read as follows:

''§ 70503. Offenses ''.

(B) The chapter analysis for chapter 705 of title 46, United States Code, is amended by striking the item relating to section 70503 and inserting the following:

''70503. Offenses''.

(d) AFFIRMATIVE DEFENSES.—

(1) IN GENERAL.—Section 70505 of title 46, United States Code, is amended to read as follows:

''§ 70505. Defenses

''(a) FAILURE TO COMPLY WITH INTERNATIONAL LAW AS A DEFENSE.—A person charged with violating section 70503 of this title does not have standing to raise a claim of failure to comply with international law as a basis for a defense. A claim of failure to comply with international law in the enforcement of this chapter may be made only by a foreign nation. A failure to comply with international law does not divest a court of jurisdiction and is not a defense to a proceeding under this chapter.

''(b) AFFIRMATIVE DEFENSES.—

''(1) IN GENERAL.—It is an affirmative defense to a prosecution for a violation of section 70503(a)(2), which the defendant shall prove by a preponderance of the evidence, that any submersible or semi-submersible vessel that the defendant operated by any means or embarked in, at the time of the offense—

''(A) was a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

''(B) was classed by and designed in accordance with the rules of a classification society;

''(C) was lawfully operated in a in government-regulated or licensed activity, including commerce, research, or exploration; or

''(D) was equipped with and using an operable automatic identification system vessel monitoring system or a long range identification and tracking system.

''(2) PRODUCTION OF DOCUMENTS.—The affirmative defenses provided by this subsection are proved conclusively by the production of—

''(A) government documents evidencing the vessel's nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

''(B) a certificate of classification issued by the vessel's classification society upon completion of relevant classification surveys and valid at the time of the offense; or

''(C) government documents evidencing licensure, regulation, or registration for research or exploration.''.

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 705 of title 46, United States Code, is amended by striking the item relating to section 70505 and inserting the following:

''70505. Defenses''.

(e) PENALTY.—Section 70506 of title 46, United States Code, is amended—

(1) by striking ''70503'' and inserting ''70503(a)(1)''; and

(2) by adding at the end thereof ''A person violating section 70503(a)(2) shall be fined under title 18 and imprisoned for not more than 15 years, or both.''.

SEC. 3. SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant it its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines (including policy statements) or amend existing sentencing guidelines (including policy statements) to provide adequate penalties for persons convicted of knowingly or intentionally violating section 70503(a)(2) of title 46, United States Code.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offense and the need for deterrence to prevent such offenses;

(2) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a submersible or semi-submersible vessel (as defined in section 70502(f) of title 46, United States Code) to facilitate other felonies;

(B) the repeated use of such a vessel to facilitate other felonies, including whether such use is part of an ongoing commercial organization or enterprise;

(C) whether the use of such a vessel involves a pattern of continued and flagrant violation of section 70503(a)(2) of title 46, United States Code;

(D) whether the persons operating or embarking in such a vessel willfully caused, attempted to cause, or permitted the destruction or injury of the vessel, or failed to heave to when directed by law enforcement officers; and

(E) circumstances for which the sentencing guidelines (and policy statements) provide sentencing enhancements;

(3) ensure reasonable consistency with other relevant directives, other sentencing guidelines and policy statements, and statutory provisions;

(4) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(5) ensure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

SA 5577. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1222. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.

(a) IN GENERAL.—In any case in which an entity engages in an act outside the United States that, if committed in the United States or by a United States person, would violate the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the parent company of the entity shall be subject to the penalties for the act to the same extent as if the parent company had engaged in the act.

(b) APPLICABILITY.—Subsection (a) shall not apply to a parent company of an entity on which the President imposed a penalty for a violation described in subsection (a) that was in effect on the date of the enactment of this Act if the parent company divests or terminates its business with such entity not later than 90 days after such date of enactment.

(c) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(2) PARENT COMPANY.—The term ''parent company'' means an entity that is a United States person and—

(A) the entity owns, directly or indirectly, more than 50 percent of the equity interest by vote or value in another entity;

(B) board members or employees of the entity hold a majority of board seats of another entity; or

(C) the entity otherwise controls or is able to control the actions, policies, or personnel decisions of another entity.

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such entity.

SA 5578. Mr. LAUTENBERG (for himself, Mr. HAGEL, AND MS. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 702. ONE-YEAR EXTENSION OF TEMPORARY PROHIBITIONS ON ADJUSTMENTS TO CERTAIN BENEFICIARY FEES FOR MILITARY HEALTH CARE.

(a) FINDINGS.—Congress makes the following findings:

(1) Career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

(4) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) Many private sector firms are curtailing health benefits and shifting significantly higher costs to their employees, and one effect of such curtailment is that retired members of the uniformed services are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in uniform.

(6) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the uniformed services.

(7) The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for health care benefits under the TRICARE program far exceeds the percentage increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the uniformed services.

(8) Proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the uniformed services who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in uniform.

(9) Some of the Nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care services.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the uniformed services that exceeds the obligation of corporate employers to provide health care benefits to their employees; and

(2) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program.

(c) ONE-YEAR EXTENSION OF LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS.—

(1) PHARMACY BENEFITS PROGRAM.—Section 702 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(2) PREMIUMS FOR TRICARE STANDARD FOR RESERVE COMPONENT MEMBERS WHO COMMIT TO SERVICE IN THE SELECTED RESERVE.—Section 1076d(d)(3) of title 10, United States Code, is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(3) COPAYMENTS UNDER CHAMPUS.—Paragraph (3) of section 1086(b) of such title is amended in the first sentence by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(4) PROHIBITION ON ENROLLMENT FEES FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

''(5) A person covered by subsection (c) may not be charged an enrollment fee for coverage under this section.''.

(5) PREMIUMS AND OTHER CHARGES UNDER TRICARE.—Section 1097(e) of such title is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

SA 5579. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. MONTHLY SPECIAL PAY FOR MEMBERS OF THE UNIFORMED SERVICES WHOSE SERVICE ON ACTIVE DUTY IS EXTENDED BY A STOP-LOSS ORDER OR SIMILAR MECHANISM.

(a) PAY REQUIRED.—Subchapter I of chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 330a. Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism

''(a) SPECIAL PAY.—A member of the uniformed services entitled to basic pay whose enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to the exercise of an authority referred to in subsection (b) is entitled while on active duty during the period of such extension or suspension to special pay in the monthly amount determined appropriate by the Secretary concerned.

''(b) AUTHORITIES.—An authority referred to in this section is an authority for the extension of an enlistment or period of obligated service, or for suspension of eligibility for retirement, of a member of the uniformed services under a provision of law as follows:

''(1) Section 123 of title 10.

''(2) Section 12305 of title 10.

''(3) Any other provision of law (commonly referred to as a 'stop-loss authority') authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

''(c) CONSTRUCTION WITH OTHER PAYS.—Special pay payable under this section is in addition to any other pay payable to members of the uniformed services by law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 330 the following new item:

''330a. Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism.''.

SA 5580. Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

SEC. 1233. REPORT ON THE SECURITY SITUATION IN THE CAUCASUS.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the chairs and ranking minority members of the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives a report in classified and unclassified form on the defense requirements of the Republic of Georgia.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description of the security situation in the Caucasus following the recent conflict between the Russian Federation and the Republic of Georgia, including a description of any Russian forces that continue to occupy internationally recognized Georgian territory;

(2) an assessment of—

(A) the damage sustained by the armed forces of Georgia in the recent conflict with the Russian Federation; and

(B) the state of civilian-military relations in the Republic of Georgia;

(3) an analysis of the defense requirements of the Republic of Georgia following the conflict with the Russian Federation, with a particular focus on the needs of the republic of Georgia for enhanced air defenses and anti-armor capabilities; and

(4) detailed recommendations on how the Republic of Georgia, with United States assistance, may improve its capability for self-defense and more effectively control its territorial waters and air space.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress—

(A) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization (NATO) to include qualified candidates; and

(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership;

(2) the expansion of NATO contributes to the continued effectiveness and relevance of the organization;

(3) Georgia and Ukraine have made important progress in the areas of defense and democratic and human rights reform;

(4) a stronger, deeper relationship among the Government of Georgia, the Government of Ukraine, and NATO will be mutually beneficial to those countries and to NATO member states;

(5) the United States should take the lead and encourage other member states of NATO to support the awarding of a Membership Action Plan to Georgia and Ukraine as soon as possible;

(6) the United States Government should provide assistance to help rebuild infrastructure in Georgia and continue to develop its security partnership with the Government of the Republic of Georgia by providing security assistance to the armed forces of Georgia, as appropriate;

(7) the United States should work with fellow NATO member states to develop contingency plans and infrastructure to address the security concerns of newly joined members;

(8) the United States should expand efforts to promote the development of democratic institutions, the rule of law, and political parties in the independent states of the former Soviet Union; and

(9) the United States should work with its allies to ensure secure, reliable energy transit routes in Central Asia, the Caucasus, and Eastern Europe.

SA 5581. Mr. DODD (for himself and Mr. LUGAR, Mr. DURBIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle E—Facilitation of Humanitarian Relief to Cuba

SEC. 1241. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Humanitarian Relief to Cuba Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) Hurricane Gustav, which struck Cuba on August 30, 2008, was the worst hurricane to hit the island of Cuba in over 50 years. The Category Four storm displaced over 400,000 Cubans and damaged or destroyed 130,000 homes and caused severe damage to infrastructure.

(2) Hurricane Ike, which made landfall on Cuba on September 7, 2008, forced the evacuation of over 2,500,000 Cubans, damaged an additional 100,000 structures, and damaged local infrastructure.

(3) The number of Cubans left homeless is expected to reach 100,000, and the total economic losses of Hurricanes Gustav and Ike are expected to reach upwards of $10,000,000,000, with serious damage done to the island's agricultural industry.

(4) In the wake of past natural disasters, the United States eased restrictions to mobilize the generous spirit of many thousands of Americans by allowing humanitarian aid originating from the United States to be transported directly to Cuba to the benefit of the Cuban people.

(5) Allowing the people of the United States to assist the Cuban people in reclaiming their lives and livelihoods following a major natural disaster just 90 miles from the United States is an important aspect of United States national security and defense policy.

PART I—TRAVEL, REMITTANCES, AND RELIEF PACKAGES

SEC. 1251. EASING OF RESTRICTIONS ON TRAVEL TO CUBA FOR A PERIOD OF 180 DAYS.

(a) IN GENERAL.—

(1) FREEDOM OF TRAVEL FOR UNITED STATES CITIZENS AND CERTAIN OTHER PERSONS TO VISIT FAMILY MEMBERS IN CUBA.—For the 180-day period beginning on the date of the enactment of this Act, the President may not prohibit or regulate, directly or indirectly—

(A) travel to or from Cuba by United States citizens or any person subject to the jurisdiction of the United States with family currently residing in Cuba; or

(B) any of the transactions incident to such travel that are described in paragraph (2).

(2) TRANSACTIONS INCIDENT TO TRAVEL.—The transactions referred to in paragraph (1) are—

(A) any transaction ordinarily incidental to travel to or from Cuba, including the importation into Cuba or the United States of accompanied baggage for personal or family use only;

(B) any transaction ordinarily incident to travel to or maintenance within Cuba, including the payment of living expenses and the acquisition of goods or services for personal and family use only; and

(C) any transaction ordinarily incident to the arrangement, promotion, or facilitation of scheduled and nonscheduled travel to, from, or within Cuba, including lodging and meals in an amount not to exceed the per diem amount authorized under chapter 57 of title 5, United States Code.

(b) SUPERSEDES OTHER PROVISIONS.—This section supersedes any other provision of law, including section 102(h) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6032(h)).

(c) EFFECTIVE DATE.—This section applies to actions taken by the President before the date of the enactment of this Act that are in effect on such date and to actions taken on or after such date during the 180-day period beginning on such date of enactment .

SEC. 1252. EASING RESTRICTIONS ON REMITTANCES FOR A PERIOD OF 180 DAYS.

(a) IN GENERAL.—Except as provided in subsection (b), for the 180-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury may not limit the amount of remittances to Cuba that may be made by any person who is subject to the jurisdiction of the United States, and the Secretary shall rescind, for such 180-day period, all regulations in effect on the date of enactment of this Act that so limit the amount of those remittances.

(b) STATUTORY CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit the prosecution or conviction of any person committing an offense described in section 1956 of title 18, United States Code (relating to the laundering of monetary instruments) or section 1957 of such title (relating to engaging in monetary transactions in property derived from specific unlawful activity).

SEC. 1253. EASING RESTRICTIONS ON GIFT OR RELIEF PACKAGES FOR 180 DAYS.

(a) IN GENERAL.—Except as provided in subsection (d), for the 180-day period beginning on the date of the enactment of this Act, the President may not limit the size, quantity or frequency, or the carrying, transporting or shipping of personal gift items and relief supplies (not for sale or resale) that are eligible to be shipped through existing or new mechanisms established expressly for the delivery of such packages. Such items and supplies may be sent to Cuba by any person who is subject to the jurisdiction of the United States and the President shall rescind, for such 180-day period, all regulations in effect on the date of the enactment of this Act that so limit such items.

(b) PERSONAL GIFT ITEMS.—For purposes of this section, the term ''personal gift items'' includes goods intended to improve the daily life of the Cuban people, including clothing, medication, foodstuffs, personal hygiene items, and other daily necessities.

(c) RELIEF SUPPLIES.—For the purposes of this section, the term ''relief supplies'' means any item intended to provide temporary or permanent shelter to hurricane victims in Cuba, or intended to facilitate repairs to personal dwellings in Cuba damaged during the 2008 hurricane season.

(d) STATUTORY CONSTRUCTION.—Nothing in subsection (a) may be construed to prohibit the prosecution or conviction of any person committing an offense described in section 1956 of title 18, United States Code (relating to the laundering of monetary instruments) or section 1957 of such title (relating to engaging in monetary transactions in property derived from specific unlawful activity).

PART II—ALLOWANCE OF CASH SALE OF RELIEF SUPPLIES, FOOD, AND MEDICINES

SEC. 1261. EXEMPTION FROM PROHIBITIONS AND RESTRICTIONS ON CASH SALES AND EXPORT OF FOOD, MEDICINES, AND RELIEF SUPPLIES TO CUBA FOR A PERIOD OF 180 DAYS.

(a) IN GENERAL.—Except as provided in subsection (b), for the 180-day period beginning on the date of the enactment of this Act, any prohibition or restriction in law or regulation on trade or financial transactions with Cuba shall not apply with respect to the cash sale and export of any agricultural commodity, farm machinery or equipment, medicine, medical device, or relief supplies, or with respect to travel incident to the sale or delivery of any agricultural commodity, farm machinery or equipment, medicine, or medical device, or relief supplies to Cuba.

(b) EXCEPTIONS.—Subsection (a) does not apply to—

(1) any prohibition or restriction imposed under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) or successor statute for goods containing parts or components on which export controls are in effect under that section; or

(2) any prohibition or restriction imposed under section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) insofar as the prohibition or restriction is exercised to deal with a threat to the national security of the United States by virtue of the technology incorporated in such machinery or equipment, or supplies.

(c) SUPERSEDES EXISTING LAW.—Subsection (a) supersedes the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of H.R. 5426 of the 106th Congress, as enacted into law by section 1(a) of Public Law 106–387, and as contained in the appendix of that Act) or any other provision of law.

SEC. 1262. DEFINITIONS.

In this part:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity''—

(A) has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602); and

(B) includes fertilizer.

(2) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(3) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 7321).

(4) RELIEF SUPPLIES.—The term ''relief supplies'' means any item intended to provide temporary or permanent shelter to hurricane victims in Cuba, or intended to facilitate repairs to personal dwellings in Cuba damaged during the 2008 hurricane season.

SA 5582. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1013. PRESERVATION OF DEEP SUBMERGENCE VESSEL NR–1 FOR TRANSFER TO THE SUBMARINE FORCE MUSEUM AND LIBRARY IN GROTON, CONNECTICUT..

(a) FINDINGS.—Congress makes the following findings:

(1) The Deep Submergence Vessel NR–1 was built by Electric Boat in Groton, Connecticut, entered service in 1969, and is the only nuclear-powered research submersible in the United States Navy.

(2) The Deep Submergence Vessel NR–1 was homeported at Naval Submarine Base New London in Groton, Connecticut, for her entire service life.

(3) The Navy will begin the process of inactivating the Deep Submergence Vessel NR–1 in December 2008 with eventual plans to recycle her hull in 2015.

(4) The Deep Submergence Vessel NR–1 is a unique and valuable national asset that has played an important role in search, object recovery, geological survey, oceanographic research, and installation and maintenance missions, including participation in the recovery of the Space Shuttle Challenger in 1986 and a myriad of other missions, both classified and public, of military and scientific value.

(5) The mission of the Submarine Force Library and Museum in Groton, Connecticut is to collect, preserve, and interpret the history of the United States Naval Submarine Force in order to honor veterans and to educate naval personnel and the public in the heritage and traditions of the Submarine Force.

(6) The Deep Submergence Vessel NR–1 is a unique and irreplaceable part of the history of the Navy and the Submarine Force, and an educational and historical asset that should be should be shared with the nation and the world.

(b) PRESERVATION OF VESSEL FOR TRANSFER.—After inactivation of the Deep Submergence Vessel NR–1 and before disposal of that vessel, the Secretary of the Navy shall ensure that as much of the vessel as practicable is made available for transfer to the Submarine Force Museum and Library in Groton, Connecticut.

SA 5583. Mr. TESTER (for himself and Mr. KYL) submitted an amendment

intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 237. NET-CENTRIC AIRBORNE DEFENSE ELEMENT.

Of the amount authorized to be appropriated by section 210(4) for Research, Development, Test, and Evaluation, Defense-wide activities and available for Ballistic Missile Defense (PE 0603175C), $15,000,000 may be available for the Net-Centric Airborne Defense Element (NCADE) for purposes as follows:

(1) To complete a risk reduction program for the Net-Centric Airborne Defense Element.

(2) To enable the cost-effective transformation of the program for the Net-Centric Airborne Defense Element to a design and development program.

SA 5584. Mr. REID (for Mr. KENNEDY (for himself, Mr. BIDEN, Mr. BAYH, and Mrs. MCCASKILL)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, before line 6, insert the following:

SEC. 344. REPORT ON RAPID FIELDING CAPABILITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on each military service's program and any joint programs for rapidly equipping or meeting the needs of forces engaged in ongoing combat operations.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of the process used by each service individually or through a joint program.

(2) An assessment of the ease with which those in combat operations are able to request needed equipment.

(3) An assessment of how quickly each service is able to evaluate requests originated by those in combat operations.

(4) An explanation of any institutional or budgetary pressures that slow down each service's ability to provide the requests that come from those in combat operations.

(5) A cost benefit analysis of unifying the rapid fielding of equipment as a joint program office.

(6) An assessment of the methods used by each military service to evaluate the effectiveness of the service's rapid fielding program.

(7) An assessment of the nature and extent of senior leader visibility and participation in resolving urgent needs requests.

(8) An assessment of the impacts urgent needs acquisitions have on the broader acquisition programs of a service.

(9) An assessment of the speed with which urgent needs requests are evaluated and resolved and the sufficiency of the resolutions.

(10) A review to identify lessons learned from recent rapid acquisition cases, such as the Mine Resistant Ambush Protected Vehicle, Joint Network Node system, and Unmanned Aerial Vehicles, and how these lessons could be applied to the key decision-support framework of the Department for acquiring weapon systems, namely the Joint Capabilities Integration and Development System (JCIDS), Planning, Programming, Budgeting, and Execution System (PPBES), and Defense Acquisition System (DAS), to more effectively address the near-term needs of the warfighter.

(11) Recommendations for making improvements and mitigating and resolving issues associated with the matters discussed in paragraphs (1) through (10).

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form to the maximum extent practicable, but may contain a classified annex, if necessary.

SA 5585. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: ''Section 1002 shall have no effect.''.

SA 5586. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle E—Reconstruction and Stabilization Civilian Management

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Reconstruction and Stabilization Civilian Management Act of 2008''.

SEC. 1242. FINDINGS.

Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the ''Coordinator'') was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

(5) The President's Fiscal Year 2009 Budget Request to Congress includes, as part of the request for the Department of State and Other International Programs, $248,600,000 for a Civilian Stabilization Initiative that would vastly improve civilian partnership with the Armed Forces in post-conflict stabilization situations, including by establishing an Active Response Corps of 250 persons, a Standby Response Corps of 2000 persons, and a Civilian Response Corps of 2000 persons.

SEC. 1243. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term ''agency'' means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this subtitle, the term ''Department'' means the Department of State.

(5) PERSONNEL.—The term ''personnel'' means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) RESPONSE TO A STABILIZATION AND RECONSTRUCTION CRISIS.—The term ''response to a stabilization and reconstruction crisis'' refers to activities implemented by the Response Readiness Corp relating to internal security, rule of law and political participation, and economic stability.

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

(8) STABILIZATION AND RECONSTRUCTION CRISIS.—The term ''stabilization and reconstruction crisis'' refers to complex emergencies and transitions of failing states, failed states, or regions across the spectrum of conflict, particularly those involving transitions from peacekeeping and other military interventions.

SEC. 1244. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

''SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

''(a) ASSISTANCE.—

''(1) IN GENERAL.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis using funds referred to in paragraph (2).

''(2) FUNDS.—The funds referred to in this paragraph are funds as follows:

''(A) Funds made available under this section.

''(B) Funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

''(b) SPECIAL AUTHORITIES.—In furtherance of a determination made under subsection (a), the President may exercise the authorities contained in sections 552(c)(2) and 610 without regard to the percentage and aggregate dollar limitations contained in such sections.''.

SEC. 1245. RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 62. RECONSTRUCTION AND STABILIZATION.

''(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

''(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

''(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

''(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

''(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

''(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the non-military resources and capabilities of agencies (as such term is defined in section 1243 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

''(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

''(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

''(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

''(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

''(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

''(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

''(J) Planning and managing, in coordination with the Secretary of Defense, deployments supported by the Department of Defense for stabilization and reconstruction crises.

''(K) Monitoring grantee, subgrantee, contractor, and subcontractor performance and guarding against corruption, mismanagement, and ineffective use of Federal funds and resources.

''(L) Reporting to Congress and the public on reconstruction and stabilization projects and the outcomes of such projects.

''(b) RESPONSE READINESS CORPS.—

''(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish and maintain a Response Readiness Corps (referred to in this section as the 'Corps') to respond to a stabilization and reconstruction crisis, as that term is defined in section 618 of the Foreign Assistance Act of 1961. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this Act.

''(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps in support of a response to a stabilization and reconstruction crisis, as that term is defined in section 618 of the Foreign Assistance Act of 1961, pursuant to a determination by the President under such section.

''(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

''(c) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.''.

SEC. 1246. INTERAGENCY PARTNERSHIP; RULE OF CONSTRUCTION.

(a) INTERAGENCY PARTNERSHIP.—No funds may be expended for a deployment of the Response Readiness Corps established under section 62 of the State Department Basic Authorities Act of 1956, as added by section 1245, to a location outside the United States until the Secretary of Defense certifies in writing to the appropriate congressional committees that the deployment is an indispensable element of a response to a stabilization and reconstruction crisis, as that term is defined in section 618 of the Foreign Assistance Act of 1961, as added by section 1244 of this Act.

(b) RULE OF CONSTRUCTION.—Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to authorize a civilian department or agency of the Federal Government to augment its funding authorities to conduct activities that are not a response to a stabilization and reconstruction crisis.

SEC. 1247. AUTHORITIES RELATED TO PERSONNEL.

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1245 of this Act), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this subtitle, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 1245 of this Act.

SEC. 1248. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 1249. ANNUAL REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this subtitle. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Reserve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1245 of this Act).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 1247 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

SEC. 1250. QUARTERLY REPORTING AND TRANSPARENCY TO CONGRESS.

(a) QUARTERLY REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Coordinator for Reconstruction and Stabilization shall submit to Congress a report on reconstruction and stabilization efforts.

(b) CONTENT.—Each report submitted under subsection (a) shall include the following information:

(1) The number of reconstruction or stabilization projects initiated or ongoing during the reporting period.

(2) For each deployment initiated or ongoing during the reporting period—

(A) a description of the purpose of the deployment and its projected activities, including the measurable objectives or objective;

(B) a status report, in quantifiable terms, on the progress toward the achievement of the objectives outlined under subparagraph (A) during the reporting period and to date;

(C) the amount of funds that were transferred under section 1207, and the amount of such funds that were obligated or expended during the reporting period and to date;

(D) copies of every contract, memorandum of agreement, grant, or cooperative agreement entered into for the purpose of carrying out the deployment and the project being carried out by deployed personnel as authorized under section 618 of the Foreign Assistance Act of 1961, as added by section 1244; and

(E) the number of persons deployed from the Response Readiness Corps, including number of persons from the Federal active and standby components and the Civilian Reserve Corps.

(3) The total number of persons in the Response Readiness Corps, including the number of person from the Federal active and standby components and the Civilian Reserve Corps, as well as the number of persons trained.

(4) Copies of all contracts, grants, cooperative agreements, and memoranda of agreement entered into for the purpose of carrying out this subtitle and the amendments made by this subtitle.

(5) Copies of financial and programmatic reports, evaluations, audits and Inspector General reports related to the office of the Coordinator, the deployment, and all other activities carried out by the Coordinator.

(6) The amount of funds provided or transferred to the Coordinator for Reconstruction and Stabilization or the Response Readiness Corps for costs not directly supporting deployments under section 618 of the Foreign Assistance Act of 1961, including administration, recruitment, and training costs, and compensation of members of the Response Readiness Corps not deployed as part of such deployments, during the reporting period and to date.

(7) Each certification made under section 1246(a).

(c) PUBLICATION.—

(1) AVAILABILITY TO CONGRESS.—The Coordinator for Reconstruction and Stabilization shall make each report submitted under subsection (a) available to Congress.

(2) INTERNET WEBSITE.—The Coordinator for Reconstruction and Stabilization shall post a public version of each report submitted under subsection (a) on a searchable and publicly available Internet website. Sensitive and classified information shall be redacted from the report prior to posting.

(d) CERTIFICATION.—

(1) IN GENERAL.—Prior to the obligation or expenditure of funds appropriated or otherwise made available to carry out this Act for fiscal year 2009 and for each subsequent fiscal year, the Comptroller General of the United States shall certify to the President and to Congress that reports required under subsection (a) for all previous fiscal years have been submitted in a timely and comprehensive manner and all requests to the Coordinator for follow-up information have been provided in a timely manner to Congress. Funds may not be made obligated or expended for a response to a stabilization or reconstruction crisis for a fiscal year until the Comptroller General of the United States has made a certification for the previous fiscal year.

(2) PUBLICATION.—The Comptroller General shall post all certifications under paragraph (1) on a publicly available and searchable Internet website.

SEC. 1251. FIVE-YEAR SUNSET.

This subtitle and the amendments made by this subtitle shall cease to have effect 5 years after the date of the enactment of this Act.

SA 5587. Mr. TESTER (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) ALLOWANCES AUTHORIZED.—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.''.

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended by striking ''subsection (a)(1)'' both places it appears and inserting ''paragraph (1) or (2) of subsection (a)''.

SA 5588. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. WATER CONSERVATION INVESTMENT PROGRAM.

(a) ESTABLISHMENT OF ACCOUNT.—There is hereby established on the books of the Treasury an account to be known as the ''Department of Defense Water Conservation Investment Program Account'' (in this section referred to as the ''Account'').

(b) CREDITS TO ACCOUNT.—The Account shall consist of the following:

(1) Amounts appropriated to the Account.

(2) Amounts transferred pursuant to appropriations Acts to the Account from operation and maintenance or military construction accounts of the Department of Defense.

(c) USE OF FUNDS.—To the extent provided in appropriations Acts, funds in the account may be used—

(1) to carry out construction or other projects authorized by section 2866 of title 10, United States Code; or

(2) to comply with the requirements of Executive Order No. 13423 (January 24, 2007) or any successor Executive Order relating to water conservation.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under title XXIV, there is authorized to be appropriated $10,000,000 for fiscal year 2009 for the Department of Defense to carry out this section.

SA 5589. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 457, before line 8, insert the following:

SEC. 2832. REPORT ON INCREASED USE OF SOLAR POWER ON PENTAGON RESERVATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility, costs, and benefits of installing and operating equipment and facilities to collect and distribute solar power on the Pentagon Reservation.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the solar power equipment and facilities currently in operation on the Pentagon Reservation.

(2) The amount of electricity generated annually by such equipment and facilities, and the percentage of the total power requirements at the Pentagon Reservation currently met by solar power produced on the Reservation.

(3) An analysis of the feasibility of installing additional solar power equipment and facilities on the Pentagon Reservation to meet all or part of the remaining power requirements of the Pentagon Reservation, including consideration of at least two alternative approaches, at least one of which shall be the installation of individual or collective covered parking structures equipped with solar collection panels.

(4) An analysis of the costs and benefits, over five-year, ten-year, and thirty-year periods, of the options analyzed under paragraph (3).

(5) An analysis of potential acquisition methods, including the use of military construction funds and the use of energy savings performance contracts.

SA 5590. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle E—Commission on the Conflict Between Russia and Georgia

SEC. 1241. ESTABLISHMENT OF COMMISSION ON THE CONFLICT BETWEEN RUSSIA AND GEORGIA.

There is established the Commission on the Conflict between Russia and Georgia (in this subtitle referred to as the ''Commission'').

SEC. 1242. PURPOSES OF COMMISSION.

The purposes of the Commission are to—

(1) to examine the causes of the conflict between Russia and Georgia that began on August 7, 2008; and

(2) make recommendations with respect to the policies of the United States toward Russia, Georgia, and other countries in the region.

SEC. 1243. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 9 members, of whom—

(1) 1 member shall be appointed by the leader of the Senate of the Democratic Party (majority or minority leader, as the case may be), with the concurrence of the leader of the House of Representatives of the Democratic party (majority or minority leader as the case may be), who shall serve as chairman of the Commission;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic party;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Republican party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic party; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican party.

(b) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with significant depth of experience in the field of foreign relations and with expertise regarding relations between Russia and Georgia.

(c) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 90 days of the date of the enactment of this Act.

(d) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(e) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 1244. RESPONSIBILITIES OF COMMISSION.

The Commission shall—

(1) examine and determine the timeline of events that led to the conflict between Russia and Georgia that began on August 7, 2008, since 1991;

(2) examine the policies of the Government of Russia toward Georgia;

(3) examine the policies of the Government of Georgia toward the regions of South Ossetia and Abkhazia;

(4) evaluate the role of the North Atlantic Treaty Organization and the April 2008 Bucharest Summit in the development of the conflict between Russia and Georgia;

(5) examine and evaluate the policies of the United States toward Russia and Georgia in the context of the conflict, including—

(A) any communications by officials of the United States to the Government of Russia; and

(B) any communications by officials of the United States to the Government of Georgia;

(6) review the role of peacekeepers from Russia in South Ossetia and the relationship between Georgia and the peacekeepers;

(7) review and evaluate the training and preparedness of the militaries of Russia and Georgia, including—

(A) any focus in the training of the military of Russia toward Georgia; and

(B) any focus in the training of the military of Georgia toward Russia;

(8) review and evaluate allegations of genocide and ethnic cleansing during the conflict; and

(9) make recommendations with respect to the policies of the United States toward Russia, Georgia, and other countries in the region in light of the conflict between Russia and Georgia.

SEC. 1245. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission, subcommittee, or member, as the case may be, may determine advisable.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) STAFF OF COMMISSION.—

(1) APPOINTMENT AND COMPENSATION.—The chairman of the Commission, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of such title.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any employees of the Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of such title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to

exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(5) EMPHASIS ON SECURITY CLEARANCES.—Emphasis shall be made to hire employees and retain contractors and detailees with active security clearances.

(d) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable laws, regulations, and Executive orders.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 1246. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the report required under section 1247.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable law, regulation, or Executive order.

SEC. 1247. REPORT.

Not later than 180 days after the appointment of the Commission, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

SEC. 1248. TERMINATION.

(a) IN GENERAL.—The Commission, and the provisions of this subtitle, shall terminate on the date that is 60 days after the date on which the final report is submitted under section 1247.

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

SEC. 1249. FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for the purposes of the activities of the Commission under this subtitle.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

SA 5591. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. RESPITE CARE FOR SPOUSES OF MEMBERS OF THE ARMED FORCES DEPLOYING TO COMBAT ZONES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a program designed to ensure access to and affordability of respite care for military spouses caring for children under the age of 13 throughout the period of the member's deployment to the combat zone.

(b) ACCESS.—For purposes of subsection (a), a spouse shall be treated as having access to respite care where available throughout the period of a member's deployment to a combat zone if—

(1) access to high quality respite care is reserved to the maximum extent possible and is available at the child development program at the permanent duty station of the member concerned during the entirety of such period;

(2) the Secretary of Defense provides (whether by partial or full subsidy, payment or reimbursement) for access to high quality respite care from an approved non-DoD source during the entirety of such period; or

(3) access to high quality respite care throughout such period is achieved by a combination of the mechanisms described in paragraphs (1) and (2).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the program initiated under subsection (a), including a description of how respite care will be made available to spouses described in subsection (a) whether residing on a military installation or off a military installation.

The report may also include, as appropriate, recommendations for changes in legislation to improve the affordability and access to high quality respite care services for spouses with children under age 13 throughout the period of the member's deployment to a combat zone.

(d) RESPITE CARE DEFINED.—In this section, the term ''respite care'' means short-term, temporary relief to those who are caring for dependent children.

SA 5592. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. MENTOR-PROTÉGÉ PROGRAM FOR SERVICE-DISABLED VETERANS.

The Administrator of the Small Business Administration shall establish a mentor-protégé program for small business concerns owned and controlled by service-disabled veterans (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), modeled on the mentor-protégé program of the Small Business Administration for small businesses participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)). Any funds authorized or appropriated for the program under this section shall supplement and not supplant funds available for any mentor-protégé program that is in operation on the day before the date of enactment of this Act.

SA 5593. Mr. KERRY (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) irrespective of the origins of the recent conflict in Georgia, the disproportionate military response by the Russian Federation on the sovereign, internationally recognized territory of Georgia, including the South Ossetian Autonomous Region (referred to in this section as ''South Ossetia'') and the Autonomous Republic of Abkhazia (referred to in this section as ''Abkhazia''), is in violation of international law and commitments of the Russian Federation;

(2) the actions undertaken by the Government of the Russian Federation in Georgia have diminished Russia's standing in the international community and should lead to a review of existing, developing, and proposed multilateral and bilateral arrangements with the Russian Federation;

(3) the United States continues to have interests in common with the Russian Federation, including combating the proliferation of nuclear weapons and fighting terrorism, and these interests can serve as the basis for improved long-term relations with the Government of the Russian Federation as it complies with its international obligations;

(4) the Russian Federation should immediately comply with the September 8, 2008, follow-on agreement to the 6-point cease-fire agreement negotiated on August 12, 2008;

(5) the Government of the Russian Federation and the Government of Georgia should—

(A) refrain from the future use of force to resolve the status of Abkhazia and South Ossetia; and

(B) work with the United States, Europe, and other concerned countries and through the United Nations Security Council, the Organization for Security and Cooperation in Europe, and other international fora to identify a political settlement that addresses the short-term and long-term status of Abkhazia and South Ossetia, in accordance with prior United Nations Security Council resolutions;

(6) the United States should—

(A) provide humanitarian and economic assistance to Georgia;

(B) seek to improve commercial relations with Georgia; and

(C) working in tandem with the international community, continue to support the development of a strong, vibrant, multiparty democracy in Georgia;

(7) the President should consult with Congress on future security cooperation and assistance to Georgia, as appropriate;

(8) the United States continues to support the North Atlantic Treaty Organization declaration reached at the Bucharest Summit on April 3, 2008; and

(9) the United States should work with the European Union, Georgia, and its neighbors to ensure the free flow of energy to Europe and the operation of key communication and trade routes.

SA 5594. Mr. LUGAR (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

Subtitle E—Afghan Freedom Support and Security

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Afghan Freedom Support and Security Act of 2008''.

SEC. 1242. FINDINGS.

Congress makes the following findings:

(1) More than 6 years after the liberation of Afghanistan from the Taliban, who provided Osama Bin Laden and Al-Qaeda with a safe haven for planning the attacks of September 11, 2001, Afghanistan remains highly unstable and the government of President Hamid Karzai remains subject to attacks from remnants of the Taliban who have regrouped in the region with other insurgent groups, including foreign fighters associated with Al-Qaeda.

(2) The Government of Afghanistan supports the continued deployment of international forces to supplement its own nascent national security forces and North Atlantic Treaty Organization (NATO) forces, which took over international stability operations for the entire country through the International Security Assistance Force (ISAF) on October 5, 2006.

(3) An insurgency that began in a relatively weak position at the end of 2005 has expanded to pose a serious threat to the Government of Afghanistan and the international NATO/ISAF and Operation Enduring Freedom forces, whose casualties have mounted significantly during 2008, while civilian casualties have also increased substantially in Afghanistan, resulting in significant popular disenchantment and concern about the prospects of peace and stability in the near future.

(4) Despite the establishment of a constitution and a constitutionally-elected government in Afghanistan, the failure to build the core institutions of the state and the market has resulted in opportunities for massive corruption and the mounting loss of trust of the Afghan people in their government.

(5) A Government Accountability Office report released on June 18, 2008 (GAO–08–883T) indicates that ''although the [Afghan National Police] has reportedly grown in number since 2005, after an investment of nearly $6 billion, no Afghan police unit (0 of 433) is assessed by Defense as fully capable of performing its mission''.

(6) The failure of the current counter-narcotics strategy for Afghanistan has diminished Afghan political will to take on the increasingly powerful drug interests in the country. The lack of significant results is due to—

(A) the failure to have in place in Afghanistan the essential institutional elements necessary to arrest and prosecute mid- and high-level drug traffickers and enablers; and

(B) the lack of economic mechanisms, such as finance facilities and services and adequate land rights, to enable Afghan farmers to develop alternatives to opium production.

(7) The violence and instability in Afghanistan is further exacerbated by corruption and the flourishing trade in opium and opium-related products, which—

(A) has reached record levels;

(B) fuels local militias;

(C) corrupts the national and local governments; and

(D) provides funding for insurgent and terrorist groups.

(8) The failure of the Government of Afghanistan to reform the judicial sector has allowed the Taliban to offer its version of dispute settlement and to operate among ordinary citizens.

(9) The Bonn Agreement—

(A) provided legitimacy and initial stability in Afghanistan between late 2001 and 2006;

(B) enabled the drafting of a new constitution, the first directly elected President in the history of Afghanistan, and a sitting National Parliament.

(10) The Bonn Agreement also provided the political platform through which a series of benchmarks were set. These benchmarks were met against a carefully sequenced timeline for a narrow list of institutional priorities upon which the Afghan Government, Afghan citizens, and their international supporters could collaborate. The National Health System, the Afghan National Army, the National Solidarity Program, the National Telecommunications program, and the National Transportation System provided a clear framework for the establishment and coordination of goals, tasks, benchmarks, and allocation of responsibilities.

(11) On February 1, 2006, the Government of Afghanistan and the international community issued the Afghanistan Compact, which sets forth both the international community''s commitment to Afghanistan and Afghanistan''s commitment to state-building and reform.

(12) The Afghanistan Compact, which is supported by the Afghan National Development Strategy—

(A) provides the core framework for building an effective, accountable state in Afghanistan;

(B) sets goals and standards for improvements in security, governance, and development;

(C) includes measures for reducing the narcotics economy, promoting regional cooperation, and making aid more effective, particularly at the local and provincial levels; and

(D) established a mechanism to monitor Afghanistan and the international community's adherence to the time lines, goals, and objectives set forth in the document.

SEC. 1243. SENSE OF CONGRESS.

It is the Sense of the Congress that—

(1) following the liberation of Afghanistan from the Taliban in 2001, the Federal Government underestimated—

(A) the nature of the challenge in Afghanistan;

(B) the time horizon for restoring political and economic stability in Afghanistan; and

(C) the type of resources required to help ensure a stable Afghanistan with effective and accountable state institutions and developing economic opportunities;

(2) the international community must—

(A) provide appropriate and forthright expectations of the long and challenging commitment necessary for success in Afghanistan; and

(B) accurately estimate the nature of the resources required;

(3) Afghanistan remains a country of paramount importance to our national security and building Afghanistan into an effective state with political and economic stability is a goal that the United States shares with the Government of Afghanistan and its citizens;

(4) the region in which Afghanistan is situated is of paramount importance to the national security of the United States and our diplomatic initiatives and foreign policy in this region must be harmonized and coherent across the region;

(5) the most important partners in the security, stability, and development of Afghanistan are the people of that country, who should remain a prime focus of our efforts to build their sustained capacity to govern;

(6) long-term, consistent, and coordinated international support and assistance is required in Afghanistan to secure, stabilize, and develop the country so that it is capable of sustaining good governance and becoming a responsible and valued partner in the international community;

(7) setting appropriate expectations in Afghanistan and in donor and partner capitals is essential to effective and responsible foreign assistance policy; and understanding the necessity for long-term engagement in such situations will prevent short term, unsustainable outcomes;

(8) Afghanistan and its neighbors have a mutual responsibility to ensure that their territories are not the source, and their policies are not complicit in, the destabilization or deprivation of other countries in the region;

(9) the challenges Afghanistan faces stem more from weak governance than from a strong enemy and can be overcome by the unity and resolve of the Afghan people and the international community;

(10) American academic and policy institutions and several respected outside organizations have conducted significant close and prolonged studies of the Afghanistan situation, generating reports and comprehensive reviews of post-conflict reconstruction, counter-narcotics, economic development,

security force training, and counter-insurgency efforts that warrant review and consideration by United States policy makers to develop a more responsive United States strategy to address the crisis in Afghanistan;

(11) despite some delays in its deployment, the Afghan National Army (ANA), which is an essential element in the stability of Afghanistan in a volatile region, must continue to be properly trained and equipped to achieve effective and independent operational capability;

(12) the security of Afghanistan is closely intertwined with those of its regional neighbors;

(13) success in Afghanistan, both economic and political, will be dependent on security and stability in the region; and

(14) it is essential that United States policy be harmonized and complementary across the region.

SEC. 1244. DECLARATION OF POLICY.

It shall be the policy of the United States—

(1) to render appropriate, long-term assistance to Afghanistan in a consistent and coordinated fashion with willing and responsible partners in the international community;

(2) to ensure that our foreign policy in this region is responsive to and in partnership with the people of Afghanistan;

(3) to harmonize its assistance efforts in Afghanistan and neighboring countries across—

(A) all associated Federal agencies; and

(B) to the maximum extent possible, with congruent international partner assistance efforts; and

(4) to regularly, comprehensively, and openly review stabilization, reconstruction and development efforts in Afghanistan to ensure flexibility and the most effective utilization of resources toward specific, tangible outcomes.

SEC. 1245. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) GOVERNMENT OF AFGHANISTAN.—The term ''Government of Afghanistan'' includes—

(A) the government of any political subdivision of Afghanistan; and

(B) any agency or instrumentality of the Government of Afghanistan.

(3) INTERNATIONAL SECURITY ASSISTANCE FORCE; ISAF.—The terms ''International Security Assistance Force'' and ''ISAF'' means the international security assistance force established to assist in the maintenance of security in Afghanistan pursuant to United Nations Security Council Resolution 1386 (2001), as amended by United Nations Security Council Resolutions 1413 (2002), 1444 (2002), 1510 (2003), 1563 (2004), 1623 (2005), and 1707 (2006).

SEC. 1246. PURPOSES OF ASSISTANCE.

The purposes of United States assistance authorized by this subtitle are—

(1) to help assure the security of the United States and the world by—

(A) reducing or eliminating the likelihood of violence against the United States and partners in Afghanistan; and

(B) reducing the chance that Afghanistan will become a source of international terrorism;

(2) to signal our Nation's long-term commitment to Afghanistan and its people, the region, and partners in the international community;

(3) to provide United States civilian agencies with the appropriate resources to effectively plan, implement, and monitor assistance programs in an exceptionally challenging environment, including—

(A) expanding the presence of United States diplomatic personnel in key provincial capitals and at locations at which Provincial Reconstruction Teams are to be sustained; and

(B) integrating a more substantial, long-term presence of experienced development experts;

(4) to help Afghans realize a stable and secure country with effective, accountable state institutions that effectively administer the basic needs of the Afghan people for services, safety, the rule of law, and increased economic opportunity, by focusing United States efforts on—

(A) establishing viable Afghan security institutions;

(B) building Afghan governance and rule of law capacity, especially at the sub-national level;

(C) enabling a vibrant economic and social environment through reconstruction of critical infrastructure and focused development;

(D) combating insurgency as an ongoing, regionally-fueled, threat; and

(E) incorporating counter-narcotics as integral to this mission;

(5) to realize, as milestones to Afghanistan's progress, combined with sustained political will on the part of our Afghan and international partners—

(A) Afghan National Security Forces that plan and execute operations against Taliban and other insurgents, with United States, NATO, and other partner nations' forces in support and ensure that Afghan citizens are protected from criminal elements;

(B) state-sponsored justice institutions in every province and in key districts that provide the majority of Afghans with access to formal justice;

(C) governors in every province dedicated to and held accountable for delivery of services to the district level;

(D) a strengthened, private sector friendly, legal and commercial framework and basic infrastructure for private sector development in every province, including roads that link to the main ring road;

(E) reduced rates of poppy cultivation and trafficking based on strides made in improving security, enhancing local-governing capacity and justice institutions, and promoting economic development nationwide as the security environment dictates; and

(F) the completion of the 2009 and 2010 scheduled presidential and parliamentary elections with an improved level of competence, legitimacy, and effectiveness in the administration of government for the Afghan people.

SEC. 1247. AUTHORIZATION OF APPROPRIATIONS.

It is the sense of Congress that up to $3,000,000,000 should be authorized to be appropriated to the President for each of the fiscal years 2009 through 2018 to provide assistance to Afghanistan under the Foreign Assistance Act of 1961(22 U.S.C. 2151 et seq.).

SEC. 1248. MONITORING AND EVALUATION OF ASSISTANCE.

(a) IN GENERAL.—The President shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under this subtitle on a program-by-program basis in order to maximize the long-term sustainable development impact of such assistance.

(b) REQUIREMENTS.—In carrying out subsection (a), the President shall—

(1) establish performance goals for assistance authorized under this subtitle and expresses such goals in an objective and quantifiable form, to the extent practicable;

(2) establish indicators to be used in measuring or assessing the achievement of the goals described in paragraph (1); and

(3) provide a basis for recommendations for adjustments to assistance authorized under this subtitle to enhance the impact of such assistance.

(c) ASSISTANCE TO ENHANCE THE CAPACITY OF AFGHANISTAN.—In carrying out subsection (a), the President shall provide assistance to enhance the capacity of the Government of Afghanistan to monitor and evaluate programs carried out by the national, provincial, and local governments in Afghanistan in order to maximize the long-term sustainable development impact of such programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—Not less than 5 percent of the amounts authorized to be appropriated under section 1247(a) for any fiscal year shall be made available to carry out this section for such fiscal year.

SEC. 1249. ASSISTANCE TO SUPPORT THE OFFICE OF THE INSPECTOR GENERAL OF DEPARTMENT OF STATE AND THE OFFICE OF THE INSPECTOR GENERAL OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT IN AFGHANISTAN.

(a) ASSISTANCE AUTHORIZED.—The President shall provide assistance to support the auditing, investigation, and oversight capacity and capability in Afghanistan of the Office of the Inspector General of the Department of State and the Office of the Inspector General of the United States Agency for International Development in Afghanistan, which are authorized to audit, investigate, and oversee the programs authorized under this subtitle.

(b) REQUIREMENT FOR IN-COUNTRY PRESENCE.—The Office of the Inspector General of the Department of State and the Office of the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator for the United States Agency for International Development, shall permanently deploy not less than 2 staff from each such Office in Afghanistan to carry out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated under section 1247 for each of the fiscal years 2009 through 2013—

(A) $1,500,000 may be made available to the Office of the Inspector General of the Department of State to carry out this section; and

(B) $3,000,000 may be made available to the Office of the Inspector General of the United States Agency for International Development to carry out this section.

(2) RELATION TO OTHER AVAILABLE FUNDS.—Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

SEC. 1250. COORDINATION OF ASSISTANCE.

(a) CONGRESSIONAL FINDING.—Congress finds that the coordinator of assistance provided for in section 9 has not achieved the

objectives of an integrated approach to United States assistance programs for Afghanistan.

(b) APPOINTMENT OF COORDINATOR.—Not later than 90 days after the date of the enactment of this Act, the President, by and with the advice and consent of the Senate, shall appoint a coordinator. who—

(1) shall report directly to the President;

(2) shall have the rank and status of Ambassador; and

(3) may not hold any other position within the United States Government.

(c) DUTIES OF COORDINATOR.—The coordinator appointed pursuant to subsection (b) shall—

(1) design an overall non-military strategy, in coordination with the heads of relevant Federal departments and agencies, to advance United States interests in Afghanistan, including policy coordination relating to—

(A) stability;

(B) political and economic reconstruction and development;

(C) counter-narcotics; and

(D) activities to equip and train the Afghan National Security Forces;

(2) ensure policy coordination among relevant Federal departments and agencies, including the Department of Defense, in carrying out the strategy described in paragraph (1);

(3) coordinate with other countries and international organizations with respect to assistance for Afghanistan, especially in areas in which ground coordination and collaboration is essential, such as activities to—

(A) equip and train the Afghan National Security Forces;

(B) build the capacity of the Government of Afghanistan at the local, district, province, and national levels;

(C) undertake phased reconstruction and development activities, especially activities associated with sustainable counter-narcotics operations and programs;

(4) coordinate the implementation of assistance for Afghanistan described in paragraph (1) and oversight with relevant Federal departments and agencies;

(5) resolve policy disputes with respect to United States assistance for Afghanistan described in paragraph (1) among relevant Federal departments and agencies; and

(6) ensure coordination among the United States, the Government of Afghanistan, ISAF, and other international partners that are supporting counter-terrorism, counter-insurgency, and counter-narcotics efforts.

(d) DEPUTY COORDINATORS.—The coordinator may appoint up to 2 deputy coordinators to assist the coordinator with the duties of the coordinator described in subsection (c), including duties relating to counter-narcotics, reconstruction and development, and equipping and training Afghan National Security Forces. A deputy coordinator may not hold any other position within the United States Government.

SEC. 1251. HUMANITARIAN ASSISTANCE FOR WAR VICTIMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should continue and expand programs of assistance to innocent Afghan individuals, families, and communities that suffered losses as a result of military operations conducted by United States and NATO/ISAF forces; and

(2) the programs described in paragraph (1) help innocent civilians rebuild their lives and build goodwill for the United States and our allies.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to the appropriate congressional committees on the feasibility of expanding assistance programs described in subsection (a) to include—

(1) the provision of additional assistance to families of Afghan civilians who—

(A) were injured or killed during such operations; and

(B) were the primary source of income for their families;

(2) the provision of assistance in excess of $2,500 to families of Afghan civilians described in subsection (a); and

(3) the provision of other assistance that might be required as a result of ongoing military operations in Afghanistan.

SEC. 1252. SENSE OF CONGRESS CONCERNING UNITED NATIONS MANDATE IN AFGHANISTAN.

It is the sense of Congress that—

(1) the United Nations Assistance Mission in Afghanistan plays a vital role in coordinating international assistance efforts and should strengthen that role;

(2) the United Nations Security Council should expand the United Nations mandate in Afghanistan by—

(A) authorizing international civilian law enforcement missions in Afghanistan as a part of peace operations of the United Nations in Afghanistan;

(B) authorizing the International Security Assistance Force to participate in counter-drug interdiction operations, to the extent appropriate, practicable, and consistent with ongoing operational activities and international law, against major narcotic traffickers, their operations, and their infrastructure in Afghanistan, with the concurrence of the Government of Afghanistan;

(C) installing effective centralized authority within the United Nations Special Representative for Afghanistan to enable the international community's political objectives to be prioritized and communicated directly with the Government of Afghanistan; and

(D) amending and extending the authorization of the International Security Assistance Force beyond October 2008.

SEC. 1253. SPECIAL REPRESENTATIVE FOR REGIONAL COOPERATION.

(a) STATEMENT OF POLICY.—Congress declares that it is in the national interest of the United States that the countries of South and Central Asia work together to address common challenges hampering the stability, security, and development of their region and to enhance their cooperation.

(b) APPOINTMENT.—The President shall appoint, with the advice and consent of the Senate, a special representative, who shall—

(1) have the rank of Ambassador; and

(2) shall promote closer cooperation between the countries of South and Central Asia.

(c) DUTIES.—

(1) IN GENERAL.—The primary responsibility of the special representative shall be to coordinate United States policy on issues relating to strengthening and facilitating relations between the nations of South and Central Asia for the benefit of stability and economic growth in the region.

(2) ADVISORY ROLE.—The special representative shall—

(A) advise the President and the Secretary of State, as appropriate; and

(B) in coordination with the Assistant Secretary of State for South and Central Asian Affairs, make recommendations regarding effective strategies and tactics to achieve United States policy objectives to—

(i) stem cross-border terror activities;

(ii) provide assistance to refugees to ensure orderly and voluntary repatriation from neighboring states;

(iii) bolster people-to-people ties and economic cooperation between the nations of South and Central Asia, including bilateral trade relations;

(iv) explore opportunities to anticipate and seek solutions to critical cross-border issues such as transport, energy, water and the like; and

(v) offer comprehensive efforts to support effective counter-narcotics strategies in South and Central Asia.

SEC. 1254. REAUTHORIZATION OF RADIO FREE AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Since January 30, 2002, RFE/RL, Incorporated (formerly known as Radio Free Europe/Radio Liberty) has provided 12 hours of daily surrogate broadcasting services through Radio Free Afghanistan in Dari and Pashto languages to the people of Afghanistan.

(2) Radio Free Afghanistan is the leading broadcaster in Afghanistan with an audience of nearly 60 percent of the adult population.

(3) It is in the national interest to continue Radio Free Afghanistan's surrogate broadcasts to Afghanistan in order to provide accurate news and information, help give voice to ordinary Afghans, and provide programs on the fundamentals of democracy.

(b) AUTHORIZATION OF APPROPRIATIONS.—It is the sense of Congress that there should be authorized to be appropriated to the Broadcasting Board of Governors such sums as may be necessary for each of the fiscal years 2009 through 2013 for grants to support 12 hours of daily surrogate broadcasting services through Radio Free Afghanistan in Dari and Pashto languages to the people of Afghanistan.

SA 5595. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—RETIREMENT OF MEMBERS OF THE ARMED FORCES FOR DISABILITY

SEC. 1701. RETIREMENT FOR DISABILITY OF MEMBERS OF THE ARMED FORCES AFTER REFORM OF DISABILITY RETIREMENT SYSTEM FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended—

(1) by inserting before section 1201 the following:

''SUBCHAPTER I—RETIREMENT OR SEPARATION BEFORE REFORM OF DISABILITY RETIREMENT SYSTEM

''§ 1200. Applicability of subchapter: members retired or separated before reform of disability retirement system; certain members on temporary disability retired list as of implementation of reform of disability retirement system

''(a) IN GENERAL.—Except as provided in subsection (b), this subchapter applies to the retirement or separation for disability of members as follows:

''(1) Members who are eligible for retirement for disability or separation for disability before the effective date of the implementation of the reform of the disability retirement system for members of the armed forces (as determined in accordance with section 1206a(c) of this title).

''(2) Members on the temporary disability retired list as of the effective date of the implementation of the enhanced Department of Veterans Affairs disability compensation system who—

''(A) are eligible for retirement under the provisions of subchapter II in accordance with section 1206c of this title; but

''(B) do not elect to retire under the provisions of subchapter II as otherwise provided in section 1206c of this title.

''(b) INAPPLICABILITY TO CERTAIN MEMBERS.—For provisions relating to the applicability of subchapter II to the retirement for disability of certain members otherwise covered by this subchapter under subsection (a)(1), see section 1206b of this title.'';

(2) by transferring section 1206a to appear after section 1207a and redesignating such section, as so transferred, as section 1207b; and

(3) by inserting after section 1206 the following:

''SUBCHAPTER II—RETIREMENT ON OR AFTER REFORM OF DISABILITY RETIREMENT SYSTEM

''§ 1206a. Applicability of subchapter: members retired on or after implementation of reform of disability retirement system

''(a) IN GENERAL.—This subchapter applies to the retirement of members for disability (including the placement of members on the temporary disability retired list in accordance with section 1206e of this title) on or after the effective date of the implementation of the reform of the disability retirement system for members of the armed forces (as determined in accordance with subsection (c)).

''(b) EXCLUSIVE APPLICATION.—Members eligible for retirement under this subchapter by reason of this section are not eligible for retirement or separation under subchapter I.

''(c) EFFECTIVE DATE OF IMPLEMENTATION OF REFORM OF DISABILITY RETIREMENT SYSTEM.—For purposes of this chapter, the effective date of the implementation of the reform of the disability retirement system for members of the armed forces shall be the date that is one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009.

''§ 1206b. Applicability of subchapter: certain members retired on or after October 7, 2001, but before implementation of reform of disability retirement system

''(a) ELECTION OF APPLICABILITY.—(1) During such period as the Secretary of Defense shall prescribe for purposes of this section, a former member described in subsection (b) may elect to retire under this subchapter in lieu of retirement under the provisions of this chapter as in effect on the day before the effective date of the implementation of the reform of the disability retirement system for members of the armed forces (as determined in accordance with section 1206a(c) of this title).

''(2) Each election under this subsection shall be executed in such form and manner as the Secretary of Defense shall prescribe for purposes of this section.

''(3) Any election made under this subsection is irrevocable.

''(b) COVERED FORMER MEMBERS.—A former member described in this subsection is any former member who, during the period beginning on October 7, 2001, and ending on the day before the effective date of the implementation of the reform of the disability retirement system for members of the armed forces, is retired under the provisions of this chapter as in effect before the effective date of the implementation of the reform of the disability retirement system for members of the armed forces.

''(c) TREATMENT OF FORMER MEMBERS MAKING ELECTIONS.—(1) Effective as of the date of the correction of the military records of such former member under subsection (d), each former member who makes an election under subsection (a) shall be deemed to have been retired under this subchapter, with retired pay computed under section 1401 of this title (as in effect after the effective date of the implementation of the reform of the disability retirement system for members of the armed forces), rather than to have been retired under the provisions of this chapter as in effect before the effective date of the implementation of the reform of the disability retirement system.

''(2) No benefits are available to a former member under this subchapter for any period before the correction of the military records of the former member under subsection (d).

''(3) The Secretary of Defense may not recoup or collect from any former member who is retired under this subchapter pursuant to an election under subsection (a) any amount of retired pay paid to the former member under this chapter before the date of the effective date of the correction of the military records of the former member under subsection (d).

''(d) CORRECTION OF MILITARY RECORDS.—The Secretary concerned shall correct the military records of each former member making an election under subsection (a) to reflect that the former member is retired under the provisions of this subchapter rather than retired under the provisions of this chapter as in effect before the effective date of the implementation of the reform of the disability retirement system for members of the armed forces.

''§ 1206c. Applicability of subchapter: members on temporary disability retired list as of implementation of reform of disability retirement system

''(a) ELECTION OF APPLICABILITY.—(1) A member described in subsection (b) may elect to retire under this subchapter in lieu of retirement under the provisions of subchapter I.

''(2) Each election under this subsection shall be executed in such form and manner as the Secretary of Defense shall prescribe for purposes of this section.

''(3) Any election made under this subsection is irrevocable.

''(b) COVERED MEMBERS.—A member described in this subsection is any member—

''(1) whose name is on the temporary disability retired list as of the effective date of the implementation of the reform of the disability retirement system for members of the armed forces (as determined in accordance with section 1206a(c) of this title); and

''(2)(A) whose disability qualifying the member for placement on the temporary disability retired list is determined after such effective date by the Secretary concerned, based on accepted medical principles, to be of a permanent nature and stable; or

''(B) whose disability is considered after such effective date by the Secretary concerned to be of a permanent nature and stable after five years of the placement of the member's name on the temporary disability retired list in accordance with section 1210(b) of this title.

''(c) TIMING OF ELECTION.—A member eligible to make an election under subsection (a) by reason of a determination under subparagraph (A) or (B) of subsection (b)(2) shall make such election, if at all, during such period after the date of the determination as the Secretary of Defense shall prescribe for purposes of this section.

''(d) TREATMENT OF MEMBERS MAKING ELECTIONS.—(1) Effective as of the date of such election, each member who makes an election under subsection (a) shall be retired under this subchapter, with retired pay computed under section 1401 of this title (as in effect after the effective date of the implementation of the reform of the disability retirement system for members of the armed forces).

''(2) No benefits are available to a member under this subchapter for any period before the election of the member under subsection (a).

''(3) The Secretary of Defense may not recoup or collect from any member who is retired under this subchapter pursuant to an election under subsection (a) any amount of retired pay paid to the member under this chapter before the date of the election of the member under subsection (a).

''§ 1206d. Retirement

''(a) IN GENERAL.—Upon a determination by the Secretary concerned that a member covered by this subchapter under section 1206a of this title is unfit to perform the duties of the member's office, grade, rank, or rating because of physical disability, the Secretary may, consistent with regulations prescribed by the Secretary of Defense for purposes of this subchapter, retire the member, with retired pay computed under section 1401 of this title (as in effect after the effective date of the implementation of the reform of the disability retirement system for members of the armed forces (as determined in accordance with section 1206a(c) of this title)), if the Secretary concerned also makes the determinations specified in subsection (b) with respect to the member.

''(b) DETERMINATIONS.—The determinations specified in this subsection with respect to a member are determinations by the Secretary concerned as follows:

''(1) That the disability of the member, based upon accepted medical principles—

''(A) is of a permanent nature; or

''(B) is of uncertain permanency, such that a temporary disability retirement under section 1206e of this title is appropriate.

''(2) That the injury, illness, or disease rendering the member unfit was incurred or aggravated in the line of duty—

''(A) while the member was entitled to basic pay under section 204 of title 37 or compensation under section 206 of that title;

''(B) while performing active duty but not entitled to basic pay under section 204 of title 37 or inactive-duty training; or

''(C) while engaged in an activity covered by section 1201(c)(3), 1204(2)(B), or 1204(2)(C) of this title.

''(3) That the injury, illness, or disease was not—

''(A) the result of the member's intentional misconduct or willful neglect; or

''(B) incurred during a period of unauthorized absence.

''§ 1206e. Temporary disability retired list

''(a) IN GENERAL.—Subject to the provisions of this section, a member covered by section 1206d(b) of this title who is described by paragraph (1)(B) of such section shall

have such member's name placed on the temporary disability retired list, with retired pay computed under section 1401 of this title (as in effect after the effective date of the implementation of the reform of the disability retirement system for members of the armed forces (as determined in accordance with section 1206a(c) of this title)).

''(b) ADMINISTRATION.—(1) Subsection (a) shall be administered in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this section.

''(2)(A) Except as provided in subparagraph (B), the regulations prescribed under this subsection shall provide for the applicability of the provisions of sections 1210 and 1211 of this title to a member whose name is placed on the temporary disability retired list under this section.

''(B) The provisions of subsections (c), (d), and (e) of section 1210 of this title shall not apply to a member whose name is placed on the temporary disability retired list under this section.

''(3)(A) The regulations shall provide for appropriate mechanisms, applicable uniformly across the military departments, for an annual review by the military departments of determinations to place members' names on the temporary disability retired list under this section in order to ensure the accuracy and consistency of such determinations by the military departments.

''(B) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives each year a report on the results of the reviews conducted by the military departments under subparagraph (A) during the preceding year.

''(c) RETIREMENT.—If, as a result of a periodic examination under section 1210(a) of this title or upon a final determination under section 1210(b) of this title, it is determined that a member's physical disability is of a permanent nature, the member's name shall be removed from the temporary disability retired list, and the member shall be retired under section 1206d of this title.

''§ 1206f. Treatment of retired pay

''(a) IN GENERAL.—Except as provided in subsection (b), retired pay authorized by this subchapter shall be treated as retired pay for all purposes under this title.

''(b) TREATMENT FOR ELIGIBILITY FOR MEDICAL AND DENTAL CARE.—The treatment of receipt of retired pay authorized by this subchapter on the eligibility of a member for medical and dental care under chapter 55 of this title is governed by the provisions of section 1074(b) of this title.

''(c) NO OFFSET UNDER DUPLICATION OF BENEFITS.—Retired pay authorized by this subchapter is not subject to the prohibitions against duplication of benefits under sections 5304 and 5305 of title 38.

''(d) INELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION.—A member retired under this subchapter is not eligible for combat-related special compensation under section 1413a of this title.

''§ 1206g. Determinations of unfitness

''(a) IN GENERAL.—In this subchapter, a finding of unfitness for duty with respect to a member shall be based on determinations by the Secretary concerned that—

''(1) the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability; and

''(2) it is unlikely that through retraining in another occupational specialty or other preparations the member can be reassigned to other duties the member would be fit to perform and which are consistent with the needs of the armed force concerned.

''(b) INTERSERVICE TRANSFER.—With the consent of a member determined unfit for duty under subsection (a), the member may, instead of being retired under this subchapter, be transferred under section 716 of this title to another uniformed service if the Secretary responsible for that uniformed service determines that the member, currently or through retraining in another occupational specialty or other preparations, can be reassigned to other duties the member would be fit to perform and which are consistent with the needs of that uniformed service.

''(c) CONTINUATION OF SERVICE OF MEMBER DETERMINED UNFIT.—Upon the agreement of a member determined unfit for duty under subsection (a) and the Secretary concerned, the member's service may be continued under terms and conditions specified by the Secretary concerned, including through transfer to another uniformed service under section 716 of this title.

''§ 1206h. Definitions

''In this subchapter, the terms 'disability' and 'physical disability' include any disability based on a mental disorder.

''SUBCHAPTER III—ADMINISTRATIVE MATTERS''.

(b) CLERICAL AMENDMENTS.—Chapter 61 of such title is further amended—

(1) by inserting after the chapter heading the following:

''Subchapter	Sec.
''I. Retirement or Separation Before Reform of Disability Retirement System	1200
''II. Retirement on or After Reform of Disability Retirement System	1206a
''III. Administrative Matters	1207'';

(2) by inserting after the subchapter heading for subchapter I, as added by subsection (a)(1) of this section, the following:

''Sec.
''1200. Applicability of subchapter: members retired or separated before implementation of reform of disability retirement system; certain members on temporary disability retired list as of implementation of reform of disability retirement system.
''1201. Regulars and members on active duty for more than 30 days: retirement.
''1202. Regulars and members on active duty for more than 30 days: temporary disability retired list.
''1203. Regulars and members on active duty for more than 30 days: separation.
''1204. Members on active duty for 30 days or less or on inactive-duty training: retirement.
''1205. Members on active duty for 30 days or less or on inactive-duty training: temporary disability retired list.
''1206. Members on active duty for 30 days or less or on inactive-duty training: separation.'';

(3) by inserting after the subchapter heading for subchapter II, as added by subsection (a)(3) of this section, the following:

''Sec.
''1206a. Applicability of subchapter: members retired on or after implementation of reform of disability retirement system.
''1206b. Applicability of subchapter: certain members retired on or after October 7, 2001, but before implementation of reform of disability retirement system.
''1206c. Applicability of subchapter: members on temporary disability retired list as of implementation of reform of disability retirement system.
''1206d. Retirement.
''1206e. Temporary disability retired list.
''1206f. Treatment of retired pay.
''1206g. Determinations of unfitness.
''1206h. Definitions.'';

and

(4) by inserting after the subchapter heading for subchapter III, as so added, the following:

''Sec.
''1207. Disability from intentional misconduct or willful neglect: separation.
''1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions.
''1207b. Reserve component members unable to perform duties when ordered to active duty: disability system processing.
''1208. Computation of service.
''1209. Transfer to inactive status list instead of separation.
''1210. Members on temporary disability retired list: periodic physical examination; final determination of status.
''1211. Members on temporary disability retired list: return to active duty; promotion.
''1212. Disability severance pay.
''1213. Effect of separation on benefits and claims.
''1214. Right to full and fair hearing.
''1215. Members other than Regulars: applicability of laws.
''1216. Secretaries: powers, functions, and duties.
''1217. Academy cadets and midshipmen: applicability of chapter.
''1218. Discharge or release from active duty: claims for compensation, pension, or hospitalization.
''1219. Statement of origin of disease or injury: limitations.
''1221. Effective date of retirement or placement of name on temporary disability retired list.''.

(c) ELIGIBILITY FOR DISABILITY RETIREMENT FOR PRE-EXISTING CONDITION AFTER EIGHT YEARS OF SERVICE.—Section 1207a(a) of title 10, United States Code, is amended by striking ''or 1203'' and inserting ''1203, 1206b, 1206c, 1206d, or 1206e''.

(d) COMPUTATION OF RETIRED PAY.—The table in section 1401(a) of title 10, United States Code, is amended by inserting after the matter relating to Formula 2 the following matter:

''3	1206b 1206c 1206d 1206e	Retired pay base as computed under section 1406(b) or 1407	2½% of years of service credited to the person under section 1208.[1]''.

(e) CONFORMING AMENDMENTS RELATING TO RETIRED PAY.—

(1) RECOMPUTATION OF RETIRED PAY TO REFLECT LATER ACTIVE DUTY.—Sections 1402(b) and 1402a(b) of title 10, United States Code, are each amended by inserting ''(as in effect before the effective date of the reform of the

disability retirement system for members of the armed forces (as determined in accordance with section 1206a(c) of this title) or subchapter I of chapter 61 of this title (as in effect after such effective date), as applicable'' after ''chapter 61 of this title''.

(2) RETIRED PAY BASE FOR MEMBERS RETIRED BEFORE SEPTEMBER 8, 1980.—The items in the column in the table in section 1406(b)(1) of such title designated ''For a member entitled to retired pay under section:'' are amended to read as follows:

''1201
1202
1204
1205
1206b
1206c
1206d
1206e''.

(3) RETIRED PAY BASE FOR MEMBERS RETIRED AFTER SEPTEMBER 7, 1980.—Section 1407 of such title is amended—

(A) in subsection (c)—

(i) in paragraph (1), by striking ''other than section 1204 or 1205 or section 12731 of this title'' and inserting ''(other than section 1204, 1205, or 12731 of this title, or section 1206b, 1206c, 1206d, or 1206e of this title for nonregular service)'';

(ii) in paragraph (2), by inserting '', or under section 1206b, 1206c, 1206d, or 1206e of this title for regular service,'' after ''section 1201 or 1202 of this title''; and

(iii) in paragraph (3)—

(I) by striking ''section 1201 or 1202'' and inserting ''section 1201, 1202, 1206b, 1206c, 1206d, or 1206e''; and

(II) by inserting ''or under section 1206b, 1206c, 1206d, or 1206e of this title for nonregular service'' before the period; and

(B) in subsection (d)—

(i) in paragraph (2), by inserting '', or under section 1206b, 1206c, 1206d, or 1206e of this title for nonregular service,'' after ''section 1204 or 1205 of this title''; and

(ii) in paragraph (3), inserting '', or under section 1206, 1206c, 1206d, or 1206e of this title for nonregular service,'' after ''section 1204 or 1205 of this title''.

(4) GRADE ON RETIREMENT FOR PHYSICAL DISABILITY.—Section 1372 of such title is amended—

(A) by striking ''section 1201 or 1204'' and inserting ''section 1201, 1204, 1206b, 1206c, or 1206d''; and

(B) by striking ''section 1202 or 1205'' and inserting ''section 1202, 1205, or 1206e''.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 1702. ELIGIBILITY FOR MEDICAL AND DENTAL CARE OF MEMBERS OF THE ARMED FORCES RETIRED AFTER IMPLEMENTATION OF REFORM OF DISABILITY RETIREMENT SYSTEM.

(a) ELIGIBILITY.—Section 1074(b) of title 10, United States Code, is amended—

(1) in paragraph (1) by striking ''Under joint regulations'' and inserting ''Subject to paragraphs (2) through (5), under joint regulations''; and

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

''(3) A member or former member of the armed forces entitled to retired pay under subchapter II of chapter 61 of this title shall be given medical and dental care in accordance with paragraph (1), subject to the limitations and conditions specified in that paragraph, for a period of three years commencing on the date the member is retired under section 1206d of this title or elects under section 1206b of this title to be retired under that subchapter, as applicable.

''(4)(A) A member or former member of the armed forces described in subparagraph (B) shall be given medical and dental care in accordance with paragraph (1), subject to the limitations and conditions specified in that paragraph.

''(B) A member or former member of the armed forces described in this subparagraph is any member or former member of the armed forces entitled to retired pay under subchapter II of chapter 61 of this title who—

''(i) has at least eight years of service computed under section 1208 of this title;

''(ii) during the three-year period commencing on the date the member is retired under section 1206d of this title, is determined by the Secretary of Veterans Affairs to have a service-connected disability or disabilities rated at 100 percent under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

''(iii) during service in the armed forces—

''(I) suffered a qualifying loss insured under section 1980A of title 38;

''(II) otherwise suffered the permanent loss of use of a hand or foot; or

''(III) received a total replacement of a joint.

''(5)(A) Medical and dental care may also be given in accordance with paragraph (1) to such other members or former members of the armed forces entitled to retired pay under subchapter II of chapter 61 of this title as the Secretary of Defense shall specify in regulations prescribed under this paragraph.

''(B) The provision of medical and dental care under this paragraph shall be subject to the limitations and conditions specified in paragraph (1), except that such charges and fees may be collected in connection with the provision of such care as the Secretary of Defense shall prescribe. In prescribing such charges and fees, the Secretary may specify a range of charges and fees that take into account length of service in the armed forces, nature and degree of severity of service-connected disability, and other factors in such manner as the Secretary considers appropriate for purposes of this paragraph.''.

(b) REPORT ON ELIGIBILITY OF ADDITIONAL RETIRED MEMBERS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The recommendations of the Secretary as to which members and former members of the Armed Forces retired under subchapter II of chapter 61 of title 10, United States Code (as added by section 1701(a) of this Act), and not eligible for medical and dental care under section 1074(b) of title 10, United States Code (as amended by subsection (a)), on a life-time basis should be eligible for such care on a life-time basis.

(2) An assessment by the Secretary of the feasability and advisability of providing eligibility for medical and dental care under section 1704(b) of title 10 United States Code, on a life-time basis to all members and former members of the Armed Forces retired under subchapter II of chapter 61 of title 10, United States Code (as so added).

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 18 at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing to examine Federal declinations to prosecute crimes in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

ORDERS FOR TUESDAY, SEPTEMBER 16, 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, September 16; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; that following morning business, the Senate resume consideration of S. 3001, the National Defense Authorization Act, with no motions to proceed in order prior to the cloture vote; that the cloture vote on the bill occur at 3 p.m., with 30 minutes prior to the vote equally divided and controlled between the two leaders, with the majority leader controlling the final 15 minutes and the filing deadline for second-degree amendments be at noon.

I further ask that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, the managers of the bill continue to work, as I and Senator WARNER have mentioned, through our filed amendments. We are trying to reach agreement. Rollcall votes on amendments are possible prior to the cloture vote, if we reach an agreement tomorrow morning.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Tuesday, September 16, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

EDWIN ECK, OF MONTANA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2013. (REAPPOINTMENT)

WILLIAM E. GRAYSON, OF CALIFORNIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010, VICE NANCY KILLEFER, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

DOUGLAS D. RANDALL, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014. (REAPPOINTMENT)

RAY M. BOWEN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014. (REAPPOINTMENT)

BARRY C. BARISH, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014. (REAPPOINTMENT)

FRANCE A. CORDOVA, OF INDIANA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE JO ANNE VASQUEZ, TERM EXPIRED.

ESIN GULARI, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE DANIEL E. HASTINGS, TERM EXPIRED.

G. P. PETERSON, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE KARL HESS, TERM EXPIRED.

DIANE L. SOUVAINE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE KENNETH M. FORD, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 189:

To be captain

KURT A. SEBASTIAN
GLENN M. SULMASY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

CDR. JOHN J. ARENSTAM
COMMANDER ALAN N. ARSENAULT
COMMANDER CHRISTOPHER E. AUSTIN
COMMANDER STEVEN A. BANKS
COMMANDER BYRON L. BLACK
COMMANDER SCOTT W. BORNEMANN
COMMANDER JOHN L. BRAGAW
COMMANDER GARY L. BRUCE
COMMANDER KEVIN C. BURKE
COMMANDER SEAN M. BURKE
COMMANDER JONATHAN C. BURTON
COMMANDER CHRISTOPHER P. CALHOUN
COMMANDER CHARLES S. CAMP
COMMANDER JAMES CARLSON
COMMANDER MICHAEL P. CAROSOTTO
COMMANDER CHARLES L. CASHIN
COMMANDER WILLIAM L. CHANEY
COMMANDER ERIC P. CHRISTENSEN
COMMANDER CALEB CORSON
COMMANDER DONNA L. COTTRELL
COMMANDER DAVID P. CROWLEY
COMMANDER EDWARD J. CUBANSKI
COMMANDER DONALD E. CULKIN
COMMANDER STEPHEN P. CZERWONKA
COMMANDER PETER N. DECOLA
COMMANDER PAT DEQUATTRO
COMMANDER DAVID M. DERMANELIAN
COMMANDER JOEL D. DOLBECK
COMMANDER WILLIAM M. DRELLING
COMMANDER DAVID S. FISH
COMMANDER JANET R. FLOREY
COMMANDER RICHARD D. FONTANA
COMMANDER JASON A. FOSDICK
COMMANDER RICHARD T. GATLIN
COMMANDER ERIC M. GIESE
COMMANDER AUSTIN J. GOULD
COMMANDER CHARLES M. GREENE
COMMANDER JAMES E. HANZALIK
COMMANDER ROBERT P. HAYES
COMMANDER DAVID C. HAYNES
COMMANDER JOHN A. HEALY
COMMANDER TIMOTHY J. HEITSCH
COMMANDER JOSEPH F. HESTER
COMMANDER GREGORY P. HITCHEN
COMMANDER JAMES D. JENKINS
COMMANDER KELLY L. KACHELE
COMMANDER JOSEPH P. KELLY
COMMANDER WILLIAM R. KELLY
COMMANDER LARRY R. KENNEDY II
COMMANDER MARC P. LEBEAU
COMMANDER ANTHONY S. LLOYD
COMMANDER MICHAEL J. LOPEZ
COMMANDER DAVID W. LUNT
COMMANDER JASON LYUKE
COMMANDER THURMAN T. MAINE
COMMANDER ROBERT T. MCCARTY
COMMANDER PATRICK J. MCGUIRE
COMMANDER BRIAN T. MCTAGUE
COMMANDER CHRISTOPHER J. MEADE
COMMANDER WILLIAM R. MEESE
COMMANDER MICHAEL A. MEGAN
COMMANDER JONATHAN P. MILKEY
COMMANDER JESSE K. MOORE
COMMANDER CAMERON T. NARON
COMMANDER THOMAS G. NELSON
COMMANDER DAVID L. NICHOLS
COMMANDER JOSE A. NIEVES
COMMANDER FRANK R. PARKER
COMMANDER GEORGE E. PELLISSIER
COMMANDER ROBERT D. PHILLIPS
COMMANDER HAL R. PITTS
COMMANDER RUSSELL C. PROCTOR
COMMANDER MARK E. REYNOLDS
COMMANDER CHARLES A. RICHARDS
COMMANDER RICARDO R. RODRIGUEZ
COMMANDER MICHAEL P. RYAN
COMMANDER STEPHEN M. SABELLICO
COMMANDER GREGORY J. SANIAL
COMMANDER JANET E. STEVENS
COMMANDER CYNTHIA L. STOWE
COMMANDER CRAIG S. SWIRBLISS
COMMANDER STEPHEN H. TORPEY
COMMANDER DAVID A. WALKER
COMMANDER MICHAEL F. WHITE
COMMANDER JAMES H. WHITEHEAD
COMMANDER KEITH T. WHITEMAN
COMMANDER MARK J. WILBERT
COMMANDER WILLIAM J. WOLTER
COMMANDER JOHN D. WOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

LIEUTENANT COMMANDER LARA A. ANDERSON
LIEUTENANT COMMANDER SCOTT ANDERSON
LIEUTENANT COMMANDER CHRISTOPHER J. ANDRES
LIEUTENANT COMMANDER ALBERT F. ANTARAN
LIEUTENANT COMMANDER CARISSA C. APRIL
LIEUTENANT COMMANDER PAUL D. ARNETT
LIEUTENANT COMMANDER AREX B. AVANNI
LIEUTENANT COMMANDER DONALD E. BADER
LIEUTENANT COMMANDER PAUL E. BAKER
LIEUTENANT COMMANDER MICHAEL M. BALDING
LIEUTENANT COMMANDER DAVID C. BARATA
LIEUTENANT COMMANDER MICHAEL D. BARNER
LIEUTENANT COMMANDER JERRY R. BARNES
LIEUTENANT COMMANDER RICHARD L. BATES
LIEUTENANT COMMANDER RICHARD E. BATSON
LIEUTENANT COMMANDER LANCE C. BELBEN
LIEUTENANT COMMANDER CHARLES M. BELL
LIEUTENANT COMMANDER MICHAEL A. BILLEAUDEAUX
LIEUTENANT COMMANDER GARY R. BOWEN
LIEUTENANT COMMANDER PETER F. BRADY
LIEUTENANT COMMANDER RONALD E. BRAHM
LIEUTENANT COMMANDER MICHAEL J. BRANDHUBER
LIEUTENANT COMMANDER JOHN A. BRENNER
LIEUTENANT COMMANDER DONALD L. BROWN
LIEUTENANT COMMANDER MARKO BROZ
LIEUTENANT COMMANDER KENNETH R. BRYAN
LIEUTENANT COMMANDER TIMOTHY J. BUCHANAN
LIEUTENANT COMMANDER STEPHEN BURDIAN
LIEUTENANT COMMANDER JAMES D. BURNS
LIEUTENANT COMMANDER MICHAEL E. CAMPBELL
LIEUTENANT COMMANDER SEAN M. CARROLL
LIEUTENANT COMMANDER WILLIAM CARTER
LIEUTENANT COMMANDER ANTHONY J. CERAOLO
LIEUTENANT COMMANDER CHRISTOPHER M. CHASE
LIEUTENANT COMMANDER KURT A. CLARKE
LIEUTENANT COMMANDER LAURA D. COLLINS
LIEUTENANT COMMANDER CHRISTOPHER J. CONLEY
LIEUTENANT COMMANDER DAVID COOPER
LIEUTENANT COMMANDER THOMAS F. COOPER
LIEUTENANT COMMANDER VERNON E. CRAIG
LIEUTENANT COMMANDER SCOTT W. CRAWLEY
LIEUTENANT COMMANDER MICHAEL W. CRIBBS
LIEUTENANT COMMANDER SEAN M. CROSS
LIEUTENANT COMMANDER LUCINDA CUNNINGHAM
LIEUTENANT COMMANDER GREGORY J. CZERWONKA
LIEUTENANT COMMANDER CHRISTEL A. DAHL
LIEUTENANT COMMANDER RUSSELL E. DASH
LIEUTENANT COMMANDER JERRY W. DAVENPORT
LIEUTENANT COMMANDER CHRISTINA M. DAVIDSON
LIEUTENANT COMMANDER MARY M. DEAN
LIEUTENANT COMMANDER DIMITRI A. DELGADO
LIEUTENANT COMMANDER DANIEL J. DEPTULA
LIEUTENANT COMMANDER JOHN C. DETTLEFF
LIEUTENANT COMMANDER DAVID S. DEUEL
LIEUTENANT COMMANDER PASQUALE DIBARI
LIEUTENANT COMMANDER DEREK M. DOSTIE
LIEUTENANT COMMANDER ERIC J. DOUCETTE
LIEUTENANT COMMANDER CHARLENE L. DOWNEY
LIEUTENANT COMMANDER JOHN J. DRISCOLL
LIEUTENANT COMMANDER JOSEPH S. DUFRESNE
LIEUTENANT COMMANDER JOSEPH A. DUGAN
LIEUTENANT COMMANDER PATRICK J. DUGAN
LIEUTENANT COMMANDER KATHRYN C. DUNBAR
LIEUTENANT COMMANDER JAMES E. DUNNE
LIEUTENANT COMMANDER JOHN C. DURBIN
LIEUTENANT COMMANDER LAWRENCE K. ELLIS
LIEUTENANT COMMANDER ANDREW W. ERIKS
LIEUTENANT COMMANDER JAMES P. ESPINO
LIEUTENANT COMMANDER JAMES C. ESTRAMONTE
LIEUTENANT COMMANDER MATTHEW J. FAY
LIEUTENANT COMMANDER SAMUEL D. FORBES
LIEUTENANT COMMANDER GREGORY T. FULLER
LIEUTENANT COMMANDER GEORGE D. GANOUNG
LIEUTENANT COMMANDER RICHARD J. GAY
LIEUTENANT COMMANDER DAVID D. GEFELL
LIEUTENANT COMMANDER OWEN L. GIBBONS
LIEUTENANT COMMANDER BRIAN C. GLANDER
LIEUTENANT COMMANDER CHRISTIAN J. GLANDER
LIEUTENANT COMMANDER JEFFREY W. GOOD
LIEUTENANT COMMANDER DOUGLAS D. GOODWIN
LIEUTENANT COMMANDER YURI V. GRAVES
LIEUTENANT COMMANDER JOHN P. GREGG
LIEUTENANT COMMANDER RYAN K. GRIFFIN
LIEUTENANT COMMANDER JOHN HALL
LIEUTENANT COMMANDER RICHARD W. HANCOCK
LIEUTENANT COMMANDER HEATHER W. HANSON
LIEUTENANT COMMANDER RANDAL A. HARTNETT
LIEUTENANT COMMANDER TIMOTHY L. HAWS
LIEUTENANT COMMANDER JONATHAN HICKEY
LIEUTENANT COMMANDER JOSEPH P. HIGGINS
LIEUTENANT COMMANDER JOHN L. HOLLINGSWORTH
LIEUTENANT COMMANDER RUSSELL E. HOLMES
LIEUTENANT COMMANDER TROY A. HOSMER
LIEUTENANT COMMANDER JAMES P. HOUCK
LIEUTENANT COMMANDER EVAN D. HUDSPETH
LIEUTENANT COMMANDER JOSEPH P. HUMBERT
LIEUTENANT COMMANDER DAVID A. HUSTED
LIEUTENANT COMMANDER WILLIAMSTUART W. IRWIN
LIEUTENANT COMMANDER LAMAR V. JOHNSON
LIEUTENANT COMMANDER KAREN JONES
LIEUTENANT COMMANDER KEVIN M. JONES
LIEUTENANT COMMANDER STEPHEN D. JUTRAS
LIEUTENANT COMMANDER THOMAS J. KAMINSKI
LIEUTENANT COMMANDER CHRISTOPHER R. KAPLAN
LIEUTENANT COMMANDER BRIAN P. KEFFER
LIEUTENANT COMMANDER ELIZABETH F. KEISTER
LIEUTENANT COMMANDER ROBERT S. KEISTER
LIEUTENANT COMMANDER SCOTT A. KEISTER
LIEUTENANT COMMANDER SCOTT J. KELLY
LIEUTENANT COMMANDER JOHN W. KENNEDY
LIEUTENANT COMMANDER BRENDEN J. KETTNER
LIEUTENANT COMMANDER SCOTT H. KIM
LIEUTENANT COMMANDER KEVIN M. KING
LIEUTENANT COMMANDER ERICH F. KLEIN
LIEUTENANT COMMANDER JADON E. KLOPSON
LIEUTENANT COMMANDER MARC W. KNOWLTON
LIEUTENANT COMMANDER BRIAN K. KOSHULSKY
LIEUTENANT COMMANDER HEATHER M. KOSTECKI
LIEUTENANT COMMANDER GEORGE E. KOVATCH
LIEUTENANT COMMANDER JOSEPH E. KRAMEK
LIEUTENANT COMMANDER PATRICIA T. KUTCH
LIEUTENANT COMMANDER SHERMAN M. LACEY
LIEUTENANT COMMANDER ROBERT J. LANDOLFI
LIEUTENANT COMMANDER CHASE R. LANDON
LIEUTENANT COMMANDER EDWARD J. LANE
LIEUTENANT COMMANDER SCOTT E. LANGUM
LIEUTENANT COMMANDER KEITH H. LAPLANT
LIEUTENANT COMMANDER RAYMOND J. LECHNER
LIEUTENANT COMMANDER BRANDON W. LECHTHALER
LIEUTENANT COMMANDER MICHAEL R. LEONGUERRERO
LIEUTENANT COMMANDER DOUGLAS LIESS
LIEUTENANT COMMANDER TODD R. LIGHTLE
LIEUTENANT COMMANDER THOMAS C. LINKE
LIEUTENANT COMMANDER JOSEPH B. LORING
LIEUTENANT COMMANDER STEVEN B. LOWE
LIEUTENANT COMMANDER KRISTI M. LUTTRELL
LIEUTENANT COMMANDER TUNG T. LY
LIEUTENANT COMMANDER PATRICK J. MACK
LIEUTENANT COMMANDER GREGORY H. MAGEE
LIEUTENANT COMMANDER JAY E. MAIN
LIEUTENANT COMMANDER WILLIAM J. MAKELL
LIEUTENANT COMMANDER RYAN D. MANNING
LIEUTENANT COMMANDER PAUL T. MARKLAND
LIEUTENANT COMMANDER AUGUST T. MARTIN
LIEUTENANT COMMANDER SCOTT P. MASON
LIEUTENANT COMMANDER DERRICK T. MASTERS
LIEUTENANT COMMANDER STEVEN P. MCGEE
LIEUTENANT COMMANDER MICHAEL C. MCKEAN
LIEUTENANT COMMANDER JOSHUA D. MCTAGGART
LIEUTENANT COMMANDER CARL R. MESSALLE
LIEUTENANT COMMANDER FRANCES M. MESSALLE
LIEUTENANT COMMANDER THOMAS S. MEYER
LIEUTENANT COMMANDER CHARLES D. MILLER
LIEUTENANT COMMANDER ERIC J. MILLER
LIEUTENANT COMMANDER KEVIN W. MOHR
LIEUTENANT COMMANDER MARK G. MOLAND
LIEUTENANT COMMANDER SHANE D. MONTOYA
LIEUTENANT COMMANDER THOMAS S. MORKAN
LIEUTENANT COMMANDER KENNETH M. MOSER
LIEUTENANT COMMANDER HOLLY L. NAJARIAN
LIEUTENANT COMMANDER PATRICK S. NELSON
LIEUTENANT COMMANDER JAMES E. NOE
LIEUTENANT COMMANDER ROBERT R. OATMAN
LIEUTENANT COMMANDER RONALD PAILLIOTET
LIEUTENANT COMMANDER MATTHEW F. PERCIAK
LIEUTENANT COMMANDER DANIEL PICKLES
LIEUTENANT COMMANDER MICHAEL F. PIERSON
LIEUTENANT COMMANDER JOSEPH PONSETI
LIEUTENANT COMMANDER JOHN L. PRIEBE
LIEUTENANT COMMANDER JOHN W. PRUITT
LIEUTENANT COMMANDER JEFFREY K. RANDALL
LIEUTENANT COMMANDER JOHN W. REED
LIEUTENANT COMMANDER PATRICK S. REILLY
LIEUTENANT COMMANDER THOMAS C. REMMERS
LIEUTENANT COMMANDER JOSHUA D. REYNOLDS
LIEUTENANT COMMANDER RODD M. RICKLEFS
LIEUTENANT COMMANDER JOHN G. RIVERS
LIEUTENANT COMMANDER SCOTT M. ROGERS
LIEUTENANT COMMANDER LUIS M. ROLDAN
LIEUTENANT COMMANDER STANLEY T. ROMANOWICZ
LIEUTENANT COMMANDER CONNIE M. ROOKE
LIEUTENANT COMMANDER ERIC W. RUBIO
LIEUTENANT COMMANDER SEAN P. RYAN
LIEUTENANT COMMANDER MICHAEL K. SAMS

LIEUTENANT COMMANDER DAVID W. SAUNDERS
LIEUTENANT COMMANDER PATRICK C. SCHREIBER
LIEUTENANT COMMANDER RICHARD J. SCHULTZ
LIEUTENANT COMMANDER JERROLD N. SGOBBO
LIEUTENANT COMMANDER PATRICK J. SHAW
LIEUTENANT COMMANDER EDWARD B. SHEPPARD
LIEUTENANT COMMANDER DOUGLAS C. SIMPSON
LIEUTENANT COMMANDER STEVEN P. SIMPSON
LIEUTENANT COMMANDER VINCENT J. SKWAREK
LIEUTENANT COMMANDER DAVID V. SMITH
LIEUTENANT COMMANDER KYLE J. SMITH
LIEUTENANT COMMANDER NEVADA A. SMITH
LIEUTENANT COMMANDER MICHAEL S. STEWART
LIEUTENANT COMMANDER PAUL M. STOCKLIN
LIEUTENANT COMMANDER CHRISTOPHER A. STRONG
LIEUTENANT COMMANDER THOMAS J. STUHLREYER
LIEUTENANT COMMANDER PAUL D. STUKUS
LIEUTENANT COMMANDER LINDA A. STURGIS
LIEUTENANT COMMANDER CURTIS L. SUMROK
LIEUTENANT COMMANDER JOSEPH SUNDLAND
LIEUTENANT COMMANDER RICHARD T. SUNDLAND
LIEUTENANT COMMANDER JAMES P. SUTTON
LIEUTENANT COMMANDER TOBIAH T. TAYLOR
LIEUTENANT COMMANDER LAURA J. THOMPSON
LIEUTENANT COMMANDER GREGORY TLAPA
LIEUTENANT COMMANDER SHAWN C. TRIPP
LIEUTENANT COMMANDER TROY J. VEST
LIEUTENANT COMMANDER KURTIS L. VIRKAITIS
LIEUTENANT COMMANDER MARK VISLAY
LIEUTENANT COMMANDER MARK R. VLAUN
LIEUTENANT COMMANDER DANIEL P. WALSH
LIEUTENANT COMMANDER THOMAS F. WALSH
LIEUTENANT COMMANDER JUSTIN H. WARD
LIEUTENANT COMMANDER ADAM R. WASSERMAN
LIEUTENANT COMMANDER AARON E. WATERS
LIEUTENANT COMMANDER SCOTT J. WEAVER
LIEUTENANT COMMANDER CHRISTOPHER S. WEBB
LIEUTENANT COMMANDER BLAKE E. WELBORN
LIEUTENANT COMMANDER ADRIAN L. WEST
LIEUTENANT COMMANDER RICHARD J. WESTER
LIEUTENANT COMMANDER TIMOTHY J. WHALEN
LIEUTENANT COMMANDER STEVEN A. WHEELER
LIEUTENANT COMMANDER STEPHEN R. WHITE
LIEUTENANT COMMANDER STEVEN D. WHITEHEAD
LIEUTENANT COMMANDER CRAIG J. WIESCHHORSTER
LIEUTENANT COMMANDER DAVID S. WILHELM
LIEUTENANT COMMANDER HARRY L. WILSON
LIEUTENANT COMMANDER NEIL A. WILSON
LIEUTENANT COMMANDER DONALD L. WINFIELD
LIEUTENANT COMMANDER CHRISTOPHER T. WOODLE
LIEUTENANT COMMANDER HOWARD H. WRIGHT
LIEUTENANT COMMANDER JEFFREY V. YAROSH
LIEUTENANT COMMANDER JAMES R. YOUNG
LIEUTENANT COMMANDER DANIEL L. YOUNGBERG
LIEUTENANT COMMANDER CHERIAN ZACHARIAH
LIEUTENANT COMMANDER MICHAEL S. ZIDIK
LIEUTENANT COMMANDER CHRISTOPHER H. ZORMAN

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL GARRY C. DEAN
BRIGADIER GENERAL STEVEN R. DOOHEN
BRIGADIER GENERAL DONALD E. FICK
BRIGADIER GENERAL KATHLEEN E. FICK
BRIGADIER GENERAL LINDA K. MCTAGUE
BRIGADIER GENERAL ALAN W. PALMER
BRIGADIER GENERAL CHARLES E. TUCKER, JR.
BRIGADIER GENERAL JANNETTE YOUNG

To be brigadier general

COLONEL JOHN D. BLEDSOE, JR.
COLONEL BREWSTER S. BUTTERS
COLONEL CHARLES E. FOSTER, JR.
COLONEL MARK R. KRAUS
COLONEL CATHERINE S. LUTZ
COLONEL JOSEPH K. MARTIN, JR.
COLONEL JAY M. PEARSALL
COLONEL JAMES W. SCHROEDER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ALAN S. THOMPSON

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN J. ABBATIELLO
KENNETH F. ABEL
DALE R. ADDINGTON
MICHAEL A. ADDISON, JR.
REX E. ADEE
ROY A. AGUSTIN
ALEE R. ALI
MATTHEW G. ANDERER
WILLIAM D. ANDERSEN
ALBERT J. ANDERSON
BRUCE P. ANDERSON
TIMOTHY M. APPLEGATE
CHRISTOPHER L. ATTEBERRY
ERIC AXELBANK
DAVID S. BABYAK
KENNETH W. BACKES
MARK A. BAIRD
MATTHEW C. BAKER
REGIS J. BALDAUFF
DAVID D. BALDESSARI
DARWYN O. BANKS
GEORGE A. BARBER, JR.
FRANCESCA BARTHOLOMEW
MICHAEL J. BAUER
TONY D. BAUERNFEIND
LONNY E. BEAL
ROBERT D. BECKEL, JR.
VINCENT K. BECKLUND
DAVID T. BECKWITH
MARK BEDNAR
MARY A. BEHNE
CAROLYN A. BENYSHEK
CRAIG N. BERG
MITCH L. BERGER
WILLIE A. BERGES
JAMES B. BERRY
LAURA W. BERRY
WILLIAM A. BERRY
JAY R. BICKLEY
BRENT D. BIGGER
DANIEL J. BIRRENKOTT
DARREN L. BISHOP
DAVID P. BLANKS
STEVEN J. BLEYMAIER
DAVID W. BLIESNER
SONNY P. BLINKINSOP
PETER J. BLOOM
ROBERT S. BLUE
CRAIG L. BOMBERG
KEITH P. BOONE
LINDSEY J. BORG
KEITH M. BOYER
MATTHEW C. BRAND
BRAD A. BREDENKAMP
CYNTHIA A. BROWN
EDWARD R. BROWN
ELIZABETH A. BROWN
ERIC D. BROWN
JEFFREY D. BROWN
JEFFREY G. BROWN
STEPHEN E. BROWN
STEPHEN M. BROWNING
JAY E. BRUHL
LAWRENCE A. BRUNDIDGE
ARCHIBALD E. BRUNS
RANDALL D. BURKE
ALAN R. BURKET
ROLANDA BURNETT
MICHAEL R. BURTON
ANGELA M. CADWELL
DEBORAH A. CAFARELLI
SCOTT E. CAINE
PAUL M. CALTAGIRONE
RUSSELL G. CARRIKER
JAY A. CARROLL
MARTIN A. CHAPIN
BRADY C. CHEEK
JULIAN M. CHESNUTT
GREGORY S. CLAWSON
MICHELLE M. CLAYS
ROBERT V. CLEWIS
STEPHEN D. CLUTTER
GEORGE A. COGGINS
CHRISTOPHER J. COHOES
MARK A. COLBERT
ROFTIEL CONSTANTINE
RICHARD H. CONVERSE
DOUGLAS E. COOL
GARY L. COOPER II
THEODORE A. CORALLO
ROBERT COSTA
RONALD C. COURNOYER
DANIEL J. COURTOIS
JEFFREY L. COWAN
JAMES H. CRAFT
KENNETH B. CRAIB, JR.
CHRISTOPHER E. CRAIGE
ANDREW A. CROFT
JAMES P. CUMMINGS
HENRY L. CYR
DAVID W. CZZOWITZ
DAVID H. DAHL
PETER J. DAHLIN
KENNETH J. DALFONSO
JOHN V. DALLIN III
MARK S. DANIGOLE
PHILIPPE R. DARCY
MICHAEL J. DARGENIO
KELLIE L. DAVILAMARTINEZ
JAMES A. DAVIS
RICKY A. DAVIS
ROBERT R. DAVIS
SCOTT E. DECKER
FREDERICK DEFRANZA
MARK D. DELONG
NICHOLAS J. DEMARCO
JASON J. DENNEY
JOSEPH B. DENNIS
ANGEL A. DIAZ
MARK S. DIERLAM
TODD A. DIERLAM
KEVIN D. DIXON
RHEA E. DOBSON
BRIAN P. DONAHOO
RICHARD E. DONNELLY
JIMMY D. DONOHUE
ANTONIO T. DOUGLAS
ROBERT A. DOUGLAS
GLEN R. DOWNING
DONALD R. DRECHSLER
WILLIAM D. DRIES, JR.
DANIEL A. DRISCOLL
JOHN F. DROHAN
KENNETH E. DUCK
BRIAN P. DUFFY
PATRICK A. DUNN
STEVEN A. DUTKUS, SR.
JAMES P. DUTTON
DUNCAN A. DVERSDALL
MICHAEL J. DWYER
KARL E. EAGER
ROBERT M. EATMAN
PAUL B. EBERHART
JAMES R. ECHOLS
JAMES K. ECK
ROBERT H. EDMONDSON
ROBERT S. EHLERS, JR.
MARK H. EICHIN
GEOFFREY S. ELLAZAR, JR.
WILLIAM A. ELLIS
SCOTT A. ENOLD
MARK A. ERICKSON
TIMOTHY A. FARRELL
RUSSELL D. FELLERS
TIMOTHY J. FENNELL
MICHAEL A. FERRIS
MICHAEL FINN II
CHARLES E. FIQUETT
LEE A. FLINT III
MARK E. FLUKER
MYRON K. FORTSON
JACKSON L. FOX
SCOTT M. FOX
CHAD P. FRANKS
FRANK FREEMAN III
THOMAS FRENCH
JOSEPH P. FRIERS
CHRIS T. FROEHLICH
WALTER J. FULDA
MICHAEL W. GAAL
RICHARD K. GANNON
JOAN H. GARBUTT
ROBERT A. GARLAND, JR.
CHRISTOPHER A. GARRETT
JAMES A. GARRETT
WILLIAM B. GAUTIER
SCOT B. GERE
CAROL C. GIACHETTI
DARREN P. GIBBS
DAVID J. GIBSON
ALEXANDER V. GICZY
KEVIN B. GLENN
PAUL D. GLOYD
DONAVAN E. GODIER
DAVID B. GOLDSTEIN
GERALD V. GOODFELLOW
ANNE L. GORNEY
GLENN L. GRAHAM
PHILIP T. GRECO
SANDRA M. GREGORY
DANIEL T. GRILLONE
MARY E. GRISWOLD
STEVEN M. GRISWOLD
RONALD L. GROVE
JON E. GULLETT
MATTHEW E. HABER
MICHAEL W. HAFER
CLAY W. HALL
TIMOTHY J. HALL
DANIEL B. HANCOCK
ELIGAH HANKS, JR.
HUGH J. HANLON
TIMOTHY S. HANNUS
DARREN T. HANSEN
JOHN M. HANSEN
RALPH S. HANSEN
PHILLIP C. HARDING III
JAMES W. HARDY
LESLIE L. HARGETT
LORING C. HARKEY
CHRISTOPHER D. HARNESS
SEAN P. HARRINGTON
STEPHEN L. HART
MARK C. HARYSCH
STACEY T. HAWKINS
KIM D. HAWTHORNE
BRADLEY F. HAYWORTH
BARBARA J. HEINLEIN
ROBERT D. HELGESON
JAY B. HELMING
TIM V. HENKE
BRIAN G. HERMANN
ROBERT M. HESSIN
JAMES R. HETHERINGTON
DAVID W. HICKS
KEVIN R. HIGHFIELD
CHRISTOPHER D. HILL
JAMES C. HODGES
LAWRENCE M. HOFFMAN
JOHN J. HOKAJ
DALE A. HOLLAND
STEVEN L. HOPKINS
RICHARD H. HOUGHTON
EDDIE R. HOWARD
RUSSELL R. HULA

LINDA S. HURRY
MICHAEL T. IMBUS
GARY K. INGHAM
WALTER L. ISENHOUR
THOMAS E. JACKSON
DARREN V. JAMES
MARC S. JAMISON
DOUGLAS W. JAQUISH
CHARLENE D. JEFFERSON
WILLIAM P. JENSEN
BARRY K. JOHNSON
BRIAN D. JOHNSON
CLARENCE JOHNSON, JR.
TATE A. JOHNSON
JACQUELINE H. JONES
SHANNON D. JURRENS
MICHAEL B. KATKA
THOMAS J. KAUTH
LORETTA A. KELEMEN
JEFFREY W. KELLY
THOMAS J. KENNEY
JAMES R. KING, JR.
NEDIM KIRIMCA
BRIAN W. KIRKWOOD
KENNETH S. KLEIN
MARK R. KLING
MATTHEW A. KMON
TAMMY M. KNIERIM
MALLORY P. KNIGHT
JEFFRY D. KNIPPEL
JOHN B. KNOWLES
ALAN L. KOLLIEN
ANNE M. KONNATH
HOWARD N. KOSHT
DANIEL A. KOSIN
JAMES F. KOTT
GEORGE J. KRAKIE
KEVIN C. KRAUSE
KYLE J. KREMER
JEFFREY B. KROMER
SHANNON E. KRUSE
PAUL M. KUCHAREK
PATRICK T. KUMASHIRO
SUZANNE S. KUMASHIRO
SHIAONUNG D. KUO
FRANK J. KUSKA
BRUCE A. LACHARITE
HENRI C. LAMBERT
PETER J. LAMBERT
GEORGE H. LAMONT
TODD R. LANCASTER
ALFONSO A. LAPUMA
PATIENCE C. LARKIN
GLEN K. LAWSON
KELLY A. LAWSON
RANDOLPH S. LAWSON
RICHARD C. LEATHERMAN
JEANNIE M. LEAVITT
RICHARD D. LEBLANC
MICHAEL A. LECLAIR
STEVEN W. LEGRAND
WILLIAM S. LEISTER
DEBORAH J. LIDDICK
WILLIAM J. LIQUORI, JR.
VINCENT J. LOSTETTER, JR.
MARK C. LUCHS
CHRISTOPHER J. LUEDTKE
DAVID A. LUJAN
STUART A. LUM
JEFFREY MACEACHRON
MICHAEL N. MALOY
BRYAN S. MANES
HOLLY R. MANGUM
ROBERT W. MANN
TIMOTHY J. MANNING
THOMAS A. MARKLAND
BRENT P. MARKOWSKI
THOMAS A. MAROCCHINI
JAMES A. MARSHALL
COREY J. MARTIN
DAVID A. MARTINSON
DAVID W. MARTTALA
MICHAEL L. MASON
RODNEY M. MASON
BYRON P. MATHEWSON
MARK J. MATSUSHIMA
RICHARD W. MATTON, JR.
RANDY A. MAULDIN
PAUL J. MCANENY
DAVID C. MCCORMICK
TODD G. MCCREADY
ERICK D. MCCROSKEY
MICHAEL B. MCDANIEL
JOHN P. MCDONNELL
EUGENE L. MCFEELY
GAY M. MCGILLIS
STACY S. MCNUTT
TRACEY M. MECK
ROBERT C. MENARD
TAL W. METZGAR
MICHAEL B. MEYER
RAYMONE G. MIJARES
SAMUEL P. MILAM
JOHN C. MILLARD
STEPHEN R. MILLER
TOM D. MILLER
RICKY L. MILLIGAN
ROBERT M. MONARCH
MICHAEL G. MONSON
HUMBERTO E. MORALES
ALBERTO MORENOBONET
CHRISTINA M. MORRIS
MARK R. MORRIS
PATRICK L. MORROW
SCOTT E. MOSER
JOHN C. MOSS
SCOTT F. MURRAY
CHARLES H. MYERS
GREGORY A. MYERS
MICHAEL L. MYERS
NICHOLAS S. MYERS, JR.
DAVID S. NAHOM
MICHAEL F. NAHORNIAK
LOWELL A. NELSON
RICHARD S. NELSON
WILLIAM J. NELSON
BRIAN M. NEWBERRY
WILLIAM S. NICHOLS
WESLEY S. NORRIS
MICHAEL J. NOVOTNY
STEPHEN D. OCONNOR
RAYMOND P. OMARA
DANIEL J. ORCUTT
JOHN L. PARKER
JOHN C. PASCHALL
ERIC J. PAYNE
JOHN G. PAYNE
RICHARD E. PEARCY
SHAWN D. PEDERSON
MICHAEL E. PEET
CLAYTON B. PERCE
RONALD L. PERRILLOUX
STEPHEN D. PETTERS
TIMOTHY J. PFEIFER
WILLIAM E. PINTER
CHRISTOPHER E. PLAMP
FRANZ M. PLESCHA
JOHN E. POAST III
ADRIAN C. PONE
RICHARD T. POORE, JR.
TODD J. POSPISIL
OM PRAKASH II
JOHN C. PRATER
ARTHUR C. PRICE
MYLAND E. PRIDE
JAMES A. PRYOR
JEANNA L. PRYOR
CLIFFORD T. PUCKETT
GEORGE R. PULLIAM
JOHN R. QUATTRONE
DONALD REESE
DAMON R. REYNOLDS
CARLOS F. RICE
LISA D. RICHTER
EDWARD J. RIMBACK
LLOYD E. RINGGOLD, JR.
CHRISTOPHE F. ROACH
GREGORY D. ROBERTS
WILLIAM B. ROBEY
AARON N. ROBINSON
BRIAN S. ROBINSON
GEORGE M. ROGERS
PAUL J. ROGERSON
JENNIFER L. ROOKE
DARLENE M. ROQUEMORE
JOHN J. ROSCOE
ROBERT W. ROTH
RICKY N. RUPP
MARK A. RUSE
BRADLEY C. SALTZMAN
DARLENE M. SANDERS
DERREK D. SANKS
DEXTER M. SAPINOSO
THOMAS P. SCHADEGG
DONALD M. SCHAUBER, JR.
LYNN I. SCHEEL
JON SCHILDER
SUSAN B. SCHLACTER
MICHAEL J. SCHMIDT
DAVID M. SCHROEDER
TIMOTHY P. SCHULTZ
JEFFREY K. SCHWEFLER
JEFFERY C. SCOTT
JAMES R. SEARS, JR.
KENNETH C. SERSUN
SHAWN P. SHANLEY
SCOTT D. SHAPIRO
ANTHONY C. SHAW
JEFFREY A. SHEPPARD
JOHN R. SHIELDS
CHRISTOPHER M. SHORT
HOWARD A. SHRUM III
ERIC SILKOWSKI
FRANK W. SIMCOX IV
KEVIN H. SIMMONS
TIMOTHY J. SIPES
LYNDEN P. SKINNER
THOMAS J. SKROCKI
DENETTE L. SLEETH
JEFFREY J. SMITH
KENNETH P. SMITH
KIRK W. SMITH
MATTHEW N. SMITH
ROBERT J. SMITH, JR.
RYAN J. SMITH
STELLA T. SMITH
DONALD A. SNYDER
INEZ A. SOOKMA
CRAIG A. SOUZA
JENNIFER L. SPEARS
LANCE H. SPENCER
CHRISTOPHER V. STAFFORD
STANLEY STAFIRA
DARRYL L. STANKEVITZ
ROBERT W. STANLEY II
JAMES M. STARLING
STEVEN H. STATER
THOMAS M. STEELE
CHAD M. STEVENSON
TROY R. STONE
MICHAEL K. STOWERS
BRAD M. SULLIVAN
DAVID M. SULLIVAN
WILLIAM C. SUMMERS
GERALD A. SWIFT
RAYMOND A. SWOGGER
MICHAEL F. TARLTON
PATRICK W. TAYLOR
RODNEY L. TAYLOR
SCOTT J. TEW
ANTHONY J. THOMAS
EDWARD W. THOMAS, JR.
ANDREW J. THURLING
MICHAEL A. TICHENOR
MICHAEL J. TILLEMA
LESA K. TOLER
JOHN S. TOMJACK
RAYMOND G. TOTH
TIMOTHY J. TRAUB, JR.
TROY A. VANBEMMELEN
STEPHEN S. VANDERHOOF
CURT A. VANDEWALLE
ALVIN M. VANN, JR.
GLENN M. VAUGHAN
BRIAN T. VAUGHN
THOMAS A. VENTRIGLIA
PATRICK H. VETTER
STEVEN A. VLASAK
RANDALL L. VOGEL
MARK K. WAITE
JON W. WALKER
WARD A. WALKER
MICHAEL S. WASSON
ERIC E. WATKINS
CHRISTIAN G. WATT
JAMES L. WEINGARTNER
PAUL A. WELCH
RORY D. WELCH
STEVEN M. WELD
DERON L. WENDT
JOHN E. WEST, JR.
WILLIAM P. WEST
NATHAN T. WHITE
RANDALL G. WHITE
JOHN A. WILLIAMS
MARK C. WILLIAMS
STEPHEN C. WILLIAMS
HAROLD L. WILSON
DONALD W. WINGATE, JR.
ANNE M. WINKLER
JOHN S. WINSTEAD
DANNY R. WOLF
KENTON T. WOOD
PAUL R. WOOD
WILLIAM A. WOODCOCK
TIMOTHY A. WOODS
COLIN J. WRIGHT
DAVID C. WRIGHT
JEFFREY S. YOCUM
PAUL A. ZAVISLAK, JR.
MICHAEL P. ZICK
TIMOTHY A. ZOERLEIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHELLE T. AARON
HEATHER M. ALEXANDER
JAN M. ALLEN
OLUWANISHOLA ASENUGA
ANOOP K. ATTREYA
JAMES A. BENJACK
SUSAN L. BLACK
SUSAN B. BOWES
STEVEN P. CLANCY
DANNY E. ERVIN
GLEN S. FISHER
CRAIG H. FORCUM
NORMAN C. FOX
TIMOTHY S. GARTEN
PHILIP E. GOFF
JANETTE B. GOODMAN
DOUGLAS G. HARPER
BETH B. HARRISON
DANIEL J. HESER
WILLIAM C. ISLER III
JOHN H. JORGENSEN
MICHELLE R. KASTLER
DAWN KESSLERWALKER
DAVID J. KUCH
JOHN F. LECKIE
PAMELA A. LUCAS
PETER H. MASON
TERRY R. MATHEWS
RANDY P. MCCALIP
THERESA J. MEDINA
JOHN F. MILESKI
MIRIAM MONTES
BRIAN E. MOORE
COREY J. MUNRO
JASON P. NOLZ
PATRICK S. OMAILLE
DARRIN K. OTT
JAMES W. PANK

WANDA L. PARHAMBRUCE
CHRISTOPHER I. PATRICK
TERESA K. ROBERTS
ROBERT A. RODGERS
DAVID N. SCHAAF
MONICA U. SELENT
LYNN M. SHINABERY
CHU H. SOH
KATHY C. TAYLOR
MITZI D. THOMASLAWSON
JUAN I. UBIERA, JR.
TRISHA K. VORACHEK
DAWN L. WERNER
DANA L. WHELAN
KIRK P. WINGER
DIRK P. YAMAMOTO
CHRISTINA D. ZOTTO
JULIE F. ZWIES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ELAINE M. ALEXA
STEPHANIE P. ALLISON
RICHARD Y. BAIRD
FRANCES M. BARTZ
JAMES C. BELCHER II
TERENCE G. BENSON, JR.
ALLAN E. BIGTAS, JR.
JON E. BLACK
DOUGLAS J. BLOCK
TIMOTHY J. BONJOUR
BRYAN D. BONZO
GOLDIE R. BOONE
SHANNON L. BRANTLEY
COLIN M. BURCHFIELD
CHARLENE M. BURRELLWHITE
LARA L. BUSH
ANTHONY J. CAGLE
JENNIFER R. CAREY
JOHN F. CARGIOLI
RICHARD C. CASABAR
BRANDON N. CHRISTENSEN
NICOLE E. CIONI
KRYSTYN R. CLARK
JEFFREY S. COLLINS
ERICKA A. COMER
PAUL M. CONROY
HJALMAR CONTRERAS
MICHAEL J. CURTIN
KELLY L. CZEISZPERGER
CHRISTOPHER D. DADIVAS
JON K. EHRENFRIED
CARL S. ERICKSON
ANGELICA M. ESCALONA
RICHARD C. EVORS
FORREST T. FORNASH, JR.
DONNA J. FOX
NICOLE M. FULLER
PATRICIA B. GARCIA
NICOLE D. GARRIS
DAVID R. GILLIAM, JR.
JULIE M. GORDONSMITH
STEVEN B. GRAVES
MIRANDA L. HANCOCK
BENJAMIN R. HANDO
ELAINE HARRIS
NGY S. HENG
LORI E. HENRICHS
KEISHA D. HENRY
ROWENA G. HIBLER
PAUL T. HOPPER
TIMOTHY D. HOULE
JESSICA D. HUGHES
WILLIAM D. INGRAM
TARA M. JAYNE
EDWARD R. KELLY
PAUL A. KEOWN
CHRISTOPHER J. KIESOW
WESLEY T. KINERK
JAMES C. KISNER, JR.
JAY S. KOST
JEANE M. LAMBRECHT
BRIAN J. LANGFORD
JOHNATHAN C. LATIMER
COURTNEY M. LEE
DENISE M. LENNON
SUE L. LITTLEJOHN
FE LOBOMENENDEZ
MARCOS J. LOPEZ
THOMAS J. MALLEY
LINDA K. MARTILLA
JUSTIN L. MARTIN
SCOTT L. MAYNARD
MARK T. MCELROY
ARTHUR L. MILLER
NORA M. MONNETT
DAVID B. OERTLI
MELISSA H. PREVO
CRYSTAL E. PRICE
STEVEN D. RAU
BRANDI A. RITTER
MARY G. ROJAS
JANET P. RUDDERHAM
MICHAEL J. RUTTER
MELINDA D. SAMS
JEREMIAH Y. SAMSON
STEVEN M. SCHMIDT
CHRISTOPHER R. SEAMAN
ERIC F. SEVERSON
JANICE M. SHELLEY
PETER G. SHERMAN
GREGOR G. SIEBERT
SHAWN V. SIMA
STEPHEN C. SIMPSON
MICHAEL A. SKINNER
RICHARD D. SOTO
DENNIS L. SPENCER
ERIC W. STEPHAN
RANDALL L. STEVENS
STEPHANIE A. STICHERT
JADE N. TEXCELL
JUSTIN L. THEISS
GEORGETTE A. TREZVANT
OLEG P. VORONIN
LEE A. WARLICK
MARIA C. WEST
BARRY T. WHITE, JR.
ROBERT N. WILLIAMS
CHARLES B. WINDFELDER, JR.
DENNIS C. WOOTEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

NICOLA S. ADAMS
PRUDENCE R. ANDERSON
TERESA L. BABAKAN
WENDY J. BEAL
IWONA E. BLACKLEDGE
STEPHANIE J. BUFFETT
CAROLYN K. CALVIN
MARCIA R. CANNONIER
LINDA M. CASSAVOY
TONIA J. DAWSON
VIVIAN P. DENNIS
KELLY M. DUFFEK
GRETCHEN J. ENGLAND
REBEKAH F. FRIDAY
COLLEEN M. FROHLING
BETH A. GAMBILL
TESFAY K. GSELASSIE
PATTY HARRISPERKINS
VIRGINIA M. JOHNSON
MARLENE M. KERCHENSKI
BRENDA J. KOIRO
REBECCA L. LEHR
GWENDOLYN A. LOCHT
TERRI S. LOMENICK
KELLI T. LORENZO
CHRISTINE R. LOWERY
KATHERINE M. LOWRY
JACQUELINE L. MACK
MARTIN J. MCGEE
DEBRA J. MCKITRICK
CAROL F. NELSON
KAREN M. OCONNELL
REGINA R. PADEN
ERIN L. PETERSON
KEVIN S. POITINGER
KATRINA M. POOLE
STEVEN L. POPE
CYNTHIA J. ROBISON
YOLANDA ROGERS
MICHAEL H. ROSS
FRANCIS SCHLOSSER
DENISE E. SEWELL
ELIZABETH C. SHAW
PAIRIN SKAGGS
KEITH R. SMITH
JENNIFER L. SNYDER
JUDY D. STOLTMANN
JACQUELINE D. THOMAS
LESA R. TILLEY
BRIAN G. TODD
BRENDA I. WATERS
MELISSA R. WELLS
CHARLES T. WHEELER
BERNICE J. WILDER
NNEKA C. WILLIAMS
TAMBRA L. YATES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JADE A. ALOTA
JOY M. ANDERSON
BRIAN R. BAKER
TERRY V. BATES
MARIA J. BELMONTE
JANICE L. BERTI
STEVEN R. BLEVINS
JASON D. BOLT
ARCHER L. BRAXTON
JULIANNA N. BROWNE
BRENDA J. BRYANT
CANDACE BURR
DAVID W. BUSHMAN
FARA M. BUSS
MARK B. BUTLER
RANDY J. BYRD
CHRISTINA M. CARTER
JONATHAN A. CASEY
ANITA F. CHAPEL
RICHARD D. CLARK
MARIAELENA COPPOLA
JAMES D. COTE
HEATHER M. DAHMER
DEBORAH L. DAVIDSON
AMALIA M. DIVITTORIO
KATHERYN W. ELLIS
CYNTHIA L. ENNIS
DORIS J. ESKILDSEN
JASON P. FEESE
CAROLINE FORCE
GWENDOLYN A. FOSTER
SHARON B. FRAZIER
TIMOTHY E. GILLISPIE
JAMES B. GOODE
VONDA L. GOODISON
ERIC F. GOOSMAN
JACK C. GRAMLICK
ANDREA L. GUERRERO
MONICA A. HAMILTON
ANGELA M. HARRISH
JOANN M. HENDERSON
JAMES D. HERRIN
MARY C. HESLIN
JOHN C. HESS, JR.
TRACY L. HINOTE
MICHELE J. HOLDERNESS
ERIKA R. HOOPER
DONNA L. HORNBERGER
ROCKY D. HOSIE
LISA S. HURTON
NICOLE K. IVY
SHERRY A. JOHNSON
GLORIA G. JONES
GWENDOLYN S. KAEGY
MARYANN L. KAHANA
KRISTOPHER J. KILLIUS
SHERRY M. KILLIUS
CHARLOTTE B. KNIGHT
MARY E. KRIVAC
PETER N. KULIS
COLLIS H. LANG
MARY A. LONG
MICHAEL E. MACLAIN
BEVERLY A. MAROON
ANDREA J. MARTIN
GORDON A. MASALIHIT
BLAIR S. MCKEE
JOHN J. MODRA, JR.
MICHELE D. MOLDREM
BRIAN A. MOLLOY
CHARLES R. MORRIS II
JARED A. MORT
DARCY L. MORTIMER
JASON D. NAFTS
KRISTI R. NORCROSS
MICHAEL J. OKEEFE
JAMES J. PFEIFFER
KIMBERLY A. POLSTON
AMIE E. PURNELLDAVIS
BERNICE S. RAMSEY
SHELLEY A. RAY
LEEANN RICKARD
JOYCE M. RIVERA
DWAYNE ROLNIAK
TAYLOR ROSE
NICOLE R. SALAS
NANCY L. SALMANS
TRACEY S. SAPP
MICHELLE A. SCHNAKENBERG
ROBERT B. SCHOLES
MICHAEL SLY
JAMES A. SMITH II
PAMELA L. STEARNS
MARIA F. STOHLER
DEBRA J. STORMS
GENEVIEVE B. STRATTON
DIANNE M. STROBLE
ROBERT P. SZEWCZYK
REGINA R. THOMAS
JUDY T. TUPOLO
MATTHEW R. UBER
STEPHEN J. URBAN III
DION R. VECCHIO
EVANGELINE S. VIDA
JAMES A. WAINRIGHT
JEFFREY H. WERT
DEVERIL A. WINT
WILLIAM F. WOLFE
KIMBER L. WRIGHT
MICHELLE L. WRIGHT

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

ROBERT L. CLARK
RANDALL S. CORY

To be major

AMORY S. BALUCATING
JOHN K. BINI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THEODORE A. MICKLE, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHRIS D. FRITZ

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

SHANNON B. BROWN
ALAN P. CONILOGUE
RUSSELL A. CRANE
ARNOLD K. IAEA

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

HOWARD DAVIS
COREY HARRIS
KRISTOPHER LABOWSKI
LISA LIVINGOOD
TIMOTHY REYNOLDS
DEIDRA SIDDAL
JAMES WILKINSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KATHERINE L. FROEHLING

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEVIC B. ABAD
DAVID L. BELL, JR.
ANDREW A. BOOKWALTER
HEIDI S. BOREK
JASON J. BREZOVIC
WILLIAM J. BURKE, JR.
MATTHEW W. CHANG
SARAH E. DAVIS
JEFFREY D. DOMARK
NICOLE C. EISENBERG
MELISSA P. FRIES
MICHAEL A. GENTILE
CHRISTOPHER N. HANHILA
MICHAEL J. HAWLEY
EDGAR A. HEIL
SUSAN E. HINMAN
KEVIN E. HUDSON
NGUYEN N. LE
CHRISTINA W. LEDBETTER
KHON H. LIEN
GARIN M. LIU
WILLIAM LOPEZ
BEIHUA LU
JOHN W. MCGEHEE, JR.
ELAINE R. MCNEIGHT
KEITH R. MERCHANT
LINDSAY S. MONTGOMERY
AN V. NGUYEN
JEROME N. RAGADIO
BRADLEY R. ROSS
ALLAN J. SANDOR
CHERI R. SMILEY
JODIE L. SPENCER
CHARLES G. STEPHENHASSARD
DANIEL D. SURH
JOSE A. SURIS
RICHARD P. TAYLOR
NATHAN J. WONDER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DANA E. ADKINS
JOCELYN R. AJALA
JOHN E. ALEX
MARK M. ALLEN
MELISSA C. AUSTIN
MATTHEW C. AXTMAN
MARCO A. AYALA
ANDREW J. BALDWIN
AMY E. BALKA
JAIME L. BARATTA
MICHAEL M. BARNA
JAMES M. BARRETT
JERRY A. BATES
ROBERT A. BECK
DANIEL J. BECKER
DIEDER H. BECKS
PAMELA L. BECKS
DEIRDRE A. BELL
CRAIG C. BENSON
ERIN B. BISSELL
JASON B. BLITZ
CHLOE A. BOMBERGER
LUKE F. BREMNER
NORMAN Y. BRIONES
MATTHEW A. BROOM
LEAH C. BROWN
ZACHARY W. BROWN
DAVID I. BRUNER
LEANDER CANNICK III
MARIO J. CARDOSO
DAVID CARROUTH
COREY A. CARTER
RAYMOND E. CARTER
ROBERT W. CARTER
THOMAS W. CARVER
BENJAMIN CHIN
WILLIAM T. COBB II
KEVIN B. COLDWATER
MICHELLE COLLINS
MICHELLE E. CONKLIN
TIMOTHY D. COSTELLO
GEORG J. DAHL
JOSHUA D. DAHLKE
TANIA Y. DAY
TRAVIS G. DEATON
RODERICK H. DOSS
DAVID DRAGHINAS
ERIC B. DRAPER
JENIFER K. DRINKWINE
ERIC J. DUFFY
KRISTINA E. DUFFY
ANDREW W. DVORAK
MARILISA G. ELROD
CHARLES G. EMOND, JR.
TODD J. ENDICOTT
JONATHAN M. ENDRES
HEATHER M. ENGELHART
GREGORY M. ENNIS
RYAN A. FAN
ERIC A. FARABAUGH
CHARLES D. FARWELL
ROBERT S. FELL
JOSHUA A. FERGUSON
JOHN L. FERRELL
MARC H. FERRERA
MARK N. FLANAGAN
JAMES J. FLETCHER
ANDREW S. FLOTTEN
MICHAEL P. FOSTER
RYAN C. FOWLER
JEREMY C. FRANCIS
JERALD W. FROEHNER
ALEXANDER B. GALIFIANAKIS
CLAIRE D. GANAL
EDIBERTO D. GARCIA
JEFFREY W. GERTNER
CHARLES F. GOULD, JR.
SCOTT E. GRABILL
KATRINA L. GRAY
MARION A. GREGG
RONNIE M. GUNDLACH
COREY G. GUSTAFSON
AMANDA D. D. HAGEN
JENNIFER E. HALL
NOA C. HAMMER
CHRISTOPHER G. HARDY
SCOTT M. HARLEY
SHANNON L. HART
DAVID W. HAYES
DARCI R. HAZELWOOD
VIJAY G. HEGDE
BRADLEY W. HICKEY
THOMAS R. HICKS
JOHN P. HILL
PAUL B. HILLESHEIM
WESLEY R. HODGSON
STEVEN J. HOLLEY
ALEXANDER M. HOLSTON
KERRY A. HUDSON
ASHLEY E. HUMPHRIES
EDWARD S. HURD
CRAIG J. HURT
MARK D. JACOBY
JACLYN A. JENSEN
MICKAILA J. JOHNSTON
LINDSAY E. JONES
MICHAEL J. KAVANAUGH
KRISTOFER A. KAZLAUSKAS
BRYAN J. KEENAN
CARLOS C. KENNEDY
DANIEL KIM
JOSHUA T. KINDELAN
KENNETH M. KINGDON
BRIAN T. KLEYENSTEUBER
ALLAN N. KREMP
ERIC J. KUJAWSKI
HEATHER M. KURERA
THEOMAL D. KURERA
BRIAN E. LAAKANIEMI
ALAN S. LAM
SHANNON V. LAMB
EDWIN J. LANDAKER
IAN M. LAUGHLIN
TAMEEKA L. LAW
MICHELLE N. LECHER
BRIAN E. LEDDEN
ELIZABETH A. LEONARD
SEAN P. LEONARD
BRETT H. LESSMANN
PHILIP R. LETADA
ANDREW G. LETIZIA
MERCURY Y. LIN
JASON J. LONGWELL
THOMAS D. LOUWERS
KIMBERLEY R. LOVELACE
DAVID M. MANN
CYNTHIA J. MARESSO
ROBERT M. MARKS
ERIN S. MARNER
BRIAN C. MARTIN
MATTHEW R. MATIASEK
CARI E. MATTHEWS
DAMON M. MCCLAIN
JAMES M. MCDONALD
MEGAN B. MCGAVERN
MARY M. MCGRANAHAN
MICHAEL J. MCNEARNEY
KATHERINE B. MCNIFF
JOSHUA M. MEADOR
MICHAEL R. MELIA
MARK A. MESSICK
TAMARA MIDDLESWORTH
HEATHER J. MILLER
LISA M. MONDZELEWSKI
TODD J. MONDZELEWSKI
GREGORY P. MONTOYA
PAMELA A. MONZON
MICHAEL S. MORROW
JENNIFER MOYNIHAN
LACHLAN I. MUNRO
WAYNE T. MURPHY
TIMOTHY J. NEHER
CAMERON J. L. NELSON
CHRISTOPHER NEVAREZ
JOSEPHINE C. NGUYEN
TRUONG D. NGUYEN
WILLIAM B. NGUYEN
THOMAS W. NIPPER II
DANIELLE M. NOREIKA
FARZAD NOWROUZZADEH
CATHERINE M. OBERHOLZER
TIFFANY M. OHTA
SHAUNA F. OSULLIVAN
JASON P. PALMER
BRIAN T. PAQUETTE
NINA H. PATEL
JULIA L. PAZ
MATTHEW T. PENA
JOSEPH M. PEPEK III
MICHELLE A. PERKINS
VICENT M. PERONTI
JAMES A. PETERSON
TIMOTHY A. PLATZ
MICHAEL PRUDHOMME
DOUGLAS J. PUGLIESE
ERIK J. REAVES
SHAWN D. REDDING
JASON P. RENSCHLER
NEIL J. RESNICK
WILLIAM W. REYNOLDS, JR.
KENNETH E. RICHTER
LISA K. RIVERA
CHRISTINE E. RIVERS
HEATHER A. ROBERTSON
JANET G. ROBINSON
GREGORY J. ROCHFORT
RYAN C. ROCKHILL
ANTONIO ROMERO
ADNYBEL ROSARIOORTIZ
LANCE A. ROY
JASON M. RUBINO
DOCILE A. SAGUAN
CAMILO SANTIAGO
GREGG W. SCHELLACK
DIETRICH W. SCHELZIG
TAMMY E. SERVIES
COREY A. SHAW
PAUL G. SHUPE
PETER J. SILVESTRI
DANIEL C. SIZEMORE
AMER SKOPIC
VAL S. SMALLEY
JENNIFER G. SMITH
ROBERT J. SOBEHART
JAMES B. SOLOMON
CHAD S. SPARKS
JASON E. SPRING
ANGELA L. STALLWORTH
DAVID A. STANECK
MELISSA R. STEGNERWILSON
DANIEL M. STULACK
DANIEL M. SUTTON
KIMBERLY SYRES
JANEL T. TAKAHASHI
ADRIENNE S. TEDESCHI
BRIAN J. THOMPSON
DIANA TOROK
HUY TRAN
JAMES A. TREADWELL
RALPH E. TUTTLE
TARA E. VANDRUNEN
JOEL K. VERBRUGGE
JARED A. VOGLER
TUONG N. VU
RYAN E. WALL
KENNETH W. WATERS
CHRISTOPHER M. WATSON
KATHERINE A. WAYMAN
REBECCA R. WELCH
RASHAD C. WILKERSON
ERIC M. WISOTZKY
DAVID M. YOU
VINCENT A. I. ZIZAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHRISTOPHER W. ABBOTT

ZIAD T. ABOONA
SONIA I. ADAMS
JOHN R. ASHBURN, JR.
ANGELA R. BAILEY
JERRY J. BAILEY
KEVIN S. BAILEY
STEVEN M. BAILEY
EDWARD A. BENCHOFF
JOSEPH L. BONVIE
NEIL J. BONZAGNI
JOSEPH M. BOYLES
JOHN L. BRADLEY
RAYMOND M. BRISTOL
CHRISTYE Y. BROWN
JODY A. BRUTON
KEITH J. CASTLETON
LORI A. CHRISTENSEN
KYLE C. CIPRA
ROLLIN S. CLAYTON
STEVEN C. CLIFFORD
GEORGE P. COAN III
OCIE M. COEFIELD
ROBERT E. COMEAU
CHRISTOPHER L. COOPER
JOHNNY L. COSBY
SHAWN P. CRAWFORD
SAMUEL CRUM, JR.
DOMINGO C. CRUZ
JOHN B. DAY
MICKEY J. DEAVERS
RODEL H. DIVINA
KIM M. DOBRZYN
KARLTON K. DODSON
JOSE A. DOMINGUEZ
JUSTIN W. DOWE
GREGORY R. FAIRCHILD
TAMMY A. FELKER
LILIANA FLORES
DAWN M. FREEMAN
MELODY S. FUGAZZOTTO
HONG GAO
JOHN D. GARBRECHT
ADRIAN D. GASKIN
LEAH Y. GEISLINGER
WILLIAM L. GETSY
MICHAEL J. GREGONIS
JOHN S. GRIESENBECK
VINCENT J. GRIMM
TIMOTHY D. HENNING
DARYL A. HOLDER
SUSAN A. HOLT
DUSTIN M. HUBER
DEON L. HUFF
VICTORIA L. JACKSON
THEODORE J. JUAREZ
S J. KENTON
DAVID G. LANG
ROBERT D. LIPPY
KENNETH E. LUND, JR.
EDUARDO C. MACALANDA
ANDREW J. MACGREGOR
PATRICIA A. MARSHALL
SEAN M. MCCARTHY
ANNE L. MCKEAGUE
KELLIE L. MCMULLEN
JOHN L. MELTON
RYAN L. MESKIMEN
DAVID P. MITCHELL
JAIME L. MONTILLA
ROBERT C. MORRISON
AMY C. MOSCATELLI
THOMAS P. MURPHY
JOSE E. NIEVES
BRENT A. OLDE
MICHAEL B. OVERTON
ANTHONY J. OWENS
EDWARD H. OWENS
BRADLEY D. PACKER
RANDY L. PANKE
ERIC R. PARSONS
PAUL L. PATILLO
GREGORY S. PATTERSON
JAMES W. PERRY
JACQUELINE L. POLLOCK
ALLEN J. RAMOS
CHADWICK E. RAY
JAMES M. ROGERS
RUSSELL E. SAARI
TIMOTHY E. SAMUELSON
JESSIE C. SANTIAGO, JR.
NICHOLAS D. SCHNAUFER
TIFFANY L. SCOTT
ERIN M. SIMMONS
SHAWN E. SOUTIERE
HAZELANN K. TEAMER
DENNIS C. TOLENTINO
ORLANDO M. VALCARCEL
BETH A. VEALEY
ANGELA M. WEBSTER
MATTHEW A. WEINER
FITZGERALD A. WHEELER
LISA A. WHITE
ROBERT C. WIEDERIEN
MORTEZ WILLIAMS
SHAWN F. WOOD
TIMOTHY B. WORLEY
THEODOR A. ZAINAL
MANUEL R. ZAMBRANO
TOM A. ZURAKOWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CATHERINE K. K. CHIAPPETTA
SUSAN L. DONOVAN
BRENT K. FAULKNER
RICHARD E. FEDERICO
JESSICA M. HUDSON
CLIFTON H. HUTCHINSON II
TAHMIKA R. JACKSON
SHANE E. JOHNSON
JASON L. JONES
DANIELLE M. KAMENSKY
ROBERT T. KLINE
MYOUNG H. LEE
JANELLE M. LOKEY
DEBORAH M. LOOMIS
RACHEL S. MANGAS
MICHAEL J. MARINELLO
ANNE Y. MARKS
JOHN M. MONTGOMERY
AMANDA R. MYERS
STEVEN M. MYERS
STEVEN R. OBERT
MICHAEL M. OREGAN
JOHN B. REESE
SERGIO F. SARKANY
GILBERT A. SERRANO
HOLLIS N. SIMODYNES
MATTHEW J. SKLEROV
WILLIAM P. SMITH
GRETCHEN D. SOSBEE
BRIAN V. SPENCER
ROBERT B. STALEY
MARK R. STEWART
ERIC L. STROM
BART K. TOMERLIN
COLIN R. TOPP
KELLY A. TRUNNELL
IAN P. WOLF
SYLVAINE W. WONG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PAUL G. ALBERS
AGNES I. AMBROSI
JOEY M. ANDRES
STELLA M. ANNUNZIATO
EDWARD D. ASSELIN III
BRIAN D. ATCHISON
ROBERT H. BERNARDWORT
PHILLIP A. BOYER
TAMARA S. BRAGHIERI
JOHN G. BROOM
CRAIG J. CANTU
RONALD W. CLEVELAND
GARRY P. CLOSAS
JOHN D. CONNOLLY
PATRICIA T. CORKHILL
CHERYL L. COTTRELL
JESSICA CRUZ
WILLIAM G. DANCHANKO
SUSAN N. DEIKE
JON A. DELOGE
CHARLES E. DICKERSON
ANDREW J. DONADIO
MICHELLE D. DONADIO
KERRY L. EBUENG
HEATHER B. ENNIS
DAVID A. EVERHART
KENNETH L. FOLSOM
DAWN E. GALVEZ
KEITH A. GANLY
CHARLES H. GOODSON
RYAN P. GRISWOLD
MICHAEL J. GUY
ROBERT J. HAAG
KUTURAH J. HARRIS
SHAWN M. HARRIS
TOD A. HAZLETT
RANDY S. HENINGER
TED W. HERING
LINDA A. HUBER
JEREMIAH R. INGEMUNSON
COREY A. JAGO
JAMESETTA W. JOHNSON
PAUL T. JOHNSON
LALON M. KASUSKE
CHRISTOPHER D. KEITH
KELLIE M. KLINE
RENEE T. KRAMER
BETH A. LAWHORN
SOPHIA M. LAWRENCE
JULIE A. LEACH
PANDORA J. LIPTROT
PATRICIA I. LOVATO
MARK A. LYNCH
HALEY T. MACEK
SUZANNE F. MALDARELLI
DONALD L. MCGUFFEY
RONALD J. MCGUIRE
BRIAN E. MILLER
CHARLES A. MINER
WILLIAM T. MOONEY
LOUISE B. NELLUMS
CHARLENE R. OHLIGER
MICHAEL D. OVIATT
MICHAEL A. PAYNE
JAMES P. PELLETIER
DANIEL F. RICE
JODY L. RICH
BARBARA A. RINEHART
ROBERT J. ROADFUSS
DANA F. ROBINSON
WILLIAM J. ROULAINE
TIMOTHY R. ROUSSELOW
RICHARD W. SCHULZ
PAULGERARD J. SCOTT
MICHAEL J. SPAGNA
ANNE M. SPRINGER
JAMI A. STAKLEY
SHALANDA D. STEPHENS
SONSIRE M. STERRETT
MELISSA A. SUMMERVILLE
LAURI L. TEBBETTS
RYAN S. TELFORD
ELAVONTA S. THOMAS
MARK A. THOMAS
JOHN I. THOMPSON
LORI M. THOMPSON
RICKY K. THOMPSON
KELLY E. K. VEGA
PATRICK H. WAINRIGHT
JOHN M. WATERS
RALPH L. WILLOUGHBY, JR.
ANDREW S. WILSON
BRIDGET B. WISESANANTONIO
JOHN P. ZALAR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOSEPH K. AHN
ROBERT G. ALEXANDER III
DONALD E. BAKER
KERRY E. BAKER
FORREST D. BAUMHOVER
DONETTE V. BECKFORD
CARLA S. BERG
DANIEL L. BESSMAN
KENNETH S. BODMAN
JONATHAN A. BOUCHER
MICHAEL J. BREAUX
PATRICK W. BROWN
ROGER M. BRUCE
REX B. BURMAN
KEITH A. CAPPER
DAWN A. CHAPMAN
SHAWN A. COLEMAN
KEVIN A. CROSBY
JODY M. DANIEL
AL D. DEGUZMAN
MARK H. DICKINSON
SAMUEL C. DOWELL
MICHAEL D. EDWARDS
STEFAN EDWARDS
JOSH A. ELSTON
ILIA K. ERMOSHKIN
VINCENT V. ERNO
DAVID N. FIDELMAN
SAMUEL V. FONTE
JURMIN M. FRANCIS
JOSEPH M. GILMORE
WILLIAM K. GOODMAN
THOMAS B. GRANGER
MARK W. GREAVES
STEPHEN K. GULICK
DALE A. HANEY
SHANNON B. HARRELL
JEFFREY S. HARRIS
BRIAN D. HENDERSON
MARC R. HENSLEY
IGNATIUS K. HICKMAN
RONALD L. HOAK II
TARA L. HODGE
JASON G. HOFTIEZER
DANIEL A. HOGUE
DEREK P. HOTCHKISS
THOMAS R. JENKINS
MICHELLE N. JOACHIM
BENJAMIN B. JOHNSON
MELINDA A. JOHNSON
MATTHEW S. JONES
JIMMY E. KARAM
PATRICK J. KELLY
MATTHEW D. KREMER
JANET L. LAMB
SHANI S. LEBLANC
CHRISTOPHER M. LEE
HUI H. LEE
JOHN M. LEVERING
GWEN B. LIEGEL
ERIC D. LOCKETT
LOUIS B. LOCKLEY
MICHAEL F. LORRAIN II
PHILIP W. LOWREY
CASS K. MADSON
MICHAEL T. MCCARTER
THOMAS A. MEYER
BRIAN J. MICHALEK
CRAIG A. MIHALIK
FRANK D. MILLER
ROLDAN C. MINA
SHAWN M. MORGHEIM
PEDRO G. MORIN
DOUGLAS R. MURPHY
CHRISTOPHER A. NEWELL
STELLA E. OBAYUWANA
JOSEPH N. OBI
LEOPOLDO OCHOA, JR.

MICHAEL A. OGDEN
STEVEN M. OSBORNE
DAVID W. PAVLIK
JEFFRY M. PELTONEN
GILBERTO P. PENSERGA
JOSEPH C. PESTAR, JR.
JOSEPH H. PETH
SCOTT R. PORTER
CHRISTOPHER J. PRESSLER
DERWIN B. PROBY
CHARLES M. REED
ALLEN RIVERA
CLAYTON L. ROBERSON
DAVID W. RODEBUSH
MONTY W. RYCROFT
REYNALDO C. SANTOS
DAVID A. SCHULTZ
ANTHONY J. SEIFERT
BENJAMIN L. SHEINMAN
ELISHA E. SINGLETON
FREDERICK H. SKINNER
KEVIN J. STIELOW
CHRISTOPHER M. SWANSON
RICHARD S. THOMAS
JOHN H. TIPTON
SEAN W. TOOLE
SEAN M. URBAN
JUAN C. URIBE
KRISTIAN L. WAHLGREN
ALEXANDER D. WALLACE III
CARL R. WARD
MICHAEL L. WARNER
MELISSIA A. WILLIAMS
DARYL M. WILSON
MICHAEL D. WINN
DAVID M. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CASSIE L. ALLEN
PHILIP B. BAGROW
CARL M. BARNES
CARLA M. BARRY
EDWARD D. BASS
JOSEPH S. BLAIR
JAMES A. BRADSHAW
SCOTT N. CALLAHAM
MICHAEL B. CHANEY
JUAN Q. COMETA
REAN F. ENRIQUEZ
STEPHEN D. FISHER
MICHAEL E. FOSKETT
TIMOTHY D. GAULT
MICHAEL H. GRIGGS
BRANDON S. HARDING
ROBIN S. HECKATHORNE
ROY E. HOFFMAN
JOHN D. HOKE
PATRICK S. JOYNER
ROBERT MERCADO
STEVEN D. MILLS
RONALD C. NORDAN
DONALD W. ROGERS, JR.
PAUL N. RUMERY
RICHARD H. RYAN, JR.
BENNETT C. SANDFORD
DAVID L. SLATER
YOUNG SONG
DARREN L. STENNETT
CLIFFORD A. STUART
MARK A. TANIS
DAVID B. THAMES
JOSELITO S. TIONGSON
DAVID M. TODD
DAVID S. YANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

FERDINAND D. ABRIL
SYLVESTER C. ADAMAH
JEREMY P. ADAMS
DEAN E. ALLEN
DOUGLAS S. ANDERSON
GREGGORY A. BENTON
JARED L. BICKHAM
LEGENA M. BRIEST
ROSS B. CAMPBELL
FRANK W. CARROLL
SOMCHANH CAVANH
CRAIG A. CLUTTS
WILLIAM T. COOK
CONSTANCE L. DANNER
MARCELO M. DIJAMCO
TAMANH Q. DUONG
GREGORY P. GARNETT
JEREMY B. GATES
ERIC W. HAHN
ISAAC P. HENRY
JOHN T. JEFFREY
PATRICK C. JORS
IAN M. KELLY
CHARLES B. KUBIC
ALEX N. KURIATNYK
DUSTIN KWOK
TREVOR H. LAUGHTER
MATTHEW W. LENZ
STEPHEN T. LEPPER
ANDREW L. LITTERAL
PAUL F. MAGOULICK
SETH T. MANGASARIAN
JOEL D. MCMILLAN
JOSEPH M. OSULLIVAN
BYRON W. PAGE
AARON W. PARK
MARK W. POWELL
DAVID R. RAUTENBACH
SHAWN M. ROCKWELL
JOSE A. RUBIO
ATIIM D. SENTHILL
CRAIG A. SHELLERUD
ANDREW J. SHINKA
MAX SISSON
TORBEN T. SMITH
ANDREW J. SONIER
GREGORY D. STATON, JR.
ROBERT A. WADSWORTH
ERIC M. WALKER
JAMES P. WALLACE
ROBERT S. WELLS
CHADWICK D. WHITE
ALLEN E. WILLEY
YUE K. ZHANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PALMO S. BARRERA
JEFFREY S. BARTLETT
JOHN H. BREDENKAMP III
JOHN B. BRICKNER
BRENT A. FALLA
STEPHEN S. LEGG
CHRISTOPHER S. MAYFIELD
STEPHEN J. OPALENIK, JR.
JEFFREY S. SOTINGCO
HORACIO G. TAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JEFFEREY R. JERNIGAN

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHAEL G. BUTEL
JOSEPH D. CALLISTER
JAY S. CLOUTIER
CAROL A. FISHER
JOHN R. HICKMAN
GLENN R. HOVER
SHARON M. HUNTER
GEORGE E. JONES, JR.
RICHARD H. MCBRIDE, JR.
ROGER W. NELSON
STEVEN P. NIEHOFF
CLAUDIA L. SANDS
ORAZIO F. SANTULLO, JR.
PAUL A. SJOBERG
JEFFREY A. SNYDER
JOHN M. SPILKER
SCOTT A. SPRENGER
TIMOTHY S. WOODRUFF

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 15, 2008 withdrawing from further Senate consideration the following nomination:

JEFFREY A. TAYLOR, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE KENNETH L. WAINSTEIN, RESIGNED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 27, 2007.

EXTENSIONS OF REMARKS

IN MEMORIAL OF W.D. MOHAMMED

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. ELLISON. Madam Speaker, it is with great sadness I rise today to mourn the passing of Imam W.D. Mohammed—the spiritual leader for millions of American Muslims. Imam Mohammed was accepted by his followers to lead The Nation of Islam in 1975 after the passing of his father, Elijah Muhammad, leader and builder of The Nation of Islam. Imam Mohammed led Americans toward tolerance, inclusion and civic engagement.

In 1992 he delivered the very first Invocation in the United States Senate given by a Muslim. He gave an Islamic Prayer at both of President Clinton's Inaugural Interfaith Prayer Services.

His dedication to interfaith dialogue led him to address the Muslim-Jewish Conference in 1996 with leaders of Islam and Reform Judaism. He met with Pope John Paul II on two occasions including in 1999 on the "eve of the New Millennium" in St. Peter's Basilica with other world religious leaders. He served on the Advisory Panel for Religious Freedom Abroad, formed by then Secretary of State, Madeline Albright. He was at his best promoting religious freedom in America and abroad.

Imam Mohammed's loss is immense. His life was led and lived by his faith—a faith that inspired him to reach across the divides of many religions; to knock down the walls of division and search for the commonalities that all faiths share: peace and understanding.

The Imam believed he had a responsibility to speak out on the social issues of the day, taking it upon himself to apply scriptural interpretation to those issues. His leadership was recognized by all.

The world is smaller today because of the passing of the Imam. We all would do well to stop and listen to the lessons left behind by Imam W.D. Mohammed. May his soul continue to guide leaders and legions alike to the world of peace and understanding.

GREATER BOSTON INSTITUTIONS CONFER TWO AWARDS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. FRANK of Massachusetts. Madam Speaker, I have had the honor for many years of sharing with the Members information about awards being presented to individuals who have performed extraordinary service to others in the field of medical services.

These awards are presented by "ROFEH International—New England Chassidic Center," under the leadership of Grand Rabbi Levi Y. Horowitz, which provides help across the world in giving access to the first-class medical treatment that we in the Greater Boston area are fortunate to enjoy. Rabbi Horowitz himself has been a distinguished leader in the field of medical ethics, and his dedication to seeing that access to the medical services he has helped support and defend is a great asset to us all. On November 23, 2008, at the Grand Ballroom of the Boston Park Plaza Hotel, the Annual Dinner of ROFEH International—New England Chassidic Center will honor, as it always does, two individuals who have distinguished themselves by their dedication to others, and the great skill they bring to those tasks. The ROFEH International Award goes to Dr. John B. Mulliken, and the Man of the Year Award is being presented to Mr. Herbert M. Gann.

Madam Speaker, the work in the medical area organized and inspired by Grand Rabbi Horowitz is a superb example of how Americans can best work together to enhance the quality of all of our lives. To Dr. Mulliken, to Mr. Gann, and to Rabbi Horowitz and his fellow and sister workers in this endeavor, I extend my congratulations, but even more important, my thanks for what they do for all of us.

Madam Speaker, I ask that these remarks be printed here along with the relevant biographical information about Dr. Mulliken and Mr. Gann.

MR. HERBERT M. GANN, ROFEH INTERNATIONAL NEW ENGLAND CHASSIDIC CENTER MAN OF THE YEAR AWARD

Mr. Herbert Gann lived in Chelsea, Massachusetts until 1946 when he and his parents, Joseph and Rae Gann, and his two sisters, Beverly and Shirley, moved to Newton, Massachusetts.

He graduated Newton High School in 1951 and Boston University with a BS and BA in 1955. Mr. Gann served in the United States Army in Germany from 1956–1958.

Herb started working part time in Joseph Gann Inc., while in high school; continued in college and started working full time after graduating in 1955. He worked together with his father, Joseph Gann, until his father retired in December 2000. Mr. Herbert Gann has been the owner of Joseph Gann Jewelers, in Boston since 1987.

He learned charity from both his parents and is a very philanthropic person in his own right. His interest in Jewish Education started when his oldest daughter, Elisa, enrolled in Solomon Schechter Day School, in 1970. He continues to support that school along with Rashi Jewish Community Day School, Metro West Day School, and Gann Academy. He also supports the work of Combined Jewish Philanthropies.

Herb and Rita Gann are members of Temple Emanuel, Congregation Beth El Atereth Israel and Congregation Agdus Achim-Anshe Sfard.

Mr. Gann started going to the Rebbe's Dinners at the time they honored Reverend Louis Lourie, over 28 years ago. His interest in the Rebbe's work evolved and Mr. Gann has been on the dinner committee for many years.

Herb Gann married Rita (Kaplan) Gann in 1964. Rita was hired in 1962 as the bookkeeper at Joseph Gann Jewelers and continues to work alongside her husband. They have four children and five grandchildren.

JOHN B. MULLIKEN, MD—ROFEH INTERNATIONAL AWARD

John B. Mulliken, M.D., received his medical degree in 1964 from Columbia University, College of Physicians & Surgeons. Following his surgical residency and a research fellowship at Massachusetts General Hospital, Dr. Mulliken served in the U.S. Army in Korea and at Ft. Devens, Massachusetts. After his military service, Dr. Mulliken completed a residency in plastic surgery at The Johns Hopkins Hospital in Maryland.

Board-certified in general surgery and plastic surgery, Dr. Mulliken is an Associate Professor of Surgery at Harvard Medical School and a Senior Associate in Surgery at Children's Hospital Boston. In addition to being director of the Vascular Anomalies Center, Dr. Mulliken is director of the Craniofacial Centre. He also holds an appointment at Brigham and Women's Hospital.

A Fellow of the American College of Surgeons, Dr. Mulliken is the co-founder and past president of the International Society for the Study of Vascular Anomalies, and a diplomat of both the American Board of Surgery and the America Board of Plastic Surgery. In 1998, he was the recipient of an honorary degree from Université Catholique de Louvain, Brussels.

Dr. Mulliken is the author of 185 original scientific articles; dozens of reviews, journal discussions, and editorials; nearly 40 chapters; and two books, including Vascular Birthmarks: Hemangiomas and Malformations, coauthored with British surgeon Anthony E. Young, M.A., M. Chir., F.R.C.S. (Philadelphia: W.B. Saunders Co., 1988; 483 pgs.).

Dr. Mulliken's clinical interests include craniofacial anomalies, cleft lip/palate, and vascular anomalies. His basic research is focused on molecular causes of craniofacial and vascular anomalies.

Dr. Mulliken developed the current, now widely-accepted classification system for vascular anomalies, which divides them into two major categories based on their etiology. Considered one of the world's foremost experts in vascular anomalies, Dr. Mulliken is frequently invited to lecture at hospitals around the globe and is host to many visiting scholars and physicians interested in vascular anomalies.

HONORING BOOKS FOR AFRICA FOR 20 YEARS OF SERVICE SEPTEMBER 11, 2008

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mrs. McCOLLUM of Minnesota. Madam Speaker, I rise to honor the work of an internationally recognized non-governmental organization based in St. Paul, Minnesota that for the past 20 years has helped to transform the lives of millions of people—young and old—across the continent of Africa. With commitment and a passion for putting a book in the hands of children and elders hungry for knowledge, Books for Africa is an organization that has shipped more than 20 million books to more than 35 African countries since 1988. In so many African cities, towns and rural schools, where students had no access to books, there are now books for learning, enjoyment, and to experience the wonders of the world.

Mr. Tom Warth is the founder of Books for Africa, and he is an inspirational humanitarian. Tom's vision, enthusiasm, and his on-going commitment, along with the work of all of the board of directors of Books for Africa, continues to transform lives by facilitating the shipment of container after container of books that put real books in the hands of real people.

Now, under the strong leadership of Mr. Pat Plonsky, I am proud to continue my office's ongoing relationship with Books for Africa. Their collaborations with Peace Corps volunteers, the State Department, and the U.S. Agency for International Development (USAID) enables the U.S. to demonstrate both its generosity and its willingness to provide a tangible learning tool. Last year, in partnership with USAID's Africa Education Initiative, 18 containers of books were delivered to Ghana, Liberia, Madagascar, Senegal, South Africa, Tanzania, and Zambia. All told, Books for Africa delivered 119 containers of books in 2007 to 22 countries, a truly impressive accomplishment.

This form of public diplomacy—putting the book in the hands of a child or elder—is truly the best face of America and should not only be sustained, but expanded. In the U.S. we take books for granted, but we should never forget the power of a book. And, when they are distributed by the millions, the benefit cannot be overstated.

Let me conclude by also recognizing the extraordinary effort of the volunteers for Books for Africa, as well as the donations of high quality books from publishers, schools and organizations. This combined and coordinated effort is transforming lives. If this generosity and determination to provide books can continue to match the hunger for knowledge, learning, and education by the children and adults all across the African continent then we will have even greater accomplishments to celebrate in the future.

Again, congratulations to Books for Africa for 20 years of extraordinary work to build a bridge of knowledge, education and hope between Minnesota and communities all across Africa.

A TRIBUTE TO RICHFIELD'S 100TH ANNIVERSARY

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. ELLISON. Madam Speaker, I am honored to congratulate the citizens of Richfield, Minnesota on the celebration of the city's 100th anniversary.

Richfield is a diverse, vibrant community whose history mirrors that of the State of Minnesota. Originally, the territory was inhabited by the Ojibwe and Dakota tribes, and, in the late 18th century, was claimed by the French. The territory was first settled in 1852 by Riley Bartholomew on the eastern shore of Wood Lake; the Bartholomew homestead remains there to this day, and is listed on the National and Minnesota Registers of Historic Places. In 1804, the territory was purchased by the United States Government from France as a part of the Louisiana Purchase, and in the years following, would become a village, revered for the fertile texture of its soil and its farming communities. Richfield's economy would remain focused on agricultural commodities until the conclusion of World War II.

Today, Richfield is a prosperous community, home to families, education facilities, businesses, community organizations, wetlands and parks. The city will celebrate its first century this year by remembering the past. In honor of the city's centennial, a statue of Charles W. Lindberg, who helped to raise the United States flag atop the island of Iwo Jima on February 23, 1945, will be dedicated at Veterans Park on July 4, 2009. The dedication will also include a memorial to all veterans from Richfield.

I am honored to represent the residents of Richfield, Minnesota in the United States House of Representatives, and I applaud everyone, past or present, who contributed to the history of this great city. I hope the events scheduled to celebrate the 100th anniversary of the city are enjoyed by all residents and I look forward to making the next 100 years just as successful as the previous century.

PERSONAL EXPLANATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 588, Adjournment, had I been present, I would have voted "no."

Madam Speaker, on rollcall No. 585, Approval of the Journal, had I been present, I would have voted "no."

Madam Speaker, on rollcall No. 586, H. Res. 1420, Recognizing September 11 as a day of remembrance, extending sympathies to those who lost their lives on September 11, 2001, and their families, honoring the heroic actions of our nation's first responders and Armed Forces, and reaffirming the commitment to defending the people of the United States against any and all future challenges, had I been present, I would have voted "yes."

Madam Speaker, on rollcall No. 587, H.R. 6531, To amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance, had I been present, I would have voted "yes."

HONORING THE WEST HAVEN ITALIAN-AMERICAN CIVIC ASSOCIATION AS THEY CELEBRATE THEIR 50TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Ms. DELAURO. Madam Speaker, it gives me great pleasure to rise today to extend my heartfelt congratulations to the members of the West Haven Italian-American Civic Association as they celebrate a remarkable milestone—their 50th Anniversary. As they mark this golden anniversary, their many members and their families can be proud of all that they have contributed and continue to contribute to our community.

My hometown of New Haven, Connecticut and its surrounding communities have always had a large and very proud Italian-American population. Over the years, a number of Italian-American clubs and organizations were formed by small groups within different neighborhoods and most were dedicated to particular towns or regions in the old country or were affiliated with certain Saints or religious societies. It was, is still today, a means of preserving and celebrating the traditions and culture brought to America from Italy.

The founders of the West Haven Italian-American Civic Association wanted to create a place where all Americans of Italian descent could meet and socialize—an organization that was more general in its appeal and that encompassed all that the local Italian-American communities had to offer. They also wanted to create an organization that would allow them to give back to the community and country that had offered them so many opportunities and blessings.

After the official incorporation of both the West Haven Italian-American Civic Association and its sister organization, the West Haven Italian American Auxiliary, member contributions made possible the purchase of a plot of land and through the volunteer efforts of the membership, the buildings and grounds were renovated and improved. In less than a decade, because of increased membership, it became clear that they would need additional space for their meetings and social gatherings. Once again the generosity and volunteer efforts of the club's membership allowed them to build a new meeting hall which is still used today.

The West Haven Italian-American Civic Association has always been more than a social organization. One of their founding principles was a commitment to give back to the community in which they and their families had found the opportunity to prosper. Through the years, local schools, service organizations, police, fire, and volunteer organizations have all benefited from the generosity of the Association's members. Through its Civic and Welfare

Fund, more than $70,000 has been contributed to various causes. The Association also sponsors numerous youth sports teams and offers free use of their hall for, among many things, school bingos, sports affairs, and community fundraisers. It is not an exaggeration to say that the Association and the Auxiliary have not only realized the vision of the founding members, but have far exceeded them.

For their many invaluable contributions, I am proud to stand today to pay tribute to the membership—past and present-—of the West Haven Italian-American Civic Association and Auxiliary as they mark their golden anniversary. I have no doubt that they and future generations of members will continue to make a difference in the lives of others leaving an indelible mark on our community. My very best wishes for another 50 years of success!

IN HONOR OF THE POLISH LEGION OF AMERICAN VETERANS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Polish Legion of American Veterans (PLAV) on the occasion of their 39th Biennial National Convention and in recognition of their dedication to veterans' issues and to the community. I am proud to be an honorary member of the Polish Legion of American Veterans and of the leadership of the National Commander, Ernest Stetz.

PLAV, founded in 1920, is comprised of American veterans of Polish descent who actively engage in the community through education, charitable and civic activities. In addition to civic engagement, founding PLAV members worked for an independent Poland, in congruence with President Woodrow Wilson's ''Fourteen Points.'' President Ronald Reagan signed an Act of Congress, P.L. 98–372, on July 23, 1984, granting the Polish Legion of America a Federal Charter. There are over five posts in my congressional district which host events and volunteer within the community, with dozens more around the country.

The members of PLAV work collectively to ensure that all those who served our country are provided with benefits and work with Congress to support legislation necessary to ensuring that veterans receive these benefits. This year's National Convention features Robert Kupiecki, Ambassador and Plenipotentiary of the Republic of Poland.

Madam Speaker and colleagues, please join me in honor of the Polish Legion of American Veterans and in recognition of their outstanding community service and dedication to our Nation's veterans. Their involvement in the community is invaluable; may their work in the community serve as an example for us all.

CONGRATULATING U.S. OLYMPIANS JENNIFER KAIDO AND BEEZIE MADDEN UPON THEIR PARTICIPATION IN THE 2008 OLYMPIC GAMES IN BEIJING, CHINA

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. MCHUGH. Madam Speaker, I rise today to congratulate Jennifer Kaido and Beezie Madden upon their accomplishments as participants in the 2008 Summer Olympics in Beijing, China. These athletes embody the true spirit of the Olympic games and I am proud to represent them.

Jennifer Kaido grew up in West Leyden, New York and is a 1999 graduate of Adirondack High School. In Beijing, Jennifer competed as a rower in the Women's Quadruple Sculls and her crew finished ranked fifth in the world. Beezie Madden, a resident of Cazenovia, New York competing with her horse, Authentic, brought home two medals as a member of the U.S. Equestrian Team.

Jennifer Kaido began her Olympic participation on August 10, 2008, when her Quadruple Sculls' crew finished third in their initial heat. In the repechage, they finished in second place, which qualified them for the finals. In the finals, the American crew valiantly rowed their way to an impressive fifth place finish.

At one time Jennifer's journey to Beijing seemed unlikely. It is my understanding that Jennifer had never rowed prior to trying out for the crew team her senior year at Cornell. She is proof positive that through hard work and determination anything is truly possible. Her rapid ascension in her sport to the level of Olympian is simply amazing. Moreover, it has been widely accounted that Jennifer competed in China with a level-headed attitude along with a deep love for her family and community.

Beezie Madden returns home from Beijing as one of the world's greatest equestrian jumpers. She followed up on her gold medal performance in the 2004 Olympic Games in Athens by again earning gold in the Team jumping competition. Astride her horse, Authentic, she also won a bronze medal in the individual jumping competition. In addition to these accomplishments, Beezie has earned many accolades throughout her career, including being named the U.S. Equestrian Federation Equestrian of the Year in consecutive years; she also has been named the American Grand Prix Association Rider of the Year and the U.S. Olympic Committee's Equestrian of the Year.

Madam Speaker, I am pleased to have the opportunity to extend my sincere congratulations to Jennifer and Beezie upon their accomplishments. They represented our Nation and the residents of central and northern New York extraordinarily well and I wish them all the best in their future endeavors.

IN RECOGNITION OF THE FIFTEENTH ANNIVERSARY OF THE PENSACOLA, FLORIDA CHAPTER OF THE NATIONAL COALITION OF 100 BLACK WOMEN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. MILLER of Florida. Madam Speaker, it is an honor for me to rise today to recognize the 15th anniversary of the Pensacola Chapter of the National Coalition of 100 Black Women. The NCBW of Pensacola is involved intimately in a wide variety of social, religious, economic, and political facets of northwest Florida, and I am proud to recognize its 15 years of service to the Pensacola community.

The National Coalition of 100 Black Women is a service and advocacy organization that supports women of color who want to work towards solutions on issues of concern to African-American women and youth. Started in 1971 by a small group of dedicated women from New York, the National Coalition of 100 Black Women quickly grew to over 900 members and organized as a broad national service group in 1981.

The National Coalition installed the Pensacola Chapter on October 1, 1993 with 38 local women as its founding members. The chapter's mission is to empower African-American women and youth through programs that meet their diverse needs. These programs are targeted to support black women at key stages in life and include important activities such as youth mentorship and community service.

Recent examples of the Pensacola Chapter role in the community include its Annual Hat Show and Luncheon to raise money for college scholarships targeted to African-American high school seniors. This event features a fashion show of fancy and unique hats and attracts over 500 people each year. Over the past six years, the Hat Show has raised over $50,000 for scholarships and has helped close to 100 students launch their college careers. Another key NCBW activity is its Adopt-A-School and Mentoring Program. Each coalition member is paired with a student from a particular school and provides advice and guidance to that student throughout the year.

For 15 years, the Pensacola Chapter of the National Coalition of 100 Black Women has provided vital service to the people of northwest Florida. Their devotion to empowering African-American women is a true testament to the ability of our citizens to work together in order to better our lives and our country.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize the Pensacola Chapter of the National Coalition of 100 Black Women for its 15 years of dedicated service to its community.

IN REMEMBRANCE OF COUNCILWOMAN FANNIE LEWIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Councilwoman Fannie Lewis, an outspoken leader and profoundly respected member of the Greater Cleveland Community, and to honor a life spent in service to her community.

One of Cleveland's longest-serving Council Members, Councilwoman Lewis was known for her unfailing support and activism for the working class residents of the Greater Cleveland Area. Recognized as a ''neighborhood activist,'' she emerged as the prominent voice for the economically disadvantaged in Cleveland, fighting for their rights regardless of the opposition. Councilwoman Lewis began her career in public service fighting for civil rights and equality in the Hough neighborhood in Cleveland as a recruiter for the Neighborhood Youth Corps during the 1960s. After helping local residents find work and through the Youth Corps, she continued her activism for the residents of Hough Avenue during her tenure in Cleveland's City Council.

She joined the City Council in 1980 and immediately began working on renovating Hough Avenue. Councilwoman Lewis worked tirelessly on housing development in several neighborhoods, pushing for new apartments and houses as well as a large nursing home in Eliza Bryant Village. She challenged local residents to keep their neighborhoods clean. Her tenacious voice for those with educational and economic needs stood in stark contrast to her personable disposition that enabled her to work closely with the residents she represented. Her leadership skills affected all of those around her and she worked around the clock encouraging her residents to stand up for their needs and beliefs.

In addition to her activism for housing and economic development in Cleveland, Councilwoman Lewis pushed for school vouchers for her residents in City Council, giving economically disadvantaged students and their families the opportunity to attend private schools. The Supreme Court ruled in favor of Councilwoman Lewis's program in 2002, upholding her voucher program. In 2003, the Fannie Lewis Law, which requires that city residents constitute at least 20 percent of the workforce on any construction projects that receive contracts worth $100,000 or more, was passed.

Madam Speaker and colleagues, please join me in celebrating the life of Councilwoman Fannie Lewis, whose career in public service is a shining example for public officials and women everywhere. May her pioneering character and exemplary life serve as an example for all of us to follow.

THE RETIREMENT OF SAMMIE C. TWITTY, COMMAND SUITE AND DIRECTOR OF NURSING SERVICES SECRETARY, NAVAL HOSPITAL, PENSACOLA, FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. MILLER of Florida. Madam Speaker, I rise to honor the service of Ms. Sammie C. Twitty on her retirement as the command suite and director of nursing services secretary, Naval Hospital, Pensacola, Florida in August 2008. Ms. Twitty completed an honorable career of over 40 years dedicated to the Federal Civil Service and served as executive assistant to 11 commanding officers during her tenure.

Ms. Twitty's dedication and influence on the overall mission of the hospital ensured the command was professionally and personally well received throughout the Pensacola area. Her advice on protocol matters, fitness reports, travel, and correspondence was vital to the success of every commanding officer since her arrival in the command suite. She fluidly managed schedules to accommodate complex arrangements and difficult scenarios. Directly responsible for the smooth flow and operation of the front office, she skillfully managed challenging situations with care and thoughtfulness in mind at all times.

Throughout her many years of service she has been the go to person for all administrative functions and greatly enhanced the quality of office operations wherever she worked. She had a direct, positive influence on many young sailors and civil service personnel by distinguishing herself as a loyal, honest, hard-working individual. Her outstanding service has paved the way and set the standard for all who follow. Ms. Twitty's exceptional professional abilities, dedication, attention to detail, initiative, and loyal dedication to duty reflect great credit upon herself and were in keeping with the highest traditions of the United States naval service.

Madam Speaker, on behalf of the United States Congress, Vicki and I would like to congratulate Sammie Twitty on her retirement and wish her many more years of success and happiness.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Ms. LEE. Madam Speaker, due to personal matters, today I missed rollcall vote No. 585 on approving the Journal, rollcall vote No. 586 on H. Res. 1420 regarding the anniversary of the 9/11 attacks, rollcall vote No. 587 on final passage of H.R. 6532 to restore the highway trust fund balance, and rollcall vote No. 588 on the motion to adjourn the House. Had I been present, I would have voted ''yea'' on each of these four rollcall votes.

IN RECOGNITION OF THE SOCIETY OF THE DONAUSCHWABEN'S 50TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Society of the Donauschwaben on the occasion of its 50th anniversary. The group is celebrating 50 outstanding years of preserving German culture on August 9, 2008 with a beautiful gala, featuring traditional German dishes and dancing.

Over the past 50 years, the Society of the Donauschwaben has greatly enhanced Cleveland's diverse community in numerous ways. Donauschwaben's German-American Cultural Center in Olmsted Township is an epicenter of German culture in Ohio. The center provides extensive classes in German for young children, teens, and adults and displays traditional German costumes, relics, books, and photographs. The group is also the umbrella organization for several clubs that share German traditions with the Greater Cleveland community through cultural events and programs throughout the year.

Madam Speaker and colleagues, please join me in recognizing the Society of the Donauschwaben and congratulating them on 50 years of sharing German culture with the Greater Cleveland community. Their contributions exemplify the diversity and culture that our community is so fortunate to possess.

COMMEMORATING TALA DE WYNTER FOR SIGNIFICANT CONTRIBUTIONS TO THE NAPA VALLEY COMMUNITY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Tala De Wynter, who has been a pioneer in the Napa County community and is being honored today at the Napa County Hispanic Network 25th Anniversary Gala.

De Wynter was born and educated in Lima, Peru. She has resided in Napa since 1965 with her husband and two children. Since coming to Napa, De Wynter has invested her time in helping others, in creating opportunities and bridging the communication gap in the Latino community. In the 1970s, the Napa Valley was in need of inexpensive healthcare for farm workers and the low-income community. De Wynter, along with other community members established Community Health Clinic Ole. What started off as a small clinic in Rutherford has generated six sites, with six full-time doctors, 10 mid-level providers, and this year it received 1.3 million dollars from Auction Napa Valley.

Continuing the tradition of providing for others, she served as the director of El Centro de Informacion (The Center for Information). The Centro was viewed as a controversial organization for providing services exclusively to the

Spanish speaking community. De Wynter and other Latino activists also realized the need to support young Latinos in their quest for higher education, and in 1984 they founded the Napa County Hispanic Network. The Hispanic Network is celebrating its 25th anniversary this year, and will award 25 high school and college students with a $1,000 scholarship.

De Wynter also started the first immigration consulting business in Napa. She was also the coeditor of Noticias Bilingues del Valle, the Spanish section of the Napa Valley Register and served as the editor of the Spanish language newspaper, Tiempo Latino. De Wynter was also the first Latina woman to be elected to public office in Napa County when she was elected to the Board of Trustees of the Napa Valley Unified School District in 1975.

Madam Speaker and colleagues, Tala De Wynter has earned the respect of her colleagues and community. Through visionary leadership and persuasion Tala De Wynter has created pathways for other leaders in the community to follow. For these reasons and for the lasting impact Community Health Clinic Ole and the Napa County Hispanic Network continue to have in Napa County, it is appropriate that we honor Tala De Wynter.

HONORING SIDNEY PAUL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. ENGEL. Madam Speaker, for more than five decades Sidney Paul has been involved in social work, including 25 years as the Executive Director of the Mental Health Association of Rockland County.

He has devoted his professional life to serving virtually all segments of his community including five years as a clinician at Rockland Jewish Family Service before his retirement in 2007.

He has been recognized for his outstanding leadership by a number of groups including: the National Association of Social Workers, who named him Social Worker of the Year; the New York State Office of Mental Health, who gave him its Lifetime Achievement Award; the Mental Health Association of Rockland, which awarded him the Joseph R. Bernstein Award; and NAMI-FAMILYA, which gave him the Florence Gould Gross Award.

In 2002 the Mental Health Association of Rockland dedicated the Sidney Paul Center. Sid, as all know him, has been married to Cyrille for 53 years. They have three children Andrew, Amy and David and six grandchildren.

I join with the Rockland Jewish Family Service in honoring Sidney Paul with their Lifetime Achievement Award for the more than half a century of good works he has done for his community and the people in it.

IN HONOR OF THE UAW LOCAL 1050

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the UAW Local 1050 on the occasion of their 60th anniversary, and in recognition of the Unions' exemplary work in the Greater Cleveland Area.

Cleveland's UAW Local 1050 became a chartered member of the United Automobile, Aerospace and Agricultural Implement Workers of America Union (UAW) 60 years ago this month. The UAW is one of North America's largest unions, representing workers from nearly all sectors of the economy. The UAW Local 1050 represents over eight-hundred employees of the Aluminum Company of America (ALCOA) Cleveland Work's Facility. The facility specializes in manufacturing large aerospace, small aerospace and car and truck wheels. A testament to the workers, the facility is thriving and even during times of economic hardship. The Union members work together to ensure each other's safety and collective success in the workplace. The UAW Local 1050 has numerous committees promoting community including a Veteran's Committee, Women's Committee, Recreational Committee and a Retiree's Committee.

Madam Speaker and colleagues, please join me in honor of the UAW local 1050 on the occasion of their 60th anniversary, and in recognition of the outstanding work of all of its members.

HONORING MARSHA AND GARY FORMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. ENGEL. Madam Speaker, Marsha and Gary Forman have deeply involved themselves, both personally and through organizations, in helping their community and the people in it.

For 15 years Marsha has served on the Rockland Jewish Family Service Board. Further, she is Vice President of Community Development for RJFS, Chair of the Outreach Committee, and Co-Chair of the RJFS/ ARC Collaborative Project.

Gary has committed himself to the RJFS, sharing his talents and abilities for fundraising and in the creation and design of the Life Member Wall. Together they have sponsored the RJFS Sunday Social Respite Program for individuals with Alzheimer's disease and the Caregiver Support Group for families with children on the Autism spectrum.

Away from RJFS Marsha has been a school nurse at the Reuben Gittleman School for fourteen years, while Gary is a partner and Executive Vice President of HenschelSteinau. They are parents of Brian and Corrie.

They both have served on the Board of the Gittleman School with the middle school being renamed The Marsha and Gary Forman Middle School. Both serve with numerous community organizations.

I join with Rockland Jewish Family Service in honoring these two wonderful people in recognition of all the good works they have performed for their community.

TRIBUTE TO EDEN HOUSING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to Eden Housing's 40th Anniversary Celebration. Eden Housing, based in Hayward, California, was founded in 1968 by a dedicated group of volunteers committed to expanding housing opportunities for disadvantaged communities. This group of six community activists was concerned about the lack of non-discriminatory, affordable housing in Alameda County.

These pioneers, working out of makeshift ''headquarters,'' such as local coffee shops, were initiated into affordable housing development by rehabilitating six older homes in Oakland for first time homebuyers. Their next project was a much larger development, the 150-unit Josephine Lum Lodge for seniors in Hayward.

Since those pioneering days, Eden Housing has developed 5,072 units of affordable housing for low-income families, seniors and people with disabilities. Its buildings are located in 21 cities in six Northern California counties.

Although Eden Housing's initial home base for development was Alameda County, Eden's charter calls for the organization to work wherever there is a need for affordable housing in California.

In the mid-1990s, Eden expanded the scope of affordable housing development to include provisions of free onsite support services and programs for its residents. To design and implement its resident support services, Eden founded an affiliate, Eden Housing Resident Services, Inc.

I join the community in honoring all who have contributed to the success of Eden Housing. The community activists who provided the vision and leadership for the creation and early development of Eden Housing are noteworthy.

Eden Housing continues to revitalize California communities through its affordable housing development and property management activities, through the partnerships it establishes and the investments it makes in California neighborhoods and through the free social services and supportive programs they provide to meet the needs of their residents.

Happy 40th anniversary Eden Housing. I send you my best wishes for many more years of successful service.

TRIBUTE TO VINCENT DARCANGELO

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise this evening to pay tribute to Vincent Darcangelo, a constituent of mine who was recently elected State Commander of the Pennsylvania branch of the Disabled American Veterans at the organization's 78th annual state convention.

As state commander, Vince will be responsible for the oversight of the organization and its programs and services. The Hermitage resident also has a seat on the Pennsylvania Veterans Commission and on the "War Council."

I am proud to call Vince my friend and pleased to be able to congratulate him on his achievement. His fellow veterans could not have chosen a more diligent or effective leader.

Vince Darcangelo served in the Air Force from 1967 to 1971. He suffered a permanent disabling injury in 1968 while serving in South Korea. Serving in the security forces, he was assigned to a three-man vehicle patrol at a base bomb depot. A passenger on a Jeep, Vince was assigned to man an M–60 machine gun. While on patrol immediately after a monsoon, the road became very muddy, and the driver lost control of the Jeep which rolled over an embankment where he was injured.

He joined the Disabled American Veterans organization immediately after being discharged in 1971 and has been an active leader ever since. Vince has been the elected commander of the Mercer County Chapter of the DAV for over 20 years. He has served in numerous chairs at the chapter, district and state level of the DAV and recently retired after serving 25 years as a veterans employment representative at the Mercer County CareerLink.

On a personal level, Vince has been married to the former Donna M. Villard for 37 years. They met while he was assigned to a fighter interceptor squadron in Maine in 1969.

Vincent Darcangelo is a man who has served his nation, his community, his state and his family with equal dedication and effectiveness. His service sets an example for us all.

THE DAILY 45: RODRIGO VALLE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. RUSH. Madam Speaker, everyday, on average 45 people—a man, a woman or a child—is fatally shot. On September 11, two teens were arrested in connection with the fatal gang-related shooting of a 13-year-old boy near Santa Ana High School in Santa Ana.

An 18-year-old man and a 16-year-old boy were arrested in connection with the murder of Rodrigo Valle. According to police, Valle was shot in the chest on September 10th after refusing to respond to the gang question, "Where are you from?"

I personally don't know where the child was from, but I mourn over where he's not going. He's not going to school; he's not going home to his loved ones; and he's not going to discover a cure for cancer, fly to the moon, or start his own family. His life, like the lives of thousand of others this year—was taken as a result of gun violence.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

RECOGNITION OF THE TAIWAN AMBASSADOR TO THE UNITED STATES, JASON C. YUAN

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. LAMBORN. Madam Speaker, I rise today to recognize and congratulate Ambassador Jason C. Yuan on his recent appointment as the Taiwan Representative to the United States. Ambassador Yuan's extraordinary career of diplomatic service spans more than 40 years. His previous assignments include Assistant and Acting Naval Attach, Embassy of the Republic of China in the United States; Representative, Taipei Economic and Cultural Office in Canada; Ambassador of the Republic of China to Panama; Director General, Taipei Economic and Cultural Office in Los Angeles; and Vice Chair, Non Government Organization Affairs Committee, Ministry of Foreign Affairs, Republic of China. Ambassador Yuan's distinguished career has been marked by numerous awards including the Scholarship Medal and twice the recipient of the Foreign Service Medal. Through his extensive experience in fostering goodwill among nations combined with his admirable sense of duty and commitment to diplomatic service, I say with the utmost of confidence that Mr. Yuan will be a valuable asset to this relationship. I applaud Ambassador Yuan's appointment to this assignment and look forward to working with him for years to come.

ON THE PASSING OF J. PATRICK ROONEY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. PENCE. Madam Speaker, I was shocked and deeply saddened to learn of the passing of my friend and mentor, J. Patrick Rooney. Pat Rooney was a man who had a head for business and a heart for "the least of these." Pat Rooney was an inspiring leader, a good friend and a great man.

In addition to building one of the most successful business careers in Indiana, Pat Rooney conceived of and tirelessly promoted reform in the areas of education and health care.

He will always be remembered for having launched the first privately funded educational choice program in America, an idea that has been replicated in dozens of cities across America to the benefit of tens of thousands of underprivileged children.

He will also be remembered as the father of the Health Savings Account, the leading free-market reform to the current crisis of the uninsured in America. His unshakeable belief in the ability of the individual to make their own health care choices has shaped the American health care debate for the past decade.

I will miss my friend and mentor Pat Rooney on a very personal level. His ability to challenge and encourage those of us who knew him well was unique among his peers, and I will miss him greatly.

May God bless the life and memory of J. Patrick Rooney.

HONORING ROSE LEIBOW EISENBERG

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. ENGEL. Madam Speaker, Rose Leibow Eisenberg was born on September 14, 1908 at home at 38 Jefferson Street in Lower Manhattan, the youngest of four children of Bella and Harry Leibow. Speaking Yiddish at home, Rose learned English in the kindergarten at the Educational Alliance. As the family prospered, they moved uptown, finally settling in the Bronx where Rose attended PS 42 and then Morris High School.

She was the only one of her siblings to seek higher education, graduating from the New York Training School for Teachers in June, 1928. Later she would take graduate work at Teachers College, Columbia, Brooklyn College and Queens College. In August of that year she married Azriel Eisenberg, an educator, to whom she was married for 57 years until his death in 1985. They had two children, a daughter Sora, and a son Judah. Sora is an educator and retired Salomon Schechter Day School principal, married to Aaron Landes, a distinguished Rabbi and retired Rear Admiral in the U.S. Navy. Judah was a world renowned physicist, professor and vice rector of Tel Aviv University.

The Eisenbergs moved frequently as Azriel rose in his field. They lived in Brooklyn, Cincinnati, Cleveland, Philadelphia and finally New York, where Azriel became the Executive Vice President of the Jewish Education Committee, now the Board of Jewish Education. Rose returned to teaching and taught kindergarten at PS 69 in Jackson Heights for sixteen years.

The much beloved and respected matriarch of her family of nine grandchildren and 17 great grandchildren, Rose carried on after the death of her husband and the untimely death of her son. She remains an intellectually sharp and humorous person who is an inspiration to everyone who knows her.

I join her family in wishing her the very best on her 100th birthday.

HONORING FRANK HUMPERT OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Major General Frank Humpert, who is being honored by the Napa Valley College Foundation for his years of service to the students and citizens of Napa County and beyond.

Frank is a native of Napa whose life's work has been advancing educational opportunities for young people in the community. He is a graduate of Napa High School, Napa Valley College, the University of California, Berkeley, Troy State University and the Air Force War College. He served for 37 years in the United States Air Force, retiring with the rank of Major General.

Frank's contributions to Napa Valley College (NVC) have been particularly extraordinary. He served on the NVC Foundation Board of Directors for 20 years, retiring in 2007. During his 20 years on the board, Frank was instrumental in growing the endowed scholarship fund from $387,000 to over $2.6 million, helping thousands of students further their education and realize their dreams. He also established the Humpert Family Scholarship Fund, which he contributes to regularly.

Frank is also well known throughout the Napa Valley for his love of football. He played for UC Berkeley in the 1950 Rose Bowl. To this day, he is a constant presence on the Napa High School sidelines and has provided his wisdom, wit and guidance to nearly three generations of Napa High athletes.

Madam Speaker and colleagues, it is my distinct pleasure to recognize Frank Humpert for his many years of service. He has been a model citizen and leader in Napa County and his presence has enriched the lives of everyone in our community. I join his wife Analee, three children, nine grandchildren and four great grandchildren in wishing him continued success and fulfillment.

IN RECOGNITION OF THE 60TH ANNIVERSARY OF PENSACOLA JUNIOR COLLEGE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. MILLER of Florida. Madam Speaker, it is an honor for me to rise today to recognize the 60th anniversary of Pensacola Junior College, the oldest public two-year college in Florida. The college has served the residents of Northwest Florida with distinction, and it is a privilege to recognize its 60 years of devoted service to the community.

Pensacola Junior College opened its doors in an old boarding house on the corner of Palafox and Cervantes Streets in downtown Pensacola on September 8, 1948. A total of 136 students attended the college that year. During the 2007–2008 academic year, PJC served almost 34,000 students. Today the college has full-service campuses in Pensacola, Warrington, and Milton, as well as a Downtown Pensacola Center and a Pensacola Naval Air Station Center. The college is in the process of opening new locations in North Escambia County and South Santa Rosa County. Almost 40 percent of graduating seniors from local high schools begin college life at PJC.

Pensacola Junior College is widely recognized as one of the premier two-year colleges in America, offering more than one hundred majors and areas of concentration, along with the latest high-tech resources. The Mary Ekdahl Smart Center for Patient Simulation Training & Research on the Warrington campus is one of the nation's outstanding nursing education centers. The Anna Lamar Switzer Center for Visual Arts and the Ashmore Center for the Performing Arts both serve as centers for the area's cultural community. The college's Public Broadcasting Service station, WSRE, provides area residents with quality programming, as well an abundance of other educational services.

Accredited by the Southern Association of Colleges, PJC offers associate of arts degrees, associate of science degrees, and associate of applied science degrees, as well as a multitude of certificate programs. In addition, PJC offers excellent opportunities through its distance learning programs, adult basic education and continuing education departments, dual enrollment program, and adult high school.

PJC is led by an outstanding, local board of trustees, chaired by Mr. Vincent Andry, with Mr. John O'Connor as vice chairman. The college welcomed recently its sixth president, Dr. Ed Meadows. Almost 100,000 students have graduated from PJC over the past 60 years, and more than one million students have attended PJC during its 6 decades of service. It is a privilege to have this outstanding college as an integral part of the Northwest Florida community.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize the 60th anniversary of Pensacola Junior College.

HONORING THE 30TH ANNIVERSARY OF THE ARMENIAN GENERAL ATHLETIC UNION AND SCOUTS-HOMENETMEN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. SCHIFF. Madam Speaker, I rise today to recognize the 30th Anniversary of the Armenian General Athletic Union and Scouts-Homenetmen, Glendale Ararat Chapter. As an ardent believer in the strong mind in a strong body concept, Homenetmen provides young adults with scouting, moral, physical, health, social and cultural education. Established on December 15, 1978, by seven volunteer members, the Ararat Chapter has served over 14,000 members since its inception.

Ararat's main focus consists of developing and supervising balanced programs for our community's youth. A dedicated staff of eight, assisted by more than 300 volunteers, does a remarkable job of planning, implementing and overseeing year-round supervised after-school and weekend activities for more than 2,300 children, teenagers and young adults between the ages of 7 and 25.

Homenetmen ensures that youngsters are taught civic and cultural values, volunteerism, teamwork, and leadership training in a family-oriented atmosphere, and are kept away from the negative influences of drugs, gangs and crime.

Homenetmen has always been an influential organization in the community. In accordance with their roots in civic duty, they have built close ties with other community and volunteer organizations. Some of Homenetmen's accomplishments include blood drives with the American Red Cross, drug awareness education programs with the Glendale Adventist Medical Center, preparation of holiday lunches and dinners in cooperation with the Salvation Army, graffiti cleanups, participation in cancer walks and visiting senior retirement homes.

Our community is grateful to Homenetmen and honors them as an important resource in shaping the lives of the children in the 29th Congressional District. I ask my colleagues to join me in congratulating Homenetmen, Glendale Ararat Chapter on their 30th anniversary.

HONORING ERNESTINE PIGG

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to Ernestine Pigg, a remarkable citizen from my congressional district. Ernestine recently marked her 45th consecutive year teaching citizenship classes for legal immigrants.

Ernestine Pigg began teaching citizenship classes at Fort Knox, KY in 1963. Her final class graduated in 2007. Through the years, Ernestine has remained exceptionally generous with her time as she's prepared more than 2,000 students to pass a Federal test to become United States citizens.

In addition to her work with immigrants, Ernestine has also volunteered her services and expertise in foreign languages as a teaching assistant at North Hardin High School in Radcliff, KY and at Armor Office Basic classes at Ft. Knox. She has also assisted Army JROTC students with various fundraising activities and community outreach projects.

It is my great privilege to honor Ernestine Pigg today before the entire United States House of Representatives. Her spirit of volunteerism and special commitment to the future success of her students is a portrait of outstanding citizenship worthy of our collective respect and appreciation.

INTRODUCTION OF NATIONAL INTEGRATED PUBLIC HEALTH SURVEILLANCE SYSTEMS AND REPORTABLE CONDITIONS ACT

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. TERRY. Madam Speaker, I am pleased to join my colleagues, Congresswoman BALDWIN (WI–02) and Congressman TOWNS (NY–10) on the introduction of the National Integrated Public Health Surveillance Systems and Reportable Conditions Act which addresses a critical aspect of our public health system in the United States: our science infrastructure at all levels of government.

That infrastructure, primarily applied epidemiology, laboratory science, and public health informatics, has greatly improved since the mid-1990s, but has not kept pace with the challenges we face today, such as increased foodborne disease outbreaks, emerging infections such as West Nile Virus, growing antimicrobial resistance, pandemic flu, and environmental health threats, particularly to clean air and water.

Many parts of the local-State-Federal disease surveillance system remain fragmented and paper-based, and have not fully benefited from new technologies that could improve the thoroughness and timeliness of reporting. Only two State public health laboratories have bidirectional data flow and can both send and receive laboratory messages, the gold standard for disease reporting. The potential for new pathogen discovery, rapid electronic exchange of public health information, national bacterial and viral databases for DNA ''fingerprinting'' of infectious disease organisms has not been fully realized.

Madam Speaker, we need a robust, universal, 21st century public health infrastructure that is strengthened at all levels of government to meet these challenges.

The bill we are introducing today will achieve that goal. It will require a very modest expansion of resources, renewed focus and mission, and new areas of special emphasis for several existing programs within the Centers for Disease Control and Prevention, which have never before been authorized. These programs will give public health institutions the capacity to identify and monitor the occurrence of infectious diseases and other conditions of public health importance. It will also improve the detection of new and emerging infectious disease threats, including laboratory capacity to detect antimicrobial resistant infections, identify and respond to disease outbreaks, and hire and train necessary professional staff.

The bill also focuses on improving electronic disease surveillance and reporting by requiring the Secretary, acting through the Director of the Centers for Disease Control to adopt, within 180 days of enactment, guidelines for public health entities to ensure that all State and local health departments and public health laboratories have access to receive, monitor, and report infectious diseases and other urgent conditions of public health importance. These guidelines will be coordinated with the office of the National Coordinator for Health Information Technology and the American Health Information Community .

Grant mechanisms for achieving complete, and updated electronic disease reporting by State and local health departments, and public health laboratories are also delineated and modestly enhanced to ensure the Nation has a seamless, rapid information flow of disease detection and reporting.

We are facing workforce shortages in many areas of our health and public health system. Three recent surveys conducted by the Council of State and Territorial Epidemiologists have established that the number and level of training of epidemiologists is perceived as seriously deficient in most States. The need to increase, well-trained, core public health science professionals is addressed in this bill. Fellowship training for key elements of the public health workforce, applied epidemiologists, laboratory scientists and public health informaticians, is authorized and modest funding targets provided.

The bill also authorizes, for the first time, a process for determining a list of nationally notifiable diseases and conditions. The provisions are modeled on the existing process of collaboration between the States and the Centers for Disease Control and Prevention, but provide clarity and structure that enables Congress to monitor and support improvements as events and technology require.

Madam Speaker, the ''National Integrated Public Health Surveillance Systems and Reportable Conditions Act'' will enhance the Nation's public health capacity by strengthening its core science infrastructure and ensuring a seamless, rapid flow of information. It will help us meet the serious public health challenges of today and tomorrow. I urge my colleagues to consider the benefits of this bill and join as a cosponsor and support its enactment.

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. LEVIN. Madam Speaker, I was unavoidably absent on September 8, 9, 10 and 11 during rollcall votes 567 through 588. Had I been present, I would have voted ''yea'' on rollcall vote 567, ''yea'' on rollcall vote 568, ''yea'' on rollcall vote 569, ''yea'' on rollcall vote 570, ''yea'' on rollcall vote 571, ''yea'' on rollcall vote 572, ''yea'' on rollcall vote 573, ''yea'' on rollcall vote 574, ''yea'' on rollcall vote 575, ''yea'' on rollcall vote 576, ''yea'' on rollcall vote 577, ''yea'' on rollcall vote 578, ''yea'' on rollcall vote 579, ''yea'' on rollcall vote 580, ''yea'' on rollcall vote 581, ''yea'' on rollcall vote 582, ''yea'' on rollcall vote 583, ''yea'' on rollcall vote 584, ''yea'' on rollcall vote 585, ''yea'' on rollcall vote 586, ''yea'' on rollcall vote 587, and ''yea'' on rollcall vote 588.

HONORING THE ART INSTITUTE OF FORT LAUDERDALE

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. KLEIN of Florida. Madam Speaker, today, I rise to recognize the achievements of the Art Institute of Fort Lauderdale on its 40th anniversary. Since opening its doors in 1968, the Art Institute has helped countless students grow artistically and develop skills vital to the many industries that graduates of the Art Institute choose.

Just some of the notable Art Institute alumni include: three-time Pulitzer-prize winning photojournalist Carol Guzy, American fantasy artist Tony DiTerlizzi, and fashion designer and tennis world champion Venus Williams.

Currently, the Art Institute of Fort Lauderdale is composed of 15 art departments, two applied-art schools, and the International Culinary School. The Art Institute of Fort Lauderdale continues to raise the bar in South Florida higher education.

The Art Institute works with Broward, Palm Beach, and Miami-Dade county high schools to help a broader range of students achieve their professional goals through art education. I would like to congratulate the Art Institute of Fort Lauderdale on its first 40 years of expansion and success and wish it all the best in the future.

HONORING THE WESTCARE FOUNDATION'S 35TH ANNIVERSARY

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Ms. BERKLEY. Madam Speaker, I rise today to congratulate the WestCare Foundation, headquartered in Las Vegas, which is celebrating its 35th Anniversary this year.

The WestCare story begins in 1973, the same year that saw the launch of the Drug Enforcement Administration (DEA). In that year, a residential treatment program called Fitzsimmons House, or ''Fitz House,'' was begun in Las Vegas. Adopting the therapeutic community treatment modality, Fitz House focused on long-term care for hard-core adult male heroin addicts. Within a few years, WestCare responded to the community's need for expanded substance abuse and mental health treatment and made available services to women and individuals abusing drugs other than heroin.

By 1981, the Fitz House program had expanded to include adult outpatient and day treatment services, as well as substance abuse education. Within 3 years, they acquired what is now known as the Youth Residential Program for Adolescents, and one year later they added a day treatment component for probationers and parolees. Collaboration with Juvenile Court Services and the Nevada Association of Counties led to the establishment of the Regional Family Resource Center in 1986 to provide crisis intervention, substance abuse assessments and referral/placement services for youth and families. In the

following year the agency that began as Fitzsimmons House officially adopted the name of WestCare.

By 1992, WestCare had extended its focus on special populations to include school-based substance abuse education and prevention for Hispanic youth. Soon neighboring states were beginning to take notice. After meeting with a group of citizens from the tri-state region of Laughlin, Nevada/Needles, California/Bullhead City, Arizona, the Colorado River Region Youth Service Project (CRRYS) was established in Mohave County, Arizona to address gaps in services for youth corrections and child welfare referrals. Ironically, the program was based in a facility originally constructed to conceal a 10,000-square foot marijuana-growing operation shut down by the DEA.

That group of citizens from the tri-state region would become the first in a series of local boards which oversee WestCare's community-based agencies. That pattern was soon repeated in Fresno, California when WestCare assumed the fiscal and clinical management of The Third Floor. Originated in 1974, the program provides critical substance abuse treatment and prevention programs as well as support services for the homeless and families in need—over 3,000 persons annually—and is currently one of the largest community-based programs in California.

From there, WestCare expanded its efforts to the other states now covered by its work (Florida, Georgia, Illinois, Kentucky, Nevada and the Virgin Islands.) Now, under the direction of its national leadership, over 1,100 dedicated staff members provide care at 74 service sites. But Nevada retains the distinction of being home to the WestCare Foundation National Office.

Today, the WestCare Foundation is a national non-profit organization with a depth of experience in providing the full continuum of substance abuse and addiction treatment services, including a broad array of health and human services, in both community-based residential and outpatient treatment environments. Specializing in those historically considered difficult to treat, the WestCare family of organizations provides quality substance abuse treatment services to adults, children and families throughout its service areas.

Madam Speaker, I know you share my excitement and pride in the work of West Care and join me in congratulating them on 35 years of exceptional service in the community.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE TOWN OF WADLEY, ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition the historic town of Wadley, Alabama. On September 13, 2008, the citizens of Wadley will gather to celebrate their town's 100th anniversary.

The town began as a single store established by Mr. Minus Radney in 1906 to serve workers on the AB&A railway which passed through the town. The same year, Mr. Fuller E. Callaway, owner of the Callaway Development Company of LaGrange, laid out plans to acquire land and construct a model community. On September 15, 1908, Wadley was officially incorporated with a population of just 333. One month later, the town opened for settlement and investment with special events and train rates to promote the growth of the new community.

Today, Wadley is home to 640 citizens as well as Southern Union State Community College. The centennial festivities will begin with a parade down Main Street, and continue with performances from a number of local musicians. Play areas for children, storytelling and crafts demonstrations will also be open to residents.

I am pleased to recognize the town of Wadley for reaching this important milestone, and look forward to being a part of its future.

TRIBUTE TO DR. JOHN CARTER

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. UPTON. Madam Speaker, I rise to today to pay tribute to Dr. John Carter, a physician and community leader in Southwest Michigan who is retiring from the Board of Directors of Lakeland Health Care in St. Joseph, Michigan.

Dr. John Carter's contributions and innovative spirit are legendary. Across the region he was known as a caring, compassionate man who put his patients first. He created the first Intensive Care Unit at Mercy Hospital in Benton Harbor. Later that same year, he partnered with two other local physicians for the area's first multi-specialty medical center that became the Cedarwood Center in St. Joseph. Dr. Carter also brought the computer-analyzed EKG system to the state of Michigan.

Dr. John Carter not only took care of his patients, but also became a leader in the community. He was appointed to the Board of Directors of both Cedarwood and Lakeland Health Care. He was part of a group of local investors who built the area's first health and racquet club, and he found time to volunteer in a good number of community organizations.

Dr. John Carter was born in Ft. Wayne, Indiana, and moved to Michigan where he graduated from Kalamazoo High School and went on to Western Michigan University. He attended medical school at the University of Michigan and also served in the United States Air Force.

Southwest Michigan is fortunate that Dr. John Carter decided to look for a place along Lake Michigan. Thousands of people have been touched by his ability to create a healing and caring community, and we are all better off for it. He and his wife Barb and their family have always made a real difference for so many.

IN TRIBUTE TO JAMES R. MCMANUS ON THE OCCASION OF HIS 74TH BIRTHDAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to a true American institution—James R. McManus, who has led the McManus Midtown Democratic Association since 1963, on the occasion of his 74th birthday. Jim McManus has devoted his life to New York politics and to his community. He is a warm and generous friend, and a thoughtful advisor to generations of politicians.

Politics is in Jim's blood. He was born into one of the great political families. His great-uncle Thomas J. McManus (widely known as "The McManus" or just simply "The") earned the respect of the entire political world by defeating George Washington Plunkitt, one of the most powerful members of Tammany Hall, to win the position of District Leader. He later became a New York State Assemblyman and State Senator. Jim's great-uncle Charles A. McManus was Vice President of the Board of Aldermen, the predecessor to the New York City Council. His father, Eugene McManus, was a local District Leader. And Jim McManus has followed the family tradition and proudly serves as District Leader and leader of the McManus Midtown Democratic Association.

Under Jim's leadership, the McManus Midtown Democratic Association is one of the few political clubs that continue to consider service to the community to be one of their prime responsibilities. People turn to the club for help with housing, social services, immigration, education, ESL classes and other concerns. Through the years, they have helped thousands of local residents and businesses resolve difficult problems.

Jim McManus worked for 12 years in the production department of The New York Times, and subsequently was a senior administrator of the Board of Elections. He has also worked with the family funeral home. Throughout, politics was Jim's first love and his chief preoccupation. Jim loves his neighborhood, his city and his country, and he has always worked to improve the quality of life in his community. He is a giant in New York's Democratic Party. His advice and good wishes are deeply valued.

Of all the events on the political calendar, the one I have always liked best is the St. Patrick's Day Breakfast hosted by Jim McManus and a few fortunate others. Everyone who is anyone in New York politics views this event as a mandatory stop—politicians from both parties, Mayors, Senators, Congressmembers, local elected officials all stop by to pay homage to the Irish, and to salute the magnificent Jim McManus.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing one of New York's great political forces—the incomparable James McManus.

CHATSWORTH TRAIN CRASH TRAGEDY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. GALLEGLY. Madam Speaker, on Friday, September 12, 2008, a Metrolink commuter train collided with a freight train near Chatsworth, California. Most of the passengers were residents of my congressional district, on their way home from the Los Angeles area. Twenty-five people have been killed and many more critically injured. It was the deadliest train accident in this country in fifteen years.

It is also the second deadly crash on this commuter line in three years. This one however, was much worse. As gas prices have skyrocketed, Southern California commuters have increasingly turned to rail service. Among the dead and injured are law enforcement personnel, educators, civil servants, students, and others, who were doing their best to save time and money while avoiding some of the worst congestion in the country. As reports continue to come in regarding the cause of this tragedy, my neighbors in Simi Valley, Thousand Oaks, Moorpark, Camarillo, Ventura, Santa Paula, and other communities in Ventura County now mourn for their loved ones.

I would like to express my condolences to the families of those who lost their lives in this tragedy and offer comfort to those who are injured. I assure them we will do everything we can to determine the cause and to ensure that something like this never happens again.

ON THE BIRTH OF ALEXANDER JACOB LEE AIMAR

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate Allen and Amber Aimar on the birth of their new baby boy. Alexander Jacob Lee Aimar was born on September 11, 2008, weighing five pounds and five ounces. He has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future.

His father, Allen, serves as the military legislative assistant in the Office of the Second Congressional District of South Carolina. His mother, Amber, is a former member of our staff who served as deputy campaign manager during my 2001 run for Congress, as a field representative, and as our office manager.

I want to congratulate Alexander's grandparents, Pete and Andi Riddell of Westerville, Ohio, Allen and Deborah Aimar of Johnson City, Tennessee, and Greg and Marian Erickson of Beaufort, South Carolina. On behalf of my wife Roxanne, and our entire family, we want to wish Allen, Amber, and Alexander all the best.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. SMITH of Washington. Madam Speaker, I was unable to vote on rollcall No. 567: On motion to suspend the rules and pass S. 2403, as amended. Had I been present, I would have voted yes.

I was unable to vote on rollcall No. 568: On motion to suspend the rules and pass S. 2837. Had I been present, I would have voted yes.

I was unable to vote on rollcall No. 569: On motion to suspend the rules and pass S. 2135, as amended. Had I been present, I would have voted yes.

I was unable to vote on rollcall No. 570: On motion to suspend the rules and pass H. Con. Res. 344, as amended. Had I been present, I would have voted yes.

I was unable to vote on rollcall No. 571: On motion to suspend the rules and pass H. Res. 937, as amended. Had I been present, I would have voted yes.

I was unable to vote on rollcall No. 572: On motion to suspend the rules and pass H. Res. 1069, as amended. Had I been present, I would have voted yes.

I was unable to vote on rollcall No. 573: On motion to suspend the rules and pass H. Res. 1307, as amended. Had I been present, I would have voted yes.

I was unable to vote on rollcall No. 574: On motion to suspend the rules and pass H.R. 6168. Had I been present, I would have voted yes.

I was unable to vote on rollcall No. 575: On motion to suspend the rules and pass H.R. 6630, as amended. Had I been present, I would have voted yes.

HONORING 30 YEARS OF HOSPICECARE IN SOUTHERN WISCONSIN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Ms. BALDWIN. Madam Speaker, I rise today to honor the 30th anniversary of HospiceCare Inc. From its humble beginnings as a small grassroots operation serving a handful of patients in Southern Wisconsin, Dane County Hospice, now HospiceCare, has grown into an organization that serves over 400 patients each day throughout the area in a variety of settings. HospiceCare's Madison and Janesville locations maintain a staff of more than 500 professionals and nearly 1,000 volunteers.

The term "hospice" originates from the root word "hospitality." It is with this foundation in mind that HospiceCare seeks to carry out its mission of providing quality end-of-life care to patients and families coping with life-limiting illnesses. HospiceCare's comprehensive and collaborative team of professionals combines expert pain and symptom management with compassionate care to ensure that individuals diagnosed with life-limiting illnesses live the end of their lives in comfort and with dignity, whether they are in their own home or in a hospital, community based residential facility, nursing home, or assisted living facility.

Since its founding in 1978, HospiceCare has become an essential component of our community's fabric. As an innovator, educator, and above all, a quality care provider, HospiceCare has shown the way to a more peaceful end-of-life experience for a growing number of patients and their loved ones. In 1995, HospiceCare merged with Janesville Team Care to bring HospiceCare's brand of quality and commitment to the Rock County area. In the last decade alone, HospiceCare has planned, built, and opened the Don and Marilyn Anderson HospiceCare Center, the only freestanding, inpatient hospice unit in Dane County, and more recently, the Ellen & Peter Johnson HospiceCare Residence to provide care to patients in a residential setting on the HospiceCare campus.

These accomplishments have brought HospiceCare closer to achieving its long-term vision of "building a community in which exceptional end-of-life care is accepted, expected and available to all." I am proud to stand with HospiceCare in order to make that vision a reality.

For 30 years of continued service and commitment to families across Wisconsin, I congratulate HospiceCare Inc. and wish all those involved many more years of success in the future.

HONORING THE ACCOMPLISHMENT OF ED LOVE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. CONYERS. Madam Speaker, I rise today to make express my gratitude for my fellow jazz enthusiast and Detroiter, Ed Love. For more than 24 years, Ed Love has delighted listeners with Destination Jazz: The Ed Love Program on weekdays from 7 pm to midnight on WDET 101.9FM. Ed's passion for jazz and radio extends all the way back to his youth in Kansas, when he was an avid listener of his mother's records and hosts like Dick Martin of WWL in New Orleans. After graduating from broadcasting school, Ed worked for Armed Forces Radio in several states and in the Philippines. Starting in 1960, he worked at various stations throughout Detroit until joining WDET in 1983. Ed has not only entertained Detroit radio listeners throughout his impressive career, but also spent six years hosting a nationally syndicated program entitled "The Evolution of Jazz," educating and entertaining listeners on 125 stations from coast to coast.

Ed was honored for his contribution to the world of jazz with the "Distinguished Achievement Award" from the Motor City Music Foundation. Ed was recognized by the Friends of the Detroit Institute of Arts with the "Dr. Alian Locke Award" in 1999 for his contributions to the arts. He's earned two "Spirit of Detroit

Awards'' from Detroit Mayors Coleman A. Young and Dennis W. Archer. The Michigan House of Representatives, the Michigan Senate, the Congressional Black Caucus and the National Broadcast Awards have all recognized him for his profound knowledge and love of jazz. The Southeast Michigan Jazz Association (SEMJA) recognized Ed for his outstanding contribution to jazz and the arts. In 2005, Ed received the ''Detroit Jazz Guardian'' Award from the Music Hall Center for the Performing Arts and the Detroit International Jazz Festival. Ed was also honored in 2005 with the ''Distinguished Arts Achievement'' award from the Oakland County chapter of The Links. He has also served as the senior program consultant for the Detroit International Jazz Festival since 2000.

In the wake of the collapse of the International Association of Jazz Educators, Ed Love and other jazz advocates will be even more important in the preservation of one of our nation's treasures and original art forms, jazz. I know that as long as jazz has stewards like Ed Love, we can be assured that it will be taught and will thrive the future. Through his work, Ed Love has and will continue to inspire generations of performers, educators, and students for years to come.

PERSONAL EXPLANATION

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to enter into the RECORD votes I would have cast had I been present for rollcall votes 585 through 588. I was absent on Thursday, September 11th due to a family event.

If I were present I would have voted, ''aye'' on rollcall vote 585, ''aye'' on rollcall vote 586, ''aye'' on rollcall vote 587, and ''aye'' on rollcall vote 588.

THE HEALTH-E INFORMATION TECHNOLOGY ACT OF 2008

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. STARK. Madam Speaker, I rise to introduce the Health-e Information Technology Act of 2008, a bill to stimulate the development of a uniform, interoperable health information technology system for America. Such a system would enable every hospital and doctor to input a patient's information and pull up their medical record—all on-line and readily available. It would also make data available to researchers so that we could improve the practice of medicine.

Health Information Technology (HIT) is the key to improving quality, gaining efficiencies, and reducing cost in the U.S. health care system. That's something that even people ranging from President Bush to BARACK OBAMA can agree on.

If the United States had such a system, we would be able to provide the right care, to the patient, at the right time. A nationwide HIT system would:

Ensure that every hospital could access an emergency room patient's medical record to appropriately treat them.

Reduce duplicative lab tests. One study found that 9 percent of all lab tests were redundant and that physicians canceled 69 percent of lab tests when their HIT systems alerted them to the redundancy.

More quickly eradicate outbreaks of disease because the HIT system would allow us to analyze where people were sick and what they had in common.

More effectively conduct post-market surveillance on drugs approved by the FDA to ensure that they really are safe and effective once they are on the market. According to the FDA, Vioxx may have contributed to 27,785 heart attacks and sudden cardiac deaths between 1999 and 2003. Providers with health IT systems were able to closely monitor their Vioxx patients and take them off Vioxx at the first sign of harm.

Dramatically reduce the use of paper records which—on top of being cumbersome and environmentally unfriendly—also cause medical errors because of difficulty interpreting handwriting and an inability to easily detect orders that are inappropriate for the patient, given their age, allergies, health conditions, and other drugs they may be taking. One study found that 1.4 percent of hospital admissions were caused by adverse drug events, 28 percent of which were preventable, and at a cost of $10,000 per preventable event.

There is no debate over whether we need such a HIT system in America. The debate is over the right role for government to foster the widespread adoption of such an interoperable, seamless HIT system. In this debate, it is vitally important to ensure that such a system has strong privacy protections and security requirements.

Some might say let the private sector do it. I'd respond that we've tried that and it's failed. Currently only 20–30 percent of hospitals and 10–20 percent of physicians' offices have comprehensive health information systems. Even where systems are in place, they operate in silos and do not provide the aggregate data needed to improve quality of care. One reason for this failure is that private industry has spawned the development of unique proprietary systems. These systems may work well for the doctor's office or hospital system that purchases it, but they are unable to perform outside of their own network and therefore fail to meet the need of integrating our disparate health care system. This lack of progress is costing U.S. taxpayers millions of dollars. Studies have indicated that widespread adoption of HIT could reduce health care spending by $80 million annually.

Just last week at a hearing before the Ways and Means Health Subcommittee, a representative for the California Association of Physician Groups (which represents large physician group practices in California) acknowledged that, while each of their member groups had adopted HIT, those systems were unable to talk to each other. The groups had each spent millions of dollars and suffered through reduced productivity during the transition, but their systems still cannot advance the practice of medicine in the United States or engage in other activities to achieve broader system efficiencies and quality improvements.

That's why, in my mind, it is so important for the Federal Government to step into the arena of HIT. Not because I think Government is better than the private sector. But, because I think that if our Government has decided that a uniform, interoperable HIT system is a priority, we should step up to the plate to create the standards and help pay for its adoption. That's precisely what the Health-e Information Technology Act does.

The Health-e Information Technology Act would codify the Office of the National Coordinator for Health Information Technology within the Department of Health and Human Services. The National Coordinator—with the assistance of an advisory committee representing private stakeholders and other appropriate public agencies—would be responsible for establishing and implementing a plan to achieve widespread adoption and use of interoperable, secure, and clinically useful electronic health records. In addition, the Coordinator would develop an open source health information technology system that is certified to meet the standards and would be available to health care providers at little or no cost in 2012, after the standards are established in 2011. Private vendors would be part of the process and would be encouraged to ensure that their products meet the new federal standards as well.

The bill would utilize the strength and size of the Medicare program as a tool to assure the adoption of these standards. Starting by 2013, Medicare would provide supplementary payments to doctors and hospitals (each up to a capped amount) to help offset the cost of purchasing new HIT equipment, transitioning to its use, and training personnel. These incentive payments would phase-out on a sliding scale over a four or five year period, for hospitals and doctors respectively. After that timeframe, if doctors or hospitals failed to use an HIT system that meets the defined standards, they would be penalized by a reduction in their Medicare reimbursements. As not all health care providers are reimbursed by Medicare, there are grant programs to assure assistance to them as well.

Maintaining the privacy and security of people's electronic health records is of vital importance. The Health-e Information Technology Act takes the protections afforded by the Health Insurance Portability and Accountability Act (HIPAA) of 1996, and updates them for the 21st century. It provides for protections to reach new entities in the e-health environment that were not envisaged by HIPAA, such as e-prescribing gateways and regional health information organizations, and addresses the increased migration of personal health information out of the traditional medical system through business associates. It shuts down the secondary market that has emerged around the sale and mining of patient health information by prohibiting the sale of patient information and applying stiff penalties to any individual or entity that uses or discloses health information in an unauthorized way. The bill also develops a culture of privacy protection through tough enforcement. To date, the Secretary has not levied a single penalty

against a HIPAA covered entity, despite numerous privacy and security violations. This bill strengthens the enforcement of privacy and security protections by increasing the amount of civil monetary penalties that may be levied, requiring the Secretary to levy penalties in cases where violations rise to the level of willful neglect, and holding the Secretary accountable for actively enforcing the provisions through period audits and reports.

I recently sat down with the chairman of a major medical association, the head of a physician group practice organization, and two former Medicare and Medicaid administrators—one for a Democratic president and the other for a Republican president. All four of them agreed that without a date certain in law by which a uniform, interoperable HIT system must be used by all of America's doctors and hospitals, it simply won't happen. They also agreed that, while it won't be easy, it is vital that we form consensus around such legislation. They, too, acknowledged that a system that provides financial incentives for adoption, with eventual penalties for failure to adopt, is a sensible way to proceed.

With introduction of the Health-e Information Technology Act, I hope that we can move from the realm of private discussions to public endorsements. I am under no illusions that it will be easy to enact a bill like this. While the Congressional Budget Office has not yet provided a score for the legislation, we know that it will have significant costs. But down-payments are required to achieve yield on long-term investments. I am confident that a uniform HIT system will ultimately lead to dramatic improvements in the delivery system and reap great savings once it is in place.

I look forward to working with my colleagues on both sides of the aisle, as well as physician and hospital organizations, to enact legislation to require the development and adoption of a uniform HIT system. We've been talking about this for decades. It is now time to act.

HONORING THE LINCOLN TRAIL AREA DEVELOPMENT DISTRICT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay public tribute to the Lincoln Trail Area Development District (LTADD), a public agency in my congressional district that promotes regional economic growth by creating partnerships with local, civic and governmental leaders. LTADD will mark their 40th year of service during ceremonies scheduled later this month.

The Lincoln Trail Area Development District was created as a non-profit corporation in March 1968. Four years later, the organization was designated as a public agency under KRS 147a and assigned a development district that includes the west-central Kentucky counties of Breckinridge, Grayson, Hardin, Larue, Marion, Meade, Nelson and Washington.

Since its formation, LTADD has adhered to a philosophy that conscientious personal attention provided to communities they serve will ensure long and mutually beneficial relationships. Their mission to develop innovative, economical and socially acceptable solutions to difficult community problems remains the trademark of LTADD's success as they begin their fourth decade.

The Lincoln Trail Area Development District includes major population centers, businesses, and tourism destinations including the birthplace and boyhood home of Abraham Lincoln and the Fort Knox Army Installation. The agency continues to play a significant role in coordinating community transitional needs resulting from the 2005 BRAC-mandated mission realignment at Ft. Knox.

LTADD currently employs a staff of over 40 planners, administrators and support personnel who manage a region that includes more than 243,000 residents and 35 local government bodies.

It is my great privilege to recognize the exceptional board of directors and staff of the Lincoln Trail Area Development District for all that they do to promote the economic vitality of local communities and enhance quality of life for those who live and work within the district. The objectives and collective achievements of this special organization are worthy of our honor and respect.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 16, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 17

9:30 a.m.

Judiciary

To hold oversight hearings to examine the Federal Bureau of Investigation.

SH–216

Veterans' Affairs

To hold hearings to examine the nomination of Patrick W. Dunne, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs.

SR–418

10 a.m.

Environment and Public Works

To hold hearings to examine S. 1387, to amend the Emergency Planning and Community Right-to-Know Act of 1986 to provide for greenhouse gases, S. 2080, to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, H.R. 1464, to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations, H.R. 1771, to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes, H.R. 3224, to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams, H.R. 3999 and S. 3338, bills to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, H.R. 5001, to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia, S. 2970, to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, S. 1828, to require the Administrator of the Environmental Protection Agency to conduct a study of the feasibility of increasing the consumption in the United States of certain ethanol-blended gasoline, and other pending legislation.

SD–406

Foreign Relations

To hold hearings to examine Russia's aggression against Georgia, focusing on the consequences and responses.

SD–419

Health, Education, Labor, and Pensions

To hold hearings to examine 401(k) plan fee disclosure, focusing on helping workers save for retirement.

SD–430

Homeland Security and Governmental Affairs

Business meeting to consider S. 3474, to amend title 44, United States Code, to enhance information security of the Federal Government, S. 3384, to amend section 11317 of title 40, United States Code, to require greater accountability for cost overruns on Federal IT investment projects, H.R. 2631, to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, H.R. 6098, to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, H.R. 3815, to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of

open source information to develop and disseminate open source homeland security information products, S. 3176, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide mental health and substance abuse services, an original bill to establish a controlled unclassified information framework, H.R. 6073, to provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically, to amend title 5, United States Code, to provide for 8 weeks of paid leave for Federal employees giving birth, S. 3350, to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances, S. 3477, to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence, H.R. 5975 and S. 3317, bills to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the ''Cpl. John P. Sigsbee Post Office'', H.R. 6092, to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the ''Sergeant Paul Saylor Post Office Building'', S. 3309, to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the Mayor William ''Bill'' Sandberg Post Office Building, H.R. 6437, to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the ''Corporal Alfred Mac Wilson Post Office'', and the nominations of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Regulatory Commission, and Carol Waller Pope, of the District of Columbia, and Thomas M. Beck, of Virginia, both to be a Member of the Federal Labor Relations Authority.

SD–342

10:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine pending Corporation for Public Broadcasting nominations.

SR–253

Aging

To hold hearings to examine direct-to-consumer medical device advertising, focusing on marketing and medicine.

SD–562

3 p.m.

Joint Economic Committee

To hold hearings to examine the role of Organization for Security and Cooperation in Europe (OSCE) institutions in advancing human rights and democracy.

2325, Rayburn Building

SEPTEMBER 18

9:30 a.m.

Indian Affairs

To hold oversight hearings to examine federal declinations to prosecute crimes in Indian country.

SD–628

10 a.m.

Environment and Public Works

To hold oversight hearings to examine clean-up efforts at federal facilities.

SD–406

Judiciary

Business meeting to consider S. 3259, to amend title 11, United States Code, with respect to the priority of certain high cost credit debts, H.R. 3971, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, S. Res. 540, recognizing the historical significance of the sloop-of-war USS Constellation as a reminder of the participation of the United States in the transatlantic slave trade and of the efforts of the United States to end the slave trade, the nominations of Clark Waddoups, to be United States District Judge for the District of Utah, Michael M. Anello, to be United States District Judge for the Southern District of California, Mary Stenson Scriven, to be United States District Judge for the Middle District of Florida, Christine M. Arguello, to be United States District Judge for the District of Colorado, Philip A. Brimmer, to be United States District Judge for the District of Colorado, and Gregory G. Garre, of Maryland, to be Solicitor General of the United States, George W. Venables, to be United States Marshal for the Southern District of California, and A. Brian Albritton, to be United States Attorney for the Middle District of Florida, all of the Department of Justice, and the authorization for subpoenas relating to the Department of Justice Office of Legal Counsel.

SH–216

10:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine recent bank failures and the response of regulators.

SD–538

2 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the homeland security risks associated with the upcoming presidential transition, the Department of Homeland Security's (DHS) planning for the transition, and what remains to be done to prepare for the transition.

SD–342

2:30 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine transparency in accounting, proposed changes to accounting for off-balance sheet entities.

SD–538

Foreign Relations

To hold hearings to examine the Agreement for Peaceful Nuclear Cooperation with India.

SD–419

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold an oversight hearing to examine bus safety.

SR–253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

SEPTEMBER 23

10 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

Financial Services and General Government Subcommittee

To hold joint hearings to examine food marketing to children.

SD–192

2:30 p.m.

Commerce, Science, and Transportation

To hold oversight hearings to examine the transition to digital television, focusing on the February 2009 deadline.

SR–253

SEPTEMBER 24

9:30 a.m.

Veterans' Affairs

To hold oversight hearings to examine cooperation and collaboration by the Departments of Veterans Affairs and Defense on information technology efforts.

SR–418

10 a.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine the imbalance in United States-Korea automobile trade.

SR–253

Joint Economic Committee

To hold hearings to examine the current economic outlook.

SD–106

2:30 p.m.

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine the Visa Waiver Program, focusing on mitigating risks to ensure the safety of all Americans.

SH–216

CANCELLATIONS

SEPTEMBER 17

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine protected marine areas, focusing on federal and state efforts to conserve, manage, and restore marine resources.

SR–253

SENATE—*Tuesday, September 16, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, who inhabits eternity, whose throne is in Heaven, whose footstool is Earth, You are worthy to receive our gratitude, worship, and praise. We thank You for Your gracious mercy and forgiveness when we fail and sin. We praise You for Your grace, which is lavished upon us despite our indifference, our pride, and our selfishness. Lord, we worship You, we adore You, we glorify You. We humble ourselves before You. Let Your presence be felt today on Capitol Hill. Inspire our lawmakers to be examples in their words, faith, and purity. May this be a day in which Your love is expressed in their attitudes and actions. You are worthy, Lord God of the universe, world without end. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 16, 2008.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE ECONOMY

Mr. REID. Mr. President, on the morning of October 30, 1929, President Herbert Hoover awoke the day after the biggest one-day stock market crash in American history, surveyed the state of the U.S. economy and declared:

The fundamental business of the country, that is production and distribution of commodities, is on a sound and prosperous basis.

In the coming weeks and months after that, President Hoover remained in an economic bubble, unaware of the extreme suffering of ordinary Americans—even declaring that anyone who questioned the state of the economy was a ''fool.''

For Herbert Hoover, I guess ignorance was bliss. It wasn't until the American people replaced this out-of-touch Republican President with a Democrat, Franklin Delano Roosevelt, that our Nation's economic recovery began. Yesterday, nearly 80 years after the Hoover administration took America with blissful ignorance into a depression, the Dow Jones industrial average dropped 504 points—the biggest one-day decline since trading opened after the attacks of 9/11.

With one major investment bank headed for bankruptcy, and another sold at a bargain-basement price, and one of the world's largest insurance companies teetering, investors rushed to sell their shares, and not only in America but all over the world.

With our financial markets reeling, the American people are wondering whether they will lose their jobs, whether they will be able to pay their child's next tuition bill, and whether their pension and retirement savings will be safe, or even whether their bank will survive.

There is no reason to think we are headed into an economic depression. I believe there is no reason to panic. Yet one Senator—JOHN MCCAIN—woke up yesterday morning, surveyed the state of the U.S. economy, summoned the ghost of his fellow Republican Herbert Hoover, and declared:

The fundamentals of our economy are strong.

For whom are the fundamentals of our economy strong? Certainly not the 606,000 American people who have lost their jobs this year. Certainly it is not strong for the commuters and truckers who are sending more and more of their hard-earned dollars overseas to pay for fuel. Certainly our economy is not strong for those struggling to make one paycheck last until the next, with record home heating prices looming in the coming winter months, and the price of oil teetering around $4 for a gallon of gasoline. It is not strong for the cities and towns that have been forced to cut back on police, schools, and firefighters because their tax base is shrinking. Certainly it is not strong for the millions of families who have or may soon lose their homes, or the tens of millions who are seeing their home equity plummet.

No matter what George Bush, JOHN MCCAIN, or the ghost of Herbert Hoover may think, this economy is not strong, and the American people deserve better.

This is not a time for panic, but it is a time to look back on the past 8 years of the Bush-Hoover-McCain economics and figure out what brought us to this point so we don't repeat the same mistakes.

The tragic truth is this disaster was avoidable. In its palpable disdain for all things relating to government, the Bush-Cheney administration willfully neglected the Government's most important function, which is to safeguard the American people from harm—not only physical harm but economic harm.

In their simplistic philosophy of ''big business equals good, government equals bad,'' the administration and the Republican Congress failed to conduct oversight, and let the financial sector go wild.

Without anyone regulating their actions, market excess destroyed the financial prudence that allowed a firm such as Lehman Brothers to prosper for 158 years.

Vast fortunes were made virtually overnight, and now vast fortunes have been literally lost overnight. Yesterday, we heard that Hewlett-Packard laid off 25,000 people. There is some talk that Lehman Brothers—somebody may buy them, so instead of losing 25,000 jobs, they will only lose 15,000 jobs. I hope that is the case for those 10,000.

The unfortunate irony is that the Bush administration's zeal to favor big business has crippled it and left the American people to pay the price. President Bush did nothing to stop this disaster, and now he will leave the mess to the next President.

Now our Nation must decide who is better suited to end the Bush-Hoover economics and return sanity and security to our economy.

Senator MCCAIN says the economy is not his strong suit. That is an understatement. That is what he said about himself. So JOHN MCCAIN went searching for an economic adviser who could bolster his weakness. Who did he choose? Phil Gramm. I served with Phil

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Gramm in the Senate—the same Phil Gramm who was responsible for deregulation in the financial services industry that paved the way for much of this crisis to occur. I like Phil Gramm, but I don't like his economics.

A respected economist at the University of Texas, James K. Galver, said that Gramm was: ''the most aggressive advocate of every predatory and rapacious element that the financial sector has'' and that ''he's sorcerer's apprentice of instability and disaster in the financial system.''

It was Phil Gramm who pushed legislation through a Republican Senate that allowed firms such as Enron to avoid regulation and destroy the life savings of its employees, and it was Phil Gramm's legislation that now has Wall Street traders to bid up the price of oil, leaving us to pay the bill.

Warren Buffett called the results of Gramm's legislation ''financial weapons of mass destruction.'' That is what Warren Buffet said.

And now the architect and leading cheerleader for every mistake and neglect that created the Bush-Cheney financial nightmare is whispering into the ear of JOHN MCCAIN, who says he doesn't know much about the economy. I repeat, that is an understatement.

Whether you call it Hoover economics, Bush economics, or McCain economics, it is not a recipe for change; it is a recipe for more of the same.

For all of the college students worried about finding a job, the working families who don't know how they will pay their bills—talking about families and jobs, a man is coming to visit me from Las Vegas. He has two sons who are so brilliant. One of them, a few years ago, was the only person in Nevada to be admitted to Harvard. He had a perfect score in his SAT. He can't find a job. He is a graduate, with honors, from one of our elite ivy league schools and he cannot find a job. His dad is coming to talk to me to see if I can help him. His other boy is still in college and, of course, worried, as I have indicated, about finding a job. Working families don't know how they will pay their bills, and the fixed-income seniors are trying to figure out how to pay for medicine. We have to do better.

We cannot afford another Republican President who will follow his party's ghosts down the path of recession, depression, and more suffering. We desperately need a President who understands that working people, not industry titans, are the backbone of our country and economy.

We need a President who will cut taxes for working people and senior citizens, end the windfall profits of oil companies, and put that money back into the pockets of those who are paying record prices at the pump, and put millions of Americans back to work by investing in jobs on Main Street, not Wall Street.

In November, we can elect a President who will break from the past and invest in the future, a person of change. But until then, the Senate should pass our tax extenders. We need to do that. If we want to jump-start the economy, let's pass the tax extenders for renewable energy. In the State of Montana, the State of the Presiding Officer, renewable energy is a job creator. On August 18 and 19, I had an energy summit in Las Vegas. We had Democrats, Republicans, academics, and people from the industry. I talked to the Governor from Colorado and asked him how his State is doing. He said they are not being hit as hard as others because they are creating thousands of jobs with renewable energy projects. That is what the future holds for us. We need to pass the energy tax extenders. I hope we can work something out with the Republicans to pass other tax extenders for more than 1 year. We have to get away from the 1-year deal. Let's do them for 2 years so that people in the private sector can look at Congress as a friend. I hope we can do that.

I also think we have to take a look at a stimulus package that funds infrastructure projects, creates jobs, prevents cuts in desperately needed State services, invests in renewable energy, expanded unemployment benefits for victims of this administration's economy, and helps working people and senior citizens afford the costs of energy.

I think the House of Representatives will pass the stimulus bill in the coming days. I hope that today they pass the Energy bill. As I indicated to the distinguished Republican leader, we are going to finish this Defense authorization as soon as we can. I hope to get cloture on it this afternoon.

I hope the unanimous-consent request Senator LEVIN will offer around 11 o'clock—whenever we finish morning business—will be accepted. When we finish that, I think there is an agreement between the Republican leader and me that we are going to go to the tax extenders, renewable first. We have to have a vote on AMT. We are going to vote on the other tax extenders. That will be helpful. It sets a great pattern for what we need to do here. I hope the House follows suit and takes care of that business.

We are going to now have a period for morning business, with Senators allowed to speak for up to 10 minutes each, as soon as the Republican leader finishes his statement, if he has one. The Republicans will control the first 30 minutes, and the majority will control the second 30 minutes.

Following morning business, the Senate will resume consideration of S. 3001, the national defense authorization bill. The managers are working through filed amendments to the bill. Senators should be on notice that the chairman has shared a proposed unanimous consent agreement with Republicans and will ask for consent prior to the caucus recess. If we are unable to reach agreement, at 3 p.m. the Senate will proceed to a cloture vote on the bill, with the final 30 minutes equally divided and controlled by the two leaders, with the majority leader controlling the final 15 minutes. Senators have until 12 noon to file second-degree amendments to the Defense bill.

I will finally say that under the regular procedure, we would have a cloture vote an hour after we come into session. But I had a conversation with the Republican leader last evening, and we felt it would be best to wait until after our caucus so people understood how important this Defense authorization bill is and how Senator WARNER and Senator LEVIN have tried hard to work through all these amendments. Hopefully, we can get cloture invoked and work on the amendments that are available postcloture and finish this bill, say, 9:30 tomorrow morning, something like that. I hope that can be the case.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the first half of the time under the control of the Republican leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Missouri.

ENERGY

Mr. BOND. Mr. President, we have heard a very powerful Presidential campaign speech by my good friend the majority leader. He asked what has brought us to this point. What has brought us to the point that farmers are suffering, families are suffering, truckdrivers are suffering—all of us are suffering from the high prices of energy.

It should be no secret to anybody who knows what is going on around here that for the last 20 years, my colleagues on the other side of the aisle have instituted a policy of ''don't drill, don't refine, don't develop nuclear power.'' Our gas and oil prices have gone through the roof because we have artificially constrained the amount of energy we can produce.

What we are asking for and the American people are asking for every

time I go home is some common sense. Impose our good, strong environmental regulations. We have the strongest environmental regulations of any nation on the Earth on producing oil and gas. We can pay high sums of ransom to foreign powers, such as Hugo Chavez in Venezuela or Vladimir Putin in Russia or Ahmadinejad in Iran, and get oil and gas that has not been produced with the same environmental protections we have.

Today, the price of oil is only $92 per barrel. A gallon of gas on Friday, before Hurricane Ike, averaged only $3.65. It has come down some now with the unwinding of the Lehman investments in long-term energy futures. But the problem is still there. We have not solved the problem. We have taken some steps that I believe will give the market some encouragement. But if you think oil at only $92 per barrel is good enough, if you think gas falling to $3.65 a gallon is good enough, then you must be one of these people who support the Pelosi plan, the Gang of 10 proposal. You must be one of those people who think we can get away with giving just a little bit of opening of our tremendous oil reserves and gas reserves.

What I can tell you is that the price of oil falling only a little bit is not good enough for the families of Missouri, the farmers, the small businesses in Missouri, the truckers, all of the people who have been hit hard by the high price of gas. The price for a gallon of gasoline falling only a little bit is not good enough for my workers and families in Missouri or the workers and families in the United States. That is why opening a little bit of new oil production is not good enough for our farmers and workers. Missouri's families and farmers, workers and small businesses, like the entire Nation, deserve as much relief as we can responsibly give them from the high gas prices, and we need to do it now.

The suffering of our families in today's tough times is certainly not over yet. The mortgage crisis brought on by speculation in the housing finance market is still ravaging our neighborhoods. High food prices are still ravaging household budgets. High health care budgets are ravaging lifetime savings. High education costs are still crimping our retirement funds. Missouri farmers are still struggling with the high fuel costs they pay to run their farm equipment. Dairy producers are struggling with the surcharges they pay to ship their milk to markets. Our food processors in Missouri and across the Nation are struggling with high transportation costs to obtain their raw goods. Grocers in Missouri and across the Nation are still struggling with high shipping costs. That is the high cost of the price of food—the off-farm fuel costs that go to transportation, driving, and other procedures. And Missouri truckers are suffering from high diesel costs. Missouri airline workers are losing their jobs because of high jet fuel costs. So why would anyone think that just a little price relief is OK? Why would anyone think we just have to lower gas prices a little bit? Our families don't just deserve a little relief; our families deserve as much gas price relief as we can give them. Our truckers don't deserve just a little relief; they deserve as much diesel relief as we can give them. Our farmers don't deserve just a little relief; our farmers deserve as much fuel price relief as we can give them. That is why we should not open just a little bit of offshore oil production. We should open as much new offshore oil production as we can, have it produced in an environmentally responsible manner to drive oil and gas prices as far down as we possibly can to provide as much relief to families and workers as we can.

The proposal we will consider from the Gang of 10 will not open as much new offshore oil as we can, so it will not drive down oil and gas prices as much as we can. It plans to open a handful of sites in southeast Florida to offshore production, but it leaves closed to the American people east coast and Northeast States. It leaves the entire Pacific coast of America closed. Seventy percent of America's offshore areas, off lower 48 States, would still be closed to the American people and the energy they need under the Gang of 10 plan. Eighty-five percent of offshore areas are currently off limits. So how is opening only 15 percent more in offshore production going to provide relief to the American people?

On the other side, the Speaker's plan does not provide relief to the American people either. It opens certain areas of the east and west coasts of America but does so only outside the 50 miles from shore.

There is a funny little statistic that maybe people would be interested in, and that is that most of the oil off the Pacific west coast is less than 25 miles off the shore. More of it is within 50 miles off the shore. So no more than 3 to 5 percent of the oil off California and the west coast would be opened. It leaves closed to the American people the eastern half of the Gulf of Mexico where almost of all the new oil in the east coast lies.

So the Pelosi plan may well be described as opening everywhere that oil is not and leaving closed and off limits to the needs of the American people everywhere the oil is. The plan will do almost nothing to bring the American people gas price relief.

Let me talk about the Gulf of Mexico. We wish everyone—Texas, Louisiana, across that part of the country—Godspeed in their recovery. We prayed for you during the storm. We now pray for you as you put your lives back together. But we are also putting the Nation's oil infrastructure back together.

Hurricane Alley, as the western Gulf of Mexico is often known, is also the port of entry for 64 percent of our imported oil and most of our refineries. Rolling right down Hurricane Alley, Hurricane Ike has shut down 63 percent of our oil rigs, idled 73 percent of our gas output, closed 8 refineries, and stopped 96 percent of gulf oil output. Mother Nature can only tell us we asked for it by concentrating so much oil production in the western gulf, by concentrating so much oil refining in the western gulf, by forcing so much oil importation through the western gulf.

We have only ourselves to blame when we keep other parts of our ocean closed to production. We only have ourselves to blame when we keep the other parts of our shores closed to refining. We have only ourselves to blame when prices spike 17 cents in a weekend, as they did over this weekend. We have only ourselves to blame if we continue the Democratic policies of ''don't drill, don't refine, don't use nuclear resources.'' And if we vote for proposals that still keep most all of our shores off limits, we will have only ourselves to blame for not providing American families, workers, and small businesses the relief they need. We will have only ourselves to blame if we do not provide American families the relief they deserve.

I urge our colleagues to consider American families when we vote to give them as much energy, gas, oil relief as we can—not just a little bit more relief but a lot more relief, finding not just a little bit of oil production but as much new oil production as we can. Our American workers, American farmers, American small businesses—all of us in our American economy deserve no less. We must produce what we have, and we must do it now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Missouri for his comments this morning. I, too, wish to make some comments about our energy problems we are having in this country.

Before the August recess, I and many of my Republican colleagues came to the floor of this great body to make the case for a sound national energy policy that would make a difference to the millions of Americans struggling with high energy prices.

We just heard the majority leader mention energy as a critical problem in America. But, unfortunately, instead of dealing with this issue, it was set aside by the majority party in favor of a recess, and like the recess enjoyed by millions of American schoolkids, this recess was an opportunity for the

majority party to run away from the hard work waiting for them on their desks on energy.

When or if we move to the energy debate again, I am hopeful we will be able to accomplish something. This is especially important because this will likely be the last opportunity for many months to offer relief to millions of Americans struggling with high fuel prices. It is relief to commuters, school carpoolers, it is relief for farmers, it is relief for small businesses, grocery shoppers, and all across the spectrum of American life where higher prices mean budget problems.

The price of oil has dropped from its summer high, and that is good, but the fundamental truth remains: America does not control its energy sources. Americans rely on overseas energy, and we pay billions and billions for it. We see those dollars go to countries that sponsor terrorism, which creates additional problems for the security of this country.

Our precarious position comes to everyone's realization when we deal with an interruption in energy. My esteemed colleague from Missouri just finished talking about the impact of Hurricane Ike and how it has had an effect, and that is when Americans realize how precarious our energy supplies are in this country.

For weeks now, dating back to before the August recess, Republicans have been pushing and prodding the Democrats in an effort to address this growing crisis. I suspect that during the August recess Democrats got an earful from their constituents on energy. The citizens of this country told them to release areas off the coast for domestic exploration. They told them to open sections of ANWR to tap millions of barrels of our own vital oil and natural gas supplies. I heard those same concerns raised when I was back in my State during the summer.

Mr. President, the American people have spoken, and it is high time the Democratic Congress started to listen. We must open the Outer Continental Shelf for exploration. Unfortunately, Congress has enacted appropriations riders prohibiting the Department of the Interior from conducting activities related to production of oil and natural gas on much of the Outer Continental Shelf every year since 1982. The current congressional moratorium under which we are operating places nearly 86 percent of America's Outer Continental Shelf lands off-limits for exploration. No other country does that. Fortunately, the current moratorium is set to expire at the end of this current fiscal year; that is, September 30 of this year. In July, President Bush lifted the executive moratorium leaving only the congressional appropriations Outer Continental Shelf moratorium standing in the way of increased U.S. energy production. I encourage our Democratic friends to allow the moratorium to lapse. With the high cost of fuel, we must allow American companies to seek out new sources of energy off our coastal regions.

In conjunction with offshore exploration, we must open vital areas of Alaska and the West. Recently, in my home State of Colorado, the Roan Plateau was finally opened to the bidding process, and I am pleased the Bureau of Land Management was able to move forward with the Roan Plateau lease sale. This sale was important for the people of Colorado because it will generate millions of dollars of revenue for our State. But more importantly, Mr. President, the Roan Plateau development is one of the most environmentally conscious plans ever created, representing almost a decade of collaboration between local, State, and Federal officials. Also, more importantly, is what the Roan Plateau lease sale means for people around the Nation. The development of the oil and gas resources on the Roan Plateau will help secure the midrange future energy needs of our Nation.

The development of the Roan Plateau will be conducted in a staged approach in order to minimize wildlife habitat fragmentation, disturbances, and to encourage innovation in reclaiming many of our disturbed areas. The Roan Plateau is an example of how we can strike a balance between energy development and environmental protections.

While additional production of traditional oil sources is vital, we in Congress must continue to provide incentives for implementation of renewable energy and for the infrastructure necessary to support them. Our fossil fuels have become a bridge to better technology and much of what lies in the area of renewable energy. This is a necessary step in balancing our domestic energy portfolio, increasing our Nation's energy security, and advancing our economic prosperity.

The American people deserve an energy policy that calls for funding more domestic energy sources, including oil, natural gas, clean coal, nuclear, as well as renewable resources and new energy efficiency technologies while not forgetting the conservation aspect of our energy problem and doing everything we possibly can to conserve our precious energy supplies. By investing in renewable energy research and development today, we will actually be saving money in future energy costs.

Energy runs the world in which we live, so without affordable, accessible sources of energy we open ourselves to dangers we simply should not allow to happen. I believe renewable energy and energy-efficient technologies help offset fuel imports, create numerous employment opportunities, develop our domestic economy, and enhance and create export opportunities. In addition, renewable energy and energy-efficient technologies provide clean, inexhaustible energy for millions of consumers.

But renewable energy alone is not enough. We still need additional sources of domestic energy. Mr. President, I disagree with my own Governor from the State of Colorado and the points he was making at the majority leader's energy conference in Nevada, where he stated that renewable energy was the main reason we were having many job opportunities and why our economy was doing well in Colorado. There is no doubt that the renewable energy effort in Colorado has created more jobs. It has created some diversity in our economy, and that is good. But it is the oil and gas industry that has provided the revenues for the State of Colorado and will continue to do it for some time. If we push too hard and too quickly to go to renewable energies before that industry has matured, we will create additional economic problems not only for the State of Colorado but for this country.

It is fascinating when one looks at the retirement portfolio for the employees of the State of Colorado. A large percentage of that revenue and that portfolio is coming from oil and gas companies. It is helping provide for the future retirement of employees who have worked for the State of Colorado. So although renewable energy is beginning to play a larger and more important role in the State of Colorado, it is not ready to replace the huge amount of revenue oil and gas is producing for my State.

One of the most promising sources of domestic energy in the Nation is found in my State of Colorado, and that is oil shale. This shale could easily yield 800 billion barrels of oil, which is more than the entire proven reserves of Saudi Arabia. Now, the estimates on the oil shale in Colorado and Utah and Wyoming are estimated up to 2 trillion, but 800 billion seems as though it is the minimum amount that most people believe we can bring to the surface with the new technologies we have in oil shale, which, by the way, is environmentally favorable.

Unfortunately, we can't even begin to move toward assessing this unparalleled resource because Democratic obstructionism has effectively put this resource out of reach. Any Member of Congress who refuses to consider comprehensive solutions that include reducing energy consumption while increasing domestic supplies is ignoring the needs of this country.

I am very hopeful that within the next few weeks we will be able to find a commonsense approach to our energy crisis that addresses the basic economic law of supply and demand. It is simple: If we increase our supply while reducing demand, energy prices will go down. We shouldn't forget that we live in a supply-and-demand economy.

So, Mr. President, I urge the majority leader, and I urge the majority party to quickly get us on the issue of energy and onto reasonable commonsense solutions to move us forward. This country is dependent on our doing the right thing on energy because it is such an essential part of our economy. It builds into all levels of manufacturing, it builds into each individual American's life, and it is a driving factor when we talk about the inflation that is happening right now in our economy.

So, Mr. President, let's move forward. Let's do something about the energy crisis we have in this country, and let's not let the current election year environment in this country disrupt our effort to try to do what is best in making sure we have a safe and secure country and a secure economy.

Mr. President, I yield the floor, and I ask unanimous consent that the remainder of the Republican time be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Washington.

OIL MARKET SPECULATION

Ms. CANTWELL. Mr. President, as I rise to speak this morning, for the first time since April 1, the price of oil has fallen to below $100 a barrel, and that is certainly a welcome relief to many Americans across this country and to businesses who have been devastated by high energy markets.

We shouldn't underestimate the damage that has been caused. Just this past Friday, in my home State of Washington, Alaska Air announced that more than 1,000 people will lose their jobs because of high fuel prices and a slowing economy. Compared to last year, Americans have paid $76 billion more for gasoline in 2008, and I know many people went without vacations, and businesses have cut back on their operations.

Now, we have had various independent reports that have shown that the fluctuation in price from 2007 to 2008 cannot be explained by simple supply-and-demand fundamentals. And we are having a hearing at 2:30 this afternoon in the Energy Committee about excessive speculation and how prices were driven to record highs this summer. But what we need to also realize is the scrutiny Congress has placed on Wall Street along with the promise to have stricter oversight has had an impact; prompting a large volume of capital starting to leave these markets.

It wasn't that long ago when President George Bush was picked up on the Internet at a reception saying ''Wall Street got drunk.'' Now, I don't know if the President really meant to have this publicly captured on the Internet, but it was, and I know afterwards his Press Secretary was quoted as saying:

> Well, you know, I actually haven't spoken to him about this, but I imagine what he meant, as I have heard him describe it before in both public and private, was that Wall Street let themselves get carried away and that they did not understand the risks these newfangled financial instruments would pose to the markets.

And while it is Wall Street that has gotten drunk, it is the American public paying for the hangover.

Today, we are struggling to contain one of the most severe credit crises since the Great Depression, and American families are going to pay dearly for that lack of oversight and regulatory indifference to what have been critical markets for us to oversee. I give credit to Secretary Paulson for his swift action over the last couple of weeks to contain the economic fallout from a reeling Wall Street.

During the past decade, the agencies charged with financial oversight have turned their eye from what has been one of the worst excesses our country has seen. My question for my colleagues today is, when are we going to learn the lessons of history and make sure Congress does its job in the oversight of the regulatory agencies so they do theirs?

In many ways, today's super-bubbles are a repeat of the 1920s when too much borrowing to underwrite too many speculative bets using too much of other people's money set up the entire economy for a crash. In 1999, Congress repealed key parts of the Glass-Steagall Act of 1933. The repeal allowed banks to operate any kind of financial businesses they desired, and it set up a situation where the banks had multiple conflicts of interest.

Several economists and analysts have cited the repeal of this act as a major contributor to the 2007 subprime mortgage crisis.

In fact, Robert Kuttner, cofounder and co-editor of the American Prospect magazine wrote in September 2007:

> Hedge funds, private equity companies, and the subprime mortgage industries have two big things in common. First, each represents financial middlemen unproductively extracting wealth from the real economy. Second, each exploits loopholes in what remains a financial regulation.

But we didn't end our deregulation there.

In 2000 we also deregulated a new and volatile financial derivative that is at the heart of today's housing credit crisis—credit default swaps.

As White House press secretary Dana Perino described it earlier this year, these ''newfangled financial instruments'' that posed a risk to the market actually grew into a $62 trillion industry.

Warren Buffett has called these credit-swaps ''financial weapons of mass destruction.''

The proliferation of these newfangled financial instruments has resulted in huge profits and losses without any physical goods changing hands.

I come to the floor asking my colleagues: when are we going to learn the lessons of the past?

When are we going to realize that the 1929 stock market crash has the same root cause as the recent housing bubble?

Both were financed by dangerously high leveraged borrowing. And after the crash many banks failed—causing a ripple effect that devastated our Nation's economy.

After the 1929 crash, Congress stepped up and changed the banking laws to eliminate some of the abuses that had paved the way for economic disaster.

My question is—we acted after the crisis and Congress did step up and do something. What I want to know is whether we have learned our lesson. Are we going to legislate consumer protections in advance, or only after a bubble bursts?

The savings and loan crisis of the 1980s and 1990s when 747 savings and loan associations went under provides a similar lesson.

Like before, much of this mess can be traced back to the deregulation of the savings and loans which gave these associations many of the capabilities of banks, but failed to bring them under the same regulations.

Congress eliminated regulations designed to prevent lending excesses and minimize failures.

Deregulation allowed lending in distant loan markets on the promise of higher returns, and it also allowed associations to participate in speculative construction activities with builders and developers who had little or no financial stake in the projects.

The ultimate cost of this crisis is estimated to have totaled around $160 billion, with U.S. taxpayers bailing out the institutions to the tune of $125 billion. This, of course, added to our deficit of the early 1990s.

I ask my colleagues: When are we going to learn this lesson?

We have failed to see that oversight and transparency are always critical parts of any functioning market.

We have failed to see that when Congress makes reforms, like the Commodities Futures Modernization Act in 2000, or like the repeal of key portions of the Glass-Steagall Act in 1999, or the deregulation of the energy markets in the 1990s, they cannot disregard these important fundamentals of transparency and strong Federal oversight authority.

I could go on and on for my colleagues on my own personal experience with the western energy crisis that happened in electricity markets in 2000 and 2001.

We saw that during the electricity deregulation experience which started in the mid 1990s, people argued that electricity was just another commodity. But it is really a very critical element to our economy.

Many experts cautioned that electricity was too vital a part of our economy and way of life to let these markets go without the transparency and oversight that is essential.

We all know the rest of the story. We saw that deregulation set the table for some of Enron's spectacular manipulation schemes of 2000 and 2001 among other bad actors, that caused more than $35 billion in economic loss and cost our nation over 589,000 jobs.

Again, only after the crisis was over, did Congress step in. Only after the crisis did Congress give the Federal Energy Regulatory Commission, and now the FTC, more regulatory authority on energy markets. And once more, Congress illustrated that it prefers to act after the fact.

So I ask my colleagues: When are we going to learn?

When are we going to quit deregulating these critical markets without much thought to the transparency and oversight that is critical for markets to operate and function correctly?

When are we going to learn that when we take our eye off he ball, Wall Street raids the cabinet and, as the President say, Wall Street gets drunk?

I mentioned that later today we will be holding a hearing in the Energy Committee to examine the oil futures market. We will examine why we need meaningful legislation to close the loopholes that exist in those dark markets.

This deregulation has helped spark today's price super-bubble, as George Soros warned at a June 3 Commerce Committee hearing, that is driving our markets to no longer be based on supply-and-demand fundamentals.

In one fell swoop, this deregulation did a number of things that enabled today's perfect storm to brew.

No. 1, we let these newfangled financial instruments called credit default swaps go unregulated, and it made it easy to use bad debt to finance home mortgages.

As George Soros wrote in his book documenting the credit crisis:

> At the end of World War II, the financial industry—banks, brokers, other financial institutions—played a very different role in the economy than they do today.

He went on to explain, as I said, that banks and markets are not as strictly regulated today as they were in the past.

In 2000 we deliberately chose not to learn this harsh lesson and allowed these new, volatile financial derivatives that are the heart of today's markets to go unregulated by the Commodity Futures Trading Commission.

What we need to do is make sure we learned this lesson, to go back now and close the loopholes that exist and make sure the agencies that are in charge of oversight actually do their job. We do not want the American people to continue to have to pay for mismanagement and lack of oversight by not having transparency in these markets. We need to make sure these agencies are accountable.

The bottom line is we have a CFTC that is more lax in allowing traders to run amok than protecting families who live on Main Street in America. That is why I continue to hold up CFTC nominations. We need a more sophisticated regulatory regime oversight, including regulators who will be aggressive policemen on the beat. We need to collect more data to make sure that markets are not being manipulated. We need to make sure the market is driven by basic market fundamentals and not greed.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Would the Presiding Officer advise the Senate of the procedure at this time?

The ACTING PRESIDENT pro tempore. The minority has 2 minutes remaining in morning business.

Mr. WARNER. I yield back the time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The bill clerk read as follows:

> A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

> Reid amendment No. 5290, to change the enactment date.
>
> Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.
>
> Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date.
>
> Reid amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature.
>
> Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

Mr. WARNER. Mr. President, I would like now to address the Senate with regard to my interpretation of the many constructive efforts that have gone on with the chairman and myself and other colleagues to try to move this bill forward. As I speak for a few minutes, I urge my distinguished chairman to engage me in any questions or colloquy if he has views that could be at variance to what I express.

I have an amendment at the desk. It is No. 5569. I shall not call it up at this time. The history of that amendment is as follows:

As many of our Senate colleagues are aware, this past January 29, the President of the United States issued Executive Order No. 13457 instructing the executive branch that agency heads should not base funding decisions on language in a committee report or conference report or any other nonstatutory statement of the views of Congress. The President took this unprecedented step because he believes—and to some extent I share his concern—that it is necessary to reduce the number and cost of what we refer to as earmarks substantially; that is, to reduce them substantially and to make the origin and purpose of the earmark more transparent. To accomplish these objectives, the Executive order requires that henceforth earmarks, as well as any other funding direction from Congress in its exercise of the power of the purse, must be included in the text of the bill voted on by Congress and presented to the President.

In response to the Executive order, I offered an amendment during committee markup, on behalf of Senator MCCAIN and myself and others, which would have put the committee's funding tables in the text of the bill. This was the most simple and direct way to comply with the Executive order. My amendment, after deliberation in committee, was defeated on a 12-to-12 vote. As a result, as reflected in section 1002 of the bill, the committee decided to incorporate our funding tables into the bill by reference; that is, by a provision that states that each funding table in the committee report is incorporated into the act and is made a requirement of law to the same extent as if the funding table was included in the text.

Once our bill reached the Senate floor for consideration by the full Senate, a colleague, Senator DEMINT, filed amendment No. 5405 which, again, takes up the same issue.

Senator DEMINT's amendment would strike section 1002 in its entirety from the bill, thereby removing the funding tables from the bill. The result, as I interpret it, of adoption of the amendment would be that our funding tables would remain only in the committee and conference report, setting up a conflict with the Executive order. Direction by Congress on the specific funding levels throughout the defense budget would be advisory only.

The President's Executive order, on the other hand, would continue to require agency heads to ignore congressional funding directions unless it is in the text of bills enacted into law.

While I appreciate the efforts by our distinguished colleague from South Carolina and his concern about the use of the incorporation-by-reference technique which I opposed during committee markup, I am just as concerned about striking the reference to the funding tables in the bill and leaving them only in the committee and conference report, given the President's Executive order. While the DeMint amendment would have the positive impact of making earmarks advisory only, it would also undercut the legal authority of every other congressional funding decision which differed from the President's budget. In short, the DeMint amendment would seriously impair the ability of the Senate and Congress to meaningfully exercise the power of the purse. The Armed Services Committee and the Senate and Congress as a whole would lose the ability to direct and enforce cuts in funding, additions to funding that were, in our discretion, required in the President's budget, or to restructure programs that are part of the defense budget.

The amendment I have offered and wish to offer as an alternative to Senator DEMINT is No. 5569. My amendment takes the same approach which I argued during the committee markup. It takes the funding tables from our committee report and puts them directly into the bill text. The amendment is extraordinarily long. It goes on for 225 pages, but it complies with the Executive order in the most direct way possible. As a result, all of our funding decisions are transparent, and each item of funding is subject to further debate and amendment by the full Senate. If the funding decisions are adopted by the Senate and sustained through the conference between the two Houses, they will be included in the text of the bill as passed by Congress and presented to the President. Changes to the funding decisions recommended by the committee are subject to the normal process of amending a bill under the Senate rules and procedures.

I am aware if my amendment was adopted, it would increase the burden of producing our bill and conference report by several days. Many people would be involved in that rather arduous process. We are informed that the best estimate is that about 4 additional days would be required for the committee staff, the Government Printing Office, and supporting House and Senate staff offices to process the detailed data that appears in the funding tables, if they were incorporated into the bill, assuming the Government Printing Office could prioritize its attention and resources on our bill. By ''prioritize,'' I mean what other work from other committees of the Congress, House and Senate, would be before those various administrative sections.

Given the time constraints we face, these 4 additional days add significantly to the challenges of completing a conference between the House and Senate and passing a conference report in both Chambers before the target date for adjournment. While I acknowledge these challenges, I believe my amendment will best comply with the Executive order and its laudatory purposes. We must not simply ignore the Executive order and trust the executive branch to follow congressional funding directions, when the President has emphatically said the Congress must express its direction in the text of bills enacted into law.

When Congress exercises its constitutional power of the purse, it should do so in a transparent, open way subject to full debate and amendment. When Congress speaks on its funding priorities, it should do so decisively, and its pronouncement should have the binding force of law subject only to the President's veto.

The current posture is, this is an important issue. The distinguished chairman and I, together with our staffs, have worked on it. We have recognized the precarious nature of the bill in terms of its ability to be put together, brought to the desk of Senators, and then, subsequently, the conference report, and likewise that being properly put together to comply with this amendment and others. It is a challenge. I have discussed it with the chairman. I guess perhaps being an optimist, I believe if my amendment were adopted, it would reach the result of many colleagues, and we could go forward and do our very best to shorten the time normally in the history of these bills that is used by the conference.

This is our 30th bill. Senator LEVIN is chairman of the conference this year. I would try in every way to support him, if he so desired to try to move, subject to the adoption of this amendment, this bill through the conference. This bill is so important to our country. It is so important to so many Members of our body. We have pending a managers' amendment which Senator LEVIN and our staffs have been working on for the last 4 or 5 days. It is close to 100 amendments which we have reconciled in such a way that, subject to UC, they could be adopted and immediately become a part of the bill prior to any cloture action that will take place as scheduled at 3 o'clock today. That embraces the work and the desires and the objectives of so many Members.

I am not here to fault the fact that a hold or objection is put on a UC to move that package; it is to state the fact. But that objection largely emanates from the issue which I have tried to describe in a very pragmatic and forthright way to help colleagues better understand the current procedural dilemma that faces the body with regard to the bill.

The committee and my distinguished colleagues will work as hard as we can to get this bill through. This is one roadmap; there may be a better one.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Virginia for outlining the history of this issue in which we are involved. I am particularly gratified that he now agrees the DeMint amendment will be a significant abdication of legislative power to the executive branch. The reason that would be true is, there would be no reference to the line items we have worked so hard on in law or by reference in law, and that would mean the only thing that would be remaining would be a committee report that has all the work of our committee, not just the earmarks which we have added but also the lines we have added or subtracted to what the President has requested. That is the essential point relative to the DeMint amendment. It would be an absolutely revolutionary change in the powers of the purse, shifting a great deal of that power to the executive branch.

I am delighted the Senator from Virginia has stated it exactly that clearly, or approximately that clearly, so that, hopefully, we can, if not unanimously but on a bipartisan basis defeat the DeMint amendment, if it is offered. Then the question comes up: How can we then incorporate all our effort in committee into the law? There is a lot of problems with doing it, which we pointed out during the committee debate, including the lack of flexibility that this would result in for the President in terms of reprogramming because now every line becomes a program, and that means it would be harder to shift money than it is now because it is easier to shift money within a program through reprogramming than it is between programs. That was an argument which we used in committee. We believe it is true that the executive branch will have less flexibility when it comes to reprogramming if every single line is in law. However, if that is what this body wishes to do—to make it less flexible for the President to offer reprogramming suggestions—that is a problem the executive branch should have, not ours.

Our problem is it would be difficult, if not impossible, to get a conference report—first of all, it is difficult enough to get to conference, but then it would be extremely difficult, if not impossible, to bring a conference report back in the next couple weeks. We have gone through these numbers with

the minority. We have a clear assessment by the Government Printing Office that it would add about 4½ days to their work if every single line were made part of the bill rather than being simply incorporated by reference in the bill, as it now is. We should not take a chance on jeopardizing this bill. This bill is too important to be jeopardized.

The difference between incorporating all these lines by reference in the bill and actually printing them in the bill is either minor, minute or nonexistent legally. What this bill does is incorporate by reference all these lines. They are incorporate into the bill. They are transparent—as transparent as though they were printed in the bill. This green document is no less transparent than this white document. They are both equally transparent. The work of our committee is laid out in the moment in the green document. In this white document, which is the bill, we incorporate by reference in the bill all the line items so they are in the bill, and they can be changed by an amendment which says no money will be spent or less money will be spent for a particular item. It is very readily addressable by the Senate on the floor. The transparency issue is the same. They are both transparent and should be.

So then the question becomes: Is the nonexistent or minute difference between incorporating all these charts in here by law or actually printing them in here, should that risk the passage of this bill? They can be addressed by amendment on the floor of the Senate, even though they are incorporated by reference.

Now, this bill, as my good friend from Virginia says, is too important for us not to pass. We have never not passed an authorization bill, and this should not be the first year, when we have troops in harm's way, when we do not pass a Defense authorization bill. There are hundreds of provisions in here which directly affect the troops and their families. It would be unconscionable for us not to pass a Defense authorization bill. The reason for jeopardizing it simply does not hold water.

So that is the dilemma we are in. If the Warner amendment is adopted, it would seriously jeopardize the chances of being able to pass a bill, even if we can get to conference in the next couple of days. That assessment was made over the weekend in terms of the number of days' delay that would result. That assessment was made by the Government Printing Office. They spent 700 person hours over the weekend at the Government Printing Office to give us this assessment. This is not some casual assessment off the back of an envelope; this is a very serious assessment that was made at huge expense over the weekend in order to give us the most accurate idea as to what the delay would be if we had to print each one of those thousands of lines in the bill itself, instead of incorporating them in the bill by reference. We should not jeopardize the passage of this bill.

That is the only difficulty I now have as a legislator with the Warner amendment. The other difficulty, which we pointed out in committee, has to do with the lack of flexibility that would result to the executive branch in their reprogramming requests. That is a problem the executive branch needs to face, I would think, but as a legislator, what we have to protect is the power of our purse, the power of this Congress to make changes. That is protected in the Warner amendment.

What the Warner amendment does is put at risk this bill, as it may be physically impossible to get to conference, the conference completed, and a conference report back by the end of next week. If we knew there was going to be a lameduck, there would be no problem because we could do this in a lameduck session no matter how much time it took between now and then, but we don't know that there will be a lameduck session.

So the question is whether we are willing to take this risk. I, for one, cannot in good conscience risk the passage of this bill. Although I don't have any problem now with the Warner amendment in terms of its substance, it is what it would result in, in terms of the bill not being able to be adopted as a practical matter.

My problems with the DeMint amendment are very serious and severe. I hope that amendment is not offered, and if it is, I would hope, on a bipartisan basis, it would be rejected by a Senate which has the responsibility to abide by the Constitution of the United States and maintain the power of the purse.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I am looking at a memorandum prepared by our staff, and I presume it has been shared with the chairman's staff. We should state to colleagues that what we learned by virtue of a long process that many people were involved in over the weekend is as follows:

In summary, incorporation of the funding tables into the bill would add about 4 days to the process: About a half day for committee staff to prepare the files for the GPO, although much could be done during the conference; 3 days for the GPO to convert the files and proofread them; and about half a day for the committee staff to proofread them when GPO returns the bill in printed form.

Let's sort of chart out a calendar. Today, we are, at the present time, scheduled to have a cloture vote, and if cloture comes about, there is an entirely different scenario, if it is voted in, by which we continue to address the bill. But if by any chance we could reconcile our differences—and we would want Members to know that last night the majority presented to the minority a draft UC that is now being reviewed by my leadership. I am at this moment unable to give the details of what decisions will be made or what options, other than what was presented to us, may be returned back by way of compromise. That is to take place in the coming hours, before 3 o'clock. But there is still the possibility that we could get a UC through that would resolve much of this problem. Then, if we took final passage, say, even late tonight—I mean if we can get the managers' package through, we will have close to 100 amendments in addition to those already handled, and that package is basically equally divided with Republican and Democratic amendments—let's say we have final passage tonight or tomorrow. How does the chairman then plot the timetable by which he used pretty strong language, that this amendment of mine jeopardizes the bill not being passed? Would the chairman give us his basic schedule?

Mr. LEVIN. I thank the Senator. Before I do that, Senator WEBB came to the floor when I assured him he would be able to discuss his amendment, and I am wondering if we could ask unanimous consent that Senator WEBB be recognized as soon as our colloquy is completed and then that Senator COLLINS be recognized after Senator WEBB.

Mr. WARNER. I was not present when either of these Senators appeared. I am being advised by our cloakroom staff that Senator COLLINS came early this morning, at which time the assurance was given to her by someone that she could have 11:30. Now, I don't know quite how to sort this out.

Mr. LEVIN. I wonder if I could inquire of the Senator from Maine how much time she would be using.

Ms. COLLINS. Ten minutes.

Mr. LEVIN. If I could inquire of the Senator from Virginia how much time he would be using.

Mr. WEBB. About 10 minutes.

Mr. LEVIN. If either had said 9 minutes, they would have had a better case.

I wonder if the two Senators whom we referred to could get together and resolve this issue for us as to who would go first and who would go second. Could we ask the two Senators to perhaps help us out on that, and then I would ask that after we talk, if we could have a UC as to that procedure.

In terms of the schedule, assuming we could get the bill passed by tomorrow, which would probably be lucky because there are a number of amendments that are in that unanimous consent agreement that are referred to specifically that have time connected

to them—if we could get this bill passed by tomorrow, or cloture invoked, then there is 30 hours of postcloture. We don't know whether that would be used by any of our colleagues. They have a right to do that, and around here, as we know, frequently that 30-hour period is used. If it is not used, we would then have to name conferees, which hopefully would be done fairly quickly. Then the House reviews the Senate bill and determines the committee jurisdiction and names their conferees. That, at a minimum, is 2 to 3 days for the House to do that—to go through that process to see what committees have jurisdiction over the language in our bill, other than the Armed Services Committee. Then the House and the Senate staffs have to match up these provisions for conference. That usually takes 2 days—usually takes 2 days. So if we are lucky, we could start conference 3 to 4 days after passage of this bill, although it usually takes a longer period of time. So if we pass this bill tomorrow, that would take us to the end of the—that would take the House to the end of the week to be ready for conference, if we started conference on Monday. Whatever period the conference takes, even if it took 2 or 3 days, it is the middle of next week. That is before the 4-day period is triggered.

Mr. WARNER. Mr. President, if the Senator will yield, the chairman and I jointly agreed to ask our staffs to begin to preconference this bill. There has been a considerable amount of work done in the form of preconferencing a number of issues.

Mr. LEVIN. There has.

Mr. WARNER. Once the House sees the finality of the Senate bill, I am of the view that the balance can come together fairly swiftly. So I think we have somewhat of a difference of opinion as to the ability of all people of good intention to get together and crunch this time so we can meet the projected deadline of adjournment on the 26th, as I understand it.

Mr. LEVIN. I don't think we have any difference on that, in terms of the ability of people of good faith to get things done.

Mr. WARNER. Yes.

Mr. LEVIN. This assumes maximum crunch, what I specified for the Senator from Virginia. This is an optimistic view of the timetable, where everybody is using 24/7, to the extent that human bodies permit. We don't have any difference in terms of that.

I am wondering if our two friends from Virginia and Maine have resolved who would go first. Could we then allow them to proceed in the order they have agreed upon, and then the Senator from Virginia and I could pick this up after that.

Mr. WARNER. Let's do that. Mr. President, couldn't we just do this informally? Once we ask unanimous consent, we are in a whole new framework of procedures. I think we recognized that, I believe, Senator COLLINS—and my distinguished colleague from Virginia has graciously allowed her to go first, and she would be followed by the Senator from Virginia.

Mr. LEVIN. Mr. President, I ask unanimous consent——

Mr. WARNER. We are back to UC. The word triggers——

Mr. LEVIN. It shouldn't trigger a problem. We use it all day around here. I am simply stating the order for the two Senators to know.

I ask unanimous consent that the Senator from Maine be recognized for 10 minutes, and the Senator from Virginia then be recognized for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank my colleagues for finally working this out.

I rise today in strong support of the Fiscal Year 2009 National Defense Authorization Act. Let me begin by thanking the committee's distinguished chairman, Senator LEVIN, for his leadership, and also Senator WARNER, who is taking on double duty, acting as the ranking Republican on the committee in the absence of Senator MCCAIN. I want to take this opportunity to thank the senior Senator from Virginia for his years of service on the committee. He has been a true friend to me and to the members of our committee and the armed services of this Nation, and his guidance, wisdom and, above all, his civility in all matters will be greatly missed. I deeply admire him, and I thank him for his leadership on this bill and on so many other issues.

Mr. WARNER. Mr. President, I humbly thank my distinguished colleague and longtime friend. I am certain she can take my place.

Ms. COLLINS. I thank the Senator.

Mr. President, this legislation will provide essential training, equipment, and support to our troops as they engage in combat overseas and in exercises at home. It also offers an important opportunity for continued debate as to our Nation's strategy in Iraq, especially the cost of reconstruction in Iraq.

I am particularly pleased the legislation we are now debating contains an amendment that Senators BEN NELSON, EVAN BAYH, and I offered to alleviate the burden on the American taxpayers of our operations in Iraq. It is time for the Iraqis to pay more of the costs of securing, rebuilding, and stabilizing their own country. During the Armed Services Committee markup, I joined Senators NELSON and BAYH in authoring the provisions that are in this bill which shift to the Iraqi Government the costs of securing and rebuilding Iraq in order to lift that burden from the shoulders of the American taxpayers.

While our country is struggling with a soaring deficit, the Iraqi Government is awash in oil revenues. The Special Inspector General for Iraq Reconstruction has estimated that Iraq's oil profits will reach $70 billion this year. That is far more than the Government of Iraq anticipated when it established its budget of $47 billion.

Similarly, on August 5, the Government Accountability Office issued a report that provided an in-depth examination of Iraqi revenues, expenditures, and surpluses. This GAO report underscores the need for our amendment requiring the Iraqi Government to assume greater responsibility for its own costs. The report verifies the stronger financial position of the Iraqis due to the unanticipated windfall brought about by record-high oil revenues. According to the GAO, Iraq is likely to receive between $67 billion and $79 billion in revenues from oil sales in 2008 alone—twice the average of revenues between 2005 and 2007. Yet the Iraqis still have not adequately invested in reconstruction efforts in their own country. In fact, they have spent just 28 percent of the $12 billion investment budget.

In addition, the Iraqis had approximately $29 billion in surplus funds that actually went unused during the past 2 years. When Americans are struggling with the high cost of energy, a weakening economy, and a burdensome deficit, there is simply no reason for the American taxpayers to continue paying for the major reconstruction projects, for the salaries, training, and equipping of the Iraqi security forces, or the cost of fuel in a country that has the second largest oil reserves and a burgeoning budget surplus.

Our bipartisan amendment would shift these costs to the Iraqis. Specifically, our amendment prohibits America's tax dollars from being spent on major reconstruction projects in Iraq. It requires the Iraqis to assume the responsibility of paying for the salaries, training, and equipping of Iraq's security forces, including the army, the police, and the Sons of Iraq; it initiates negotiations between our Government and the Iraqi Government on a plan to cover other expenses, such as the fuel used by American forces when they are in-country.

Our proposal was approved unanimously by the Senate Armed Services Committee, and it represents a significant bipartisan change in our policy in Iraq.

The fact is, the American taxpayers cannot wait for the administration to act. We must require this significant reform by changing the law. Asking the Iraqis to take more responsibility for their own security and for the reconstruction of their own country will

give them a sense of ownership, and it makes common sense given Iraq's growing budget surplus. That is the purpose of our provision, and I urge my colleagues to support the proposal that we have incorporated into the Defense authorization bill.

The legislation before us also includes a strong commitment to strengthening Navy shipbuilding by including more than $14 billion for shipbuilding programs. It fully supports the Navy's shipbuilding priorities. The declining size of our naval fleet is of great concern to me. This legislation is an important step toward reversing that troubling decline.

The Chief of Naval Operations, Admiral Roughead, has put forth a plan for a 313-ship Navy. It would address longstanding congressional concerns that naval shipbuilding has been inadequately funded. The instability and inadequacy of previous naval shipbuilding budgets has had a number of troubling effects on our shipbuilding industrial base and has contributed to significant cost growth in the Navy's shipbuilding programs. The 313-ship plan, combined with more robust funding by Congress, will begin to reverse the decline in Navy shipbuilding.

This bill authorizes funding for construction of a third *Zumwalt* class destroyer. The DDG–1000 represents a significant advancement in Navy surface combatant technology.

It is critical that the construction of the first two DDG–1000 destroyers continue on schedule without further delay. It is equally important that Congress provide full funding for the third ship.

The dedicated and highly skilled workers at our Nation's surface combatant shipyards, such as the Bath Iron Works in my great State of Maine, are simply too valuable to jeopardize with any cuts or delays in this program. To date, the Navy has spent more than $11 billion on research, development, detailed design, and advanced procurement for this program. In addition, industry, including not just our shipyards but also a multitude of vendors in over 48 States, has made significant investments in preparation for building this new class of ship. It is critically important in these tight budget times that we not throw away the investment our country has made as the Navy prepares to build the destroyer for the 21st century. That is why I am so concerned that the House version of the Defense authorization bill eliminates funding for the construction of a third ship, and even more troubling, does not provide sufficient funding for the construction of any surface combatant.

Mr. President, as the threats from around the world continue to grow, it is vitally important that the Navy have the best fleet available to counter those threats, keep the sealanes open, and to defend our Nation.

Bath Iron Works and the shipyards of this country are ready to build whatever ships the Navy needs. But it is vitally important that there not be a gap in shipbuilding that jeopardizes our industrial base. I am pleased with the funding provided in this bill. I look forward to resolving this important issue in conference.

Earlier this year, the Navy proposed to truncate the DDG–1000 program after just two ships. In July, after further evaluation, the Navy realized the terrible effect that such a decision would have on the industrial base and on our shipyards, in particular. It would have created a gap in work for Bath Iron Works because of the delays and costs inherent in restarting the DDG–51 line.

It is important to note that Bath Iron Works is prepared to build whatever ships the Navy needs, but that there must be a stable work plan to sustain the industrial base. The best way to achieve that goal, and to take advantage of the billions of dollars already invested in the DDG–1000, is to proceed with the third ship at this time even if the Navy ultimately decides to build more DDG–51s.

The House version of this bill would also require that the next-generation class of amphibious ships be powered by nuclear propulsion systems, even though the shipyard that currently builds those ships does not have either the facilities or certifications required to construct nuclear-powered ships. This provision could dramatically increase the costs of future amphibious force vessels, with some estimates stating it could be as much as $800 million more per ship. This would reduce the overall number of ships that could be built at a time when the Navy is seeking to revitalize and modernize its fleet. It is completely contradictory to the Chief of Naval Operations 313-ship plan.

I am pleased that our Senate bill also includes funding for additional littoral combat ships. While this program has suffered a number of setbacks, the Navy, with the help of Congress, has taken significant steps in order to begin to get this program under control. These ships are important for the Navy in order to counter new, asymmetric threats, and the Navy needs to get these ships to the fleet soon.

I am pleased that the Senate Armed Services Committee also agreed to my request for $25 million in additional funding to continue the modernization program for the DDG–51 *Arleigh Burke* class destroyers. This program provides significant savings to the Navy by applying some of the technology that is being developed for the DDG–1000 destroyer and back fitting the DDG–51, which may reduce the crew size by 30 to 40 sailors.

The Senate's fiscal 2009 Defense authorization bill also includes funding for other defense-related projects that benefit Maine and our national security.

The bill also authorizes $20.6 million for construction of a new drydock support facility at the Portsmouth Naval Shipyard in Kittery, ME. This drydock, and its accompanying support facility, are essential for the shipyard's future work on *Virginia*-class submarines, the Navy's newest attack submarine.

Funding is provided for machine guns and grenade launchers, both of which are manufactured by the highly skilled workers at Saco Defense in Saco, ME.

In addition, the legislation provides $1.5 million to the University of Maine for the continued research and development of modular ballistic tent insert panels. These panels provide crucial protection to servicemembers in temporary dining and housing facilities in mobile forward operating bases in Iraq and Afghanistan.

The bill also authorizes an additional $1.5 million for the University of Maine's work on high temperature sensors that is important to the Air Force. These sensors are capable of sensing physical properties such as temperature, pressure, corrosion and vibration in critical aerospace components.

The legislation also provides $3.5 million for further development of the ripsaw ground vehicle, an innovative unmanned tank-like vehicle, manufactured by Howe and Howe Technologies in North Berwick, ME. This technology will have the ability to provide force security for our troops by taking them directly out of harm's way.

Finally, I am pleased that this bipartisan Defense bill also authorizes a 3.9 percent across-the-board pay increase for servicemembers, half a percent above the President's budget request.

This bill provides the necessary resources to our troops and our Nation and recognizes the enormous contributions made by the State of Maine. The bill provides the necessary funding for our troops, and I offer it my full support.

Mr. WARNER. Mr. President, if I might ask my colleague for 30 seconds. I listened carefully to the Senator's thoughts on the Iraqi funding issue. I commend the Senator for that. We have amendments that address it. In the managers' package are certain amendments that the Senator from Maine put in. That is a very important issue. We owe no less responsibility to the American taxpayers but to assure that every single dollar going into that area at this time is absolutely essential for the purpose of the mission of our troops and otherwise, and that the Iraqi Government be made aware that they are a sovereign government now and such expenses as can be should be borne by that Government.

Ms. COLLINS. I thank the chairman. I agree with his comments. I am delighted with the support he and the

chairman have given to this effort. I thank the Senator.

The ACTING PRESIDENT pro tempore. The junior Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I ask unanimous consent to speak for up to 15 minutes on amendment No. 5499.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I will begin by associating myself with many of the remarks made by the Senator from Maine. As someone who served as the Secretary of the Navy, along with the senior Senator from Virginia, I have strong feelings about the strength of the Navy and the size of our fleet.

I introduced an amendment on Friday that I would like to urge my colleagues to examine and support. We are in an odd situation in the business of Government at the moment in that the international authority for the United States to be operating in Iraq will expire at the end of this year. The U.N. mandate, through the U.N. Security Council, expires at that time.

Since last November, this administration has been negotiating what is called a Strategic Framework Agreement that is intended to replace the international authority of that U.N. mandate. Two questions have come up, however, with respect to what the administration is doing. The first is the timeline. This is an agreement that, by all accounts, has not yet been fully negotiated. It is being negotiated by the administration without the participation of the Congress, and there are indications from Iraq that the Iraqi Government negotiators themselves have serious questions that had not been anticipated at the beginning of this process. So we have a potential, with the timeline, that the U.N. mandate will run out at the end of the year and there will not be an agreement in place that authorizes the presence of our forces in Iraq under international law.

The larger question is constitutional. What entity of the Federal Government has the authority to enter the United States into a long-term relationship with another government? Both of these are serious issues. I submit that the conditions under which we will continue to operate in Iraq militarily, diplomatically, economically, and even culturally, are not the sole business of any administration. These questions involve the legal justification under domestic and international law for the United States to operate militarily—and quasi-militarily, by the way, given the hundreds of thousands of independent contractors that are now essentially performing military functions in that country.

There are questions about the process by which the U.S. Government decides upon and enters into long-term relations with another nation—any nation. In that regard, there are serious questions about the very working of the constitutional system of our Government.

This administration has claimed repeatedly since last November that it has the right to negotiate and enter into an agreement that will set the future course of our relations with Iraq without the agreement, the ratification, or even the participation of the Congress.

The administration claims the justification for this authority can be found in the 2002 congressional authorization for the use of force in Iraq or, as a fallback position, the President's inherent authority, at least from the perspective of this administration, as Commander in Chief.

Both of these justifications are patently wrong. The 2002 congressional authorization to use force in Iraq has nothing to do with a negotiation of a government which replaced the Saddam Hussein government which did not exist in October of 2002, as to the future relations culturally, economically, diplomatically, and militarily between our two countries.

On the other hand, we are faced with the reality that the U.N. mandate will expire at the end of this year and that this expiration will terminate the authority under international law under which the United States is operating in Iraq at a time when we have hundreds of thousands of Americans on the ground in that country.

I and several other colleagues have been warning of this serious disconnect for 10 months. Many of us were trying to say last November that apparently the intention of this administration has been to proceed purely with an Executive agreement to drag this out until the Congress was going out of session, as we are about to do, and then to present essentially a fait accompli in the sense that with the expiration of the international mandate from the United Nations at the end of the year, something would have to be done, and that something would be an Executive agreement that to this point the Congress has not even been allowed to examine. We have not been able to see one word of this agreement.

We tried to energize the Congress. We met with all of the appropriate administration officials. There have been hearings. There have been assurances from the administration that they will consult at the appropriate time, as they define it. We have seen nothing. And so we are faced with a situation that is something of a constitutional coup d'etat by this administration.

I say to my colleagues that we all should be very concerned. At risk is a further expansion of the powers of the Presidency, the result of which would be to affirm in many minds that the President—any President—no longer needs the approval of Congress to enter into long-term relations with another country, in effect committing us to obligations that involve our national security, our economic well-being, and our diplomatic posture around the world without the direct involvement of the Congress. This is not what the Constitution intended. It is not in the best interest of the country.

This amendment, which I offered on Friday, is designed to prevent this sort of imbalance from occurring and at the same time it recognizes the realities of the timelines that are now involved with respect to the loss of international authority for our presence in Iraq at the end of this year.

The amendment is a sense of the Congress. On the one hand, it is a sense that we should work with the United Nations to extend the U.N. mandate up to an additional year, giving us some additional international authority for being in Iraq, if needed, taking away the pressure of this timeline that could be used to justify an agreement that the Congress has not had the ability to examine, but also saying that an extension of the U.N. mandate would end at any time where a Strategic Framework Agreement and a Status of Forces Agreement between the United States and Iraq would be mutually agreed upon.

The amendment also makes the point that the Strategic Framework Agreement now being negotiated between the United States and Iraq poses significant, long-term national security implications for this country, and this would be the sense of the Congress. We need to be saying that. The Iraqis need to hear it from the Congress.

The amendment also puts Congress and the administration on record regarding the many assurances that the Bush administration has made to fully consult with the Congress with respect to all the details of the Strategic Framework Agreement and the Status of Forces Agreement and that copies of the full text of these agreements will be provided to the chairmen and ranking minority members of the appropriate committees in the House and the Senate prior to the entry into either of these agreements.

It is important to say that the Strategic Framework Agreement that has been mutually agreed upon by the negotiators from our executive branch and the Iraqi Government officials will cease to have effect unless it is approved by the Congress. This amendment states that within 180 days of the entry into force of that agreement, the Congress would approve it. We are not calling for the full and complicated procedures of a treaty, but we are saying a majority of the Congress should approve any agreement that has been entered into.

On the one hand, this agreement recognizes the realities of where we are in terms of timelines, but on the other it

protects the constitutional processes by which we are entering into long-term relations with other countries, whether it is Iraq or any other country around the world.

We need, as a Congress, to preserve this process. It does not operate in a way that would disrupt our operations in Iraq. I urge my colleagues to join me on this amendment and protect the prerogatives of the Congress under the Constitution.

I understand this amendment will be included in the unanimous consent request that will come for a vote later today. I hope my colleagues will support me on it.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, if I may say, I have been viewing the two drafts of the UCs. Momentarily, I expect the chairman and I will decide how to deal with it. But I assure the Senator that the Webb amendment is in both drafts of UCs.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend Senator WEBB for this sense-of-the-Senate resolution. We have the assurance of the administration that they will share the text with the leadership of the Congress and with the chairmen and ranking members of the Senate and House Armed Services Committees and Foreign Relations Committees. But this goes beyond it and takes an essential step beyond that commitment.

We should be involved in this kind of a long-term relationship. I commend the Senator from Virginia for his drafting of this amendment. It is very careful. I believe, based on the assurance of Senator WARNER, that it will be included in any UC that is propounded. I hope that UC—any UC—can be adopted and that, indeed, it will include the Webb amendment as having the assurance of a vote.

Mr. WEBB. I thank the chairman and the senior Senator from Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask the Chair to notify me when I have reached the 1-minute mark.

Mr. President, I first want to say, as I rise to support the National Defense Authorization Act of 2009 and honor all of our service members and their families who continue to serve and sacrifice for the sake of the country, that I am very appreciative of the leadership of both Chairman LEVIN and Senator WARNER and, obviously, Senator MCCAIN who has been absent some and Senator WARNER has so ably filled in.

Chairman WARNER will always be chairman to me. He has been my dear friend through many years. What a great service to our country this great American has provided in the true Virginia gentleman tradition. He has always been such an asset to this body and such an asset to our men and women in uniform. I thank Senator WARNER for his great service, I thank him for his friendship, and I thank him for what he does every day for our men and women in uniform.

Mr. WARNER. Mr. President, I humbly acknowledge the gracious remarks, and I express my appreciation.

Mr. CHAMBLISS. Mr. President, last week marked the seventh anniversary of the day our country was attacked by terrorists, resulting in the deaths of approximately 3,000 innocent people. Since that day and for the past 7 years, our Nation has devoted itself to winning the global war on terrorism.

It is astonishing how the commitment of our soldiers, airmen, sailors, and marines has inspired the Afghan and Iraqi people to build their own political framework, improve their security and infrastructure, and promote human rights, freedom, and democracy in their respective countries. I am proud to say that our commitment to and investment in the global war on terrorism is now bearing fruits that are leading to a safer and more democratic world.

All of our accomplishments in this area start with our servicemembers and their families who every day face the challenges, sacrifices, and dangers inherent in the profession of arms. Congress is entrusted with providing the necessary resources, policies, and programs for our servicemembers and military departments in order to ensure their success.

This year's National Defense Authorization Act serves as the vehicle to do just that and provides the resources and policies to carry out the missions we ask of our military.

Specifically, the bill provides the following:

An increase of 7,000 soldiers, 5,000 marines, and 3,371 full-time personnel for the Army National Guard and Army Reserve over the 2008 force structure levels; a 3.9-percent pay raise for all military personnel; a total of $125 billion for military personnel to improve allowances, bonuses, permanent change of station moves, and death benefits; reauthorization of over 25 types of bonuses and special pay to promote enlistment and continued military service; more rigorous oversight procedures for military housing privatization projects; and a report to Congress on the implementation of the Yellow Ribbon Reintegration Program.

I also have several amendments to the bill, all of which I understand will be included in a manager's package. I wish to discuss these amendments very briefly.

First, last year, I worked with many of my colleagues to include a provision in the National Defense Authorization bill allowing for members of the Guard and Reserve who deploy in support of a contingency operation to receive their retired pay early based on how much time they deploy. This year, Senator KERRY and I, along with 15 other Senators, have offered an amendment that would make this provision retroactive to include any duty performed after September 11, 2001.

This amendment recognizes a significant sacrifice that members of the Guard and Reserve and their families have made since 9/11 in answering the call of duty. It is only right that their duty and support of the global war on terrorism since September 11 be recognized and included when considering when they should receive retired pay. It is my hope we can keep this provision in conference and included in the final version of the bill.

Also for the Guard and Reserve, I have offered an amendment, cosponsored by my colleague MARK PRYOR from Arkansas, which would provide 180 days of transitional health care for members leaving active duty who agree to affiliate with the Guard and Reserve. An identical provision was sponsored and included in the House bill by my good friend Congressman SANFORD BISHOP from Georgia. This amendment provides a powerful incentive for members leaving active duty to join the Guard and Reserve and could result in several thousand more people entering the Guard and Reserve each and every year.

I ask unanimous consent to have printed in the RECORD a letter of support for this amendment from the Reserve Officers Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESERVE OFFICERS ASSOCIATION,
Washington, DC, September 15, 2008.

Hon. SAXBY CHAMBLISS,
Chairman of the Senate Reserve Caucus, Russell Office Building, Washington, DC.

DEAR SENATOR CHAMBLISS: The Reserve Officers Association, representing 65,000 Reserve Component members, supports Amendment 5356 of the Senate Defense Authorization bill, S. 3001, which grants transitional health care to active duty personnel as they become a member of the armed forces reserve component.

It is important to reduce the barriers that prevent people from joining the National Guard or Reserve. Providing transitional TRICARE health coverage permits serving members and their families to continue with the same coverage they received while on active duty, and allow them time to qualify for TRICARE Reserve Select. Your amendment provides a recruiting incentive that helps the individual, his or her family and the armed forces.

Thank you for your efforts on this key issue, and other support to the military that you have shown in the past. Please feel free to have your staff call ROA's legislative director, Marshall Hanson with any question or issue you would like to discuss.

Sincerely,

DENNIS M. MCCARTHY,
Lieutenant General USMC (Retired), Executive Director.

Mr. CHAMBLISS. Mr. President, another amendment I have offered to the

bill, along with my colleague from Georgia, Senator ISAKSON, provides a sense of the Senate on the care of wounded warriors. Last year's Defense Authorization bill contained the Wounded Warrior Act which went a long way to helping DOD and Department of Veterans Affairs establish a network of recovery care coordinators who would work to manage and coordinate care for recovering servicemembers. This is a powerful program and stands to make a huge impact in the lives of our wounded warriors. My amendment calls on DOD and the VA to expedite the recruiting, training, and hiring of these personnel, and also to partner with civilian institutions, such as the Medical College of Georgia School of Nursing, to help train these personnel and ensure they have access to the most up-to-date research and skills in order to best serve our wounded warriors.

Two other amendments I will mention briefly are first a sense of the Senate that the Air Force should conduct a robust demonstration of the SYERS system on the Joint STARS aircraft. SYERS would provide an expanded combat identification capability for Joint STARS and the Air Force should fully explore its utility and the possibility of incorporating SYERS on the entire Joint STARS fleet.

Second, I have offered an amendment that would require DOD to report to Congress on the requirement for Non-dual status National Guard technicians. These personnel are often used to backfill deploying Guard personnel, and due to the large number of deployments, we need to look at expanding the number of Non-dual status technicians as a means of ensuring the Guard's home State missions are not neglected.

The National Defense Authorization Act is designed to strengthen our military, provide the required resources to the Department of Defense to carry out the responsibilities our Nation asks of them, and to improve our servicemembers' and their families' quality of life. The proposed legislation and the funding priorities will ensure that our Nation maintains an adept and quality force to defend our country and allow us to continue to be an ambassador for a prosperous and peaceful world. I commend the chairman, the ranking member, and committee staff for their hard work on the bill and their diligence in bringing it to the floor.

Unfortunately, the bill does have several problematic provisions, including an unnecessary limitation on the role of private security contractors and an unnecessary prohibition on trained and qualified personnel conducting lawful interrogations. I hope we can address and resolve these issues in conference in a way that best serves our military personnel and allows them to effectively carry out their responsibilities.

I also hope the Senate can complete action on this very important piece of legislation and proceed to a House-Senate conference and passage of a conference report prior to the end of this month.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Senator FEINSTEIN pertaining to the introduction of S. 3493 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. FEINSTEIN. Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

THE ECONOMY

Mr. DURBIN. Mr. President, we continue to read today, as we did yesterday, about dramatic changes in the American economy, particularly the problems facing many of our larger financial institutions.

Not that many weeks ago, the Federal Government stepped in when Bear Stearns was in a terrible economic state and took over the responsibility for that company. It was an extraordinary decision because this is a company that we had not regulated as a Federal Government, not one at least in detail. We knew their transactions and balance sheets, but we put the full faith and credit of the American people and our Treasury behind rescuing Bear Stearns.

Then a little over a week ago the decision was made by this administration to do the same for two entities, Government-sponsored entities, Fannie Mae and Freddie Mac. These were the major institutions for housing in America. Between them, some 50 percent of all mortgages were being held. It was understandable that decision was made because the alternative was unthinkable. If Fannie Mae and Freddie Mac should collapse, it would jeopardize not only mortgages and homeowners but also the American economy. It is such a large part, it is understandable that the administration stepped in to make that decision.

Now this week comes a new round. Lehman Brothers, a company in New York which has prospered for many years, now faces bankruptcy, and along with it the question of the future of Merrill Lynch, a major brokerage house which appears to be in line to be acquired by Bank of America.

These are dramatic and unsettling events and a reminder to all of us that the state of the American economy is not as sound and solid as we would like to see it. But those are the events which happened at the highest levels of finance and the highest levels of Wall Street.

All of us representing our constituents—I represent Illinois—have traveled around our States and met with small business men and women, family farmers, and families as well, talking about the situation they face today. They do not make the headlines as Merrill Lynch or Lehman Brothers, but they should because if you go across the board and talk to these working families, these middle-income families, you will find that over the last 7 or 8 years, this country has not been kind to them. Their spending power has been reduced. They continue to work. They are productive workers. America's economy is a productive economy. And yet they have not been rewarded for their work. Their wages have not kept up with the cost of living. They have fallen behind under this Bush administration some $2,000 worth of spending power at a minimum. These are the people who are paying $4.50 per gallon of gasoline trying to figure out how to get back and forth to work and to meet their obligations to their families and friends.

These are folks who are struggling with the cost of groceries and clothing. They are the same ones trying to figure how in the world to put their kids

through college so their kids will not end up with student loans that look like their first mortgages.

They are worried also about health care, about the health insurance plans that do not cover as much this year as they did last year. They are worried about the out-of-pocket payments they may have to make. They realize, most of them, they are one diagnosis away from bankruptcy. That is the reality of life in the economy beyond Wall Street.

So when you look across the board at this economy, you realize the fundamental weaknesses of what we face today. Of course, the housing market has been the catalyst for some of the problems we now see. It turned out that the greed of Wall Street, of the overreaching of some companies, led to loans and mortgages which were totally unwise.

Many of those now have resulted in foreclosures, where people are having to leave their homes. Their misfortune is being visited on their neighbors. I recently had an appraisal on my home in Springfield. It is the same home I lived in when I was first elected to Congress many years ago. I have been there a long time. I have to tell you the value of my home has gone down 20 percent.

Why? It is not because we did not keep it up—we do a fairly good job with that—it is because the economy is weak in my hometown of Springfield, IL, and foreclosures nearby have taken their toll on the value of my home. We made all of our mortgage payments, but the value of our home went down 20 percent. That is the reality a lot of people are facing. My story is not one that should bring tears to anybody's eyes; we will get through it. But a lot of folks cannot. They cannot get through this, and that is where we are in the economy today.

How did we reach this point? We reached this point when we adopted a mentality that was dominant in this city for so long that, first, get Government off my back. Government is my enemy. Deregulate.

That was a pretty popular mantra around here 10 or 15 years ago. In fact, a lot of people laughed about it. Even people such as the venerable wise critic, Rush Limbaugh, said: If we close down the Federal Government no one would even notice.

Well, he was wrong when he said it. He would certainly be wrong today because what has happened to us is a reminder that there is an appropriate and important role that Government needs to play. As strong as our entrepreneurial free market economy is, if it is not subject to oversight and accountability, it can spin out of control.

That is what happened with this subprime mortgage market. Instead of having appropriate oversight and accountability, loans were made which made no sense whatsoever, and eventually that credit operation collapsed leading to the foreclosures we see today.

What we see on Wall Street now with many of these investment banks going under are credit institutions which are not subject to Government regulation. It is like playing ''off the books.'' If a business does that, the IRS comes in and says: You have just violated the law. You are supposed to put everything on the books and report to us.

Well, there is a whole world of credit and finance that is ''off the books'' when it comes to regulation and oversight by the Federal Government. And that is the world that is collapsing. It is an indication to me that when we faced a similar situation 75 years ago, with the Great Depression, that Franklin Roosevelt got it right. He understood that the economic problems in America called for sensible regulation and disclosure and transparency and accountability.

He created agencies which responded to the economy of the day. Regulation, yes, but without that regulation, unfortunately, the market was spinning out of control to the detriment of everyone, not just business owners but workers, farmers, and people who are just trying to get by.

We need to return to a mindset which says there is an appropriate role for Government. There are things which our Government can do which private industry, on its own devices, will not do. That is why we need to be more sensible when it comes to regulation.

Yesterday, the Republican candidate for President, JOHN MCCAIN, said:

> Our economy, I think still the fundamentals of our economy are strong.

I would say that Senator MCCAIN does not accurately portray our economy today. I wonder which economy he is talking about? Is he talking about an economy with record unemployment, the highest in 5 years? Is he talking about an economy with record home foreclosures, the most since the Great Depression? Is he talking about an economy where people's savings that they count on for the future—the value of their home or their 401(k) or their retirement account—have been diminished by the state of this economy? He cannot be talking about the economy where middle-income families have fallen behind in their spending power, where they find it difficult to live paycheck to paycheck, let alone save some money. He cannot be talking about an economy with $4.50 gasoline, with diesel fuel that is even more expensive, and jet fuel that is running the aviation industry out of business.

What economy is JOHN MCCAIN talking about? It is interesting how close his quote comes to one from another person who happened to be elected President. His name was Herbert Hoover; the date was October 25, 1929. This was just shortly before, days before, the great stock market crash.

Here is what President Herbert Hoover said then:

> The fundamental business of the country, that is production and distribution of commodities, is on a sound and prosperous basis.

That was said days before the stock market collapsed. This quote from JOHN MCCAIN yesterday is reminiscent of President Hoover. It shows the same lack of connection to the real world in which people are living.

When it comes to Senator MCCAIN's philosophy and how we should approach these issues, he has been pretty outspoken. It has been printed this morning in an article in the New York Times written by Jackie Calmes. She wrote:

> In early 1995, after Republicans had taken control of Congress, Mr. MCCAIN promoted a moratorium on Federal regulations of all kinds. He was quoted as saying that excessive regulations were ''destroying the American family, the American dream,'' and voters ''want these regulations stopped.'' The moratorium measure was unsuccessful.

He told the Wall Street Journal last March: ''I'm always for less regulation, but I am aware of the view that there is a need for government oversight'' in situations like the subprime lending crisis, the problem that has cascaded through Wall Street this year.

Senator MCCAIN concluded: ''But I am fundamentally a deregulator.''

Later that month Senator MCCAIN gave a speech on the housing crisis in which he called for less regulation saying:

> Our financial market approach should include encouraging increased capital in financial institutions by removing regulatory, accounting and tax impediments to raising capital.

Senator MCCAIN has been consistent. He has opposed Government oversight, accountability, and regulation. Now, it can go too far. Do not get me wrong. We have seen it at its worst. But if you do not have a fundamental oversight effort being made by the Government, then consumers and the economy are at the mercy of those who go too far.

Inevitably they will go too far. I can recall the savings and loan crisis, leading to a taxpayers bailout. I now see the problems in the subprime mortgage situation leading to a taxpayers bailout of Fannie Mae and Freddie Mac, Bear Stearns, and maybe others. If we do not keep an eye on their activities and demand accountability, we will end up paying the price.

That is why this election is so fundamental. If we want to continue the economic policies of the Bush-Cheney administration that have led us to this sorry moment, then Senator MCCAIN is clearly the person who should lead this country for the next 4 years. But if we are going to change those policies, if we are going to give middle-income and working families a fighting chance in this economy, if we are going to have a Tax Code written not to reward wealth but to reward work for a change, then

we need a change in Washington. We need to have a new approach, not only a new economic and tax policy but the kind of regulation that provides protection from the excesses of the market. Even Senator MCCAIN yesterday referred to the greed on Wall Street. Left unchecked, unfettered, this greed can spin out of control. That is why there is such a fundamental choice facing American families in only 7 weeks.

I ask unanimous consent to have the New York Times article to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 16, 2008]

IN CANDIDATES, 2 APPROACHES TO WALL STREET

(By Jackie Calmes)

WASHINGTON.—The crisis on Wall Street will leave the next president facing tough choices about how best to regulate the financial system, and although neither Senator Barack Obama nor Senator John McCain has yet offered a detailed plan, their records. and the principles they have set out so far suggest they could come at the issue in very different ways.

On the campaign trail on Monday, Mr. McCain, the Republican presidential nominee, struck a populist tone. Speaking in Florida, he said that the economy's underlying fundamentals remained strong but were being threatened ''because of the greed by some based in Wall Street and we have got to fix it.''

But his record on the issue, and the views of those he has always cited as his most influential advisers, suggest that he has never departed in any major way from his party's embrace of deregulation and relying more on market forces than on the government to exert discipline.

While Mr. McCain has cited the need for additional oversight when it comes to specific situations, like the mortgage problems behind the current shocks on Wall Street, he has consistently characterized himself as fundamentally a deregulator and he has no history prior to the presidential campaign of advocating steps to tighten standards on investment firms.

He has often taken his lead on financial issues from two outspoken advocates of free market approaches, former Senator Phil Gramm and Alan Greenspan, the former Federal Reserve chairman. Individuals associated with Merrill Lynch, which sold itself to Bank of America in the market upheaval of the past weekend, have given his presidential campaign $300,000, making them Mr. McCain's largest contributor, collectively.

Mr. Obama sought Monday to attribute the financial upheaval to lax regulation during the Bush years, and in turn to link Mr. McCain to that approach.

''I certainly don't fault Senator McCain for these problems, but I do fault the economic philosophy he subscribes to,'' Mr. Obama told several hundred people who gathered for an outdoor rally in Grand Junction, CO.

Mr. Obama set out his general approach to financial regulation in March, calling for regulating investment banks, mortgage brokers and hedge funds much as commercial banks are. And he would streamline the overlapping regulatory agencies and create a commission to monitor threats to the financial system and report to the White House and Congress.

On Wall Street's Republican friendly turf, Mr. Obama has outraised Mr. McCain. He has received $9.9 million from individuals associated with the securities and investment industry, $3 million more than Mr. McCain, according to the Center for Responsive Politics, a watchdog group. His advisers include Wall Street heavyweights, including Robert E. Rubin, the former treasury secretary who is now a senior adviser at Citigroup, another firm being buffeted by the financial crisis.

If many voters are fuzzy on the events that over the weekend forced Lehman Brothers Holdings Inc. into bankruptcy and Merrill Lynch & Company. to be swallowed by the Bank of America Corporation, the continuing chaos among the most venerable names in American finance—coming on top of the recent government seizure of mortgage giants Fannie Mae and Freddie Mac and the demise of the Bear Stearns Companies—has stoked their anxiety for the economy, the foremost issue on voters' minds.

So it was that first Mr. Obama and then Mr. McCain rushed out their statements on Monday morning before most Americans had reached their workplaces.

To the extent that travails on Wall Street and Main Street have both corporations and homeowners looking to Washington for a hand, that helps Mr. Obama and his fellow Democrats who see government as a force for good and business regulation as essential. Yet Mr. McCain has sold himself to many voters as an agent for change, despite his party's unpopularity after years of dominating in Washington, and despite his own antiregulation stances of past years.

Mr. McCain was quick on Monday to issue a statement calling for ''major reform'' to ''replace the outdated and ineffective patchwork quilt of regulatory oversight in Washington and bring transparency and accountability to Wall Street.'' Later his campaign unveiled a television advertisement called ''Crisis,'' that began: ''Our economy in crisis. Only proven reformers John McCain and Sarah Palin can fix it. Tougher rules on Wall Street to protect your life savings.''

Mr. McCain's reaction suggests how the pendulum has swung to cast government regulation in a more favorable political light as the economy has suffered additional blows and how he is scrambling to adjust. While he has few footprints on economic issues in more than a quarter century in Congress, Mr. McCain has always been in his party's mainstream on the issue.

In early 1995, after Republicans had taken control of Congress, Mr. McCain promoted a moratorium on federal regulations of all kinds. He was quoted as saying that excessive regulations were ''destroying the American family, the American dream'' and voters ''want these regulations stopped.'' The moratorium measure was unsuccessful.

''I'm always for less regulation,'' he told The Wall Street Journal last March, ''but I am aware of the view that there is a need for government oversight'' in situations like the subprime lending crisis, the problem that has cascaded through Wall Street this year. He concluded, ''but I am fundamentally a deregulator.''

Later that month, he gave a speech on the housing crisis in which he called for less regulation, saying, ''Our financial market approach should include encouraging increased capital in financial institutions by removing regulatory, accounting and tax impediments to raising capital.''

Yet Mr. McCain has at times in the presidential campaign exhibited a less ideological streak. As he did on Monday, he from time to time speaks in populist tones about big corporations and financial institutions and presents himself as a Theodore Roosevelt-style reformer. He supported the Bush administration's decision to seize Fannie Mae and Freddie Mac, the mortgage giants, and he has backed as unavoidable the promise of taxpayer money to help contain the financial crisis.

Other than Mr. Gramm, who as chairman of the Senate Banking Committee before his leaving Congress in 2002 worked to block efforts to tighten financial regulation, Mr. McCain's closest adviser on matters of Wall Street is John Thain, the chief executive of Merrill Lynch, who has raised about $500,000 for Mr. McCain. Unlike Mr. Gramm, Mr. Thain has a reputation as a pragmatic, nonideological, moderate Republican. That the men are Mr. McCain's touchstones is typical of his small and eclectic mix of advisers, making it hard to generalize about how Mr. McCain would act as president.

A prominent McCain supporter, Gov. Tim Pawlenty of Minnesota, signaled how Mr. McCain would try to make his antiregulation record fit the proregulation times that the next president will inherit. Mr. Pawlenty suggested in an interview on Fox News that, given the danger that ''any future administration'' would go too far, Mr. McCain would be the safer bet to protect against ''excessive government intervention or excessive government regulation;''

Mr. Obama also does not have much of a record on financial regulation. As a first-term senator, he has not been around for the major debates of recent years, and his eight years in the Illinois Senate afforded little opportunity to weigh in on the issues.

In March 2007, however, he warned of the coming housing crisis, and a year later in a speech in Manhattan he outlined six principles for overhauling financial regulation.

On Monday, he said the nation was facing ''the most serious financial crisis since the Great Depression,'' and attributed it on the hands-off policies of the Republican White House that, he says, Mr. McCain would continue. Seeking to showcase Mr. Obama's concerns, his campaign said Mr. Obama led a conference call on the crisis early Monday that included Paul A. Volcker, the former chairman of the Federal Reserve; Mr. Rubin; and his successor as treasury secretary, Lawrence H. Summers.

Later, citing Mr. McCain's remarks about the economy's strong fundamentals, he told a Colorado crowd that Mr. McCain ''doesn't get what's happening between the mountain in Sedona where he lives and the corridors of power where he works.''

One reason for both men's sketchy records on financial issues is that neither has been a member of the Senate Banking Committee, which has oversight of the industry and its regulators. Under both parties' leadership, the committee often has been a graveyard for proposals opposed by lobbyists for financial institutions, including Fannie Mae and Freddie Mac, which last week were forced into government conservatorships.

Industry lobbyists' success in killing such regulations meant senators outside the banking panel did not have to take a stand on them.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before the hour of 2:30, I ask unanimous consent to be recognized for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I also ask unanimous consent that the Republican leader's time begin 5 minutes after I begin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I rise to address the Senate not only as a Senator from the largest State in the Union, a State that is experiencing many problems that started with the housing crisis about which we talked a long time ago, before the Fed stepped in and did something, but I also rise as an economics major. I received my degree in economics. My minor was political science. I was a stockbroker a long time ago on Wall Street. I know a little bit about Wall Street, and I know a little bit about the times we are in right now. I worked on Wall Street when John Kennedy was assassinated. It was a horrible time. Confidence was shattered. The stock market actually closed down for a period. Now we are facing a meltdown. The fact is, we are all going to work and hope that it doesn't melt all the way down.

On the day that we learn about Merrill Lynch, which was the gold standard of brokerage houses, and AIG, what I understand is the largest insurance company in America, when we hear about that and about Lehman Brothers, which we also hope can survive in some form via purchase—and certainly we know thousands of people have lost everything—to hear a U.S. Senator—namely, Senator MCCAIN—say the fundamentals of this economy are strong sends cold shivers up and down my spine. To think that anyone would say that, one would have to go back to the days of Herbert Hoover, President of the United States, the day after the market crashed in 1929 and we entered the Great Depression. He said:

> The fundamental business of the country, that is production and distribution of commodities, is on a sound and prosperous basis.

We have Senator MCCAIN memorializing this attitude and these words.

I wish to spend the rest of my time going through the fundamentals of this economy. I will come back and speak later when I have a little more time to expand.

In 1999, the average American family spent $3,261 on cost-of-living expenses; in 2007, $7,585. The average household earned less in 2006 than they did in 2000. Incomes are going down. Expenses are going up—groceries, heating, gas, health care. The fundamentals of our economy are strong? As Senator OBAMA said: What economy? Not this economy. The average household earned less in 2006 than they did in 2000. Job growth during this administration has been the slowest since Herbert Hoover in 1929, the Great Depression. Our economy has lost jobs for 8 straight months; 84,000 jobs were lost last month. The fundamentals of this economy are strong? What?

One in five Americans is unemployed for more than 26 weeks, an increase of 8.2 percent over 2001. Americans living in poverty increased by 5.7 million since 2000, and 37 million Americans live in poverty. The fundamentals of this economy are strong? Spare me.

Existing home sales fell by 22 percent in 2007. President Bush inherited a surplus. We now have an enormous deficit. The debt has increased over $4 trillion since 2001. We are spending $10 billion a month in Iraq. The money is leaving the country. We are not making the investment. The fundamentals of this economy are strong?

Every American, I don't care what party—Republican, Democratic, Independent—should be up in arms about a leader looking at these figures. I have only given a little of the story. Let's get real. The fundamentals of this economy are weak. The people are anxious, and they should be. It is time for change.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from California has expired. Who seeks recognition?

Under the previous order, the time until 3:06 is equally divided, with the Republican leader controlling the first 15 minutes and the majority leader controlling the last 15 minutes.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, unfortunately, we are in a situation with this bill where we have not been able to reach an agreement on how to proceed. I say this notwithstanding the Herculean efforts by the chairman and the ranking member of the committee. Senator WARNER informed me a moment ago about the negotiations that have been ongoing, literally over the weekend, and yet it appears that notwithstanding their best efforts it has been impossible to find a way to move forward on this bill that encompasses amendments or embodies those amendments in a managers' amendment to the bill such that the Members, at least on our side, would feel comfortable proceeding to close off debate on the bill and bring debate to a close so we could move on with the bill. Unfortunately, I believe we have had two votes so far on this bill. I think one of those was on an amendment I offered, or it was accepted.

In any event, I think they have accepted two amendments, we have had two votes, and I am informed that over the past three Department of Defense authorization bills, we had a rollcall vote average of 21 votes per bill. That is about right for a Defense authorization bill. This is one of the most important bills we have each year. There is a lot of Member interest. The committee has always allowed a robust debate and amendments by Members and, an average, as I said, of 21. We have had two so far. Clearly we are not ready to stop this bill. There is more work to be done. Frequently, amendments are embodied in a managers' amendment, on average, of 192 amendments that were agreed to during the consideration of the last three DOD authorization bills. As I said, this year the majority has accepted but two.

Now, on our side we had hoped we would have a unanimous consent agreement that could be entered into at this point to obviate the necessity of the vote on cloture. It appears now that that will not be the case. So unfortunately we are in a situation where we are clearly not ready to call an end to this bill. There is still a lot more work to be done. The two managers have tried very hard to reach an agreement. That has not been possible to do. Therefore, at least for me—and I don't pretend to speak for everyone on the Republican side—but at least for me, I can't in good conscience vote to close off debate, bring this bill to a close when there are so many outstanding issues that I know Republicans wish to bring to closure. There is one in particular I will mention before I close.

There is this matter of earmarks. What we had resolved to do in the Senate was to say that only legislative language would be sufficient for a so-called earmark to have the force of law. You couldn't put earmarks in report language and then expect the executive branch to adhere to those earmarks when it spent the money appropriated by Congress. Well, once again, we have the specific items of spending that some call earmarks not put in legislative language except by reference. I know both Senator WARNER and Senator DEMINT and some others had proposed amendments to deal with that. I would have liked to have voted on a Senator WARNER amendment to deal with that subject but, apparently, without a unanimous consent agreement, that is not going to be possible. So there are a variety of things that remain to be done. If we vote for cloture on the bill, they are not going to get done.

Therefore, reluctantly, as I said, it will be my position to vote against cloture on this bill.

Mr. REID. Mr. President, has all time of Senator MCCONNELL expired?

The PRESIDING OFFICER. There is 1½ minutes remaining on the Republican side.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, this will be one of the most difficult votes that I will have had to cast in my almost 30 years in the Senate. I must say

to my dear friend, the chairman of the committee, we have worked together these years and we just made our last efforts in the cloakroom to try and bridge the gap—I respect both sides—bridge the gap. We failed, and now we are confronted with cloture. I then searched my conscience: What do I do? Because I am definitely more than sympathetic, completely in support that the minority has to have certain rights and a certain ability. That is the way this institution is constructed.

I shall vote for cloture for the following reason: I ran a quick mental calculation. It was 63 years ago, in January of 1945, that I joined the U.S. Navy. If I had to point to the one single thing in my some 40 years plus of public service that has meant the most to me personally, it is working with and learning from the men and women of the Armed Forces of the United States. My military career on active duty is of no great consequence, but my learning experience was enormous, and I have tried through these 30 years in the Senate to pay back to this generation and future generations of men and women all the wonderful things, including two GI bills, that were done for me.

So I could not have this, being almost the last vote that I will cast in these 30 years, in any other way than be consistent with my conscience, as I have tried to do the best, and will continue to do the best, on behalf of the men and women of the Armed Forces and their families.

I thank my colleagues.

The PRESIDING OFFICER. The time of the Senator has expired.

The Democratic leader is recognized.

Mr. REID. Mr. President, I had the opportunity in August to travel to Afghanistan. I always try to find the Nevada troops and I was able to do that because there are a lot of them over there. But I talked to troops—not Nevada troops but American service men and women. I have had the good fortune of being able to go to Iraq and talk to our military in Iraq. To try to explain to them that we are not doing a Defense authorization bill because minority rights aren't protected, I mean what is—what are we doing? This will be the 94th time we voted on cloture this Congress—the 94th time—far breaking any records ever in the history of our great country; more than double.

My friend, the distinguished Senator from Arizona, says they are not ready to end this debate. We have a professional staff. The Republican staff of the Armed Services Committee is as professional as you can get, and that on the Democratic side is as professional as you can get, led by two of America's all-time great Senators: LEVIN and WARNER. I say that without any degree of trying to make them feel good. It is the truth. They are two of the great Senators in the history of our country. They have worked as hard as they could to put together a Defense authorization bill. Now, let's assume we don't do anything to that bill and cloture is invoked and we pass that bill. Wouldn't that be a great time to celebrate here? Because you know what would happen? We would have a conference with the House and work out whatever differences in their bill and our bill.

This is about earmarks? Oh, come on. We have had congressionally mandated spending since we have been a country. Why? Because our Founding Fathers set the country up that way. We have three separate branches of government. We don't have a king. We have a President. He doesn't make all the decisions. Benjamin Franklin and all of those men who met in Philadelphia wanted us to have three separate branches of government and they determined what our duties would be in the Constitution. One of them is to determine the spending. That is our role. That is our obligation. Now, are these two men trying to hide something from the American people, trying to sneak something in to help a military base someplace in America? No. Everything is transparent. This earmark is only one of the issues of the day to give somebody something to talk about, to talk about how bad government is.

During the past 8 years, our Armed Forces—the best trained, the most courageous armed forces the world has ever known—have been stretched to the limit. I don't say this; our military commanders say it. Both civilian and military leaders of our country say we have to help our military. History will remember that during these years, despite tremendous strain, our military accomplished everything asked of them with heroism and success. We have all been to the funerals. I never understood until I went to Afghanistan what Shane Patton went through as a SEAL in Afghanistan. I went to that funeral and I thought why is a SEAL in Afghanistan. There is no water there. He is there doing the things they are trained to do—going after terrorists—and he was killed in the process. It won't be easy to rebuild our Armed Forces. It must be a priority of our next President to give them proper rest, proper training and equipment when they are deployed, and proper physical and mental health care when they return from combat.

Part of my security detail as the majority leader—because people don't like what I do and say, I have had people threaten me. I have had as a part of my security detail a guy by the name of James Proctor. Since I was assistant leader and leader, he has been with me all that time, but it has been interrupted by three tours of duty to Iraq. He is an Army officer. Three tours of duty. He leaves his little family and heads off to Iraq. For James Proctor—to tell him we are not doing a Defense authorization bill because of earmarks or because we didn't have enough time to debate it, it is laughable, and he would laugh. They would all laugh. It is unfair.

So next January 20, I guess, we will see what we can do to move forward, because we have to rebuild our Armed Forces. In the meantime, Congress can begin, I hope, to do something in the interim. We can begin now by passing the Defense authorization bill, a sensible, bipartisan bill that will honor our troops and enhance our national security.

Just a few things: For men and women in uniform, this bill will give almost a 4-percent increase—exactly 3.9 percent increase—a pay raise—to our troops and other military personnel. Do they deserve it? Of course they do. If this bill doesn't pass, do they get it? Of course they don't. This will mean more money in the pockets of military families struggling to make it from one paycheck to the next. It will help returning heroes afford a place to live or go back to school. We invest in Defense health programs for men and women which, among other things, prevent the need to raise TRICARE fees. This bill will fight terrorism and protect our national security, and to tell James Proctor and people who have served gallantly in this military that we are not moving forward on this because minority rights aren't protected?

This bill funds international nonproliferation efforts to combat weapons of mass destruction as well as programs that will help us prepare the homeland for chemical or biological attacks. This bill will increase funding for special operations command to train and equip forces and support ongoing military operations. If we hear one thing when we go to Afghanistan, they will tell you how important special operations officers and troops are. This bill provides funds supporting the development and use of unmanned aerial vehicles.

Creech Air Force Base—named after General Creech who ended his career and his life in Nevada—was named after him, a great military officer. Indian Springs Air Base, it used to be called. It is midway between Las Vegas and the Nevada test site. This facility was going to be closed, until they determined these drones were some of the most important things in the military, and this legislation takes into consideration how important unmanned aerial vehicles are. This legislation helps reinforce special intelligence capabilities within the Army and the Marine Corps. This is a very good piece of legislation, an important step toward rebuilding our Armed Forces and protecting the American people.

I wish I had words adequate to express my personal appreciation—and I can speak for everyone on this side of

the aisle—for the work done by Chairman LEVIN and JOHN WARNER. There are no two more honorable people in the world; whether they are rabbis, priests, ministers, there is no one who has more credibility and honesty than these two men. I have had conversations with these two fine Senators, where they said: This is what I am going to do. Do I need to check back with them and ask: Do you really mean what you said? No. Their word is their bond. Once they have said it, that is it.

I feel very bad. Senator LEVIN is going to have another opportunity to do one of these bills, but this man, Senator WARNER, won't unless we invoke cloture. We need to do that so that he can participate in coming up with the final bill that will lead to a conference with the House of Representatives. For 30 years—as I have said on the floor before, I don't know his predecessors—I served with a number of them—but the State of Virginia could not have had a better Senator than JOHN WARNER. They could have had one as good but nobody better. These two men have done their very best. I accept the product they have given us, the product we have right here, now, today. I accept it. Let's pass it. Let's invoke cloture on it, and if there are germane postcloture amendments, we will take care of those. That is what these men do.

Now, I want to say one other thing. Let's not forget that the ranking Republican on the Armed Services Committee is Senator JOHN MCCAIN. I understand the Presidential campaign takes candidates away from what goes on here. Both parties realize that. But it certainly would have helped move this legislation forward if the ranking member of this committee, the Republican nominee for President, had shown leadership and a commitment to this cause by talking to his fellow Republicans and saying: Come on, we need to get this passed. Not a word publicly or privately, that I know of.

We have a chance to do the right thing by coming together to invoke cloture and move toward passing this legislation. I hope all Senators, Democrats and Republicans, will join to move forward so we can honor and promptly care for our military families, while enhancing our country's ability to meet the security challenges we face.

Let me say that, while I talked about JOHN WARNER, I want to close by talking about CARL LEVIN. I, too, don't know all of his predecessors. I do know a little history. There could have been a Senator as good as CARL LEVIN from Michigan but no one any better.

We deserve this legislation. The country deserves this legislation. These two managers deserve this legislation. Let's invoke cloture. It will give us an opportunity to complete this legislation. I hope we can do that.

I ask unanimous consent that Senator LEVIN be given 2 minutes to close the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the leader and I thank Senator WARNER for his statement in support of cloture. It is a difficult and courageous vote. I commend them on it.

The issue here is not earmarks; the issue is a perception that is being perpetrated that it is about earmarks. This green book is our committee report. It lists all of the items to be added to it and subtracted. This white book is our bill. It incorporates the charts and lines from the committee report and is incorporated into this bill as law. The lines here—add-ons, subtractions, all of the requests of the President that weren't touched, by the thousands—are incorporated by reference in our bill.

The amendment of Senator DEMINT, who wants to eliminate the incorporation by reference, has exactly the opposite effect. All the line items that were added or subtracted would not be part of the bill if the DeMint amendment were agreed to. They would remain in the committee report without incorporation by reference in the bill. It goes exactly the opposite direction of making ''earmarks'' part of law.

The Warner amendment, on the other hand, would incorporate not just by reference but all of the language in the thousands of lines in the bill. The problem is that it would take so much time, according to the Government Printing Office, to do that, we probably could not get to conference and back to the Senate unless we had a lameduck session. We don't know that we will.

We cannot jeopardize this bill, which means so much to the men and women in the Armed Forces, by a requirement that achieves no purpose because the lines are already incorporated by reference, that achieves only the perception of a purpose, which apparently meets some political needs of people who are out campaigning. That is not enough to jeopardize the Defense bill.

This bill means everything to the men and women in the armed services. It should mean everything to us because they mean everything to us. We cannot jeopardize this bill by any action which may make it impossible for us to bring back a bill from conference.

I wish to end by again complimenting Senator WARNER. He has been absolutely wonderful in trying to work out a unanimous consent agreement. I treasure our 30 years together. I wish we could end this with a cloture vote that would allow us to finish positively the great effort he has put in. I hope we can get 60 votes for cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3001, the National Defense Authorization Act for Fiscal Year 2009.

Carl Levin, Patrick J. Leahy, Bernard Sanders, Robert P. Casey, Jr., Claire McCaskill, Sheldon Whitehouse, Benjamin L. Cardin, Robert Menendez, Bill Nelson, Charles E. Schumer, Richard Durbin, Thomas R. Carper, Patty Murray, Amy Klobuchar, Jon Tester, Jeff Bingaman, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on S. 3001, the National Defense Authorization Act for Fiscal Year 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''nay.''

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 32, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—61

Akaka	Hagel	Reed
Baucus	Harkin	Reid
Bayh	Inouye	Roberts
Bingaman	Johnson	Rockefeller
Boxer	Klobuchar	Salazar
Brown	Kohl	Sanders
Byrd	Landrieu	Schumer
Cantwell	Lautenberg	Smith
Cardin	Leahy	Snowe
Carper	Levin	Specter
Casey	Lieberman	Stabenow
Clinton	Lincoln	Stevens
Cochran	Lugar	Sununu
Coleman	McCaskill	Tester
Collins	Menendez	Warner
Conrad	Mikulski	Webb
Dodd	Murkowski	Whitehouse
Dole	Murray	Wicker
Dorgan	Nelson (FL)	Wyden
Durbin	Nelson (NE)	
Feinstein	Pryor	

NAYS—32

Alexander	Craig	Hutchison
Allard	Crapo	Inhofe
Barrasso	DeMint	Isakson
Bennett	Domenici	Kyl
Bond	Ensign	McConnell
Brownback	Enzi	Sessions
Bunning	Feingold	Shelby
Burr	Graham	Thune
Chambliss	Grassley	Vitter
Coburn	Gregg	Voinovich
Corker	Hatch	

NOT VOTING—7

Biden	Kerry	Obama
Cornyn	Martinez	
Kennedy	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote by which the motion was agreed to and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I want to express my appreciation to everyone. I tell all Senators that Senator WARNER and Senator LEVIN are going to do everything they can to process this bill. We are going to complete this bill by tomorrow night, and we will get the bill to conference.

We can get a bill. Everyone who has something they want to do, talk to these two managers and they will do the best they can. This is an important bill, and the Senate realized that. I think this is really a good day for the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business with the time to run postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. MENENDEZ. Mr. President, there is no doubt Wall Street and Main Street are in a crisis. The floodgates from the subprime storm have ripped open and the effects are clearly devastating—unemployment is up and markets are down.

While I may not be able to predict what is coming next, I would like to talk a little bit about how we got here. Americans may not have been tracking the exact moves and, I believe, the negligence on the part of the Bush administration that has led us to this point, but we certainly understand the consequences.

For New Jersey, my home State, financial losses on Wall Street mean job losses at home. I am worried about the 1,700 employees of Lehman Brothers in Jersey City. I am worried about the 6,000 employees at Merrill Lynch in Hopewell. I am also worried about those families and others who are going to have to face foreclosure or watch their home values plummet. And I am worried about millions of retirees and people approaching retirement who are going to realize that their life savings are under attack and diminishing as quicksand below their feet.

Everyone is demanding to know what got us here. Well, what got us here to a large degree is that for the last 8 years we have had an administration that has turned a blind eye to financial markets and deregulated at every turn, playing Russian roulette with our economy. Their regulatory changes gave lenders the chance to invent new ways to make bad loans and to pass off the risks on investors.

The Federal Reserve had a power given to it long ago by a Democratic Congress to fight predatory lending. For more than 7 years of the Bush administration it failed to use it. If they had acted, many predatory lenders wouldn't have been allowed to pedal bad loans, which investment banks bought and then went bust and spurred this crisis.

There are so many parts to this pattern of deception and neglect. In 1994, a Democratic Congress passed the Homeowner's Equity Protection Act. It was the first statute to fight predatory lending. That was in 1994. That law mandates that the Federal Reserve must issue regulations to prohibit abusive and deceptive practices. But how long did it take the Federal Reserve to do so? It took the Federal Reserve 14 years—from 1994—to implement these regulations.

Senator Sarbanes, the former chairman and sometimes ranking member of the Banking Committee, and Senators SCHUMER and DODD have repeatedly introduced legislation to protect against predatory lending. Not once has any Republican been a cosponsor in the Senate. Yet we have been hearing a lot about Senator MCCAIN suggesting that all of a sudden he has seen the light. But he wasn't here all those years.

Even after reaching a bipartisan agreement on the Foreclosure Prevention Act and its successor, the Housing and Economic Recovery Act of 2008 in June, Republican Senators delayed the final passage of the legislation for weeks—for weeks. Between the two bills, Republicans had six filibusters to prevent the passage of this legislation.

Notwithstanding what was happening throughout the country, as a member of the Senate Banking Committee in March of 2007—well over a year and a half ago—I raised the prospect of a tsunami—my word—of foreclosures. But the administration said: Oh, no, that is an overexaggeration. Unfortunately, I wish they had been right and I had been wrong. But the fact is, we haven't even seen the crest of that tsunami take place.

A few months later, as foreclosures mounted, they assured us that the problems we were concerned about might bring broader consequences to the economy. But oh, no, all those who came before our committee, all the financial leaders of this administration—the Secretary of the Treasury, the head of the Federal Reserve, and the regulatory side of the Securities and Exchange Commission—oh, no, those problems would be contained to only the housing market, even though they couldn't even see the foreclosure crisis being the tsunami it has become.

In July I asked them about the prospect of a bailout of Fannie Mae and Freddie Mac, but they couldn't foresee that either or they were misleading the committee. I see the distinguished chairman of the Banking Committee is here, and he will recall they were asked head on. They asked for incredible authorities. Yet they could not foresee the possibility, even as the mortgage crisis continued to rear its ugly head in dimensions that some of us predicted a year and a half ago. Those who are in charge of the regulatory process, appointed by the Bush administration, ultimately could not see.

So even in the face of all that, we had the White House issue numerous veto threats against the bill that was critical to try to get to the very root cause of what is happening in America today—the housing foreclosure crisis—which has created this ripple effect in all our financial institutions. Yet they were issuing veto threats—veto threats. How could you be so blind or how could you be so much in the interests of one sector that you are unwilling to mitigate the risks on behalf of the American people?

This is not new. Look at 2005. In 2005, the House of Representatives—I was a Member there at the time—passed a bipartisan GSE reform bill by a vote of 331 to 90. GSEs are those Government entities; that is, Fannie Mae and Freddie Mac. We wanted to have a strong reform bill. It was offered by Republicans. Mike Oxley, the chairman at that time, a Republican, working with BARNEY FRANK, offered the bill. It passed overwhelmingly. In the House of Representatives—I served there for 13 years—I can tell you, when you get a vote of 331 to 90, that is about as bipartisan as you can get.

That bill was offered here by Senate Democrats exactly as it passed the House. But it was blocked by the White House. Even Mike Oxley, the former Republican chairman of the House committee, said recently:

> We missed a golden opportunity that would have avoided a lot of the problems we are

facing now if we had not had such a firm ideological position at the White House and the Treasury and the Fed. What did we get from the White House? We got a one-finger salute.

His words, the chairman of the House Financial Services Committee, which passed the bill in a big bipartisan vote. We couldn't get it through here in the Senate.

I find it incredibly difficult to see that one of our colleagues who is running for President, Senator MCCAIN, now talks about all of these issues. He has a new ad out suggesting he is a reformer. But he was part of the same Bush views. He basically was in support of most lifting of regulations.

So as the tsunami approached—the one that we were told, when I raised it a year and a half ago, they couldn't see—the administration was consistently on the back side of that tsunami, watching it sweep toward us, watching while the American people got washed under.

We have had 8 years of our regulatory entities. Who are they? The Securities and Exchange Commission, the Federal Reserve, the OCC—the Office of the Comptroller of the Currency under the Treasury Department. Instead of being the cops on the beat to ensure we have a marketplace that is balanced—yes, we believe in a free marketplace and, yes, we believe in free enterprise, but an unregulated marketplace, as we found, is one that has excesses. The reason there are regulators is to make sure there is balance at the end of day. But when those who are supposed to be the cops on the beat—the regulators—hit the snooze button instead of going into action so we can prevent or mitigate what we are now facing, we see the consequences.

Some of my colleagues on the other side of the aisle call this scheme ''the ownership society,'' which means today: You are on your own. A strong belief in this scheme has led Senator MCCAIN, in the face of this crisis, to repeat the same old claim yesterday that the fundamentals of the economy are strong. Housing foreclosures are defying gravity, and he continues to make statements that defy reality. Great financial institutions collapse, and Senator MCCAIN has generally supported deregulation as the answer. That is like trying to say you want to take cops off the street to deal with a riot.

I have a real concern as we now move forward. We are where we are as a result of economic and regulatory policies of the Bush administration that JOHN MCCAIN thinks are the sound underpinnings of a good economy and how we continue to move forward. It is unacceptable. That is not change. That will not change the course of where we are headed in this economy. That will not change the course of the consequences to millions of Americans.

This is not just about wealthy investors. Look at the consequences. Look at what is happening. When Lehman Brothers has to close, not only are those 1,600 jobs in New Jersey at risk, but it affects all of those who had mortgages, all of those who used a service, all of those who bought a product, all of those who went out to eat in restaurants, all of those who, in fact, employed someone else to give them a service while they were working. The ripple effect is very significant.

When people get their statements for their retirement accounts, whether it be a 401(k) or a thrift savings or whatever, we are going to see what that means to people in real life. Some are going to look and say: I am going to have to keep working because I cannot continue this way.

I want to echo what one of my distinguished colleagues, the Senator from Illinois, said a few weeks ago in Colorado:

> Enough. Enough of more of the same. Enough denial about our challenges. It is time to develop solutions.

We look forward to having the Secretary of the Treasury before the Banking Committee this Thursday. There are very tough questions to be answered, not only about what has happened but what we are doing as we move forward.

It is enough of more of the same. Enough denial about our challenges. It is time to develop solutions. I believe we have to act fast to provide an economic stimulus package targeted to provide relief to those most in need, in ways that stimulate our economy and infrastructure.

Let's be clear, we have to recognize the potential for what we call moral hazard. We can't have everyone on Wall Street think they can go to any excess whatsoever and the Government will bail them out. But at any given time in this process we have to look at what entity creates the risk. We are in one of the most precarious moments in our financial history. What entity creates perhaps a systematic risk, something that creates such a widespread risk that we have to look at that as an individual case and determine whether there is a different governmental action to be recognized.

In general, as we move forward, I certainly hope the legislation Senator DODD and Senator SHELBY worked on together, that went through six filibusters and a bunch of veto threats by the President and finally got through into law, is now actively pursued starting on October 1, which is when it goes into effect. We cannot have any of the Bush administration agencies and regulatory entities involved not be ready to go on October 1 to start providing relief on those hundreds of thousands of foreclosures—not only for those families but at the same time to try to make those performing loans so we can prop up all of these functioning institutions at the same time so all of us as Americans get some relief from an economy that is definitely headed in the wrong direction.

In general, as we move forward we have to establish which failures are isolated and which present a systemic risk to the entire financial system.

Second, it is fundamental to the health of our economy that we help homeowners stay in their homes. The housing market is not just a center of the crisis, it is also a pillar of our society. Taking steps to shore it up makes sense on so many levels. Especially as this school year gets underway, we can't sit back and watch children get thrown out not only from their homes but pulled from their schools.

Third, we absolutely must hold administration officials and regulators accountable. I myself promise to do my part when they come before the Banking Committee this week and next. They better be prepared for some tough questions and some straight answers. I am tired of hearing that you could not foretell what some of us were telling you and others about the tsunami of foreclosures. We could have stemmed the tide. We could have acted in a regulatory process to make sure that was minimized.

When you are asked what is the possibility of a bailout of Fannie Mae and Freddie Mac, I am tired of being told you can't foresee that happening, and just a month and a half later you have a very significant bailout—and you can't tell us how much the taxpayers will be on the hook for it.

I am tired of being told by some of our colleagues, such as Senator MCCAIN, that this economy has all the right underpinnings and all the right regulatory processes. That is a fantasy world. It is a world that ultimately Americans cannot afford. They cannot afford that type of thinking in terms of where we go over the next 4 years.

I look forward to those opportunities, moving forward this week and the next, to try to turn the course of where we are for all Americans and for our Nation as a whole.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will be very brief.

I commend our colleague from New Jersey, a wonderful member of the Senate Banking Committee who has been invaluable over the last 18 months as we confronted a morass of problems that, as he very properly and accurately points out, began building up years ago.

This did not all of a sudden happen 18 months ago. As I said so many times, this was not a natural disaster. This was avoidable. That is the great tragedy of all of this. Had we had regulators on the beat—as he describes it, cops on the beat—had the legislation that passed overwhelmingly in this

Congress actually been enforced with regulations promulgated dealing with deceptive and fraudulent practices in the residential mortgage market as many as 4 years ago—without a single regulation, under the leadership of this administration, being promulgated—we could have avoided the ''no doc'' loans, the liar loans, the subprime predatory lending, luring innocent people into dreadful situations that these brokers and lenders knew they could never afford to pay and then packaging them and branding them triple-A mortgages and selling them off as quickly as they wrote them to get paid off themselves and then pass on the responsibility to someone else. All of that history is replete as to how this situation unfolded. Now, of course, they want to avoid the blame for the consequences—this crowd does—for what happened.

The Senator from New Jersey laid it out very well. The public needs to know that. They also need to know what we should be doing together to get it right. We have a lot of work in front of us to get it right, but in order to get it right, we also have to acknowledge what went wrong, and there is a long history of what went wrong here.

I welcome the remarks of my colleague and thank him for his leadership and look forward to working with him.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, now that cloture has been invoked on our bill, we are going to be working very hard with Senators who have germane amendments that have not been cleared to see if we can make progress on such amendments. We not only request that Senators who have such amendments come promptly to the floor to meet with us or our staffs, but we also have to recognize that any such amendment, if it is not in a cleared package, would require consent, given the parliamentary situation. We have a cleared package already, which I think is upwards, perhaps, of 90 amendments or so, which we would hope to add to before we offer it to the Senate by unanimous consent.

After Senator WARNER has an opportunity to speak, I think we will put in a quorum call and do some other work we need to do in order to get to the next stage in this bill. Hopefully, we can now move promptly on this bill now that cloture is invoked. I thank the Senator from Virginia for all he did to make that possible.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, as the distinguished chairman said, we have some 90 amendments now cleared. Now that the issue of going forward is also at this time clear, there should be an impetus to move forward such that the package of 90-some can grow, hopefully by 30 or 40, before close of business tonight and possibly we can consider moving that as quickly as we can. We are ready to assist all Senators with regard to their amendments filed and, indeed, otherwise. We are here to try to ascertain our ability to put them in a package that is cleared; if not, despite the parliamentary situation, to help them secure a vote.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, we will, of course, do our very best, working with Senators, to add to this package. There are some possibilities there. Again, I wish to alert Senators to the fact that we are in a postcloture situation, which means they must be germane unless there is unanimous consent to the contrary. Also, the parliamentary situation is such that it would require consent. But as the Senator from Virginia wisely points out, we are going to do our very best to not be limited to technicalities if we can get consent of the body to obviate those technicalities.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

THE ECONOMY

Ms. STABENOW. Madam President, I come to the floor, as many of my colleagues have on this side of the aisle, to express my outrage and my amazement at the continued comments of one of our colleagues, who is not here but is running for President, Senator JOHN MCCAIN, when even as Wall Street now is crumbling—we have seen the actions of the last couple days—he continues to say the fundamentals of the economy are strong. No matter what caveats he puts on it, he says the fundamentals of the economy are strong. That shows how out of touch he is, as is the President whom he works with, George Bush, and those who support this view that the fundamentals of the economy are strong.

I remember a while back coming to the floor after comments were made, as well, about at that time the chief economic adviser for Senator MCCAIN. Even though this person has now stepped down—also a former colleague—from that position, we know he is still very close to Senator MCCAIN and is involved in his efforts and so on. That is Senator Phil Gramm, whom I served with on the Banking Committee. He was the chairman of the committee when I was first taking my place in the Senate. To hear Senator Phil Gramm, who worked so closely with Senator MCCAIN—we assume, based on their long relationship and the positive things Senator MCCAIN has said, that he would play a major role in a new administration under JOHN MCCAIN, and he has said as well, in addition to Senator MCCAIN repeating that the fundamentals of the economy are strong, we also remember former Senator Phil Gramm's comment that this is just a psychological recession; it is all in our minds. He said it is psychological and Americans have become a nation of whiners—a nation of whiners.

I am wondering if people made it up or if they were hallucinating when they lost their jobs this year; 605,000 Americans have lost good-paying jobs this year, since this past January. Were they hallucinating? Was this a figment of their imagination? Is it a figment of their imagination that they cannot make their mortgage payment or put food on the table or pay their electric bill or go to the gas pump and be able to refuel with outrageously high gas prices? Of course not. Of course not.

We have seen the economy unfolding in a way so that only those who are very wealthy, who have the ability to take their capital anywhere in the world, can succeed under this philosophy that has been in place, this Republican philosophy of no accountability, no transparency, no one watching in the public interest as people have made decisions that have undermined pensions of working people. Heaven forbid, can you imagine if Lehman Brothers had been managing Social Security payments for millions of senior citizens, which is, by the way, something else Senator MCCAIN wishes to see happen, privatizing Social Security.

What we have seen is an undermining of the fundamentals of what has been the strength of our economy—good jobs, not just supply, but supply and demand, putting money in people's pockets so they can afford to take care of their families and keep the economy going.

In addition to 605,000 people who have lost their jobs since the beginning of this year, we had 3.5 million manufacturing jobs lost, and counting, since 2001, since President Bush came into office. Madam President, 3.5 million people were not hallucinating. It was not a figment of their imagination that they lost their job and that their families have been put into a tailspin as they are now trying to figure out where they go from here to try to keep some semblance of the American dream.

The fundamentals of the economy are strong, says Senator JOHN MCCAIN. We

are, in fact, looking at an example of what it means to live under a philosophy of President Bush, JOHN MCCAIN, and the Republicans, and what actually happens if their philosophy comes into being, in terms of actions.

For the first time, in the time I can remember, we saw from 2001 until 18 months ago a time when the House, the Senate, and the Presidency were all in the hands of the same party. We had a chance to see what they believe in, what are their values, what are their philosophies.

What we have seen is a philosophy that has raised greed to a national virtue, that has viewed public regulation and accountability in the public interest, to protect public resources or public funds, as something to be scoffed at and to be unwound, to deregulate, to make sure that the areas of Government that have responsibility, that are accountable for our financial systems, our monetary systems, our energy resources and other areas, in fact, are not held accountable.

We have seen an administration and a Republican philosophy that doesn't work for the majority of Americans. It works for a few. If you are one of the folks who is out there trying to make sure you can make as much money as possible for yourself and your friends, you may have done pretty well. But there has been no willingness to understand the consequences for the majority of Americans or to accept any responsibility to make sure that the majority of Americans can benefit from the resources and opportunities and wealth of this great country.

This culture of greed and corruption, supported by Senator MCCAIN and President Bush and others for 6 years running, has led to Enron. I remember having people sitting in my office who had everything in their company's pension. They worked for Enron. They lost it all. They lost it all because of the schemes and the lack of accountability and oversight. They lost everything in their pension plans and they sat in my office and said: Thank goodness for Social Security because that is all I have left.

The same folks who gave us the Enron debacle want to privatize Social Security, including JOHN MCCAIN. No-bid contracts, such as Halliburton in Iraq; continual tax cuts only for the wealthiest Americans; weak oversight of public industries, regulated industries, regulated in the public interest; a disregard for the Constitution; and now the latest economic crisis we see.

Fundamentally, the question is: Who are we as a country and do we want to continue these failed philosophies? That is not by accident. I suggest this is the result of a world view, a set of values and philosophies that does not put the majority of Americans and our country first, but basically puts in place the idea that greed is good and you should make it while you can, and we are going to make sure we strip away any public protections so your ability is unfettered to do what you want to do for yourself as opposed to what needs to be done on behalf of the American people.

If we don't have a change in this country, we are going to see the same failed blueprint with more of the same failed results, disastrous results. That is why I believe so strongly we need a change in direction and a change of values to put the American people first.

Again, our colleague, Senator MCCAIN, who has said that the fundamentals of the economy are strong, has worked to deregulate markets, has called himself a deregulator. Unfortunately, it is those policies that have gotten us to where we are today.

This is the most serious financial crisis since the Great Depression. And what is the plan at this point? To study the problem. Senator MCCAIN has said today we should study the problem.

We don't need another commission. What we need are people who will make sure that the accountability, the oversight, the power that is here to stop price gouging, to bring oversight to what is going on is actually used. It hasn't been used under this administration. For 6 of the last 7½ years there was every effort, in fact, to pull back on who was put on boards and commissions, the regulators, the overseers. They essentially were made up of people who didn't believe in the mission, who didn't believe they were there for the public interest.

Right now we have a situation where there are 84,000 Americans who lost their jobs last month, 90,000 Americans who lost their homes last month. They don't want another study. They don't want another commission. They want leaders who get it. They want leaders who understand their role in this Government of ours, this public trust we have, not on behalf of just ourselves and our friends but on behalf of everybody in this country, to make sure the rules are fair, that they are followed, and that everybody has a chance to make it. That is what it is supposed to be about.

I am also reminded that Senator MCCAIN has chaired the Commerce Committee and oversaw a massive deregulation scheme that gutted our oversight of these markets. Where is the accountability? Instead of protecting consumers and preventing abuse, the special interests ruled. And CHAIRMAN MCCAIN oversaw that effort.

The same economic philosophy of the Bush administration joined by Senator MCCAIN for the last 8 years has been to give more and more to those who have the most, ignore the ability of others to make sure they can have what they have earned—their job, their pension, that Social Security is strong, they can afford to put food on the table and pay for the gas and be able to have what we all expect as Americans that will be available to us if we work hard and follow the rules.

We have had the same philosophy in place, the same philosophy that has brought us 8 straight months of job loss, the same economic philosophy that has left incomes stagnant while families find themselves spending twice as much on the basics of their life.

Real household income is down. Imagine, we were lower in 2007 than in the year 2000. Incomes were lower in 2007 than they were in 2000. We are in a generation of having real concerns, and rightly so, that our children's lives and economic circumstances will not be as good as our own.

The same philosophy has led to gasoline inching upwards to $5 a gallon, and the same economic philosophy that leaves 47 million people without health insurance, leaving them worried about whether their children will be cared for when they are sick. The same philosophy has been in place since 2001 with this President with 6 years of no balance and accountability, just one world view, 18 months of our coming in now and slowing the trend down, working hard to bring in some accountability, even though there are unprecedented Republican filibusters to stop us.

But we have seen a philosophy that has failed. We need to be taking actions to stop the fraudulent, risky, and abusive lending practices, and that has been proposed over and over again. I commend Chairman DODD of the Banking Committee and Chairman BAUCUS of the Finance Committee and all those who have brought forward proposals that will make a difference.

We need to modernize the rules for a 21st century marketplace that will protect American investors and consumers. We have been proposing those changes. We also know we have in place a series of mechanisms that would hold special interests accountable and be able to make sure that people's incomes and pensions and the economy in general are protected. We just haven't used it.

I stand with another colleague of ours, Senator BARACK OBAMA, who has said if you borrow from the Government, you should be regulated. There should be public accountability, transparency, if you are borrowing from the Government. If we want to stop abuses of the public trust, we need to have openness, we need to know what is going on in the markets, we need to know what is going on. If we want to protect the American people, we need to regulate dangerous practices, such as predatory lending.

We know there is so much that we need to do right now. First is to address the hole we are in economically, and the next is to stop digging, stop

making it worse. Stop tax breaks for those who have already done so well, even in these terrible circumstances. We need to make sure we are focusing on those who have worked so hard all their lives, and their families who are looking for the opportunity to be successful in America. They want to know they are going to have a fair chance to do that, that the rules are going to be fair, they are not going to be stacked against them and in the interest of a special few, which is what has been happening since 2001 over and over.

Let me go back to my original comment and look at the 3.5 million manufacturing jobs lost since 2001. Our colleague, JOHN MCCAIN, says the fundamentals of the economy are strong. I beg to differ. The fundamentals of the economy for Americans working hard every day making a paycheck, trying to make ends meet, worrying about whether they are going to have a job, health care, send the kids to college, put food on the table, pay for the gas and all the other things, for them the economy is not strong.

People are working too hard, making too little, and paying too much every day, and we do not need another study or another commission. We need leaders who get it, who have the right values, who understand, who have the intestinal fortitude to stand up and fight for the American people, the middle-class families who are sick and tired of what has been going on.

I can tell you, coming from the great State of Michigan, the people of Michigan have had enough. We have had enough. We can't take more of this. We can't take 4 more years of this. We can't take 4 more days of this. We have had enough. But to change it, I believe strongly that we need to understand this is not just an accident that we are where we are. It is a conscious philosophy. It is actions and inactions that have been taken by those in charge—by this President, supported by Senator JOHN MCCAIN, supported by Republicans in the House and the Senate—that have created the situation that has fostered the circumstances in which we find ourselves.

We can't do this anymore. We need to make sure government works for real people, real people who have had enough. I can't say it more strongly: We have to stop traveling down the road we are on, following this philosophy that has run us into extremely dangerous economic territory.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, are we on the Defense bill or in morning business?

The PRESIDING OFFICER. We are on the Department of Defense bill under cloture.

Mr. TESTER. Mr. President, I want to take a moment to thank Chairman LEVIN and Senator WARNER for their willingness to work with me on the amendment that has been accepted into the managers' package. This amendment provides some additional comfort to family members whose loved one is killed while serving in the military by allowing the Defense Department to pay for travel to a memorial service honoring a servicemember killed on Active Duty.

Currently, the law allows for the services to provide transportation of family members to a burial service of a servicemember killed on Active Duty. Although the law makes this voluntary, the services, much to their credit, all make this travel available to the families. However, current law does not allow travel to memorial services. With many families split up over long distances, this can be particularly painful when a parent or sibling of one of our fallen heroes cannot afford to travel to a memorial service held by a unit or even other members of the family. Although some charity groups have been able to help these families attend memorial services for their fallen loved ones, when servicemembers die in service to their country, it is this country's moral obligation to help their families in every possible way.

This amendment would allow the Secretary of each service to allow family members of fallen heroes to attend one memorial service as a way of helping to honor those who give the ultimate sacrifice—their lives—to our Nation. It would be voluntary. The services do not have to participate, but at least they would have the option, which is something they currently do not have.

Earlier this year, a constituent of mine suffered the loss of his son. He died in a hospital in Canada after being injured in Iraq. He was on a transport flight from Germany to Walter Reed when his condition worsened and the plane diverted to Halifax. When my constituent's ex-wife sought to have a memorial service for their son in Phoenix prior to the burial at Arlington National Cemetery, the Army had to tell the man, whose son had given his life for our country, that the country could not help him attend that memorial service.

I think we can do better. I think we should do better. This amendment will allow us to do better.

When a soldier or marine or airman goes to war, the whole family goes to war. When a servicemember gives the ultimate sacrifice and is killed in service to our Nation, we need to do the right thing for the family. That is why I have offered this amendment. Again, I thank Chairman LEVIN and Senator WARNER for working together to help get this amendment into the managers' package.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I ask to be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. SANDERS. Mr. President, this week we have learned that Lehman Brothers, one of the oldest financial institutions in our country, an investment bank that has survived two world wars and a Great Depression, has proven that even it could not survive 8 long years of deregulation and lax oversight by the administration of George W. Bush. It is going bankrupt.

Yesterday we also learned that the beleaguered Merrill Lynch, the largest brokerage firm in this country, will be bought out by Bank of America, the largest financial depository institution in this country. Now we are also learning that AIG, the largest insurance company in the United States, and Washington Mutual, the largest savings and loan association in this country, are also in deep financial trouble. The list of troubled banks that the FDIC maintains is growing larger and larger.

In addition, last week, to avert a complete mortgage meltdown, we saw the Bush administration bail out Fannie Mae and Freddie Mac, putting tens, if not hundreds, of billions of dollars of taxpayer dollars at risk. Earlier this year, we saw the Federal Reserve orchestrate the takeover of Bear Stearns, a deal backed by $30 billion in taxpayer dollars.

At the same time, Americans are still paying outrageously high prices at the gas pump. Prices are still over $3.50 a gallon, even though the price of oil is now down to almost $90 a barrel. Every little hiccup to send gas prices up or down with virtually no connection to real supply and demand indicators.

Up to this point, the Republicans in the Senate have prevented us from taking any real action to rein in those volatile energy markets, so oil could be down this week, but any kind of rumor or instability, whether man made or natural, could send those same prices soaring again.

I think it is important the American people understand why we got to where

we are today; why we are in a situation where millions of workers are fearful about being able to heat their homes in the wintertime while workers all over this country are finding it very difficult to fill their gas tanks. Is what occurred simply bad luck? Are we at the bottom of the so-called business cycle? How do these happenings occur to what was once the strongest economy in the world with the greatest middle class?

If we take a deep look at what is going on in terms of the financial crisis we are suffering through today and the volatile energy prices we are suffering through today, we can understand that both are the result of deliberate policy decisions made by the Congress and the administrative negligence on the part of the Bush administration. These deliberate policies were the result, to a significant degree, of the power and influence of corporate lobbyists—who also make huge campaign contributions—representing some of the most powerful special interests in the world, whether it is big oil, big coal or whether it is the largest financial institutions in the world.

What these lobbyists fought for and secured was selling deregulation snake oil, deregulation snake oil backed with millions in campaign contributions. That is what I think is the overlying issue as we look at the financial crisis facing Wall Street and the soaring and volatile prices in terms of oil.

All too often when bad things happen because of failures here in Washington, both parties generically blame it on the other and no one stands up and tries to point out what, where, why and, most importantly, who is behind these bad policies. As an Independent, I think that breeds a cynicism and an anger and a frustration on the part of the American people about the political system of our country.

Well, in this case, I think the American people deserve a little more of an explanation. It has been their hard-earned dollars that have been needlessly spent on $4 a gallon gasoline. It is their retirement savings and, my God, I wonder all over this country the kind of frustration that exists today with the volatility in the stock market going down 500 points yesterday and what people are worried about, whether their 401(k)s are going to be worth very much in the future. These are very frustrating times for the American people.

In the case of both of these current crises, the financial services and energy crisis, one of the major actors and perhaps the main actor in creating what we have seen today is a former Senator from Texas named Phil Gramm. In terms of our financial crisis, one of the reasons we are in the mess we are in today is because of the enactment of the Gramm-Leach-Bliley Act in 1999. As you may recall, this legislation was responsible for deregulating the financial services industry by completely repealing the Glass-Steagall Act.

Now, I was a Member in the House of Representatives at the time. I was a member of the House Banking Committee when this legislation was being debated. I remember that debate very well because I was in the middle of it. Let me tell you, I do not mean to be patting myself on the back, but I think it is important to take a little bit of a look at recent history.

This is 1999 during the debate. This is what I said as a member of the House Banking Committee:

> I believe this legislation will do more harm than good. It will lead to fewer banks and financial service providers, increased charges and fees for individuals, consumers and small businesses, diminished credit for rural America, and taxpayer exposure to potential losses should a financial conglomerate fail. It will lead to more mega mergers and a small number of corporations dominating the financial service industry and a further concentration of economic power in our country.

Unfortunately, that is exactly what is happening today, and I would much prefer to have been wrong than right. But on the other hand, former Senator Phil Gramm—who I should mention to you has been Senator MCCAIN's top economic adviser—at that time had a very different opinion of the legislation which bears his name. Senator Gramm at that time said something very interesting about that piece of legislation. This is what he said:

> Ultimately the final judge of the bill is history. Ultimately, as you look at the bill, you have to ask yourself, will people in the future be trying to repeal it? I think the answer will be no.

Well, put me down as a Senator who believes we need to repeal Gramm-Leach-Bliley. Put me down as a Senator who believes we need to restore strong Government oversight of the banking industry. Put me down as someone who believes we need to have firewalls in the financial services sector so that we do not have the domino effect we are seeing right now.

There was a reason Congress enacted reforms of the banking industry in the 1930s, and that was because we did not want to repeat the mistakes that caused the Great Depression. Failing to have learned from our mistakes, it looks as if we are doomed to repeat them.

The lesson here is that left to their own devices, company executives will make poor decisions and put their investors' capital at risk. The important lesson here is that poorly regulated financial markets invariably endanger the health of the entire economy and, of course, as this world becomes more and more interlocked, in fact, the economy of the entire world.

In that context, the extreme economic ideology of people such as former Senator Gramm, and for that matter Senator MCCAIN, says that the people of this country should simply stand back and allow executives in Wall Street boardrooms to make decisions with no public oversight that have the potential of wrecking our economy. In other words, deregulate them, let them do whatever they want in order to improve their bottom line, and the Government does not have to watch to see what the implications of their decisions are for our country or for our taxpayers.

I disagree with Senator Gramm's perspective. People who want to gamble their own money are certainly welcome to do that. But when your actions have the ability to dry up credit for businesses all over our country, when your actions can dry up mortgages for people who desperately want to buy a home or stay in their home, when your actions depress the value of Americans' savings, we need public oversight, and it should be strong oversight with the primary mission being to protect the American public from the reckless greed that has brought us to where we are today.

In former Senator Gramm's world view, when it comes to protecting the American consumer and the safety and soundness of our financial institutions, Government is not the answer, Government is the enemy, Government is terrible. But when banks fail, all of a sudden, guess what happens. The Government has no choice but to intervene to prevent the entire economy from collapsing. The Gramm-McCain version is one where profits are private, going to the very wealthiest people in this country, but risk is public, being assumed, by and large, by the middle-class and working people of this country. It is socialism for the very rich, and free enterprise for everyone else.

Unfortunately, former Senator Gramm was not satisfied by having set up the dominos in 1999 that made our current financial crisis possible. In 2000, he decided his loot-and-burn economics had to be applied to the energy markets as well now. This is an achievement. First you go after deregulating the financial markets, and then you move to energy. And out of his efforts in energy, of course, the so-called Enron loophole was born. Senator Gramm, who was then Chairman of the Banking Committee, was one, if not the main proponent of the provision deregulating the electronic energy market that we now know as the Enron loophole.

Was this done through a deliberative process with debate and hearings? Actually, no, it was not. This very important provision was slipped into a massive unrelated bill with no discussion and no hearings, and the American people today are paying the price for that.

The Federal agency that oversees those energy markets was the Commodity Futures Trading Commission,

the CFTC. Conveniently, the head of that agency at the time was a Wendy Gramm. Yes, you guessed it, it was his wife. And Wendy Gramm had become head of the CFTC after being on the board of directors of, well, you guessed it, the Enron Corporation. Even Hollywood could not come up with a plot quite so transparent.

The result of this deregulation of the energy markets has, according to many experts who have testified before Congress, allowed speculators on unregulated markets to artificially drive the cost of a barrel of oil up to over $147 a barrel.

My colleagues, including Senator DORGAN and Senator CANTWELL and many others, have laid out the way that speculators have driven up oil prises in many well-researched presentations here on the floor and a number of Senate committees. I applaud them for their leadership. But all of this speculation and all of the millions and billions of dollars that Americans have spent on exorbitantly priced gasoline would not have happened if it had not been for the efforts of Senator Gramm pushing through the so-called Enron loophole.

As central as Senator Gramm was in creating the financing and energy disasters we are currently facing, he was aided and abetted by the Bush administration's willingness to simply look the other way. Even with all of the harm that has been done to the economy, President Bush still refuses to acknowledge it. One wonders what world he is living in.

And, shockingly, Senator MCCAIN is singing from the same song sheet. On September 15, Senator MCCAIN said:

> The fundamentals of our economy are strong.

Does that sound familiar? Well, it should. Since 2001, President Bush and members of his administration have repeatedly described the economy as strong and getting stronger: Thriving, robust, solid, booming, healthy, powerful, fantastic, exciting, amazing, the envy of the world.

Those are the adjectives used by the President and members of his administration over the last 8 years. What economy are they looking at? The fact is, when it comes to the economy, Senator MCCAIN and President Bush do not get it. Is it a surprise to anyone that Senator Gramm, who, until fairly recently, was Senator MCCAIN's major economic adviser on his campaign, described Americans as ''a nation of whiners'' who are suffering through a ''mental recession''?

Was it a surprise? What is surprising is that Senator MCCAIN is trying to pass himself off as a maverick when he looks to the same people, people such as Senator Gramm, who laid the groundwork for our current economic problems.

While Senator MCCAIN and President Bush think the fundamentals of our economy are strong, while they talk about how robust things are, the reality is the middle class in this country is collapsing. And if we do not make the kind of bold changes we need to make, for the first time in the modern history of America our children will have a lower standard of living than we do.

We are looking at the American dream as an American nightmare. We are moving in the wrong direction economically as well as in so many other areas.

Since President Bush has been in office, nearly 6 million Americans have slipped out of the middle class and into poverty. How do you think the fundamentals are strong when 6 million more Americans enter the ranks of the poor? Since Bush has been in office, over 7 million Americans have lost their health insurance. Now well over 46 million Americans are without any health insurance at all, and even more are underinsured. Does that sound like the fundamentals of the economy are strong?

Since President Bush has been in office, over 3 million manufacturing jobs have been lost, total consumer debt has more than doubled, median income for working-age Americans has gone down over $2,000 after adjusting for inflation. They do not get or do not care that prices on almost everything we consume are going up and up and up.

Today the typical American family is paying over $1,700 more on their mortgages, $2,100 more for gasoline, $1,500 more for childcare, $1,000 more for a college education, $350 more on their health insurance, and $200 a year more for food than before President Bush was in office.

In addition, home foreclosures are the highest on record, turning the American dream of home ownership into the American nightmare. The unemployment rate has skyrocketed. Since January of this year, we have lost over 600,000 jobs. Adding insult to injury, the national debt has increased by over $3 trillion, and we are spending $10 billion a month on the war in Iraq, making it harder and harder to do anything to help the struggling middle class.

Is it any wonder that Rick Davis, Senator MCCAIN's campaign manager, recently said: ''This election is not about issues''? If my economic policies were to follow President Bush's and the economy was in a state of near recession and unemployment was up and median family income went down and more people were losing health insurance and more and more people were in debt, the foreclosure rate at the highest rate in American history, if all those things were happening, I would certainly also run on a campaign not having anything to do with issues whatsoever. That is what I would do. I would run away from all of those issues. That is certainly JOHN MCCAIN's strategy. Who can blame him?

JOHN MCCAIN claims to be offering change. But on issue after issue, he is offering more of the same—more tax breaks for the very rich, more unfettered free-trade agreements that will cost our country millions of good-paying manufacturing jobs, more tax breaks to big oil companies ripping off the American consumer at the gas pump; in other words, more of George Bush's failed policies that have led to a collapse of the middle class, an increase in poverty, and a wider gap between the very rich and everyone else.

JOHN MCCAIN and George Bush may be right in one respect: If they are talking about the wealthiest people and the most profitable corporations, the economy is fundamentally strong. Things could not be better for those people, that small segment of our society. In fact, one can make the case—and economists have—that the wealthiest people have not had it so good since the robber baron days of the 1920s.

Right now—this is really quite an astounding fact—the top one-tenth of 1 percent of income earners earn more income than the bottom 50 percent. That gap between the people on top, who are busy trying to build record-breaking yachts and all kinds of homes, busy buying jewelry that is unbelievably expensive—one-tenth of 1 percent earn more income than the bottom 50 percent—that gap is growing wider. Also the top 1 percent own more wealth than the bottom 90 percent. We as a nation have the dubious distinction of having the most unfair distribution of wealth and income of any major country on Earth.

The wealthiest 400 people have not only seen their incomes double, their net worth has increased by $640 billion since President Bush has been in office. Can we believe that? The wealthiest 400 Americans have seen their net worth increase by $640 billion since George Bush has been in office. Today, the richest 400 Americans are now worth over $1.5 trillion. At the same time, we have the highest rate of childhood poverty; 20 percent of our children live in poverty. We have working families lining up at food banks because they don't earn enough to pay for food.

Apparently, all of that is not good enough for Senator MCCAIN and for President Bush. They insist that those tax breaks be made permanent. In George Bush's and JOHN MCCAIN's world, those are the Americans who are struggling. The wealthiest 400 Americans just can't make it on $214 million a year. It must be pretty hard to scrape through and get the food and shelter a family needs, so obviously those are the guys who need a tax break.

We have had almost 8 years of President Bush's economic policies. They follow, of course, 8 years of the policies of President Clinton. I think it is important to say a word to compare what

happened during those two administrations.

I happened, as a Member of the House, to have disagreed with President Clinton on a number of issues. But I think when we look at his overall economic record and contrast it to the overall economic record of President Bush and the policies Senator MCCAIN would like to follow, the record speaks for itself.

Take a look at job creation, how many new jobs have been created. Under President Clinton, almost 23 million new jobs were created. That is a pretty good record. Did every one of those jobs pay the kind of wages we would like? No. But nonetheless, almost 23 million new jobs were created in Clinton's 8-year term. Under President Bush, less than 6 million jobs have been created.

Under President Clinton, more than 6 million Americans were lifted out of poverty and into the middle class. Under President Bush, the exact opposite has occurred. Nearly 6 million people who were in the middle class have been forced into poverty. Under President Clinton, median family income went up by nearly $6,000. That is a lot of money. Under President Bush, median family income is going down.

The Republican Party for years has told us they are the party of fiscal responsibility above all. Yet, under President Bush, the national debt has increased by more than $3 trillion. Under President Clinton, we had Federal surpluses as far as the eye could see. Under President Bush, we have had Federal deficits as far as the eye can see.

There is a clear choice to be made this year. That choice is, does Government work for all of the people, for the middle class, for working families, for people who are struggling, or do we continue to develop policies which represent the people on the top who, in fact, have never had it so good since the 1920s?

The future of our country is at stake. I personally believe we cannot afford 4 more years of President Bush's policies.

I yield the floor.

The PRESIDING OFFICER (MR. SALAZAR). The Senator from North Dakota.

Mr. DORGAN. Mr. President, the wreckage all of us observed yesterday and the consequences of a 504 point drop in the stock market and the concern in this country about its economic future can be traced to a lot of things. I wish to talk about some of them for a few minutes. I want to show a couple charts that describe some of the origin of what has weakened this economy, and then I will talk about how this all happened.

Almost everyone in this country in recent years has seen ads like this from Countrywide, the biggest mortgage banker in the country. Countrywide had an advertisement that said: Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us.

Countrywide Bank, the biggest bank of its type in America, saying, essentially: You have bad credit? You need money? Call us. Most people would probably hear that, as I did over the years, and think: How can they do that? How does that work. You advertise that if people have bad credit, they ought to come to you.

Here is Millenia Mortgage. They said:

> Twelve months, no mortgage payment. That's right. We will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you. Our loan program may reduce your current monthly payment by as much as 50 percent and allow you no payments for the first 12 months. Call us today.

Here is a mortgage company saying: Come on over here, get a mortgage from us. We will give you a home mortgage. You don't even have to make the first 12 months' payment. We will make it for you. They don't, of course, say here that what they will do is stick that on the back of the mortgage and add interest to it. But that is what they are advertising.

Here is Zoom Credit. All of these are television, radio ads. They said:

> Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, a home loan or a credit card. Even if your credit's in the tank, Zoom Credit's like money in the bank. Zoom Credit specializes in credit repair and debt consolidation too. Bankruptcy, slow credit, no credit—who cares?

That is what Zoom Credit was saying to customers. You got bad credit, you have been bankrupt, who cares? Come and get a loan from us. They say: We don't care if you have bad credit.

In fact, here is what they also say: Get a loan from us. We will give you what is called a ''low doc'' loan or a ''no doc'' loan. If you have bad credit, we will give you a ''low doc,'' which means we will give you a home mortgage and you don't even have to document your income for us. You don't have to prove your income to us. That is called no documentation. Bad credit, come and get a loan from us. No documentation, that is OK. It is unbelievable and unbelievably ignorant.

I pulled this off the Internet. Perfect credit not required. No-income-verification loans. Pretty interesting, isn't it? Come and get a mortgage from this company. You don't have to verify your income, and you don't need perfect credit. Here is a company on the Internet that wants to give you a home loan. It says: You can get 5 years' fixed payments with a 1.25-percent interest rate. That is interesting, isn't it? Of course, it is a sham, the 1.25-percent interest rate you get to pay. Again, bad credit? Come to us, we will give you a mortgage. You don't want to document your income, that is OK. Bad credit and no documentation. And by the way, we will give you a 1.25-percent interest rate.

All of us, when we were kids, went to western movies from time to time. In virtually every movie, they had the guy who came into town with a couple old mules driving a slow wagon. He wore a silk shirt and striped pants, and he was selling snake oil. It cured everything from hiccups to the gout. He was selling snake oil from the back of his wagon. This is not in an old western. These are companies on the Internet, on television, on radio.

I go back to Countrywide, the largest mortgage broker. Do you have less than perfect credit? Come to us. We want to invite you, get a mortgage from us. That is what happened.

Now the stock market collapses on Monday. What is the relationship? The relationship is that our economy is reeling from the wreckage of the subprime loan scandal. What does that mean, subprime loans? All of this starts with some brokers out there who are selling mortgages. Then they sell to it a mortgage bank, and then the mortgage bank securitizes it and sells it up to a hedge fund, and the hedge fund probably sells to it an investment bank. What they do is, they loan money to people with bad credit and provide no documentation or they loan money to people with good credit and give them teaser rates with resets and prepayment penalties that the people can't possibly pay 3 years later and set them up for failure and then sell these loans in a security. As they used to pack sawdust in sausage, they pack bad loans with good loans. They slice them and dice them and sell them up the stream.

So now you have loans, a cold call to a person who had a home by a broker saying: You are paying 6 percent interest rate on your home mortgage? We will give you one for 1.25 percent. We will dramatically reduce your home mortgage monthly payment. And by the way, we are not going to emphasize this—in fact, we may just mention it in a whisper—ultimately, it is going to reset, and it will be 10 percent in 3 years. And by the way, you don't have to document your income. At any rate, you can't pay with your income at a 10-percent rate in 3 years, but it doesn't matter, you can sell that home and flip it between now and then. Don't worry about it. That is the kind of thing that was going on with an unbelievable amount of greed—with the brokers, with the mortgage companies, with the hedge funds, the investment banks, all grunting and snorting and shoving in the hog trough here. They were making massive amounts of money, and the whole thing collapsed, just collapsed.

Now, how does it happen that it helps cause a bankruptcy in France or a

bankruptcy in Italy or a 504-point drop of the stock market here in the United States on Monday and so many other failures? Bear Stearns doesn't exist anymore, Lehman Brothers is going bankrupt. I could go through them all. How is it that all of this is happening, all of this carnage and wreckage as a result of this greed?

Let me go back just a bit. Two things, it seems to me. No. 1, there are a bunch of folks who were fast talkers who decided they were going to sell Congress on financial modernization. We have learned this lesson. This lesson existed in the 1930s. In the Roaring Twenties, it was ''Katy, bar the door,'' anything goes, and the economy collapsed into a Great Depression. Franklin Delano Roosevelt, with the New Deal, said: This isn't going to happen again. Banks were failing. Banks were closing. Depositors couldn't get their money. Franklin Delano Roosevelt and the New Deal repaired that economy by saying: We are going to separate commercial banking institutions from other risky enterprises. We are not going to let banks get engaged in real estate and securities and insurance. We are not going to do that because this is the very perception of safety and soundness. Safety and soundness determines whether a bank is safe and sound. If you injure that perception by fusing risky enterprises—real estate, for example, and securities underwriting—with traditional banking issues, you do a great disservice to this country's economy. So they were separated with the Glass-Steagall Act, for example.

In 1999, the Financial Modernization Act was passed. I was one of eight Members of the U.S. Senate to vote against it because it repealed the Glass-Steagall Act. Oh, they all promised firewalls. It didn't mean a thing. I warned then, and I warn again now: These are the significant consequences of forgetting the lessons of the 1930s which are going to haunt us, and they are haunting us.

So what happens is they not only passed a Financial Modernization Act which repeals Glass-Steagall and the very things we put in place to protect against this sort of thing—the mingling of risky enterprises with banking—they not only do that, but George W. Bush wins the Presidency and he comes to town and he appoints regulators—i.e., Harvey Pitt to run the Securities and Exchange Commission, just as an example. What is the first thing he says when he gets to town? He says: You know something, you should understand that the Securities and Exchange Commission is a business-friendly place now. Right. Well, that is what happened in virtually every area of regulation. People were appointed who didn't have the foggiest interest in regulating. The whole mantra was to deregulate everything: Don't look, don't watch, don't care. As a result, in virtually every single area, we saw this kind of greed and unbelievable activity develop across this country.

So now we went through this period with a housing bubble built up with these subprime mortgages, and then we saw the whole thing go sour and people wonder why. It is not surprising at all that it went sour. What is surprising to me is how so many interests got sucked in by this and how unbelievably damaging it has been to the American economy.

How could they have missed what was going to happen here? We had some of the biggest investment banks in the world that were buying securities that had bad value mixed in with securities, and they didn't know it, they say. Where is the due diligence? How on Earth could that have happened?

Now, there is a kind of a no-fault capitalism and no-fault politics going on around here. No-fault capitalism—all of those folks who said: Get Government off my back. We want to run these big enterprises the way we want to run them. Then they run them into the ground, and they need to have the Federal Reserve Board open—for the first time in their history—a window for direct lending to investment banks just as they do to regulated banks. Why? Because they were worried they were too big to fail. If an enterprise such as that is too big to fail, why is it too small to regulate? Why is it that all of the regulators sat on the sidelines while something that most people don't even know about—$40 trillion in value of credit default swaps were out there, and much of it is as a result of dramatic borrowing and leverage. It is a house of cards with a big wind coming, and that wind can play havoc with this financial house of cards.

So the no-fault capitalism portion of it is that they do what they want to do—make a lot of money. We all know what the compensation has been: unbelievable money for those at the top who are running these organizations. Then it takes a nosedive, and a bunch of our bankers and others convene in New York and they just say: All right, who are we going to save, who are we going to prop up, or who are we going to give a direct loan to? That is no-fault capitalism. No-fault politics: It is all of those who were running around here thumbing their suspenders saying: Well, we have to deregulate, we have to do this and that. Let's ignore the lessons of the 1930s. Let's get rid of Glass-Steagall. Let's let commercial banks get engaged in securities underwriting and other risky activities. All of those folks are now saying: Well, that is not what caused this problem. In fact, they are still strutting their stuff saying the economy is strong.

The economy is not strong. The economy is dramatically weakened as a result of what these folks did to the economy and as a result of this administration's decision that regulation is a four-letter word. I have news for them: Regulation has more letters than four, and regulation is essential to the functioning of this kind of Government.

I think free markets are very important. I believe in capitalism and the free market system. I don't know of a better allocator of goods and services than the marketplace, but I also understand the marketplace needs a regulator. There need to be regulators who make certain that when the marketplace gets out of whack, somebody calls it back in. Regulators are like referees, except these regulators in this administration had no striped shirts and no whistles to call fouls because they didn't think anything represented a foul. It was ''let the buyer beware.''

Now, what happens next? Well, regrettably, none of us know. We don't know what will happen after yesterday. We don't know what will happen the rest of the week. We don't know what else is there. Some say the biggest reset of mortgages will occur in the fourth quarter of this year, which is very soon now. We don't know the consequences of all of this because this was a spectacular, unbelievable trail of greed that, in my judgment, has dramatically injured this country.

What is important now is for us to try to create some sort of a net to catch this economy and then put it back on track with really effective regulation—and decide that we are going to have sound business principles and we are going to relearn the lessons of the past. We shouldn't have to relearn them, but we will. We understood the lesson from the 1930s. We taught it in our colleges, about the fundamentally unsafe condition of merging risk with banks. Yet, I can recall when it was sold to the Congress as financial modernization. It was the big shots getting their way, and we all pay a dramatic penalty for it.

''The economy is strong,'' my colleagues have said. Senator MCCAIN—and I wouldn't normally mention him on the floor of the Senate. He is out there running for the Presidency. But since Senator MCCAIN grabbed pictures of me and several others and put them in television commercials to suggest, here is what is wrong, perhaps maybe it is OK for us to say what is wrong are those who were such cheerleaders for taking apart that which was to protect this country in the first place—Glass-Steagall and others. They knew better—should have known better—and what is wrong is those who aided and abetted and carried the wood in the last 7 years to say to regulators: Don't bother regulating. Get your paycheck. We will give you a paycheck. Just be friendly. Don't regulate. Don't look. Those who did that did a great disservice to this country, in my judgment.

Now, I recognize this is not a political system in which one side is always all right and one side is always all wrong. That is not the case. It just is not. Both political parties for a long time have contributed much to this country. But I would say this: We have been through a period that I think is devastating to this country's economic future. A lot hangs in the balance.

I think if the American people want more of the same, then they can sign up for that. They can say: Well, we kind of like what is going on here. We like the notion that regulators were told not to regulate and complied aggressively. We like the notion that we have nearly 700,000 people who have lost their jobs just since the first of this year. We think that has gone really well. We like the fact that the price of oil doubled from July of last year to July of this year. We think that is just fine. If people really believe that—we like all of these things—there is certainly a way to continue that, and that is just to say to all those who are running in support of President Bush's policies: Boy, let's just keep doing it. But it seems to me—the old law says when you are in a hole, stop digging. It seems to me the American people understand that very well.

It is time now—long past the time—for this country to get back to fundamentals and for the American people to insist from their Government the kind of responsibility that Government should manifest in terms of its responsibility to protect the marketplace, to protect the American taxpayer, to try to do things that help all Americans, help lift up all Americans.

My colleague described a bit ago the circumstance in this economy where the wealthy have gotten very wealthy—much wealthier—and then the folks in the rest of the population are struggling to figure out: How on Earth can I keep my job. We have all of these folks sending these jobs to Asia. How do I keep my job? Or if I keep my job, why is it that they withdraw my health insurance and no longer provide health insurance? Why do I not have a retirement program anymore? That is what working people face every single day. They get out of bed, many of them work two jobs, they work hard, trying to do the right thing, and they discover the folks at the very top are getting by with really huge incomes.

By the way, last year the top income from a hedge fund manager was $3.6 billion—$3.6 billion—and they pay a 15-percent top income tax rate. Isn't that unbelievable? By the way, they don't even pay that, in most cases, because they try to run their carried interests, as they call it, through tax-haven countries in a circumstance where they can defer compensation and avoid paying even the small 15 percent income tax rate. So when somebody comes home making $3.6 billion and the spouse says: How did you do today, honey? Well, pretty well. This month, I made $250 million. That is a far cry from what most American working people would understand or accept, in my judgment. When you see what is happening at the top compared to what is happening to the rest, there is something wrong with this economy.

Now, I have just described in some detail what happened to cause this subprime collapse. To most people—it is a term that is almost foreign—subprime lending. Yet much of it is at the root of the dramatic problems we now have: the failure of investments, the difficulty of all kinds of institutions that loaded up with this. Why did they load up? Because the people who sold these subprime mortgages put prepayment penalties in them. They loaded them with very low interest rates at the front end and then a reset to very high interest rates on the back end—in most cases, 3 years—and then put prepayment penalties in so you couldn't get out of it. So when they securitized it and sold the security upstream to the hedge funds and the investment banks, they looked at that and said: This is really good. We have a huge, built-in, high income from these mortgages, and the borrower can't get out of it because there is a prepayment penalty. That is why they paid premiums for it. That is why they all thought they were getting rich. It was unfettered greed. They all made money in the short term, and the American economy takes a giant hit in the longer term.

Finally, let me just say I don't think this is a case that is like all other cases. We are challenged in lots of ways on many different days here in the Congress. This is a different challenge. This country's economic future hangs in the balance, and the question is, Will we have the leadership? Will we exhibit the leadership to do this?

Mr. President, the answer has to be yes. We cannot decide no, maybe, maybe not. The answer has to be that this requires new, aggressive leadership. We have a Presidential campaign going on now, and I happen to support Senator OBAMA. I think it is critically important to look at the history and the record of the candidates to find out who is going to support the kinds of things that are necessary to get this country back on track.

I have talked previously a couple times about John Adams' description of trying to put a new country together when he would write to Abigail. He traveled a lot and was in Europe as they were trying to put this new country together. He would write to his wife Abigail and say plaintively in letters: Who will provide the leadership for this new country of ours? Where will the leadership come from? Who will be the leaders? Then in another one he would lament that there is only us—me, George Washington, Ben Franklin, Mason, Madison, and Jefferson.

In the rearview mirror of history, that was some of the greatest human talent ever assembled, and this country was given leadership. Every generation asks, where will the leadership come from? If ever there was needed new leadership to step forward and say we need a new way, not the old way, we need to put America back on track, to get our grip and our traction, it is now.

I think our economy is in significant peril. I know what happened to it. The question is, how do we fix this mess? How do we deal with the wreckage? I hope the debate we have—let me just say in this discussion about running for President, I have seen so much dishonesty with respect to the television commercials that have been run and the making of issues and about the phrases that are used. It is unbelievable to me. The one thing I will say I admire is that BARACK OBAMA—whom I have campaigned with in this country—is talking about the future, about issues, and he is talking about raising up this country, which I think is so important at this point. We need that leadership now.

Mr. President, with that, I am going to speak later this week on some other issues. I wanted to talk today about the issue of the two points that I think have dramatically weakened this country: One, the salesmanship of the Financial Modernization Act. Eight of us—myself included—voted against that in the Senate, believing that it would damage this country, and indeed it has. Second, the arrival of George W. Bush, who decided he didn't believe in Government regulation. We now see the carnage and wreckage that has resulted from that. This country deserves better and will get better, in my judgment.

Mr. WHITEHOUSE. Mr. President, as we debate legislation to authorize more than $600 billion for our Armed Forces, we have a responsibility to the taxpayers who foot the bill to make sure that money is being used as carefully and as wisely as possible. Today I rise in support of an amendment offered by Senator SANDERS and cosponsored by myself and Senator FEINGOLD that exposes unnecessary and wasteful spending within the Department of Defense and offers a solution.

From storage warehouses to assembly lines, the Department of Defense is sitting on billions of dollars in parts and supplies that are in excess of the military's requirements—everything from jet engines to springs to fuel tanks.

The Army, Navy, Air Force, and other Department of Defense agencies currently possess $30.63 billion of unneeded spare parts, in addition to $346 million of excess spare parts that are on-order—parts that are still being

produced or delivered, but that the military already knows it doesn't need. The Air Force has $18.7 billion of excess spare parts on hand; the Navy has $7.7 billion, and the Army has $4.21 billion. On-order excess spare parts are at lower but still unacceptable levels. The Air Force has $1.3 billion in excess parts on-order; the Navy has $130 million, and the Army has $110 million.

It gets worse. Branches of the Armed Forces have millions of dollars of spare parts on-order that they have already decided they will dispose of when they arrive. If a retailer like Target or Best Buy or Kmart controlled its inventory so poorly that it had $307.48 million worth of items on-order that it knew it would have to dispose of immediately upon arrival, that company would quickly go bankrupt. The Air Force has $235 million of spare parts marked for disposal; the Navy has $18.18 million, and the Army has $54.3 million. That's a nonsensical and unacceptable waste of taxpayers' money.

The Defense Department's inventory management systems are a big part of the problem: they are incompatible, duplicative, and ill-equipped to the task of managing such a massive volume of parts and supplies. Don't just take my word for it. Over the last decade, the General Accountability Office has repeatedly flagged these inventory management systems as ''high-risk,'' vulnerable to fraud, waste, abuse, and mismanagement. If American companies can get this right, there is no reason that America's military can't.

Waste in excess inventory is part of a bigger problem of waste in the Department of Defense. The distinguished chairman of the Armed Services Committee, Senator LEVIN, recently cited a GAO report detailing $295 billion in cost overruns and an average 21-month delay on Pentagon weapons systems. The GAO report recommends strong congressional oversight of defense programs. To that end, the reporting mechanisms of the Sanders-Feingold-Whitehouse amendment increase oversight and prevent waste in the Department of Defense.

Our amendment calls on the Department of Defense to cut waste and fix the problem. This measure would require the Secretary of Defense to certify to Congress that the Army, Navy, Air Force, and Defense Logistics Agency have reduced by half their spare parts that are on-order and already labeled as excess. Until this certification is completed, the amendment would withhold $100 million from the defense budget for military spare parts.

Our amendment would also require the Department of Defense to come up with a plan to reduce the acquisition of unnecessary spare parts and improve its inventory systems. It would then require quarterly progress reports to Congress, including reports on the levels of excess inventory that are on hand and on-order.

Our troops deserve the best equipment and the best supplies we can give them to help them do their jobs and keep us safe. Leaving billions of dollars of spare parts to rust away in warehouses just doesn't serve that purpose. I urge my colleagues to support this commonsense, important amendment.

Ms. MIKULSKI. Mr. President, I rise today to express my thanks and appreciation to Chairman LEVIN and Senator WARNER for their outstanding efforts on the bipartisan National Defense Authorization Act for Fiscal Year 2009.

I would especially like to recognize Senator WARNER for his stewardship of this bill this year, and his determined role managing the bill on the floor over the last few weeks. Senator WARNER has played a role in most of the Defense authorization bills over the last 40 years. His sage counsel and steady hand on the rudder are an invaluable asset to the Senate in meeting our commitment to our men and women in uniform.

I would like to thank the committee for supporting $1.3 billion in military construction and base realignment and closure funding for Maryland's military installations. This funding is especially critical to ensuring that the BRAC transition of Walter Reed Army Hospital to the National Military Medical Center in Bethesda, MD, stays on track. We owe it to our wounded warriors and their families to give them world class medical facilities that they deserve.

This bill also makes great strides in continuing to focus on the Dole-Shalala recommendations that outline the best courses of action for improving the quality of care for our wounded warriors. This bill requires the Department of Defense to establish Post Traumatic Stress Disorder and Traumatic Brain Injury Centers of Excellence and conduct pilot programs to better treat these disorders. The bill will also require that the Department of Defense to develop uniform standards and procedures for disability evaluations of recovering servicemembers across military departments. I commend the committee for continuing to make quality military health care a priority.

This legislation provides vitally important increases in authorized funding for our National Guard. This bill shows a clear and substantial commitment to restore and improve the homeland defense capabilities and readiness of our National Guard. I am very pleased that the committee increased the authorization of the Army's procurement budget by $391.2 million for dual-purpose equipment in support of National Guard readiness. In addition to giving our National Guard the tools and equipment they need, this bill also enhances Guard and Reserve family support programs.

In closing, I commend Chairman LEVIN, Senator WARNER, and their staffs for putting together a bill of which we can all be proud. This bill sends the message that we in the Senate remain committed to supporting our troops, both in combat and at home.

Mr. REED. Mr. President, I commend the work of my colleagues on the Armed Services Committee on this important legislation which I hope President Bush will sign into law prior to the start of the fiscal year. In this tremendous time of transition for our military, we owe them a law that will enable the DOD to execute this year's budget efficiently and effectively.

This bill provides a budget that allows the DOD to plan for future threats, combat current threats, and provide for the welfare of our brave veterans both past and future.

It should also be noted that this year's bill and the authorization bills from the preceding 28 years could not have been completed without the statesmanship and the strong bipartisan leadership provided by Senator JOHN WARNER. This will be Senator WARNER's final authorization bill during his nearly 30 years on the Senate Armed Services Committee, on which he also served as chairman and ranking member. In his nearly 60 years of serving our country both in and out of uniform, he has always upheld his commitment to our brave service men and women with the highest standards of honor and integrity

I would first like to point out a few of the highlights of the National Defense Authorization Act currently being considered:

Authorizes a much needed 3.9 percent across-the-board pay raise for the brave men and women of our armed forces. This pay raise is a half percent higher than that requested by President Bush;

Fully funds Army readiness and depot maintenance programs to ensure that forces preparing to deploy are properly trained and equipped;

Authorizes $26.1 billion for the Defense Health Program, which includes the $1.2 billion necessary to cover the rejection of the administration proposal to raise TRICARE fees;

Requires the Secretaries of Defense and VA to continue the operations of the Senior Oversight Committee to oversee implementation of Wounded Warrior initiatives; and

Fully funds the eight ships requested in the President's budget, including full funding for the third ZUMWALT class destroyer. This ship is critical to maintaining the technical superiority that our Navy has enjoyed on the oceans throughout the world. The future maritime fleet must be adaptable, affordable, survivable, flexible and responsive. The ZUMWALT class provides all of these characteristics as a

multimission surface combatant, tailored for land attack and littoral dominance. It will provide independent forward presence, allow for precision naval gun fire support of Joint forces ashore, and through its advanced sensors ensure absolute control of the combat air space. All of this capability is based on today's proven and demonstrated technologies. We cannot build the same ships that we did 20 years ago and hope to defeat tomorrow's emerging threats.

This year I once again had the honor of serving as the chairman of the Emerging Threats Subcommittee. Senator DOLE served as the ranking member of the subcommittee and working together, our subcommittee produced good results in the bill now before the Senate. The Emerging Threats and Capabilities Subcommittee is responsible for looking at new and emerging threats to our security, and considering appropriate steps we should take to develop new capabilities to face these threats.

In preparation for our markup, Senator LEVIN, the distinguished chairman of the committee, provided guidelines for the work of the committee, including the following two items:

Improve the ability of the armed forces to counter nontraditional threats, including terrorism and the proliferation of weapons of mass destruction, and

Promote the transformation of the armed forces to deal with the threats of the 21st century.

In response, our subcommittee recommended initiatives in a number of areas within our jurisdiction. These areas include:

Supporting crucial nonproliferation programs and other efforts to combat Weapons of Mass Destruction (WMD);

Supporting advances in medical research and technology to treat such conditions as traumatic brain injury and post-traumatic stress disorder;

Increasing investments in new energy technologies such as fuel cells, hybrid engines, and alternate fuels to increase military performance and reduce costs;

Increasing investments in advanced manufacturing technologies to strengthen our defense industrial base so that it can rapidly and efficiently produce the materiel needed by our Nation's warfighters; and

Increasing investments in research at our Nation's small businesses, Government labs, and universities so that we have the most innovative minds in our country working to enhance our national security.

Specifically, some notable initiatives in this bill that originated in the Emerging Threats and Capabilities Subcommittee include:

Authorizing more than $120 million in the area of nonproliferation and combating weapons of mass destruction, including $50 million for denuclearization activities in North Korea; $20 million for the Cooperative Threat Reduction program; and more than $50 million for chemical and biological defense programs.

Consolidating funding for the Mixed Oxide, MOX, program in the National Nuclear Security Administration, NNSA, as a nonproliferation activity, rather than as part of the nuclear energy budget as the budget requested.

Clarifying that excess fissile material disposition is an NNSA nonproliferation responsibility.

Establishing a nonproliferation scholarship fund to deal with shortages in technical and other fields such as radiochemistry and nuclear forensics.

Adding $25 million to nonproliferation research & development, R&D, for nuclear forensics and other R&D activities.

Authorizing the Cooperative Threat Reduction Program and providing an additional $10 million for new initiatives outside of the former Soviet Union, $1 million for Russian chemical weapons demilitarization, and $9 million for nuclear weapons storage security in Russia to complete the work under the Bratislava agreement.

The bill also includes a number of legislative provisions that will enhance the Department's ability to procure and use critical defense technologies, such as:

Legislation that would implement recommendations of the National Academy of Sciences to help ensure that the DOD develops and procures printed circuit boards that are trustworthy and reliable for use in defense systems;

Legislation that would implement the recommendations of the Defense Science Board seeking to enhance the Department's ability to ensure that microelectronics procured from commercial sources, including foreign sources, and embedded throughout defense systems are reliable and trustworthy; and

Legislation requiring the development of a joint government-industry battery technology roadmap to ensure that a healthy and innovative defense industrial base for batteries exists in the United States, to support a variety of requirements in military vehicles, computers, and other equipment.

Relative to science and technology funding levels, the bill would increase the Department's investments in innovative science and technology programs by nearly $400 million to over $11.8 billion; and fully support the Secretary of Defense's initiative to increase university defense basic research funding and increase the level by nearly $50 million over the President's request.

In the area of force protection, the bill includes a provision that would increase the amount and quality of testing performed on force protection equipment, such as body armor, helmets, and vehicle armor, before it is deployed to the field, to ensure that our soldiers and marines have the best available equipment and protection.

In order to enhance our ability to combat international terrorist groups, the bill would fully fund the $5.7 billion budget request, and add over $20 million for items to help find and track terrorists, including intelligence, surveillance and reconnaissance packages; extend authorization to the Special Operations Command to train and equip forces supporting or facilitating special operations forces in ongoing military operations, and increase the funding available for this activity; and increase funding for DOD's Regional Defense Combating Terrorism Fellowship.

Concerning counterdrug programs, the bill includes a provision that would extend the authority to use counterdrug funds to support the Government of Colombia's unified campaign against narcotics cultivation and trafficking, and against terrorist organizations involved in such activities. It also includes a provision that would extend the Department's authority to use counterdrug funds to support law enforcement agencies conducting counterterrorist activities.

This is a good bill. The members of the committee and the committee staff have worked many hours to get this bill to the floor. We are a nation at war and the military needs this bill. I urge my colleagues to work together to pass it so that we can conference with the House and send it on to the President for his signature.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHICAGO FLOODING

Mr. DURBIN. Mr. President, today President Bush was in Texas to see firsthand the devastation from Hurricane Ike. Unfortunately, this is not the first time, nor will it be the last time, that Mother Nature has shown us her worst. My heart goes out to the millions of displaced residents and evacuees who are anxious to return home,

who are without power, who must depend on others for food and water and other necessities, and who face the long hard task of rebuilding their homes and communities.

We know a little of what that is like in Illinois. In June, the Midwest was hit by massive flooding, some of the worst we have seen since the Great Flood of 1993. Experts called it a 200 to 500-year event. It left entire communities underwater, broke levees, and washed away roads, bridges, and millions of acres of cropland. The damage could have been worse, if Illinoisans had not worked so long and so hard to fill sandbags, fortify levees, and stand their ground against the rising waters of the Mississippi.

But sometimes weather-related disasters strike with no warning and you don't have time to prepare for the worst. Over the weekend my State was hit by the sixth major flooding event in the last year alone when 3 days of rain dumped more than 100 billion gallons of water on the city of Chicago—two or three times the normal amount. More than 7 inches of rain fell on the Chicago area on Saturday alone, setting a new 1-day record at O'Hare. In the suburbs, some of the worst flooding was along the Des Plaines River, which crested at near-record levels, displaced thousands of residents, and flooded hundreds of homes.

On Monday I had a chance to see for myself the damage in Albany Park, a neighborhood in Chicago that was one of the hardest hit areas. Thirty-ninth Ward Alderman Margaret Laurino accompanied me as I met with residents like Aaron Gadiel, who waded through knee-high water in his fishing boots and searched his home to see if he could salvage clothing for his kids. I want to commend the local and city officials I saw going door to door with pumps, checking to see if residents needed help, and pitching in wherever they were needed. I especially want to thank Terry O'Brien, president of the Metropolitan Water Reclamation District, and Ray Orozco, executive director of Chicago's Office of Emergency Management and Communications, OEMC, for taking the time to show me the extent of the flood damage.

The same weather system that dumped billions of gallons of rain on Chicago also caused the Mississippi and Illinois Rivers to swell in other parts of Illinois. U.S. Army Corps officials are keeping a close eye on the system of levees and dams that protect these communities to make sure that these residents don't experience a repeat of the June floods.

Today the skies are clearing over Chicago. Water levels are falling, roads are reopening and some folks are returning home. But the recordbreaking rains that evacuated thousands, left four dead, closed roads and flooded homes have left more than a watermark. As Des Plaines Mayor Tony Arredia rightly pointed out, we still have cleaning up to do. I am committed to making sure that Illinoisans do not face this task alone.

TRIBUTE TO SECOND LIEUTENANT HOWARD CLIFTON ENOCH, JR.

Mr. MCCONNELL. Mr. President, I rise today because after more than 60 years, a Kentucky family has been reunited with a father and grandfather they never knew. And an American hero is coming home.

Second Lieutenant Howard Clifton Enoch, Jr., U.S. Army Air Forces, was last seen on March 19, 1945, when he took off in his P–51D Mustang single-seat fighter plane for a mission over Germany. He crashed while engaging enemy aircraft near the city of Leipzig.

His remains could not be immediately recovered, and once Soviet forces took over the part of that country that would become East Germany—including the area around Leipzig recovery became impossible for decades.

Howard Enoch III was born 3 months after his father's plane crashed. He grew up in Marion, KY, never knowing his namesake. Now, thanks to the work of some dedicated men and women in the Department of Defense, his father's remains have been identified.

A German researcher originally identified the crash site, and notified our Government. The Joint POW/MIA Accounting Command, the arm of the Department of Defense charged with recovering the remains of our lost heroes, sent a recovery crew to Germany. They used mitochondrial DNA analysis to identify the remains, and in 2007 they contacted Howard Enoch III with the astonishing news.

Howard Enoch III's two young daughters gained new insight into their grandfather. And the discovery brought Howard in touch with a cousin he never knew, who had served alongside Second Lieutenant Enoch in Europe in World War II.

Now Second Lieutenant Enoch will be buried at Arlington National Cemetery, alongside America's greatest heroes. And the Enoch family can know that after valiant service to his country, six decades later, a soldier will finally rest in peace. I wish to offer my deepest appreciation to Howard Enoch III for his father's service and his family's sacrifice on behalf of our country.

Earlier this month, the Bluegrass Chapter of Honor Flight paid special tribute to Second Lieutenant Enoch at the World War II Memorial in our Nation's Capital. Honor Flight is a nonprofit organization which transports World War II veterans from anywhere in the country to see the memorial, free of charge.

Honor Flight and its volunteers, many of whom are veterans themselves, are doing a great service for our Nation by allowing these veterans to make this important trip. Second Lieutenant Enoch never got a chance to visit the World War II Memorial. But it was built for him, and his thousands of fellow soldiers. So I am glad that 63 years later, Honor Flight has recognized his service.

For a long time, the Enoch family has felt not only the loss of Second Lieutenant Enoch, but also doubt about his final fate. I am pleased for them that that doubt is over. They can take comfort that 2LT Howard Clifton Enoch, Jr. will lie among Arlington's heroes. And they can take pride that this U.S. Senate honors his service and his sacrifice.

REPORT ON THE TOMB OF THE UNKNOWNS

Mr. AKAKA. Mr. President, I am pleased to share a report with our colleagues, which I received last month from the Departments of the Army and Veterans Affairs. The report addresses the Army's and VA's plans for repairing and preserving the Tomb Monument at the Tomb of the Unknowns. As many of our colleagues may know and appreciate, the Tomb is a national monument of great historical significance, especially to our Nation's veterans, located on the hallowed ground of Arlington National Cemetery.

The Tomb Monument, which sits above the tombs for the unknowns from World War I, World War II, and the Korean conflict, has developed several cracks along the natural faults in the marble. For some time, there has been discussion of possibly replacing the original monument. However, prior to taking this option, I wanted to ensure that at the very least decision-makers considered options for preserving, rather than replacing the monument. While I understand the concerns about the cracks in the Tomb Monument, I along with many others believe that our national monuments are not diminished by signs of their age. Many of our most treasured American symbols, from the Liberty Bell to the Star-Spangled Banner, are physically worn and weathered. This does not diminish their value or significance. I would argue that the same is true for the Tomb of the Unknowns.

It is our Nation's tradition to preserve our historic national symbols. We must protect them from the notion that they can be easily discarded or replaced. With those concerns in mind, my colleague from Virginia, Senator WEBB, and I successfully added language requiring a report on plans for the Tomb Monument to last year's National Defense Authorization Act. The joint report acknowledges that replacement of the Tomb Monument could have a negative impact on the historic significance of the Tomb of the Unknowns.

I am pleased that the joint report outlined several alternatives to replacing the Tomb Monument. I urge the Departments, in their respective capacities, to pursue the best means of preserving the Tomb Monument for future generations of veterans and Americans. While the Departments may have to consider partial or full replacement of the Tomb Monument at some future date, at this time there are still a number of other options which should be pursued.

Mr. President, I ask unanimous consent that letters and the Executive Summary of the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, CIVIL WORKS,
Washington, DC, August 11, 2008.

Hon. RICHARD B. CHENEY,
President of the Senate,
U.S. Capitol, Washington, DC.

DEAR MR. PRESIDENT: In accordance with Section 2873 of the National Defense Authorization Act for Fiscal Year 2008, enclosed is a report on alternative measures to address cracks in the monument at the Tomb of the Unknowns at Arlington National Cemetery (ANC). The report contains information about the monument in response to the provisions in subsection 2873(a) with respect to (1) plans considered for replacement and disposal; (2) the feasibility and advisability of repair; (3) current maintenance and preservation efforts; (4) an explanation of why no repair attempt has been made since 1989; (5) comprehensive cost estimates for replacement and repair; and (6) assessment of its structural integrity.

Options for addressing the cracks are described in the report. A decision on a final course of action will not be made until our responsibilities are fulfilled under Section 106 of the National Historic Preservation Act and the National Environmental Policy Act. Also, subsection 2873(b) states that ''[t]he Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).'' According to subsection 2873(c), the limitation in subsection 2873(b) does not prevent undertaking repair of the monument or acquiring marble for the repair, subject to the availability of appropriations. Accordingly, while long-term options continue to be explored, experts in the field of marble maintenance and conservation are being consulted to assist ANC in the development and implementation of a maintenance and repair plan to ensure that the existing marble is appropriately protected.

In accordance with a 2004 Memorandum of Understanding between the Department of the Army and the Department of Veterans Affairs (VA), the role of VA is limited to procurement, transportation, and sculpting of a replacement for the base, main die block, and cap of the Tomb Monument, should ANC determine that replacement is required. VA has no role in determining whether the Monument should be replaced, or in its maintenance and repair.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for consideration of the Congress.

Very truly yours,

JOHN PAUL WOODLEY, JR.,
Assistant Secretary of the Army (Civil Works).

WILLIAM F. TUERK,
Under Secretary for Memorial Affairs, Department of Veterans Affairs.

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, CIVIL WORKS,
Washington, DC, August 11, 2008.

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

DEAR MADAM SPEAKER: In accordance with Section 2873 of the National Defense Authorization Act for Fiscal Year 2008, enclosed is a report on alternative measures to address cracks in the monument at the Tomb of the Unknowns at Arlington National Cemetery (ANC). The report contains information about the monument in response to the provisions in subsection 2873 (a) with respect to (1) plans considered for replacement and disposal; (2) the feasibility and advisability of repair; (3) current maintenance and preservation efforts; (4) an explanation of why no repair attempt has been made since 1989; (5) comprehensive cost estimates for replacement and repair; and (6) assessment of its structural integrity.

Options for addressing the cracks are described in the report. A decision on a final course of action will not be made until our responsibilities are fulfilled under Section 106 of the National Historic Preservation Act and the National Environmental Policy Act. Also, subsection 2873(b) states that ''[t]he Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).'' According to subsection 2873(c), the limitation in subsection 2873(b) does not prevent undertaking repair of the monument or acquiring marble for the repair, subject to the availability of appropriations. Accordingly, while long-term options continue to be explored, experts in the field of marble maintenance and conservation are being consulted to assist ANC in the development and implementation of a maintenance and repair plan to ensure that the existing marble is appropriately protected.

In accordance with a 2004 Memorandum of Understanding between the Department of the Army and the Department of Veterans Affairs (VA), the role of VA is limited to procurement, transportation, and sculpting of a replacement for the base, main die block, and cap of the Tomb Monument, should ANC determine that replacement is required. VA has no role in determining whether the Monument should be replaced, or in its maintenance and repair.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for consideration of the Congress.

Very truly yours,

JOHN PAUL WOODLEY, JR.,
Assistant Secretary of the Army (Civil Works).

WILLIAM F. TUERK,
Under Secretary for Memorial Affairs, Department of Veterans Affairs.

REPORT ON ALTERNATIVE MEASURES TO ADDRESS CRACKS IN THE MONUMENT AT THE TOMB OF THE UNKNOWNS AT ARLINGTON NATIONAL CEMETERY, VIRGINIA

EXECUTIVE SUMMARY

Alternative measures are being explored to address cracks in the Tomb of the Unknowns Monument at Arlington National Cemetery (ANC). The Tomb Monument is the four-piece marble object located over the vault containing the remains of the World War I Unknown, and is a component of the Tomb of the Unknowns. Section 2873 of the National Defense Authorization Act for Fiscal Year 2008, Public Law 110–181 (Act), directed the Secretary of the Army and the Secretary of Veterans Affairs to submit a joint report to Congress on plans to address the cracks with respect to (1) replacing the Monument and its disposal, if it were removed; (2) an assessment of the feasibility and advisability of repairing the Monument rather than replacing it; (3) a description of current efforts to maintain and preserve the Monument; (4) an explanation of why no attempt has been made since 1989 to repair it; (5) comprehensive estimates of the cost of replacement and the cost of repair; and (6) an assessment of its structural integrity.

In 1963, ANC initiated a program of monitoring and investigation of the Monument in response to the development of two parallel cracks in its main block. The cracks, which now measure nearly 48 feet in combined length, appear on all four sides of the Monument and extend almost entirely through the block. According to stone conservation experts, the cracks are not compromising the structural integrity of the stone and are repairable. ANC repaired the cracks twice, once in 1975, and again in 1989, and is now in the process of initiating another repair of the Monument. The results of studies and monitoring of the Monument over the past four decades confirm that, despite repairs, the cracks continue to lengthen and widen, which is perhaps a natural phenomenon of the material. Since 1990, a third crack has become visible, whose origins are uncertain. The Monument can be repaired again, but its condition will continue to deteriorate. Although it is not known when the Monument will reach the point of being beyond repair, the natural aging process that weathers and cracks outdoor marble makes it likely that it will need to be replaced at some point in the future. The cracking and minor erosion of the Monument have led ANC to consider various treatment options, including repairing the cracks, obtaining and stockpiling marble for future replacement of the monument, and the immediate replacement of its cap, die block, and base.

The impetus to consider various treatment options for the Monument is the culmination of over 40 years of deliberation, starting with the first report on the cracks in the early 1960s, and continuing through the two previous repairs. In evaluating whether to continue to maintain and repair the Monument or replace it, ANC is giving full consideration to its historic significance. ANC recognizes the associative qualities that link the Monument to World War I and its veterans. ANC also realizes that the Tomb of the Unknowns has come to memorialize all of the service men and women that have sacrificed their lives for this country in subsequent military conflicts that continue today. In this regard, the Tomb of the Unknowns has significance, beyond its historic significance, that transcends the past and present to the future. As its steward, ANC is responsible to do what it can to ensure that the Monument

stands, as unflawed and perfect as possible, in honor of the sacrifices that it represents.

To preserve the solemn dignity of the Monument for those that it honors and for future generations of Americans, ANC is considering alternative actions that could be taken. Repair of the Monument is a viable alternative, as verified by experts in the field of stone conservation. Replacement is another alternative under consideration, due to the uncertainty of obtaining suitable marble in the future. Only marble with specific qualities can be used for replacement, so the current and future existence and availability of such marble is of concern. Suitable marble is available today, but may not be in the future, and there will never be a greater quantity of suitable marble in the future than there is now. It is primarily for this reason that ANC is considering replacement of the Monument as one potential long-term solution.

There is more information in this report on the potential replacement option than there is for other options, because the replacement option is much more complex than the other options under consideration. Also, the potential replacement option has undergone the most scrutiny through the Section 106 review process. The preponderance of information on replacement should not be construed as favoring this option over the other options under consideration.

In response to ANC's request to provide a Tomb Monument replacement, the Department of Veterans Affairs (VA) entered into a Memorandum of Understanding (MOU) with the Department of the Army in 2004 that outlines respective responsibilities. VA will be responsible for the procurement, transportation, and sculpting of a replacement for the base, main die block, and cap of the Tomb Monument when and if Army decides replacement is necessary. Both agencies have compliance requirements under Section 106 of the National Historic Preservation Act and the National Environmental Policy Act (NEPA). No decision on a final course of action will be made until both agencies fulfill their respective responsibilities under both of these laws.

Furthermore, subsection 2873(b) of the Act states that ''The Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of receipt by Congress of the report required by subsection (a).'' According to subsection 2873(c), the limitation in subsection 2873(b) does not prevent the repair of the current Monument or the acquisition of blocks of marble. Accordingly, while long-term options such as continued repair, procurement of replacement marble, and immediate replacement continue to be explored, ANC is working with experts in the field of marble maintenance and conservation to develop and implement a maintenance and repair plan to ensure that the existing marble is appropriately protected. ANC will take no action to acquire replacement blocks of marble until after Section 106 and NEPA requirements are complete.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for requesting my input on the energy crisis. I found out several years ago that energy prices were going to skyrocket due to the imminent peaking of oil production (and natural gas) worldwide. I read every book on the subject of the coming energy crisis such as ''Twilight in the Desert'', ''The Party's Over'', ''The Long Emergency'', ''Big Coal'', ''Powerdown'', and probably 15 others. I read most every relevant news story as collected by www.energybulletin.net.

I have heard the pleas from Al Gore, Bill Clinton, Matt Simmons, Rep. (R) Roscoe Bartlett (Maryland) and many other prominent Americans who want our citizens to know the truth about Peak Oil Theory, and the implications of a global peak and inevitable decline in production.

I have since sold my car, my house, and am living with massive inflation, food and gasoline shortages, and likely economic collapse in mind. I am growing a large garden this year and riding my bicycle(s) most everywhere. I have met with local leaders, including Boise Mayor Dave Bieter, to talk about real solutions, and have written letters to the editor of the Idaho Statesman monthly.

We need to grow most all of our own food locally, produce and distribute most goods locally, and keep people employed doing things to create and expand our new localized economy. We need to accept that our population will decline due to lowering food production. We need to know that the era of high consumption, personal automobiles, travel, and technology is coming to a close. People must understand that in 100 years our planet will sustain perhaps 1 billion people, living primarily an agrarian existence, without technology.

If the people remain in the dark about our true future, there are unspeakable dangers. Dictatorship in America, nuclear confrontations over resources, and rioting are likely. Please help to inform the American public now.

BOB, *Boise*.

Thank you for the email telling us of your position on the energy crunch (and thank you for opposing that climate change legislation). I am all in favor of developing alternative energy sources, such as biodiesel, and in expanding our refinery capacity for conventional petroleum fuels. I heartily support tapping the petroleum resources we have here in the United States and, from all that I have heard, we have (or can soon develop) the technology to do it with less harm to the environment. I understand that Congressman Chris Cannon of Utah is making efforts to develop oil shale fields that are located under Utah, Colorado and Wyoming. I support this and hope that you will uphold these efforts if corresponding legislation reaches the Senate. I also support conservation incentives that would encourage companies to come up with more environmentally friendly methods of developing these resources.

I support expanding our use of nuclear energy. My understanding is that the popular fears of nuclear power plants are largely based on myth. And most of the ''waste'' produced is either relatively benign, or can be recycled or reused. If federal regulations were changed so that all radioactive byproducts did not have to be shipped to a nuclear waste repository, we would have plenty of space in places like Yucca Mountain. Apparently, only 2% of byproducts from nuclear reactors really need to be taken to such facilities. As an aside, France produces 80% of its electricity from nuclear power. What in the world is holding us back from building more nuclear power plants?

Please do whatever you can to bring about changes at the federal level so that the private sector can go to work developing technologies and resources to solve our growing energy problems. I agree that we are ''too dependent on petroleum,'' and that we are ''far too dependent on foreign sources of that petroleum.'' We must move forward in availing ourselves of the resources we have. We should do so in an environmentally conscientious manner, yes, but we must move forward.

Sincerely,

BLAKE, *Hamer*.

A few years ago I needed to re-do a roof. I considered solar panels and energy conservation devices. It added a lot of costs, but I thought that it would be worthwhile if I could get a bit of a tax break. I contacted the state, power company, gas company, and checked the Internet for federal tax breaks. There weren't any for individuals. The lady with the state simply stated that ''they do not do things that way.'' I felt this was short-sighted at the time, and, as things are now, my opinion seems to be correct. I do not foresee a turn around any time soon. Why does not the legislature encourage the gas and power companies to offer incentives? Why does not the state or federal legislatures offer tax incentives to individuals instead of to major corporations?

The engine that drove America to its current prominence is the creativeness and industry of the every day American. Release it! Encourage people to come up with their own energy saving ideas and devices. At least, stop blocking individual efforts that are attempted by easing legal restrictions. America's and Idaho's energy companies and legislatures have created barriers to individual ingenuity. It is not in their respective interests to encourage such action. I feel that this is short-sighted at this time, but I expect more of the same. Until the economic pain of the individual is shared by the existing energy corporation executives and current legislators, little more than lip service can be expected. Some have said that gas at $5/gallon would wake us all up and cause change to occur. The fallacy in this logic is that the $5/gallon is increased profits and corporations seldom discourage profit. There is economic pain all right, but the pain is not felt by the folks who initiate changes.

Here is a radical proposal: Remove the existing corporate tax benefits related to oil and some other energy corporations. (Windfall profits are possible, but I am not recommending them.) Offer the same amount as

tax benefits to individuals. These can be in the form of worthwhile individual energy grants and can be emergency economic tax credits in places like the Midwest. You are probably aware that there have been significant floods in the Midwest. You are probably aware that this is expected to affect the cost of food and fuel adversely. This will result in the same type of economic pain as the current ''Gas Crisis''. The fund might be an ''Economic Crisis'' fund. I have little doubt that there are many other economic crises that will occur.

The engine of America is in need of maintenance. This maintenance is needed at the individual level. The Economic Crisis fund can provide for maintenance, and some improvements. Once the engine of America stops running, the entire world is going to see some real economic pain. Some of the most short sighted world leaders will transfer this economic pain into other kinds of pain. Somebody else will be blamed and punitive action started.

Here is another consideration. Some say that the cost of gas is based on speculation. If this is true, a disincentive can easily be added to dampen speculative zeal in the form of capital gains taxes. There are long and short term capital gains. Let us add another class that would penalize speculation. Extend long term capital gains taxes to five years. This will allow reasoned investments. Keep the tax rate on these low. Speculators are usually short term. Raise the tax rate on the speculation profits. No doubt there will be howls, but then there will be an adjustment, and the overall effect could be that market manipulation is discouraged while prudent or targeted investment is encouraged. The tax code would also need to be amended.

KELLY.

We would like to express our concern over Congress's reluctance to address the energy problem. Rather than blaming oil companies for making an 8½% profit, you should all be blaming yourselves for your lack of foresight. The law of supply and demand is well understood out here, but Washington does not seem to grasp it. Drill . . . off-shore, ANWR, coal-to-oil, nuclear, solar, wind, shale oil. In short, go to work on the problem instead talking it to death. Immediately lift your restrictions on drilling here.

Our propane went from $124 every three weeks last winter, to $227 this spring. We are broke. Between my physical inability to work, (but not disabled enough to draw disability), my husband's $10 an hr. job, our mortgage, utilities, transportation costs, property taxes, auto licenses, home owner's insurance, medical insurance, and auto insurance, we now find ourselves with no grocery money. Our daughter, tax rebates, unexpected refund of medical overpayment, (God), have fed us the first half of this year.

Tell your colleagues that there are real people out here that do not make hundreds of thousands of dollars a year, (of course, if we could set our own wages, we would), but try to live on a gross of $20,000 a year.

We, our friends, relatives and neighbors are beginning to suffer. This is the first time in many years that we have had to worry about our next week's groceries. We are agonizing over whether to drop our medical coverage, but that is so frightening.

Thank you for listening.

Sincerely,

CHARLES and WANDA.

Thank you for your support in trying to keep our gas prices down. Thank you also for trying to utilize energy sources here in America.

We are disability retired and taking care of my 90–year-old father. Of course you are aware that gas prices are driving the cost of everything else up. It is difficult to make our fixed income stretch through the entire month. We only drive when absolutely necessary for doctor's appointments and shopping. If we forget something at the store, then we go without until the next time. It cost $51.00 to fill our tank in our mid-size car last time. The thought of gas reaching $6.00 or even $8.00 per gallon makes us wonder how we will possibly pay for it. We do not have bus service in Hayden, and being disabled are unable to walk to the nearest store which is a couple of miles away.

We plead with Congress to help us and the many that are in the same situation! Hopefully, Republicans will not sustain too great a loss in the upcoming election so they can push for a sensible domestic energy policy.

We are wondering if you support Newt Gingrich's ''Drill Here. Drill Now. Pay Less.'' proposal? Hopefully so.

Thank you.

Respectfully,

MIKE and MARY.

This Congress has a terrible record when it comes to sensible solutions to our energy problem!

This [current] Congress has failed miserably to address the real problems we the public face and instead wasted time investigating horse racing and drugs in sports or anything else [that provides easy publicity]. Many [conservatives] are also failing miserably and voting for (the wrong) politics over principle in misguided attempts to hang on to their jobs: earmarks come to mind here as well as voting with the [majority] and for special interest groups that are against solving our energy problems using our own abundant resources. We need to get rid of these people FAST so that somebody that really represents us can get on with solving the problem!

As I see it, with all major potential sources of domestic oil now legally ''off limits'' to exploration; with refineries effectively prevented from increasing their capacities; with nuclear plants unable to expand and increase because they are prevented from safely storing their waste; with our monstrous quantities of coal, clean or otherwise, on the verge of being banned; with heavily-subsidized corn-based ethanol now a major reason for the world-wide food crisis, Congress needs to call a ''time out'' and take a good look at what they're doing to our country! It is not something that can continue or ''our way of life'' as we know it will end! And if it does, the party identified as making it happen will find itself at an end too! At some point, I expect to see our country experience the kind of public protests becoming common elsewhere around the world, and with elections coming up shortly, the means will be readily at hand to make whatever changes we need. I vote, and I am really looking at the candidates voting records closely this time.

FRED, *Priest River*.

I am grateful for this opportunity to explain to you how the high gas prices are affecting me. I am a 23-year-old senior in college from the Burley area. I came home this summer and got a job as a pizza deliverer, therefore the amount I make depends a lot on the price of gasoline, because as the cost of gasoline rises that is less money that is available for me to set aside for college. Since I came back to Burley in the end of April, I have seen the price of gas at the cheapest gas station in town jump from $3.369 to $3.959 tonight as I drove home from work. In nearly two months on the job, my fuel expenses have almost exceeded $400.

I pay for college myself, with the assistance of some academic scholarships. I do not qualify for government aid. I did not qualify for the recent tax rebate. And I have made a goal to earn my undergraduate degree without taking out a loan because, in this unstable economy, I do not want to have that added albatross when I go to buy a house and start my family. I am not asking for a handout, or a loan or even a tax cut (though, admittedly, that would be nice). I am a hard worker, and I can make it through college without incurring one cent's worth of debt if the government would make a sensible energy policy that kept prices at the pump reasonable. What I am afraid is that most members of Congress, and especially the leadership, do not understand that rising gas prices affect lower income families and individuals like I the most. Do they not see that the entire $150 billion tax rebate will likely be used to cover the increased price of energy? The net economic benefit of the tax rebate is being pumped into our cars and burned. Fiery rhetoric about record profits in the oil industry may get some people angry, but does it really do any good? What assurance do I get that the price of gas will drop if Congress taxes the oil industry more? What's more, what assurance can you give me that the price will not increase as the oil companies pass the tax on to me? Some also suggest that we raise the miles per gallon standards on cars. That sounds good to me, but I cannot afford to buy a brand new Prius, much less a brand new anything. Some also say we should increase nuclear, hydroelectric, solar and wind power, all sentiments that I agree with. But, forgive my ignorance if I fail to see how building nuclear plants, dams, windmills or solar panels increase the oil supply. None of those options helps me at the pump. I still end up paying the high price of gas.

My feelings on how to solve the current energy crisis can be summed up with the title of Speaker Newt Gingrich nationwide petition drive: ''Drill Here. Drill Now. Pay Less.'' which more than 800,000 Americans have signed to date. My plea, Senator CRAPO, is that you stand up for the people like me and demand we open our coasts for drilling, open the ANWR for drilling, open the Rocky Mountains for drilling. I know we can do it in an environmentally friendly way. We are the United States, the greatest, most powerful nation on earth. Nothing is impossible for us. My grandparents and great-grandparents lived through a Depression, which dwarfed the current economic crisis. I want to have faith in my country that our generation will meet this issue head on. I have heard people say we cannot drill ourselves out of the crisis. But I fail to see how doing nothing to increase domestic oil production solves the problem either. If a college student who struggled through Economics 101 understands that the bulk of this issue is a supply problem, what does that say about the lack of economic prowess on display by a majority of Congress? Perhaps an equitable solution for both sides would be to write a bill that opens the ANWR and at the same time releases half of the strategic oil reserve. That would have the immediate effect of lowering gas prices and a longer term effect of increased supply. Can both sides agree to something like that?

JARED.

AFRICA

Mr. FEINGOLD. Mr. President, I am very concerned that one of Africa's most gruesome and longstanding conflicts is once again falling off the radar screen of this Congress and this administration. For 22 years, northern Uganda has been caught in a war between the Ugandan military and rebels of the Lord's Resistance Army, leading at its height to the displacement of 1.8 million people, nearly 90 percent of the region's population. Just a few years ago, an estimated 1,000 people were dying each week in squalid camps, and northern Uganda was called the world's worst neglected humanitarian crisis. The rebels for their part are reviled across the world for their horrific brutality. Over the course of the conflict, they have reportedly abducted more than 66,000 children, forcing them into sexual slavery or child soldiering.

In March of 2007, the Senate passed a resolution I introduced recognizing this crisis and calling on the administration to support the ongoing peace negotiations. These negotiations—which began in 2006 in Juba, Southern Sudan, and were mediated by the Government of Southern Sudan—brought a cessation of hostilities and offered the best opportunity in a decade to bring an end to the war. At the urging of this Congress and thousands of concerned Americans, the State Department finally appointed a senior diplomat to coordinate U.S. support for this peace process. That diplomat, Tim Shortley, played a crucial role over the last year in moving the negotiations forward. In March 2008, the parties reached an agreement that was one of the most comprehensive of its kind, including provisions for truth-telling, disarmament and demobilization, reconciliation and accountability.

Unfortunately, the leader of the Lord's Resistance Army—LRA—Joseph Kony, has refused to sign the agreement. Far more disturbing, his rebels now operating almost entirely outside Uganda and instead in the border region between Central African Republic, Congo, and Southern Sudan have resumed attacks and abducting children. They are easily exploiting the region's porous borders and ungoverned spaces a problem which, in my view, constitutes a threat to international peace and security. Yet rather than intensify efforts to engage and pressure Kony to accept the agreement, the United States and others in the international community have downscaled our efforts. Instead of mustering the tremendous resources at our disposal to press the rebels to accept a political solution, we have turned our attention elsewhere again.

As a result, there is now a haphazard military operation underway to contain the rebels by the Congolese military a force not known for its success in defeating armed groups or for respecting civilians caught in the crossfire. Yes, the U.N. Peacekeeping Force in Congo, known by its French acronym MONUC, is supporting the Congolese military, but MONUC is already overwhelmed by its inability to fully address its primary task: controlling the persistent violence in the eastern Congo. I visited that region last summer and it is a region desperately in need of greater security. Without expanded resources and capacity focused on this problem, a completely new offensive runs a high risk of exacerbating the region's volatility rather than addressing it. We have seen too many times in this part of the world how rash and uncoordinated ''military solutions'' have fueled the flames of conflict and generated new political grievances.

This is not to say that security measures aren't needed to protect civilians in the region and thereby bring permanent peace to eastern Congo and northern Uganda. They are. Until we are able to build the capacity of national and regional institutions, the LRA and other armed groups will continue to exploit the region's borders and wreak havoc throughout these four countries. We need more inter-agency collaboration to consider how we can bolster sustainable long-term civilian protection mechanisms, while in the meantime devising creative short-term strategies to help fill the gaps.

The calm brought by the Juba peace process presented an unprecedented opportunity in this conflict's history to rebuild northern Uganda's institutions, which is the surest safeguard against future violence and instability. I fear that this opportunity is being squandered. Since the cessation of hostilities was signed two years ago, nearly half of the people displaced have returned to their original homes and begun to restore their livelihoods. However, this process has increasingly been fraught with problems. The lack of access to basic services in the villages and transit sites, such as clean water, health care and education, has broken up families and hindered recovery. The lack of a capable and competent police force and judiciary has left women and girls vulnerable to sexual violence. Finally, the lack of programs to address underlying grievances and psychosocial trauma has allowed tensions to fester.

Responsibility for managing northern Uganda's transition lies first and foremost with the Government of Uganda. I realize that the government has limited capacity, but it seems there has been a distinct lack of high-level leadership. In October 2007, the Ugandan government launched a three-year $600-million recovery plan for the war-torn region, but that plan has been mired in confusion. Its partial implementation only began 2 months ago. Moreover, there continues to be a lack of coordination between the government, donors, U.N. agencies and nongovernmental organizations. I urge the Ugandan government to show leadership at the highest levels and demonstrate its willingness to fulfill the promises it made to the people of northern Uganda over the last year.

If the Ugandan government leads and takes measures to prevent corruption, the international community should back it up with the necessary financial and technical support. To signal that commitment, I call on the administration to help convene a high-level conference of Uganda donors. Such a conference can coordinate an effective donor strategy to support recovery efforts and hold the Ugandan government accountable. This conference, though, must only be the beginning of reinvigorated institutional engagement by this administration and the next to bring this conflict to its conclusion, which is finally in sight after 22 years. Let us make it clear once and for all that the United States is resolved to see peace secured in northern Uganda.

Too often this Administration has leapfrogged from one crisis to another in Africa, trying to put out fires but not addressing the underlying factors driving these conflicts. This is not a result of lack of interest or dedication from our diplomats, for I have seen first-hand their resourcefulness and hard work. But the reality is that the State Department's Africa Bureau is overwhelmed and under resourced. For places like northern Uganda or eastern Congo or the Niger Delta, we do not have the personnel or on-the-ground presence to respond comprehensively to insecurity. We in Congress must give greater attention in the coming months and years to ensuring our diplomats have the resources they need to operate in these neglected conflict areas. However, that process begins with us committing to these places, not just whenever they hit the headlines but because they are important to our collective security and to basic American principles.

U.S. OLYMPIANS

Mr. LEAHY. Mr. President, I rise today to honor two Vermonters who represented their country this summer in China. Everyone at one time or another has heard the Mark Twain quote, ''It's not the size of the dog in the fight, it's the size of the fight in the dog.'' Nothing embodies this adage to me more than the commendable determination of this year's Vermont summer Olympians. Vermonters have always stood as an example of what a good hard day's work can accomplish, and this summer in Beijing was no exception. In a world of more than 6.5 billion people, our great State of 610,000 creates world class athletes that stand out against the crowd.

Representing Vermont on the U.S. Women's Weightlifting Team was Carissa Gump, originally of Essex. Ever since her middle school gym teacher first convinced her to pursue weightlifting, her dedication has brought her success. One of only two U.S. women competing in her weight class, Carissa was able to finish an impressive fifth in her group and thirteenth overall. Showing off her Vermont bred toughness, she managed to complete every one of her lifts all while nursing an aggravating left wrist injury. From reading Carissa's online blog, anyone can also learn about her amazing and loving family. Her parents, Kathie and Marty, and her husband Jason took time away from work to fly to Beijing with Carissa and give her their support. This inspiring display of heart truly embodied Vermont's Olympic spirit and I would like to join with her family and friends in commending Carissa's remarkable achievement.

On the track, the Men's 800 meters featured Norwich native Andrew Wheating. Andrew has become a regular in the national headlines ever since he finished second in the U.S. Olympic Trials and earned a ticket to represent his country in Beijing. Currently a sophomore at the University of Oregon and the only Vermonter to run a 4-minute-mile, Andrew has already established himself as one of the sport's rising young talents. The son of Betsy and Justin Wheating, Andrew not only showcased his talent to the world, he also realized a longtime family dream. Justin Wheating as a standout athlete in his home country of England never had a chance to represent his country in an Olympic games. However, Mr. Wheating managed to pass the torch to an exceptional son who Vermont is proud to call one of our own and Andrew's thrilling performance in these Olympic quarterfinals showed the world why. With all of the success and accolades this young man has already accumulated, there is no doubt in my mind that he has a very bright future ahead of him.

In a place historically famous for its winter athletes, these exceptional competitors just further prove it is impossible to pigeon hole our great State. For those of you who enjoy skiing Vermont in the winter, perhaps it is time to come see why we call them the ''Green Mountains'' next summer? The extraordinary displays of speed and power by these Vermonters on the world's largest stage perfectly showcased our diverse range of talent and I want to thank Carissa and Andrew for making their State and country proud.

Mr. BAYH. Mr. President, I rise today to pay tribute to the 10 outstanding Hoosier athletes who represented the State of Indiana and all of the United States in the Games of the XXIX Olympiad in Beijing, China.

Lloy Ball, a volleyball player from Fort Wayne; David Boudia, a diver from Noblesville; Amber Campbell, a track and field athlete from Indianapolis; Lauren Cheney, a soccer player from Indianapolis; LeRoy Dixon, a track and field athlete from South Bend; Mary Beth Dunnichay, a diver from Elwood; Thomas Finchum, a diver from Indianapolis; David Neville, a track and field athlete from Merrillville; Samantha Peszek, a gymnast from Indianapolis; and Bridget Sloan, a gymnast from Pittsboro, all represented the Hoosier State as members of Team USA.

This Olympiad is the first for many of the Hoosier athletes; others have donned the colors of Team USA before. This year, Lloy Ball, a member of the U.S. men's volleyball team, became the first male athlete from the United States to compete in four Olympic Games. Lloy's incredible feat will forever be part of Indiana and Olympic sports history, and I know our entire State is immensely proud to count him among our own.

These Hoosiers have shown superior abilities, extraordinary work ethics, and unflappable determination in their quests to become Olympic athletes. The road to the pinnacle of athletic success has required thousands of hours of demanding training over years of preparation, yet these athletes show us that commitment to excellence truly has its rewards. For many of our Hoosier athletes, the spoils of their hard work and dedication came in the form of an Olympic medal. Lloy Ball and the men's volleyball team brought home a gold medal, as did Lauren Cheney and the women's soccer team. David Neville won the bronze medal in the 400 meter final, and Samantha Peszek and Bridget Sloan were awarded the silver medal with their teammates on the women's gymnastics team.

These 10 athletes traveled halfway around the globe to compete against the worlds' finest, and brought with them the unwavering support of their fellow Hoosiers. The people of Indiana are fortunate to have had such an exceptional group representing us at the Olympic Games.

Team USA represents the best America has to offer, and these Hoosiers have made our State and our country proud.

Mr. CRAPO. Mr. President, the Olympic Games has always been a time for the world to celebrate the triumph of the human spirit and personal qualities that determine excellence: discipline, commitment and a positive, winning attitude. Athletes from all over the world bring pride to their countries, friends and family during the Olympic Games. Most importantly, they achieve the distinction that can come when an individual applies determination and hard work to develop a God-given talent. Motivated to get up early, often before work, to pound the pavement, ride the roads and trails, shoot baskets, hit balls, lift weights or swim laps, these women and men are committed to improving their strength, agility, speed and stamina. I am especially proud of the Idahoans who competed in the 2008 Olympics, representing their teams, their Nation and their families with skill and pride.

As you may know, Boise resident Kristin Armstrong won the gold in the women's cycling time trial. Kristin is well known around the Boise area: many have seen her cycling or at the local YMCA where she is an instructor. She is an inspiration to those who know her and she has made Idaho proud. Bishop Kelly High School graduate Nick Symmonds advanced to the preliminary round in the 800 meter run. Georgia Gould, a one-time Ketchum resident competed in the women's mountain bike race. Team USA also included Idahoans: Matt Brown, a graduate of Coeur d'Alene High School, played third baseman for Team USA in baseball. Debbie McDonald, from Hailey, competed for Team USA in dressage. Idahoans excelled on teams from other nations as well. Clare Bodensteiner, a graduate of Minico High School, played for the New Zealand basketball team. Angela Whyte, a former University of Idaho runner and now assistant coach competed for Canada in the 100 meter hurdles and, Joachim Olsen, also a University of Idaho athlete, competed in the shot put for Denmark. Emerson Frostad, a former Lewis-Clark State College baseball player played for Team Canada as a catcher/first baseman. Eric Matthias, a Boise resident and in graduate school at Boise State University, competed for the British Virgin Islands in the discus throw.

And in the Paralympics—the second-largest sporting event in the world after the Olympics—that are concluding in Beijing this week, Idaho native Barbara Buchan took the gold in the 3,000 meter cycling event. Barbara was the 1972 high school mile run State champion from Mountain Home High School and went on to graduate from Boise State University. She was severely injured in a cycling accident in 1982, suffering almost fatal wounds. In addition to terrible physical injuries, she was in a coma for 2 months and had surgery to remove the damaged parts of her brain. After years of physical and mental rehabilitation, Barbara came back, her passion for cycling unchanged. A five-time Paralympics competitor at 52 years old, Barbara embodies the Olympic spirit.

To all these courageous, gifted and dedicated Idaho athletes, I offer my heartfelt congratulations for a job well done. You continue to make Idaho proud.

ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS ACT

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues of my request to be notified of any unanimous consent agreement that would allow for the consideration of S. 3325, the Enforcement of Intellectual Property Rights Act of 2008. I intend to reserve my right to object to any such request.

S. 3325 was marked up by the Judiciary Committee just last Thursday afternoon. I circulated several amendments to address a number of concerns I had about the bill. Two of my amendments—one that would add USDA to the list of agencies on the IPEC Advisory Committee, and another that would provide for an orderly transition from NIPLECC to IPEC—were adopted by the committee. However, I withheld from offering other amendments because I received a commitment that the chairman and ranking member of the Judiciary Committee would work with me to address my other concerns.

For example, I have concerns with the funding of the new State and local law enforcement grant programs in section 501 and the grant match ratio for those programs. Further, I have concerns with the creation of a new intellectual property crimes unit at the FBI to enforce intellectual property rights and the authorization of additional funding, resources and staff for the FBI to implement these additional responsibilities. I firmly believe that the FBI should focus its efforts on combating terrorism. I am concerned about duplication with work currently being performed at ICE and its National Intellectual Property Rights Coordination Center. Moreover, I am concerned with language calling for the prioritization of cases involving foreign controlled companies, and the lack of any priority for cases investigated by the FBI that have a nexis to potential terrorist activities.

My staff will be sitting down with the chairman and ranking member's staff to work on my concerns. Again, I intend to reserve my right to object to proceeding to the consideration of S. 3325 until my concerns have been addressed.

ADDITIONAL STATEMENTS

BURLINGTON COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Burlington Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Burlington Community School District received a 2001 Harkin grant totaling $500,000 which it used to help build a new elementary school. Sunnyside Elementary is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent new schools like Sunnyside do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Burlington Community School District. In particular, I would like to recognize the leadership of the board of education—president Thomas Greene, vice president Dennis Kuster, Gary Imthurn, Melanie Richardson, Don Harter, Linda Garwood, Scott Smith and former board members Tom Courtney, John Sandell, Joseph Abrisz, Steven Hoth, Jason Sapsin and Joseph Poisel. I would also like to recognize superintendent Leland Morrison, former superintendent Michael Book, director of maintenance and construction manager Byron Whittlesey and principal Terri Rauhaus.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Burlington Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.•

LAMONI COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Lamoni Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Lamoni Community School District received a 2005 Harkin grant totaling $500,000 which it used to help build a new high school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received fire safety grants totaling $100,000 to make other improvements throughout the district.

Excellent new schools like Lamoni High School do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Lamoni Community School District. In particular, I would like to recognize the leadership of the board of education, president Bill Morain, Mike Quick, Dennis McElroy, Michele Dickey-Kotz and Dale Killpack and

former board members MaryAnn Manuel, Alan Elefson, Bob Bell and Mike Ranney. I would also like to recognize superintendent Diane Fine, former superintendent Mike Harrold, high school principal Dan Day, grant writer Shirley Kessel, project manager Dan Boswell, as well as many community members who worked hard to make the dream of a new high school come true.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Lamoni Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

SHENANDOAH COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Shenandoah Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Shenandoah Community School District received a 1999 Harkin Grant totaling $526,231 which it used to help build a new K–8 school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a total of $64,189 from two fire safety grants. The federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration and governance in the Shenandoah Community School District. In particular I would like to recognize the leadership of the board of education—Marty Maher, Dr. Margaret Brady, Brian Maxine, Dwight Mayer and Keith Meyer. I would also like to recognize superintendant Richard Profit as well as former board members—Ken Lee, Roger Jones and Steve Berning and former superintendent Connie Maxson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the Shenandoah Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

SOUTH PAGE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the South Page Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The South Page Community School District received a 2002 Harkin grant totaling $298,650 which was used to help make improvements on the K–12 building. The district also received a $50,000 fire safety grant that was used to replace and repair exit lighting and smoke detectors. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the South Page Community School District. In particular, I would like to recognize the leadership of the board of education—president Ellen Nothwehr, Junior Niehart, Ron Peterman, Deb Wallin and Karl Kenagy as well as former board members—Terry Carlson, Larry Murphy and Brenda Swanson. I would also like to recognize superintendant Joy Jones and former superintendent Iner Joelson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young

people about our priorities. We have got to do better.

That is why I am deeply grateful to the professionals and parents in the South Page Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

HONORING TAMMY CHASE

● Mr. JOHNSON. Mr. President, I wish to pay tribute to Sisseton resident Tammy Chase and her dedicated service to the South Dakota National Guard. Serving as the family readiness group leader, Tammy provides support to units, servicemembers, and families throughout South Dakota. When a soldier serves overseas, his or her family and friends must assume additional responsibilities and sacrifices. Thanks to the work of Tammy, and the family readiness group, South Dakota National Guard families are provided with an extended network of support and resources to help them through their time apart. Among her many tasks, Tammy maintains the telephone tree, publishes newsletters, provides baked goods to soldiers at monthly drills, organizes family events, and prepares families for possible deployments. Countless lives have been touched by her efforts.

Tammy is dedicated and committed to her volunteer work; she has been the family readiness group leader for the past 11 years. She was recently recognized for her efforts when she was presented with the AMVETS PNC John S. Lorec National Guard Volunteer of the Year award at the National Guard Family Program conference in St. Louis, MO.

I am pleased that Tammy's efforts are being publicly honored and celebrated with this prestigious award. I applaud her for her years of hard work. Tammy's work in our communities and State is a testament to her selfless service to our country. Tammy's efforts on behalf of all those that are currently serving in the National Guard are a shining example of patriotism, and we can all be inspired by her dedication and service.●

125TH ANNIVERSARY OF THE FOUNDING OF UNIVERSITY OF SIOUX FALLS

● Mr. JOHNSON. Mr. President, today I wish to recognize the 125th anniversary of the founding of University of Sioux Falls. Over the course of its history, USF has continuously produced extraordinary graduates with a Christian liberal arts education. In the modern, high-tech, and competitive environment in which we live, USF students are equipped with the skills that are essential for success.

In education, technology, and research, USF is at the forefront of academic and cultural achievement, with enrollment now at 1,700 and a diverse student body from over 20 States. For 125 years, the university has helped students realize their potential by offering them a quality education and a positive social and religious environment. USF graduates are well-equipped to succeed in a competitive world, delivering countless benefits to organizations and communities close to home and around the globe.

I am proud to have this opportunity to honor the University of Sioux Falls for its 125 years of outstanding service. I strongly commend their hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

TRIBUTE TO RICK AND KATHY CLARKE

● Mr. INHOFE. Mr. President, I rise to honor two great Oklahomans, Rick and Kathy Clarke, who are in Washington, DC, for the Congressional Coalition on Adoption Institute's annual Angels in Adoption Gala. I was pleased to select Rick and Kathy as 2008 Angels in Adoption because of their great commitment to adoption at both a personal and professional level.

When Rick Clarke served for 5 years as a judge in juvenile court, working with abused and neglected children every day, both he and his wife, Kathy, formed a desire to help children who are most in need—those without families. Today, Rick dedicates part of law practice to adoption cases. He serves as a volunteer attorney through Tulsa Lawyers for Children, as a guardian ad litem through court appointments, and is on the board of Heritage Family Services, a Tulsa-based adoption agency. Kathy has served as a Court Appointed Special Advocate for children. She also currently works on special education issues and is a member of the PTA.

However, it is this family's personal story that sets it apart. The Clarkes have personally participated in the adoption process for 13 years and have adopted nine children. Throughout these years, the Clarke family has faced tragedies, hardships, and obstacles. Yet they continue to grow as a family, both in number and in character.

The Clarke's first adopted child was a 3-year-old boy from Oklahoma. The next two young children joined the family from Russia after being diagnosed with medical complications. The Clarkes later adopted three unrelated girls—aged 15, 13, and 8—through Oklahoma Department of Human Services. Lastly, they provided homes to two sisters from Liberia and an older boy from Ethiopia.

The faith and perseverance of Rick and Kathy Clarke enables them to overcome the challenges of providing a permanent and loving home to so many children. Remaining steadfast in their dedication and belief that God has a special plan for every child, Rick and Kathy have raised each of their nine children to be productive, healthy, and strong leaders in their schools and communities.

The Clarkes truly represent the blessings and the power of adoption. I am pleased to congratulate Rick and Kathy Clarke, Oklahoma's 2008 Angels in Adoption, and to welcome them to our Nation's Capital for this special honor.●

TRIBUTE TO HAROLD O. BOURNE

● Mr. KOHL. Mr. President, several weeks back I had the great pleasure of visiting with a constituent I would like to honor today. Milwaukee resident Harold O. Bourne recently received the Federal Aviation Administration's Wright Brothers Master Pilot award for flying 50 years without incident.

Mr. Bourne has given much to his country over the years. He enlisted in the U.S. Army in 1951, entered flight school in 1953 and served one tour in Korea, two tours in Germany and two tours in Vietnam. In 1980, after 30 years of service he retired from the Army as a lieutenant colonel and master army aviator. Upon his retirement, he moved to Milwaukee where his love for and expertise in aviation was put to good use. Mr. Bourne embarked on what would become a 20-year career with Astronautics Corporation of America, a world leader in supplying military and commercial electronics for aviation.

At 78, Mr. Bourne is still flying. He is a gentleman in the truest sense of the word. Harold and his wife of 57 years, Anne, have given much of themselves over the years, not only to aviation but to their community and their church. And for that I congratulate and honor them.●

TRIBUTE TO MARK MILLAR

● Ms. SNOWE. Mr. President, I congratulate Mark Millar on receiving the 2008 Angels in Adoption Award, a tremendous honor that highlights his tireless commitment to achieving permanent family connections for children in foster care in Maine. What a well-deserved accolade for such an ennobling endeavor.

Mark Millar began his career as a protective services worker and has been a critical part of Casey Family Services in Portland for more than 20 years. In that time, he and his dedicated staff have helped transform the lives of countless families, by promoting kinship care, providing counseling and other services to strengthen families postadoption, and helping Maine reduce the amount of time required to reach legal permanence when a child enters foster care.

Undoubtedly, we as a nation can and must do more to better equip families who sacrifice so much to provide safe, loving homes for children in foster care. For many families, the decision to open their home to a child is easy, but it can also be emotionally trying and financially taxing. That's why Mark Millar's work at Casey Family Services is so indispensable and profoundly worthy of this distinction. At a time where Federal dollars for child welfare services are regrettably too few, Mark Millar and Casey Family Services offer families a support system that is dependable and viable.

Mark Millar has also performed remarkable work in helping teens prepare for the challenges of adulthood, whether though his efforts with the First Jobs program, which provides initial and transitional employment opportunities at Hannaford for youth aged 15–21, or Casey's outdoor work-readiness and skill development program. And he has been selfless in his extraordinary contributions and inspiring through the power of his benevolent example. In short, Mark understands and lives out what American novelist, Herman Melville, once eloquently described in words . . . ''We cannot live for ourselves alone. Our lives are connected by a thousand invisible threads, and along these sympathetic fibers, our actions run as causes and return to us as results.''

Championing the cause of children and garnering tangible results that effect the everyday lives of many Mainers are the true measure of Mark's phenomenal trajectory of accomplishment in helping others. And so, we couldn't be more grateful to Mark for what has given and continues to give back to Maine, and I couldn't be more pleased about this tribute bestowed upon him which is a fitting recognition of all he has achieved on behalf of all whom he has served.●

TRIBUTE TO JACK VAN DER GEEST

● Mr. THUNE. Mr. President, today I recognize the 85th birthday of Jack van der Geest of Rapid City, SD. A native of the Netherlands and author of ''Was God on Vacation?'', Jack's life story is a heroic depiction of courage and the willingness to act against the evils that threaten our world and our freedoms.

Born in the Netherlands in 1923, Jack's younger years witnessed the horrifying and devastating effect of Nazi Germany in Europe. Jack endured many trials and tribulations after the Nazis invaded his homeland in 1940; however, none of them would prove to break Jack's spirit of perseverance. After his capture, Jack's resilience served him well as he became one of only eight prisoners to escape from the Buchenwald concentration camp.

Following Jack's escape from terror in the heart of Nazi Germany, he further pledged his services to fight the Nazi occupation throughout Europe. Jack joined the French Underground and helped Allied paratroopers escape capture in Vichy, France. Soon after, Jack arrived in England where he became an interpreter for the storied 101st Airborne. Jack eventually immigrated to America and became a United States citizen in 1953.

In 1995, Jack authored the book ''Was God on Vacation?'', an autobiography of his life during World War II. This astonishing work gives an in-depth account of Jack's struggles and endeavors from 1940–1947. Jack's testimony truly shines a light on the persecution and challenges many Europeans endured during World War II and how some fought dearly to repel the Nazi aggressors. The story of Jack van der Geest reminds us to never take for granted the freedoms that so many have fought for in our armed services and around the world.

I would like to send my heartfelt congratulations to Jack on his 85th birthday and thank him for telling his story and allowing us all to never forget how fortunate we are to be free.●

RECOGNIZING ARMOUR ELEMENTARY SCHOOL

● Mr. THUNE. Mr. President, today I recognize Armour Elementary School for being named a 2008 No Child Left Behind-Blue Ribbon School. The commitment to quality education that has been shown by the faculty, teachers and students at Armour Elementary School is truly invaluable in shaping the future leaders of this country. The work that they are doing to meet higher achievement standards and greater accountability serves as a model to other schools throughout our State and Nation.

Again, congratulations to Armour Elementary School for being named a blue ribbon school and for making South Dakota proud.●

RECOGNIZING WHITEWOOD ELEMENTARY SCHOOL

● Mr. THUNE. Mr. President, today I recognize Whitewood Elementary School for being named a 2008 No Child Left Behind-Blue Ribbon School. The commitment to quality education that has been shown by the faculty, teachers and students at Whitewood Elementary School is truly invaluable in shaping the future leaders of this country. The work that they are doing to meet higher achievement standards and greater accountability serves as a model to other schools throughout our State and Nation.

Again, congratulations to Whitewood Elementary School for being named a blue ribbon school and for making South Dakota proud.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:05 a.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2403. An act to designate the United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige Jr., United States Courthouse''.

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

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 6:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5167. An act to terminate the authority of the President to waive, with regard to Iraq, certain provisions under the National Defense Authorization Act for Fiscal Year 2008 unless certain conditions are met.

H.R. 6889. An act to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 390. Concurrent resolution honoring the 28th Infantry Division for serving and protecting the United States.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 5938) to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5167. An act to amend the National Defense Authorization Act for Fiscal Year 2008 to remove the authority of the President to waive certain provisions; to the Committee on Armed Services.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 390. Concurrent resolution honoring the 28th Infantry Division for serving and protecting the United States; to the Committee on Armed Services.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 16, 2008, she had presented to the President of the United States the following enrolled bills:

S. 2403. An act to designate the United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse''.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 3168. A bill to authorize United States participation in the replenishment of resources of the International Development Association, and for other purposes (Rept. No. 110-464).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 2321. A bill to amend the E-Government Act of 2002 (Public Law 107–347) to reauthorize appropriations, and for other purposes (Rept. No. 110–465).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2816. A bill to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security (Rept. No. 110–466).

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 3038. A bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes (Rept. No. 110–467).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 29. A bill to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 31. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects.

H.R. 236. A bill to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 813. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

H.R. 816. A bill to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 838. A bill to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 903. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes.

H.R. 1139. A bill to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1737. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California.

H.R. 1803. A bill to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes.

H.R. 2246. A bill to provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada.

H.R. 2614. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 2632. A bill to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 3022. A bill to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3323. A bill to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 3473. A bill to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 3490. A bill to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes.

H.R. 3682. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 5137. A bill to ensure that hunting remains a purpose of the New River Gorge National River.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 390. A bill to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

S. 1477. A bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado.

S. 1680. A bill to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes.

S. 1756. A bill to provide supplemental ex gratia compensation to the Republic of the

Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes.

S. 1816. A bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes.

S. 2093. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System.

S. 2156. A bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2255. A bill to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the National Trails System, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2354. A bill to direct the Secretary of the Interior to convey 4 parcels of land from the Bureau of Land Management to the city of Twin Falls, Idaho.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2359. A bill to establish the St. Augustine 450th Commemoration Commission, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2448. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2535. A bill to revise the boundary of the Martin Van Buren National Historic Site, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2561. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 2779. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2805. A bill to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes.

From the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2842. A bill to require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2875. A bill to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2943. A bill to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2974. A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 3010. A bill to reauthorize the Route 66 Corridor Preservation Program.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 3011. A bill to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes.

S. 3017. A bill to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan.

S. 3045. A bill to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes.

S. 3051. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, and for other purposes.

S. 3065. A bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area.

S. 3069. A bill to designate certain land as wilderness in the State of California, and for other purposes.

S. 3085. A bill to require the Secretary of the Interior to establish a cooperative watershed management program, and for other purposes.

S. 3088. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes.

S. 3089. A bill to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 3096. A bill to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

S. 3158. A bill to extend the authority for the Cape Cod National Seashore Advisory Commission.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 3179. A bill to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 3189. A bill to amend Public Law 106–392 to require the Administrator of the Western Area Power Administration and the Commissioner of Reclamation to maintain sufficient revenues in the Upper Colorado River Basin Fund, and for other purposes.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 3226. A bill to rename the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky as the ''Abraham Lincoln Birthplace National Historical Park''.

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 3499. An original bill to protect innocent Americans from violent crime in national parks.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted on September 16, 2008:

By Mr. BIDEN, from the Committee on Foreign Relations:

[Treaty Doc. 110–6 Amendment to Convention on Physical Protection of Nuclear Material with 1 reservation, 3 understandings, and 1 declaration (Ex. Rept. 110–24];

[Treaty Doc. 110–8 Protocols of 2005 to the Convention concerning Safety of Maritime Navigation and to the Protocol concerning Safety of Fixed Platforms on the Continental Shelf with reservations, understandings, and declarations (Ex. Rept. 110–25] and

[Treaty Doc. 106–1(A) The Hague Convention with 4 understandings and 1 declaration (Ex. Rept. 110–26)]

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

110–6: AMENDMENT TO CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR MATERIAL

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a reservation, understandings, and a declaration.

The Senate advises and consents to the ratification of the Amendment to the Convention on the Physical Protection of Nuclear Material, adopted on July 8, 2005 (the ''Amendment'') (Treaty Doc. 110–6), subject to the reservation of section 2, the understandings of section 3, and the declaration of section 4.

Section 2. Reservation. The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

Consistent with Article 17(3) of the Convention on the Physical Protection of Nuclear a enal, the United States of America declares that it does not consider itself bound by Article 17(2) of the Convention on the Physical Protection of Nuclear Material with respect to disputes concerning the interpretation or application of the Amendment.

Section 3. Understandings. The advice and consent of the Senate under section 1 is subject to the following understandings, which

shall be included in the instrument of ratification:

(1) The United States of America understands that the term ''armed conflict'' in Paragraph 5 of the Amendment (Article 2 of the Convention on the Physical Protection of Nuclear Material, as amended) does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) The United States of America understands that the term ''international humanitarian law in Paragraph 5 of the Amendment (Article 2 of the Convention on the Physical Protection of Nuclear Material, as amended) has the same substantive meaning as the law of war.

(3) The United States of America understands that, pursuant to Paragraph 5 of the Amendment (Article 2 of the Convention on the Physical Protection of Nuclear Material, as amended), the Convention on the Physical Protection of Nuclear Material, as amended, will not apply to: (a) the military forces of a State, which are the armed forces of a State organized, trained, and equipped under its internal law for the primary purpose of national defense or security, in the exercise of their official duties; (b) civilians who direct or organize the official activities of military forces of a State; or (c) civilians acting in support of the official activities of the military forces of a State, if the civilians are under the formal command, control, and responsibility of those forces.

Section 4. Declaration. The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that obligate the United States to criminalize certain of enses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses, this Amendment is self-executing. Included among the self-executing provisions are those provisions obligating the United States to treat certain offenses as extraditable offenses for purposes of bilateral extradition treaties. This Amendment does not confer private rights enforceable in United States courts.

110–8: PROTOCOLS OF 2005 TO THE CONVENTION CONCERNING SAFETY OF MARITIME NAVIGATION AND TO THE PROTOCOL CONCERNING SAFETY OF FIXED PLATFORMS ON THE CONTINENTAL SHELF

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to a reservation, understandings, and a declaration.

The Senate advises and consents to the ratification of the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, adopted on October 14, 2005, and signed on behalf of the United States of America on February 17, 2006 (the ''2005 Fixed Platforms Protocol'') (Treaty Doc. 110–8), subject to the reservation of section 2, the understandings of section 3, and the declaration of section 4.

Section 2. Reservation. The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

Consistent with Article 16(2) of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, the United States of America declares that it does not consider itself bound by Article 16(1) of the Convention and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, with respect to disputes concerning the interpretation or application of the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

Section 3. Understandings. The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States of America understands that the term ''armed conflict'' as used in paragraph 2 of Article 2bis of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) The United States of America understands that the term ''international humanitarian law,'' as used in paragraphs 1 and 2 of Article 2bis of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, has the same substantive meaning as the ''law of war.''

(3) The United States of America understands that, pursuant to paragraph 2 of Article 2bis of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 2005, does not apply to: (a) the military forces of a State, which are the armed forces of a State organized, trained, and equipped under its internal law for the primary purpose of national defense or security, in the exercise of their official duties; (b) civilians who direct or organize the official activities of military forces of a State; or (c) civilians acting in support of the official activities of the military forces of a State, if the civilians are under the formal command, control, and responsibility of those forces.

(4) The United States of America understands that current United States law with respect to the rights of persons in custody and persons charged with crimes fulfills the requirement in paragraph 2 of Article 10 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, and incorporated by Article 2 of the 2005 Fixed Platforms Protocol, and, accordingly, the United States does not intend to enact new legislation to fulfill its obligations under this Article.

Section 4. Declaration. The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that obligate the United States to criminalize certain offenses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses, the 2005 Fixed Platforms Protocol is self-executing. Included among the self-executing provisions are those provisions obligating the United States to treat certain offenses as extraditable offenses for purposes of bilateral extradition treaties. None of the provisions of the 2005 Fixed Platforms Protocol, including those incorporating by reference Articles 7 and 10 of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005, confer private rights enforceable in United States courts.

106–1(A): THE HAGUE CONVENTION

Resolved (two-thirds of the Senators present concurring therein),

That the Senate advises and consents to the ratification of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Convention) concluded on May 14, 1954, and entered into force on August 7, 1956 with accompanying report from the Department of State.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to understandings and a declaration.

The Senate advises and consents to the ratification of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, concluded on May 14, 1954 (Treaty Doc. 106–1(A)), subject to the understandings of section 2 and the declaration of section 3.

Section 2. Understandings. The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) It is the understanding of the United States of America that ''special protection,'' as defined in Chapter II of the Convention, codifies customary international law in that it, first, prohibits the use of any cultural property to shield any legitimate military targets from attack and, second, allows all property to be attacked using any lawful and proportionate means, if required by military necessity and notwithstanding possible collateral damage to such property.

(2) It is the understanding of the United States of America that any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action or other activities covered by this Convention shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

(3) It is the understanding of the United States of America that the rules established by the Convention apply only to conventional weapons, and are without prejudice to the rules of international law governing other types of weapons, including nuclear weapons.

(4) It is the understanding of the United States of America that, as is true for all civilian objects, the primary responsibility for the protection of cultural objects rests with the Party controlling that property, to ensure that it is properly identified and that it is not used for an unlawful purpose.

Section 3. Declaration. The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that obligate the United States to impose sanctions on persons who commit or order to be committed a breach of the Convention, this Convention is self-executing. This Convention does not confer private rights enforceable in United States courts.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself, Mr. INOUYE, and Mr. SMITH):

S. 3491. A bill to amend the Communications Act of 1934 to improve the effectiveness of rural health care support under section 254(h) of that Act; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself, Mr. ROCKEFELLER, Ms. COLLINS, Ms. LANDRIEU, Mr. BAYH, Mr. CASEY, and Mr. JOHNSON):

S. 3492. A bill to amend part E of title IV of the Social Security Act to ensure States follow best policies and practices for supporting and retaining foster parents and to require the Secretary of Health and Human Services to award grants to States to improve the empowerment, leadership, support, training, recruitment, and retention of foster care, kinship care, and adoptive parents; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3493. A bill to require rail carriers to develop positive rail control system plans for improving railroad safety and to increase the civil penalties for railroad safety violations; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 3494. A bill to restore the value of every American in environmental decisions, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself, Mrs. CLINTON, Mr. CARDIN, and Mr. WHITEHOUSE):

S. 3495. A bill to protect pregnant women and children from dangerous lead exposures; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 3496. A bill to address the health and economic development impact of nonattainment of federally mandated air quality standards in the San Joaquin Valley, California, by designating air quality empowerment zones; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 3497. A bill to amend the Food and Nutrition Act of 2008 to decrease the period of benefit ineligibility of certain adults due to unemployment; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VOINOVICH (for himself, Mr. BROWN, Mr. HARKIN, Mr. COCHRAN, Mr. VITTER, Mr. OBAMA, Mr. BAYH, and Mr. LUGAR):

S. 3498. A bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN:

S. 3499. An original bill to protect innocent Americans from violent crime in national parks; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. VITTER, and Mr. INHOFE):

S. 3500. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mrs. FEINSTEIN):

S. 3501. A bill to ensure that Congress is notified when the Department of Justice determines that the Executive Branch is not bound by a statute; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 3502. A bill to provide for the establishment of a task force to address the environmental health and safety risks posed to children, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mrs. CLINTON, Mr. KERRY, Ms. MIKULSKI, and Ms. STABENOW):

S. Res. 662. A resolution raising the awareness of the need for crime prevention in communities across the country and designating the week of October 2, 2008, through October 4, 2008, as ''Celebrate Safe Communities'' week; to the Committee on the Judiciary.

By Mr. HAGEL:

S. Con. Res. 99. A concurrent resolution honoring the University of Nebraska at Omaha for its 100 years of commitment to higher education; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services. volunteer services, and for other purposes.

S. 625

At the request of Mr. REID, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 1232

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1243

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1243, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1514

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1556

At the request of Mr. SMITH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1738

At the request of Mr. BIDEN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Wisconsin (Mr. KOHL), the Senator from Delaware (Mr. CARPER), the Senator from Nebraska (Mr. HAGEL) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to

make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2668

At the request of Mr. ENSIGN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2817

At the request of Mr. SALAZAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2817, a bill to establish the National Park Centennial Fund, and for other purposes.

S. 2970

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2970, a bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3140

At the request of Mr. WEBB, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3140, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 3237

At the request of Mr. CASEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3237, a bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices.

S. 3266

At the request of Mr. WARNER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3266, a bill to require Congress and Federal departments and agencies to reduce the annual consumption of gasoline of the Federal Government.

S. 3277

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3277, a bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget.

S. 3311

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3311, a bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses.

S. 3344

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 3344, a bill to defend against child exploitation and child pornography through improved Internet Crimes Against Children task forces and enhanced tools to block illegal images, and to eliminate the unwarranted release of convicted sex offenders.

S. 3356

At the request of Mr. ISAKSON, the names of the Senator from Arizona (Mr. KYL), the Senator from Kentucky (Mr. BUNNING), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. ENZI), the Senator from Indiana (Mr. LUGAR), the Senator from Tennessee (Mr. CORKER), the Senator from Idaho (Mr. CRAIG), the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mr. BURR), the Senator from Alabama (Mr. SHELBY), the Senator from North Carolina (Mrs. DOLE), the Senator from Ohio (Mr. VOINOVICH), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Maine (Ms. COLLINS), the Senator from Alaska (Ms. MURKOWSKI), the Senator from South Carolina (Mr. DEMINT), the Senator from South Dakota (Mr. THUNE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Colorado (Mr. ALLARD), the Senator from New Hampshire (Mr. GREGG), the Senator from Kansas (Mr. ROBERTS), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Virginia (Mr. WARNER), the Senator from Mississippi (Mr. WICKER), the Senator from Colorado (Mr. SALAZAR), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. AKAKA), the Senator from Nebraska (Mr. NELSON) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

S. 3389

At the request of Mr. SCHUMER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 3389, a bill to require, for the benefit of shareholders, the disclosure of payments to foreign governments for the extraction of natural resources, to allow such shareholders more appropriately to determine associated risks.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from Montana (Mr. TESTER), the Senator from Washington (Mrs. MURRAY) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3458

At the request of Mr. BUNNING, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3458, a bill to prohibit golden parachute payments for former executives and directors of Fannie Mae and Freddie Mac.

S. 3474

At the request of Mr. CARPER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 3474, a bill to amend title 44, United States Code, to enhance information security of the Federal Government, and for other purposes.

AMENDMENT NO. 5327

At the request of Mr. CHAMBLISS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 5327 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5444

At the request of Mr. WARNER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 5444 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military

activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5445

At the request of Mr. BAYH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 5445 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5493

At the request of Ms. MIKULSKI, her name and the name of the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 5493 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5499

At the request of Mr. WEBB, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Nebraska (Mr. HAGEL) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 5499 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5509

At the request of Mr. BAYH, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from North Carolina (Mrs. DOLE), the Senator from Delaware (Mr. BIDEN), the Senator from Michigan (Ms. STABENOW), the Senator from Pennsylvania (Mr. CASEY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. SANDERS), the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 5509 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5510

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 5510 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5520

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 5520 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5541

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 5541 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5550

At the request of Mr. DOMENICI, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 5550 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5581

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Vermont (Mr. LEAHY), the Senator from Wyoming (Mr. ENZI), the Senator from North Dakota (Mr. DORGAN), the Senator from Iowa (Mr. HARKIN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 5581 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3493. A bill to require rail carriers to develop positive rail control system plans for improving railroad safety and to increase the civil penalties for railroad safety violations; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I make these remarks on behalf of my friend and colleague, Senator BOXER. She and I are cosponsoring legislation, which I will send to the desk at the end of my remarks.

On Friday, at 4:30 p.m., a Union Pacific freight train and a Metrolink commuter train, loaded with 225 commuters, leaving Los Angeles and traveling north through the San Fernando Valley, in the Chatsworth area, collided on a single track. The collision took place at about 40 miles an hour for each train. The engine of the Metrolink train was rammed two-thirds through the first car of the Metrolink train. Here it is. Here is the Union Pacific engine and this mess is the Metrolink engine and it rammed two-thirds through the first car. Thus far, 26 people are dead. Some were dismembered by the crash, some bodies had to be removed in a dismembered state from the train. There are 138 people in the hospital, 40 of them in critical condition, and more deaths could well take place.

This accident happened because of a resistance in the railroad community in America to utilizing existing technology to produce a fail-safe control of trains to avoid colliding with each other and to avoid one train from crashing into the rear of another. Both of these have happened in the past. Yet today there is no requirement for a safe control of track and train.

The House has passed a bill reauthorizing the Federal Railroad Administration. The Senate has passed a bill reauthorizing the Federal Railroad Administration. They both have provisions, although they are different, for safe train control in these bills. But nothing has happened. The bills have not been conferenced. This must stop.

Let me point out for a minute how positive train control works. Every train's position is tracked through global positioning, which is new technology that can monitor its location and speed. These systems constantly watch for excessive speed, improperly aligned switches, whether trains are on the wrong track, unauthorized train movements, and whether trains have missed signals to slow or stop. Each train also has equipment on board that can take over from the engineer if the train doesn't comply with the safety signals. The system will override the engineer and automatically put on the brakes. These systems exist and are in

use today. They are in place in the Chicago-Detroit corridor and in the Northeast corridor. But the railroad industry resists them.

I believe rail in America has a very real future. California believes it has a very real future. As a matter of fact, in 5 weeks, California has on the ballot a $10 billion bond issue to create a high-speed rail spine down the center of California that runs from Sacramento all the way down to Los Angeles. Now, people aren't going to ride these trains unless they know they are safe, and we have an obligation, I believe, to provide that safety.

I am sorry to have to say this, but southern California has the most high-risk track in America. The majority of Metrolink's 388 miles of track, which crosses six counties, believe it or not, is shared with freight trains. This is untenable.

Let me ask a question: How can you put commuter trains, passenger trains, on the same track as freight trains going in opposite directions with nothing more than a couple of signals that can be missed, and have been missed, to avert disaster?

Again, over the years, the railroad resisted, saying these systems are too expensive. Well, how expensive is the loss of human life? The cost of any system doesn't come close to the cost of the lives that were lost this past Friday and that will likely be lost in the future.

To date, positive train control has been put to use only in limited areas, including, as I said, parts of the Northeast and Chicago and Detroit. Nine railroads in at least 16 States have these positive control projects, but California is not one of them. Why, I ask. It is critical, particularly when—given the element of human error, which we may well see in this instance—it may well have been a cell phone that was in use at the time of the accident by the engineer.

Let me tell you what sort of hours this engineer works. He works 5 days a week, and it is an 11-hour day. It is a split shift of 15 hours. Let me explain. He is due at work at 6 in the morning. He works until late morning, and then he has 4 hours off but returns to work from 3 p.m. to 9 p.m. That is an 11-hour day in an engine on high alert in major populated areas. He performs a critical function, and he does it on an 11-hour workday on a split shift. I think that is untenable.

The NTSB, the National Transportation Safety Board, has pushed again and again for positive train control systems, particularly after a deadly crash in my own State in Orange County in 2002. Three people died and two hundred sixty were injured. In the Orange County crash, the National Transportation Safety Board concluded that a Burlington Northern engineer and a conductor were talking to each other. They failed to see a yellow warning light telling them to slow down. I think that same thing has happened again. Their freight train slammed into a Metrolink commuter train that had stopped on the same track.

Now, we know that positive, or safe, train control would prevent 40 to 60 accidents a year, 7 fatalities, and 55 injuries a year. So why hasn't it been put in place? I actually believe it is negligence, and I will even go as far to say I believe it is criminal negligence not to do so.

The report also concluded that positive train control could have prevented a fatal collision in Graniteville, SC, in 2005. In this accident, a rail employee failed to properly align a track switch. As a result, several cars derailed, deadly chlorine gases escaped, and nine people died.

Cost is used as the reason not to do this, but I ask: How can we afford not to do it, whatever the cost? How many accidents does it take? How many deaths does it take? How many injuries does it take? Experts estimate that the cost is about $2.3 billion to install safe, technological train controls on 100,000 miles of track around the United States—high priority track.

Today, my colleague, Senator BOXER, and I are introducing legislation which takes the strongest parts of the House and Senate bills and beefs them up. This legislation would require positive safe train controls for major freight and passenger lines. By 2012, areas declared as high risk by the Department of Transportation must run with positive train control systems. Railroads would be required to develop plans to implement these controls within 1 year of enactment of the legislation. These plans must be submitted to the Secretary of Transportation also within 1 year of enactment. It sets a deadline of December 31, 2014, for safe rail control to be in place on all major freight and passenger lines in America. It would be mandatory, and it would require penalties for noncompliance, with fines of up to $100,000 per violation.

Passenger rail will not succeed in this country unless public safety is guaranteed. Again, on Friday, these trains hit at 40 miles per hour. What happens when trains pile into each other at 120 miles per hour?

I have asked the majority leader to include this in the continuing resolution. I don't know whether he will—I think it is a remote possibility—but I do believe we need to get this moving right now.

Once again, look at this. When we know there is global positioning that can be in place to shut down the freight train and the passenger train before they run into each other and we do nothing about it, then I believe this body is also culpable and negligent.

Mr. President, if I might, I send this legislation to the desk with a plea that it be enacted right away, with a plea that we get the planning moving, with a plea that we get 100,000 miles of high-priority track equipped with global positioning so this never again can happen in a high-priority passenger-freight train area where the trains are traveling on the same track. If we don't do it, it is going to happen again.

By Mr. VOINOVICH (for himself, Mr. BROWN, Mr. HARKIN, MR. COCHRAN, Mr. VITTER, Mr. OBAMA, Mr. BAYH, and Mr. LUGAR):

S. 3498. A bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line; to the Committee on Commerce, Science, and Transportation.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3498

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

SECTION 1. EXTENSION OF EXEMPTION.

Section 3503(a) of title 46, United States Code, is amended by striking ''2008'' and inserting ''2018''.

By Mr. FEINGOLD (for himself and Mrs. FEINSTEIN):

S. 3501. A bill to ensure that Congress is notified when the Department of Justice determines that the Executive Branch is not bound by a statute; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I am introducing, along with the senior Senator from California, Senator FEINSTEIN, the OLC Reporting Act of 2008. In short, the bill would require the Attorney General to report to Congress when the Department of Justice issues a legal opinion concluding that the executive branch is not bound by a statute. Along with the Executive Order Integrity Act of 2008, which I introduced in July with the junior Senator from Rhode Island, Senator WHITEHOUSE, this bill takes an important step toward curbing the executive branch's reliance on secret law.

The principle behind this bill is straightforward. It is a basic tenet of democratic government that the people have a right to know the law. The very notion of ''secret law'' has been described in court opinions and law treatises as ''repugnant'' and ''an abomination.'' That's why the laws passed by Congress have historically been matters of public record.

But the law that applies in this country includes more than just statutes. It includes regulations, the controlling legal interpretations of the executive branch and the courts, and certain Presidential directives. As we learned

at a hearing of the Judiciary Committee's Constitution Subcommittee that I chaired in April, this body of executive and judicial law is increasingly being kept secret from the public, and too often from Congress as well. Perhaps the most troubling recent example of secret law is the elaborate legal regime constructed by DOJ's Office of Legal Counsel to justify controversial administration policies that operate outside the framework of statutory law.

An opinion issued by OLC is not just a piece of legal advice, such as the advice individuals or corporations might solicit from their lawyers. An OLC opinion binds the entire executive branch, just like the ruling of a court. If a court were to reach a different interpretation than OLC, the court's interpretation would prevail—but many OLC opinions address matters that courts never have the chance to decide. On those matters, OLC essentially steps into the role of the courts as the final interpreter of the law. In the words of Jack Goldsmith, former head of OLC under President Bush: ''These executive branch precedents are 'law' for the executive branch.''

OLC opinions are ''law'' in another sense as well. Attorney General Mukasey has stated that DOJ will not prosecute a government actor for criminal conduct if he or she relied on an OLC opinion. Thus, even if a court overturns OLC's interpretation, the opinion may grant retroactive immunity for past violations of the law—effectively amending the law that existed at the time of the criminal act.

The Bush administration has relied heavily on secret OLC opinions in a broad range of matters involving core constitutional rights and civil liberties. The administration's policies on interrogation of detainees were justified by OLC opinions that were withheld from Congress and the public for several years. The President's warrantless wiretapping program was justified by OLC opinions that, to this day, have been seen only by a select few Members of Congress. And, when it was finally made public this year, the March 2003 memorandum on torture written by John Yoo was filled with references to other OLC memos that Congress and the public have never seen—on subjects ranging from the Government's ability to detain U.S. citizens without congressional authorization to the Government's ability to operate outside the Fourth Amendment in domestic military operations.

The few opinions whose content has been made public share a notable characteristic: the conclusion that various laws enacted by Congress do not apply to the conduct of the executive branch. The 2003 Yoo torture memo took the alarming position that the executive branch was not bound by the criminal statute prohibiting torture when interrogating detainees. Likewise, according to congressional testimony of former OLC head Steve Bradbury, the President's warrantless wiretapping program was supported by OLC opinions claiming that the President's wiretapping authority was not limited by the constraints of the Foreign Intelligence Surveillance Act. The titles of other OLC opinions referenced in the Yoo memo strongly suggest that other statutory constraints have been disposed of in a similar manner.

The secrecy of these opinions cannot be justified or explained away by a wholesale claim of privilege. To be sure, there are sound arguments for shielding from public disclosure deliberations among OLC lawyers, as well as final OLC opinions that are not adopted as the basis for an executive branch policy. But once a final OLC opinion is issued and adopted by an executive branch agency or official, that opinion is no longer mere legal advice or a deliberative document—it is effectively the law. Indeed, in his testimony before the Constitution Subcommittee in April, the Deputy Assistant Attorney General for OLC acknowledged that the confidentiality interest in OLC opinions is ''completely different'' for opinions that have been implemented as policy, and that such opinions should be made public ''as fast as possible.'' The Supreme Court expressed the same sentiment in legal terms, holding that ''opinions and interpretations which embody [an] agency's effective law and policy'' are not privileged, precisely because agencies otherwise would be operating under ''secret law.''

There is an even stronger interest in disclosure when an OLC opinion concludes that the executive branch is not bound by a Federal statute. In such cases, the executive branch is no longer operating according to the rules that are on the books, and there is truly a separate—and sometimes conflicting—regime of secret law. Moreover, Congress has an obvious institutional interest in knowing when DOJ opines that the executive branch is not bound by a statute, and the reasons for that opinion. If DOJ concludes that a statute is unconstitutional, Congress may wish to challenge this position, or it may decide to simply rewrite the law to avoid the perceived constitutional problem. Similarly, if DOJ concludes that Congress did not intend for a statute to apply to the executive branch, then Congress should have the opportunity to assess this conclusion and revise the law if necessary to make its intent clear. None of this can happen when Congress is denied access to the opinion.

Recognizing Congress's strong interest in knowing when DOJ takes issue with its enactments, current law requires the Attorney General to report to Congress when DOJ decides that it will not enforce or defend a statute because the statute is unconstitutional. This reporting provision, however, does not reach situations in which OLC stops short of declaring a statute unconstitutional, and instead construes the statute not to apply to the executive branch in order to avoid a finding of unconstitutionality. At the hearing I chaired on secret law, Dawn Johnsen, who served as the head of OLC for 2 years under President Clinton, testified that the law should be amended to require reporting to Congress in these situations as well. Bradford Berenson, former counsel to President Bush from 2001–2003, agreed with this modest proposal.

The bill that Senator FEINSTEIN and I are introducing today grew out of this bipartisan agreement. It was drafted with the substantial assistance and input of Johnsen, Berenson, and an impressive group of some of the finest attorneys to serve in OLC in past years, many of whom are now constitutional scholars. The aim was to craft a targeted bill—one that would allow Congress to be sufficiently informed when OLC purports to release the executive branch from the strictures of a statute, without encroaching on the institutional interests, prerogatives, and privileges of OLC. We took great pains to ensure that an appropriate balance of power was maintained between the legislative and executive branches. The result is an approach that is narrowly tailored and eminently reasonable.

The bill adds a new disclosure requirement to 28 U.S.C. 530D, the statutory provision that requires the Attorney General to report to Congress if DOJ decides not to enforce or defend a statute on the ground that it is unconstitutional. Under the bill, the Attorney General must also report to Congress under four circumstances. These circumstances represent the means by which OLC is most likely to exempt the executive branch from the reach of a statute, in those areas where Congress has the greatest interest in knowing about it.

First, a report is required if DOJ issues an opinion that concludes that a Federal statute is unconstitutional. Current law requires reporting only when DOJ decides not to defend or enforce a statute, which does not necessarily reach cases in which an agency policy conflicts with a statute but DOJ is not presented with the opportunity for an enforcement action.

Second, a report is required if DOJ relies on the so-called ''doctrine of constitutional avoidance'' and cites Article II or the separation of powers—in other words, if DOJ determines that applying a statute to executive branch officials would raise constitutional problems. Regardless of the validity of this determination, the effect is to exempt executive branch officials from the statute's reach—a result that Congress should know about.

Third, a report is required if DOJ relies on a ''legal presumption'' against

applying a statute to the executive branch. For example, the Yoo torture memo relied on the legal presumption that laws of general applicability, such as those prohibiting torture, do not apply to the conduct of the military during wartime. The criterion of a ''legal presumption'' serves to keep the reporting requirement narrowly tailored: it captures situations in which the executive branch is exempted from a statute categorically, without requiring reporting in more run-of-the-mill cases where a particular executive action simply does not fall within the statute.

Fourth, a report is required if DOJ determines that a statute has been superseded by a later enactment, when the later enactment does expressly say so. This provision would address situations like OLC's conclusion that the Authorization for Use of Military Force superseded the constraints of the Foreign Intelligence Surveillance Act. In such cases, reporting to Congress gives Congress the opportunity to clarify its intent.

These reporting requirements are accompanied by several provisions to ensure scrupulous respect for executive privileges and prerogatives. The Attorney General would not be required to disclose the OLC opinion itself, as long as the report to Congress includes the information already required under 28 U.S.C. 530D whenever DOJ decides not to enforce or defend a statute—namely, a complete and detailed statement of the relevant issues and background. Furthermore, the bill leaves intact section 530D's provision allowing the Attorney General to exclude privileged information from the statement; the only information that could not be excluded is the date of the opinion, the statute at issue, and which of the four reporting categories the opinion falls within. No report would be required if officials expressly declined to adopt or act on the opinion, thus protecting from disclosure opinions that are truly advisory in nature.

The bill also protects the security of classified information. Information that could harm the national security if disclosed publicly could be provided to Congress in a classified annex. Classified information involving intelligence activities would be reported only to the Intelligence and Judiciary Committees—or, under appropriate circumstances, a more narrow ''Gang of Twelve,'' to parallel the more limited disclosure provisions of the National Security Act.

The bill's targeted focus and careful preservation of executive prerogatives has earned it the support of former officials from both the Clinton and Bush Administrations. Former head of OLC, Dawn Johnsen, and former counsel to President Bush, Bradford Berenson, have written a joint letter endorsing the bill. In their words: ''[W]e believe [the bill] strikes a sensible and constitutionally sound accommodation between the executive branch's need to have candid legal advice, to protect national security information, and to avoid being overburdened by overly intrusive reporting requirements and the legislative branch's need to know the manner in which its laws are interpreted.'' They write that enacting this bill ''would have the effect of enhancing democratic accountability and the rule of law.'' I ask unanimous consent to place this letter in the record along with my statement.

Of course, the bill does not represent a perfect or complete solution to the problem of secret law. For example, it would not reach the now-infamous OLC conclusion that the infliction of pain does not constitute ''torture'' unless it approaches the level associated with ''death, organ failure, or serious impairment of body functions''—an interpretation that effectively exempted the executive branch from the full scope of the anti-torture statute. Moreover, under the provisions of the bill allowing the Attorney General to withhold privileged information, Congress may well be forced to operate under a significant informational handicap. Nonetheless, the bill represents an important and necessary step toward curbing secret law and restoring the proper balance of power between the executive and legislative branches.

When OLC concludes that a statute passed by Congress does not bind the executive branch, Congress has a right to know that the executive branch is not operating under that statute, and to be apprised of the law under which the executive branch is operating. The bill I am introducing with Senator FEINSTEIN codifies that right. I urge all of my colleagues in the Senate to support this common-sense measure.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3501

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''OLC Reporting Act of 2008''.

SEC. 2. REPORTING.

Section 530D of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''or'' at the end;

(ii) by redesignating subparagraph (C) as subparagraph (D); and

(iii) by inserting after subparagraph (B) the following:

''(C) except as provided in paragraph (3), issues an authoritative legal interpretation (including an interpretation under section 511, 512, or 513 by the Attorney General or by an officer, employee, or agency of the Department of Justice pursuant to a delegation of authority under section 510) of any provision of any Federal statute—

''(i) that concludes that the provision is unconstitutional or would be unconstitutional in a particular application;

''(ii) that relies for the conclusion of the authoritative legal interpretation, in whole or in the alternative, on a determination that an interpretation of the provision other than the authoritative legal interpretation would raise constitutional concerns under article II of the Constitution of the United States or separation of powers principles;

''(iii) that relies for the conclusion of the authoritative legal interpretation, in whole or in the alternative, on a legal presumption against applying the provision, whether during a war or otherwise, to—

''(I) any department or agency established in the executive branch of the Federal Government, including the Executive Office of the President and the military departments (as defined in section 101(8) of title 10); or

''(II) any officer, employee, or member of any department or agency established in the executive branch of the Federal Government, including the President and any member of the Armed Forces; or

''(iv) that concludes the provision has been superseded or deprived of effect in whole or in part by a subsequently enacted statute where there is no express statutory language stating an intent to supersede the prior provision or deprive it of effect; or'';

(B) in paragraph (2), by striking ''For the purposes'' and all that follows through ''if the report'' and inserting ''Except as provided in paragraph (4), a report shall be considered to be submitted to the Congress for the purposes of paragraph (1) if the report''; and

(C) by adding at the end the following:

''(3) DIRECTION REGARDING INTERPRETATION.—The submission of a report to Congress based on the issuance of an authoritative legal interpretation described in paragraph (1)(C) shall be discretionary on the part of the Attorney General or an officer described in subsection (e) if—

''(A) the President or other responsible officer of a department or agency established in the executive branch of the Federal Government, including the Executive Office of the President and the military departments (as defined in section 101(8) of title 10), expressly directs that no action be taken or withheld or policy implemented or stayed on the basis of the authoritative legal interpretation; and

''(B) the directive described in subparagraph (A) is in effect.

''(4) CLASSIFIED INFORMATION.—

''(A) SUBMISSION OF REPORT CONTAINING CLASSIFIED INFORMATION REGARDING INTELLIGENCE ACTIVITIES.—Except as provided in subparagraph (B), if the Attorney General submits a report relating to an instance described in paragraph (1) that includes a classified annex containing information relating to intelligence activities, the report shall be considered to be submitted to the Congress for the purposes of paragraph (1) if—

''(i) the unclassified portion of the report is submitted to each officer specified in paragraph (2); and

''(ii) the classified annex is submitted to the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

''(B) SUBMISSION OF REPORT CONTAINING CERTAIN CLASSIFIED INFORMATION ABOUT COVERT ACTIONS.—

''(i) IN GENERAL.—In a circumstance described in clause (ii), a report described in that clause shall be considered to be submitted to the Congress for the purposes of paragraph (1) if—

''(I) the unclassified portion of the report is submitted to each officer specified in paragraph (2); and

''(II) the classified annex is submitted to—

''(aa) the chairman and ranking minority member of the Select Committee on Intelligence of the Senate;

''(bb) the chairman and ranking minority member of the Committee on the Judiciary of the Senate;

''(cc) the chairman and ranking minority member of the Permanent Select Committee on Intelligence of the House of Representatives;

''(dd) the chairman and ranking minority member of the Committee on the Judiciary of the House of Representatives;

''(ee) the Speaker and minority leader of the House of Representatives; and

''(ff) the majority leader and minority leader of the Senate.

''(ii) CIRCUMSTANCES.—A circumstance described in this clause is a circumstance in which—

''(I) the Attorney General submits a report relating to an instance described in paragraph (1) that includes a classified annex containing information relating to a Presidential finding described in section 503(a) of the National Security Act of 1947 (50 U.S.C. 413b(a)); and

''(II) the President determines that it is essential to limit access to the information described in subclause (I) to meet extraordinary circumstances affecting vital interests of the United States.'';

(2) in subsection (b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2) the following:

''(3) under subsection (a)(1)(C)—

''(A) not later than 30 days after the date on which the Attorney General, the Office of Legal Counsel, or any other officer of the Department of Justice issues the authoritative legal interpretation of the Federal statutory provision; or

''(B) if the President or other responsible officer of a department or agency established in the executive branch of the Federal Government, including the Executive Office of the President and the military departments (as defined in section 101(8) of title 10), issues a directive described in subsection (a)(3) and the directive is subsequently rescinded, not later than 30 days after the date on which the President or other responsible officer rescinds that directive; and''; and

(D) in paragraph (4), as so redesignated, by striking ''subsection (a)(1)(C)'' and inserting ''subsection (a)(1)(D)'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''or of each approval described in subsection (a)(1)(C)'' and inserting ''of the issuance of the authoritative legal interpretation described in subsection (a)(1)(C), or of each approval described in subsection (a)(1)(D)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) with respect to a report required under subparagraph (A), (B), or (C) of subsection (a)(1), specify the Federal statute, rule, regulation, program, policy, or other law at issue, and the paragraph and clause of subsection (a)(1) that describes the action of the Attorney General or other officer of the Department of Justice;'';

(D) in paragraph (3), as so redesignated—

(i) by striking ''reasons for the policy or determination'' and inserting ''reasons for the policy, authoritative legal interpretation, or determination'';

(ii) by inserting ''issuing such authoritative legal interpretation,'' after ''or implementing such policy,'';

(iii) by striking ''except that'' and inserting ''provided that'';

(iv) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(v) by inserting before subparagraph (B), as so redesignated, the following:

''(A) any classified information shall be provided in a classified annex, which shall be handled in accordance with the security procedures established under section 501(d) of the National Security Act of 1947 (50 U.S.C. 413(d));'';

(vi) in subparagraph (B), as so redesignated—

(I) by inserting ''except for information described in paragraph (1) or (2),'' before ''such details may be omitted'';

(II) by striking ''national-security- or classified information, of any''; and

(III) by striking ''or other law'' and inserting ''or other statute'';

(vii) in subparagraph (C), as so redesignated—

(I) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively;

(II) by inserting before clause (ii), as so redesignated, the following:

''(i) in the case of an authoritative legal interpretation described in subsection (a)(1)(C), if a copy of the Office of Legal Counsel or other legal opinion setting forth the authoritative legal interpretation is provided;'';

(III) in clause (ii), as so redesignated, by striking ''subsection (a)(1)(C)(i)'' and inserting ''subsection (a)(1)(D)(i)''; and

(IV) in clause (iii), as so redesignated, by striking ''subsection (a)(1)(C)(ii)'' and inserting ''subsection (a)(1)(D)(ii)''; and

(E) in paragraph (4), as so redesignated, by striking ''subsection (a)(1)(C)(i)'' and inserting ''subsection (a)(1)(D)(i)''; and

(4) in subsection (e)—

(A) by striking ''(but only with respect to the promulgation of any unclassified Executive order or similar memorandum or order)''; and

(B) by inserting ''issues an authoritative interpretation described in subsection (a)(1)(C),'' after ''policy described in subsection (a)(1)(A),''.

SEPTEMBER 15, 2008.

Hon. PATRICK LEAHY,
Chairman, Senate Committee on the Judiciary, U.S. Senate, Washington DC.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington DC.

DEAR CHAIRMAN LEAHY AND SENATOR SPECTER: We write to convey our strong support for ''The OLC Reporting Act of 2008,'' to be introduced by Senator Feingold and Senator Feinstein. We respectfully urge the committee to give the bill prompt and serious consideration, because we believe that the addition of the reporting requirement it would create would have the effect of enhancing democratic accountability and the rule of law.

We both had the privilege to testify before Senators Feingold and Brownback, and the Subcommittee on the Constitution of the Senate Committee on the Judiciary, on April 30, 2008 in a hearing that examined ''Secret Law and the Threat to Democratic and Accountable Government.'' We served in different administrations, Brad Berenson as Associate Counsel to President George W. Bush and Dawn Johnsen as Acting Assistant Attorney General for the Office of Legal Counsel (OLC) under President Clinton. During our testimony, we found ourselves in substantial agreement about the desirability for new legislation that would require reporting to Congress regarding a limited category of OLC legal opinions.

As a general matter, we share a deep concern about safeguarding the legitimate need for confidentiality in the legal advice OLC provides to the President and others in the executive branch, by power delegated by the Attorney General. For example, in some instances national security information must be protected. In other instances, such as where OLC advises that a proposed action would be illegal, and that advice is accepted, the prospect of immediate and routine disclosure could deter executive branch officials from seeking advice in the first place.

We agree, however, that Congress has a legitimate legislative interest in receiving broader notice than current law provides with respect to certain categories of OLC opinions, which can generally be described as those in which OLC relies on constitutionally based interpretive doctrines to interpret a law in a way that might come as a surprise to Congress. These include the doctrine of ''constitutional avoidance,'' as well as implied repeals or modifications and certain presumptions against applying statutes to the executive branch officials. In our view, OLC opinions that place substantial reliance on such doctrines present the greatest potential for overreaching by the executive branch and thus the greatest need for notification to Congress. If Congress does not know about these interpretations, Congress is unable to consider the possibility of legislative change or clarification.

For this reason, after the hearing we worked closely with Senate staff as well as with a group of other former executive branch officials and Office of Legal Counsel lawyers to help draft ''The OLC Reporting Act of 2008.'' The resulting bill text was the product of careful consideration and negotiation. The bill mandates reporting in a carefully defined category of cases and includes appropriate provisions to protect national security and privileged information. All in all, we believe it strikes a sensible and constitutionally sound balance between the executive branch's need to have access to candid legal advice, to protect national security information, and to avoid being overburdened by unduly intrusive reporting requirements and the legislative branch's need to know the manner in which its laws are interpreted. We both endorse the bill as introduced and urge its prompt enactment.

Sincerely,

BRAD BERENSON,
Sidley Austin.

DAWN JOHNSEN,
Indiana University School of Law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 662—RAISING THE AWARENESS OF THE NEED FOR CRIME PREVENTION IN COMMUNITIES ACROSS THE COUNTRY AND DESIGNATING THE WEEK OF OCTOBER 2, 2008, THROUGH OCTOBER 4, 2008, AS ''CELEBRATE SAFE COMMUNITIES'' WEEK

Mr. BIDEN (for himself, Mrs. CLINTON, Mr. KERRY, Ms. MIKULSKI, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 662

Whereas communities across the country face localized increases in violence and other crime;

Whereas local law enforcement and community partnerships are an effective tool for preventing crime and addressing the fear of crime;

Whereas the National Sheriffs' Association (NSA) and the National Crime Prevention Council (NCPC) are leading national resources that provide community safety and crime prevention tools tested and valued by local law enforcement agencies and communities nationwide;

Whereas the NSA and the NCPC have joined together to create the ''Celebrate Safe Communities'' initiative in partnership with the Bureau of Justice Assistance, Office of Justice Programs, Department of Justice;

Whereas Celebrate Safe Communities will be launched the 1st week of October 2008 to help kick off recognition of October as Crime Prevention Month;

Whereas Celebrate Safe Communities is designed to help local communities highlight the importance of residents and law enforcement working together to keep communities safe places to live, learn, work, and play;

Whereas Celebrate Safe Communities will enhance the public awareness of vital crime prevention and safety messages and motivate Americans of all ages to learn what they can do to stay safe from crime;

Whereas Celebrate Safe Communities will help promote year-round support for locally based and law enforcement-led community safety initiatives that help keep families, neighborhoods, schools, and businesses safe from crime; and

Whereas the week of October 2, 2008, through October 4, 2008, is an appropriate week to designate as ''Celebrate Safe Communities'' week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 2, 2008, through October 4, 2008, as ''Celebrate Safe Communities'' week;

(2) commends the efforts of the thousands of local law enforcement agencies and their countless community partners who are educating and engaging residents of all ages in the fight against crime;

(3) asks communities across the country to consider how the Celebrate Safe Communities initiative can help them highlight local successes in the fight against crime; and

(4) encourages the National Sheriffs' Association and the National Crime Prevention Council to continue to promote, during Celebrate Safe Communities week and year-round, individual and collective action in collaboration with law enforcement and other supporting local agencies to reduce crime and build safer communities throughout the United States.

SENATE CONCURRENT RESOLUTION 99—HONORING THE UNIVERSITY OF NEBRASKA AT OMAHA FOR ITS 100 YEARS OF COMMITMENT TO HIGHER EDUCATION.

Mr. HAGEL submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 99

Whereas local leaders in the Omaha area formed a corporation known as the University of Omaha on October 8, 1908, for the promotion of sound learning and education;

Whereas, on September 14, 1909, the first 26 University of Omaha students gathered in Redick Hall, located west of 24th and Pratt Streets in the city of Omaha;

Whereas, during the first 10 years of existence, the key division of the University of Omaha was Liberal Arts College, designed to produce a well-rounded and informed student;

Whereas, in 1910, the University of Nebraska announced it would accept all University of Omaha coursework as equivalent to its own, a milestone in terms of recognition for the new institution and acknowledgement of its substantial and respected curriculum;

Whereas, in December 1916, the University of Omaha students had a farewell party for Redick Hall and moved into their new building, a 3-story, 30-classroom building named Joslyn Hall;

Whereas, in 1929, the University of Omaha board of trustees and the people of Omaha voted to create the new Municipal University of Omaha to replace the old University of Omaha on May 30, 1930;

Whereas, in 1936, the Municipal University of Omaha acquired 20 acres of land north of Elmwood Park and south of West Dodge Street, which would become the site of the present-day campus;

Whereas the University dedicated its beautiful Georgian-style administration building in November 1938, capable of accommodating a student body of 1,000;

Whereas the increased enrollment of World War II veterans in 1945 due to the Montgomery GI Bill led to the completion of several new buildings, including a field house, library, student center, and engineering building;

Whereas, in 1950, the College of Education was separated from the College of Arts and Sciences, and within 3 years 1/3 of all teachers in Omaha public schools held degrees from the Municipal University;

Whereas the College of Business Administration was founded in 1952, and the business community responded by creating internship programs for accounting, insurance, real estate, and retailing at major firms and for students interested in the field of television at station KMTV;

Whereas 12,000 members of the military, including 15 who rose to the rank of general, were able to receive a Bachelor of General Education degree through the College of Adult Education ''Bootstrap'' program;

Whereas the University received a Reserve Officers' Training Corps (ROTC) unit in July 1951;

Whereas Municipal University became a leader in radio-television journalism by founding its own radio station in 1951, and in 1952 became the first institution in the Midwest to offer courses by television;

Whereas Municipal University became part of the University of Nebraska system in July 1968, and was renamed the University of Nebraska at Omaha, its present-day name;

Whereas, in 1977, the North Central Association of Colleges and Secondary Schools gave the University of Nebraska at Omaha the highest rating possible;

Whereas, in an effort to gain a more suitable location for conferences and an off-campus class site, the University opened the Peter Kiewit Conference Center in 1980;

Whereas the University has established innovative programs that enrich the community through service learning, support of the arts, outreach programs for business, education, and government, and creation of dual-enrollment programs for Nebraska high school students;

Whereas the University has 90,000 graduates, with nearly half of those still residing, raising families, and building careers in the Omaha metropolitan area; and

Whereas the year 2008 is the 100th anniversary of the founding of the University of Nebraska at Omaha, and the activities to commemorate its founding will begin on October 8, 2008: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress congratulates the University of Nebraska at Omaha on its 100 years of outstanding service to the city of Omaha, the State of Nebraska, the United States, and the world in fulfilling its mission of providing sound learning and education.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5596. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5597. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 5272 submitted by Mr. NELSON of Florida and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5598. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 5519 submitted by Mr. JOHNSON (for himself, Mr . THUNE, and Ms. STABENOW) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5599. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 5437 submitted by Mr. BAYH and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5600. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5601. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 5441 submitted by Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5602. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 5566 submitted by Mr. BIDEN (for himself and Mr.

LUGAR) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5603. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5604. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5605. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 5511 submitted by Mr. DURBIN (for himself and Mr. BROWNBACK) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5606. Mr. REID submitted an amendment intended to be proposed to amendment SA 5355 submitted by Mr. GRAHAM (for himself and Mr. LIEBERMAN) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5607. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 5536 submitted by Mr. SESSIONS (for himself , Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. KYL, Mr. INHOFE, Mr. GRAHAM, Mr. VITTER, Mr. BROWNBACK, and Mr. CHAMBLISS) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5608. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5609. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5610. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5611. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5612. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5593 submitted by Mr. KERRY (for himself and Mr. SMITH) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5613. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5614. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 3023, to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.

SA 5615. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5616. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5617. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5596. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 452, between lines 9 and 10, insert the following:

SEC. 2806. EXPANSION OF AUTHORITY FOR PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

Section 2881a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary of the Navy'' and inserting ''(1) The Secretary of the Navy''; and

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

''(2) The Secretary of the Army may carry out a project under the authority of this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing for all ranks at a location with significant identified barracks deficiencies.'';

(2) in subsection (b), by striking ''The Secretary of the Navy'' and inserting ''The Secretaries of the Army and Navy'';

(3) in subsection (d)(1), by striking ''The Secretary of the Navy'' and inserting ''The Secretaries of the Army and Navy'';

(4) in subsection (e)(1), by striking ''The Secretary of the Navy shall transmit'' and inserting ''The Secretaries of the Army and Navy shall each transmit''; and

(5) in subsection (f)—

(A) by striking ''The authority'' and inserting ''(1) The authority''; and

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

''(2) The authority of the Secretary of the Army to enter into a contract under the pilot program shall expire September 30, 2010.''.

SA 5597. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 5272 submitted by Mr. NELSON of Florida and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1433. INTELLIGENCE TRAINING PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROGRAM.—Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 402 note) is amended to read as follows:

''SEC. 922. INTELLIGENCE TRAINING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of National Intelligence.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(3) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(4) PROGRAM.—The term 'program' means the grant program authorized by subsection (b).

''(b) AUTHORITY.—The Director is authorized to establish, determine the scope of, and carry out a grant program to promote language analysis, intelligence analysis, and scientific and technical training, as described in this section.

''(c) PURPOSE.—The purpose of the program shall be to increase the number of individuals qualified for an entry-level position within an element of the intelligence community by providing—

''(1) grants to qualified institutions of higher education, as described in subsection (d); and

''(2) grants to qualified individuals, as described in subsection (e).

''(d) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—(1) The Director is authorized to provide a grant through the program to an institution of higher education to develop a course of study to prepare students of such institution for an entry-level language analyst position, intelligence analyst position, or scientific and technical position within an element of the intelligence community.

''(2) An institution of higher education seeking a grant under this subsection shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(3) The Director shall award a grant to an institution of higher education under this subsection—

''(A) on the basis of the ability of such institution to use the grant to prepare students for an entry-level language analyst position, intelligence analyst position, or scientific and technical position within an element of the intelligence community upon completion of study at such institution; and

''(B) in a manner that provides for geographical diversity among the institutions of higher education that receive such grants.

''(4) An institution of higher education that receives a grant under this subsection shall submit to the Director regular reports regarding the use of such grant, including—

''(A) a description of the benefits to students who participate in the course of study funded by such grant;

''(B) a description of the results and accomplishments related to such course of study; and

''(C) any other information that the Director may require.

''(5) The Director is authorized to provide an institution of higher education that receives a grant under this section with advice and counsel related to the use of such grant.

''(e) GRANTS TO INDIVIDUALS.—(1) The Director is authorized to provide a grant through the program to an individual to assist such individual in pursuing a course of study—

''(A) identified by the Director as meeting a current or emerging mission requirement of an element of the intelligence community; and

''(B) that will prepare such individual for an entry-level language analyst position, intelligence analyst position, or scientific and technical position within an element of the intelligence community.

''(2) The Director is authorized to provide a grant described in paragraph (1) to an individual for the following purposes:

''(A) To provide a monthly stipend for each month that the individual is pursuing a course of study described in paragraph (1).

''(B) To pay the individual's full tuition to permit the individual to complete such a course of study.

''(C) To provide an allowance for books and materials that the individual requires to complete such course of study.

''(D) To pay the individual's expenses for travel that is requested by an element of the intelligence community related to the program.

''(3)(A) The Director shall select individuals to receive grants under this subsection using such procedures as the Director determines are appropriate.

''(B) An individual seeking a grant under this subsection shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(C) The Director is authorized to screen and qualify each individual selected to receive a grant under this subsection for the appropriate security clearance without regard to the date that the employment relationship between the individual and the element of the intelligence community is formed.

''(4) An individual who receives a grant under this subsection, at a threshold amount to be determined by the Director, shall enter into an agreement to perform, upon such individual's completion of a course of study described in paragraph (1), 1 year of service within an element of the intelligence community, as approved by the Director, for each academic year for which such individual received grant funds under this subsection.

''(5) If an individual who receives a grant under this subsection—

''(A) fails to complete a course of study described in paragraph (1) or the individual's participation in the program is terminated prior to the completion of such course of study, either by the Director for misconduct or voluntarily by the individual, the individual shall reimburse the United States for the amount of such grant (excluding the individual's stipend, pay, and allowances); or

''(B) fails to complete the service requirement with an element of the intelligence community described in paragraph (4) after completion of such course of study or if the individual's employment with such element of the intelligence community is terminated either by the head of such element for misconduct or voluntarily by the individual prior to the individual's completion of such service requirement, the individual shall—

''(i) reimburse the United States for full amount of such grant (excluding the individual's stipend, pay, and allowances) if the individual did not complete any portion of such service requirement; or

''(ii) reimburse the United States for the percentage of the total amount of such grant (excluding the individual's stipend, pay, and allowances) that is equal to the percentage of the period of such service requirement that the individual did not serve.

''(6)(A) If an individual incurs an obligation to reimburse the United States under subparagraph (A) or (B) of paragraph (5), the head of the element of the intelligence community that employed or intended to employ such individual shall notify the Director of such obligation.

''(B) Except as provided in subparagraph (D), an obligation to reimburse the United States incurred under such subparagraph (A) or (B), including interest due on such obligation, is for all purposes a debt owing the United States.

''(C) A discharge in bankruptcy under title 11, United States Code, shall not release an individual from an obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the final decree of the discharge in bankruptcy is issued within 5 years after the last day of the period of the service requirement described in subparagraph (4).

''(D) The Director may release an individual from part or all of the individual's obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the Director determines that equity or the interests of the United States require such a release.

''(f) MANAGEMENT.—In carrying out the program, the Director shall—

''(1) be responsible for the oversight of the program and the development of policy guidance and implementing procedures for the program;

''(2) solicit participation of institutions of higher education in the program through appropriate means; and

''(3) provide each individual who participates in the program under subsection (e) information on opportunities available for employment within an element of the intelligence community.

''(g) PENALTIES FOR FRAUD.—An institution of higher education or the officers of such institution or an individual who receives a grant under the program as a result of fraud in any aspect of the grant process may be subject to criminal or civil penalties in accordance with applicable Federal law.

''(h) CONSTRUCTION.—Unless mutually agreed to by all parties, nothing in this section may be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect on the day prior to the date of enactment of the National Defense Authorization Act for Fiscal Year 2009.

''(i) EFFECT OF OTHER LAW.—The Director shall administer the program pursuant to the provisions of chapter 63 of title 31, United States Code and chapter 75 of such title, except that the Comptroller General of the United States shall have no authority, duty, or responsibility in matters related to this program.''.

(2) CLERICAL AMENDMENTS.—

(A) IN GENERAL.—The table of contents in section 2(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1811) is amended by striking the item relating to section 922 and inserting the following:

''Sec. 922. Intelligence training program.''.

(B) TITLE IX.—The table of contents in that appears before subtitle A of title IX of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2023) is amended by striking the item relating to section 922 and inserting the following:

''Sec. 922. Intelligence training program.''.

(b) SENSE OF CONGRESS ON FUNDING.—It is the sense of Congress that for each fiscal year after fiscal year 2009, Congress should not appropriate funds for the program established under section 922(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, as amended by subsection (a)(1), in an amount that exceeds the amount of funds requested for that program in the budget for that fiscal year submitted to Congress by the President under section 1105(a) of title 31, United States Code.

SA 5598. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 5519 submitted by Mr. JOHNSON (for himself, Mr. THUNE, and Ms. STABENOW) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 20, strike ''subsection.''.'' and insert ''subsection.

''(4) MAXIMUM AMOUNT FOR CONSOLIDATED SCHOOL DISTRICTS.—Notwithstanding any other provision of this section, a local educational agency that is formed at any time after 1938 by the consolidation of 2 or more former school districts, of which at least 1 former district was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, shall not be eligible under this section for an amount that is more than the total of the amount that each of the former districts received under this section for the fiscal year preceding the year of the consolidation.''.

SA 5599. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 5437 submitted by Mr. BAYH and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 722. REPORT ON COGNITIVE REHABILITATION FOR MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report setting forth the evidence to be required from a long term, integrated study on treatment strategies for cognitive rehabilitation for members of the Armed Forces who have sustained a Traumatic Brain Injury (TBI) in order to permit the Department to Defense to determine how receipt of cognitive rehabilitation by such members for Traumatic Brain Injury could be reimbursed as a health care benefit.

SA 5600. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ———. AIR CARRIAGE OF INTERNATIONAL MAIL.

(a) CONTRACTING AUTHORITY.—Section 5402 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

''(b) INTERNATIONAL MAIL.—

''(1) IN GENERAL.—

''(A) Except as otherwise provided in this subsection, the Postal Service may contract for the transportation of mail by aircraft between any of the points in foreign air transportation only with certificated air carriers. A contract may be awarded to a certificated air carrier to transport mail by air between any of the points in foreign air transportation that the Secretary of Transportation has authorized the carrier to serve either directly or through a code-share relationship with one or more foreign air carriers.

''(B) If the Postal Service has sought offers or proposals from certificated air carriers to transport mail in foreign air transportation between points, or pairs of points within a geographic region or regions, and has not received offers or proposals that meet Postal Service requirements at a fair and reasonable price from at least 2 such carriers, the Postal Service may seek offers or proposals from foreign air carriers. Where service in foreign air transportation meeting the Postal Service's requirements is unavailable at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may contract with foreign air carriers to provide the service sought if, when the Postal Service seeks offers or proposals from foreign air carriers, it also seeks an offer or proposal to provide that service from any certificated air carrier providing service between those points, or pairs of points within a geographic region or regions, on the same terms and conditions that are being sought from foreign air carriers.

''(C) For purposes of this subsection, the Postal Service shall use a methodology for determining fair and reasonable prices for the Postal Service designated region or regions developed in consultation with, and with the concurrence of, certificated air carriers representing at least 51 percent of available ton miles in the markets of interest.

''(D) For purposes of this subsection, ceiling prices determined pursuant to the methodology used under subparagraph (C) shall be presumed to be fair and reasonable if they do not exceed the ceiling prices derived from—

''(i) a weighted average based on market rate data furnished by the International Air Transport Association or a subsidiary unit thereof; or

''(ii) if such data are not available from those sources, such other neutral, regularly updated set of weighted average market rates as the Postal Service, with the concurrence of certificated air carriers representing at least 51 percent of available ton miles in the markets of interest, may designate.

''(E) If, for purposes of subparagraph (D)(ii), concurrence cannot be attained, then the most recently available market rate data described in this subparagraph shall continue to apply for the relevant market or markets.

''(2) CONTRACT PROCESS.—The Postal Service shall contract for foreign air transportation as set forth in paragraph (1) through an open procurement process that will provide—

''(A) potential offerors with timely notice of business opportunities in sufficient detail to allow them to make a proposal;

''(B) requirements, proposed terms and conditions, and evaluation criteria to potential offerors; and

''(C) an opportunity for unsuccessful offerors to receive prompt feedback upon request.

''(3) EMERGENCY OR UNANTICIPATED CONDITIONS; INADEQUATE LIFT SPACE.—The Postal Service may enter into contracts to transport mail by air in foreign air transportation with a certificated air carrier or a foreign air carrier without complying with the requirements of paragraphs (b)(1) and (2) if—

''(A) emergency or unanticipated conditions exist that make it impractical for the Postal Service to comply with such requirements; or

''(B) its demand for lift exceeds the space available to it under existing contracts and—

''(i) there is insufficient time available to seek additional lift using procedures that comply with those requirements without compromising the Postal Service's service commitments to its own customers; and

''(ii) the Postal Service first offers any certificated air carrier holding a contract to carry mail between the relevant points the opportunity to carry such excess volumes under the terms of its existing contract.

''(c) GOOD FAITH EFFORT REQUIRED.—The Postal Service and potential offerors shall put a good-faith effort into resolving disputes concerning the award of contracts made under subsection (b).''.

(b) CONFORMING AMENDMENTS TO TITLE 49.—

(1) Section 41901(a) is amended by striking ''39.'' and inserting ''39, and in foreign air transportation under section 5402(b) and (c) of title 39.''.

(2) Section 41901(b)(1) is amended by striking ''in foreign air transportation or''.

(3) Section 41902 is amended—

(A) by striking ''in foreign air transportation or'' in subsection (a);

(B) by striking subsection (b) and inserting the following:

''(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the United States Postal Service a statement showing—

''(1) the places between which the carrier is authorized to transport mail in Alaska;

''(2) every schedule of aircraft regularly operated by the carrier between places described in paragraph (1) and every change in each schedule; and

''(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each such place.'';

(C) by striking ''subsection (b)(3)'' each place it appears in subsections (c)(1) and (d) and inserting ''subsection (b)(2)''; and

(D) by striking subsections (e) and (f).

(4) Section 41903 is amended by striking ''in foreign air transportation or'' each place it appears.

(5) Section 41904 is amended—

(A) by striking ''**to or in foreign countries**'' in the section heading;

(B) by striking ''to or in a foreign country'' and inserting ''between two points outside the United States''; and

(C) by inserrting after ''transportation.'' the following: ''Nothing in this section shall affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation under subsections 5402(b) and (c) of title 39.''.

(6) Section 41910 is amended by striking the first sentence and inserting ''The United States Postal Service may weigh mail transported by aircraft between places in Alaska and make statistical and –administrative computations necessary in the interest of mail service.''.

(7) Chapter 419 is amended—

(A) by striking sections 41905, 41907, 41908, and 41911; and

(B) redesignating sections 41906, 41909, 41910, and 49112 as sections 41905, 41906, 41907, and 41908, respectively.

(8) The chapter analysis for chapter 419 is amended by redesignating the items relating to sections 41906, 41909, 41910, and 49112 as relating to sections 41905, 41906, 41907, and 41908, respectively.

(9) Section 101(f) of title 39, United States Code, is amended by striking ''mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service.'' and inserting ''mail.''.

(9) Subsections (b) and (c) of section 3401 of title 39, United States Code, are amended—

(A) by striking ''at rates fixed and determined by the Secretary of Transportation in accordance with section 41901 of title 49'' and inserting ''or, for carriage of mail in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 5402 of this title'';

(B) by striking ''at rates not to exceed those so fixed and determined for scheduled United States air carriers'';

(C) by striking ''scheduled'' each place it appears and inserting ''certificated''; and

(D) by striking the last sentence in each such subsection.

(10) Section 5402(a) of title 39, United States Code, is amended—

(A) by inserting ''''foreign air carrier'.'' after ''''interstate air transportation','' in paragraph (2);

(B) by redesignating paragraphs (7) through (23) as paragraphs (8) through (24) and inserting after paragraph (6) the following:

''(7) the term 'certificated air carrier' means an air carrier that holds a certificate of public convenience and necessity issued under section 41102(a) of title 49;'';

(C) by redesignating paragraphs (9) through (24), as redesignated, as paragraphs (10) through (25), respectively, and inserting after paragraph (8) the following:

''(9) the term 'code-share relationship' means a relationship pursuant to which any certificated air carrier or foreign air carrier's designation code is used to identify a flight operated by another air carrier or foreign air carrier;''; and

(D) by inserting ''foreign air carrier,'' after ''terms'' in paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SA 5601. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 5441 submitted by Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle E—Other Matters

SEC. 1241. SPECIAL ENVOY FOR AFGHANISTAN, PAKISTAN, AND INDIA.

(a) STATEMENT OF POLICY.—Congress declares that it is in the national interest of the United States that the countries of Afghanistan, Pakistan, and India work together to address common challenges hampering the stability, security, and development of their region and to enhance their cooperation.

(b) ESTABLISHMENT.—The President should appoint a special envoy to promote closer cooperation among the countries referred to in subsection (a).

(c) APPOINTMENT.—The special envoy will be appointed with the advice and consent of the Senate and shall have the rank of ambassador.

(d) DUTIES.—The primary responsibility of the special envoy, reporting through the Assistant Secretary of State for South and Central Asia, shall be to strengthen and facilitate relations among the countries referred to in subsection (a) for the benefit of stability and economic growth in the region.

SA 5602. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 5566 submitted by Mr. BIDEN (for himself and Mr. LUGAR) and intended to be proposed to the Bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle E—Enhanced Partnership With Pakistan

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Enhanced Partnership with Pakistan Act of 2008''.

SEC. 1242. FINDINGS.

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and comity, and the vital interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing months of political tension and intrigue, as well as mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of that country's populace, and serve as a model to other countries around the world.

(4) Pakistan is a major non-NATO ally of the United States, and has been a valuable partner in the battle against al Qaeda and the Taliban.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past 6 years.

(6) Since the terrorist attacks of September 11, 2001, more al Qaeda terrorist suspects have been apprehended in Pakistan than in any other country, including Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi.

(7) Despite the sacrifices and cooperation of the security forces of Pakistan, the top leadership of al Qaeda, as well as the leadership and rank-and-file of affiliated terrorist groups, are believed to use Pakistan's Federally Administered Tribal Areas (FATA) as a haven and a base from which to organize terrorist actions in Pakistan and with global reach.

(8) According to a Government Accountability Office Report, (GAO–08–622), ''since 2003, the administration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power— diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA'' and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(9) According to United States military sources and unclassified intelligence reports, including the July 2007 National Intelligence Estimate entitled, ''The Terrorist Threat to the U.S. Homeland'', the Taliban, al Qaeda, and their Pakistani affiliates continue to use territory in Pakistan as a haven, recruiting location, and rear base for violent actions in both Afghanistan and Pakistan, as well as attacks globally, and pose a threat to the United States homeland.

(10) The toll of terrorist attacks, including suicide bombs, on the people of Pakistan include thousands of citizens killed and wounded across the country, over 1,400 military and police forces killed (including 700 since July 2007), and dozens of tribal, provincial, and national officials targeted and killed, as well as the brazen assassination of former prime minister Benazir Bhutto while campaigning in Rawalpindi on December 27, 2007, and several attempts on the life of President Pervaiz Musharraf, and the rate of such attacks have grown considerably over the past 2 years.

(11) The people of Pakistan and the United States share many compatible goals, including—

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

(B) solidifying democracy and the rule of law in Pakistan;

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

(D) promoting the social and material well-being of Pakistani citizens, particularly through development of such basic services as public education, access to potable water, and medical treatment; and

(E) safeguarding the peace and security of South Asia, including by facilitating peaceful relations between Pakistan and its neighbors.

(12) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

(13) The election of a civilian government in Pakistan in February 2008 provides an opportunity, after nearly a decade of military-dominated rule, to place relations between Pakistan and the United States on a new and more stable foundation.

(14) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 1243. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term ''counterinsurgency'' means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through the use of subversion and armed conflict.

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(4) FATA.—The term ''FATA'' means the Federally Administered Tribal Areas of Pakistan.

(5) NWFP.—The term ''NWFP'' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(6) PAKISTAN-AFGHANISTAN BORDER AREAS.—The term ''Pakistan-Afghanistan border areas'' includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) SECURITY-RELATED ASSISTANCE.—The term ''security-related assistance'' means—

(A) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(B) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(C) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368).

(8) SECURITY FORCES OF PAKISTAN.—The term ''security forces of Pakistan'' means the military, paramilitary, and intelligence services of the Government of Pakistan, including the armed forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, Frontier Corps, and Frontier Constabulary.

SEC. 1244. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support the consolidation of democracy, good governance, and rule of law in Pakistan;

(2) to affirm and build a sustained, long-term, multifaceted relationship with Pakistan;

(3) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

(4) to work with Pakistan and the countries bordering Pakistan to facilitate peace in the region and harmonious relations between the countries of the region;

(5) to work with the Government of Pakistan to prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, or elsewhere in the world;

(6) to work in close cooperation with the Government of Pakistan to coordinate military and paramilitary action against terrorist targets;

(7) to work with the Government of Pakistan to help bring peace, stability, and development to all regions of Pakistan, especially those in the Pakistan-Afghanistan border areas, including support for an effective counterinsurgency strategy; and

(8) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods.

SEC. 1245. SENSE OF CONGRESS ON AUTHORIZATION OF FUNDS.

(a) SENSE OF CONGRESS ON AUTHORIZATION OF FUNDS.—It is the sense of Congress that there should be authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the following amounts:

(1) For fiscal year 2009, up to $1,500,000,000.

(2) For fiscal year 2010, up to $1,500,000,000.

(3) For fiscal year 2011, up to $1,500,000,000.

(4) For fiscal year 2012, up to $1,500,000,000.

(5) For fiscal year 2013, up to $1,500,000,000.

(b) SENSE OF CONGRESS ON ECONOMIC SUPPORT FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate, there should be authorized to be appropriated up to $1,500,000,000 per year for fiscal years 2014 through 2018 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

(c) SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.—It is the sense of Congress that security-related assistance to the Government of Pakistan should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (5), (6), and (7) of section 1244.

(d) USE OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations under this section shall be used for projects determined by an objective measure to be of clear benefit to the people of Pakistan, including projects that promote—

(1) just and democratic governance, including—

(A) political pluralism, equality, and the rule of law;

(B) respect for human and civil rights;

(C) independent, efficient, and effective judicial systems;

(D) transparency and accountability of all branches of government and judicial proceedings; and

(E) anticorruption efforts among police, civil servants, elected officials, and all levels of government administration, including the military;

(2) economic freedom, including—

(A) private sector growth and the sustainable management of natural resources;

(B) market forces in the economy; and

(C) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders; and

(3) investments in people, particularly women and children, including—

(A) broad-based public primary and secondary education and vocational training for both boys and girls;

(B) the construction of roads, irrigation channels, wells, and other physical infrastructure;

(C) agricultural development to ensure food staples in times of severe shortage;

(D) quality public health, including medical clinics with well trained staff serving rural and urban communities; and

(E) public-private partnerships in higher education to ensure a breadth and consistency of Pakistani graduates to help strengthen the foundation for improved governance and economic vitality.

(e) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan to provide assistance under this section.

(f) AUTHORITY TO USE FUNDS FOR OPERATIONAL EXPENSES.—Funds authorized by this section may be used for operational expenses. Funds may also be made available to the Inspector General of the United States Agency for International Development to provide audits and program reviews of projects funded pursuant to this section.

(g) USE OF SPECIAL AUTHORITY.—The President is encouraged to utilize the authority of section 633(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2393(a)) to expedite assistance to Pakistan under this section.

(h) USE OF FUNDS.—Funds appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs by the United States mission in Pakistan, subject to existing reporting and notification requirements.

(i) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify Congress not later than 15 days before providing any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government.

(2) ANNUAL REPORT.—The President shall submit to the appropriate congressional committees a report on assistance provided under this section. The report shall describe—

(A) all expenditures under this section, by region;

(B) the intended purpose for such assistance, the strategy or plan with which it is aligned, and a timeline for completion associated with such strategy or plan;

(C) the partner or partners contracted for that purpose, as well as a measure of the effectiveness of the partner or partners;

(D) any shortfall in financial, physical, technical, or human resources that hinder effective use and monitoring of such funds; and

(E) any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any.

(j) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that the Government of Pakistan should allocate a greater portion of its budget, consistent with its ''Poverty Reduction Strategy Paper'', to the recurrent costs associated with education, health, and other priorities described in this section.

SEC. 1246. LIMITATION ON CERTAIN ASSISTANCE.

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(b) LIMITATION ON ARMS TRANSFERS.—Beginning in fiscal year 2012, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) CERTIFICATION.—The certification required by this subsection is a certification to the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted efforts to prevent al Qaeda and associated terrorist groups from operating in the territory of Pakistan;

(2) are making concerted efforts to prevent the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

(3) are not materially interfering in the political or judicial processes of Pakistan.

(d) WAIVER.—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is in the national security interests of the United States to provide such waiver.

(e) PRIOR NOTICE OF WAIVER.—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor.

SEC. 1247. SENSE OF CONGRESS ON COALITION SUPPORT FUNDS.

It is the sense of Congress that—

(1) Coalition Support Funds are critical components of the global fight against terrorism and the primary support for military operations of the Government of Pakistan to destroy the terrorist threat and close the terrorist safe haven, known or suspected, in the FATA, the NWFP, and other regions of Pakistan;

(2) despite the broad discretion Congress granted the Secretary of Defense in terms of managing Coalition Support Funds, the Pakistan reimbursement claims process for Coalition Support Funds requires increased oversight and accountability, consistent with the conclusions of the June 2008 report of the United States Government Accountability Office (GAO-08-806); and

(3) in order to ensure that this significant United States effort in support of countering terrorism in Pakistan effectively ensures the intended use of Coalition Support Funds, and to avoid redundancy in other security assistance programs, such as Foreign Military Financing and Foreign Military Sales, more

specific guidance should be generated, and accountability delineated, for officials associated with oversight of this program within the United States Embassy in Pakistan, the United States Central Command, the Department of Defense, the Department of State, and the Office of Management and Budget.

SEC. 1248. AFGHANISTAN-PAKISTAN BORDER STRATEGY.

(a) DEVELOPMENT OF COMPREHENSIVE STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-border strategy for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measurers in and near the border areas of Pakistan and Afghanistan, especially in known or suspected safe havens such as Pakistan's FATA, the NWFP, parts of Balochistan, and other critical areas in the south and east border areas of Afghanistan.

(b) REPORT.—Not later than June 1, 2009, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the FATA, as well as proposed timelines and budgets for implementing the strategy.

SEC. 1249. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan; and

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally.

SA 5603. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts greater than $5 million awarded by the Department of Defense to implement new programs or projects, including congressional initiatives, shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract maybe awarded by the Department of Defense to implement a new program or project, including a congressional initiative, unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project including a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (I)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(A) cannot be implemented without a waiver; and

(B) will help meet important national defense needs.

(b) Congressional Initiative Defined.—In this section, the term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

SA 5604. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

Subtitle E—Child Soldiers Prevention

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Child Soldiers Prevention Act of 2008''.

SEC. 1242. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) CHILD SOLDIER.—Consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child, the term ''child soldier''—

(A) means—

(i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;

(ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;

(iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or

(iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(B) includes any person described in clauses (ii), (iii), or (iv) of subparagraph (A) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

SEC. 1243. PROHIBITION.

(a) IN GENERAL.—Subject to subsections (c), (d), and (e), none of the funds appropriated or otherwise made available for international military education and training, foreign military financing, or the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), the Arms Export Control Act (22 U.S.C. 2751), or under any Act making appropriations for foreign operations, export financing, and related programs may be obligated or otherwise made available, and no licenses for direct commercial sales of military equipment may be issued to, the government of a country that is clearly identified, pursuant to subsection (b) for the most recent year preceding the fiscal year in which the appropriated funds, transfer, or license, would have been used or issued in the absence of a violation of this subtitle, as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) IDENTIFICATION AND NOTIFICATION TO COUNTRIES IN VIOLATION OF STANDARDS.—

(1) PUBLICATION OF LIST OF FOREIGN GOVERNMENTS.—The Secretary of State shall include a list of the foreign governments that have violated the standards under this subtitle and are subject to the prohibition in subsection (a) in the report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

(2) NOTIFICATION OF FOREIGN COUNTRIES.—The Secretary of State shall formally notify any government identified pursuant to subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the national interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—Not later than 45 days after each waiver is granted under paragraph (1), the President shall notify the appropriate congressional committees of the waiver with the justification for granting such waiver.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a country assistance otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that the government of such country—

(1) has implemented measures that include an action plan and actual steps to come into compliance with the standards outlined in section 1244(b); and

(2) has implemented policies and mechanisms to prohibit and prevent future government or government-supported use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR PROFESSIONALIZATION OF THE MILITARY.—

(1) IN GENERAL.—The President may provide assistance to a country for international military education, training, and nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10, United States Code) otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that—

(A) the government of such country is taking reasonable steps to implement effective measures to demobilize child soldiers in its forces or in government-supported paramilitaries and is taking reasonable steps within the context of its national resources to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) LIMITATION.—The exception under paragraph (1) may not remain in effect for a country for more than 2 years.

SEC. 1244. REPORTS.

(a) INVESTIGATION OF ALLEGATIONS REGARDING CHILD SOLDIERS.—United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the annual Human Rights Report that relate to child soldiers under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n (f) and 2304(h)), the Secretary of State shall ensure that such reports include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) ANNUAL REPORT TO CONGRESS.—If, in any of the 5 years following the date of the enactment of this Act, a country or countries are notified pursuant to section 1243(b)(2) or a waiver is granted pursuant to section 1243(c)(1), the President shall submit a report to the appropriate congressional committees not later than June 15 of the following year that contains—

(1) a list of the countries receiving notification that they are in violation of the standards under this subtitle;

(2) a list of any waivers or exceptions exercised under this subtitle;

(3) justification for any such waivers and exceptions; and

(4) a description of any assistance provided under this subtitle pursuant to the issuance of such waiver.

SEC. 1245. TRAINING FOR FOREIGN SERVICE OFFICERS.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following:

''(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided for chiefs of mission, deputy chiefs of mission, and other officers of the Service who are or will be involved in the assessment of child soldier use or the drafting of the annual Human Rights Report, instruction on matters related to child soldiers, and the substance of the Child Soldiers Prevention Act of 2008.''.

SEC. 1246. EFFECTIVE DATE; APPLICABILITY.

This subtitle, and the amendments made by this subtitle, shall take effect 180 days after the date of the enactment of this Act and shall apply to funds obligated after such effective date.

SA 5605. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 5511 submitted by Mr. DURBIN (for himself and Mr. BROWNBACK) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 strike line 4 to the end and insert the following:

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Child Soldiers Prevention Act of 2008''.

SEC. 1242. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) CHILD SOLDIER.—Consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child, the term ''child soldier''—

(A) means—

(i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;

(ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;

(iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or

(iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(B) includes any person described in clauses (ii), (iii), or (iv) of subparagraph (A) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

SEC. 1243. PROHIBITION.

(a) IN GENERAL.—Subject to subsections (c), (d), and (e), none of the funds appropriated or otherwise made available for international military education and training, foreign military financing, or the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), the Arms Export Control Act (22 U.S.C. 2751), or under any Act making appropriations for foreign operations, export financing, and related programs may be obligated or otherwise made available, and no licenses for direct commercial sales of military equipment may be issued to, the government of a country that is clearly identified, pursuant to subsection (b) for the most recent year preceding the fiscal year in which the appropriated funds, transfer, or license, would have been used or issued in the absence of a violation of this subtitle, as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) IDENTIFICATION AND NOTIFICATION TO COUNTRIES IN VIOLATION OF STANDARDS.—

(1) PUBLICATION OF LIST OF FOREIGN GOVERNMENTS.—The Secretary of State shall include a list of the foreign governments that have violated the standards under this subtitle and are subject to the prohibition in subsection (a) in the report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

(2) NOTIFICATION OF FOREIGN COUNTRIES.—The Secretary of State shall formally notify any government identified pursuant to subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the national interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—Not later than 45 days after each waiver is granted under paragraph (1), the President shall notify the appropriate congressional committees of the waiver with the justification for granting such waiver.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a country assistance otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that the government of such country—

(1) has implemented measures that include an action plan and actual steps to come into compliance with the standards outlined in section 1244(b); and

(2) has implemented policies and mechanisms to prohibit and prevent future government or government-supported use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR PROFESSIONALIZATION OF THE MILITARY.—

(1) IN GENERAL.—The President may provide assistance to a country for international military education, training, and nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10, United States Code) otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that—

(A) the government of such country is taking reasonable steps to implement effective measures to demobilize child soldiers in its forces or in government-supported paramilitaries and is taking reasonable steps within the context of its national resources to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will

directly support professionalization of the military.

(2) LIMITATION.—The exception under paragraph (1) may not remain in effect for a country for more than 2 years.

SEC. 1244. REPORTS.

(a) INVESTIGATION OF ALLEGATIONS REGARDING CHILD SOLDIERS.—United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the annual Human Rights Report that relate to child soldiers under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n (f) and 2304(h)), the Secretary of State shall ensure that such reports include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) ANNUAL REPORT TO CONGRESS.—If, in any of the 5 years following the date of the enactment of this Act, a country or countries are notified pursuant to section 1243(b)(2) or a waiver is granted pursuant to section 1243(c)(1), the President shall submit a report to the appropriate congressional committees not later than June 15 of the following year that contains—

(1) a list of the countries receiving notification that they are in violation of the standards under this subtitle;

(2) a list of any waivers or exceptions exercised under this subtitle;

(3) justification for any such waivers and exceptions; and

(4) a description of any assistance provided under this subtitle pursuant to the issuance of such waiver.

SEC. 1245. TRAINING FOR FOREIGN SERVICE OFFICERS.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following:

''(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided for chiefs of mission, deputy chiefs of mission, and other officers of the Service who are or will be involved in the assessment of child soldier use or the drafting of the annual Human Rights Report, instruction on matters related to child soldiers, and the substance of the Child Soldiers Prevention Act of 2008.''.

SEC. 1246. EFFECTIVE DATE; APPLICABILITY.

This subtitle, and the amendments made by this subtitle, shall take effect 180 days after the date of the enactment of this Act and shall apply to funds obligated after such effective date.

SA 5606. Mr. REID submitted an amendment intended to be proposed to amendment SA 5355 submitted by Mr. GRAHAM (for himself and Mr. LIEBERMAN) and intended to be proposed to the bill S. 3001, authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1041. SENSE OF SENATE ON LEGISLATIVE ACTION REGARDING HABEAS CORPUS REVIEW FOR DETAINEES AT GUANTANAMO BAY, CUBA.

(a) FINDINGS.—The Senate makes the following findings:

(1) Seven years after the terrorist attacks of September 11, 2001, the perpetrators of that heinous deed have yet to be brought to justice.

(2) Policies that circumvent the requirements of the United States Constitution and international treaties to which the United States is a signatory have created a legal morass that has undermined efforts to bring accused terrorists to justice.

(3) On four occasions, the Supreme Court has rejected the current Administration's legal rules for individuals at Guantanamo Bay, Cuba, and elsewhere, causing years of delay and uncertainty:

(A) In Rasul v. Bush, 542 U.S. 466 (2004), the Supreme Court held that the Federal habeas corpus statute applied to detainees held at Guantanamo Bay.

(B) In Hamdi v. Rumsfeld, 542 U.S. 507 (2004), the Supreme Court held that a United States citizen detained as an enemy combatant on United States soil must be provided a meaningful opportunity to challenge the factual basis for his detention.

(C) In Hamdan v. Rumsfeld, 548 U.S. 557 (2006), the Supreme Court held that the military commissions established by the Administration violated the Uniform Code of Military Justice and the Geneva Conventions.

(D) Most recently, in Boumediene v. Bush, 128 S.Ct. 2229 (2008), the Supreme Court held unconstitutional relevant provisions of the Military Commissions Act of 2006 (Public Law 109–366), finding that the detainees at Guantanamo Bay have a right to challenge the legality of their detention under the United States Constitution.

(4) It is important that Congress proceed in a deliberate and thoughtful way to write rules for the treatment of alleged terrorists that will pass constitutional muster.

(5) Such rules should allow the United States Government to detain, interrogate, and try terrorists who harm the American people or conspire to do so, while also providing procedures that result in a reliable determination of whether the detainee has in fact engaged in such conduct.

(6) Committees of Congress should continue to hold public hearings, consult with national security and legal experts, and take the time to write responsible, bipartisan legislation regarding this complex issue as necessary.

(7) Federal judges in the District of Columbia have already begun to consider habeas corpus petitions filed by detainees at Guantanamo Bay and are well equipped to manage the pending litigation. The Supreme Court, in Boumediene v. Bush, expressed confidence that any remaining questions ''are within the expertise and competence of the District Court to address in the first instance''.

(8) The Federal courts have consolidated all of the habeas corpus cases of Guantanamo Bay detainees in the District Court for the District of Columbia, and the chief judge of that court is coordinating key procedural issues in these cases.

(9) Federal courts have a long history of considering habeas corpus petitions in sensitive cases and can be trusted to adjudicate these matters in a manner that does not compromise national security in any respect.

(10) The Federal courts—particularly those of the District of Columbia—have repeatedly demonstrated that they can protect classified information. Federal judges responsibly handled classified information in the cases of Rasul v. Bush, Hamdan v. Rumsfeld, and Boumediene v. Bush, and in the review process under the Detainee Treatment Act in such cases as Bismullah v. Gates, 501 F.3d 178 (D.C. Cir. 2007), and Parhat v. Gates, 532 F.3d 834 (D.C. Cir. 2008). Extensive experience with the Classified Information Procedures Act (CIPA) and the Freedom of Information Act (FOIA) further demonstrates the competence of Federal judges to handle highly sensitive information in a manner that fully addresses national security concerns.

(11) Both candidates for President of the major political parties have called for significant changes to detention operations at Guantanamo Bay. A new President should be afforded an opportunity to review existing policies and make such recommendations to Congress as he considers necessary and appropriate.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the decision of the Supreme Court in Boumediene v. Bush presents complex legal and logistical issues that cannot be satisfactorily resolved in the closing weeks of the 110th Congress;

(2) Congress should enact legislation to address these complex matters, as necessary, only after careful and responsible deliberation;

(3) a hasty legislative response to the Boumediene v. Bush decision would unduly complicate pending litigation and could result in another judicial reversal that would set back the goal of establishing stable and effective anti-terror detention policies;

(4) the committees of Congress having jurisdiction should undertake, after the convening of the 111th Congress, a full review of the legal and policy issues presented by the opinion in Boumediene v. Bush; and

(5) the new President should conduct a comprehensive review of anti-terror detention policies and should make recommendations to Congress during his first six months in office for such legislation as he considers necessary to carry out an effective strategy for preventing terrorism and bringing alleged terrorists to justice.

SA 5607. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 5536 submitted by Mr. SESSIONS (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. KYL, Mr. INHOFE, Mr. GRAHAM, Mr. VITTER, Mr. BROWNBACK, and Mr. CHAMBLISS) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1083. SENSE OF THE SENATE ON SUPPORT OF CZECH REPUBLIC AND POLAND FOR MISSILE DEFENSE EFFORTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Heads of State and Government of the North Atlantic Treaty Organization (NATO) agreed at the Bucharest Summit on

April 3, 2008, that ''[b]allistic missile proliferation poses an increasing threat to Allies' forces, territory and populations''.

(2) As part of a broad response to counter the ballistic missile threat, the Heads of State and Government of NATO ''recognise the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets''.

(3) At the Bucharest Summit, the NATO Heads of State and Government stated that, with respect to the planned deployment of United States missile defense capability, ''[w]e are exploring ways to link this capability with current NATO missile defence efforts as a way to ensure that it would be an integral part of any future NATO wide missile defence architecture''.

(4) At the Bucharest Summit, the NATO Heads of State and Government stated that, ''[b]earing in mind the principle of the indivisibility of Allied security as well as NATO solidarity, we task the Council in Permanent Session to develop options for a comprehensive missile defence architecture to extend coverage to all Allied territory and populations not otherwise covered by the United States system for review at our 2009 Summit, to inform any future political decision''.

(5) On July 8, 2008, the United States Government and the Government of the Czech Republic signed an agreement on the stationing of a United States radar facility in the Czech Republic to track ballistic missiles.

(6) On August 20, 2008, the United States Government and the Government of Poland signed an agreement on the stationing of 10 ground-based missile defense interceptors in Poland.

(7) Supplemental Status of Forces Agreements (SOFA) regarding the missile defense deployment agreements, not yet signed, are required elements of any final agreements to deploy the planned missile defense capabilities in the Czech Republic and Poland.

(8) In order to take legal effect, any final bilateral missile defense agreements must be submitted to and ratified by the parliaments of the Czech Republic and Poland, respectively.

(9) The deployment of the planned United States missile defense system in the Czech Republic and Poland would not provide protection to southeastern portions of NATO territory against missile attack. Additional missile defense capabilities would be required to protect these areas against missile attack, including against existing short- and medium-range missile threats.

(10) According to the Director of Operational Test and Evaluation, the ground-based interceptor planned to be deployed in Poland would require three flight tests to demonstrate whether it could accomplish its mission in an operationally effective manner. Such testing is not expected to begin before the fall of 2009, and is unlikely to be concluded before 2011.

(11) The Government of Iran continues to defy international calls to cease its uranium enrichment program, has deployed hundreds of short- and medium-range ballistic missiles, and continues to develop and test ballistic missiles of increasing range, as well as a space launch vehicle.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the decisions by the Governments of Poland and the Czech Republic to station elements of a missile defense system on their territory are a clear affirmation of the commitment of those governments to support the defense of NATO member states, including the United States, against the threat of long-range ballistic missiles;

(2) the Senate—

(A) recognizes the importance of these decisions taken by the Governments of Poland and the Czech Republic, as well as the statements made by NATO Heads of State and Government relative to missile defense at the Bucharest Summit in April 2008; and

(B) notes the care and seriousness with which the Governments of Poland and the Czech Republic have undertaken their evaluation and consideration of these issues; and

(3) these decisions will deepen the strategic relationship between the United States Government and the Governments of Poland and the Czech Republic and could make a substantial contribution to the collective capability of NATO to counter future long-range ballistic missile threats.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify the requirements of section 226 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 41), or [section 232] of this Act.

T2SA 5608. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) PROCEDURES.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

''SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

''(a) COLLECTION.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and Federal write-in absentee ballots prescribed under section 103, and for delivering the ballots to the appropriate election officials.

''(b) ENSURING DELIVERY PRIOR TO CLOSING OF POLLS.—

''(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall ensure that any marked absentee ballot for a regularly scheduled general election for Federal office which is collected prior to the deadline described in paragraph (3) is delivered to the appropriate election official in a State prior to the time established by the State for the closing of the polls on the date of the election.

''(2) CONTRACT WITH EXPRESS MAIL PROVIDERS.—

''(A) IN GENERAL.—The Presidential designee shall carry out this section by contract with one or more providers of express mail services.

''(B) SPECIAL RULE FOR VOTERS IN JURISDICTIONS USING POST OFFICE BOXES FOR COLLECTION OF MARKED ABSENTEE BALLOTS.—In the case of an absent uniformed services voter who wishes to use the procedures established under this section and whose marked absentee ballot is required by the appropriate election official to be delivered to a post office box, the Presidential designee shall enter into an agreement with the United States Postal Service for the delivery of the ballot to the election official under the procedures established under this section.

''(3) DEADLINE DESCRIBED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the last Tuesday that precedes the date of the election.

''(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to ensure timely delivery of the ballot under paragraph (1).

''(4) PROHIBITION ON REFUSAL BY STATES TO ACCEPT MARKED ABSENTEE BALLOTS NOT DELIVERED BY POSTAL SERVICE OR IN PERSON.—A State may not refuse to accept or process any marked absentee ballot delivered under the procedures established under this section on the grounds that the ballot is received by the State other than through delivery by the United States Postal Service.

''(c) TRACKING MECHANISM.—Under the procedures established under this section, the entity responsible for delivering marked absentee ballots to the appropriate election officials shall implement procedures to enable any individual whose ballot for a regularly scheduled general election for Federal office is collected by the Presidential designee to determine whether the ballot has been delivered to the appropriate election official, using the Internet, an automated telephone system, or such other methods as the entity may provide.

''(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term 'absent overseas uniformed services voter' means an overseas voter described in section 107(5)(A).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.''.

(2) EFFECTIVE DATE.—Section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by this subsection, shall apply with respect to the regularly scheduled general election for Federal office held on or after—

(A) November 2008; or

(B) if the Presidential designee determines that such date is not feasible, a date determined feasible by the Presidential designee (but in no case later than November 2010).

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL RESPONSIBILITIES.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

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

''(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.''.

(2) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff—1(a)) is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

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

''(6) carry out section 103A(b)(2) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.''.

(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in the regularly scheduled general election for Federal office held in November 2008 of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a), including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots in regularly scheduled elections for Federal office.

(d) REPORTS ON UTILIZATION OF PROCEDURES.—

(1) REPORTS REQUIRED.—Not later than 180 days after each regularly scheduled general election for Federal office held after January 1, 2008, the Presidential designee shall submit to the congressional defense committees a report on the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as so added, during such general election.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures.

(e) REPORT ON STATUS OF IMPLEMENTATION.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Presidential designee shall submit to the congressional defense committees a report on the status of the implementation of the program for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include a status of the implementation of the program and a detailed description of the specific steps taken towards its implementation for November 2008, November 2009, and November 2010.

(f) DEFINITIONS.—In this section:

(1) The term ''absent overseas uniformed services voter'' has the meaning given that term in section 103A(d) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(2) The term ''Presidential designee'' means the official designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

SEC. 588. PROHIBITION ON REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET NONESSENTIAL REQUIREMENTS.

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended by adding at the end the following new subsection:

''(e) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET NONESSENTIAL REQUIREMENTS.—A State shall accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) submitted in any manner by an absent uniformed services voter or overseas voter that contains the information required on the official post card form prescribed under section 101 (other than information which the Presidential designee, in consultation with the Election Assistance Commission and the Election Assistance Commission Board of Advisors under section 214(a)(1)–(16), determines, under regulations promulgated by the Presidential designee, is not clearly necessary to prevent fraud in the conduct of elections).''.

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET NONESSENTIAL REQUIREMENTS.—A State shall accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter that contains the information required to be submitted with such ballot by the Presidential designee (other than information which the Presidential designee, in consultation with the Election Assistance Commission and the Election Assistance Commission Board of Advisors under section 214(a)(1)–(16), determines, under regulations promulgated by the Presidential designee, is not clearly necessary to prevent fraud in the conduct of elections).''.

SA 5609. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SECTION 2822. EASTLAKE, OHIO.

(a) RELEASE OF RESTRICTIONS.—Subject to the requirements of this section, the Administrator of General Services is authorized to release the restrictions contained in the deed that conveyed to the city of Eastlake, Ohio, the parcel of real property described in subsection (b).

(b) PROPERTY DESCRIPTION.—The parcel of real property referred to in subsection (a) is the site of the John F. Kennedy Senior Center located at 33505 Curtis Boulevard, city of Eastlake, Ohio, on 10.873 acres more or less as conveyed by the deed from the General Services Administration dated July 20, 1964, and recorded in the Lake County Ohio Recorder's Office in volume 601 at pages 40–47.

(c) CONSIDERATION.—

(1) IN GENERAL.—The city of Eastlake shall pay to the Administrator $30,000 as consideration for executing the release under subsection (a).

(2) DEPOSIT OF PROCEEDS.—The Administrator shall deposit any funds received under paragraph (1) into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(3) AVAILABILITY OF AMOUNTS DEPOSITED.—To the extent provided in appropriations Acts, amounts deposited into the Federal Buildings Fund under paragraph (2) shall be available for the uses described in section 592(b) of title 40, United States Code.

(d) FILING OF INSTRUMENTS TO EXECUTE RELEASE.—The Administrator shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release under subsection (a).

SEC. 2823. KOOCHICHING COUNTY, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—Subject to the requirements of this section, the Administrator of General Services shall convey to Koochiching County, Minnesota, the parcel of real property described in subsection (b), including any improvements thereon.

(b) PROPERTY DESCRIPTION.—The parcel of real property referred to in subsection (a) is the approximately 5.84 acre parcel located at 1804 3rd Avenue in International Falls, Minnesota, which is the former site of the Koochiching Army Reserve Training Center.

(c) QUITCLAIM DEED.—The conveyance of real property under subsection (a) shall be made through a quit claim deed.

(d) CONSIDERATION.—

(1) IN GENERAL.—Koochiching County shall pay to the Administrator $30,000 as consideration for a conveyance of real property under subsection (a).

(2) DEPOSIT OF PROCEEDS.—The Administrator shall deposit any funds received under paragraph (1) (less expenses of the conveyance) into a special account in the Treasury established under section 572(b)(5)(A) of title 40, United States Code.

(3) AVAILABILITY OF AMOUNTS DEPOSITED.—To the extent provided in appropriations Acts, amounts deposited into a special account under paragraph (2) shall be available to the Secretary of the Army in accordance with section 572(b)(5)(B) of title 40, United States Code.

(e) REVERSION.—The conveyance of real property under subsection (a) shall be made on the condition that the property will revert to the United States, at the option of the United States, without any obligation for repayment of the purchase price for the property, if the property ceases to be held in public ownership or ceases to be used for a public purpose.

(f) OTHER TERMS AND CONDITIONS.—The conveyance of real property under subsection (a) shall be made subject to such other terms and conditions as the Administrator considers appropriate to protect the interests of the United States.

(g) DEADLINE.—The conveyance of real property under subsection (a) shall be made not later than 90 days after the date of enactment of this Act.

SA 5610. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

SEC. 854. SMALL ARMS PRODUCTION INDUSTRIAL BASE MATTERS.

(a) AUTHORITY TO MODIFY DEFINITION OF ''SMALL ARMS PRODUCTION INDUSTRIAL BASE''.—Section 2473(c) of title 10, United States Code, is amended by inserting before the period at the end the following: '', and any subsequent modifications to such list of firms pursuant to a review by the Secretary of Defense''.

(b) REVIEW OF SMALL ARMS PRODUCTION INDUSTRIAL BASE.—Not later than September 30, 2009, the Secretary of Defense shall review and determine, based upon manufacturing capability and capacity—

(1) whether any firms included in the small arms production industrial base should be eliminated or modified and whether any additional firms should be included; and

(2) whether any of the small arms listed in section 2473(d) of title 10, United States Code, should be eliminated from the list or modified on the list, and whether any additional small arms should be included in the list.

SA 5611. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 812 and insert the following:

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 44. CONTINGENCY CONTRACTING CORPS.

''(a) ESTABLISHMENT.—The Administrator shall establish a pilot program that creates a government-wide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to disasters, natural and man-made, and contingency operations both within and outside the continental United States.

''(b) CONCEPT OF OPERATIONS.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009, the Office of Federal Procurement Policy, in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of State, shall provide the appropriate congressional committees a concept of operations (CONOPS) that provides details on the organizational structure of the Corps, chain of command for on-call and deployed members of the Corps, training and equipment requirements for members of the Corps, and funding requirements related to the operation, training, and equipping of the Corps, and any other matters relating to the efficient establishment and operation of the Corps.

''(c) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

''(d) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

''(e) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

''(f) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator's designee, shall have the authority, upon the request of an executive agency, to determine when civilian agency members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed. With respect to members of the Corps who are also members of the Armed Forces or civilian personnel of the Department of Defense, the Secretary of Defense, or the Secretary's designee, must concur in the Administrator's deployment determinations.

''(g) ANNUAL AND FINAL PILOT PROGRAM REPORTS.—

''(1) ANNUAL REPORT.—

''(A) IN GENERAL.—The Administrator shall provide to the appropriate congressional committees an annual report on the status of the Corps.

''(B) CONTENT.—At a minimum, each report under subparagraph (A) shall include the number of members of the Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.

''(2) PILOT PROGRAM REPORT.—

''(A) IN GENERAL.—Not later than four years after the concept of operations required by subsection (b) is provided to the appropriate congressional committees, the Administrator, in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of State, shall provide an assessment of the pilot program established by this section and make any recommendations relating to continuation or modification of the Corps.

''(B) CONTENT.—At a minimum, the report required by subparagraph (A) shall include, disaggregated by year and in summary, the number of members of the Corps, training accomplished, equipment provided, the fully burdened cost of operating the program, any operations for which the Corps was deployed, an assessment of the effectiveness of the command and control structure for the Corps, an assessment of the integration of deployed members of the Corps with other agencies (both at the members' parent agencies and while deployed), and the performance of members of the Corps during any deployments.

''(h) EFFECTIVE DATES.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), this section shall take effect upon the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009.

''(2) ESTABLISHMENT AND DEPLOYMENT OF CORPS.—The Administrator may not establish or deploy the Corps until the concept of operations required by subsection (b) has been submitted to the appropriate congressional committees.

''(3) PILOT PROGRAM TERMINATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the authority provided under this section shall terminate five years after submission to the appropriate congressional committees of the concept of operations required by subsection (b).

''(B) NO EFFECT ON ONGOING DEPLOYMENTS.—Expiration of the authority provided under this section shall not affect any deployment of the Corps that occurred prior to the termination of the authority under subparagraph (A), and any such deployment shall continue as authorized by this section prior to its termination.

''(i) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations of the Senate; and

''(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Foreign Affairs of the House of Representatives.''.

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

''Sec. 44. Contingency Contracting Corps.''.

SA 5612. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5593 submitted by Mr. KERRY (for himself and Mr. SMITH) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) irrespective of the origins of the recent conflict in Georgia, the disproportionate military response by the Russian Federation on the sovereign, internationally recognized territory of Georgia, including the South Ossetian Autonomous Region (referred to in this section as ''South Ossetia'') and the Autonomous Republic of Abkhazia (referred to in this section as ''Abkhazia''), is in violation of international law and commitments of the Russian Federation;

(2) the actions undertaken by the Government of the Russian Federation in Georgia have diminished its standing in the international community and should lead to a review of existing, developing, and proposed multilateral and bilateral arrangements;

(3) the United States continues to have interests in common with the Russian Federation, including combating the proliferation of nuclear weapons and fighting terrorism, and these interests can, over time, serve as the basis for improved long-term relations;

(4) the Government of the Russian Federation should immediately comply with the September 8, 2008, follow-on agreement to the 6-point cease-fire agreement negotiated on August 12, 2008;

(5) the Government of the Russian Federation and the Government of Georgia should—

(A) refrain from the future use of force to resolve the status of Abkhazia and South Ossetia; and

(B) work with the United States, Europe, and other concerned countries and through

the United Nations Security Council, the Organization for Security and Cooperation in Europe, and other international fora to identify a political settlement that addresses the short-term and long-term status of Abkhazia and South Ossetia, in accordance with prior United Nations Security Council resolutions;

(6) the United States should—

(A) provide humanitarian and economic assistance to Georgia;

(B) seek to improve commercial relations with Georgia; and

(C) working in tandem with the international community, continue to support the development of a strong, vibrant, multiparty democracy in Georgia;

(7) the President should consult with Congress on future security cooperation and assistance to Georgia, as appropriate;

(8) the United States continues to support the North Atlantic Treaty Organization declaration reached at the Bucharest Summit on April 3, 2008; and

(9) the United States should work with the European Union, Georgia, and its neighbors to ensure the free flow of energy to Europe and the operation of key communication and trade routes.

SA 5613. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. WATER CONSERVATION INVESTMENT PROGRAM.

(a) ESTABLISHMENT OF ACCOUNT.—There is hereby established on the books of the Treasury an account to be known as the ''Department of Defense Water Conservation Investment Program Account'' (in this section referred to as the ''Account'').

(b) CREDITS TO ACCOUNT.—The Account shall consist of the following:

(1) Amounts appropriated to the Account.

(2) Amounts transferred pursuant to appropriations Acts to the Account from operation and maintenance or military construction accounts of the Department of Defense.

(c) USE OF FUNDS.—To the extent provided in appropriations Acts, funds in the account may be used—

(1) to carry out construction or other projects authorized by section 2866 of title 10, United States Code; or

(2) to comply with the requirements of Executive Order No. 13423 (January 24, 2007) or any successor Executive Order relating to water conservation.

SA 5614. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 3023, to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes; as follows:

Strike section 311.

Strike section 401 and insert the following:

SEC. 401. TEMPORARY INCREASE IN NUMBER OF AUTHORIZED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253 is amended by adding at the end the following new subsection:

''(i) ADDITIONAL TEMPORARY EXPANSION OF COURT.—(1) Subject to paragraph (2), effective as of December 31, 2009, the authorized number of judges of the Court specified in subsection (a) is increased by two.

''(2) Effective as of January 1, 2013, an appointment may not be made to the Court if the appointment would result in there being more judges of the Court than the authorized number of judges of the Court specified in subsection (a).''.

On page 47, between lines 20 and 21, insert the following:

''(15) An assessment of the workload of each judge of the Court, including consideration of the following:

''(A) The time required of each judge for disposition of each type of case.

''(B) The number of cases reviewed by the Court.

''(C) The average workload of other Federal judges''.

SA 5615. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 20, add the following:

SEC. 314. EXTENSION AND EXPANSION OF REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAMS.

Section 317(e) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1054) is amended to read as follows:

''(e) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Not later than January 1, 2002, and each January 1 thereafter through 2013, the Secretary shall submit to the congressional defense a report regarding progress made toward achieving the energy efficiency goals of the Department of Defense, consistent with the provisions of section 303 of Executive Order 13123 (64 Fed. Reg. 30851; 42 U.S.C. 8521 note) and section 11(b) of Executive Order 13423 (72 Fed. Reg. 3919; 42 U.S.C. 4321 note).

''(2) REPORTS SUBMITTED AFTER JANUARY 1, 2008.—Each report required under paragraph (1) that is submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall include the following:

''(A) A description of steps taken to ensure that facility and installation management goals are consistent with current legislative and other requirements, including applicable requirements under the Energy Independence and Security Act of 2007 (Public Law 110–140).

''(B) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations in order to use the data for better energy management.

''(C) A description of steps taken to comply with requirements of the Energy Independence and Security Act of 2007, including new design and construction requirements for buildings.

''(D) A description of steps taken to comply with section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b), regarding the supply by the General Services Administration and the Defense Logistics Agency of Energy Star and Federal Energy Management Program (FEMP) designated products to its Department of Defense customers.

''(E) A description of steps taken to encourage the use of Energy Star and FEMP designated products at military installations in government or contract maintenance activities.

''(F) A description of steps taken to comply with standards for projects built using appropriated funds and established by the Energy Independence and Security Act of 2007 for privatized construction projects, whether residential, administrative, or industrial.''.

SA 5616. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(2) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(3) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(4) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, which shall include information on the ongoing status of projects funded through the Commercialization Pilot Program and efforts to transition these technologies into programs of record or fielded systems.''; and

(5) in paragraph (8), as so redesignated, by striking ''fiscal year 2009'' and inserting ''fiscal year 2014''.

SA 5617. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. SMALL HIGH-TECH FIRMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2010''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2011''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, September 23, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine why diesel fuel prices have been so high, and what can be done to address the situation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to *Rosemarie Calabro@energy.senate.gov*

For further information, please contact Tara Billingsley at (202) 224–4756 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, September 16, 2008, at 10:30 a.m., in room 253V the Russell Senate Office Building.

In this hearing, the Committee will receive testimony regarding the consumer benefits of broadband service in areas such as education, job opportunities, telemedicine, and access to government resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, September 16, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 16, 2008, at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled ''Oversight Hearing on EPA's Children's Health Protection Efforts.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 16, 2008, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Aligning Incentives: The Case for Delivery System Reform.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, September 16, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on the Constitution be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Restoring the Rule of Law'' on Tuesday, September 16, 2008, at 10:15 a.m., in room SH–216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. CANTWELL. Mr. President, I ask unanimous consent that Nora Adkins, a detailee to the Committee on Homeland Security and Governmental Affairs, be granted the privilege of the floor for the remainder of the second session of the 110th Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Jerry Acosta, a military fellow in my office, be granted the privilege of the floor for the remainder of the Senate's consideration of S. 3001.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIBRARY OF CONGRESS SOUND RECORDING AND FILM PRESERVATION PROGRAMS REAUTHORIZATION ACT OF 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 5893 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5893) to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5893) was ordered to a third reading, was read the third time, and passed.

DISTRICT OF COLUMBIA AMENDMENT ACT, 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 900, H.R. 5551.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5551) to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent

defendants in the District of Columbia courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5551) was ordered to a third reading, was read the third time, and passed.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 947, S. 3023.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3023) to amend Title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 3023

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Improvement Act of 2008''.

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

Sec. 1. Short title.
Sec. 2. References to title 38, United States Code.

TITLE I—COMPENSATION AND PENSION MATTERS

Sec. 101. Regulations on contents of notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims.
Sec. 102. Judicial review of adoption and revision by the Secretary of Veterans Affairs of the schedule of ratings for disabilities of veterans.
Sec. 103. Automatic annual increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 104. Conforming amendment relating to non-deductibility from veterans' disability compensation of disability severance pay for disabilities incurred by members of the Armed Forces in combat zones.
Sec. 105. Report on progress of the Secretary of Veterans Affairs in addressing causes for variances in compensation payments for veterans for service-connected disabilities.
Sec. 106. Report on studies regarding compensation of veterans for loss of earning capacity and quality of life and on long-term transition payments to veterans undergoing rehabilitation for service-connected disabilities.

TITLE II—HOUSING MATTERS

Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 202. Enhancement of refinancing of home loans by veterans.
Sec. 203. Four-year extension of demonstration projects on adjustable rate mortgages.
Sec. 204. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with a service-connected disability.
Sec. 205. Report on impact of mortgage foreclosures on veterans.

TITLE III—LABOR AND EDUCATION MATTERS

Subtitle A—Labor and Employment Matters

Sec. 301. Waiver of 24-month limitation on program of independent living services and assistance for veterans with a severe disability incurred in the Post-9/11 Global Operations period.
Sec. 302. Reform of USERRA complaint process.
Sec. 303. Modification and expansion of reporting requirements with respect to enforcement of USERRA.
Sec. 304. Training for executive branch human resources personnel on employment and reemployment rights of members of the uniformed services.
Sec. 305. Report on the employment needs of Native American veterans living on tribal lands.
Sec. 306. Report on measures to assist and encourage veterans in completing vocational rehabilitation.

Subtitle B—Education Matters

Sec. 311. Relief for students who discontinue education because of military service.
Sec. 312. Modification of period of eligibility for Survivors' and Dependents' Educational Assistance of certain spouses of individuals with service-connected disabilities total and permanent in nature.
Sec. 313. Repeal of requirement for report to the Secretary of Veterans Affairs on prior training.
Sec. 314. Modification of waiting period before affirmation of enrollment in a correspondence course.
Sec. 315. Change of programs of education at the same educational institution.
Sec. 316. Repeal of certification requirement with respect to applications for approval of self-employment on-job training.

Subtitle C—Other Matters

Sec. 321. Designation of the Office of Small Business Programs of the Department of Veterans Affairs.

TITLE IV—COURT MATTERS

Sec. 401. Increase in number of active judges on the United States Court of Appeals for Veterans Claims.
Sec. 402. Protection of privacy and security concerns in court records.
Sec. 403. Recall of retired judges of the United States Court of Appeals for Veterans Claims.
Sec. 404. Annual reports on workload of the United States Court of Appeals for Veterans Claims.

TITLE V—INSURANCE MATTERS

Sec. 501. Report on inclusion of severe and acute Post Traumatic Stress Disorder among conditions covered by traumatic injury protection coverage under Servicemembers' Group Life Insurance.
Sec. 502. Treatment of stillborn children as insurable dependents under Servicemembers' Group Life Insurance.
Sec. 503. Other enhancements of Servicemembers' Group Life Insurance coverage.

TITLE VI—OTHER MATTERS

Sec. 601. Authority for suspension or termination of claims of the United States against individuals who died while serving on active duty in the Armed Forces.
Sec. 602. Memorial headstones and markers for deceased remarried surviving spouses of veterans.
Sec. 603. Three-year extension of authority to carry out income verification.
Sec. 604. Three-year extension of temporary authority for the performance of medical disability examinations by contract physicians.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION AND PENSION MATTERS

SEC. 101. REGULATIONS ON CONTENTS OF NOTICE TO BE PROVIDED CLAIMANTS WITH THE DEPARTMENT OF VETERANS AFFAIRS REGARDING THE SUBSTANTIATION OF CLAIMS.

(a) IN GENERAL.—Section 5103(a) is amended—

(1) by inserting ''(1)'' before ''Upon receipt''; and

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

''(2)(A) The Secretary shall prescribe in regulations requirements relating to the contents of notice to be provided under this subsection.

''(B) The regulations required by this paragraph—

''(i) shall specify different contents for notice depending on whether the claim concerned is an original claim, a claim for reopening a prior decision on a claim, or a claim for increase in benefits;

''(ii) may provide additional or alternative contents for notice if appropriate to the benefit or services sought under the claim;

''(iii) shall specify for each type of claim for benefits the general information and evidence required to substantiate the basic elements of such type of claim; and

''(iv) shall specify the time period limitations required pursuant to subsection (b).''.

(b) APPLICABILITY.—The regulations required by paragraph (2) of section 5103(a) of title 38, United States Code (as amended by subsection (a) of this section), shall apply with respect to notices provided to claimants on or after the effective date of such regulations.

SEC. 102. JUDICIAL REVIEW OF ADOPTION AND REVISION BY THE SECRETARY OF VETERANS AFFAIRS OF THE SCHEDULE OF RATINGS FOR DISABILITIES OF VETERANS.

Section 502 is amended by striking ''(other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 1155 of this title)''.

SEC. 103. AUTOMATIC ANNUAL INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) INDEXING TO SOCIAL SECURITY INCREASES.—Section 5312 is amended by adding at the end the following new subsection:

''(d)(1) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in paragraph (2), as such amounts were in effect immediately prior to the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.

''(2) The dollar amounts to be increased pursuant to paragraph (1) are the following:

''(A) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of this title.

''(B) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of this title.

''(C) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of this title.

''(D) NEW DIC RATES.—Each of the dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of this title.

''(E) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of this title.

''(F) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of this title.

''(G) ADDITIONAL DIC FOR DISABILITY.—Each of the dollar amounts in effect under sections 1311(c) and 1311(d) of this title.

''(H) DIC FOR DEPENDENT CHILDREN.—Each of the dollar amounts in effect under sections 1313(a) and 1314 of this title.

''(3) Whenever there is an increase under paragraph (1) in amounts in effect for the payment of disability compensation and dependency and indemnity compensation, the Secretary shall publish such amounts, as increased pursuant to such paragraph, in the Federal Register at the same time as the material required by section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) is published by reason of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).''.

(b) EFFECTIVE DATE.—Subsection (d) of section 5312 of title 38, United States Code, as added by subsection (a) of this section, shall take effect on December 1, 2009.

SEC. 104. CONFORMING AMENDMENT RELATING TO NON-DEDUCTIBILITY FROM VETERANS' DISABILITY COMPENSATION OF DISABILITY SEVERANCE PAY FOR DISABILITIES INCURRED BY MEMBERS OF THE ARMED FORCES IN COMBAT ZONES.

(a) CONFORMING AMENDMENT.—Section 1646 of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 472) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) CONFORMING AMENDMENT.—Section 1161 of title 38, United States Code, is amended by striking 'as required by section 1212(c) of title 10' and inserting 'to the extent required by section 1212(d) of title 10'.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 28, 2008 (the date of the enactment of the Wounded Warrior Act), as if included in that Act, to which they relate.

SEC. 105. REPORT ON PROGRESS OF THE SECRETARY OF VETERANS AFFAIRS IN ADDRESSING CAUSES FOR VARIANCES IN COMPENSATION PAYMENTS FOR VETERANS FOR SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing the progress of the Secretary in addressing the causes of unacceptable variances in compensation payments for veterans for service-connected disabilities.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of the efforts of the Veterans Benefits Administration to coordinate with the Veterans Health Administration to improve the quality of examinations of veterans with service-connected disabilities that are performed by the Veterans Health Administration and contract clinicians, including efforts relating to the use of approved templates for such examinations and of reports on such examinations that are based on such templates prepared in an easily-readable format.

(2) An assessment of the current personnel requirements of the Veterans Benefits Administration, including an assessment of the adequacy of the number of personnel assigned to each regional office of the Administration for each type of claim adjudication position.

(3) A description of the differences, if any, in current patterns of submittal rate of claims to the Secretary of Veterans Affairs regarding service-connected disabilities among various populations of veterans, including veterans living in rural and highly rural areas, minority veterans, veterans who served in the National Guard or Reserve, and veterans who are retired from the Armed Forces, and a description and assessment of efforts undertaken to eliminate such differences.

SEC. 106. REPORT ON STUDIES REGARDING COMPENSATION OF VETERANS FOR LOSS OF EARNING CAPACITY AND QUALITY OF LIFE AND ON LONG-TERM TRANSITION PAYMENTS TO VETERANS UNDERGOING REHABILITATION FOR SERVICE-CONNECTED DISABILITIES.

(a) FINDING.—Congress finds that the Secretary of Veterans Affairs entered into a contract in February 2008 to conduct two studies as follows:

(1) A study on the appropriate levels of disability compensation to be paid to veterans to compensate for loss of earning capacity and quality of life as a result of service-related disabilities.

(2) A study on the feasability and appropriate level of long-term transition payments to veterans who are separated from the Armed Forces due to disability while such veterans are undergoing rehabilitation for such disability.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall submit to Congress a report on the studies referred to in subsection (a).

(2) ELEMENTS.—The report required by this subsection shall include the following:

(A) A comprehensive description of the findings and recommendations of the studies.

(B) A description of the actions proposed to be taken by the Secretary in light of such findings and recommendations, including a description of any modification of the schedule for rating disabilities of veterans under section 1155 of title 38, United States Code, proposed to be undertaken by the Secretary and of any other modification of policy or regulations proposed to be undertaken by the Secretary.

(C) For each action proposed to be taken as described in subparagraph (B), a proposed schedule for the taking of such action, including a schedule for the commencement and completion of such action.

(D) A description of any legislative action required in order to authorize, facilitate, or enhance the taking of any action proposed to be taken as described in subparagraph (B).

(3) SUBMITTAL DATE.—The report required by this subsection shall be submitted not later than 210 days after the date of the enactment of this Act.

TITLE II—HOUSING MATTERS

SEC. 201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2011, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 202. ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS.

(a) INCLUSION OF REFINANCING LOANS AMONG LOANS SUBJECT TO GUARANTY MAXIMUM.—Section 3703(a)(1)(A)(i)(IV) is amended by inserting ''(5),'' after ''(3),''.

(b) INCREASE IN MAXIMUM PERCENTAGE OF LOAN-TO-VALUE OF REFINANCING LOANS SUBJECT TO GUARANTY.—Section 3710(b)(8) is amended by striking ''90 percent'' and inserting ''95 percent''.

SEC. 203. FOUR-YEAR EXTENSION OF DEMONSTRATION PROJECTS ON ADJUSTABLE RATE MORTGAGES.

(a) DEMONSTRATION PROJECT ON ADJUSTABLE RATE MORTGAGES.—Section 3707(a) is amended by striking ''during fiscal years 1993 through 2008'' and inserting ''during the period beginning with the beginning of fiscal year 1993 and ending at the end of fiscal year 2012''.

(b) DEMONSTRATION PROJECT ON HYBRID ADJUSTABLE RATE MORTGAGES.—Section 3707A(a) is amended by striking ''through 2008'' and inserting ''through 2012''.

SEC. 204. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH A SERVICE-CONNECTED DISABILITY.

The Secretary of Veterans Affairs may provide assistance under chapter 21 of title 38, United States Code, to a member of the Armed Forces serving on active duty who is suffering from a disability described in section 2101 of such title if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the

same extent, and subject to the same limitations, as assistance is provided to veterans under chapter 21 of such title.

SEC. 205. REPORT ON IMPACT OF MORTGAGE FORECLOSURES ON VETERANS.

(a) REPORT REQUIRED.—Not later than December 31, 2009, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the effects of mortgage foreclosures on veterans.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A general assessment of the income of veterans who have recently separated from the Armed Forces.

(2) An assessment of the effects of any lag or delay in the adjudication by the Secretary of claims of veterans for disability compensation on the capacity of veterans to maintain adequate or suitable housing.

(3) A description of the extent to which the provisions of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) protect veterans from mortgage foreclosure, and an assessment of the adequacy of such protections.

(4) A description and assessment of the adequacy of the home loan guaranty programs of the Department of Veterans Affairs, including the authorities of such programs and the assistance provided individuals in the utilization of such programs, in preventing foreclosure for veterans recently separated from the Armed Forces, and for members of the Armed Forces, who have home loans guaranteed by the Secretary.

TITLE III—LABOR AND EDUCATION MATTERS

Subtitle A—Labor and Employment Matters

SEC. 301. WAIVER OF 24-MONTH LIMITATION ON PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE FOR VETERANS WITH A SEVERE DISABILITY INCURRED IN THE POST-9/11 GLOBAL OPERATIONS PERIOD.

Section 3105(d) is amended—

(1) by striking ''Unless the Secretary'' and all that follows through ''the period of a program'' and inserting ''(1) Except as provided in paragraph (2), the period of a program''; and

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

''(2)(A) The period of a program of independent living services and assistance for a veteran under this chapter may exceed twenty-four months as follows:

''(i) If the Secretary determines that a longer period is necessary and likely to result in a substantial increase in the veteran's level of independence in daily living.

''(ii) If the veteran served on active duty during the Post-9/11 Global Operations period and has a severe disability (as determined by the Secretary for purposes of this clause) incurred or aggravated in such service.

''(B) In this paragraph, the term 'Post-9/11 Global Operations period' means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or by law.''.

SEC. 302. REFORM OF USERRA COMPLAINT PROCESS.

(a) NOTIFICATION OF RIGHTS WITH RESPECT TO COMPLAINTS.—Subsection (c) of section 4322 is amended to read as follows:

''(c)(1) Not later than five days after the Secretary receives a complaint submitted by a person under subsection (a), the Secretary shall notify such person in writing of his or her rights with respect to such complaint under this section and section 4323 or 4324, as the case may be.

''(2) The Secretary shall, upon request, provide technical assistance to a potential claimant with respect to a complaint under this subsection, and when appropriate, to such claimant's employer.''.

(b) NOTIFICATION OF RESULTS OF INVESTIGATION IN WRITING.—Subsection (e) of such section is amended by inserting ''in writing'' after ''submitted the complaint''.

(c) EXPEDITION OF ATTEMPTS TO INVESTIGATE AND RESOLVE COMPLAINTS.—Section 4322 is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) Any action required by subsections (d) and (e) with respect to a complaint submitted by a person to the Secretary under subsection (a) shall be completed by the Secretary not later than 90 days after receipt of such complaint.''.

(d) EXPEDITION OF REFERRALS.—

(1) EXPEDITION OF REFERRALS TO ATTORNEY GENERAL.—Section 4323(a)(1) is amended by inserting ''Not later than 60 days after the Secretary receives such a request with respect to a complaint, the Secretary shall refer the complaint to the Attorney General.'' after ''to the Attorney General.''.

(2) EXPEDITION OF REFERRALS TO SPECIAL COUNSEL.—Section 4324(a)(1) is amended by striking ''The Secretary shall refer'' and inserting ''Not later than 60 days after the date the Secretary receives such a request, the Secretary shall refer''.

(e) NOTIFICATION OF REPRESENTATION.—

(1) NOTIFICATION BY ATTORNEY GENERAL.—Section 4323(a) is further amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall—

''(A) make a decision whether to appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted; and

''(B) notify such person in writing of such decision.''.

(2) NOTIFICATION BY SPECIAL COUNSEL.—Subparagraph (B) of section 4324(a)(2) is amended to read as follows:

''(B) Not later than 60 days after the date the Special Counsel receives a referral under paragraph (1), the Special Counsel shall—

''(i) make a decision whether to represent a person before the Merit Systems Protection Board under subparagraph (A); and

''(ii) notify such person in writing of such decision.''.

(f) DEADLINES, STATUTES OF LIMITATIONS, AND RELATED MATTERS.—

(1) IN GENERAL.—Subchapter III of chapter 43 is amended by adding at the end the following new section:

''§ 4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations

''(a) EFFECT OF NONCOMPLIANCE OF FEDERAL OFFICIALS WITH DEADLINES.—(1) The inability of the Secretary, the Attorney General, or the Special Counsel to comply with a deadline applicable to such official under section 4322, 4323, or 4324 of this title—

''(A) shall not affect the authority of the Attorney General or the Special Counsel to represent and file an action or submit a complaint on behalf of a person under section 4323 or 4324 of this title;

''(B) shall not affect the right of a person—

''(i) to commence an action under section 4323 of this title;

''(ii) to submit a complaint under section 4324 of this title; or

''(iii) to obtain any type of assistance or relief authorized by this chapter;

''(C) shall not deprive a Federal court, the Merit Systems Protection Board, or a State court of jurisdiction over an action or complaint filed by the Attorney General, the Special Counsel, or a person under section 4323 or 4324 of this title; and

''(D) shall not constitute a defense, including a statute of limitations period, that any employer (including a State, a private employer, or a Federal executive agency) or the Office of Personnel Management may raise in an action filed by the Attorney General, the Special Counsel, or a person under section 4323 or 4324 of this title.

''(2) If the Secretary, the Attorney General, or the Special Counsel is unable to meet a deadline applicable to such official in section 4322(f), 4323(a)(1), 4323(a)(2), 4324(a)(1), or 4324(a)(2)(B) of this title, and the person agrees to an extension of time, the Secretary, the Attorney General, or the Special Counsel, as the case may be, shall complete the required action within the additional period of time agreed to by the person.

''(b) INAPPLICABILITY OF STATUTES OF LIMITATIONS.—If any person seeks to file a complaint or claim with the Secretary, the Merit Systems Protection Board, or a Federal or State court under this chapter alleging a violation of this chapter, there shall be no limit on the period for filing the complaint or claim.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 is amended by inserting after the item relating to section 4326 the following new item:

''4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations.''.

(3) CONFORMING AMENDMENT.—Section 4323 is further amended—

(A) by striking subsection (i); and

(B) by redesignating subsection (j) as subsection (i).

SEC. 303. MODIFICATION AND EXPANSION OF REPORTING REQUIREMENTS WITH RESPECT TO ENFORCEMENT OF USERRA.

(a) DATE OF ANNUAL REPORTS.—Section 4332 is amended by striking ''and no later than February 1, 2005'' and all that follows through the ''such February 1:'' and inserting '', transmit to Congress not later than July 1 each year a report on matters for the fiscal year ending in the year before the year in which such report is transmitted as follows:''.

(b) MODIFICATION OF ANNUAL REPORTS BY SECRETARY.—Such section is further amended—

(1) by striking ''The Secretary shall'' and inserting ''(a) ANNUAL REPORT BY SECRETARY.—The Secretary shall'';

(2) in paragraph (3), by inserting before the period at the end the following: ''and the number of actions initiated by the Office of Special Counsel before the Merit Systems Protection Board pursuant to section 4324 during such fiscal year'';

(3) by redesignating paragraphs (6) and (7) as paragraphs (9) and (10), respectively;

(4) by inserting after paragraph (5) the following new paragraph (8):

''(8) With respect to the cases reported on pursuant to paragraphs (1), (2), (3), (4), and (5) the number of such cases that involve persons with different occupations or persons seeking different occupations, as designated by the Standard Occupational Classification System.''.

(5) by redesignating paragraph (5) as paragraph (7);

(6) by inserting after paragraph (4) the following new paragraphs (5) and (6):

''(5) The number of cases reviewed by the Secretary and the Secretary of Defense through the National Committee for Employer Support of the Guard and Reserve of the Department of Defense that involve the same person.

''(6) With respect to the cases reported on pursuant to paragraphs (1), (2), (3), (4), and (5)—

''(A) the number of such cases that involve a disability-related issue; and

''(B) the number of such cases that involve a person who has a service-connected disability.''; and

(7) in paragraph (7), as redesignated by paragraph (5) of this subsection, by striking ''or (4)'' and inserting ''(4), or (5)''.

(c) ADDITIONAL REPORTS.—Such section is further amended by adding at the end the following new subsection:

''(b) QUARTERLY REPORTS.—

''(1) QUARTERLY REPORT BY SECRETARY.—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to Congress, the Secretary of Defense, the Attorney General, and the Special Counsel a report setting forth, for the previous full quarter, the following:

''(A) The number of cases for which the Secretary did not meet the requirements of section 4322(f) of this title.

''(B) The number of cases for which the Secretary received a request for a referral under paragraph (1) of section 4323(a) of this title but did not make such referral within the time period required by such paragraph.

''(2) QUARTERLY REPORT BY ATTORNEY GENERAL.—Not later than 30 days after the end of each fiscal quarter, the Attorney General shall submit to Congress, the Secretary, the Secretary of Defense, and the Special Counsel a report setting forth, for the previous full quarter, the number of cases for which the Attorney General received a referral under paragraph (1) of section 4323(a) of this title but did not meet the requirements of paragraph (2) of section 4323(a) of this title for such referral.

''(3) QUARTERLY REPORT BY SPECIAL COUNSEL.—Not later than 30 days after the end of each fiscal quarter, the Special Counsel shall submit to Congress, the Secretary, the Secretary of Defense, and the Attorney General a report setting forth, for the previous full quarter, the number of cases for which the Special Counsel received a referral under paragraph (1) of section 4324(a) of this title but did not meet the requirements of paragraph (2)(B) of section 4324(a) of this title for such referral.''.

(d) UNIFORM CATEGORIZATION OF DATA.—Such section is further amended by adding at the end the following new subsection:

''(c) UNIFORM CATEGORIZATION OF DATA.—The Secretary shall coordinate with the Secretary of Defense, the Attorney General, and the Special Counsel to ensure that—

''(1) the information in the reports required by this section is categorized in a uniform way; and

''(2) the Secretary, the Secretary of Defense, the Attorney General, and the Special Counsel each have electronic access to the case files reviewed under this chapter by the Secretary, the Secretary of Defense, the Attorney General, and the Special Counsel with due regard for the provisions of section 552a of title 5.''.

(e) COMPTROLLER GENERAL REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains the following:

(1) An assessment of the reliability of the data contained in the reports submitted under subsection (b) of section 4332 of title 38, United States Code (as amended by subsection (c) of this section), as of the date of such report.

(2) An assessment of the timeliness of the reports submitted under subsection (b) of section 4332 of title 38, United States Code (as so amended), as of such date.

(3) The extent to which the Secretary of Labor is meeting the timeliness requirements of subsections (c)(1) and (f) of section 4322 of title 38, United States Code (as amended by section 302 of this Act), and section 4323(a)(1) of title 38, United States Code (as so amended), as of the date of such report.

(4) The extent to which the Attorney General is meeting the timeliness requirements of section 4323(a)(2) of title 38, United States Code (as amended by section 302 of this Act), as of the date of such report.

(5) The extent to which the Special Counsel is meeting the timeliness requirements of section 4324(a)(2)(B) of title 38, United States Code (as amended by section 302 of this Act), as of the date of such report.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to each report required under section 4332 of title 38, United States Code (as amended by this section), after the date of the enactment of this Act.

SEC. 304. TRAINING FOR EXECUTIVE BRANCH HUMAN RESOURCES PERSONNEL ON EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) TRAINING REQUIRED.—Subchapter IV of chapter 43 is amended by adding at the end the following new section:

''§4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations

''(a) TRAINING REQUIRED.—The head of each Federal executive agency shall provide training for the human resources personnel of such agency on the following:

''(1) The rights, benefits, and obligations of members of the uniformed services under this chapter.

''(2) The application and administration of the requirements of this chapter by such agency with respect to such members.

''(b) CONSULTATION.—The training provided under subsection (a) shall be developed and provided in consultation with the Director of the Office of Personnel Management.

''(c) FREQUENCY.—The training under subsection (a) shall be provided with such frequency as the Director of the Office of Personnel Management shall specify in order to ensure that the human resources personnel of Federal executive agencies are kept fully and currently informed of the matters covered by the training.

''(d) HUMAN RESOURCES PERSONNEL DEFINED.—In this section, the term 'human resources personnel', in the case of a Federal executive agency, means any personnel of the agency who are authorized to recommend, take, or approve any personnel action that is subject to the requirements of this chapter with respect to employees of the agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 is amended by adding at the end the following new item:

''4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations.''.

SEC. 305. REPORT ON THE EMPLOYMENT NEEDS OF NATIVE AMERICAN VETERANS LIVING ON TRIBAL LANDS.

(a) REPORT.—Not later than December 1, 2009, the Secretary of Labor shall, in consultation with the Secretary of Veterans Affairs and the Secretary of the Interior, submit to Congress a report assessing the employment needs of Native American (American Indian, Alaska Native, Native Hawaiian, and Pacific Islander) veterans living on tribal lands, including Indian reservations, Alaska Native villages, and Hawaiian Home Lands. The report shall include—

(1) a review of current and prior government-to-government relationships between tribal organizations and the Veterans' Employment and Training Service of the Department of Labor; and

(2) recommendations for improving employment and job training opportunities for Native American veterans on tribal land, especially through the utilization of resources for veterans.

(b) TRIBAL ORGANIZATION DEFINED.—In this section, the term ''tribal organization'' has the meaning given such term in section 3765(4) of title 38, United States Code.

SEC. 306. REPORT ON MEASURES TO ASSIST AND ENCOURAGE VETERANS IN COMPLETING VOCATIONAL REHABILITATION.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on measures to assist and encourage veterans in completing vocational rehabilitation. The study shall include an identification of the following:

(1) The various factors that may prevent or preclude veterans from completing their vocational rehabilitation plans through the Department of Veterans Affairs or otherwise achieving the vocational rehabilitation objectives of such plans.

(2) The actions to be taken by the Secretary to assist and encourage veterans in overcoming the factors identified in paragraph (1) and in otherwise completing their vocational rehabilitation plans or achieving the vocational rehabilitation objectives of such plans.

(b) MATTERS TO BE EXAMINED.—In conducting the study required by subsection (a), the Secretary shall examine the following:

(1) Measures utilized in other disability systems in the United States, and in other countries, to encourage completion of vocational rehabilitation by persons covered by such systems.

(2) Any studies or survey data available to the Secretary that relates to the matters covered by the study.

(3) The extent to which disability compensation may be used as an incentive to encourage veterans to undergo and complete vocational rehabilitation.

(4) The report of the Veterans' Disability Benefits Commission established pursuant to section 1501 of the National Defense Authorization Act of 2004 (38 U.S.C. 1101 note).

(5) The report of the President's Commission on Care for America's Returning Wounded Warriors.

(6) Any other matters that the Secretary considers appropriate for purposes of the study.

(c) CONSIDERATIONS.—In conducting the study required by subsection (a), the Secretary shall consider—

(1) the extent to which bonus payments or other incentives may be used to encourage veterans to complete their vocational rehabilitation plans or otherwise achieve the vocational rehabilitation objectives of such plans; and

(2) such other matters as the Secretary considers appropriate.

(d) CONSULTATION.—In conducting the study required by subsection (a), the Secretary—

(1) shall consult with such veterans and military service organizations, and with such other public and private organizations and individuals, as the Secretary considers appropriate; and

(2) may employ consultants.

(e) REPORT.—Not later than 270 days after the commencement of the study required by subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study. The report shall include the following:

(1) The findings of the Secretary under the study.

(2) Any recommendations that the Secretary considers appropriate for actions to be taken by the Secretary in light of the study, including a proposal for such legislative or administrative action as the Secretary considers appropriate to implement the recommendations.

Subtitle B—Education Matters

SEC. 311. RELIEF FOR STUDENTS WHO DISCONTINUE EDUCATION BECAUSE OF MILITARY SERVICE.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. App. 591 et seq.) is amended by adding at the end the following new section:

"SEC. 707. TUITION, REENROLLMENT, AND STUDENT LOAN RELIEF FOR POSTSECONDARY STUDENTS CALLED TO MILITARY SERVICE.

''(a) TUITION AND REENROLLMENT.—In the case of a servicemember who because of military service discontinues a program of education at a covered institution of higher education that administers a Federal financial aid program, such institution of higher education shall—

''(1) refund to such servicemember the tuition and fees paid by such servicemember from personal funds, or from a loan, for the portion of the program of education for which such servicemember did not receive academic credit because of such military service; and

''(2) provide such servicemember an opportunity to reenroll in such program of education with the same educational and academic status such servicemember had when such servicemember discontinued such program of education because of such military service.

''(b) INTEREST RATE LIMITATION ON STUDENT LOANS.—

''(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, a student loan shall be considered an obligation or liability for the purposes of section 207.

''(2) EXCEPTION.—Subsection (c) of section 207 shall not apply to a student loan.

''(c) DEFINITIONS.—In this section:

''(1) The term 'covered institution of higher education' means a 2-year or 4-year institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) that participates in a loan program under title IV of that Act (20 U.S.C. 1070 et seq.).

''(2) The term 'Federal financial aid program' means a program providing loans made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1077 et seq., 1087a et seq., 1087aa et seq.).

''(3) The term 'student loan' means any loan, whether Federal, State, or private, to assist an individual to attend an institution of higher education, including a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1077 et seq., 1087a et seq., 1087aa et seq.).''.

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

''Sec. 707. Tuition, reenrollment, and student loan relief for postsecondary students called to military service.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect for periods of military service beginning after the date of the enactment of this section.

SEC. 312. MODIFICATION OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF CERTAIN SPOUSES OF INDIVIDUALS WITH SERVICE-CONNECTED DISABILITIES TOTAL AND PERMANENT IN NATURE.

Section 3512(b)(1) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B) or (C)'' and inserting ''subparagraph (B), (C), or (D)''; and

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

''(D) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(D)(i) of this title by reason of a service-connected disability that was determined to be a total disability permanent in nature not later than three years after discharge from service may be afforded educational assistance under this chapter during the 20-year period beginning on the date the disability was so determined to be a total disability permanent in nature, but only if the eligible person remains the spouse of the disabled person throughout the period.''.

SEC. 313. REPEAL OF REQUIREMENT FOR REPORT TO THE SECRETARY OF VETERANS AFFAIRS ON PRIOR TRAINING.

Section 3676(c)(4) is amended by striking ''and the Secretary''.

SEC. 314. MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE.

Section 3686(b) is amended by striking ''ten'' and inserting ''five''.

SEC. 315. CHANGE OF PROGRAMS OF EDUCATION AT THE SAME EDUCATIONAL INSTITUTION.

Section 3691(d) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting ''(1)'' after ''(d)'';

(3) in subparagraph (C) of paragraph (1), as redesignated by paragraphs (1) and (2) of this section, by striking ''or'' at the end;

(4) in subparagraph (D) of paragraph (1), as so redesignated, by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(E) the change from the program to another program is at the same educational institution and such educational institution determines that the new program is suitable to the aptitudes, interests, and abilities of the veteran or eligible person and certifies to the Secretary the enrollment of the veteran or eligible person in the new program.

''(2) A veteran or eligible person undergoing a change from one program of education to another program of education as described in paragraph (1)(E) shall not be required to apply to the Secretary for approval of such change.''.

SEC. 316. REPEAL OF CERTIFICATION REQUIREMENT WITH RESPECT TO APPLICATIONS FOR APPROVAL OF SELF-EMPLOYMENT ON-JOB TRAINING.

Section 3677(b) is amended by adding at the end the following new paragraph:

''(3) The requirement for certification under paragraph (1) shall not apply to training described in section 3452(e)(2) of this title.''.

Subtitle C—Other Matters

SEC. 321. DESIGNATION OF THE OFFICE OF SMALL BUSINESS PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) DESIGNATION.—The Office of Small Business Programs of the Department of Veterans Affairs is the office that is established within the Office of the Secretary of Veterans Affairs under section 15(k) of the Small Business Act (15 U.S.C. 644(k)).

(b) HEAD.—The Director of Small Business Programs is the head of the Office of Small Business Programs of the Department of Veterans Affairs.

TITLE IV—COURT MATTERS

SEC. 401. INCREASE IN NUMBER OF ACTIVE JUDGES ON THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253(a) is amended by striking ''seven judges'' and inserting ''nine judges''.

SEC. 402. PROTECTION OF PRIVACY AND SECURITY CONCERNS IN COURT RECORDS.

Section 7268 is amended by adding at the end the following new subsection:

''(c)(1) The Court shall prescribe rules, in accordance with section 7264(a) of this title, to protect privacy and security concerns relating to all filing of documents and the public availability under this subsection of documents retained by the Court or filed electronically with the Court.

''(2) The rules prescribed under paragraph (1) shall be consistent to the extent practicable with rules addressing privacy and security issues throughout the Federal courts.

''(3) The rules prescribed under paragraph (1) shall take into consideration best practices in Federal and State courts to protect private information or otherwise maintain necessary information security.''.

SEC. 403. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) REPEAL OF LIMIT ON SERVICE OF RECALLED RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) is amended by striking ''or for more than a total of 180 days (or the equivalent) during any calendar year''.

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

(1) IN GENERAL.—Section 7296(c) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans' Benefits Improvement Act of 2008 and who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title, the retired pay of the judge shall (subject to section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement, as adjusted from time to time under subsection (f)(3).

''(ii) In the case of a judge other than a recall-eligible retired judge, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(B) A judge who retired before the date of the enactment of the Veterans' Benefits Improvement Act of 2008 and elected under subsection (d) to receive retired pay under this subsection, or a judge who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection, shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

''(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.''.

(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED PAY OF NEW JUDGES WHO ARE RECALL-ELIGIBLE.—Section 7296(f)(3)(A) is amended by striking ''paragraph (2) of subsection (c)'' and inserting ''paragraph (1)(A)(i) or (2) of subsection (c)''.

(3) PAY DURING PERIOD OF RECALL.—Subsection (d) of section 7257 is amended to read as follows:

''(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

''(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge's annuity under section 7296(c)(1)(A) of this title, whichever is applicable.''.

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: ''Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.''.

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) is amended by adding at the end the following new sentence: ''This paragraph shall not apply to a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years of recalled service on the Court under this section.''.

SEC. 404. ANNUAL REPORTS ON WORKLOAD OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

''§ 7288. Annual report

''(a) IN GENERAL.—The chief judge of the Court shall submit to the appropriate committees of Congress each year a report summarizing the workload of the Court for the fiscal year ending during the preceding year.

''(b) ELEMENTS.—Each report under subsection (a) shall include, with respect to the fiscal year covered by such report, the following information:

''(1) The number of appeals filed with the Court.

''(2) The number of petitions filed with the Court.

''(3) The number of applications filed with the Court under section 2412 of title 28.

''(4) The total number of dispositions by each of the following:

''(A) The Court as a whole.

''(B) The Clerk of the Court.

''(C) A single judge of the Court.

''(D) A multi-judge panel of the Court.

''(E) The full Court.

''(5) The number of each type of disposition by the Court, including settlement, affirmation, remand, vacation, dismissal, reversal, grant, and denial.

''(6) The median time from filing an appeal to disposition by each of the following:

''(A) The Court as a whole.

''(B) The Clerk of the Court.

''(C) A single judge of the Court.

''(D) Multiple judges of the Court (including a multi-judge panel of the Court or the full Court).

''(7) The median time from filing a petition to disposition by the Court.

''(8) The median time from filing an application under section 2412 of title 28 to disposition by the Court.

''(9) The median time from the completion of briefing requirements by the parties to disposition by the Court.

''(10) The number of oral arguments before the Court.

''(11) The number of cases appealed to the United States Court of Appeals for the Federal Circuit.

''(12) The number and status of appeals and petitions pending with the Court and of applications described in paragraph (3) as of the end of such fiscal year.

''(13) The number of cases pending with the Court more than 18 months as of the end of such fiscal year.

''(14) A summary of any service performed for the Court by a recalled retired judge of the Court.

''(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7287 the following new item:

''7288. Annual report.''.

TITLE V—INSURANCE MATTERS

SEC. 501. REPORT ON INCLUSION OF SEVERE AND ACUTE POST TRAUMATIC STRESS DISORDER AMONG CONDITIONS COVERED BY TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, submit to the appropriate committees of Congress a report setting forth the assessment of the Secretary of Veterans Affairs as to the feasability and advisability of including severe and acute Post Traumatic Stress Disorder (PTSD) among the conditions covered by traumatic injury protection coverage under Servicemembers' Group Life Insurance under section 1980A of title 38, United States Code.

(b) CONSIDERATIONS.—In preparing the assessment required by subsection (a), the Secretary of Veterans Affairs shall consider the following:

(1) The advisability of providing traumatic injury protection coverage under Servicemembers' Group Life Insurance under section 1980A of title 38, United States Code, for Post Traumatic Stress Disorder incurred by a member of the Armed Forces as a direct result of military service in a combat zone that renders the member unable to carry out the daily activities of living after the member is discharged or released from military service.

(2) The unique circumstances of military service, and the unique experiences of members of the Armed Forces who are deployed to a combat zone.

(3) Any financial strain incurred by family members of members of the Armed Forces who suffer severe and acute from Post Traumatic Stress Disorder.

(4) The recovery time, and any particular difficulty of the recovery process, for recovery from severe and acute Post Traumatic Stress Disorder.

(5) Such other matters as the Secretary considers appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 502. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) TREATMENT.—Section 1965(10) is amended by adding at the end the following new subparagraph:

''(C) The member's stillborn child.''.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) is amended by striking ''section 1965(10)(B)'' in the matter preceding clause (i) and inserting ''subparagraph (B) or (C) of section 1965(10)''.

SEC. 503. OTHER ENHANCEMENTS OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Section 1967(a)(1)(C) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1967(a)(5)(C) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''; and

(B) Section 1969(g)(1)(B) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(b) REDUCTION IN PERIOD OF DEPENDENTS' COVERAGE AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking ''120 days after''.

(c) AUTHORITY TO SET PREMIUMS FOR READY RESERVISTS' SPOUSES.—Section 1969(g)(1)(B) is amended by striking ''(which shall be the same for all such members)''.

(d) FORFEITURE OF VETERANS' GROUP LIFE INSURANCE.—Section 1973 is amended by striking ''under this subchapter'' and inserting ''and Veterans' Group Life Insurance under this subchapter''.

(e) EFFECTIVE AND APPLICABILITY DATES.—

(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to Servicemembers' Group Life Insurance coverage for an insurable dependent of a member, as defined in section 1965(10) of title 38, United States Code (as amended by section 502 of this Act), that begins on or after the date of the enactment of this Act.

(3) The amendment made by subsection (c) shall take effect as if enacted on June 5, 2001, immediately after the enactment of the Veterans' Survivor Benefits Improvements Act of 2001 (Public Law 107–14; 115 Stat. 25).

(4) The amendment made by subsection (d) shall apply with respect to any act of mutiny, treason, spying, or desertion committed on or after the date of the enactment of this Act for which a person is found guilty, or with respect to refusal because of conscientious objections to perform service in, or to wear the uniform of, the Armed Forces on or after the date of the enactment of this Act.

TITLE VI—OTHER MATTERS

SEC. 601. AUTHORITY FOR SUSPENSION OR TERMINATION OF CLAIMS OF THE UNITED STATES AGAINST INDIVIDUALS WHO DIED WHILE SERVING ON ACTIVE DUTY IN THE ARMED FORCES.

(a) AUTHORITY.—Section 3711(f) of title 31, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The Secretary of Veterans Affairs may suspend or terminate an action by the Secretary under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard during a period when the Coast Guard is operating as a service in the Navy if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.''.

(b) EQUITABLE REFUND OF AMOUNTS COLLECTED.—The Secretary of Veterans Affairs may refund to the estate of such person any amount collected by the Secretary (whether before, on, or after the date of the enactment of this Act) from a person who died while serving on active duty as a member of the Armed Forces if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.

SEC. 602. MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS.

(a) IN GENERAL.—Section 2306(b)(4)(B) is amended by striking ''an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce'' and inserting ''a surviving spouse who had a subsequent remarriage''.

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

SEC. 603. THREE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION.

Section 5317(g) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

SEC. 604. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2651; 38 U.S.C. 5101 note) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

Amend the title so as to read: ''A Bill to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.''.

Mr. AKAKA. Mr. President, I am pleased that the Senate is acting on S. 3023, the proposed Veterans' Benefits Improvement Act of 2008, as reported by the Committee on Veterans' Affairs. This omnibus veterans' benefits bill will provide much needed support to our Nation's veterans. It contains six titles and 34 provisions that are designed to enhance compensation, housing, labor and education, and insurance benefits for veterans. A full explanation of the bill is available in the committee's report accompanying this legislation, Senate Report 110–449.

I believe that it is important that we view veterans' compensation, and indeed all benefits earned by veterans, as a continuing cost of war. This legislation reflects that perspective.

I will highlight a few of the provisions that I have sponsored in the legislation that is before us today.

This legislation would result in improved notices being sent to veterans concerning their claims for VA benefits. Following a number of decisions by the U.S. Court of Appeals for Veterans Claims and the U.S. Court of Appeals for the Federal Circuit, VA's notification letters to veterans about the status of their claims have become increasingly long, complex, and difficult to understand. These notification letters must be simplified, as veterans, VA, veterans' advocates, and outside review bodies have all recommended. The notices should focus on the specific type of claim presented. They should use plain and ordinary language rather than bureaucratic jargon. Veterans should not be subjected to confusing information as they seek benefits.

To further improve the VA compensation system, this legislation would end the prohibition on judicial review in the United States Court of Appeals for the Federal Circuit of matters concerning the VA rating schedule. VA issues regulations which are used to assign ratings to veterans for particular disabilities. Under current law, actions concerning the rating schedule are not subject to judicial review unless a constitutional challenge is presented. This legislation would amend the law to treat actions concerning the rating schedule in the same manner as all other actions concerning VA regulations.

I expect VA to comply with all laws passed by Congress in developing and revising the Rating Schedule. However, justice to our Nation's veterans requires that actions concerning the rating schedule be subject to the same judicial scrutiny as is available for the review of actions involving other regulations.

VA's home loan guaranty program may exempt homeowners from having to make a down payment or secure private mortgage insurance, depending on the size of the loan and the amount of the VA guaranty. In general, eligibility is extended to veterans who served on active duty for a minimum of 90 days during wartime, or 181 continuous days during peacetime, and have a discharge other than dishonorable. Members of the Guard and Reserve who have never been called to active duty must serve a total of six years in order to be eligible for the benefit. Certain surviving spouses are also eligible for the housing guaranty.

Public Law 108–454 increased VA's maximum guaranty amount to 25 percent of the Freddie Mac conforming loan limit determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, as adjusted for the year involved.

The Economic Stimulus Act of 2008, Public Law 110–185, temporarily reset the maximum limits on home loans that the Federal Housing Administration may insure and that Fannie Mae and Freddie Mac may purchase on the secondary market to 125 percent of metropolitan-area median home prices, but did so without reference to the VA home loan program. This had the effect of raising the Fannie Mae, Freddie Mac, and FHA limits to nearly $730,000, in the highest cost areas, while leaving the then-VA limit of $417,000 in place. On July 30, 2008, the Housing and Economic Recovery Act of 2008 was signed into law as Public Law 110–289. That law provided a temporary increase in the maximum guaranty amount for VA loans originated from July 30, 2008 through December 31, 2008 to the same level as provided in the Stimulus Act.

S. 3023, as amended, would extend the temporary increase in the maximum guaranty amount until December 31, 2011. This would enable more veterans to utilize their VA benefit to purchase more costly homes.

The committee bill would also increase the maximum guaranty limit for refinance loans and increase the percentage of an existing loan that VA will refinance under the VA home loan program.

Under current law, the maximum VA home loan guaranty limit for most loans in excess of $144,000 is equal to 25 percent of the Freddie Mac conforming loan limit for a single family home. Public Law 110–289 set this value at approximately $182,437 through the end of 2008. This means lenders offering loans of up to $729,750 will receive up to a 25 percent guaranty, which is typically required to place the loan on the secondary market. Under current law, this does not include regular refinance loans.

Current law limits to $36,000 the guaranty that can be used for a regular refinance loan. This restriction means VA will not guarantee a regular refinance loan over $144,000, essentially precluding a veteran from using the VA program to refinance his or her existing FHA or conventional loan in excess of that amount.

VA is also currently precluded from refinancing a loan if the homeowner does not have at least 10 percent equity in his or her home.

The committee bill would decrease the equity requirement from 10 percent to 5 percent for refinancing from an FHA loan or conventional loan to a VA-guaranteed loan. This would allow more veterans to use their VA benefit to refinance their mortgages. Many veterans do not have 10 percent equity and thus are precluded from refinancing with a VA-guaranteed home loan.

Given the anticipated number of non-VA-guaranteed adjustable rate mortgages that are approaching the reset time when payments are likely to increase, the committee believes that it is prudent to facilitate veterans refinancing to VA-guaranteed loans. In light of today's housing and home loan crises, additional refinancing options will help some veterans bridge financial gaps and allow them to stay in their homes and escape possible foreclosures. These provisions would allow more qualified veterans to refinance their home loans under the VA program.

The omnibus benefits bill would also make crucial updates to the Uniformed Services Employment and Reemployment Rights Act, which protects

servicemembers' rights to return to their prior jobs with the same wages and benefits. The provisions in the committee bill are derived from S. 2471, the proposed ''USERRA Enforcement Improvement Act of 2007,'' which Senator KENNEDY and I introduced on December 13, 2007. This legislation would ensure that federal agencies assist servicemembers in a more effective manner, by requiring the Department of Labor to investigate and refer cases in a more timely manner, and by requiring reports from the Department of Labor on their compliance with the deadlines.

Finally, the omnibus benefits bill includes a provision derived from S. 3000, the proposed ''Native American Veterans Access Act of 2008,'' which I introduced on May 8, 2008. This provision is intended to improve VA's ability to understand and respond to the needs of Native American veterans. While Native Americans are more likely to serve in uniform than the general population, many of them find cultural and geographical barriers between themselves and the benefits they earned through service. In addition, those returning to traditional homelands, especially reservation communities, frequently come home to dismal job opportunities and starved economies. The proposed bill would require a study to help us understand the employment needs of Native American veterans and how best to address them.

I thank the committee's ranking member, Senator BURR, for the agreements we have been able to reach. I truly appreciate his cooperation and that of the other members of the committee that have aided our work. I look forward to working with all those on the committee and our colleagues in the House in order to bring this legislation to final action before the end of this month.

I urge colleagues to support this important legislation that would benefit many of this Nation's nearly 24 million veterans and their families.

Mr. BURR. Mr. President, as ranking member of the Senate Committee on Veterans' Affairs, I rise today to express my support for S. 3023, the Veterans' Benefits Improvement Act of 2008. This veterans' benefits omnibus bill will make a wide assortment of improvements to benefits programs for veterans.

I commend Chairman AKAKA for his efforts in crafting this committee bill which reflects the bipartisan work of almost every member of our committee and over 30 other Senators. The result of our work is a bill with 35 provisions touching on education, vocational rehabilitation, employment, housing, compensation, insurance, memorial affairs, and other issues.

Among many other valuable provisions, this bill includes an education benefit that draws its inspiration from a North Carolinian who has become one of the foremost advocates of the needs of severely injured servicemen and women and their families. Sarah Wade, spouse of Ted Wade, an Iraq war veteran who lost his right arm and has battled the effects of severe traumatic brain injury after an explosive detonated under his Humvee in 2004, has been at her husband's side as a primary caregiver from the beginning. She quit her job to take care of Ted and has doggedly ensured that he receives the highest quality of care. It is likely that her intensive involvement in Ted's ongoing recovery will last for several more years.

Sarah's effort on behalf of her husband leaves little time for herself. Sarah would one day like to go to school. Although VA provides an educational assistance benefit for the spouses of totally disabled veterans and servicemembers, the law requires that the benefit be used within 10 years of the date the veteran receives a total disability rating. For a spouse like Sarah Wade, there is next to no time to take advantage of this benefit within that timeframe. The recovery period for a TBI-afflicted veteran—the very period that Ted needs Sarah the most—simply precludes her from pursuing that option.

In recognition of hundreds of spouses like Sarah, the Veterans' Benefits Improvement Act of 2008 would extend from 10 to 20 years the period within which certain spouses of severely disabled veterans could use their education benefits. That longer window will allow Sarah and others to focus on their first priority, the care of their injured spouses, while giving them some flexibility to pursue their educational goals later on. This provision is simply the right thing to do.

Another provision that I would like to discuss is one that would require human resource specialists in the Federal executive branch to receive training on the Uniformed Services Employment and Reemployment Rights Act or USERRA. This law provides a wide range of employment protections to veterans, future and current members of the Armed Forces, and Guard and Reserve members.

More than 60 years ago Congress recognized that those who serve our country in a time of need should be entitled to resume their civilian jobs when they return home. After Congress passed the first law providing reemployment rights to servicemen and women in 1940, President Roosevelt said these rights were part of ''the special benefits which are due to the members of our armed forces—for they 'have been compelled to make greater economic sacrifice and every other kind of sacrifice than the rest of us.' ''

As we all know, the sacrifices by this generation of servicemen and women are just as profound. In North Carolina alone, we have over 1,000 members of the Guard and Reserves currently deployed, and more than 45,000 members of the Guard and Reserves have deployed since the beginning of the War on Terror. Many left behind not only family and friends, but valued civilian careers.

For them, the modern reemployment law, the Uniformed Services Employment and Reemployment Rights Act, requires that they be given their jobs back when they return home. It also requires that they receive all the benefits and seniority that would have accumulated during their absence.

While every employer should strive to meet or exceed the requirements of USERRA, Congress has stressed that ''the Federal Government should be a model employer'' when it comes to complying with this law. In my view, this means the Federal Government should make sure that not a single returning servicemember is denied proper reinstatement to a Federal job. But unfortunately, this is not happening yet.

At a hearing last year, the Committee on Veterans' Affairs learned that the Federal executive branch continues to violate this law. Worse, these violations are often the result of lack of understanding or knowledge about what the law requires. In fact, the Assistant Secretary for Veterans' Employment and Training of the U.S. Department of Labor testified at our hearing that ''about half' of Federal USERRA cases occur because ''the Federal hiring manager just doesn't understand the law or the . . . regulations that spell out how to implement the law.''

Based on that, it seems clear that we need to do more to prevent these USERRA violations from occurring in the first place. We owe nothing less to those who have served and sacrificed so much for our nation. That is why I have championed this provision to require the head of each Federal executive agency to provide training for their human resources personnel on the rights, benefits, and obligations under USERRA. I am very pleased that this provision was included in the omnibus bill and hope it will soon become law.

The Veterans' Benefits Improvement Act of 2008 also includes a provision that would require VA to provide Congress with a plan for updating its disability rating schedule and a timeline for when changes will be made. This rating schedule—which is the cornerstone of the entire VA claims processing system—was developed in the early 1900s and about 35 percent of it has not been updated since 1945. It is riddled with outdated criteria that do not track with modern medicine. Take for example traumatic arthritis. The rating schedule requires a veteran to show proof of this condition through x-ray evidence. But doctors today would

generally diagnose the condition using more modern technology, like an MRI.

Even worse, experts have been telling us the rating schedule is not adequate for rating conditions like post-traumatic stress disorder and traumatic brain injury, which are afflicting so many of our veterans from the War on Terror. Also, experts have told us that the schedule does not adequately compensate young, severely disabled veterans; veterans with mental disabilities; and veterans who are unemployable.

To address this situation, VA has been conducting studies on the appropriate level of disability compensation to account for any loss of earning capacity and any loss of qualify of life caused by service-related disabilities. To make sure these studies don't get put on a shelf to collect dust—as has happened in the past—this bill would require VA to submit to Congress a report outlining the findings and recommendations of those studies, a list of the actions that VA plans to take in response, and a timeline for when VA plans to take those actions. My hope is that this will finally prompt the type of complete update that the VA rating schedule has needed for so long.

These are only a few of the 35 items in this bill. I am confident that each of the bill's provisions will improve the lives of and veterans, even if only in a small way. My hope is that these provisions, and others, will be passed by both Houses before Congress leaves for the year. I ask my colleagues for their support as Chairman AKAKA and I work to make sure that happens.

Mr. LEVIN. Mr. President, I further ask unanimous consent that the Akaka amendment be agreed to; that the committee's substitute amendment, as amended, be agreed to; the bill be read a third time and passed; the title amendment be agreed to; the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5614) was agreed to, as follows:

(Purpose: To strike section 311, relating to relief for students who discontinue education because of military service, and to provide a temporary increase in the number of authorized judges of the United States Court of Appeals for Veterans Claims)

Strike section 311.

Strike section 401 and insert the following:

SEC. 401. TEMPORARY INCREASE IN NUMBER OF AUTHORIZED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253 is amended by adding at the end the following new subsection:

''(i) ADDITIONAL TEMPORARY EXPANSION OF COURT.—(1) Subject to paragraph (2), effective as of December 31, 2009, the authorized number of judges of the Court specified in subsection (a) is increased by two.

''(2) Effective as of January 1, 2013, an appointment may not be made to the Court if the appointment would result in there being more judges of the Court than the authorized number of judges of the Court specified in subsection (a).''.

On page 47, between lines 20 and 21, insert the following:

''(15) An assessment of the workload of each judge of the Court, including consideration of the following:

''(A) The time required of each judge for disposition of each type of case.

''(B) The number of cases reviewed by the Court.

''(C) The average workload of other Federal judges''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 3023), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3023

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Improvement Act of 2008''.

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

Sec. 1. Short title.
Sec. 2. References to title 38, United States Code.

TITLE I—COMPENSATION AND PENSION MATTERS

Sec. 101. Regulations on contents of notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims.
Sec. 102. Judicial review of adoption and revision by the Secretary of Veterans Affairs of the schedule of ratings for disabilities of veterans.
Sec. 103. Automatic annual increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 104. Conforming amendment relating to non-deductibility from veterans' disability compensation of disability severance pay for disabilities incurred by members of the Armed Forces in combat zones.
Sec. 105. Report on progress of the Secretary of Veterans Affairs in addressing causes for variances in compensation payments for veterans for service-connected disabilities.
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TITLE II—HOUSING MATTERS

Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 202. Enhancement of refinancing of home loans by veterans.
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Sec. 204. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with a service-connected disability.
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TITLE III—LABOR AND EDUCATION MATTERS

Subtitle A—Labor and Employment Matters

Sec. 301. Waiver of 24-month limitation on program of independent living services and assistance for veterans with a severe disability incurred in the Post-9/11 Global Operations period.
Sec. 302. Reform of USERRA complaint process.
Sec. 303. Modification and expansion of reporting requirements with respect to enforcement of USERRA.
Sec. 304. Training for executive branch human resources personnel on employment and reemployment rights of members of the uniformed services.
Sec. 305. Report on the employment needs of Native American veterans living on tribal lands.
Sec. 306. Report on measures to assist and encourage veterans in completing vocational rehabilitation.

Subtitle B—Education Matters

Sec. 311. Modification of period of eligibility for Survivors' and Dependents' Educational Assistance of certain spouses of individuals with service-connected disabilities total and permanent in nature.
Sec. 312. Repeal of requirement for report to the Secretary of Veterans Affairs on prior training.
Sec. 313. Modification of waiting period before affirmation of enrollment in a correspondence course.
Sec. 314. Change of programs of education at the same educational institution.
Sec. 315. Repeal of certification requirement with respect to applications for approval of self-employment on-job training.

Subtitle C—Other Matters

Sec. 321. Designation of the Office of Small Business Programs of the Department of Veterans Affairs.

TITLE IV—COURT MATTERS

Sec. 401. Temporary increase in number of authorized judges of the United States Court of Appeals for Veterans Claims.
Sec. 402. Protection of privacy and security concerns in court records.
Sec. 403. Recall of retired judges of the United States Court of Appeals for Veterans Claims.
Sec. 404. Annual reports on workload of the United States Court of Appeals for Veterans Claims.

TITLE V—INSURANCE MATTERS

Sec. 501. Report on inclusion of severe and acute Post Traumatic Stress Disorder among conditions covered by traumatic injury protection coverage under Servicemembers' Group Life Insurance.

Sec. 502. Treatment of stillborn children as insurable dependents under Servicemembers' Group Life Insurance.
Sec. 503. Other enhancements of Servicemembers' Group Life Insurance coverage.

TITLE VI—OTHER MATTERS

Sec. 601. Authority for suspension or termination of claims of the United States against individuals who died while serving on active duty in the Armed Forces.
Sec. 602. Memorial headstones and markers for deceased remarried surviving spouses of veterans.
Sec. 603. Three-year extension of authority to carry out income verification.
Sec. 604. Three-year extension of temporary authority for the performance of medical disability examinations by contract physicians.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION AND PENSION MATTERS

SEC. 101. REGULATIONS ON CONTENTS OF NOTICE TO BE PROVIDED CLAIMANTS WITH THE DEPARTMENT OF VETERANS AFFAIRS REGARDING THE SUBSTANTIATION OF CLAIMS.

(a) IN GENERAL.—Section 5103(a) is amended—

(1) by inserting ''(1)'' before ''Upon receipt''; and

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

''(2)(A) The Secretary shall prescribe in regulations requirements relating to the contents of notice to be provided under this subsection.

''(B) The regulations required by this paragraph—

''(i) shall specify different contents for notice depending on whether the claim concerned is an original claim, a claim for reopening a prior decision on a claim, or a claim for increase in benefits;

''(ii) may provide additional or alternative contents for notice if appropriate to the benefit or services sought under the claim;

''(iii) shall specify for each type of claim for benefits the general information and evidence required to substantiate the basic elements of such type of claim; and

''(iv) shall specify the time period limitations required pursuant to subsection (b).''.

(b) APPLICABILITY.—The regulations required by paragraph (2) of section 5103(a) of title 38, United States Code (as amended by subsection (a) of this section), shall apply with respect to notices provided to claimants on or after the effective date of such regulations.

SEC. 102. JUDICIAL REVIEW OF ADOPTION AND REVISION BY THE SECRETARY OF VETERANS AFFAIRS OF THE SCHEDULE OF RATINGS FOR DISABILITIES OF VETERANS.

Section 502 is amended by striking ''(other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 1155 of this title)''.

SEC. 103. AUTOMATIC ANNUAL INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) INDEXING TO SOCIAL SECURITY INCREASES.—Section 5312 is amended by adding at the end the following new subsection:

''(d)(1) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in paragraph (2), as such amounts were in effect immediately prior to the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.

''(2) The dollar amounts to be increased pursuant to paragraph (1) are the following:

''(A) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of this title.

''(B) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of this title.

''(C) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of this title.

''(D) NEW DIC RATES.—Each of the dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of this title.

''(E) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of this title.

''(F) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of this title.

''(G) ADDITIONAL DIC FOR DISABILITY.—Each of the dollar amounts in effect under sections 1311(c) and 1311(d) of this title.

''(H) DIC FOR DEPENDENT CHILDREN.—Each of the dollar amounts in effect under sections 1313(a) and 1314 of this title.

''(3) Whenever there is an increase under paragraph (1) in amounts in effect for the payment of disability compensation and dependency and indemnity compensation, the Secretary shall publish such amounts, as increased pursuant to such paragraph, in the Federal Register at the same time as the material required by section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) is published by reason of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).''.

(b) EFFECTIVE DATE.—Subsection (d) of section 5312 of title 38, United States Code, as added by subsection (a) of this section, shall take effect on December 1, 2009.

SEC. 104. CONFORMING AMENDMENT RELATING TO NON-DEDUCTIBILITY FROM VETERANS' DISABILITY COMPENSATION OF DISABILITY SEVERANCE PAY FOR DISABILITIES INCURRED BY MEMBERS OF THE ARMED FORCES IN COMBAT ZONES.

(a) CONFORMING AMENDMENT.—Section 1646 of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 472) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) CONFORMING AMENDMENT.—Section 1161 of title 38, United States Code, is amended by striking 'as required by section 1212(c) of title 10' and inserting 'to the extent required by section 1212(d) of title 10'.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 28, 2008 (the date of the enactment of the Wounded Warrior Act), as if included in that Act, to which they relate.

SEC. 105. REPORT ON PROGRESS OF THE SECRETARY OF VETERANS AFFAIRS IN ADDRESSING CAUSES FOR VARIANCES IN COMPENSATION PAYMENTS FOR VETERANS FOR SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing the progress of the Secretary in addressing the causes of unacceptable variances in compensation payments for veterans for service-connected disabilities.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description of the efforts of the Veterans Benefits Administration to coordinate with the Veterans Health Administration to improve the quality of examinations of veterans with service-connected disabilities that are performed by the Veterans Health Administration and contract clinicians, including efforts relating to the use of approved templates for such examinations and of reports on such examinations that are based on such templates prepared in an easily-readable format.

(2) An assessment of the current personnel requirements of the Veterans Benefits Administration, including an assessment of the adequacy of the number of personnel assigned to each regional office of the Administration for each type of claim adjudication position.

(3) A description of the differences, if any, in current patterns of submittal rate of claims to the Secretary of Veterans Affairs regarding service-connected disabilities among various populations of veterans, including veterans living in rural and highly rural areas, minority veterans, veterans who served in the National Guard or Reserve, and veterans who are retired from the Armed Forces, and a description and assessment of efforts undertaken to eliminate such differences.

SEC. 106. REPORT ON STUDIES REGARDING COMPENSATION OF VETERANS FOR LOSS OF EARNING CAPACITY AND QUALITY OF LIFE AND ON LONG-TERM TRANSITION PAYMENTS TO VETERANS UNDERGOING REHABILITATION FOR SERVICE-CONNECTED DISABILITIES.

(a) FINDING.—Congress finds that the Secretary of Veterans Affairs entered into a contract in February 2008 to conduct two studies as follows:

(1) A study on the appropriate levels of disability compensation to be paid to veterans to compensate for loss of earning capacity and quality of life as a result of service-related disabilities.

(2) A study on the feasability and appropriate level of long-term transition payments to veterans who are separated from the Armed Forces due to disability while such veterans are undergoing rehabilitation for such disability.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall submit to Congress a report on the studies referred to in subsection (a).

(2) ELEMENTS.—The report required by this subsection shall include the following:

(A) A comprehensive description of the findings and recommendations of the studies.

(B) A description of the actions proposed to be taken by the Secretary in light of such findings and recommendations, including a description of any modification of the schedule for rating disabilities of veterans under section 1155 of title 38, United States Code, proposed to be undertaken by the Secretary and of any other modification of policy or regulations proposed to be undertaken by the Secretary.

(C) For each action proposed to be taken as described in subparagraph (B), a proposed schedule for the taking of such action, including a schedule for the commencement and completion of such action.

(D) A description of any legislative action required in order to authorize, facilitate, or enhance the taking of any action proposed to be taken as described in subparagraph (B).

(3) SUBMITTAL DATE.—The report required by this subsection shall be submitted not later than 210 days after the date of the enactment of this Act.

TITLE II—HOUSING MATTERS

SEC. 201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2011, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 202. ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS.

(a) INCLUSION OF REFINANCING LOANS AMONG LOANS SUBJECT TO GUARANTY MAXIMUM.—Section 3703(a)(1)(A)(i)(IV) is amended by inserting ''(5),'' after ''(3),''.

(b) INCREASE IN MAXIMUM PERCENTAGE OF LOAN-TO-VALUE OF REFINANCING LOANS SUBJECT TO GUARANTY.—Section 3710(b)(8) is amended by striking ''90 percent'' and inserting ''95 percent''.

SEC. 203. FOUR-YEAR EXTENSION OF DEMONSTRATION PROJECTS ON ADJUSTABLE RATE MORTGAGES.

(a) DEMONSTRATION PROJECT ON ADJUSTABLE RATE MORTGAGES.—Section 3707(a) is amended by striking ''during fiscal years 1993 through 2008'' and inserting ''during the period beginning with the beginning of fiscal year 1993 and ending at the end of fiscal year 2012''.

(b) DEMONSTRATION PROJECT ON HYBRID ADJUSTABLE RATE MORTGAGES.—Section 3707A(a) is amended by striking ''through 2008'' and inserting ''through 2012''.

SEC. 204. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH A SERVICE-CONNECTED DISABILITY.

The Secretary of Veterans Affairs may provide assistance under chapter 21 of title 38, United States Code, to a member of the Armed Forces serving on active duty who is suffering from a disability described in section 2101 of such title if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent, and subject to the same limitations, as assistance is provided to veterans under chapter 21 of such title.

SEC. 205. REPORT ON IMPACT OF MORTGAGE FORECLOSURES ON VETERANS.

(a) REPORT REQUIRED.—Not later than December 31, 2009, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the effects of mortgage foreclosures on veterans.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A general assessment of the income of veterans who have recently separated from the Armed Forces.

(2) An assessment of the effects of any lag or delay in the adjudication by the Secretary of claims of veterans for disability compensation on the capacity of veterans to maintain adequate or suitable housing.

(3) A description of the extent to which the provisions of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) protect veterans from mortgage foreclosure, and an assessment of the adequacy of such protections.

(4) A description and assessment of the adequacy of the home loan guaranty programs of the Department of Veterans Affairs, including the authorities of such programs and the assistance provided individuals in the utilization of such programs, in preventing foreclosure for veterans recently separated from the Armed Forces, and for members of the Armed Forces, who have home loans guaranteed by the Secretary.

TITLE III—LABOR AND EDUCATION MATTERS

Subtitle A—Labor and Employment Matters

SEC. 301. WAIVER OF 24-MONTH LIMITATION ON PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE FOR VETERANS WITH A SEVERE DISABILITY INCURRED IN THE POST-9/11 GLOBAL OPERATIONS PERIOD.

Section 3105(d) is amended—

(1) by striking ''Unless the Secretary'' and all that follows through ''the period of a program'' and inserting ''(1) Except as provided in paragraph (2), the period of a program''; and

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

''(2)(A) The period of a program of independent living services and assistance for a veteran under this chapter may exceed twenty-four months as follows:

''(i) If the Secretary determines that a longer period is necessary and likely to result in a substantial increase in the veteran's level of independence in daily living.

''(ii) If the veteran served on active duty during the Post-9/11 Global Operations period and has a severe disability (as determined by the Secretary for purposes of this clause) incurred or aggravated in such service.

''(B) In this paragraph, the term 'Post-9/11 Global Operations period' means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or by law.''.

SEC. 302. REFORM OF USERRA COMPLAINT PROCESS.

(a) NOTIFICATION OF RIGHTS WITH RESPECT TO COMPLAINTS.—Subsection (c) of section 4322 is amended to read as follows:

''(c)(1) Not later than five days after the Secretary receives a complaint submitted by a person under subsection (a), the Secretary shall notify such person in writing of his or her rights with respect to such complaint under this section and section 4323 or 4324, as the case may be.

''(2) The Secretary shall, upon request, provide technical assistance to a potential claimant with respect to a complaint under this subsection, and when appropriate, to such claimant's employer.''.

(b) NOTIFICATION OF RESULTS OF INVESTIGATION IN WRITING.—Subsection (e) of such section is amended by inserting ''in writing'' after ''submitted the complaint''.

(c) EXPEDITION OF ATTEMPTS TO INVESTIGATE AND RESOLVE COMPLAINTS.—Section 4322 is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) Any action required by subsections (d) and (e) with respect to a complaint submitted by a person to the Secretary under subsection (a) shall be completed by the Secretary not later than 90 days after receipt of such complaint.''.

(d) EXPEDITION OF REFERRALS.—

(1) EXPEDITION OF REFERRALS TO ATTORNEY GENERAL.—Section 4323(a)(1) is amended by inserting ''Not later than 60 days after the Secretary receives such a request with respect to a complaint, the Secretary shall refer the complaint to the Attorney General.'' after ''to the Attorney General.''.

(2) EXPEDITION OF REFERRALS TO SPECIAL COUNSEL.—Section 4324(a)(1) is amended by striking ''The Secretary shall refer'' and inserting ''Not later than 60 days after the date the Secretary receives such a request, the Secretary shall refer''.

(e) NOTIFICATION OF REPRESENTATION.—

(1) NOTIFICATION BY ATTORNEY GENERAL.—Section 4323(a) is further amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall—

''(A) make a decision whether to appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted; and

''(B) notify such person in writing of such decision.''.

(2) NOTIFICATION BY SPECIAL COUNSEL.—Subparagraph (B) of section 4324(a)(2) is amended to read as follows:

''(B) Not later than 60 days after the date the Special Counsel receives a referral under paragraph (1), the Special Counsel shall—

''(i) make a decision whether to represent a person before the Merit Systems Protection Board under subparagraph (A); and

''(ii) notify such person in writing of such decision.''.

(f) DEADLINES, STATUTES OF LIMITATIONS, AND RELATED MATTERS.—

(1) IN GENERAL.—Subchapter III of chapter 43 is amended by adding at the end the following new section:

''§ 4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations

''(a) EFFECT OF NONCOMPLIANCE OF FEDERAL OFFICIALS WITH DEADLINES.—(1) The inability of the Secretary, the Attorney General, or the Special Counsel to comply with a deadline applicable to such official under section 4322, 4323, or 4324 of this title—

''(A) shall not affect the authority of the Attorney General or the Special Counsel to represent and file an action or submit a complaint on behalf of a person under section 4323 or 4324 of this title;

''(B) shall not affect the right of a person—

''(i) to commence an action under section 4323 of this title;

''(ii) to submit a complaint under section 4324 of this title; or

''(iii) to obtain any type of assistance or relief authorized by this chapter;

''(C) shall not deprive a Federal court, the Merit Systems Protection Board, or a State court of jurisdiction over an action or complaint filed by the Attorney General, the Special Counsel, or a person under section 4323 or 4324 of this title; and

''(D) shall not constitute a defense, including a statute of limitations period, that any employer (including a State, a private employer, or a Federal executive agency) or the Office of Personnel Management may raise in an action filed by the Attorney General, the Special Counsel, or a person under section 4323 or 4324 of this title.

''(2) If the Secretary, the Attorney General, or the Special Counsel is unable to meet a deadline applicable to such official in section 4322(f), 4323(a)(1), 4323(a)(2), 4324(a)(1), or 4324(a)(2)(B) of this title, and the person agrees to an extension of time, the Secretary, the Attorney General, or the Special Counsel, as the case may be, shall complete the required action within the additional period of time agreed to by the person.

''(b) INAPPLICABILITY OF STATUTES OF LIMITATIONS.—If any person seeks to file a complaint or claim with the Secretary, the Merit Systems Protection Board, or a Federal or State court under this chapter alleging a violation of this chapter, there shall be no limit on the period for filing the complaint or claim.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 is amended by inserting after the item relating to section 4326 the following new item:

''4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations.''.

(3) CONFORMING AMENDMENT.—Section 4323 is further amended—

(A) by striking subsection (i); and

(B) by redesignating subsection (j) as subsection (i).

SEC. 303. MODIFICATION AND EXPANSION OF REPORTING REQUIREMENTS WITH RESPECT TO ENFORCEMENT OF USERRA.

(a) DATE OF ANNUAL REPORTS.—Section 4332 is amended by striking ''and no later than February 1, 2005'' and all that follows through the ''such February 1:'' and inserting '', transmit to Congress not later than July 1 each year a report on matters for the fiscal year ending in the year before the year in which such report is transmitted as follows:''.

(b) MODIFICATION OF ANNUAL REPORTS BY SECRETARY.—Such section is further amended—

(1) by striking ''The Secretary shall'' and inserting ''(a) ANNUAL REPORT BY SECRETARY.—The Secretary shall'';

(2) in paragraph (3), by inserting before the period at the end the following: ''and the number of actions initiated by the Office of Special Counsel before the Merit Systems Protection Board pursuant to section 4324 during such fiscal year'';

(3) by redesignating paragraphs (6) and (7) as paragraphs (9) and (10), respectively;

(4) by inserting after paragraph (5) the following new paragraph (8):

''(8) With respect to the cases reported on pursuant to paragraphs (1), (2), (3), (4), and (5) the number of such cases that involve persons with different occupations or persons seeking different occupations, as designated by the Standard Occupational Classification System.''.

(5) by redesignating paragraph (5) as paragraph (7);

(6) by inserting after paragraph (4) the following new paragraphs (5) and (6):

''(5) The number of cases reviewed by the Secretary and the Secretary of Defense through the National Committee for Employer Support of the Guard and Reserve of the Department of Defense that involve the same person.

''(6) With respect to the cases reported on pursuant to paragraphs (1), (2), (3), (4), and (5)—

''(A) the number of such cases that involve a disability-related issue; and

''(B) the number of such cases that involve a person who has a service-connected disability.''; and

(7) in paragraph (7), as redesignated by paragraph (5) of this subsection, by striking ''or (4)'' and inserting ''(4), or (5)''.

(c) ADDITIONAL REPORTS.—Such section is further amended by adding at the end the following new subsection:

''(b) QUARTERLY REPORTS.—

''(1) QUARTERLY REPORT BY SECRETARY.—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to Congress, the Secretary of Defense, the Attorney General, and the Special Counsel a report setting forth, for the previous full quarter, the following:

''(A) The number of cases for which the Secretary did not meet the requirements of section 4322(f) of this title.

''(B) The number of cases for which the Secretary received a request for a referral under paragraph (1) of section 4323(a) of this title but did not make such referral within the time period required by such paragraph.

''(2) QUARTERLY REPORT BY ATTORNEY GENERAL.—Not later than 30 days after the end of each fiscal quarter, the Attorney General shall submit to Congress, the Secretary, the Secretary of Defense, and the Special Counsel a report setting forth, for the previous full quarter, the number of cases for which the Attorney General received a referral under paragraph (1) of section 4323(a) of this title but did not meet the requirements of paragraph (2) of section 4323(a) of this title for such referral.

''(3) QUARTERLY REPORT BY SPECIAL COUNSEL.—Not later than 30 days after the end of each fiscal quarter, the Special Counsel shall submit to Congress, the Secretary, the Secretary of Defense, and the Attorney General a report setting forth, for the previous full quarter, the number of cases for which the Special Counsel received a referral under paragraph (1) of section 4324(a) of this title but did not meet the requirements of paragraph (2)(B) of section 4324(a) of this title for such referral.''.

(d) UNIFORM CATEGORIZATION OF DATA.—Such section is further amended by adding at the end the following new subsection:

''(c) UNIFORM CATEGORIZATION OF DATA.—The Secretary shall coordinate with the Secretary of Defense, the Attorney General, and the Special Counsel to ensure that—

''(1) the information in the reports required by this section is categorized in a uniform way; and

''(2) the Secretary, the Secretary of Defense, the Attorney General, and the Special Counsel each have electronic access to the case files reviewed under this chapter by the Secretary, the Secretary of Defense, the Attorney General, and the Special Counsel with due regard for the provisions of section 552a of title 5.''.

(e) COMPTROLLER GENERAL REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains the following:

(1) An assessment of the reliability of the data contained in the reports submitted under subsection (b) of section 4332 of title 38, United States Code (as amended by subsection (c) of this section), as of the date of such report.

(2) An assessment of the timeliness of the reports submitted under subsection (b) of section 4332 of title 38, United States Code (as so amended), as of such date.

(3) The extent to which the Secretary of Labor is meeting the timeliness requirements of subsections (c)(1) and (f) of section 4322 of title 38, United States Code (as amended by section 302 of this Act), and section 4323(a)(1) of title 38, United States Code (as so amended), as of the date of such report.

(4) The extent to which the Attorney General is meeting the timeliness requirements of section 4323(a)(2) of title 38, United States Code (as amended by section 302 of this Act), as of the date of such report.

(5) The extent to which the Special Counsel is meeting the timeliness requirements of section 4324(a)(2)(B) of title 38, United States Code (as amended by section 302 of this Act), as of the date of such report.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to each report required under section 4332 of title 38, United States Code (as amended by this section), after the date of the enactment of this Act.

SEC. 304. TRAINING FOR EXECUTIVE BRANCH HUMAN RESOURCES PERSONNEL ON EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) TRAINING REQUIRED.—Subchapter IV of chapter 43 is amended by adding at the end the following new section:

''§ 4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations

''(a) TRAINING REQUIRED.—The head of each Federal executive agency shall provide training for the human resources personnel of such agency on the following:

''(1) The rights, benefits, and obligations of members of the uniformed services under this chapter.

''(2) The application and administration of the requirements of this chapter by such agency with respect to such members.

''(b) CONSULTATION.—The training provided under subsection (a) shall be developed and provided in consultation with the Director of the Office of Personnel Management.

''(c) FREQUENCY.—The training under subsection (a) shall be provided with such frequency as the Director of the Office of Personnel Management shall specify in order to ensure that the human resources personnel of Federal executive agencies are kept fully and currently informed of the matters covered by the training.

''(d) HUMAN RESOURCES PERSONNEL DEFINED.—In this section, the term 'human resources personnel', in the case of a Federal executive agency, means any personnel of the agency who are authorized to recommend, take, or approve any personnel action that is subject to the requirements of

this chapter with respect to employees of the agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 is amended by adding at the end the following new item:

''4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations.''.

SEC. 305. REPORT ON THE EMPLOYMENT NEEDS OF NATIVE AMERICAN VETERANS LIVING ON TRIBAL LANDS.

(a) REPORT.—Not later than December 1, 2009, the Secretary of Labor shall, in consultation with the Secretary of Veterans Affairs and the Secretary of the Interior, submit to Congress a report assessing the employment needs of Native American (American Indian, Alaska Native, Native Hawaiian, and Pacific Islander) veterans living on tribal lands, including Indian reservations, Alaska Native villages, and Hawaiian Home Lands. The report shall include—

(1) a review of current and prior government-to-government relationships between tribal organizations and the Veterans' Employment and Training Service of the Department of Labor; and

(2) recommendations for improving employment and job training opportunities for Native American veterans on tribal land, especially through the utilization of resources for veterans.

(b) TRIBAL ORGANIZATION DEFINED.—In this section, the term ''tribal organization'' has the meaning given such term in section 3765(4) of title 38, United States Code.

SEC. 306. REPORT ON MEASURES TO ASSIST AND ENCOURAGE VETERANS IN COMPLETING VOCATIONAL REHABILITATION.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on measures to assist and encourage veterans in completing vocational rehabilitation. The study shall include an identification of the following:

(1) The various factors that may prevent or preclude veterans from completing their vocational rehabilitation plans through the Department of Veterans Affairs or otherwise achieving the vocational rehabilitation objectives of such plans.

(2) The actions to be taken by the Secretary to assist and encourage veterans in overcoming the factors identified in paragraph (1) and in otherwise completing their vocational rehabilitation plans or achieving the vocational rehabilitation objectives of such plans.

(b) MATTERS TO BE EXAMINED.—In conducting the study required by subsection (a), the Secretary shall examine the following:

(1) Measures utilized in other disability systems in the United States, and in other countries, to encourage completion of vocational rehabilitation by persons covered by such systems.

(2) Any studies or survey data available to the Secretary that relates to the matters covered by the study.

(3) The extent to which disability compensation may be used as an incentive to encourage veterans to undergo and complete vocational rehabilitation.

(4) The report of the Veterans' Disability Benefits Commission established pursuant to section 1501 of the National Defense Authorization Act of 2004 (38 U.S.C. 1101 note).

(5) The report of the President's Commission on Care for America's Returning Wounded Warriors.

(6) Any other matters that the Secretary considers appropriate for purposes of the study.

(c) CONSIDERATIONS.—In conducting the study required by subsection (a), the Secretary shall consider—

(1) the extent to which bonus payments or other incentives may be used to encourage veterans to complete their vocational rehabilitation plans or otherwise achieve the vocational rehabilitation objectives of such plans; and

(2) such other matters as the Secretary considers appropriate.

(d) CONSULTATION.—In conducting the study required by subsection (a), the Secretary—

(1) shall consult with such veterans and military service organizations, and with such other public and private organizations and individuals, as the Secretary considers appropriate; and

(2) may employ consultants.

(e) REPORT.—Not later than 270 days after the commencement of the study required by subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the study. The report shall include the following:

(1) The findings of the Secretary under the study.

(2) Any recommendations that the Secretary considers appropriate for actions to be taken by the Secretary in light of the study, including a proposal for such legislative or administrative action as the Secretary considers appropriate to implement the recommendations.

Subtitle B—Education Matters

SEC. 311. MODIFICATION OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF CERTAIN SPOUSES OF INDIVIDUALS WITH SERVICE-CONNECTED DISABILITIES TOTAL AND PERMANENT IN NATURE.

Section 3512(b)(1) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B) or (C)'' and inserting ''subparagraph (B), (C), or (D)''; and

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

''(D) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(D)(i) of this title by reason of a service-connected disability that was determined to be a total disability permanent in nature not later than three years after discharge from service may be afforded educational assistance under this chapter during the 20-year period beginning on the date the disability was so determined to be a total disability permanent in nature, but only if the eligible person remains the spouse of the disabled person throughout the period.''.

SEC. 312. REPEAL OF REQUIREMENT FOR REPORT TO THE SECRETARY OF VETERANS AFFAIRS ON PRIOR TRAINING.

Section 3676(c)(4) is amended by striking ''and the Secretary''.

SEC. 313. MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE.

Section 3686(b) is amended by striking ''ten'' and inserting ''five''.

SEC. 314. CHANGE OF PROGRAMS OF EDUCATION AT THE SAME EDUCATIONAL INSTITUTION.

Section 3691(d) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting ''(1)'' after ''(d)'';

(3) in subparagraph (C) of paragraph (1), as redesignated by paragraphs (1) and (2) of this section, by striking ''or'' at the end;

(4) in subparagraph (D) of paragraph (1), as so redesignated, by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(E) the change from the program to another program is at the same educational institution and such educational institution determines that the new program is suitable to the aptitudes, interests, and abilities of the veteran or eligible person and certifies to the Secretary the enrollment of the veteran or eligible person in the new program.

''(2) A veteran or eligible person undergoing a change from one program of education to another program of education as described in paragraph (1)(E) shall not be required to apply to the Secretary for approval of such change.''.

SEC. 315. REPEAL OF CERTIFICATION REQUIREMENT WITH RESPECT TO APPLICATIONS FOR APPROVAL OF SELF-EMPLOYMENT ON-JOB TRAINING.

Section 3677(b) is amended by adding at the end the following new paragraph:

''(3) The requirement for certification under paragraph (1) shall not apply to training described in section 3452(e)(2) of this title.''.

Subtitle C—Other Matters

SEC. 321. DESIGNATION OF THE OFFICE OF SMALL BUSINESS PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) DESIGNATION.—The Office of Small Business Programs of the Department of Veterans Affairs is the office that is established within the Office of the Secretary of Veterans Affairs under section 15(k) of the Small Business Act (15 U.S.C. 644(k)).

(b) HEAD.—The Director of Small Business Programs is the head of the Office of Small Business Programs of the Department of Veterans Affairs.

TITLE IV—COURT MATTERS

SEC. 401. TEMPORARY INCREASE IN NUMBER OF AUTHORIZED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253 is amended by adding at the end the following new subsection:

''(i) ADDITIONAL TEMPORARY EXPANSION OF COURT.—(1) Subject to paragraph (2), effective as of December 31, 2009, the authorized number of judges of the Court specified in subsection (a) is increased by two.

''(2) Effective as of January 1, 2013, an appointment may not be made to the Court if the appointment would result in there being more judges of the Court than the authorized number of judges of the Court specified in subsection (a).''.

SEC. 402. PROTECTION OF PRIVACY AND SECURITY CONCERNS IN COURT RECORDS.

Section 7268 is amended by adding at the end the following new subsection:

''(c)(1) The Court shall prescribe rules, in accordance with section 7264(a) of this title, to protect privacy and security concerns relating to all filing of documents and the public availability under this subsection of documents retained by the Court or filed electronically with the Court.

''(2) The rules prescribed under paragraph (1) shall be consistent to the extent practicable with rules addressing privacy and security issues throughout the Federal courts.

''(3) The rules prescribed under paragraph (1) shall take into consideration best practices in Federal and State courts to protect private information or otherwise maintain necessary information security.''.

SEC. 403. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) REPEAL OF LIMIT ON SERVICE OF RECALLED RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) is amended by striking ''or for more than a total of 180 days (or the equivalent) during any calendar year''.

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

(1) IN GENERAL.—Section 7296(c) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans' Benefits Improvement Act of 2008 and who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title, the retired pay of the judge shall (subject to section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement, as adjusted from time to time under subsection (f)(3).

''(ii) In the case of a judge other than a recall-eligible retired judge, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(B) A judge who retired before the date of the enactment of the Veterans' Benefits Improvement Act of 2008 and elected under subsection (d) to receive retired pay under this subsection, or a judge who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection, shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

''(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.''.

(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED PAY OF NEW JUDGES WHO ARE RECALL-ELIGIBLE.—Section 7296(f)(3)(A) is amended by striking ''paragraph (2) of subsection (c)'' and inserting ''paragraph (1)(A)(i) or (2) of subsection (c)''.

(3) PAY DURING PERIOD OF RECALL.—Subsection (d) of section 7257 is amended to read as follows:

''(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

''(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge's annuity under section 7296(c)(1)(A) of this title, whichever is applicable.''.

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: ''Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.''.

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) is amended by adding at the end the following new sentence: ''This paragraph shall not apply to a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years of recalled service on the Court under this section.''.

SEC. 404. ANNUAL REPORTS ON WORKLOAD OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

''§7288. Annual report

''(a) IN GENERAL.—The chief judge of the Court shall submit to the appropriate committees of Congress each year a report summarizing the workload of the Court for the fiscal year ending during the preceding year.

''(b) ELEMENTS.—Each report under subsection (a) shall include, with respect to the fiscal year covered by such report, the following information:

''(1) The number of appeals filed with the Court.

''(2) The number of petitions filed with the Court.

''(3) The number of applications filed with the Court under section 2412 of title 28.

''(4) The total number of dispositions by each of the following:

''(A) The Court as a whole.

''(B) The Clerk of the Court.

''(C) A single judge of the Court.

''(D) A multi-judge panel of the Court.

''(E) The full Court.

''(5) The number of each type of disposition by the Court, including settlement, affirmation, remand, vacation, dismissal, reversal, grant, and denial.

''(6) The median time from filing an appeal to disposition by each of the following:

''(A) The Court as a whole.

''(B) The Clerk of the Court.

''(C) A single judge of the Court.

''(D) Multiple judges of the Court (including a multi-judge panel of the Court or the full Court).

''(7) The median time from filing a petition to disposition by the Court.

''(8) The median time from filing an application under section 2412 of title 28 to disposition by the Court.

''(9) The median time from the completion of briefing requirements by the parties to disposition by the Court.

''(10) The number of oral arguments before the Court.

''(11) The number of cases appealed to the United States Court of Appeals for the Federal Circuit.

''(12) The number and status of appeals and petitions pending with the Court and of applications described in paragraph (3) as of the end of such fiscal year.

''(13) The number of cases pending with the Court more than 18 months as of the end of such fiscal year.

''(14) A summary of any service performed for the Court by a recalled retired judge of the Court.

''(15) An assessment of the workload of each judge of the Court, including consideration of the following:

''(A) The time required of each judge for disposition of each type of case.

''(B) The number of cases reviewed by the Court.

''(C) The average workload of other Federal judges.

''(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7287 the following new item:

''7288. Annual report.''.

TITLE V—INSURANCE MATTERS

SEC. 501. REPORT ON INCLUSION OF SEVERE AND ACUTE POST TRAUMATIC STRESS DISORDER AMONG CONDITIONS COVERED BY TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, submit to the appropriate committees of Congress a report setting forth the assessment of the Secretary of Veterans Affairs as to the feasability and advisability of including severe and acute Post Traumatic Stress Disorder (PTSD) among the conditions covered by traumatic injury protection coverage under Servicemembers' Group Life Insurance under section 1980A of title 38, United States Code.

(b) CONSIDERATIONS.—In preparing the assessment required by subsection (a), the Secretary of Veterans Affairs shall consider the following:

(1) The advisability of providing traumatic injury protection coverage under Servicemembers' Group Life Insurance under section 1980A of title 38, United States Code, for Post Traumatic Stress Disorder incurred by a member of the Armed Forces as a direct result of military service in a combat zone that renders the member unable to carry out the daily activities of living after the member is discharged or released from military service.

(2) The unique circumstances of military service, and the unique experiences of members of the Armed Forces who are deployed to a combat zone.

(3) Any financial strain incurred by family members of members of the Armed Forces who suffer severe and acute from Post Traumatic Stress Disorder.

(4) The recovery time, and any particular difficulty of the recovery process, for recovery from severe and acute Post Traumatic Stress Disorder.

(5) Such other matters as the Secretary considers appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 502. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) TREATMENT.—Section 1965(10) is amended by adding at the end the following new subparagraph:

''(C) The member's stillborn child.''.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) is amended by striking ''section 1965(10)(B)'' in the matter preceding clause (i) and inserting ''subparagraph (B) or (C) of section 1965(10)''.

SEC. 503. OTHER ENHANCEMENTS OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Section 1967(a)(1)(C) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1967(a)(5)(C) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''; and

(B) Section 1969(g)(1)(B) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(b) REDUCTION IN PERIOD OF DEPENDENTS' COVERAGE AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking ''120 days after''.

(c) AUTHORITY TO SET PREMIUMS FOR READY RESERVISTS' SPOUSES.—Section 1969(g)(1)(B) is amended by striking ''(which shall be the same for all such members)''.

(d) FORFEITURE OF VETERANS' GROUP LIFE INSURANCE.—Section 1973 is amended by striking ''under this subchapter'' and inserting ''and Veterans' Group Life Insurance under this subchapter''.

(e) EFFECTIVE AND APPLICABILITY DATES.—

(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to Servicemembers' Group Life Insurance coverage for an insurable dependent of a member, as defined in section 1965(10) of title 38, United States Code (as amended by section 502 of this Act), that begins on or after the date of the enactment of this Act.

(3) The amendment made by subsection (c) shall take effect as if enacted on June 5, 2001, immediately after the enactment of the Veterans' Survivor Benefits Improvements Act of 2001 (Public Law 107–14; 115 Stat. 25).

(4) The amendment made by subsection (d) shall apply with respect to any act of mutiny, treason, spying, or desertion committed on or after the date of the enactment of this Act for which a person is found guilty, or with respect to refusal because of conscientious objections to perform service in, or to wear the uniform of, the Armed Forces on or after the date of the enactment of this Act.

TITLE VI—OTHER MATTERS

SEC. 601. AUTHORITY FOR SUSPENSION OR TERMINATION OF CLAIMS OF THE UNITED STATES AGAINST INDIVIDUALS WHO DIED WHILE SERVING ON ACTIVE DUTY IN THE ARMED FORCES.

(a) AUTHORITY.—Section 3711(f) of title 31, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The Secretary of Veterans Affairs may suspend or terminate an action by the Secretary under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard during a period when the Coast Guard is operating as a service in the Navy if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.''.

(b) EQUITABLE REFUND OF AMOUNTS COLLECTED.—The Secretary of Veterans Affairs may refund to the estate of such person any amount collected by the Secretary (whether before, on, or after the date of the enactment of this Act) from a person who died while serving on active duty as a member of the Armed Forces if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.

SEC. 602. MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS.

(a) IN GENERAL.—Section 2306(b)(4)(B) is amended by striking ''an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce'' and inserting ''a surviving spouse who had a subsequent remarriage''.

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

SEC. 603. THREE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION.

Section 5317(g) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

SEC. 604. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2651; 38 U.S.C. 5101 note) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

The title was amended so as to read:

A Bill to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.

CONGRATULATING LATVIA ON 90TH ANNIVERSARY OF DECLARATION OF INDEPENDENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 87, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 87) congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LEVIN. Mr. President, I further ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 87) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 87

Whereas, on November 18, 1918, in the City of Riga, the members of the People's Council proclaimed Latvia a free, democratic, and sovereign nation;

Whereas, on July 24, 1922, the United States formally recognized Latvia as an independent and sovereign nation;

Whereas Latvia existed for 21 years as an independent and sovereign nation and a fully recognized member of the League of Nations;

Whereas Latvia maintained friendly and stable relations with its neighbors, including the Soviet Union, during its independence, without any border disputes;

Whereas Latvia concluded several peace treaties and protocols with the Soviet Union, including a peace treaty signed on August 11, 1920, under which the Soviet Union ''unreservedly recognize[d] the independence and sovereignty of the Latvian State and forever renounce[d] all sovereign rights . . . over the Latvian people and territory'';

Whereas, despite friendly and mutually productive relations between Latvia and the Soviet Union, on August 23, 1939, Nazi Germany and the Soviet Union signed the Molotov-Ribbentrop Pact, which contained a secret protocol assigning Latvia, Estonia, and Lithuania to the Soviet sphere of influence;

Whereas, under the cover of the Molotov-Ribbentrop Pact, on June 17, 1940, Latvia, Estonia, and Lithuania were forcibly incorporated into the Soviet Union in violation of pre-existing peace treaties;

Whereas the Soviet Union imposed upon the people of Estonia, Latvia, and Lithuania a communist political system that stifled civil dissent, free political expression, and basic human rights;

Whereas the United States never recognized this illegal and forcible occupation, and successive United States presidents maintained continuous diplomatic relations with these countries throughout the Soviet occupation, never accepting them to be ''Soviet Republics'';

Whereas, during the 50 years of Soviet occupation of the Baltic states, Congress strongly, consistently, and on a bipartisan basis supported a United States policy of legal non-recognition;

Whereas, in 1953, the congressionally-established Kersten Commission investigated the incorporation of Latvia, Estonia, and Lithuania into the Soviet Union and determined that the Soviet Union had illegally and forcibly occupied and annexed the Baltic countries;

Whereas, in 1982, and for the next nine years until the Baltic countries regained their independence, Congress annually adopted a Baltic Freedom Day resolution denouncing the Molotov-Ribbentrop Pact and appealing for the freedom of the Baltic countries;

Whereas, in 1991, Latvia, Estonia, and Lithuania regained their de facto independence and were quickly recognized by the United States and by almost every other country in the world, including the Soviet Union;

Whereas, in 1998, the United States and the three Baltic nations signed the U.S.-Baltic Charter of Partnership, an expression of the importance of the Baltic Sea region to United States interests;

Whereas the 109th Congress resolved (S. Con. Res. 35 and H. Res. 28) that ''it is the sense of Congress that the Government of the Russian Federation should issue a clear and unambiguous statement of admission and condemnation of the illegal occupation and annexation by the Soviet Union from 1940 to 1991 of the Baltic countries of Estonia, Latvia and Lithuania, the consequences of which will be a significant increase in good will among the affected people'';

Whereas Latvia has successfully developed as a free and democratic country, ensured the rule of law, and developed a free market economy;

Whereas the Government of Latvia has constantly pursued a course of integration of that country into the community of free and democratic nations, becoming a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas the people of Latvia cherish the principles of political freedom, human rights, and independence; and

Whereas Latvia is a strong and loyal ally of the United States, and the people of Latvia share common values with the people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the people of Latvia on the occasion of the 90th anniversary of that country's November 18, 1918, declaration of independence;

(2) commends the Government of Latvia for its success in implementing political and economic reforms, for establishing political, religious and economic freedom, and for its strong commitment to human and civil rights;

(3) recognizes the common goals and shared values of the people of Estonia, Latvia, and Lithuania, the close and friendly relations and ties of the three Baltic countries with one other, and their tragic history in the last century under the Nazi and Soviet occupations;

(4) calls on the President to issue a proclamation congratulating the people of Latvia on the 90th anniversary of the declaration of Latvia's independence on November 18, 1918;

(5) respectfully requests the President to congratulate the Government of Latvia for its commitment to democracy, a free market economy, human rights, the rule of law, participation in a wide range of international structures, and security cooperation with the United States Government; and

(6) calls on the President and Secretary of State to urge the Government of the Russian Federation to acknowledge that the Soviet occupation of Latvia, Estonia, and Lithuania under the Molotov-Ribbentrop Pact and for the succeeding 51 years was illegal.

SIGNING AUTHORITY—S. 3406

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator HARKIN be authorized to sign the duly enrolled copy of S. 3406, a bill to restore the intent and protections of the Americans With Disabilities Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, SEPTEMBER 17, 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, September 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate resume consideration of S. 3001, the National Defense Authorization Act; further, that all time in adjournment, recess, and morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, cloture was invoked this afternoon and the managers of the bill continue to work through filed amendments. We expect to complete action on the Defense authorization bill during tomorrow's session and rollcall votes are possible throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LEVIN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Wednesday, September 17, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

BILL NELSON, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

BOB CORKER, OF TENNESSEE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ANTHONY H. GIOIA, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

KAREN ELLIOTT HOUSE, OF NEW JERSEY, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMES W. CEASER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE CELESTE COLGAN, TERM EXPIRED.

THE JUDICIARY

ALFRED S. IRVING, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE MARY ANN GOODEN TERRELL, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT P. BRANC
PETER D. CONLEY
BRETT A. CONTENT
STEVEN J. CRAIG
SCOTT E. DOUGLASS
MICHAEL K. HART
DONALD W. JILLSON
JOHN KOEPPEN
RONALD J. KRAEMER
MARILEA A. LLOYD
ANDREW S. MCKINLEY
ROBERT T. NEWTON
CHARLES E. POLK
STEVEN H. POPE
ALAN L. REAGAN
SCOTT D. SCHAEFER
CHRISTOPHER E. SCHAFFER
HEKMAT D. TAMIMIE

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JONATHAN E. KRAFT

THE FOLLOWING OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PHILIP W. GAY
VIRGINIA A. KRAUSHAAR
THOMAS E. LANGUIRAND
MARK A. LITZ
MICHAEL C. MAFFEI
TIMOTHY N. THOMBLESON

THE FOLLOWING OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624:

To be lieutenant colonel

TYRONE P. CRABB

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL M. KING
ROBIN L. WADE
BRADLEY C. WARE

THE FOLLOWING OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

To be major

THE FOLLOWING OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES

ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

THE FOLLOWING OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

THE FOLLOWING OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JONATHAN S. ACKISS
LEUILA S. ALAIMALEATA
CORNELIUS L. ALLEN, JR.
JONATHAN E. ALLEN
REGAN J. ALLEN
LUIS F. ALVAREZ
MATTHEW S. ARBOGAST
REGINALD F. ARMSTRONG
SHAWNE P. ARMSTRONG
ROBERT A. ARROYO
HELEN M. AUSTIN
HOOKER C. AVERY
ALEXANDER C. BABINGTON
YANCY R. BAER
ANDREW A. BAIR
JACQUELINE E. BAIRD
KAREN A. BAKER
PATRICK J. BAKER
JACKSON L. BALL
THERON P. BALLARD
JEROME K. BARNARD
TIMOTHY J. BARRETT
CHRISTOPHER P. BARTOS
RICHARD T. BASYE
NAYDA C. BATES
NICOLE D. BEAVERS
JONATHAN A. BECK
PAUL B. BEDNAR
JOEY R. BEDOYA
BRYAN V. BELLAMY
JOSE V. BERCEDONI
JASON A. BERDOU
MARIA S. BERGER
DANIEL J. BIDETTI
WALTER M. BIELECKI
JAVIER F. BILBAO
CATRINA M. BLAIR
RON L. BLANCH
BRYAN A. BLITCH
DANGELO A. BLOUNT
JAMES E. BLUMAN
THOMAS R. BOLAND
PAUL M. BONANO
FREEMAN T. BONNETTE
JOSEPH M. BOROVICKA
PETER C. BOYER
NIKEA M. BRAME
RAYMOND D. BRAND
TROY C. BRANNON
JEFFREY M. BRASHEAR
BERNITA F. BRIGGS
MEGAN A. BROGDEN
KENNETH P. BROPHY
HENRY C. BROWN
NOREEN A. BROWN
JEREMY BRUNET
MIRYAM D. BRUNSON
JEFFREY M. BURNETT
SAMUEL A. BURNS
PAUL F. BUSHEY
WILLIAM H. BUTLER
SIDNEY F. BYRNE, JR.
PETER A. CAGGIANO II
SHAWN M. CALVERT
MARK CAP
JOSIEL CARRASQUILLOMORALES
NICOLE M. CASAMASSIMA
YONG S. CHANG
PATRICK A. CHAVEZ
MARTIN J. CHEMAN
MICHAEL C. CHERRY
JASON C. CHRISTENSON
STEPHEN L. CHRISTIAN
ERIC P. CHRISTIANSEN, JR.
MARC S. CICHOWICZ
ADAM D. CLARK
WILLIAM J. CLARK
ERIC S. CLARKE
JARED L. CLINGER
ANDY R. CLINKSCALES
MICHAEL P. COBB
FRANKIE C. COCHIAOSUE
KIM M. COHEN
ADAM J. COLLINS
CLAIRE COLLINS
JULIO COLONGONZALEZ
DAVID B. COOK
JAMES D. COOK
RICHARD M. CORPUZ
BRIAN M. COZINE
MICHAEL L. CRIBB, JR.
DANA E. CROW
STEPHEN M. CROW
ANTHONY R. CRUTCHFIELD
LANCE J. CULVER
ELIZABETH H. CURTIS
IVAN W. DACRES, JR.
JOHN Q. DANG
PAUL R. DAVIS
RANDALL E. DAVIS, JR.
WILLIAM D. DAVIS
JUSTIN E. DAY
JEAN A. DEAKYNE
SAUL D. DECKER
VICTOR M. DIAZ III
TIFFINEY R. DIMERY
MICHAEL D. DOLGE
BRIAN T. DONAHUE
JOHN C. DOSS
ANTHONY E. DOUGLAS
EMANUEL M. DUDLEY
GERALD J. DUENAS
THERESA L. ELLISON
STACY M. ENYEART
ANDREA M. ESCOFFERY
PATRICK C. EVANS
CHARLEY R. FANIEL
BRYAN J. FENCL
GREGORY A. FEND
KIMBERLY A. FERGUSON
DAWN M. FICK
ALAIN G. FISHER
MARC J. FLEURANT
CASSANDRA N. FORRESTER
CHRISTOPHER L. FOSTER
MISTI L. FRODYMA
JAMES K. GADOURY
ALEX M. GALESI
OMAR GARCIA
ROSADO A. GARCIA
VINCENTE GARCIA
GRETCHEN J. GARDNER
ANNETTE L. GARRETT
WILLIAM A. GARRIS
CHAE GAYLES
JAMES J. GEISHAKER
JUSTIN R. GERKEN
MATTHEW E. GILLESPIE
ERIN M. GILLIAM
TENNILLE L. GLADDEN
MATTHEW M. GOMEZ
ANDREW E. GONZALEZ
MARIO A. GONZALEZGONZALEZ
ERIC M. GOULDTHORPE
ROBYN A. GRAHAM
JOSEPH A. GRANDE, JR.
MIRANDA E. GRAVEL
RHEA M. GREAVES
JESSIE K. GRIFFITH III
ADAM M. GRIM
ROBERT P. GRIMMING
CHARLES G. GRISWOLD III
DOUGLAS B. GUARD
DANIEL E. GUNTER
STEVEN D. GUTIERREZ
THOMAS W. HAAS
CHARLES E. HALL
TODD C. HANKS
ANDRELL J. HARDY
KEVIN M. HARRIS
DARREN W. HASSE
JASON J. HAUSER
JERROD E. HAWK
MICHAEL T. HEALY
HANNAH HEISHMAN
SCOTT E. HELMORE
TRACIE M. HENRYNEILL
SERELDA L. HERBIN
BROOK E. HESS
RONTARIO S. HICKS
LUCAS S. HIGHTOWER
CHRISTOPHER M. HILL
WILLIAM S. HOLLANDER III
DAVID L. HOSLER
JOHN A. HOTEK
CATHERINE C. HOWARD
CHRISTOPHER S. HOWSER
LONNIE R. HUSKEY
ANGELA B. HYSON
JEFFREY J. IGNATOWSKI
SEAN P. IMBS
DONNA L. INGRAM
JEFFREY J. JABLONSKI
JOHN E. JACKSON
JAMES M. JACOBSON
CHARLES T. JAGGER
ANGELA M. JAMES
SABRINA S. JAMESHENRY
CHARLES V. JAQUILLARD
SEANA M. JARDIN
CHRISTOPHER D. JOHNSON
DONNA J. JOHNSON
LARRY P. JOHNSON
PAUL D. JOHNSTON
DAVID W. JONES
LEAH N. JONES
RONALD M. JONES
VERNON L. JONES, JR.
MICHAEL T. JORDAN
MOTT J. KAEO
JENNIFER S. KARIM
MICHAEL D. KAUL
DOMINIQUE R. KEITH
SEAN P. KELLY
MICHAEL T. KERN
SPENCER R. KERR
MATTHEW R. KERSHNER
MICHAEL T. KIM
TROY K. KING
WAYNE M. KINNEY
BRIAN M. KNIERIEM
STEPHEN T. KOEHLER
CODY W. KOERWITZ
ROBERT A. KONOPKA, JR.
ANDREW T. KOSCHNIK
WILLIAM R. KOST
THOMAS D. KRUPP
MATTHEW L. KUHNS
GENGHIS K. KUO
ARMANDO R. KUPPINGER
WESLEY J. KWASNEY
WILLIAM E. LAASE
HEATHER D. LABRECQUE
JAMES J. LACARIA
GERALD M. LACROSS
JUAN C. LAGO
TANZIE R. LANDRYMCGEE
BARRCARY J. LANE
MARVA R. LANE
TYRONNE G. LASTRAPES, JR.
JONG U. LEE
MARK W. LEE
JOEL K. LEFLORE
ROBERT W. LENTNER III
MATTHEW S. LINEHAN
TERRY C. LITTLEJOHN
INGRID J. LLANES
CARLOS A. LOCK
JAMES T. LOCKLEAR
HEATHER J. LOPEZ
MATTHEW J. LOVELL
CHRISTOPHER LOWERY
JAMES J. LUCOWITZ, JR.
JEFFREY L. LUCOWITZ
THOMAS R. LUTZ
IAN J. LYNCH
HEATHER J. MACE
BRIAN W. MACK
PAUL B. MADDEN
CARMELO T. MADERA
STEPHEN MAGNER
PATRICK M. MAJOR
ANTHONY P. MARANTE
JESSE R. MARSALIS
JASON W. MARSHALL
ANGELICA R. MARTINEZ
KATIE E. MATTHEW
ROLAND L. MATTHEWS
SYBILY M. MAXAMROGERS
ANGELA C. MAXWELLBORGES
STANLEY C. MAYNARD
ASUERO N. MAYO, JR.
MARLON MCBRIDE
MICHAEL A. MCBRIDE
GWENDOLYN A. MCCALL
JESSICA M. MCCALL
RICHARD C. MCCONICO
SHANNON T. MCCRORY
JENNIFER MCDONOUGH
STEPHEN P. MCGOWAN
MATTHEW J. MCGRAW
CHRISTOPHER S. MCLEAN
BRETT M. MEDLIN
JONATHAN W. MEISEL
CARLOS R. MENDEZ
ANDREW J. MEYERS
JASON L. MILES
MARVIN B. MILLAR
SAMUEL R. MILLER
ZACHARY T. MILLER
JEFF R. MILNE
ROGER C. MIRANDA
JOHN G. MISENHEIMER, JR.
DAVID A. MITCHELL
KEITH C. MIXON
JERRY R. MIZE
FAMARLON L. MOBLEY
KATHLEEN M. MOFFATT
LOVE L. MOODY
CHRISTOPHER L. MOORE

RICHARD B. MOORE
SHANE A. MORRIS
MICHAEL E. MORRISON
WALLACE K. MYERS III
NINA L. NEWELL
RANDALL W. NEWMAN
MICHELLE D. NHAMBURE
KYLE A. NODA
DAVID N. NORMAND
SHAWN M. OBRIEN
MUNIZ E. OTERO
AARON M. OWENS
KRISTOPHER K. PABOTOY
JOHN PADGETT
ROSENDO PAGAN
PHILBERT J. PALMORE
ROBERT M. PARK
PETER A. PATTERSON
MATTHEW C. PAUL
KESHA N. PEARSON
CURTIS S. PERKINS
WILLIAM C. PERKINS
HENRY PERRY III
ANTHONY J. PETE
KEVIN D. PIERCE
TARA C. PIERCE
MARTIN P. PLYS, JR.
KEVIN A. POOLE
DEWUANA L. POPE
EUGENE T. PORTER
PHILLIP B. POTEET
KENDRICK R. POWELL
STEVEN POWER
ELIZABETH M. POWERS
RICHARD A. PRAUSA
JOHN K. PRICE
MATTHEW A. PRICE
INGRID R. PRIVETTE
ANTIONETTE N. PULLEY
GRETA A. RAILSBACK
ANDRES R. RAMIREZ III
ELDRED K. RAMTAHAL
DORIS L. RAWLS
JOSE L. RAYAESCUTIA
PETER M. RAYLS
TRACIA T. REED
JASON L. RENNARD
JON O. REYES
LUKE RICHARDS
SEAN R. RICHARDSON
MICHAEL K. RILEY
JAMES R. RITCH
GEOVANNI S. RIVERA
BENJAMIN L. RIX
DOMINGOS S. ROBINSON
LILLIAN A. ROBINSON
VIRGIL G. ROBITZSCH
MICHAEL C. RODOCKER
LEON L. ROGERS
ORLANDO R. ROJASBANREY
GEORGE W. ROLLINSON
GILBERTO C. ROLON
ANGEL R. ROSADOPADILLA
JOSEPH L. ROSEN
CHRISTOPHER M. ROZHON
RANEE J. RUBIO
DINA D. RUCK
ANDREW M. RUIZ
THOMAS H. RUTH III
WALIYYUDDIN SABARI
JOHN V. SALLING
SHAWN D. SANBORN
GINA D. SANNICOLAS
MICHAEL A. SANSONE
DONALD C. SANTILLO
NATHAN R. SAWYER
JOHN M. SCHMITT
PATRICK M. SCHOOF
WILLIAM S. SCHUYLER, JR.
RYAN A. SCHWANKHART
LANGSTON L. SCOTT II
JAVIER SEPULVEDATORRES
DONALD E. SHAWLEY, JR.
ROBERT E. SHEFNER
DENNIS L. SHELDEN
ERIC L. SHEPHERD
MICHAEL B. SHERIDAN
JASON L. SHICK
JESSICA A. SHUEY
SAMSON T. SIDER
BRUCE A. SKRABANEK
ALLEN M. SLITER
ADAM D. SMITH
JEREMY D. SMITH
SCOTT A. SMITSON
JOHN K. SNYDER
KIMBERLY A. SORENSON
JASON R. SOUZA
NICHOLAS T. SPORINSKY
PIERRE A. SPRATT
SHANNON V. STAMBERSKY
NATASHA N. STANDARD
DANIEL R. STANTON III
ERIN M. STEWART
LEWIS STEWART III
RONALD H. STEWART, JR.
JEFFREY R. STRAUSS
JOHN B. STRINGER, JR.
LISA C. STUBBLEFIELDPEAK
MARTIN L. STUFFLEBEAM
PATRICK C. STURGILL
THOMAS B. TABAKA
DOMINIC J. TANGLAO
ALLEN D. TAPLEY
BRECK A. TARR
DAVID L. TAYLOR, JR.
FRANYATE D. TAYLOR
TROY W. TEMPLE
PAUL D. TEMPLETON
MICHAEL J. TESS
MICHAEL J. THIESFELD
HELEN A. THOMAS
DAVID L. THOMPSON
LORAY THOMPSON
STEPHEN A. THORPE
JOHN S. THYNG
ALVIN E. TILLEY, JR.
DERRICK L. TOLBERT
JOSE A. TOLLINCHI
ANDREW J. TONG
MIGUEL A. TORRES
TOMISHA A. TOSON
ANDRE L. TOUSSAINT
KEVIN J. TRAMONTE
ANITA R. TREPANIER
GEORGE TRONCOSO
TIMOTHY S. TROYER
THOMAS J. TROYN
LEILANI M. TYDINGCO
DENNIS J. UTT
CHARLES R. VALENTINE
BERNARD D. VANBROCKLIN
EARL D. VEGAFRIA
JOHN L. VELARDE, JR.
JANELLE V. VERBECK
WILLIAM H. VICK, JR.
ADRIAN J. VIELHAUER, JR.
LAMAR WAGNER
CLAUDE E. WALKER
DAMON K. WALKER
BARRY L. WALSH, JR.
CENTRELL A. WATSON
STEPHEN R. WEBSTER
JEREMY H. WEESTRAND
RANDALL T. WEISER
MATTHEW W. WELCH
KWANE E. WELCHER
JESSE R. WENTWORTH II
MATTHEW R. WESTERN
BRIDGET A. WETZLER
STEPHANIE R. WHITE
ANTHONY K. WHITFIELD
THOMAS J. WHITLOW
JOSEPH B. WILKERSON
SONDRA L. WILKERSON
KENNETH A. WILLEFORD
DENNIS F. WILLIAMS
LARITA R. WILLIAMS
TERRENCE A. WILLIAMS
MICHAEL S. WILLS
ANTHONY L. WILSON
GORDON L. WILSON
JERORD E. WILSON
JOHNNY L. WILSON
KEITH WILSON
JOSEPH B. WOOLSEY
MELVIN E. WRIGHTSIL
MICHAEL D. WROBLEWSKI
JENNIFER R. ZAIS
MICHEAL A. ZWEIFEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEPHEN L. ADAMSON
JOHN J. AGNELLO
JOHN M. AGUILAR, JR.
TAMMY L. AGUILAR
MATTHEW J. ALDEN
ROBERT E. ALLEN
SHAWANDA D. AMERSON
JOSEPH E. ANDERSON
JAKUB H. ANDREWS
KEVIN T. ASHWORTH
LANCE D. AWBREY
CHARLES R. AYERS
THOMAS A. BABBITT
DUANE L. BAILEY
DARBY S. BAIRD
JASON L. BALLINGER
MICHAEL J. BANCROFT
PAUL T. BARBER
TODD E. BAUMGARTEL
ALBERT E. BEHNKE
CRAIG R. BENDER
MICHAEL J. BENNETT
JOSEPH E. BERG
DONYA T. BEST
ROBERT B. BEZDUCH
WAYNE L. BLAS
THOMAS J. BLOOMFIELD
TODD A. BOOK
CRYSTAL X. BORING
DAVID M. BORNN
BRETT J. BOSTON
DAVID F. BOWERS
SHAWN A. BOYER
LEO F. BRENNAN III
ANASTASIA BRESLOWKYNASTON
ROBERT E. BREWER
SCOTT A. BRONIKOWSKI
DONALD K. BROOKS
BYRON J. BROWN
STEPHEN S. BROWN
WILLIAM C. BROWN, JR.
TROY A. BUPP
TANYA L. BURKE
JASON E. BURNS
DANIEL G. BUSH
MALCOLM S. BUSH
MICHAEL V. BUSH
KEVIN K. CARLILE
WILLIAM E. CARRUTH
CHRISTOPHER R. CARSON
CHRISTOPHER L. CASE
SUSAN A. CASTORINA
EDWARD M. CERER
SCOTT T. CHILDERS
CHRISTOPHER C. CHISHOLM
MELVIN A. CHISOLM
JASMIN S. CHO
JOSEPH C. CHRETIEN
KOURT N. CLARKE
TIMOTHY M. CLAUSS
CHRISTOPHER L. CLINE
SEAN P. COAKLEY
RICHARD N. COBLE, JR.
JASON R. CODY
CLAYTON P. COLEMAN
CRAIG C. COLUCCI
JENNIFER J. COLVIN
JOSHUA J. CONNER
JUSTIN D. CONSIDINE
KATHERINE A. COOK
STEPHEN F. CORTEZ
JAMES A. COVINGTON, JR.
GEOFFREY B. CRAFTS
THERESA K. CROSS
EDWIN D. CRUZ
MICHAEL E. CUSHWA
JOHN H. DABOLT IV
RICHARD J. DANGELO
BRIAN L. DAVID
DAVID P. DAVID
RICHARD A. DAVILA, JR.
BRIAN R. DAVIS
DENNIS C. DAVIS
HEYWARD H. DAVIS
CHAD W. DEBOS
JOHN S. DELONG, JR.
RAYMOND G. DELUCIO
ANDREW C. DERMANOSKI
BRENDON K. DEVER
INDIRA R. DONEGAN
JULIA M. DONLEY
RICHARD A. DORCHAK, JR.
NICOLE H. DORN
MICHAEL B. DORSCHNER
MATT G. DORSEY
JONATHAN T. DRAKE
ROBERT J. DUNLAP
BRIAN P. DUNN
CHANTAL A. DUPUIS
DENTON L. DYE
AMY J. EASTBURG
ANDREW D. ECKLUND
KATHERINE C. ECKLUND
HEINZ EDER
ORM E. EL
LAWRENCE S. EMMER
JAMES R. ENOS
DARIUS D. ERVIN
DEVIN H. ESELIUS
JEFFREY R. ESSIG
LEE A. EVANS
REGINALD K. EVANS
NEIL C. EVERINGHAM
JASON M. FAVERO
CEDRIC L. FELTON
BENJAMIN J. FERNANDES
RYAN D. FERRELL
JEFFREY C. FERRO
ANTHONY M. FIELDS, JR.
JASON C. FINCH
MICHAEL A. FINDLAY
J K. FINK, JR.
JAMES C. FINOCCHIARO
JENNIFER J. FISHER
DANIEL R. FITCH
GREGORY B. FITCH
STANLEY FLORKOWSKI
NORA L. FLOTT
CARL E. FOSTER III
ERIC S. FOWLER
GRAHAM M. FOX
JAMES M. FREDERICK
DION FREEMAN
WILLIAM A. FROBE
BRIAN D. FRULAND
CHAD W. FURNE
SUSAN M. GALICH
LUIS A. GARCIA
KEVIN W. GARFIELD
JOSEPH L. GAWLIK
MICHELLE R. GEORGE
WILLIAM L. GETTIG
HEATH A. GIESECKE
KEITH M. GIESEKE
EVANS L. GILLIARD
STEPHANIE E. GILLOGLY
CONNIE D. GLAZE
KELLY D. GLEASON

ANDREW C. GODDARD
STACY H. GODSHALL
DAVID M. GOHLICH
STAN L. GOLIGOSKI
JASON A. GONZALES
NATHAN K. GOODALL
JOSEPH C. GOODELL
AARON S. GORRIE
TEDD L. GOTH
CASON S. GREEN
DANIEL S. GREEN
KEVIN L. GRIMES
JOHN C. GRISWOLD
MATTHEW A. GROB
BRIAN GUENTHENSPBERGER
ERIC H. HAAS
JASON B. HAIGHT
ROCKY A. HALEY
TAMIKA S. HALEY
ROBERT E. HALL
SCOTT P. HANDLER
JOHN J. HANES
DAVID B. HANSEN
LEIF A. HANSEN
EDMOND A. HARDY
CHARLES F. HARMON III
WILLIAM E. HARRAH, JR.
DOUGLAS J. HARRIS
EDD D. HARRISON, JR.
READUS HARTON III
DENISE R. HATCHER
TOWYANGER J. HATCHER
BRIAN G. HAYES
BRIAN P. HAYES
CHARLES D. HAYES
DAVID C. HAZELTON
ANTON J. HEDRICK
ELIZABETH J. HELLAND
ALEXCIE A. HERBERT
EDWARD J. HERNANDEZ, JR.
SCOTT A. HERZOG
DOUGLAS C. HESS
DUSTIN G. HEUMPHREUS
KAREN B. HILL
ULEKEYA S. HILL
HEATHER A. HILLS
NATASHA M. HINDS
DAIGO HIRAYAMA
CHRISTOPHER L. HOBACK
CHRISTOPHER S. HOBGOOD
BRADLEY S. HOBSON
JAMES M. HOFFMAN II
JARED A. HOFFMAN
HANS W. HOGAN
WILLIAM A. HOLCOMBE
THOMAS M. HOOPER
IAN M. HOWARD
JAMES E. HOWELL III
STEPHEN E. HUNT, JR.
TIMOTHY A. HUNT
TOD D. HUNTER
SCOTT A. HUTCHINSON
ZACHARY P. HYLEMAN
SEIVIRAK INSON
ZACHARY T. IRVINE
LASHAUNDA R. JACKSON
ANDREW J. JASKOLSKI
ERNEST H. JENKINS
MATTHEW R. JENSEN
CHRISTOPHER L. JOHNSON
CRAIG W. JOHNSON
KESTER L. JOHNSON
LONNIE D. JOHNSTON
DREVON M. JONES
RAIN M. JONES
BRYAN G. JUNTUNEN
BRANT E. KANANEN
JAY L. KAUFMAN
KRISTY E. KELLY
ROY D. KEMPF
TOMA KIM
BRADLEY G. KITTINGER
GARY J. KLEIN
STEVEN N. KOBAYASHI
KENNETH S. KONDO, JR.
ADAM M. KORDISH
ANDREW M. KOVANEN
SETH W. KOZAK
JUSTINE S. KRUMM
THOMAS J. KUCIK
REBEKAH L. KURTZWEIL
KRISTOFER H. KVAM
VINCENT C. LAI
JEFFREY J. LAKNER
KYLE W. LANDS
PATRICK J. LANE
JOHN S. LANGFORD
JAMES F. LAWSON
MICHAEL E. LAWSON
THANH V. LE
PATRICK Y. LEE
PAUL B. LEMIEUX
LASHADA Q. LEWIS
CONWAY LIN
DAWN C. LONGWILL
MICHAEL D. LOVE
ROBERT C. LOVEJOY
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POLARIS X. LUU
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CARLOS R. SEPULVEDATORRES
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RYAN L. SHAW
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GUS SIETTAS
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HOWARD M. SMYTH
JAYSON R. SPANGLER
DARREN A. SPAULDING
ROBERT J. SPIVEY
GEOFFROY E. ST GAL DE PONS
ANTHONY M. STAFFORD
SCOTT K. STAGNER
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STEFFANIE STEELHAMMER
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JANINE T. TAYLOR
TIMOTHY R. TAYLOR
WILLIAM C. TAYLOR
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MATTHEW J. THOMAS
LESLIE W. THOMPSON
RACHEL J. THORNE
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ALAN W. THROOP
STANLEY O. THURSTON
ANTHONY L. TINGLE
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KEITH W. WALTHALL
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ALAN R. WARMBIER
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NATHANIAL E. WATSON
DENNIS D. WATTERS, JR.
JAMES R. WEARE
KEITH B. WEIDNER
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KARLA J. WENNINGER
AARON C. WENTWORTH
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NORMAN L. WILSON II
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DELVIN WOOLRIDGEJONES
DONOVAN WRIGHT
WILLIAM C. WRIGHT
JOHN R. WYATT
JOSEPH A. YOUNG
MICHAEL T. YOUNG
WILLIAM T. YOUNG

DANIEL W. ZANDER
DOUGLAS W. ZIMMERMAN
YANCEY S. ZINKON
RICHARD D. ZUBECK

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To be major

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DEVON F. ADKINSON, JR.
RYAN P. AHRENDT
MATTHEW J. ALBERTUS
GREGORY K. ALEXANDER
NATHAN G. ALLARD
KELLY T. ALLEN
MARK R. ALLEN
RAMON W. ALMODOVAR
TERRENCE J. ALVAREZ
JUSTIN C. AMBURGEY
JARED J. AMORE
SPENCER M. ANDERSON
OKERA G. ANYABWILE
DOUGLAS P. APRIL
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WILLIAM I. ARNOLD, JR.
SHERYL O. ATTILEE
CHRISTOPHER J. AUGUSTINE
CHRISTOPHER J. AUGUSTINE
JOHN M. AUTEN III
JASON B. AVERY
RUBEN D. AYALA
VICTOR M. BAEZAN III
MARC R. BAILEY
ANDREW J. BAKER
JOHN L. BAKER, JR.
REGAN M. BALDWIN
MICHAEL L. BANDY
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JEROME A. BARBOUR
KEITH A. BARCLAY
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MARK E. BATTJES
RICHARD E. BAYLIE
TROY J. BEATTIE
STEVEN P. BEAUDOIN
RICHARD V. BEEVERS
JONATHAN T. BELMONT
DANIEL K. BENSON
JOSEPH E. BENSON
MICHAEL R. BERRIMAN
JOSHUA P. BERRYHILL
ANTHONY J. BIANCHI
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JOHN BINKLEY
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LOUIS L. BIRDWELL III
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WILFRED M. BISSON
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PATRICK D. BLANKENSHIP
WINN S. BLANTON
RICHARD J. BLOCK
CRAIG A. BLOW
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JEFFREY A. BOGAERTS
EVERETT R. BOGLE
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KEVIN B. BOWMAN
VICTOR E. BOWMAN
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MATTHEW F. BRADY
RICHARD E. BRATTON III
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WAYNE R. BRIGGS
AARON D. BRIGHT
JAMES B. BRINDLE
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MICHAEL D. BROMUND
NICOLE A. BROOKS
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MATTHEW M. BROWN
NATHAN S. BROWN
SONJA L. BRUCE
JOSEPH G. BRUHL
MARK A. BRZOZOWSKI
TROY C. BUCHER
NICHOLAS T. BUGAJSKI
DERRICK T. BURDEN
WILLIAM BURDEN
REED A. BURGGRABE
KEVIN BURKE
LANCE K. BURNSIDE
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XAVIER COLON
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MICHAEL R. CONDON
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GARY M. CONWAY
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JAMES P. COOK
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PABLO F. DIAZ
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KENNETH M. DWYER
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CORY D. FASS
DENNIS W. FAULKNER
BRIAN B. FAYE
BRIAN M. FECTEAU
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DAVID A. FLOWERS
MICHAEL J. FOOTE
CHARLES A. FORD
MICHAEL J. FORTENBERRY
DAVID E. FOSTER
ROBERT L. FOSTER
THOMAS J. FOURNIER
GREGORY R. FOXX
MATTHEW F. FROMBACH
DANIEL A. FUHR
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JAMES F. GAFNEY
CHARLES P. GALLION
TIMOTHY A. GANT
JOHN D. GARCIA
CHRISTIAN S. GARLITZ
SEAMUS P. GARRETT
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SARA M. HALLBERG
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JOSEPH R. HAMMOND
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CHRISTOPHER M. HANDY
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DAVID W. KERR
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KEVIN J. KEY
BRYAN R. KILBRIDE
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ERNEST C. MINICHELLO
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MICHAEL D. NELSON
PATRICK R. NELSON
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RYAN B. NELSON
SCOTT J. NELSON
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CECIL C. NIX IV
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ROBERT H. OLSZEWSKI
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STEPHEN C. WALKER
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JAMES A. ZANELLA
JONATHAN D. ZEPPA
JONATHAN S. ZIMMER
DANIEL V. ZOFKIE
JAMES E. ZOIZACK

HOUSE OF REPRESENTATIVES—*Tuesday, September 16, 2008*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 16, 2008.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

TAKING THE ''FREE'' OUT OF THE FREE ENTERPRISE SYSTEM

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

Mr. MCDERMOTT. Madam Speaker, this is a propitious day. The market dropped 500 points yesterday, the largest drop since 2001. The economic and regulatory policies of this President has certainly taken the ''free'' out of the free enterprise system. Across America, the dominoes are falling.

Bear Stearns fell a few months ago; Fannie Mae, Freddie Mac, a week ago; a distress sale of Merrill Lynch over the weekend; Lehman Brothers is looking for bankruptcy on Monday morning; and the auto industry is looking for another $25 million in bailout; and AIG wants a $40 billion bridge loan from the Federal Reserve. The stock market, as I say, went down 500 points yesterday. No one really thinks we can see the light at the end of the tunnel.

Who's next? We can't answer that question of who is next, other than to say an awful lot of people in the financial industry are working nights and weekends to assess their exposure, and do damage control, if possible.

What's next? This is a question we can begin to answer. What's next is that the American people are going to be on the hook for the Bush problem for the next generation, and in so many ways will have to pay much of the financial mess.

The last 8 years of this administration, they did everything they could to eliminate, gut, stymie, and ignore responsibility for regulatory oversight by the Federal Government. This administration worshipped at the altar of the free enterprise system and the market. The President wanted the gold, but without a standard.

Republicans did everything they could to let the financial industry do anything it wanted, regardless of consequence. At the same time, the administration made clear in its Federal appointments they wanted Federal regulatory agencies on the sidelines.

Without government oversight watching out for the interests of the American people, the industry turned free rein into freewheeling, irresponsible policies. When the dominoes began to fall, the administration stepped in to charge billions for bailouts to the American people. And it's not over yet.

The current financial crisis is the worst in decades, and yet the shell game goes on. The administration wants to hide the extent of the damage, the risk, and the burden on the American people.

I would like to enter into the RECORD the lead Sunday editorial in the New York Times, called: Bailout Hide and Seek.

The Federal budget deficit has swelled to more than $400 billion, and is headed for $500 billion, but the administration wants to keep the cost of the bailouts off the Federal books. They want to hide the magnitude of the crisis and their duplicity in making it possible for the last 8 years of economic abandonment.

Things are so bad that no one can accurately predict what the cost will be or how much the American people have been saddled with. The only thing the administration keeps saying is, Charge it to the American people. Just like the Iraq war, which is adding up to a trillion-dollar tab.

This President misspent the public trust and squandered the full faith and credit of the American people. The bills just keep coming due after the administration leaves office. They say in business: There's no such thing as a free lunch. What they don't say is that the President has arranged for the American people to pick up the tab.

The American financial crisis is the culmination of Republican economic policies. Spend freely, lower taxes, and don't ask anybody to make any kind of sacrifice for a war. Just spend. They got what they wanted, and left the American people holding the bag, and the tab.

The next administration will not only have to rebuild America's moral leadership in the world, we will have to rebuild America's economic system and the confidence here at home. The legacy of this President is clear. He took the ''free'' out of the free enterprise system, and instead billed it to the American people.

Madam Speaker, we can't wait to have the change that BARACK OBAMA will bring for this country.

[From the New York Times, Sept. 14, 2008]

BAILOUT HIDE AND SEEK

On Friday, less than a week after the government took control of Fannie Mae and Freddie Mac, the White House announced that there is no reason at this time to account for the companies in the federal budget. That is great news for officials who prefer to hide the cost of the bailout since it is due, in large part, to their failure to adequately regulate the financial markets and steward the economy. But it is an insult to taxpayers, whose money is at risk, and it is a reckless gambit.

The Congressional Budget Office reported on Tuesday that the government's finances are deteriorating rapidly: the budget deficit for this year is expected to reach $407 billion, more than double last year's shortfall, and to exceed $500 billion in 2009. The takeover of Fannie and Freddie, necessary though it is, will add to the deterioration. Airbrushing that away will only open the door to uninformed—or negligent—decisions on spending and tax cuts.

The White House says that the extent of the government's control of Fannie and Freddie does not warrant including the companies' operations in the budget. That is absurd. The government has seized the companies, firing their executives and installing new ones, offering to invest up to $200 billion in the companies if necessary, and most significant, making an ironclad promise to pay their trillions of dollars in obligations, if need be. The White House also claims that the risk to taxpayers is not yet serious enough to require that the costs be shown in the budget. But there is a very real cost to guaranteeing the obligations of Fannie and Freddie, even if the government never has to cough up a penny. The taxpayer is on the hook while the guarantee is outstanding—and the Treasury says that will last past Dec. 31, 2009, when its bailout authority officially ends.

The Congressional Budget Office has said that it will calculate the cost of taxpayers' risk and include it in its version of the budget, which is separate from the White House

version of the budget. Having conflicting budgets is hardly a good way to restore confidence in the government's financial management. But the C.B.O. accounting will prevent the White House from saying, in effect, ''yes, bondholders, your investments are fully guaranteed, but you, dear taxpayers, don't worry, it costs you nothing.'' As the government (read: taxpayers) assumes additional risks, it is more important than ever to get the accounting right. Accurately reflecting the budget cost of the Fannie and Freddie bailout would not lead to an explosion in public debt. Prudent accounting, accurately applied, would limit the amount that must be counted against the nation's overall debt ceiling. Accurately accounting for risk would limit the cost of making good on the companies' obligations to a figure that reflects the likelihood of taxpayers actually having to pay up.

No one yet knows the ultimate cost of the bailout, but it is already more than zero.

DEFENSE APPROPRIATIONS

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

Mr. FLAKE. Madam Speaker, I rise this morning just to shed a little light on the defense bill we may or may not be considering this year in the next week or so. There's a rumor going around that the defense bill might even be brought to the floor without going through a full Appropriations Committee markup.

Now that is troubling in itself, but what is more troubling is that there are some 1,200 earmarks in this defense appropriation bill that very few Members of this body have actually even seen. That list has been passed around to Appropriations Committee members. A few members of the press have seen it. Our office managed to see a copy of the report. But virtually nobody else has seen it. That is 1,200 earmarks. For all the talk about transparency and a new process and where these earmarks will be vetted, we see very little of that here.

I have been troubled for a long time at the number of earmarks that go through this body. A lot of people have been troubled. The whole country is troubled by the number of earmarks that go through this body without really even being seen and without anybody knowing what they are about.

It's not just the money that is spent. We all know that earmarks leverage higher spending everywhere else. Because once you get an earmark in an appropriation bill, then you're really obligated, almost obligated, to vote for that entire bill, no matter how bloated that bill becomes. So you see higher spending everywhere else. Also, earmarks are put in unrelated bills in order to garner votes for other bills. But let me just talk about the defense bill here just a minute.

Members of Congress, those who defend the secretive earmarks, often say that Members of Congress know their districts far better than these faceless bureaucrats in the administration, and that somehow, having Members of Congress sneak a secretive earmark into a conference report, is somehow better than having the administration decide where that money is spent.

Now I am not here to defend bureaucrats or to defend the spending of money, but I can tell you it's not a good process when Members of Congress can put an item in a bill and have so little scrutiny, and what tends to happen is those who are up on the food chain in Congress, those on the Appropriations Committee, those who are in leadership positions, committee chairs, tend to get a disproportionate number of earmarks.

So the argument that earmarks go to places because Members of Congress know their districts better than faceless bureaucrats really means that whoever has the power in this body gets the earmarks.

Let me demonstrate a little here. Of the 1,200 earmarks tucked into the full committee report of this bill, it's worth about $2.8 billion. Of these earmarks, more than 400 go directly to Members who sit on the Appropriations Committee. An additional 111 are associated with appropriators. These are earmarks that were requested by that appropriator, as well as a few other Members.

I would remind my colleagues that appropriators make up 15 percent of the Members in this body. Yet, in this bill, appropriators alone are taking 44 percent of the earmarks. Again, just 15 percent of the Members of the body, and 44 percent of the earmarks.

When you translate that into actual dollar amounts, appropriators are taking $1.6 billion taxpayer dollars back to their district. This represents 48 percent of the total dollars earmarked in this massive appropriations bill.

So what we have here, Madam Speaker, is a spoils system. It's not any high-minded, I know my district better than some faceless bureaucrat. It's, If I am an appropriator, or I am in a leadership position, I'm in a good position to get these earmarks.

Let me just run through a couple of the earmarks in the bill. This is a defense bill. The purpose of this appropriation bill is to fund our troops and to fund our defense. Yet, we have, for example, something called the Presidio Heritage Center in California. It may be a worthy project. It may be something a local government or local people want to fund, but why in the world the Congress is funding it in the defense bill, I just don't know.

But if this bill comes to the floor without being marked up in committee, nobody will be able to challenge it in committee. Nobody will be able to see it. If it comes to the floor under any other auspices than an open rule, then no Members of this body, the body as a whole, will be able to even question it.

There's also something called a Cold Weather Layering System. That is usually a highfalutin word for a coat. Sometimes gloves are put in here under big names about hand-warming systems, or whatever else, when it shouldn't be funded in the defense bill at all.

Another one, University Strategic Partnerships, Renewable Carbon Fuel from Algae. These may be good projects, but they shouldn't be in the defense bill.

CLEAN ENERGY ECONOMY

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

Mr. INSLEE. I have come this morning to take issue with a comment by one of the candidates for President about how our economy is doing fine, the fundamentals are strong. I want to say that we have to do some major work rebuilding our economy and rebuilding millions of jobs, and that we will have a bill on the floor this week that we will propose to restore economic growth by rebuilding a new, clean energy economy for America.

We believe that we need to have a new birth of whole new industries in America to start to replace the hemorrhaging of jobs that we have suffered, and we believe that we can do this by building green collar jobs and a whole new clean economy for America.

In the next few days, we will be proposing to the House a comprehensive energy bill that will be focused on building new jobs in America. And we think Americans deserve this. We think Americans are ready for this. And we think it is an American destiny, as we were the arsenal of democracy in World War II, to now become the arsenal of clean energy for the world.

I want to talk about some of the things I've learned just in the last few months about our ability to grow a new clean energy economy in the world.

I'd like to refer to a photograph taken a few weeks ago in Golden, Colorado. This is a photograph taken at the National Renewable Energy Lab. This lab is vested with the charge to help build new technologies to grow new jobs in America. I want to report this picture, I think, encapsulates the potential future for the American transportation system and the American new energy system to drive jobs in that direction.

This is a photograph of a photovoltaic array, this panel here that is mounted on this pedestal. On the other side of this metal is a photovoltaic array that basically captures the sun's energy and transfers it to electric energy. This array itself is attached to these two cars here. These two cars are

plug-in electric cars. These are two cars that essentially we will plug in at night, when these cars are on the road. And they are mass produced in America.

These cars plug in at night. We charge them for 8 hours. And then they will run about 40 miles on all electricity. So that these cars will emit no carbon dioxide. They'll run just on energy and electricity for 40 miles. If you want to go more than 40 miles a day, you'll run on gasoline or ethanol for the remaining 200, 250-mile range, plus.

Now the wonderful thing about this, and I've done a lot of research, but something I learned, and I was very impressed with the young man at the National Renewable Lab that told me that this array right here, which isn't a lot larger, you can see, than a rooftop, will charge in 8 hours, fully charge, two of these plug-in electric cars to run a full 40 miles on electricity, and they then can run on gasoline an additional 200, 250 miles.

This was a remarkable statement to me because this picture, I believe, is Exhibit A in our ability to totally revolutionize our transportation system and grow millions of new jobs in America to do that. Let me give you an example of that.

These photovoltaic arrays are now being manufactured in America, not just in the silicone-based systems that we're familiar with, but 2 months ago at the Nano Solar Company in California, Americans produced the first thin-cell photovoltaic to actually have a revolutionary system that is 30 to 40 percent less expensive for a lot of energy coming from these photovoltaic arrays. Those are manufacturing jobs in America.

General Motors is getting ready in 2010 or 2011 to mass produce the first plug-in electric car in America, where we are going to put Americans to work in this manufacturing process.

This is why I mention this. We will have a bill on the floor in the next few days that will truly advance these manufacturing millions of new green collar jobs in solar, in plug-in electric cars, by doing several things. It will create a tax code that will give benefits to companies to manufacture these products. It will give tax breaks to Americans to buy these products. It will create a 15 percent requirement that our utilities use these new, clean energy sources. It will create a research and development fund to help do the research to bring these to market.

And my Republican colleagues, I will call on them and we will call on them to join us in a comprehensive bill to truly help the development of these new technologies. We hope they will abandon their shortsighted view that these technologies aren't the future. This is the future.

AMERICAN ENERGY ACT

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

Mr. SCALISE. Madam Speaker, in the last 4 months, there has been a very intense debate going on here in this Congress, but also across the entire country, and that debate has been about energy; about what can be done to lower the price of gasoline at the pump and reduce our dependence on Middle Eastern oil. It's a very healthy debate, a debate that we need to have, but a debate that we need to resolve here in this body with an open debate and vote on the options that have been put on the table.

Back 2 months ago, House Republicans put together a bill that actually has garnered bipartisan support, called the American Energy Act, a comprehensive plan to address this national energy crisis our country is facing, both to look at what we can do to increase the supply of American oil, to reduce our dependence on Middle Eastern oil in the short-term, but also to look at the long-term objectives of how to move off of oil and move more toward alternative sources, like renewable sources of energy, looking at wind, looking at solar, and trying to advance those technologies so that they can become more viable in the marketplace so that somebody can go and buy an electric car and be able to drive back and forth to work without plugging it in for 6 hours.

Those technologies will advance, and in the American Energy Act we are encouraging those renewable sources of energy, to advance things like, instead of using products like corn for ethanol, using the biomass, the waste products of things like corn and sugar cane and other products, to make ethanol, which we can do. The technologies haven't advanced to the point where they are commercially viable. All of that is here in the American Energy Act. To look at doing things like increasing the ability to permit nuclear facilities so we can reduce our dependence on Middle Eastern oil. All of the things that have been talked about in the last few months have been encompassed in a bill that has bipartisan support.

Unfortunately, the liberal leadership has not allowed a discussion, a debate, or a vote on the American Energy Act. So what we have said is, Bring it up. If you don't like it, let's bring up amendments. Let's have everything put on the table to address this important discussion that is so important to our country, and hurting our economy. Something that we can do to help the economy.

So what happens? What is the approach that is taken by the liberal leadership? By dark of night, last night, we finally saw what their plan was. It was this bill that was put together in a back room somewhere with who knows what groups, because nobody, even people on the other side, Madam Speaker, members of the Democratic Party who support a comprehensive plan, were not even allowed to have input on the bill that was filed late last night, dark of night, with a 10 o'clock filing of the bill. At 10:30, they had a meeting to decide that they weren't even going to allow an amendment to be brought up, and that today it would come up on the House floor for a vote. That is not the way you handle the most important issue in this country that we are facing right now.

When there's been an alternative on the table for a month, with active discussion, you don't by dark of night put something together that nobody's seen, and then say, Okay, tomorrow we're going to bring it up for a vote, and not one amendment can be offered.

Of course, once you start looking through their bill, you can quickly see why they did it by dark of night and why they don't want any amendments offered. Because this bill that they are going to have a vote on today, that nobody has been able to go through in great detail, the more you look at it, you realize this is a do-nothing bill. This bill will actually put our country more at risk to Middle Eastern oil. Why is that?

Well, there are a number of provisions. First, let's talk about revenue sharing. Right now, States have the ability to get revenue sharing for the drilling that they do. In my State, Louisiana, we drill about 30 percent of the country's oil. We have been doing it for a long time. Finally, after years and years of negotiation, we were able to get an agreement that there would be revenue sharing. That we would be able to participate in the revenue that is generated by the drilling that's done off of our own coast. It doesn't start until 2017. Their bill takes that away.

Why is that significant to States like Louisiana? Number one, it's a huge disincentive for anybody to want to drill. If a State that doesn't drill at all, like Florida, now wants to start looking at drilling, which they do, this takes away their incentive. We use those revenues in Louisiana. It's dedicated in our constitution to rebuilding our vanishing coast. That's our barrier against future hurricanes. Why would the Democratic leadership want to take away our ability to have revenue sharing that we will use to restore our coast and put our hurricane barrier back in place in Louisiana?

They don't do anything on oil shale revenue sharing. They don't do anything on the lawsuit abuses. Right now, lawsuits by radical environmental groups take up about a third of the time it takes to bring oil to market. They don't do anything on nuclear, to encourage more nuclear power, like in France. France uses 80 percent nuclear power for their energy in their homes.

There's nothing in this bill to encourage and remove those barriers on nuclear.

So, clearly, OPEC could not have drafted a better bill than the bill that the radical environmentalists/liberals filed today. I would encourage a ''no'' vote.

A COMPREHENSIVE NATIONAL ENERGY POLICY WILL LEAD TO A BETTER FUTURE

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

Mr. KAGEN. Thank you, Madam Speaker.

To solve our crippling crisis of impossible gas prices that are now over $4 per gallon in Wisconsin, we need a comprehensive national energy policy and strategy. And we need leaders who are on our side—not Big Oil. But where is the administration's plan? You see it at the gas station at the corner every day.

This crisis was totally predictable and, unfortunately, it is forcing every family, every business, and governments at every level to operate in a perpetual state of crisis planning. In fact, today's impossible gas prices are threatening the survival of major manufacturers and small businesses alike, even as ongoing speculation in oil futures remains unrestrained. The truth is there is no shortage of fuel. We just don't have the money in our pockets to pay for the energy we need.

There is a better way of doing things in America. Although alternative energies will not be available to meet our needs for a number of years, we cannot just wait any longer to make plans for our energy independence. We need to start producing more of our own energy right here and right now. If we want to keep more of our money here at home, support the U.S. economy and provide American jobs, then we must produce more of our own oil and natural gas as well.

It's time to say ''no'' to the campaign cash handed out by big oil corporations to lobbyists and other special interests here in Washington. The first priority is to stop pointing fingers and instead start joining hands across the aisle.

Let's begin to work together and develop a comprehensive energy plan, a plan that is created not behind closed doors, but right here on the House floor, right here in the open.

For months, I have been advocating a three-point policy plan. First, we do have to drill for new oil and natural gas here in America. Our Nation has substantial untapped oil reserves, both under Federal land already leased to oil companies and offshore in U.S. territories. With appropriate safeguards, like giving States the right to decide if they will allow drilling off their shores, these reserves should be drilled and the oil extracted from them, which is our own oil, should be sold to Americans first.

Second, we must invest in every form of renewable energy available, whether it be solar, wind, geothermal, and even the new nuclear technologies. We have to invest our money here at home in renewable energy.

Washington's role should include promoting millions of new jobs with the tax incentives for United States companies to invest in this new technology.

Third, we must prevent price manipulation everywhere in the world. Stopping the unfair speculation in the oil market can immediately lower the price of gas at the pump and provide families and small businesses with immediate relief.

Also, I have called on the President and his allies time and time again to sell a portion of our Strategic Petroleum Reserve, which would immediately drop the price at the pump.

These three steps are fundamental to the success of an independent energy future for America, and they will create millions of new jobs.

In the coming days, Congress will take up a comprehensive package that will provide relief for consumers, will end our dependence on foreign oil, and create millions of new jobs and grow our economy. We must promote energy efficiency and invest in renewable sources of energy. We must responsibly increase domestic supplies, and without taxpayer subsidies to oil companies. It is my hope that this will be a bipartisan energy bill that will address all of these concerns.

I look forward to joining with my Democratic and Republican colleagues right here in Congress to try a different approach, something that will work. Let's try working together for a change, and find a legislative solution. It will require compromise. And in the legislative process, that is how business gets done.

None of this will be easy, and some of it won't be quick. But the time is right to craft a national energy policy that allows working families in Wisconsin to spend less of their money padding the bank accounts of oil executives, and more of their money on their own families.

By working together, we really will build a better future, and an energy independent future for all of us.

ENERGY PRICES RISING

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

Mr. COHEN. Madam Speaker, our Nation is suffering. While many citizens are living paycheck to paycheck, energy prices have been rising, affecting the daily lives of Americans, getting to their jobs, getting children to school, and causing the cost of goods to increase significantly due to rising transportation costs. Rising energy costs affect individuals, families, and businesses, both large and small.

We must gain control of energy prices, and must do so in a reasonable and rational manner, with an eye toward the future and a plan which accomplishes energy independence while respecting our environment and providing real relief to individuals, not promoting yet another program that benefits Big Oil, at the expense of the taxpayer.

There are very real differences between Democrats and Republicans when we talk about energy issues. We are in the mess we are in now because the interests of Big Oil have, for far too long, been given priority over the needs of our citizens. Big Oil has reaped the rewards. Even now, while Americans struggle for ways they can reduce their individual energy consumption, ways they can survive while the price of gasoline, home energy costs, groceries, indeed almost everything has outstripped their income, the Republicans are touting a plan that, according to yesterday's and today's New York Times editorials, would do little to increase the supply or reduce the price of oil.

The New York Times editorial: ''It would do little to increase the supply or reduce the price of oil. Oil companies already have access to nearly 80 percent of all American offshore oil that is technically recoverable. This bill would probably open up less than half of the remaining 20 percent, amounting to approximately two-thirds of 1 percent of all globally recoverable sources. The Department of Energy has already stated that the effect on prices would be insignificant.''

The very party which has led us down this path of dependence on Big Oil, that has repeatedly squelched innovation and interest in renewable resources and alternative forms of energy, now wishes to save us with the simple mantra: Drill, baby, drill.

According to another New York Times op-ed published yesterday, drilling in the Arctic National Wildlife Refuge and from currently restricted offshore sites could translate into an extra million barrels of oil a day in the year 2025. That is 17 years from now, Madam Speaker. Please note that. An extra million barrels in 2008 or 2009? No. 2025.

Sure, it takes time to make real change. But 17 years from now we can expect the Republican fix to result in lowering the price of crude by only 1.3 percent. So the party of Bush and CHENEY, the party of Big Oil, the party that Texas gave us, is going to fix the situation they have created just 17 years from now, and with a 1.3 percent cut. In the meantime, Big Oil's profits will continue to rise.

The Republican record on energy programs which have helped Americans is poor indeed. Let's look at the facts and decide if we need another Republican energy plan.

According to the Energy Information Administration, the price of gas is now $3.65, up from $1.46 when President Bush took office. A 150 percent increase. The price of gas was $2.29 when Republicans adopted their energy plan. Today, it's a 59 percent increase. $3.65.

Republican energy policies have resulted in record profits for oil companies. The five largest companies have posted profits of $556 billion from 2001 to 2007, including $123 billion in 2007 alone. Yet, Republicans have voted against nearly every energy initiative brought to the House floor.

Madam Speaker, I submit to you we must do everything we can, and examine every option in our efforts to help American citizens and to change our energy culture. Yes, we must look at drilling, but we need to be responsible in our approach and ensure that we are making decisions that actually achieve our goals, and our goals must be to help the taxpayers, not the oil corporations.

We must look at alternative forms of energy, we must look at renewable energy, we must look at every aspect of energy consumption before we act. There are real differences here, and I hope Congress will do the heavy lifting and make the difficult choices necessary to do what is right for the American people.

It's long past the time for rhetoric. It's time to tackle this real challenge and come up with real solutions, not short-term fixes, which will lead the American public, once again, footing the bill for Big Oil.

Madam Speaker, today the New York Times had another editorial. The New York Times' independent observations:

''Voters are furious at high gas prices. Republicans are happily pandering at their anger. Congress has sensibly renewed the moratorium each year for the last 26. Unfortunately, these are not sensible times, which means that congressional Democrats, particularly House Speaker NANCY PELOSI, must try hard to make the best of a bad situation. The situation, briefly, is this: The Republicans have been bludgeoning the Democrats with the claim that Democrat opposition to offshore drilling is to blame for high fuel prices and that drilling is the answer, or one answer, to the country's dependence on foreign oil. We find it hard to imagine that they really believe what they say. Drilling will have no impact on fuel prices for at least 15 years, if then, and any number of efficiency measures will do more to reduce the country's dependence than drilling for America's modest offshore reserves. But the chant of drill, baby, drill, is playing far too well. Ms. PELOSI's compromise deserves support.''

STAND UP AND BE COUNTED

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

Mr. BURGESS. Before I came to the United States Congress, in another life, I was a physician, and oftentimes when I was introduced to speak at an engagement back home, the person doing the introductions will say, Do you want to be referred to as Doctor or Congressman? I usually start off with perhaps a little lighthearted humor in that, Well, physicians still enjoy about a 70 to 80 percent approval rating with the American public, and Members of Congress enjoy about a 7 to 8 percent approval rating with the country. So, mother always called me Doctor, and that is what I'd prefer to be called. But it's really a sad commentary on the institution that our credibility is at such a low ebb.

Now we just had the gentleman from Tennessee talk about an editorial in the New York Times. Since he brought it up, let me refer attention to the New York Times from yesterday. Reading it on the airplane up here, they referenced the fact that we have a serious problem with the chairman of our Ways and Means Committee and the credibility has been lost for the individual who is head of the largest tax-writing body in the House of Representatives.

The Tax Code in this country is complex. No one understands it. People understand how mistakes can be made. But the chairman of that body, at the very least, ought to hold himself above reproach. And yes, maybe one transgression, perhaps two, but transgression after transgression after transgression is more than the American people can tolerate.

We are going to debate an energy bill today. But the fact is we are not really going to accomplish anything on energy. Yes, I know they have the votes. They can pass pretty much whatever they want. They can ram it to the floor, like they did last night, 15 minutes before it goes to the Rules Committee, and then here on the floor, as if by magic, today. But this bill is dead on arrival in the Senate. It is going to do nothing to help the American people.

Here's the tragedy. Out in the countryside, no one believes that we have the ability to do much of anything. We couldn't talk about border security or immigration reform because we have no credibility. We can't talk about what we are going to do with the economy because we have no credibility.

The credibility of this institution was badly damaged prior to the 2006 election, and I grant you it was an election strategy by the other side that worked. Paint the working majority at that time as one that wasn't working, and we will get to take credit for it and we will get to take power.

So look at where we are today, 22½ months later. Are we out of Iraq? I don't think so. Are gas prices lower? I don't think so. All of those things were promised during the run-up to the last election. And, yes, they promised to be the most ethical and competent Congress that the country had seen in quite some time.

Now I call on the 30 new Members on the majority side who were elected on this platform to stand up. Stand up in your conference and be counted. Now is the time. We have a serious crisis of credibility on one of the major committees in the United States Congress, and we can't get past that point. One individual holds in his hand the power to begin to restore some of the credibility to the institution that we so sorely need.

I call on the freshmen Democrats to ask the chairman to step aside, whether temporarily or permanently, but step aside until he solves his own problems so that the institution is not left carrying that weight. I think the institution of the House of Representatives deserves no less than that courtesy at a time when our economy is suffering, our energy prices are high, and certainly the ability of the country to defend the border has been seriously questioned. This is the time.

This is the time that the House needs to have maximum credibility to get these issues accomplished and, at the same time, here we are talking about the same things and over and over again.

Again, I call on the freshmen Members, stand up to your Speaker, stand up to the powerful committee chairmen. Let's move past this point. You have other capable members on the majority side on the Committee on Ways and Means who can serve, either temporarily or permanently, to serve that body, and let's move past this point.

It's time. The American people are waiting on us to do the big work, and we can't do it because we are bound up in these seemingly endless quandaries that we find ourselves in. Let's show the American people that we can lead. Maybe then they will restore some of the credibility to us.

THE COST OF ENERGY

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

Mr. WAMP. Madam Speaker, over the last 14 years that I have had the privilege to serve in the U.S. House of Representatives, I have tried not to be excessively partisan. Frankly, having grown up a Democrat and become a Republican during the Reagan movement in this country, I feel like neither party has an exclusive on integrity, neither party has an exclusive on ideas.

But I feel compelled, Madam Speaker, to come to the floor today to say

that one issue right now is burning in the American public like no other issue, and that is the cost of energy. This morning, the economy is sliding rapidly downward, primarily because of energy.

Now there's talk in the House here and in the Congress of a second stimulus bill that includes a variety of things that the new majority, the Democrat majority, has cobbled together. But the most important thing we could do for the American economy is to pass the American Energy Act, which is the Republican bill that opens up all of our oil and gas resources in this country. That is the most important thing we could do for the economy. For jobs and productivity and exports and standing our country back up economically, it is the most important thing.

Yet today it's going to be suppressed again because the Democratic energy alternative is a very limited, watered-down effort, designed, honestly, to just give some of their members a vote so they can say, Oh, we voted to drill a little bit and go home to campaign. Yet their idea of economic stimulus is going to be more government, more spending, more borrowed money, and it's really unfortunate.

It's really unfortunate because the most important thing we could do is just pass this robust energy bill, and in our bill we share the revenues with the States that opt in, that want to have Outer Continental Shelf oil and gas exploration in the zone where the oil and gas is, in the Gulf or off the West Coast, this resource that's been locked up for a long period of time, that we now know has to be unlocked, and Hurricane Ike was another reminder over the weekend that we need to diversify our supply, increase our supply, and have a robust approach to this, and not a very limited approach.

I will tell you where the problem lies. The American people are really frustrated. I have local officials calling me every day, angry, because the people they represent don't have anywhere to turn. Gas in east Tennessee was $4.99 a gallon this weekend. People on fixed incomes are hurting and hurting and hurting and they wonder what the heck is going on in Congress and how is this happening. I have got to tell you, it's called extremism.

Now environmentalism is a good thing if it's a responsible, logical, commonsense resource management idea. It's a good thing. But extreme environmentalism is the problem. Extreme environmentalism has locked up our energy resources for a long period of time. And these Sierra Club types lobby the Congress and they score these Members and they say, If you don't vote with us all the time, you're somehow a radical person in the back pockets of oil and gas, and all this. Let me tell you, they're extreme.

On every new permit in this country, every single one for oil and gas exploration, they have immediately filed a lawsuit to tie it up in court, and they have got an unlimited supply of lawyers to sue to keep us from bringing any new oil and gas resources on the market. That is a huge problem. It's called extremism in the environmental community.

For years and years, they have been lobbying this place, and I have been here, and I have seen it. Now it's come home to roost. These are our problems.

Today, we need to give the Republicans a vote on the American Energy Act today in the House, and let's unleash the economy again and lower the cost of energy before it's too late, guys.

Ladies and gentlemen of the House, this is an important day. It's not about politics, it's about the people we represent and the fact they have nowhere else to turn. We need action. We need it today. This is not a partisan thing. There are really responsible people on both sides of the aisle that need to come together. And the liberals from San Francisco don't need to govern national policy.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 44 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR) at 10 a.m.

PRAYER

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

Lord God of creation and reconciliation, called to address the effects of the hurricane season upon the Nation, we must also face honestly the economic fractures of the present moment. Monetary matters, just as natural disasters, call us to be people of faith, hope and love.

The biblical vision of creation, covenant and community summons people to stand strong and together in a time of tension between promise and fulfillment. Positioned here by You, we commit ourselves to solidarity with those suffering the most from hurricane and from economic situations. The ordinary laborer cannot distance himself from the speculative investor. All are frightened by the shaken terrain, and all must find new ground where they can stand together.

As people of the covenant, Lord, we can confront those attitudes and ways of acting which institutionalize injustice even when they are discovered within our very selves. For our quest for economic and social justice arises from faith, is sustained by hope, and seeks to heal a broken world that still seeks Your lasting justice and loving kindness. Be with us now and forever. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. GINGREY) come forward and lead the House in the Pledge of Allegiance.

Mr. GINGREY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 2135) ''An Act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.''.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the first bill on the calendar.

ESTHER KARINGE

The Clerk called the bill (H.R. 1485) for the relief of Esther Karinge.

There being no objection, the Clerk read the bill as follows:

H.R. 1485

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

SECTION 1. PERMANENT RESIDENT STATUS FOR ESTHER KARINGE.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Esther Karinge shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Esther Karinge enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Esther Karinge, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Esther Karinge shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MARKEY. Mr. Speaker, I rise today in support of H.R. 1485. I commend Chairman CONYERS, Subcommittee Chairman LOFGREN, and Representative BOUCHER for their tireless work on this most important legislation.

I am particularly pleased that the bill we are voting on today gives Ms. Esther Karinge, a constituent in my district, an opportunity to escape persecution in Kenya and live freely with her son in the United States.

While living in Kenya with her uncle—a local political official—Esther and her family received harassment and death threats during a time of tremendous political unrest still present in the region. Esther left her home and sought out protection in the United States in 1994.

Esther's case, while strong enough on the grounds that she faced persecution or worse in Kenya, is further complicated by the fact that not long after arriving in the United States, Esther gave birth to her son Nicholas. Nicholas was born prematurely, and was diagnosed with cerebral palsy and deafness. As a single parent to Nicholas, who is wheelchair bound, Esther has gone above and beyond for her now 11-year-old child, who has relied solely on his mother for survival. Because of Nicholas's perseverance, and the unconditional love and support of Esther, doctors believe that Nicholas may someday walk on his own.

Esther has worked hard to secure a better life for herself and her son, while becoming an important part of our community in Malden. For several years, Esther served at the Refugee Immigration Ministry in Malden, Massachusetts, as a case manager working with women who fled their countries for the same reason she did—fear of persecution. Esther also serves as a member of the board of directors for the Immigrant Learning Center, a not-for-profit offering English language classes in my district.

Today, we are one step closer to protecting the life of Esther, and the great potential of her son Nicholas. Again, I would like to thank Chairman CONYERS, Subcommittee Chairman LOFGREN, and Representative BOUCHER for their commitment to this body and legislation. I urge adoption of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SHIGERU YAMADA

The Clerk called the bill (H.R. 2760) for the relief of Shigeru Yamada.

There being no objection, the Clerk read the bill as follows:

H.R. 2760

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIGERU YAMADA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Shigeru Yamada shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shigeru Yamada enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Shigeru Yamada, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Shigeru Yamada shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. FILNER. Mr. Speaker, I would like to thank the Speaker, Chairman CONYERS, and Chairwoman LOFGREN for passing H.R. 2760 on the private calendar today. Shigeru Yamada is an extraordinary young man who has faced much personal adversity in his life but has been a model student, athlete and member of the Chula Vista community. He has worked hard to overcome his personal tragedy while attending school and being active in civic organizations. Yamada came to the United States legally in 1992 at the age of 10 with his mother and two younger sisters and due to tragedy and changes in the immigration laws, he was to be deported despite the fact that he has assimilated into American society. The passage of this bill in the House brings justice one step closer to Yamada. We want and need more people like him in our country and he deserves the opportunity to become a citizen.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORINA DE CHALUP TURCINOVIC

The Clerk called the bill (H.R. 5030) for the relief of Corina de Chalup Turcinovic.

There being no objection, the Clerk read the bill as follows:

H.R. 5030

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

SECTION 1. PERMANENT RESIDENT STATUS FOR CORINA DE CHALUP TURCINOVIC.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Corina de Chalup Turcinovic shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Corina de Chalup Turcinovic enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Corina de

Chalup Turcinovic, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Corina de Chalup Turcinovic shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KUMI IIZUKA-BARCENA

The Clerk called the bill (H.R. 5243) for the relief of Kumi Iizuka-Barcena.

There being no objection, the Clerk read the bill as follows:

H.R. 5243

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

SECTION 1. PERMANENT RESIDENT STATUS FOR KUMI IIZUKA-BARCENA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Kumi Iizuka-Barcena shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Kumi Iizuka-Barcena enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Kumi Iizuka-Barcena, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MIKAEL ADRIAN CHRISTOPHER FIGUEROA ALVAREZ

The Clerk called the bill (H.R. 2575) for the relief of Mikael Adrian Christopher Figueroa Alvarez.

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 30 requests for 1-minute speeches on each side of the aisle.

HURRICANE GUSTAV'S IMPACT ON LOUISIANA

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

Mr. CAZAYOUX. Mr. Speaker, this past Labor Day, Hurricane Gustav made landfall in Cocodrie, Louisiana. It packed sustained winds of up to 110 miles per hour and tore across the State, uprooting trees and damaging property along its way.

Many across the country watched as the levees of New Orleans held. Miraculously and thankfully, they held. As the levees held, the media left and did not see the vast destruction left behind in the Baton Rouge area. It was the worst storm to hit the Baton Rouge area in its history. Louisiana has many people to thank for their efforts in helping in this time of great need, the first responders, its parish and local officials, the National Guardsmen and women, and the States who sent their men and women to Louisiana to help in this time of need.

Since then, Hurricane Ike has hit and has reinforced the notion that natural disasters and the damages they inflict cannot be avoided. We can only hope to respond as best as possible to minimize that aftereffects. It is our job as Congressmen and women to aid our fellow citizens in this time of greatest need.

Over the next 2 weeks, I urge my colleagues to ensure that the victims of Hurricanes Gustav and Ike are not left behind and that we continue to improve the Federal Government's, and particularly FEMA's, response to natural disasters.

DEMOCRATS' BOGUS ENERGY BILL PUNISHES OUR NATION

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

Mr. DAVIS of Kentucky. Mr. Speaker, energy is the number one strategic issue facing this Nation. Has the Democratic Congress done anything credible to address it? No. In fact, when they do, they drop a bogus bill in the watches of the night and expect everybody to swallow it.

Their bill still blocks over 80 percent of offshore drilling and has no credible alternatives that are proven, like coal to liquid, oil shale, tar sands or nuclear. This bill is bad for Kentucky. The Democratic leadership has totally misled the American people with this bogus bill.

I rise in opposition. This bill punishes the elderly, working families, our schools and all industry in this country. This bogus measure punishes the heartland of America that grows the food, produces the goods and creates the energy that this Nation runs on.

I call on all Kentuckians and all Americans to stand up and call this Democratic-led Congress what it is, useless. Vote ''no'' on their bill. And Mr. Speaker, give us a vote on a bill that matters, that will change the American people and that will help us build a future: The American Energy Act introduced by Republicans in this Congress.

REMEMBERING ISAAC HAYES

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

Mr. COHEN. Mr. Speaker, last month, the City of Memphis and the world lost a great entertainer and humanitarian in Isaac Hayes. Today on this House floor, we will pass H. Res. 1425 memorializing my good friend and a great world citizen who was an actor, a musician and a humanitarian.

Isaac Hayes, like Elvis, came to Memphis from the rural Midsouth, a poor person who was raised in the cotton fields and came to Memphis and got his education at Manassas High School. Elvis went to Sam Phillips and Sun Records. John Lennon said before Elvis there was nothing, but after Elvis there was Isaac Hayes. Isaac Hayes put a new form to music, pretty much created hip hop, received Oscars and Grammys and produced his signature song ''The Theme From Shaft,'' which began a kind of a new genre of music.

He was a wonderful human being to be around. He inspired greatness and wrote great songs with his dear friend and co-composer, David Porter, ''Hold On I'm Comin' '' and other great songs by Sam and Dave. ''Black Moses'' will be remembered for years to come. We're fortunate he has come our way and lent his talents to the world. We'll miss him. He was my friend.

THE SHAM ENERGY BILL

(Mr. BROUN of Georgia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, last night at about 9:45, a bill was introduced that we're going to vote on this morning. It has been in the hopper for almost 12 hours now. It has been called a sham. It has been called a farce. But let me tell you, it's a bald-faced lie to the American people. This so-called energy bill is not going to produce one drop of oil, not the first one. We don't know all that is in this bill because we were just presented it last night.

There are some things that are not in this bill, and I can guarantee you there is no nuclear energy. We're not going to even be able to drill for oil and gas on the Outer Continental Shelf. There is no way to stop in this bill the endless lawsuits by the radical environmentalists. This is a nonenergy energy bill. It's a lie to the American public. It is a cover to try to look like the Democratic majority is trying to do something. They say they represent the poor, the elderly and the underprivileged. But that is a lie, too, because the underprivileged and the poor are being hammered by increased energy costs. And we cannot afford to continue on this process.

A NEW DIRECTION ENERGY POLICY

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

Mr. WALZ of Minnesota. Mr. Speaker, it is true: The Bush-Cheney energy plan has been a giant success, but for big oil companies, not the American people. America is still addicted to foreign oil, and gas prices are through the roof.

It's time for a new direction in our energy policy. This week, House Democrats are bringing up that legislation. I was proud to work with a bipartisan group of Democrats and Republicans to craft a piece of legislation. Many of those ideas are incorporated into this plan. It invests in renewable energy, responsibly increases domestic supply by opening up the Outer Continental Shelf for drilling and releases oil from the Strategic Petroleum Reserve.

One thing it does that is very good, it eliminates unnecessary tax breaks and subsidies to Big Oil and asks them to pay their fair share of royalties so we can invest in renewables.

All Americans, Republicans and Democrats, who believe it is time for our country to move in a new direction towards energy independence should join us and move this ball forward. This legislation will create millions of good-paying American jobs in the renewable energy industry, and it will begin to break the stranglehold of foreign oil over this Nation.

□ 1015

STOP PLAYING POLITICS WITH AMERICA'S ENERGY INDEPENDENCE

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

Mr. PENCE. Mr. Speaker, the American people are hurting. They are struggling under the weight of record gasoline prices, and in that cause Republicans have been fighting for a comprehensive energy bill that includes more drilling. Three-quarters of Americans agree with us.

Just last week, the drill-nothing Democrat Congress announced they are going to bring an energy bill to the floor that includes more drilling. And now they say Republicans have to take ''yes'' for an answer.

Well, I would suggest to my countrymen, Mr. Speaker, that they look at the fine print. The drill-nothing Congress has brought a bill that actually includes basically drill-nothing provisions. They say ''yes'' to drilling, but not in Alaska, not in the eastern gulf, and not within 50 miles.

They say ''yes'' to drilling, but States can decide, even though they get absolutely no revenues for choosing to drill. I guess States are going to just allow drilling out of the goodness of their hearts.

They say ''yes'' to drilling, but litigation rules will allow environmental lawyers to tie up all leases from the very day they are filed.

I say to my House Democrat colleagues from my heart, on behalf of our constituents who are struggling under record gasoline prices, end this charade. Stop playing politics with America's energy independence. Bring us a full and fair debate to this floor and you will see a bipartisan result.

CONTRACTOR ACCOUNTABILITY

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

Ms. SCHAKOWSKY. Mr. Speaker, one year ago today, Blackwater contractors opened fire in Baghdad's Nisoor Square, killing 17 Iraqi civilians. This wasn't the first time private security contractors used excessive force.

It has now been 21 months since the Christmas Eve murder in the Green Zone, and 3½ years since a Blackwater helicopter dropped CS gas on a traffic jam in Baghdad. Yet there have been no arrests, no charges, no trials and no conviction. In fact, the Blackwater contractor responsible for the Christmas Eve shooting is now employed as a prison guard in Washington State.

Instead of holding Blackwater accountable for violating the law, last April the State Department rewarded Blackwater by renewing their billion dollar contract. Before we even consider giving Blackwater another penny of U.S. taxpayer dollars, we should hold private security contractors accountable under the law.

On the 1-year anniversary, I urge my colleagues to cosponsor the Stop Outsourcing Security, SOS, Act, H.R. 4102, to begin phasing out the use of private security contractors. The longer we wait to fix this problem, the worse the situation is going to get, not only for Iraqi civilians, but for our troops on the ground.

DO-NOTHING CONGRESS

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

Ms. FOXX. Mr. Speaker, this is indeed the do-nothing Congress. The Speaker of the House and the majority leader in 2006 made many, many promises. Among them was to bring down the price of gasoline, to have the most open Congress in the history of the Congress, to have the most bipartisan Congress. Every single one of those promises has been broken, and broken many, many times.

It is important that the American public understand that the Democrats are in charge of this Congress. The Democrats have the capability of bringing up a bill to allow us to vote to bring down the price of gasoline. But the bill they are going to bring up today is bogus, a sham, an illusion, a charade. All of those words that have been used are appropriate.

The Democrats are proving that they are anti-American energy. Republicans are pro-American energy. Republicans want to increase the supply. We want to increase our efforts at conservation. We want to increase alternatives.

The Democrats are totally out of touch with the American people. From August 1 until the end of December, they plan to work 14 days for the American public.

McCAIN'S ASSESSMENT OF ECONOMY SHOWS HE REALLY IS NOT AN EXPERT ON THE ECONOMY

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

Ms. WATSON. Mr. Speaker, earlier this year Senator McCAIN said he needed to study up on the economy because it was not his strong suit. You can certainly say that again. Yesterday Senator McCAIN once again said, and I am quoting now, ''The fundamentals of our economy are strong.'' His comments came on a day when the stock market fell 500 points, its worst drop in 7 years, and Lehman Brothers filed for bankruptcy.

What fundamentals is Senator McCAIN referring to? It certainly can't

be the fundamentals of ensuring more Americans have a job. Every moment this year, the Bush-McCain economy has shed tens of thousands of jobs. To date, more than 600,000 jobs have been lost.

Nor can it be the fundamentals of ensuring that middle-class Americans are prospering. Over the last 8 years under the Bush-McCain economy, real wages have actually fallen by $300, while basic necessities like food, gas, health care, and education have skyrocketed.

Mr. Speaker, Senator MCCAIN needs to study up more on the economy and reject the failed economic policies of the last 8 years.

REPUBLICANS WILL NOT BE SILENCED ON ENERGY ISSUES

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

Mrs. BACHMANN. Mr. Speaker, the American people are not only frustrated; they are absolutely outraged this morning when they wake up to discover that not only has the Speaker of the House decided there won't be any new energy production this year, in 2008, no relief is on the way, she has also decided political speech is not going to be allowed on the floor of this House.

This morning, Republicans were so outraged when they heard what the Democrat Congress had done, that 150 of our Members planned to be on the floor to talk about the outrage of this bill. When the Speaker heard that, she decided to limit us to 30 people being able to speak this morning.

Well, Mr. Speaker, one thing that will not be put under a bushel will be the outrage of the American people over this perceived and actual hoax of a bill, this charade we are going to vote on today.

I have in my hand amendments that I had hoped to offer to give Americans some real energy production. Not only will they not be allowed, but the voices of the American people will not be heard on this floor this morning, because the Speaker of the House has decided it will not be.

I am afraid, Mr. Speaker, that Speaker PELOSI has vastly underrated the American people. They will not be squelched. They will be heard. Our voices will be heard on this issue. We will not be silenced.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to heed the gavel and will limit their remarks to 1 minute.

COMPREHENSIVE ENERGY PACKAGE WILL GIVE MONEY TO TAXPAYERS AND CONSUMERS

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

Mr. YARMUTH. Mr. Speaker, this week Congress will vote on an all-inclusive energy package that will lower gas prices for consumers and put money back in taxpayers' pockets.

The Democratic energy plan will require oil companies to pay royalties on leases they have had for years but never paid to use. Big Oil has raked in record profits, the largest in American history this year, while Americans pump hundreds of dollars into their gas tank. It is time Big Oil pay American taxpayers the $15 billion it owes all of us for drilling on the American people's land.

For years, Washington Republicans have been showering Big Oil with tax breaks and subsidies. With the big oil companies amassing record profits every quarter, they certainly don't need this corporate welfare. The Democratic plan will repeal these giveaways to the big five oil companies and invest money in renewable money and programs, like LIHEAP, that will help Americans heat their homes this winter.

Mr. Speaker, the Democratic energy plan helps Americans who have been suffering from George Bush's failed energy policies for far too long.

PROPOSED ENERGY BILL IS A SHAM

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

Mr. CARTER. Mr. Speaker, it is a good thing we don't have Pinocchios working in this House or we would have some noses growing. To stand up and say this is a bipartisan bill when the first Republican saw it, I was present when it happened at 9:45 last night while we were speaking on the floor of the House, ought to make somebody's nose grow.

To call this a bipartisan bill is a sham, and we ought to call it what it is. This is a bill shoved down the throats of the American people, without the voice of the majority of the Members of this House having anything to do with this energy plan.

Look right here and see what it doesn't do: No real offshore exploration; no renewables without high taxes; no real oil shale drilling; off limits permanently, Arctic coastal plain; emissions-free nuclear, no; clean coal, coal-to-liquid, no; new refinery capacity, no. We got five of them out in Texas right now. No energy tax hike, no; no electricity spikes, no; lawsuit reform, no; playing politics with energy, yes.

That is what we have been given today. That is what we have. Meanwhile, on the coast, people suffer. Let's really address energy.

DEMOCRAT ENERGY PLAN SIDES WITH CONSUMERS WHILE GOP ENERGY PLAN SIDES WITH BIG OIL

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

Mr. CARNAHAN. Mr. Speaker, while Big Oil rakes in record profits this year, American families are struggling with pain at the pump. House Democrats are working to pass a comprehensive energy plan that lowers prices for consumers, expands renewable energy and creates good-paying jobs here at home.

The old Bush-Cheney policy, written by and for the oil companies, is the gift that keeps on giving to Big Oil; more land, more public land, more taxpayer dollars and more record profits.

Every Representative in this House has a clear choice this month: Talk about an all-of-the-above plan, or take action. They can join with Democrats in siding with consumers struggling with energy costs, or continue to side with Big Oil. They can support a policy that will create good-paying American jobs and increase our Nation's security, or continue to argue for a drill-only plan. As T. Boone Pickens has said clearly, this is one problem we cannot drill our way out of.

Mr. Speaker, the Democratic energy plan will bring down prices at the pump and invest in renewable energy for our future. It deserves strong bipartisan support.

ALL-OF-THE-ABOVE ENERGY ACT NEEDED

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

Mr. GINGREY. Mr. Speaker, for the last 2 months we have been telling the Speaker and the Democratic majority that we need an all-of-the-above American Energy Act, and the Speaker has responded by saying any bill that includes drilling is a hoax.

Well, Mr. Speaker, she has presented at 10 o'clock last night a 290-page hoax in regard to the drilling provision. It is absolutely a hoax. It gives absolutely no revenues to the States for any drilling between 50 and 100 miles. We already allow that off the coasts of Texas and Louisiana, and you are going to expect these east coast States or California to let us drill with no revenue sharing? It ain't going to happen, and she knows it.

Now, in regard to the energy proposals that we have made in the American Energy Act, we have 10 up here, and none of these are included in the Pelosi no energy bill. None of the

above. NOTA. Think of the acronym, N-O-T-A, not an energy bill.

If she would give us four of these; real offshore exploration, emission-free nuclear, new refinery capacity, who could say we don't need that, and lawsuit reform, so the extreme environmentalists don't destroy every opportunity.

This is not an energy bill. NOTA, N-O-T-A.

COMPREHENSIVE ENERGY PACKAGE WILL INVEST IN RENEWABLE ENERGY AND CREATE JOBS

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

Ms. EDWARDS of Maryland. Mr. Speaker, very shortly this Congress, this Democratic Congress, is going to do what the Republicans failed to do for more than a decade of their leadership, and that is to present and vote on a comprehensive energy package that will expand renewable sources of energy for the future and create good-paying jobs here in America.

This plan for the 21st century extends tax incentives for renewable energy, hybrid cars, energy-efficient buildings and homes. It requires utility companies to generate 15 percent of their electricity from renewable sources such as wind, geothermal and solar power.

This is our new energy future. And the legislation forces oil companies to pay their fair share for drilling on the American people's land. Big Oil should pay taxpayers to use their land. We will use that money, $15 billion, to develop clean energy sources and alternative fuels, to develop greater efficiency and improve conservation.

Investments in renewable energy will create hundreds of thousands of good-paying jobs here in America, at a time when the Bush economy is shedding tens of thousands of jobs every month.

Mr. Speaker, this is a comprehensive energy plan. It is a Democratic plan that the American people have been waiting for for the future. Republicans just don't get it. This plan is about the future and not about the past.

□ 1030

ENERGY BILL FAILS AMERICAN PEOPLE

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

Mr. WILSON of South Carolina. Mr. Speaker, the Democrat hoax energy bill appears to be another disappointing response to families hurt by high gasoline prices. Never mind the fact that this bill was written by the House Democrat leadership, never considered in committee and devoid of any input from the minority.

Among the numerous troubling parts of their proposal is the refusal to allow States such as South Carolina to share in revenues from offshore drilling. What a slap to those coastal communities to say that we will drill off your coast, but yet withhold revenues.

This is the money that could help pay for new roads and beach renourishment. Meanwhile, they insist on a renewable energy mandate that will increase America's electric bills and harm our rural electric co-ops. They raise taxes and fail to address refineries, ANWR or expanding clean nuclear power.

This bill is a hoax on the American people. It won't become law, and the Democrat leadership knows it. This is not leadership and not what the American people deserve.

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

REPUBLICANS CLAIM THEY WANT ALL OF THE ABOVE—BUT HAVE DONE NOTHING TO LOWER GAS PRICES

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

Mr. CLAY. Mr. Speaker, for 8 years, Washington Republicans have favored record profits for Big Oil while Americans are paying record prices at the pump. Congressional Republicans say they want an all-of-the-above plan, but their actions speak differently. Republicans have voted against every piece of legislation that would responsibly invest in renewable energy and would bring down gas prices for consumers.

We proposed legislation to crack down on price gouging and curb excess speculation, but House Republicans said no. We proposed lowering gas prices immediately by tapping the Strategic Petroleum Reserve, which lowered prices by 33 percent when the President's father took similar action in 1991, but Republicans said no. We proposed legislation that would force Big Oil to drill on 68 million acres of land to increase oil production here at home. Again, House Republicans said no.

This week, the Republicans will have the opportunity to support real reform and say yes.

NO DRILL, NO ENERGY BILL

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

Mr. GOODLATTE. Mr. Speaker, when Speaker PELOSI said that an energy bill that included drilling would be a hoax, she knew what she was talking about.

Last night, in the dead of night, the Democratic leadership brought forward a no drill, no energy bill. That bill is a hoax on the American people, just as she said it would be. You can put lipstick on a no-drill, no-energy bill, but it's still a no-drill, no-energy bill.

I have introduced legislation, many others have, to allow the States to participate in drilling off their coasts. Their bill prohibits that.

We will see no drilling, we will see no oil production, no access to oil production in more than 90 percent of the areas where oil exists, and we should go after it. Nothing in this bill for nuclear power, nothing in this bill for coal-to-liquid technology, nothing in this bill for the American people, nothing in this bill for my constituents, nothing but a hoax on the American people.

MCCAIN'S ASSESSMENT OF ECONOMY SHOWS THAT HE REALLY IS NOT AN EXPERT ON THE ECONOMY

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

Mr. WELCH of Vermont. Mr. Speaker, it's becoming quite apparent that our economy is in peril. The biggest casualty in this economy are middle-class families trying to hang on by their fingernails.

We have got a different point of view by our leadership. President Bush says that the 500-point collapse is just, quote, a correction. Mr. MCCAIN, Senator MCCAIN says the economy is fundamentally sound.

The reality is that the economy has become weak, with policies that have deregulated financial institutions leading to the collapse of some of our longest-standing, historically most solid institutions like Lehman Brothers. For 8 years, the Bush-McCain economic policy has had a radical proposition that we can deregulate everything and leave everything to Wall Street, and it will all take care of itself.

Now American families, businesses on Main Street, are beginning to pay the price for this economic failure under the Bush administration.

The only way we can change our economy is by returning to the basic principle that our economic policies should all be about building the middle class.

EIGHTY DOLLARS TO FILL UP A MINIVAN IS A CRISIS

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

Mr. KELLER of Florida. Mr. Speaker, when a single mom in Orlando, Florida, is paying $80 to fill up her minivan, that's a crisis. It's a crisis

that this Democratic energy bill does not address.

Now, why doesn't it address it? Democratic colleagues at the Sierra Club, the head of the Sierra Club said, ''We're better off without cheap gas.'' Well, let's look at the specifics. There is no ANWR in this bill whatsoever, even though it's the single largest untapped source of oil in the United States of America.

With 10.4 billion barrels of oil available, that's enough to provide all of Florida's energy needs for 29 years. It's enough to give us 1 million barrels of oil a day every single day for the next 30 years, but it's nowhere in the bill.

Why? Because we're better off without cheap gas, according to the Democrats and their colleagues. Well, we are not better off without cheap gas, we are better off without cheap political stunts, and that's what this Democratic energy bill is.

I urge my colleagues to vote ''no'' on it and give us an up-or-down vote on the American Energy Act.

BILLIONS OF DOLLARS NEEDED TO RECOVER FROM HURRICANE IKE

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

Mr. AL GREEN of Texas. Mr. Speaker, Hurricane Ike came through Texas, landed near Houston. Much of the area in my State, especially in the Houston-Galveston area along the gulf coast, has been decimated. It will take billions of dollars for us to recover.

We are asking that this House understands the needs of the people of Texas and the areas that have been devastated. We will have to lend some assistance to the areas that need our help at a most important time.

For fear that someone may not understand, we are truly all in this together. Dr. King reminded us that life is an inescapable network of mutuality tied to a single garment of destiny. Whatever impacts one directly, impacts all indirectly.

Though you may live in some far corner of the United States of America, there are earthquakes, there are fires, there are storms that will come into your life. We are all going to need some help at some point.

So I am begging those of you who can, please understand that we have got to help Texans and Americans through this.

ALLOW OPEN, FULL AND FAIR DEBATE

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

Mr. WESTMORELAND. Mr. Speaker, this bill that was introduced last night at 9:45 has the same MO as the other lies that the Democratic Party have told the American people.

I quote here from A Congress Working for all Americans, something put out by the then-Democratic minority trying to become the majority. ''Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process.'' More smoke and mirrors to get elected.

In fact, Mr. PAUL KANJORSKI stated it best when he was talking to a reporter about the promises the Democrats made on the campaign trail, ''We sort of stretched the truth, and people ate it up.'' They have stretched the truth.

Speaker PELOSI in April 2006, said, we have a plan to lower the skyrocketing price gas prices. It was $2.06 at the time. Now, as you know, it's over $4.

But Mr. DEFAZIO from Oregon told the truth. He said, ''It is sad to see the Republicans come to this.'' Now they laughingly say this will lead to higher prices.

The energy bill they passed in January of 2007 has caused gas prices to double. This is a sham.

DRILLING ALONE IS NOT THE ANSWER

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the Bush-Cheney energy plan, supported by the Republican majority here in Congress, is 95 percent implemented. Yet the prices have increased by 150 percent. For the last 12 years, up until this term, the Republicans have been in the majority, along with the President.

Democrats have been the majority less than 2 years, and we are trying to put together a piece of legislation that brings in every aspect of some type of resolution for the energy shortage. All of us know that drilling alone is not the answer.

We can drill all we want to. The population of the world has gotten so large that there is no way it's going to be enough to do what we need to do. We have got to do alternative fuels that's in this bill, even including the possibility of nuclear energy.

I will support this bill strongly because it has a multiple number of ways to address this problem.

DEMOCRAT INACTION ON FAILING TO ADOPT A COMPREHENSIVE ENERGY POLICY

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

Mr. LATTA. Mr. Speaker, the Democrat inaction on failing to adopt a comprehensive energy policy has come home to roost. We see this happened in the last hurricane. We have over 20 percent of our oil being produced in the gulf, and these oil rigs being shut down, and the refineries being shut down.

Americans are suffering. We have to diversify. Once again, when you look at the energy proposals here, we have to be up in ANWR. There's 10.3 billion barrels of oil up there that we need to be drilling. We have got to get that oil down here.

We have to make sure that there is natural gas, make sure that people can heat their homes this winter. We have to make sure that the folks that are out there driving trucks or tractors have diesel. We have to have that to make sure we keep our energy prices down and our food prices down.

But the time to act is now. We have to have a comprehensive energy plan. The Republicans have put forward all of the above. All of the above is to make sure that we have nuclear, clean coal technology, hydro. We have to make sure that we drill, that we make sure that we have all of the alternatives out there, but we have to do it now. If we don't get it done now, the rest the world will pass us by. Next year China is becoming the number one manufacturing country in the world.

It's time to act right now.

SEEING THE EFFECT OF REPUBLICAN POLICIES

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

Mr. DAVIS of Illinois. Mr. Speaker, the truth is that from 2001 to 2007, Republicans controlled all levels of power here in Washington. It was their opportunity to put the conservative economic ideas that they have been talking about for decades into law, and they did it.

Today we see the effect of these policies. Middle-class families are being squeezed by wages that have actually fallen by $300 since President Bush took office, 3.4 million more Americans are unemployed, 5.7 million more Americans are living in poverty.

Foreclosure rates have hit a record high with 2.5 million families expected to lose their homes this year. The dollar remains weak because President Bush continues to borrow record amounts of money from other countries.

This is the economy Washington Republicans created with policies towards the needs of the wealthiest few over those of hard-working, middle-class Americans. Now Senator MCCAIN vows to continue those same economic policies if he wins the Presidency.

That does not sound like change to me.

NO ENERGY BILL

(Mrs. MUSGRAVE asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. MUSGRAVE. Mr. Speaker, the Democrat no-energy bill before us today is an absolute travesty. The bill will permanently lock up the first 50 miles of coastline and keep the next 50 miles under lock and key until coastal States pass a law permitting production.

They don't have any incentive to do so, so it essentially locks up the first 100 miles of coastline where most of our resources are located. This bill does not share any royalty revenues with coastal States, giving them absolutely no incentive to approve production off their coast.

Under current policy, producing States receive royalties from offshore production. This bill does not provide funding for environmental restoration or a sustainable funding mechanism to develop alternative and renewable energy sources, which would decrease our dependence on foreign oil.

This bill includes an unworkable, renewable energy standard.

In States like mine, Colorado, we are well positioned to utilize renewables. Other States will be unable to meet this unrealistic hurdle, costing consumers untold increases.

Speaker PELOSI, you can fool all of the people some of the time, some of the people all of the time, but you cannot fool all of the people all of the time. This is a travesty.

□ 1045

COMPREHENSIVE ENERGY PLAN

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

Mr. ELLISON. Mr. Speaker, there is a real difference between the Democratic and Republican plans when it comes to energy. The comprehensive Democratic plan is an American-owned, 21st-century energy plan, and the Republican plan is not.

The Democratic plan lowers prices for consumers and protects taxpayers, expands renewable sources of energy, and increases our security by freeing America from the grip of foreign oil. Perhaps this is the problem with the objection to the Democratic plan: it requires Big Oil to pay what it owes taxpayers. It ends subsidies to Big Oil companies. Maybe some people don't like that. And it creates good-paying jobs here in America.

The Republican bill is more of the same old Bush-CHENEY, two oilmen in the White House energy policy written by and for the oil companies. It is time to end that policy.

ENERGY BILL WITH NO ENERGY

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

Mr. TERRY. Mr. Speaker, this is an extremely disappointing day for me, and I assume for America. Today is the day when we finally have an energy bill, except it doesn't have energy in it. And America wants us to work together, the Republicans and Democrats to work together, so that we have a comprehensive American energy plan that makes us independent of foreign oil where we can have price stability.

But unfortunately, as Republicans repeatedly reached out to the Democrat leadership to be involved in this process, we were totally shut out. The only negotiations occurred within the Speaker's office, and no Republican was allowed. We didn't even see the bill until late last night. This is not a true energy bill. If she would have included some of us, we could have made this hoax of a bill a lot better for the American public.

For example, they say that they open up 12 percent of the resources, but then put conditions on it that really can't be met. So even that 12 percent of the coastal waters are not going to be opened up while they pass a permanent moratorium on 88 percent.

This is a hoax, and America needs to see it for what it is.

COMPREHENSIVE AMERICAN ENERGY

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

Mr. CARSON of Indiana. Mr. Speaker, there are real differences when we talk about the Democratic and Republican energy plan. We are talking about expanding renewable sources of energy, and we are talking about creating good-paying jobs here in the great United States of America.

Since January alone, 90,000 Americans lost their jobs; 16,000 of those Americans were from the great Hoosier State of Indiana. The Center for American Progress just released a report saying if we invest $100 billion into a comprehensive plan, we will be able to create 2 million green jobs in 2 years. We have already spent trillions of dollars in Iraq. We can invest $100 billion in a comprehensive plan that can employ Americans. Eighty percent of Hoosiers are without college degrees; 70 percent of Americans are without college degrees. This is an opportunity to help Americans pull themselves out of poverty by investing in the green movement.

ENERGY PROPOSALS

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

Mr. FERGUSON. Mr. Speaker, today we have a stark contrast between the Republican approach to solving the energy crisis in our country and the liberal Democrat and the radical environmentalist approach to solving the energy crisis in our country.

We are going to look at two different pieces of legislation, the American Energy Act written by Republicans and some of our friends on the Democratic side, and the Democrats and radical environmentalist no-energy plan that we will have to vote on today.

Because it might not be easy to see this chart, I am going to go down this chart.

Real offshore exploration for new energy: Republicans say yes; Democrats say no.

Renewable energy without raising your taxes: Republicans say yes, Democrats say no.

Real oil shale exploration to find new energy: Republicans say yes; Democrats say no.

Drilling off the Arctic coastal plain: Republicans say yes; Democrats say no.

Emission-free nuclear energy to help us find new electricity and power: Republicans say yes; Democrats say no.

Clean coal technology: Republicans say yes; Democrats say no.

Increasing our refinery capacity in our country: Republicans say yes; Democrats say no.

The Democratic energy plan is a sham. Vote it down.

DEMOCRATS PROVIDE RELIEF AT THE PUMP

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

Mr. PAYNE. Mr. Speaker, when it comes to gas prices, Republicans don't have a record to be proud of. For 8 years, Washington Republicans have favored profits for Big Oil while America is paying record prices at the pump.

House Democrats know this country needs comprehensive energy legislation to bring down gas prices and invest in the energy sources of the future.

This week we will vote on comprehensive legislation that invests in renewable energy sources and responsibly increases domestic supply by opening portions of the Outer Continental Shelf for drilling.

In New Jersey, we want this energy package which will provide real relief for consumers at the pump, help end our dependence on foreign oil, create millions of new jobs, and help transition America to a cleaner, renewable energy future.

Mr. Speaker, just talking about an all-of-the-above plan won't help consumers who are pumping hundreds of dollars into their gas tanks every day. We need to pass a Democratic all-of-the-above plan that will help us solve our energy problems.

AMERICA HAS TO HAVE OWN RESOURCES

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

Mr. ISSA. Mr. Speaker, the American people know who the Republicans are. We are the party that for decades the Democrats, backed by the radical left, have accused of wanting to do nuclear power. We are the party that for decades the environmental movement has fought because we wanted to drill for oil and natural gas in America.

Mr. Speaker, we are the party that has this energy bill that is not being considered, while your party, headed by NICK RAHALL, GENE GREEN, GEORGE MILLER, and JOHN DINGELL, is claiming to have a bipartisan bill that is yours which does nothing.

Mr. Speaker, there is no Republican in your bipartisan. That is a new definition even for this Democrat Congress.

Mr. Speaker, back in 1998 I called for our California coast to be opened for exploration so we would have a strategic reserve we could tap in time of need. Guess what, BARBARA BOXER and the radical left attacked me. I lost that election. I haven't changed my position since then; I never will. America has to have its own resources. We are the party that you know has wanted to do that, and you are the party that has been blocking it.

RELIEF AT THE PUMP

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

Mr. CLEAVER. Mr. Speaker, it really troubles me that the United States is borrowing money from China to buy oil from Saudi Arabia to put in cars from Japan.

We have been working hard to pass legislation that will bring down prices at the pump and help America end its dependence on foreign oil.

We signed into law the first vehicle fuel efficiency standards in three decades which will save drivers approximately $1,000 a year. We passed an historic commitment to American biofuels which are keeping gas prices 15 percent lower than they would be otherwise. And House Democrats pressured Mr. Bush to stop sending oil to the government reserve, which put more oil on the market to fight rising gas prices.

This Democratic-led Congress has also passed legislation to curb excess speculation to prevent price gouging and to expand tax incentives for renewable energy.

Mr. Speaker, it is time for us to stop being partisan and try to move toward progress.

ENERGY PLAN

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

Mr. JORDAN of Ohio. Mr. Speaker, America is the greatest Nation in history with the greatest economy in history, a $14 trillion annual economy. To remain the number one economy, we need a real energy plan, not a sham. To help families across this country, we need a real energy plan, not a sham.

Here is the Democrat plan: no real offshore drilling; no drilling in ANWR; no nuclear power; no lawsuit abuse reform; no revenue sharing with the States. But you know what is in the plan, tax increases. Think about that. At a time when we want our economy to grow, they are raising taxes. At a time when we need more oil, they are going to tax the very people who produce the oil.

This is a terrible plan. It doesn't help our economy stay number one. It won't help American families, and that is why we should vote ''no'' on the Democrat plan and support the Republican plan that does the right things for our country.

MCCAIN NOT AN EXPERT ON ECONOMY

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, earlier this week it was difficult to tell President Bush and Senator MCCAIN apart. On the day when the stock markets fell 500 points, President Bush described it as nothing more than an ''adjustment,'' while Senator MCCAIN declared the ''fundamentals of our economy are strong.''

Are President Bush and Senator MCCAIN serious, or are they out of touch? What about the millions of Americans who have lost their jobs and are having trouble finding a new one simply because the Bush-McCain economy has shed 600,000 more jobs this year than they have created? What about middle class families who are worse off today than they were 8 years ago? They have seen their real wages fall over 8 years by $300.

Mr. Speaker, when it comes to economic issues, there is no difference between President Bush, Senator MCCAIN, and former President Herbert Hoover.

AMERICA UNDERSTANDS WE ARE NOT DEVELOPING AMERICAN ENERGY

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

Mr. AKIN. America by this time understands that we have not been developing American energy. There are three things required to develop American energy. First, you have to have natural resources. America is blessed with a great supply and diversity of natural resources.

The second thing you have to have to develop American energy is the technology to be able to develop energy in a scientific and an environmentally friendly way. We are very clever with our technology. We have that in America.

And the third thing that you need is political will, the desire to develop American energy; and in that regard this Congress has failed. The Pelosi Congress refuses to put the gears in motion and take action.

Now, I can understand if you like $4 a gallon gasoline, you prefer to see it go to $6, that is a political policy. If that is what the Democrats want to do, if that is what PELOSI wants, fine.

But what we have on the floor today is a sham. It pretends to be an energy bill and pretends to say it is going to drill, and it doesn't. It has nothing in there for clean nuclear and nothing to allow real drilling in Alaska. We have 748 sites to drill, every one blocked by a lawsuit. There is no reform in this bill. This is a sham.

AMERICA DESERVES BETTER

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

Mr. FORBES. Mr. Speaker, every day on the floor and across America today, we are hearing people talk about being bipartisan. They come to the floor when they have drafted a bill improperly or they have ethics charges against them, and they plead with us with tears almost that we need to be bipartisan.

But when it comes to one of the most significant issues facing America today, energy, they don't want to be bipartisan.

Mr. Speaker, it is one thing to cut the microphone and the lights off against Republicans; but what this bill does is cut it off against scientists and engineers and analysts who will never have an opportunity to analyze this bill and tell America what it does because it was filed last night and we will vote on it today.

When they do, this is what they are going to tell Virginians. They are going to tell Virginians that it pulled away the revenues that they could have gotten from oil drilling. They will tell Virginians that it has increased their electricity bills enormously, and it puts $18 billion more taxes across America.

But that is okay because off the camera they are going to put their arm around us and say don't worry about it because this bill will never become law because it is just designed to give us cover in the election.

Mr. Speaker, America deserves better.

DEMOCRATS ARE TIRED OF THINKING

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

Mr. REHBERG. Mr. Speaker, finally a Democrat bill.

Will Rogers once said a conclusion is a place where you finally got tired of thinking. It looks like the Democrat leadership has gotten tired of thinking.

They just got back from a 5-week vacation, while gas prices prevented many of their constituents from taking a vacation. I joined my Republican colleagues here in Washington, D.C. We were here every day of the week during those days with no lights, no cameras, no microphone, and no Democrats.

Last week, the first week we were back, we worked just 3 days, just 3 days, and they did not give us an energy bill.

I come from the energy State of Montana. We have oil, gas, coal, wind, solar, geothermal, biomass, and ethanol. We are part of the solution. But the Democrats are standing in our way.

Allow us an opportunity to drill for oil and dig our coal. It is time we pass a bill. After 5 weeks of vacation, another week of no energy votes, they finally come up with a 290-page energy bill that doesn't create any energy. We can only conclude the Democrats are tired of thinking.

□ 1100

COMPREHENSIVE ALL-OF-THE-ABOVE ENERGY PLAN

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

Mr. KLINE of Minnesota. Mr. Speaker, for 5 weeks, all during the month of August and September, Republicans were on the floor of this House with the microphones off and the cameras off demanding a comprehensive all-of-the-above energy plan. We were demanding that we have open debate and that we have a vote, the very thing that then-minority leader NANCY PELOSI demanded, saying that the minority party should have the right to present its alternatives, have a debate and have a vote. That's what we've been asking for for weeks and weeks and weeks.

We believe that we need a comprehensive all-of-the-above energy plan. This is not a comprehensive, all-of-the-above energy plan. This is not.

Just for example, in the American Energy Act, the Republican bill, we call for emission-free nuclear power. This is the one place in the world I can think of where the French actually have it right. They get 80 percent of their electrical power from nuclear energy.

We haven't built a new nuclear energy plant in this country in years, and we never will if we adopt this plan. We need a comprehensive all-of-the-above plan.

REPUBLICANS GET IT

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

Mr. BACHUS. Mr. Speaker, the number one cost in manufacturing is energy. The number one cost of job loss in America is the high cost of energy.

Now, the Chinese get that. The Chinese are building 32 nuclear power plants.

The country of India, they get it. Seventeen new nuclear power plants.

Even Abu Dhabi and Dubai, oil rich Arab countries, United Emirates, they sell us their oil and they're building nuclear power plants so they don't have to use their oil, they can sell it to us.

Listen, all these countries get it. The Republican bill gets it. It has nuclear energy. But JOE BIDEN, Senator OBAMA, they don't get it. The Democrats don't get it. There's no nuclear energy in their bill.

We'll continue to lose jobs. We'll continue to have high cost of energy, and most importantly, we will not be able to compete with the world because they are building nuclear power and cheap energy while we're not.

We need to vote for a real bill, not this sham.

GOVERNMENT 101

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

Mr. MICA. Mr. Speaker and my colleagues, now, this is going to be a lesson in Government 101. Now, 2 years ago, and this may surprise a lot of the American people and even some Members that follow politics, but the Democrats seized control of the Congress. They control the House, the Senate.

Now, people across the country woke up this morning and yesterday and saw the financial markets implode across the United States. Now, who's in charge, the Democrats or the Republicans?

Now, for 2 years they promised us change. Look at the financial leadership of the House of Representatives. Look at the leadership of the Ways and Means Committee, right now under siege.

They promised us and the American people that they would have a policy, the Pelosi Energy Policy, some 2 years ago when gas prices were hovering around $2.

They control the process. We don't control the process. Now, they have brought out a sham. They are in control, and we have the highest energy prices in a bill that does nothing to solve the problem.

That's Government 101.

A STORM SWEEPING THIS CHAMBER

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

Ms. GRANGER. Mr. Speaker, a terrible storm has swept over my home State of Texas, brought devastation to neighborhoods and communities; 2,500 search and rescue missions out, 2 million people without energy in their home probably for 3 weeks.

There's another storm that will sweep this Chamber and this Nation over the hoax of this energy, this energy bill that brings no energy to the American people, at a time when we need the shot in the arm for the long term, as well as for today.

This bill that's been brought as if it were a real bill, brought, passed in the dead of night, brought with no debate, no discussion, no input, no process, a process that has stood us well for decades, for centuries, no process, no offshore exploration, no oil shale resources, no refineries, no drilling in ANWR, no nuclear, no coal, no energy, no nothing, and no commitment to the American people who support this and understand what we should be doing, what they deserve, what they respect, what is our job.

What a hoax. What a disappointment.

DEATH PENALTY FOR POWER AND ENERGY

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this bill might be called the death penalty for power and energy. Why do I say that?

If you look at how we utilize lethal injection in this country, the first injection actually sedates the individual. The second injection paralyzes the heart, thus killing the individual. What we have here is the first part of it is sedation. That's the bill today that claims it's for energy.

But the fact of the matter is, with the litigation explosion we have based on the extremists in the environmental movement, the coconspirators with the Democratic Party on this, they've basically paralyzed our efforts to get any energy. Every single lease that's been granted over the last 2 years has been sued against. As a matter of fact, there are two lawsuits now that are already in effect with anything that we will lease in the future. So who's kidding whom?

Let's break this conspiracy that exists between the extremists on the environmental side and the Democratic leadership. Let's give us real power. Let's reject this death penalty for power and energy that they're calling an energy bill. It's a fraud on the American people. We ought to understand that.

We need to do better. The American people need to do better. Let me tell you this: If the Democrats have run out of energy, there's plenty of energy on this side of the aisle to do the right thing.

DRILLING OFF THE ATLANTIC COAST

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

Mrs. DRAKE. Mr. Speaker, Virginia's Second District includes the entire Atlantic coast in Virginia.

Today, I see that the rumors that we've heard all weekend are true. This bill supposedly opens drilling, but really, it doesn't. The first 50 miles are closed. The second 50–100 miles are open at State option, but no royalties to those coastal States.

Virginia gets zero. Look at Alabama, Mississippi, Louisiana, Texas, 37.5 percent. Every other coastal State, zero.

The effect of this legislation will be none of these coastal States will allow for drilling. So industry will now look at 100 miles out or more. Problem with that? Resources within the first 50 miles.

America needs to realize that we are the only Nation that does not take resources from our Outer Continental Shelf. The American families are hurting. American businesses are hurting, and look at the impact on our economy. After all of these months of bills on the floor and discussion on the floor, this is the result of this bill. It's not only a hoax, it is cruel to American families and American businesses.

LITIGATION IS KILLING AMERICAN JOBS

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

Mr. PEARCE. Mr. Speaker, a generation ago, extreme environmentalists began filing lawsuits to stop the production of timber in the United States. They killed the timber industry throughout this great country. 20,000 jobs were lost in New Mexico alone. Today we have fewer than 100 of those jobs left, and they're in the process of dying probably this year. That whole response to our timber industry was a hoax.

Today we're involved in another hoax, the hoax that is sending $700 billion a year to enemies across the seas; $700 billion a year would be a 6 percent increase in our economy. That means more jobs. And yet instead of solving the problem, we're extending the problem through a hoax.

If we want to stop the outflow of American jobs, we need to stop the lawsuits that are killing every single new lease. They're killing mining, they have already killed the timber industry. The extremists, with litigation, are killing American jobs, and this hoax that is on the floor today called an energy bill is doing nothing about the litigation that is killing American jobs. We must stop it, and we must stop the litigation.

THE AMERICAN PEOPLE DESERVE BETTER

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

Mr. CHABOT. Mr. Speaker, I rise in strong opposition to this sham, no-energy energy bill, and want to express my deep disappointment that once again, this House is missing an important opportunity to lower gas prices, and make our Nation more energy independent.

After reviewing this bill, it's clear that the majority never really intended to open the Outer Continental Shelf to energy exploration. Instead, this bill would permanently keep off-limits 88 percent of our offshore oil and natural gas reserves.

Let me tell you some of the other failings of this bill. It fails to open up more of the energy rich Gulf of Mexico. It fails to make building refineries any easier. It fails to promote nuclear energy. It fails to boost oil shale development, and it fails to open the billions of barrels of oil now off limits in ANWR.

What this bill will do is raise taxes that will surely be passed along to consumers in even higher prices at the pump.

Louisiana Senator Mary Landrieu, a Democrat, recently said it best. This bill is ''dead on arrival in the Senate.''

The bottom line is, this bill is a publicity stunt, and the American people deserve better.

THE DEFINITION OF BIPARTISAN HAS CHANGED

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

Mr. SMITH of Nebraska. Mr. Speaker, we've been hearing a lot about change these days; certain parties claiming more change than others perhaps.

I would suggest that what has changed the most is the definition of the term ''bipartisan.'' To say that this effort is bipartisan is not being honest. To say that the process that we're supposed to engage in 2 years ago of being the most open process in the history of Congress, not so. To criticize the executive branch for energy policies 7 years ago being drafted behind closed doors, and then to participate or not allow participation in this issue, I think, is unconscionable for the American people.

We're talking about way offshore drilling, if at all. We need broad-based energy supply.

If we think that a 9 percent approval rating of Congress is bad, let's pass a bill that won't do anything saying that it will. That is bad policy. If we expect our economy to grow, we need to afford the resources of energy to the growing economy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to an additional 20 requests for 1-minute speeches on each side.

DEMOCRAT ENERGY BILL

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

Mr. BLUNT. We're here today to talk about a bill that nobody had seen, or at least no Republican had seen as late as 9:45 last night.

No committee has seen the bill. In fact, I asked has this been to the Energy and Commerce Committee? I thought, as a member of that committee I must have missed the hearing. But, no, it hasn't been to the Energy and Commerce Committee.

And so I asked has it been to the Resources Committee because it deals with our natural resources. No, it hasn't been to the Resources Committee.

I asked has it been to the Ways and Means Committee. There's a $1.2 billion project in this bill that the chairman of the Ways and Means Committee has wanted forever to extend subways in New York, so I thought surely it had been to the Ways and Means Committee. But it hadn't been to the Ways and Means Committee. In fact, it's been to no committee anywhere, and it does nothing.

Republicans have worked for years in this House to send good legislation to the Senate, joined by Democrats who agree with us on this issue. We worked all of August to call attention to the fact that we weren't dealing with the number one problem facing the American people, and now we have a bill that we find will not produce any more energy and we know will increase energy prices.

The renewable portfolio standards that raise everybody's electricity bill

are unreasonable. But that really doesn't matter because nobody expects this bill to become law. The drilling in the Outer Continental Shelf can't really occur. But maybe that doesn't matter either because this bill's not about something that would become law.

I'm offended, Members of the House are offended, and we should be by this process. And the American people should be offended that we're not doing the job for them that really matters.

□ 1115

DEMOCRAT ENERGY BILL IS RIGGED

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

Mr. BOEHNER. Mr. Speaker, I appreciate the announcement from the Chair that additional Members will be allowed to give 1-minutes. In fact, it was announced earlier that there would be unlimited 1-minutes, then it was announced that we would only have 30 1-minutes on each side. And I appreciate the announcement that we will have at least 20 more because our Members want to speak, and I will tell you why.

When a bill gets filed at 9:45 the night before and then it's announced it's going to come to the floor the next morning as the first bill up, a bill that no one has read, written in the dark of night, that won't do a damn thing about American energy. Enough is enough.

The Speaker of the House said this will be the most open and ethical Congress in history, that we would consider things in a fair and open way. And this is not going to be considered in a fair and open way. It shows up in the middle of the night, nobody's read the bill, and guess what? The Republican Members, who represent about 48 percent of the American people, we're not allowed to offer a substitute. We have no opportunity to offer our American Energy Plan that we've been on this floor talking about for 3 months nonstop. We don't even get a chance to offer the bill.

It's rigged, and the bill that's coming to the floor is nothing more than a hoax on the American people, and they will not buy it.

ENERGY BILL NOTHING BUT POLITICAL COVER

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

Mr. BONNER. Mr. Speaker, in words that the American people can understand, you can put lipstick on a bad bill but it is still a bad bill. And sadly, that is what your leadership's so-called energy bill is. It has been called a sham, which it is; it's been called a hoax, which it is. But the truth is, it is nothing but political cover to allow Members on your side of the aisle an opportunity to say they are for something which we all know the majority of your Members are adamantly opposed to.

Why does Congress have the lowest approval rating in the history of the Republic? Because instead of having a real debate on a real energy producing bill, one that will give incentives to the States to actually join in the production of new American energy, this Democratic majority is instead offering up a bill that will not produce a single drop of new oil or a single ounce of new gas.

With so much uncertainty in the hearts of the American people today, today's vote is a kick in the teeth to every hardworking American who's tired of paying more for oil and gas.

Shame on us. Shame on you.

A BIPARTISAN BILL IS NEEDED

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise with disappointment today. People in my district and the working people of this country are begging us to resolve this energy issue. They're struggling to drive their cars, and they don't have any idea how they're going to heat their homes and run their businesses with today's energy prices. They expect us to do something.

Speaker PELOSI's been telling the country that drilling's not the answer; it would take 10 years. Well, the Pelosi team drafted a bill. It will take 10 years, maybe 15, maybe 20, folks. This bill will not produce energy. It locks up 97 percent of the west coast forever. It locks up the most productive part of the gulf that we can produce quickly forever.

Folks, we need a bipartisan bill. Twenty-three Republicans and Democrats sat down and drafted a bill, 11 Democrats and 12 Republicans. We drafted the Peterson-Abercrombie bill that opens up all kinds of energy for America, funds all the renewables, and gives hope to the American people.

That's the kind of bill they don't want. They don't want a Republican bill. They don't want a Democrat bill. They want a bill that Members of this Congress sat down with no oil companies, no lobbyists. We sat down and drafted a simple bill—not 290 pages—one we could understand. We need to vote on a bipartisan energy bill that will give hope to the Americans that there is an economic future.

ENERGY POLICY

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

Mr. BROWN of South Carolina. Mr. Speaker, the energy crisis that we are facing in America today is affecting every segment of our society, and my constituents in coastal South Carolina are getting more concerned every day that with what goes on that we do not have a solution to bring a more domestic supply of energy on line.

My constituency sees Russia holding Europe as an ''energy hostage,'' and they do not want to allow foreign and sometimes unfriendly nations to have the ability to hold the United States as an energy hostage in the future.

Right now, Russia supplies 50 percent of Europe's natural gas, and by the year 2020, Russia will supply 75 percent of Europe's natural gas. Right now America is 70 percent dependent on foreign energy. So much of American energy is being produced in prime hurricane zones that are susceptible to natural disasters every year.

Mr. Speaker, we should view our energy resources as a natural asset, not as an environmental liability. The energy crisis that we are currently in cannot be solved by having us being dependent on foreign and sometimes unfriendly nations.

We all must learn a valuable lesson from what's currently going on between Russia and Europe and seize this opportunity to vote on all-of-the-above.

STOP PLAYING GAMES WITH AMERICAN ENERGY PRODUCTION

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

Ms. FALLIN. Mr. Speaker, my, my, my, what a difference one night can make. Last night we were in session until about 7:15. There was no energy bill. All of a sudden, we wake up this morning and we have an energy bill, but it's an energy bill that even the majority of, well, I would say even the conservative Blue Dog Democrats have not seen, much less even the Republicans in the House. And so why do we have this today happening?

It's because there are people in this body who do not want to produce energy for America. We're playing games with American energy production. We're hurting the American economy. We're hurting the pocketbooks of our American businesses. We're increasing our dependence on the foreign oil.

All of the Americans right now are very concerned about our economy, they're concerned about our unstable financial institutions, they're concerned about home foreclosures, they're concerned about trade deficits, they're concerned about foreign countries who are coming in and buying American assets. They're concerned about the cost of gasoline, the cost of food, the cost of consumer goods.

You know, families are struggling, businesses are struggling. But yet in

this body, we have an energy bill that has been brought forth today that we have not seen, that we have not had time to debate, to look at. It's one of the most important issues facing our Nation.

Producing an American energy bill that produces American energy is the course for the future of this Nation. It's a threat to America's national security, our economic security not to pass the energy bill.

OPEC WOULD SUPPORT DEMOCRATS' ENERGY BILL

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

Mr. SCALISE. Mr. Speaker, for months we've been talking about the need to address this national energy crisis that's facing our country that's hurting our economy. We've been talking about getting a bill on the floor like the American Energy Act that approaches this in a comprehensive way and addresses all of the issues.

But yet I rise today in strong opposition to this bill that the Democratic leadership filed in the dark of night with no discussion that they're going to bring up today and allow no amendments on. And let's look at why that bill is so bad.

First of all, it puts a permanent ban on 88 percent of the known Outer Continental Shelf reserves. That's billions of barrels of oil that we know right where they are, and yet there's a permanent ban on these reserves placed in this bill. That's something that OPEC would want because OPEC now would have even more leverage on us because they know that we would be taking off-limits 88 percent of our known reserves offshore.

If you look at the new taxes and the billions of dollars in new spending that they have that has nothing to do with energy, and yet Speaker PELOSI says we don't have money to give States their own fair share of royalty sharing because she knows that's a deal breaker that will lead to absolutely no drilling.

Mr. Speaker, I would attest to you that OPEC could not have drafted a better bill than what the Democrats filed in the dark of night.

We need to vote this down. The American people see through it. Bring up the American Energy bill. We have no time to waste.

WE NEED TO COME TOGETHER ON AN ENERGY BILL

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

Mr. MCCARTHY of California. Mr. Speaker, like most every Member inside this House, the first day that you are sworn in is a highlight, one of the highlights in your life. As I look across this floor, I see Members from both sides of the aisle that experienced that for the very first time with me this January.

I sat on the floor, and I brought my young son and daughter with me. I listened intently as Madam Speaker held the gavel to the words that she said that we're going to define this Congress, define this Nation. And the words that she spoke that rang to me that I applauded, I stood up and said ''yes,'' was this was going to be a Congress of partnership, not partisanship.

It's sad to say that today this is not a Congress of partnership. We may be from different sides of the aisle, we may be Republican, we may be Democrat; but first and foremost, we are American. We are Americans with a desire to have an American energy independent policy, and it's sad to say that this bill does not. This bill, created in the middle of the night.

And when you think about where you sit and what part you're a part of, that the Chamber, that this dome that we're under today was built during the Civil War confronting the challenges that face America. We can meet that challenge, but we can only meet it with partnership, and we need to come together and vote against this bill today.

THE AMERICAN PEOPLE EXPECT BIPARTISANSHIP

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

Mr. DENT. Mr. Speaker, the American people believe that Washington, DC, is broken. And this process and this legislation that we are considering today is proof positive of why Washington and this Congress is broken.

The American people expect some bipartisanship on this energy issue. My colleague, JOHN PETERSON of Pennsylvania, just discussed a bipartisan proposal. NEIL ABERCROMBIE of Hawaii, a Democrat, and JOHN PETERSON of Pennsylvania have put together a good bipartisan compromise that we should be considering as part of this discussion today. It will advance American energy and American energy jobs.

The bill we're dealing with today says no nuclear, no clean coal—and I'm from Pennsylvania; we care about that. And there's really no oil and gas. That really limits our options as a nation. We want to create American energy jobs, and we want to use the revenues to transition to alternative and renewable energy as well as conserve and realize efficiencies.

The American people expect better. They expect bipartisanship. And what we are considering here today, unfortunately, does not meet that test.

THIS BILL WILL NOT SOLVE THE ENERGY PROBLEM

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

Mr. WITTMAN of Virginia. Mr. Speaker, today we have before us an energy bill, an energy bill that was presented to us at 9:45 last night, 260 pages long, and very little time to digest what is probably one of the more important pieces of legislation that we will address in this century. I will tell you this is extraordinarily important.

People in my district ask me all the time, ''Rob, we see this issue, it's an important issue for our Nation, why can't we come together and use some commonsense to solve it? Why can't Congress work together?''

Well, folks, this is not the way to work together. This is not an inclusive process. When we are given the opportunity to make sure that the best and brightest ideas come forward for a policy that's so important to the future of this country, we need to make sure the opportunity is there to bring forth the best solutions to this.

We will not solve this energy problem with this bill. This will not happen. It doesn't provide for nuclear energy, it doesn't unlock the resources that we have here. We're the only nation in the world that refuses to use its own resources to solve its own problems.

Folks, we have got to make sure that everybody's ideas make it into this bill. This bill does not provide for that. It's not acceptable to the American people. We should not have this going forward.

NO-ENERGY SOLUTION

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

Mr. HERGER. Mr. Speaker, Democrats are wasting more time on a no-energy solution for our energy crisis. This bill says ''no'' to actually increasing American-made energy and relieving energy costs for the American people. No new refineries, no provisions to cut redtape and increase American refining capacity of American-made energy. No lawsuit reform to prevent frivolous lawsuits from radical environmental groups intent on playing political games.

The only thing they're saying ''yes'' to is an $85 billion tax increase. It would include unfair penalties for States that simply can't adjust to federally mandated one-size-fits-all renewable electricity standards.

America deserves an all-of-the-above energy solution. I strongly urge my colleagues to vote down this bill.

REPUBLICANS GOT AMERICA INTO THIS MESS

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

Mr. WEINER. Mr. Speaker, my colleagues on the other side have finally found the forum perfectly equipped for their ideas: one 60-second burst at a time filled with rhetoric and no new ideas. This is the perfect forum for the Republicans in Congress now.

We know that because when they controlled Congress, they passed their own energy bill, signed into law by the President, we got into this mess. This is the President whose idea of an energy policy is holding hands with the Crown Prince of Saudi Arabia, embracing him with a big smooch.

If my colleagues want to do something interesting, go to opensecrets.org. Look at the donations of ExxonMobil, look at Texaco, look at all of those, and look at the ''Rs'' next to all of the people who got it.

I gotta tell you something. The status quo is perfect. We govern over here, and on that side, 60 seconds of bluster at a time, 60 seconds of rhetoric at a time, 60 seconds of ''drill, baby, drill'' at a time.

If you want to govern the country, you had your chance and you blew it. Look at the energy bill you passed.

□ 1130

WE DON'T NEED A SHAM POLITICAL BILL

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

Mr. HENSARLING. Mr. Speaker, since the Democrats took control of the House, prices at the pump have increased 75 percent, I would say to my friend from New York. Their response, take a 6-week vacation while the American people suffer.

Then they come back and, in the dead of night, present us with a 240-page nonenergy bill, no amendments, no substitutes, no committee hearings. Is this democracy? No. Is there any difference in NANCY PELOSI's America and Hugo Chavez's Venezuela? I think not.

This is a sham. This is a fraud. This is a bill designed to ensure Democrats' reelection, not designed to ensure affordable energy in America.

No new refineries in their bill, no clean coal, no ANWR, no nuclear and, if you read it, no Outer Continental Shelf; 85 percent still off limits.

Democrats look at our oil and gas reserves and say these are toxic waste reserves. Republicans look at our oil and gas reserves and say valuable natural resources to ease the pain at the pump.

Mr. Speaker, we need American energy made in America for Americans. We don't need a sham political bill.

WE NEED ENERGY INDEPENDENCE

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, America is threatened by four securities: Family security which finds itself hurting to pay for gasoline, food and heating costs; job security which sees our jobs going overseas, not only for manufacturing, but where other countries are drilling for oil, we can only sit back and watch; economic security, when we see our trade deficit improving in every area except for energy, when we see OPEC spending so much money to buy our national debt and $700 billion of our money goes overseas every year; and our national security, when we see what other countries do with oil dollars, Iran buying missiles, building nuclear weapons, Venezuela sending terrorists to attack Colombia, the Saudis paying off al Qaeda, and Russians attacking Georgia, threatening Ukraine and Poland.

We have to have energy independence, and the means to energy independence is to drill for our oil and use that money to fund vast conservation efforts and innovative fuels so we can get off of oil. We have got oil to do that, and the oil is off of our Outer Continental Shelf and out in Colorado in the shale oil and out in the Arctic shores, and we can't get to it if we put a lock on it and turn the key and throw away the key.

We need energy independence, and this is a means towards the end.

THE SOLUTIONS TO ENERGY INDEPENDENCE ARE THERE AND AVAILABLE TODAY

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

Mr. HALL of New York. Mr. Speaker, I agree that we need energy independence. All Americans agree that we need energy independence. There used to be bipartisanship on this issue. In fact, it was the first President Bush who proposed an executive order banning drilling on the Outer Continental Shelf.

We've had eight budgets sent here by President George W. Bush, who's his son. Every one of them, including this February when we got the budget for fiscal 2009, included language banning drilling on the Outer Continental Shelf.

Somebody got a poll this last spring, and the prices went up because they're being manipulated by oil companies and OPEC, and we wind up with a situation where it becomes a campaign issue that was made into a partisan issue by, I believe, the party that had originally supported these things, whose President sent us eight budgets with banning the Outer Continental Shelf language.

So I would just say calm down. We are working on a genuine, all-of-the-above, bipartisan—we hope it will be a bipartisan bill. It's up to my colleagues and my friends on the other side of the aisle, but the solutions are there. They're available today. The renewables are in front of us, and they hire more people than fossil fuels.

ALLOW A VOTE ON THE AMERICAN ENERGY BILL

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

Mr. PRICE of Georgia. Mr. Speaker, the most pressing, the most urgent issue facing the American people today is energy policy, gas prices. Yet the strongest Nation, the greatest Nation in the world is 70 percent reliant on foreign oil.

Now, the good news is that there are wonderful and incredible alternatives and opportunities to create American energy for Americans. The problem is that this Democrat bill today will not, will not allow any new supply.

The reason the American people are so disgusted with Congress is because of this style of leadership: closed, unfair, un-American. This is most frustrating and concerning to the American people because they know that there are positive alternatives.

Madam Speaker, fulfill your duty. Allow a vote on the American energy bill. Honor your oath.

COMPREHENSIVE ENERGY ACT

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

Mr. PERLMUTTER. Mr. Speaker, it's great to be here this morning to talk in favor of a Comprehensive Energy Act that we're going to bring up on the floor today.

My friends on the other side have been complaining for weeks that we don't have a comprehensive energy bill. We've passed bill after bill really designed to focus on new ways to power America. We can't be hooked on just one commodity anymore. We're hooked on oil. We are beholden to eight countries, most of which don't like us, and five oil companies. So we're always sort of at risk, and we've seen that this year with the price going straight up.

So we've got a bill that talks about energy efficiency, renewable energy, and incorporates domestic drilling all over the place, quite frankly, coal, a whole variety of things.

It's going to take our coming across the board with new policies with respect to energy to break our dependence on foreign oil. That's what this bill does.

And I always say, is it any wonder with two oilmen in the White House that the price of oil went straight through the roof?

PEOPLE NEED HELP IN AMERICA

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

Mr. GOHMERT. Mr. Speaker, I just came back from a weekend of being with my constituents that were hit by a hurricane. They don't care about Republican or Democrat, and they cannot find a generator that's a hybrid generator. They need help.

And when I went and was dealing with sheriffs that were trying to get help for their people in the middle of the night, one of them said, You know I'm a Democrat. I said, You know I don't care.

People need help in America, and this bill that's been put on the floor will provide none of the above. The litigation has stopped 68 million acres from being drilled, and now once we find that out, we find out that's their ace in the hole to keep this bill from producing anything.

People want hope. People need gasoline. They need diesel. They don't need a joke that is turned into a mean, mean, hurtful bill.

THE REPUBLICANS DON'T WANT TO FIX THE ENERGY PROBLEM

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

Mr. OLVER. Mr. Speaker, our Republican colleagues are saying that H.R. 6899, the Comprehensive Energy Policy Act that this House will debate and pass later today, is a sham.

Let me remind them, H.R. 6899 contains essentially the same drilling language they demanded a vote on in June and July. Yet, they will vote against it today just as they did in June and July when they voted against requiring drilling in the already leased National Petroleum Reserve in Alaska, against cracking down on speculation, and against releasing a small portion of the Strategic Petroleum Reserve.

The truth is, they don't want to even begin to fix the problem. They only want to distract public attention from eight disastrous years of the Bush administration.

A failing economy, a failing foreign policy, a clearly failed energy policy, and no new ideas.

THE WORKING CLASS ARE GETTING STIFFED BY THE DEMOCRAT ENERGY BILL

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, back in the Fifth Congressional District in Florida, I tell people I came from a dysfunctional family. My father was a Democrat. My mother was a Republican. But let me tell you, my father was a Democrat because he thought that the Democrat Party was for the working class.

Ladies and gentlemen in this Chamber, the working class are getting stiffed by this bill. It's interesting because since the Democrats took control of both the Houses, gasoline has gone up over $1 a gallon. Now you know what that means? That means that the working class and the middle class are really getting hurt.

The bill that we have before us today is not one that's going to produce any kind of energy. Let me tell you why. First of all, lawsuits will stop any drilling. There's no consolidation or method to consolidate any lawsuits that may be brought by numerous environmental groups. Certainly, we want to protect the environment, but you know what, this bill does not produce one ounce of any kind of petroleum product.

Also, I come from a State that could be producing, but there's no revenue-sharing. So no legislature or no Governor will ever vote to allow any kind of drilling off their shore.

THE REPUBLICANS ARE POLITICIZING THE HEARTBREAK OF AMERICA

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

Mr. SALAZAR. Mr. Speaker, frankly, today I'm totally surprised that the other side is politicizing the heartbreak of America. The other side has actually raised fuel prices. We have an oilman in the White House. What we need now is common energy policy, expanding our renewable energy policy, and making sure that we address clean coal burning technology.

Who was it that withdrew the FutureGen project off the table? It was President Bush that did this.

Ladies and gentlemen, let's make sure that America listens to what Americans are talking about: high energy prices; they're losing their jobs.

Today, this bill expands domestic drilling opportunities, not only offshore but also on the land.

THE SPEAKER HOLDS THE KEY IN HER HAND TO UNLOCK THE POTENTIAL OF AMERICA

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

Mr. SULLIVAN. Mr. Speaker, when I was coming to the House after the August vacation, where we did nothing on energy policy, I was walking through the airport, and many people were patting me on the back, said get down there, get that energy bill done, it's hurting us, we need something done.

And they said they couldn't believe that the Speaker, NANCY PELOSI from San Francisco, would not allow us a vote on this. One guy said, I can't believe she's that powerful that she is single-handedly holding this up when the majority of the American people want to see this done and done now and get a comprehensive, all-of-the-above strategy.

She does have that power, and she's exercising her power. She has the key. She holds the key in her hand to unlock the potential of America, to unlock oil and gas reserves in this country that would last for 160 years that we can get right here in our own backyard. And while we're doing that, we can develop technologies like wind, solar, nuclear, hydro, biomass, all other technologies in an environmentally sound way, and we need to do it now.

Instead, we're getting a bill that's full of tax increases and drilling less in America, and this is the biggest hoax perpetrated on the American people that I've seen since I've been in Congress.

And on her Web site, she says a bill should generally come to the floor under procedures that allow full and open debate. Members should have 24 hours to examine bills and conference reports before they come to the floor. But she's not doing it.

□ 1145

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members to observe proper decorum and please heed the gavel.

GRAND OLD OIL PARTY HAS A CASE OF AMNESIA

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

Mr. DEFAZIO. Well, the Grand Old Oil Party has a case of collective amnesia. They would hope that the American people will share in their amnesia. The American people should forget that for 6 years they controlled everything, the House, the White House and the Congress. And for 6 years they labored and they brought forth the Bush-Cheney energy policy. I voted against it, as did most Democrats. We said it would make us even more dependent upon Saudi Arabia—one of the President's best friends here, the King of Saudi Arabia—and it has. It has worked exactly as they designed.

Now they're born again into caring about other forms of energy and energy independence and American consumers. It's just a smoke screen to cover for their continued addiction to the contributions of the oil industry and to fighting for the oil industry to continue that addiction.

We're bringing forward a bill to break that dependence, to break the enslavement to OPEC, and to move this country toward true energy independence on domestic resources and new technologies and jobs. I don't think anybody believes that they really care about the American consumers.

DEMOCRAT ENERGY BILL WILL BE RECEIVED WITH A THUD ON WORLD MARKETS

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

Mr. RADANOVICH. When President Bush lifted the Presidential moratorium on offshore oil drilling, the price of oil dropped $12 a barrel immediately and has been falling ever since.

I have said many times over the summer that if Congress passes an energy bill that increases production of domestic energy, the markets will react immediately with lower prices. This is the litmus test that Congress will be delivering what the American people want.

The Democrat energy bill will be received with a resounding thud on the world markets. It won't move the price of gas one cent because it provides no incentives for States who increase production offshore.

Unlike the Comprehensive American Energy Act, the bill we are voting on today does not address oil shale production, lawsuit reform, streamlining the nuclear energy process, coal-to-liquid technology, increase refinery capacity, and opening ANWR. However, the bill does include a drawdown over Strategic Petroleum Reserves, a fraudulent use-it-or-lose-it legislation, and an extremely costly renewable energy mandate. Maybe this majority ought to go back to suing OPEC to produce more oil because under this bill, that reliance is still there.

ENERGY BILL IS A COMPROMISE

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

Mr. RAHALL. Mr. Speaker, Members of the House, the American people want us to solve the energy problems facing our country in a bipartisan way. They're looking to the Congress for answers, but they realize that the Congress cannot provide the only answers.

No less than T. Boone Pickens has said that we cannot drill our way out of this mess. The plan that we bring to the floor today is a comprehensive energy plan that does do all of the above. It's a compromise between the drill nowhere crowd and the drill everywhere crowd. And let's face it, there are some on the minority side in this body that would drill everywhere and they're not going to settle for anything less, including under the National Mall if they could. They would want to drill every inch of this land, and that is not a responsible way.

Our plan provides for reliance upon domestically produced energy sources, all of the above. It requires oil companies to be responsible and transparent in the collection of royalties. It provides for a new ethics code for the people at the Minerals Management Service to operate under so that the American taxpayer can receive a fair return for the disposition of their resources. These are public resources deserving public accountability.

NO COAL IN DEMOCRAT ENERGY BILL

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

Mr. SHIMKUS. Mr. Speaker, my coal Democrats, who have promised me that they would take one vote in this Congress to advance coal, and we have not seen it. And my colleagues will want to attack the oil, but the best way to get off of imported crude oil is to use coal.

There is nothing in the Democrat bill that advances coal use; nothing, zero—no oil shale, no coal, no oil sands, nothing. It's not a comprehensive plan.

We can turn coal into liquid fuel. That's what our Department of Defense wants. We can turn coal into clean burning electricity. That's what the environmentalists want. But is there anything for coal in this bill? No.

If you vote for this Democrat bill, you are voting against coal. It's our largest resource that we have in this country. We are the Saudi Arabia of coal. We do not use it fully, you all know it. Speaker PELOSI hates coal, hates it, and that's why it's not in this bill.

COAL IS PART OF THE ENERGY SOLUTION

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

Mrs. CAPITO. Mr. Speaker, I represent an energy State, West Virginia. We give every day. We have abundant resources of coal and natural gas. We understand energy.

Coal is one of our Nation's most abundant resources, and any truly comprehensive energy policy must include coal. This bill does not. It is not all-of-the-above.

We have more coal under our feet than the Middle East has oil. I've sponsored legislation, coal-to-liquid. It holds great promise for helping us towards our energy independence, but such investment received lip service from the leadership of this Congress. In fact, the disdain for coal among congressional leadership is well known across this Nation.

It's time we stood up and had a vote on a real bipartisan energy bill that includes coal as part of the solution.

You know what? The American public is frustrated. They're tired of this bickering. They want us to work as Republicans and Democrats in a bipartisan way to solve this issue. We need an energy plan that works for the American people. We also need an energy plan that's actually going to get signed into law. This one doesn't have a bit of hope.

WE MUST SOLVE THIS ENERGY CRISIS

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

Mr. MANZULLO. Mr. Speaker, America faces an energy crisis that threatens the livelihood of the people we represent. Every day they get up to go to work, many people wonder whether or not they can afford the gas for their tanks. And to compound it, the high cost of energy is destroying manufacturing jobs in our country. My largest city is at 11 percent unemployment. Many manufacturing facilities have been hit because of the high cost of energy; they simply cannot compete.

Today, we debate an energy bill that further compounds the problem. Last night, the Democrats filed a bill that gives the illusion of opening up our coast to drilling, but really continues to keep those areas closed, with no opportunity to debate it.

Last May, I authored a 12-point gas relief plan that incorporates more domestic production of oil, conservation, and new fuel and vehicle technologies. Until these technologies come online, we have to increase our supply of oil to give us the relief that we need, to give us the time that we need.

We have enough oil now in order to fuel 60 million cars for 60 years. Does that mean that we use it all up? Of course we don't. We simply need this as an opportunity for breathing time until we can develop these new technologies.

The time had come to put partisanship aside and solve this issue on behalf of the American people.

PERMISSION FOR MEMBERS TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. PENCE. Mr. Speaker, I ask unanimous consent that every Member who has not spoken be allowed to address the House for 1 minute.

The SPEAKER pro tempore. Recognition for requests to address the House for 1 minute rests in the discretion of the Chair. The gentleman's request on behalf of others will not be entertained.

MOTION TO ADJOURN

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

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 11, nays 393, not voting 29, as follows:

[Roll No. 592]

YEAS—11

Bartlett (MD)
Cannon
Carter
Doolittle
English (PA)
Gingrey
Johnson, Sam
Linder
Petri
Sessions
Shimkus

NAYS—393

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

NOT VOTING—29

Aderholt
Barrett (SC)
Boucher
Brady (TX)
Cubin
Culberson
Delahunt
Dingell
Dreier
Ehlers
Jackson-Lee (TX)
Johnson (IL)
Lampson
Mahoney (FL)
McCaul (TX)
Neugebauer
Paul
Peterson (PA)
Pitts
Poe
Pryce (OH)
Renzi
Smith (TX)
Sutton
Udall (CO)
Velázquez
Walberg
Waxman
Welch (VT)

□ 1222

Messrs. DONNELLY, TIERNEY, BISHOP of New York, CLEAVER, SHADEGG, CLYBURN, CARSON of Indiana, PAYNE and DAVIS of Illinois and Mrs. MUSGRAVE, Mrs. McMORRIS RODGERS and Ms. SCHAKOWSKY changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 6899, COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1433 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1433

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6899) to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 6899 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

POINT OF ORDER

Mr. CANTOR. Mr. Speaker, I make a point of order against consideration of the resolution because it is in violation of section 426(a) of the Congressional Budget Act. The resolution provides that all points of order against consideration of the bill are waived except those arising under clause 9 and 10 of rule XXI. This waiver of all points of order includes a waiver of section 425 of the Congressional Budget Act, which causes the resolution to be in violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Virginia makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order is disposed of by the question of consideration.

The gentleman from Virginia (Mr. CANTOR) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration, to wit:

Will the House now consider the resolution?

The Chair recognizes the gentleman from Virginia.

Mr. CANTOR. Mr. Speaker, last night, the Committee on Ways and Means certified that the underlying legislation contained no earmarks, and under the rules there is no other way to challenge that certification, which is one of the reasons why I stand before you today.

Provisions in H.R. 6899 calling for the restructuring of the New York Liberty Bonds is clearly an earmark. This earmark is worth $1.2 billion and stands to benefit one entity, which is New York City.

I have a letter, Mr. Speaker, dated October 30, 2007, from the chief of staff of the Joint Committee on Taxation in which he determines that the New York Liberty Zone tax incentives is a limited tax benefit and therefore an earmark. Furthermore, Mr. Speaker, according to House rule XXI, clause 9, and the Honest Leadership and Open Government Act of 2007, this earmark should have been disclosed along with the Member that requested the same.

From all reports, Mr. Speaker, instead of going through the proper procedure, disclosing that this was going to be included in the bill, this provision was air-dropped into the bill over the weekend at the last minute without any ability for any of the Members to know that this was in the bill.

Reports say that it is the chairman of the Ways and Means Committee, Representative RANGEL, that has requested this earmark. Yet how are we to know whether Chairman RANGEL is the sponsor of this earmark, since there has been no transparency and no notification as required under the rule?

Furthermore, Mr. Speaker, this earmark produces no energy for American families, and the way that the majority plans to pay for this earmark is by raising taxes on job creation as well as energy production.

Mr. Speaker, we are going to hear a lot today during the debate about revenue sharing and the fact that many coastal States, including my State of Virginia, will not be able to share in any of the revenues resulting from energy exploration off our coast. In light of this, in light of the fact that there is no incentive whatsoever to produce energy in this bill, in light of that, when we see that the majority is channeling $1.2 billion to New York City for an earmark for a project that only benefits that locality, I think that we understand now what the intent of the majority is in bringing the bill to the floor in this form.

There is zero relationship between increasing American energy production and this earmark, Mr. Speaker, which again underlies my objection and is one of the reasons why I raise this point of order.

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

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

Mr. Speaker, the point of order is about whether to consider the rule and ultimately the Comprehensive American Energy Security and Consumer Protection Act. In fact, I would say this is simply an effort to kill the bill.

In the midst of the energy crisis, the bill takes important steps towards increasing domestic energy production, encouraging the development of alternative fuels and cutting down on the corruption between the Bush administration regulators and the oil industry.

By expanding access to offshore oil reserves, the bill encourages oil exploration and could lead to increased domestic energy production.

By releasing oil from the Strategic Petroleum Reserve, the bill will lead quickly to reducing prices at the pump.

In light of an Inspector General report showing that Minerals Management Service employees were accepting gifts from the oil companies they regulate, engaging in unethical sexual and drug conduct, this bill would subject the MMS employees to higher ethical standards and make it a Federal offense for oil companies to provide gifts for MMS employees.

□ 1230

By promoting energy efficiency and conservation in buildings, through updated building codes and incentives for energy-efficient construction, this bill will lead to reduced energy use and lower utility bills. At the same time, by providing more funding for home heating assistance, we ensure that seniors and other vulnerable populations will not have to choose between food and heating oil.

By providing incentives and support for development and deployment of domestic alternative energy technologies, the bill will promote energy security for the United States. Under this bill, power companies would be required to generate 15 percent of their electricity from renewable sources by 2020, reducing air pollution from power plants and helping to address the threat of climate change.

As Americans use more public transportation in the face of high gas prices, this bill will help transit agencies deal with added costs and increased ridership by providing $1.7 billion in grants. At a time of record-breaking oil company profits, the bill will require the oil companies to pay their fair share by repealing tax subsidies that they certainly don't need, and by closing a royalty loophole in lease agreements from 1998 and 1999.

In short, the bill is a much-needed compromise approach to a widespread crisis facing our country. This is simply a case today whether we support, with our votes, the oil companies or the consumers and the citizens of the United States.

I urge my colleagues to vote ''yes'' to consider the rule and reserve the balance of my time.

Mr. CANTOR. Mr. Speaker, I would say in all respect to my colleague from New York, I still don't understand how the insertion of this earmark, this insertion of $1.2 billion, has anything whatsoever to do with this bill, has anything whatsoever to do with increasing American energy production, which is the purpose of this bill, which is the majority's stated purpose, that we want to increase American energy production.

But, instead, what the gentlelady talks about, again, is not at all responsive to what it was that I was raising. We don't have to have a vote on this issue if the gentlelady would accept unanimous consent to remove the earmark from the bill to go forward.

Again, why are we having this earmark, this $1.2 billion earmark? This is exactly what the American public is so upset with Congress about, the fact that we have a bill that is designed to increase American energy production to help us try and wean off of the incredible reliance that we have on foreign oil. Why? The public has to be asking why in the world would we be inserting $1.2 billion in directed funds to one locality. Why in the world would we be doing that?

It does not make any sense. The fact that the Ways and Means Committee has certified that this is not an earmark, to me, flies in the face of the open and honest way that the majority has said they would run this House.

Again, I have a letter from the chief of staff from the Committee on Joint Tax which says that the New York City Liberty Bonds and the provisions calling for their restructuring is an earmark. Again, I say to the majority, if we are going to be straightforward in our desire to solve the problem of American energy production, this earmark has no place in the bill.

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

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore. The gentlewoman has 7 minutes.

Ms. SLAUGHTER. Mr. Speaker, I would like to yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentlelady from New York for yielding me this time.

Mr. Speaker, I have often wondered what the capacity for remembering my colleagues on the other side of the aisle have. Apparently, it extends no further than 7 years and 5 days. Seven years and 5 days ago, my city, the City of New York, was attacked on 9/11. Have you forgotten that?

For the purposes of your point of order in opposition to this bill coming to the floor, it's the lack of someone taking responsibility for the $1.2 billion that you call an earmark. It's Crowley, C-r-o-w-l-e-y. It's the U.S. Congress that did this 7 years ago, after our country was attacked on 9/11, 7 years and 5 days ago.

I, 5 days ago, stood out on the steps of the Capitol and sang ''God Bless America'' with both my colleagues from the Republican side of the aisle and this side of the aisle. What we are doing today is simply fulfilling a promise, a promise.

This is not an earmark. This is already law. We are adapting it, we are changing it so New York can use the money. But I need to remind my colleagues on this side of the aisle, there is still a 16½ or 17-acre hole in lower Manhattan. We need to do all we can to help rebuild that, rebuild the economy of New York.

I daresay my colleagues from New York on the other side of the aisle, they are opposed to this point of order. They will oppose your position on this point of order, because they know this is not an earmark.

They know this is going to help rebuild New York. It's a promise that was made by the administration. The President does not call it an earmark. It is in the President's budget.

I would also object to what my friend, the colleague from Virginia, said about the chief of staff on the Joint Tax Committee. Ed Kleinbard, on May 15 of this year, stated that on the issue of limited tax benefits, the answer is that this is a matter wholly within the prerogative of the chairman. He alone decides this issue.

Mr. RANGEL does not call it an earmark; I don't call it an earmark. I daresay, many of your colleagues on your side of the aisle do not call it an earmark. This is not an earmark. This is to help New York City rebuild after 9/11.

With all that's going on, as we read in the papers today about the markets, New York City is under tremendous duress. Don't add to that. Don't add to that today by bringing up this type of tactic to limit the ability of New York City to rebuild itself.

Mr. CANTOR. Mr. Speaker, I would like to insert the letter I quoted from in the RECORD.

MEMORANDUM

To: Bill Dauster, Deputy Chief of Staff, Senate Finance Committee.

From: Ed Kleinbard.

Date: October 30, 2007.

Subject: ApplicationV Senate Rule XLIV (relating to limited tax benefits) to sec. 301 of the American Infrastructure Investment Improvement Act of 2007 (as passed by the Senate Finance Committee on September 21, 2007).

Request

You have requested that the staff of the Joint Committee on Taxation analyze the application of Senate Rule XLIV's limited tax benefit provision to section 301 of the American Infrastructure Investment and Improvement Act of 2007 (''Section 301''), as passed by the Senate Finance Committee (relating to the restructuring of New York Liberty Zone tax incentives). I offer this analysis at your request to assist Chairman Baucus in making his determination of this issue, as contemplated by Rule XLIV.

Senate Rule XLIV

Section 521 of the Honest Leadership and Open Government Act of 2007 (the ''HLOGA'') provides for ''earmark'' reform. Specifically, HLOGA adds a new Rule XLIV to the Standing Rules of the Senate. Under this rule, ''it shall not be in order to vote on a motion to proceed to consider a bill or joint resolution reported by any committee unless the chairman of the committee of jurisdiction, or majority leader or his or her designee certifies: (1) that each congressionally directed spending item, limited tax benefit, and limited tariff benefit, if any, in the bill or joint resolution, or the committee report accompanying the bill or joint resolution, has been identified through lists, charts, or other similar means including the name of each senator who submitted the request to the committee; and (2) that the information in clause (1) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before such vote''. Failure to satisfy this requirement makes a bill or joint resolution subject to a point of order until these requirements are satisfied under the rule.

For purposes of the rule, the following definitions apply.

A congressionally directed spending item ''means a provision or report language included primarily at the request of a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.''

A limited tax benefit ''means any revenue provision that (A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and (B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision.''

A limited tariff benefit ''means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.''

Senate Floor Statement

A colloquy between Senators Baucus, Durbin, and Grassley provides some guidance regarding how the new rule will be applied in the case of limited tax benefits. In relevant part the colloquy states:

For more guidance, we also recommend the interpretative guidelines developed by the staff of the Joint Committee on Taxation in response to the prior-law line item veto. These guidelines may also be applicable to the interpretation of the proposed earmark disclosure rules for limited tax benefits in this bill. The Joint Committee on Taxation documents are called, first, the ''Draft Analysis of Issues and Procedures for Implementation of Provisions Contained in the Line Item Veto Act, Public Law 104–130, relating to Limited Tax Benefits,'' that's Joint Committee on Taxation document number JCX–48–96, and second, the ''Analysis of Provisions Contained in the Line Item Veto Act, Public Law 104–130, relating to Limited Tax Benefits,'' that's Joint Committee on Taxation document number JCS–1–97.

The proposed rule in this bill would require the disclosure of limited tax benefits. It would define a limited tax benefit to mean any revenue provision that, first, provides a Federal tax deduction, credit exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and second, contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision.

The proposed rule would apply in most cases where the number of beneficiaries is 10 or fewer for a particular tax benefit. But the Finance Committee will not be bound by an arbitrary numerical limit such as ''10 or fewer.'' Rather, we will apply the standard appropriately within the unique circumstances of each proposal. For example, if a proposal gave a tax benefit directed only to each of the 11 head football coaches in the Big Ten Conference, we may conclude that the rule would nonetheless require disclosure of this benefit, even though the number of beneficiaries would be more than 10.

We will not limit the application of the proposed rule to proposals that result in a reduction in Federal receipts relative to the applicable present-law baseline. We believe that the proposed rule would have application to limited tax benefits that provide a tax cut relative to present law for certain beneficiaries, like, for example, a tax rate reduction for certain beneficiaries. But we also believe that the rule would apply to limited tax benefits that provide a temporary or permanent tax benefit relative to a tax increase provided in the proposal, like, for example, exempting a limited group of beneficiaries from an otherwise applicable across-the-board tax rate increase.

For example, a new tax credit for any National Basketball Association players who scored 100 points or more in a single game would be covered by the rule. And the rule would also cover a new income tax surtax on players in the National Hockey League that exempted from the new income surtax any players who were exempted from the league's requirement that players wear helmets when on the ice.

The rule defines a beneficiary as a taxpayer; that is, a person liable for the payment of tax, who is entitled to the deduction, credit, exclusion, or preference. Beneficiaries include entities that are liable for payroll tax, excise tax, and the tax on unrelated business income on certain activities.

The rule does not define a beneficiary as the person bearing the economic incidence of the tax. For example, in some instances, a taxpayer may pass the economic incidence of a tax liability or tax benefit to that taxpayer's customers or shareholders. The proposed rule would look to the number of taxpayers. That number is easier to identify than the number of persons who might bear the incidence of the tax.

In determining the number of beneficiaries of a tax benefit, we will use rules similar to those used in the prior-law line item veto legislation. For example, we will treat a related group of corporations as one beneficiary for these purposes. Without such a rule, a parent corporation could avoid application of the disclosure rule by simply creating a sufficient number of subsidiary corporations to avoid classification as a limited tax benefit under the proposed rule.

For example, if a related group of corporations—like parent-subsidiary corporations or brother-sister corporations—owns a football team, then the related group will be considered one beneficiary. That treatment is analogous to the team being one entity, not separate entities, like the coaching staff, offensive unit, defensive unit, specialty unit, and practice squad.

The time period that we will use for measuring the existence of a limited tax benefit will be the same time period that is used for Budget Act purposes. That is the current fiscal year and 10 succeeding fiscal years. Those are also all the fiscal years for which the Joint Committee on Taxation staff regularly provide a revenue estimate.

For purposes of determining whether eligibility criteria are uniform in application with respect to potential beneficiaries of such a proposal, we will need to determine the class of potential beneficiaries. In the case of a closed class of beneficiaries—for example, all individuals who hit at least 755 career home-runs before July 2007—that class is not subject to interpretation, since only Henry Aaron satisfies this criteria. If, instead, the defined class of beneficiaries is all individuals who hit at least 755 career home-runs, then we will determine the class of potential beneficiaries by assessing the likelihood that others will join that class over the time period for measuring the existence of a limited tax benefit.

Whether the eligibility criteria are not uniform in application with respect to potential beneficiaries will be a factual determination. To continue with the previous hypothetical, a proposal that provides a tax benefit to all individuals who hit at least 755 career home-runs may still not require disclosure if it is uniform in application. If the same proposal is altered so as to exclude otherwise eligible career home-run hitters who played for the Pittsburgh Pirates at some point in their career, then that kind of a limited tax benefit would require disclosure under the proposed rule.

Some of the guidelines in the Joint Taxation Committee's reports numbered JCX–48–96 and JCS–1–97 would not be directly applicable, but may be helpful in determining the class of potential beneficiaries. For example, the same industry, same activity, and same property rules might provide useful analysis.

Provision to restructure the New York Liberty Zone tax incentives

In addition to repealing certain depreciation and expensing provisions previously available in the New York Liberty Zone (the ''NYLZ''), Section 301 provides a Federal credit against the tax imposed for any payroll period by Code section 3402 (related to withholding for wages paid) for which a NYLZ governmental unit is liable under Code section 3403. NYLZ governmental units are defined as the State of New York, the City of New York, or any agency or instrumentality of the first two.

The credit may be claimed during the 12-year period beginning on January 1, 2008 and is equal to certain amounts expended by the governmental units on a qualifying project. A qualifying project is any transportation infrastructure project in or connecting with the NYLZ that is designated by the Governor of the State of New York and the Mayor of the City of New York as a qualifying project. The Governor of the State of New York and the Mayor of the City of New York are to allocate to the New York Liberty Zone governmental units their portion of the qualifying expenditure amount for purposes of claiming the credit. The provision is effective on the date of enactment.

Congressionally Directed Spending Item or Limited Tax Benefit

The threshold question is whether Section 301 should be analyzed as a ''congressionally directed spending item'' or as a ''limited tax benefit,'' because Rule XLIV treats the two somewhat differently. It can be argued that Section 301 essentially constitutes a ''congressionally directed spending item,'' and therefore that the limited tax benefit analysis is irrelevant. The reasoning supporting this reading is that in the ordinary course, Federal withholdings on employee wages are effectively assets of the U.S. Treasury, and the tax credit made available by Section 301 may be claimed (and withholdings on wages therefore retained rather than being transmitted to the U.S. Treasury) only to the extent that the employer/governmental unit in question incurs expenditures for specifically identified projects.

Section 301 unquestionably has the economic effect of an appropriation: money otherwise due the U.S. Treasury will, by virtue of this provision, effectively fund (in light of the fungibility of money) a specific expenditure. Nonetheless, this memorandum proceeds upon the assumption that Section 301 is a ''tax benefit'' and not a ''spending item.'' We believe that this is an area where legal form, not economic substance, controls. Accordingly, we are of the view that an amendment to the Internal Revenue Code that has an outlay effect is not by virtue of that fact alone a spending item. For example, we believe that the refundable portions of the child tax credit and earned income credit should be considered tax benefits for these purposes, notwithstanding the fact that these provisions have substantial outlay effects.

Our mode of analysis is dictated by practical necessity: virtually every ''tax expenditure'' could equally well have been implemented by Congress as an appropriation. We take comfort as well in the observation made in the colloquy quoted above that, for purposes of Rule XLIV, the ''beneficiary'' of a limited tax benefit is determined by looking to the formal imposition of tax liability (i.e., by determining who is the relevant ''taxpayer''), not to the party bearing the economic incidence of the tax. The colloquy makes clear that the reason for doing so is one solely of administrative convenience (''The proposed rule would look to the number of taxpayers. That number is easier to identify than the number of persons who might bear the [economic] incidence of the tax.'')

In this case, Section 301 is structured as a tax credit made available under the Internal Revenue Code to certain employers against their otherwise-existing obligation to remit employee withholdings to the U.S. Treasury. In light of our traditional analysis summarized above, we therefore think it appropriate to proceed on the basis that Section 301 should be analyzed under the ''limited tax benefit'' leg of Rule XLIV.

Limited Group of Current Beneficiaries

A second issue is whether Section 301 currently benefits a limited group of beneficiaries. Applying by analogy the colloquy's reference to treating a related group of corporations as one taxpayer, we believe that the agencies and instrumentalities of New York State and City should be treated as at most two taxpayers for purposes of whether a limited group of beneficiaries is affected by the provision. Accordingly, we believe that the statutory incidence of the provision falls on fewer than 10 beneficiaries (i.e., the State of New York, the City of New York and agencies or instrumentalities of the State or City). The economic incidence of the provision is not determinative for these purposes.

Uniform Application to Potential Beneficiaries

Under Rule XLIV, a tax provision that in practice applies only to a limited number of current beneficiaries nonetheless is not a ''limited tax benefit'' unless in addition that provision's ''eligibility criteria are not uniform in application with respect to the potential beneficiaries of the provision.'' (Emphasis supplied.) The only direct indication of what constitutes the ''uniform application'' of a taxing statute to potential beneficiaries is the colloquy described above. In this regard, the colloquy indicates that a tax benefit that applies equally to current and potential future beneficiaries will not constitute a limited tax benefit, just because the number of identifiable beneficiaries today is fewer than 10.

We suggest that the most logical way to read Rule XLIV that is consistent with its obvious intended scope and with the colloquy is to conclude that Rule XLIV applies a two-step analysis towards ''potential'' beneficiaries. First, a sponsor of a Bill that has a limited number of current beneficiaries can rely on the existence of a sufficiently large class of reasonably-likely potential beneficiaries to demonstrate that the Bill applies to more than a limited number of taxpayers. In that case, however, Rule XLIV goes on to provide that the statute must be applied uniformly to them and to currently-known beneficiaries. This reading finds direct support in the fact that Rule XLIV's ''uniform application'' clause applies only with respect to ''potential beneficiaries'' of a statute.

In other words, a Bill that has a large number of current beneficiaries is not a limited tax benefit provision, because by definition it does not apply to a limited number of taxpayers, without regard to whether future (''potential'') taxpayers are treated differently from current ones. If, however, a Bill today applies only to a limited number of beneficiaries, then the Bill's sponsor cannot rely on a sufficient number of ''potential'' beneficiaries emerging in the future to avoid the application of the limited tax benefit rule unless the statute would treat all current and potential beneficiaries equally.

Under this reading, a statute that has no possible future (''potential'') beneficiaries and that applies today to a limited number of current beneficiaries must be a limited tax benefit. It cannot be the case, for example, that a rule identifying a class of taxpayers comprising only Hank Aaron nonetheless is not a limited tax benefit, on the theory that all those taxpayers (a single individual) are treated equally.

Following this mode of analysis, the most important analytical step in applying Rule XLIV to a case (like this) where a statute's current beneficiaries are limited in number is to determine the relevant class of potential (i.e., future) beneficiaries. The colloquy concludes that a statute's class of potential beneficiaries is to be determined ''by assessing the likelihood'' that beneficiaries beyond those to whom the benefit applies today may appear at a later date.

Thus, to continue with the colloquy's baseball analogy, a permanent tax benefit made available on a uniform basis to all individuals who hit a least 755 major league career home-runs is probably not a limited tax benefit (because the number of individuals who could qualify in the future is unlimited), but

a comparable temporary provision expiring December 31, 2008, probably does constitute a limited tax benefit, because the class of individuals who could reasonably be expected to satisfy that test would come down to two identifiable individuals.

Having identified the class of potential beneficiaries, and having determined that they are sufficiently numerous as to overcome the ''limited'' nature of the tax benefit in question, the final step in the analysis is to ensure that the statute will apply uniformly to all potential and current beneficiaries. In most cases, this determination will be straightforward.

In sum, we acknowledge that the ''uniform application'' test is both vague and difficult to apply. The ''uniform application'' leg of the analysis should not be read, however, to undercut the entire purpose of Rule XLIV. If the only taxpayers that can reasonably be expected to satisfy a bill's definition of the class of beneficiaries of a tax benefit are both few in number and known to the Senator proposing the Bill at the time that the legislation is considered, then in our view that Bill must give rise to a Rule XLIV issue. Any other reading would vitiate the Rule of any meaning.

This mode of analysis leads to a straightforward resolution of the present case. In practice, only New York State and New York City (and political subdivisions thereof) can be expected to qualify for the benefits of Section 301. The fact that these two identifiable beneficiaries are treated equally is not enough, in our view, to avoid the reach of Rule XLIV.

Conclusion

While we recognize that colorable arguments can be made in support of the contrary conclusion, we believe that Rule XLIV's disclosure requirement for limited tax benefits is applicable to Section 301.

I would be pleased to discuss this issue further with you, should you wish. In any event, I hope that this memorandum is helpful to the Chairman's decision-making process.

Mr. Speaker, I would also remind my good friend from New York that Virginia, too, was attacked on 9/11. So it is not that any of us forget 9/11, but we all, in this House, still mourn the loss of the lives in New York, Pennsylvania and Virginia.

I would say to the gentleman, that's not the issue here. The issue here is about an air-dropped earmark that benefits one entity, one locality, New York City, that is reported to be requested by one Member, and that is Chairman RANGEL.

Again, I say to the gentleman, no one, no one denies the fact that this country is struggling, still struggling post 9/11. Yes, we saw the news in the markets yesterday.

Yes, I understand the gentleman represents New York City, the financial capital of the world, and is very concerned about its well-being, as we all are. But, again, I would make the point that this is not the subject of my objection.

Mr. CROWLEY. Will the gentleman yield?

Mr. CANTOR. I yield to the gentleman from New York.

Mr. CROWLEY. Thank you. Would the gentleman agree that the President has included this in his budget for this fiscal year?

Mr. CANTOR. If the gentleman says so.

But, again, reclaiming my time, I am not opining and standing up on the substance of what is behind the request for the Liberty Bonds.

What I am objecting to is the fact that this, the insertion of this item, is so far beyond the jurisdiction of a bill designed to promote American energy production that it just doesn't even pass the straight-faced test.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Massachusetts, the chairman of the Select Committee on Energy, Independence and Global Warming, Mr. MARKEY.

Mr. MARKEY. I thank the gentle lady.

Mr. Speaker, this is all part of an ongoing effort by the Republicans to change the subject, to have a drilling distraction, anything to get away from what their true agenda is.

This is something that should be opposed. What the Republicans are trying to do here should be opposed, because what this is really all about, and what they are trying to do now, is to avoid the real debate on the fact that this is a comprehensive energy plan that has been brought to the House floor, that this bill deals with renewables. It deals with conservation. It deals with all of these issues that we need to deal with.

We will see if they mean it when they say they want a comprehensive energy plan, because that's what we are going to be debating today, or have they been simply playing politics, which is what this motion is all about. It's intended to avoid the real debate.

We are going to see a lot of crocodile tears here, shed on the Republican side here, after 12 years of controlling the energy committees, after 8 years of having George Bush and DICK CHENEY in the White House, after the Department of Energy under Republican control, the crocodile tears are flowing with regard to all of their concern about our energy dependence.

That's what this point of order is all about. It's just another distraction, another attempt to get away from the fact that on renewable, on conservation, on efficiency they did almost nothing. It's almost 12 years that they controlled the United States Congress, until last year, in conjunction with the Bush-Cheney secret energy plan.

The Republicans say they want all of the above, but have they here produced a bill which is truly comprehensive?

No, they have not.

Because their plan is not all of the above. The Republican leadership, the White House, and Big Oil is really concerned with all that's below, not all of the above, all that's below. Our beaches, 3 miles offshore, all of the oil that's below our national parks, all the oil that's below our most pristine wilderness areas, that's what they are in favor of.

Not all of the above, all that's below. They had 12 years controlling this institution to do something about all of the above, wind, solar, geothermal, efficiency. They did nothing.

All of this is just another attempt to get off the point, to have a distraction, which is why we should reject this point of order. America needs an oil change.

All right, we will permit some more drilling, but you also have to have a strategy for the future. They keep saying on the Republican side, drill, baby, drill.

What we are saying is change, baby, change. They can't change. They are still out here with the Big Oil agenda. They are still out here saying no to wind, no to solar, no to efficiency, no to geothermal, no to the future.

Innovate, baby, innovate. Change, baby, change. That's what this debate is all about, and that's what they are trying to do. They are trying to change the subject. They are trying to distract from the fact that they are interested in more drilling, but not a comprehensive energy plan for our country.

That's why it's great that we are having this debate. Because we see, once again, what they did for 12 years, distract the American public, allow ourselves to become more dependent on imported oil and then come out and try to wash their hands of their responsibilities. Vote ''aye.'' Vote for change.

Mr. CANTOR. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, I guess that some on the majority side think that they can cover up just by yelling or by raising the volume here of debate.

The bottom line here is, and the reason for this point of order, is that the majority party thought that, all right, we can have a bill here, or we can sneak something in. Let's sneak a limited tax benefit for New York.

You can call it an earmark, that's the proper definition when you have a limited tax benefit. You can call it a banana. You can call it anything you want to. The bottom line is the majority tried to sneak something into a broader bill that's supposed to be about energy, and that's what this is about.

So nobody is trying to distract anybody, other than those who are trying to slip a provision in that doesn't have to do with any comprehensive energy plan. It has to do with New York.

You can raise your voice, and you can yell all you want. The bottom line is somebody tried to sneak a limited tax benefit into this legislation. That's why I support the point of order.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how many more speakers my colleague has?

Mr. CANTOR. Mr. Speaker, I am the last speaker. I have no additional speakers.

Ms. SLAUGHTER. All right. Then I shall wait to close.

Mr. CANTOR. Mr. Speaker, may I ask, does the gentlelady have an additional speaker, or is she ready to close?

Ms. SLAUGHTER. I have one more, but I only have about half a minute left, so it is going to be very brief.

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

Mr. CANTOR. Mr. Speaker, all I would say is the histrionics that we have already seen on the majority side of the aisle indicate the sensitivity of the matter of earmarks.

We, I think, all have noticed that the public has an increasing awareness of the way that this body operates, and they have a great dissatisfaction aimed towards this process. That's why we raise this issue. It is just completely unfair. It smacks of a smoke-filled room, behind-closed-doors dealings that is not befitting of this institution.

Frankly, it is not what the American people want, nor what they deserve.

□ 1245

That is the reason for raising this question surrounding the $1.2 billion that has been requested by what reports have said was Chairman RANGEL of the Ways and Means Committee.

Again, on their own, liberty bonds should stand a test of this House; but it should not be a provision inserted in a bill that is meant to increase American energy production so that we can bring down gas prices.

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

Ms. SLAUGHTER. Mr. Speaker, I yield the remainder of my time to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, let me just remind my colleague regarding accusations as to who is responsible for this particular piece of legislation being added to this bill. Initially this was air-dropped into the overall bill to help New York recover after 9/11 by Chairman Thomas. So I guess to some degree Chairman Thomas is responsible for this particular provision being here today, without consultation with not only the ranking member, CHARLIE RANGEL at the time, or MIKE MCNULTY from New York State. Even his own colleague from the Republican side of the aisle, Amo Houghton at the time who was a Member, was not consulted about the addition of this into the legislation.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 180, not voting 23, as follows:

[Roll No. 593]

YEAS—230

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

NAYS—180

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

NOT VOTING—23

Aderholt
Barrett (SC)
Brady (TX)
Brown-Waite, Ginny
Cubin
Culberson
Davis, Tom
Dingell
Dreier
Ehlers
Hunter
Jackson-Lee (TX)
Johnson, Sam
Lampson
McCaul (TX)
Neugebauer
Paul
Pitts
Poe
Spratt
Udall (CO)
Walberg
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1311

Mrs. MYRICK and Messrs. BURGESS and MCKEON changed their vote from ''yea'' to ''nay.''

Ms. ROYBAL-ALLARD, Ms. LEE and Messrs. ALTMIRE, CONYERS, HINOJOSA and KUCINICH changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. PRICE of Georgia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The question is on the motion to adjourn.

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 9, noes 386, not voting 38, as follows:

[Roll No. 594]

AYES—9

Doolittle
Johnson (IL)
Linder
McKeon
Miller, Gary
Saxton
Shimkus
Waxman
Weldon (FL)

NOES—386

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

NOT VOTING—38

Aderholt
Barrett (SC)
Boswell
Brady (TX)
Cantor
Cubin
Culberson
Davis, Tom
Dingell
Dreier
Edwards (TX)
Ehlers
English (PA)
Everett
Holden
Hunter
Jackson-Lee (TX)
Johnson, Sam
Keller
Lampson
Larsen (WA)
Mahoney (FL)
Neugebauer
Paul
Pence
Pitts
Poe
Renzi
Sutton
Tancredo
Udall (CO)
Visclosky
Walberg
Walsh (NY)
Wasserman Schultz
Westmoreland
Whitfield (KY)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1331

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 6899, COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

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

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

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

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

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1433 provides a closed rule for consideration of H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act. The resolution provides 3 hours of debate on the bill, controlled by the Committee on Natural Resources.

Mr. Speaker, American families and businesses from every city, town and village across our districts are struggling with the skyrocketing gas prices and ever-increasing energy costs, which have obviously gone over into the cost of food and every other commodity that we use. The American people are calling out for relief, which is why we have this comprehensive energy package before us today.

In considering this legislation, we must ask ourselves: How did our great Nation get into this terrible place concerning energy in the first place? Eight years ago, two oilmen took the reins of America's energy policy, and they never looked back. They held secret, closed door meetings with Big Oil and energy companies at a tremendous cost to the American people. And the Republican Congress supported them every step of the way. To this day, we do not know about the secret meetings that the Vice President held.

Just this past summer, the American people struggled through an excessive speculation crisis when oil prices jumped over $150 a barrel. Of course, when the Democrats threatened to rein in speculators, they pulled over $39 billion out of the futures market. We must address speculation before we leave this session. Because now, the oil prices are hovering over $90 a barrel, and we cannot let that go uncared for.

Just last week, we saw the havoc that the Bush-Cheney energy policies have wreaked when the Interior Department's Inspector General reported

that administration employees at the Minerals Management Service, who were supposed to be regulating oil royalties, were literally accepting improper gifts and engaging in unethical conduct, such as having sex at parties, using drugs with persons, employees of the oil companies. They were literally, Mr. Speaker, in bed with each other.

My colleagues across the aisle say they want to change the energy policy, but their record certainly proves differently. The very same Republicans voted ''no'' to the first new vehicle efficiency standards in 32 years that would have saved $1,000 in fuel costs per car per year. They said ''no'' to recouping the royalties that the oil companies failed to pay to taxpayers. They said ''no'' to curbing excessive speculation in the energy futures markets, and ''no'' to requiring the oil companies to drill on the 68 million acres of Federal land that they already control nationwide, and the list goes on and on.

Mr. Speaker, if the other party has its way in energy, we will have more of the same Bush-Cheney energy policy written by and for the oil companies. They would help Big Oil to get more public land owned by every American, more American oil, more taxpayer dollars, and continuing record profits while American families and businesses get stuck paying record prices at the pump and heating prices.

Mr. Speaker, today this comprehensive bill presents the administration and its allies in Congress with a clear choice on energy. Either side with the American taxpayer, side with the people who sent you here to vote and vote for this, or side with the Big Oil companies who have had the largest profits in the history of mankind and certainly do not need more tax breaks from the American public.

Now, there are significant differences between the Bush administration's policy that got us into this mess and the plan before us today. This package is an energy package for a 21st century policy that will help Americans to reclaim a clean energy future.

And the choice is very clear, as I said before, which side are you on? The bill addresses America's energy crisis in both the short term and the long term.

By releasing oil from the Strategic Petroleum Reserve, we will immediately lower prices at the pump for American families struggling with high gas costs. And we will replace the oil at the reserve as the gas prices stabilize.

Meanwhile, by investing billions of dollars over the long term in renewable energy, energy efficiency, and mass transportation, we will harness innovation and create good-paying American jobs while strengthening our energy security.

By expanding the access to offshore oil reserves and encouraging responsible drilling, the bill promotes more exploration and will lead to increased domestic energy production.

By promoting energy efficiency and conservation in buildings, through upgraded building codes and incentives for energy-efficient construction, the bill would lead to reduced energy use and lower utility prices.

In light of the Inspector General report from the Interior Department showing that the Minerals Management Service employees were accepting gifts from the oil companies and engaging in unethical conduct, this bill would subject the MMS employees to a higher ethical standard and make it a Federal offense for oil companies to provide them with gifts of any kind.

At the same time, by providing more funding for home heating assistance, we ensure that seniors and other vulnerable populations do not have to choose between food and heating oil.

Under this bill, we would enact our first national renewable electricity standard. The power companies would be required to generate 15 percent of their electricity from renewable sources by 2020, reducing the air pollution from power plants and helping address the threat of global warming.

As Americans use more public transportation in the face of high gas prices, this bill will help the transit agencies deal with the added costs of increased ridership by providing $1.7 billion in grants.

And at the same time, with the record-breaking oil company profits, it requires the oil companies to pay their fair share by repealing the tax subsidies they do not need and by requiring that the Federal Government collect the oil royalties due to the American people. That's one of the reasons why reform at the committee is so important.

This comprehensive energy legislation is the result of a serious compromise on the part of this Congress to bring down prices now and to invest in a clean renewable future. It will provide America with the American-owned energy policy that this administration has failed to deliver in the last 8 years.

Mr. Speaker, there are precious few moments in each of our lives where we have a chance to do something that profoundly affects not only our own lives but the lives of future generations.

Today, we do have a choice. Do we want to continue on the same dangerous energy policies of the past or do we want to invest in a clean energy future that will help to ease consumer costs in the short term while putting the Nation on a path to a clean energy future that will create a stronger and safer America?

Our energy choices will not only affect Americans who are suffering at the pump but profoundly affect the future of life on this planet.

Mr. Speaker, we cannot afford more of the same when it comes to this administration's energy policy.

We are all proud Americans, but it is time we start acting like Americans once again. Our great Nation is known around the world for dreaming big and for reaching those dreams. When President Kennedy set a goal to put a man on the Moon in 10 years, America got to work and did it. It is time to set big goals and work diligently to achieve them, and that's exactly what this bill does.

I encourage my colleagues on both sides of the aisle to make history by supporting this comprehensive bill that sets the country back on track to a clean energy future and finally begins to break our dangerous addiction to oil which we have been promising to break for at least the last 30 years. The world deserves nothing less.

[From the Office of Speaker Nancy Pelosi, July 30, 2008]

THE GOP ENERGY PLAN: NONE OF THE ABOVE

Republicans may talk a good game, but their actions speak louder than words. Republicans have voted against the critical solutions that must be part of a comprehensive New Direction for Energy Independence. They voted against renewable energy and conservation, responsible domestic oil production, short-term measures to bring down prices now and punish those who are manipulating the oil market, and new requirements that oil companies pay their fair share.

Instead of working on behalf of American families and businesses, the House Republicans ''all of the above'' energy plan simply rehashes failed ideas on domestic drilling or proposes ideas that Republicans have repeatedly blocked in the past. Their all-out legislative battle in recent years to protect the record profits of oil companies earning record profits has earned them the moniker ''Grand Oil Party.'' Americans paying $4 a gallon thanks to an energy policy literally written by the oil industry cannot afford this the GOP's ''none of the above'' energy plan.

The Republican leadership's ''none of the above'' record:

	Free our oil	Drill act	Use it, or lose it	Price gouging	Renewable energy	NOPEC price fixing	Public transit	Energy security
John Boehner, Republican Leader	NO	NO	NO	NO	NO	NO	NO	NO
Roy Blunt, Republican Whip	NO	NO	NO	NO	NO	NO	NO	.....
Adam Putnam, Conference Chairman	NO	NO	NO	NO	NO	.....	NO	.....
Thaddeus McCotter, Policy Committee Chairman	NO	NO	NO	.....	NO	.....	.....	NO
Kay Granger, Conference Vice-Chair	NO	NO	NO	NO	NO	NO	NO	NO
John Carter, Conference Secretary	NO	NO	NO	NO	.....	NO	NO	NO
Tom Cole, Chairman, National Republican Congressional Committee	NO	NO	NO	NO	NO	NO	.....	NO
Eric Cantor, Chief Deputy Whip	NO	NO	NO	NO	NO	.....	NO	NO

	Free our oil	Drill act	Use it, or lose it	Price gouging	Renewable energy	NOPEC price fixing	Public transit	Energy security
David Dreier, Rules Committee Ranking Republican	NO	NO	NO	NO	NO	.....	NO	.....
	H.R. 6578	H.R. 6515	H.R. 6251	H.R. 6346	H.R. 6049	H.R. 6074	H.R. 6052	H.R. 6

A full list of measures that large percentages of House Republicans voted against:

Comprehensive energy legislation that includes the first new vehicle efficiency standards in 32 years, saving families up to $1,000 a year at the pump. [93 percent, Vote 1140, 12/6/07, HR 6; 50.3 percent, Vote 1177, 12/18/07, HR 6].

Tax incentives for renewable electricity, energy and fuel from America's heartland, as well as for plug-in hybrid cars, and energy efficient homes, buildings, and appliances—four times in just the last 18 months. [82 percent, Vote 344, 5/21/08, HR 6049; 91 percent, Vote 84, 2/27/2008; 93 percent, Vote 1140, 12/6/07, HR 6; 95 percent, Vote 835, HR 2776].

Investments in energy efficiency and renewable energy, including solar, biofuels, hydropower, and geothermal energy, as well as new vehicle technology and energy efficient buildings and homes, with a 50 percent increase over the President's request. [56 percent, Vote 641, 7/17/07, HR 2641].

Landmark energy efficiency standards for buildings, homes, appliances, and lighting to save consumers $400 billion through 2030. [93 percent, Vote 1140, 12/6/07, HR 6; 50.3 percent; Vote 1177, 12/18/07, HR 6].

Requiring that 15 percent of American electricity come from renewable energy by 2020. [83 percent, Vote 827, 8/4/97, amendment to HR 3221].

Reducing transit fares for commuter rail and buses and expanding service through grants to transit agencies. [52 percent, Vote 467, 6/26/08, HR 6052].

Responsible drilling in Alaska in the National Petroleum Reserve (NPR–A). [86 percent, Vote 511, 7/17/08, HR 6515].

Requiring oil companies to drill on 68 million acres they already control. [94 percent, Vote 469, 16/26/08, HR 6251].

Releasing a small portion of the government's oil stockpile, the Strategic Petroleum Reserve, to bring down gasoline prices. [81 percent, Vote 527, 7/24/08, HR 6578].

Cracking down on price gouging oil companies that artificially inflate the price of energy. [74 percent, Vote 448, 6/24/08, HR 6346].

Repealing unnecessary subsidies for the top five oil companies earning record profits—four times over the last 18 months. [91 percent, Vote 84, 2/27/2008; 93 percent, Vote 1140, 12/6/07, HR 6; 95 percent, Vote 835, HR 2776; 81 percent, Vote 40, 1/18/07, HR 6].

Recouping royalties that oil companies owe American taxpayers for drilling on public lands. [86 percent, Vote 832, 8/4/07, HR 3221; 81 percent, Vote 40, 1/18/07, HR 6].

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlelady from New York, the Chair of the Rules Committee, for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Mr. Speaker, for many months the liberal leaders that control this House have blocked, dodged, and refused to allow a vote on legislation to produce more American-made energy.

Democrat leaders have been absolute in their opposition to lifting the ban on drilling offshore, and they have repeatedly and adamantly refused any action on such legislation to help lower gas prices that are hurting people at the pump.

And yet today, Mr. Speaker, after these many months and years of stamping their feet and yelling ''no,'' are we now to believe that these same liberal Democrats, standing before us today with a salesman smile on their face, are we to believe them that they are now declaring that this is a pro-drilling bill?

Mr. Speaker, the American people are not fools. They won't be taken in by this sham of a bill that will actually lock down Americans' ocean oil reserves.

There are two phrases that come to mind, Mr. Speaker, about this bill. The first is ''grasping at straws,'' which is defined as trying to find reasons to be hopeful about a bad situation. The second phrase is ''fig leaf,'' which means something you use to try to hide an embarrassing fact or problem. Mr. Speaker, with this bill, Democrats are grasping at straw fig leaves.

There's an election coming up, and Democrats are desperately in search of political cover, political cover for their long record of opposing drilling and producing more American-made energy.

This straw fig leaf bill was written in secret. There were no public hearings on this bill. The first copy of it was made public at 9:45 p.m. last night, barely 12 hours ago, and it's 290 pages long.

The Democrat-controlled Rules Committee blocked every single Member of this House from being able to offer their ideas for improving this bill. No amendments were allowed to the bill.

So, Mr. Speaker, Democrats are simply playing a political game. Everybody knows this bill will never pass Congress and become law, but don't take my word for it. Democrat Senator Mary Landrieu of Louisiana said this bill is ''dead on arrival in the Senate.'' And when you examine the details of this bill, it certainly deserves to be dead, Mr. Speaker.

It permanently locks up vast amounts of America's oil and gas reserves, including more than 10 billion, with a B, 10 billion barrels of oil on Alaska's remote North Slope. It leaves 88 percent of America's offshore energy resources locked up. It increases taxes by billions of dollars, taxes which will land squarely on the shoulders of American consumers. And it permanently bans drilling within 50 miles of American shores.

Now, Mr. Speaker, why is this fact important? It's important because, according to the Interior Department, of the nearly 10 billion, again B, barrels of oil believed to be offshore in California, only 5 percent is beyond the 50-mile barrier.

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Mr. Speaker, what this simply means is that this bill permanently bans drilling on 95 percent of the oil believed to be off the coast of California.

As if a permanent ban on drilling in the first 50 miles offshore were not enough, drilling between 50 and 100 miles out would also be effectively banned. By refusing to allow States to share in revenue generated by offshore drilling, this bill guarantees that drilling offshore will never be permitted by the States.

Right now, States along the Gulf of Mexico are paid a share of the oil produced in those waters. Under this bill, royalty sharing won't be allowed. As a result, States would have no incentive to allow any drilling whatsoever. In fact, I would submit they would have a disincentive. Why would a State allow someone to come into their back yard and pay them no share of the profits that would be made by the offshore drilling? It is the equivalent of the government opening a Starbuck's or a McDonald's franchise in your garage or family home but paying you nothing, even to alleviate the cost of dealing with the impacts of that business.

And consider this, Mr. Speaker, if this is truly a drilling bill, why is there no outcry from the radical environmental special interests? Mr. Speaker, it's because they know that drilling will never happen under this plan. Those who are opposed to drilling can vote for this bill secure in the knowledge that drilling will never actually happen under this sham bill.

Mr. Speaker, my district in central Washington is the home of Grand Coulee Dam and vast amounts of hydropower. It is the home of the only nuclear plant in the Pacific Northwest. It is home to the vast majority of wind farms in Washington State. And it is home to the Pacific Northwest National Lab, a leader in renewable energy research.

Those who call central Washington home believe in an all-of-the-above plan that lowers energy prices. That means promoting alternative energy sources like wind and solar power, recognizing a need for more nuclear power, protecting our valuable hydropower dams, and also allowing drilling offshore in Alaska and on other Federal lands. But this bill, Mr. Speaker, does not address those issues.

The Democrat plan just means billions of dollars in higher taxes, more

government mandates that will increase costs for everyone, and a permanent ban on most of our offshore resources.

I believe, Mr. Speaker, that the American people deserve a vote on legislation that truly expands alternative energy sources and lifts the ban on offshore drilling and in Alaska. They deserve a vote on H.R. 6566, the American Energy Act, but the liberal leaders of this Congress have blocked a fair yes-or-no vote on this bill for months. They blocked a fair yes-or-no vote, Mr. Speaker, because I believe they know if it were on the floor, it would likely pass.

Mr. Speaker, BARACK OBAMA, JOE BIDEN, HARRY REID and NANCY PELOSI control the Democrat Party here in this Congress. They oppose drilling. They have fought and blocked it for years. Every time drilling has come up they've said ''no, no, no.'' And this bill is just more of the same because it says no drilling in Alaska, no to truly lifting the offshore drilling ban, no to opening up oil shale in the western United States, no to hydropower as a renewable energy source, no to non-carbon emitting nuclear power, no to building new refineries here in America, and no to clean coal and coal-to-liquid technology. The only thing that the Democrat bill says yes to are tax increases, permanent bans on drilling, and continued high prices.

Mr. Speaker, before I conclude my opening remarks, I want to shine the light on an area of this bill that has not gotten much attention, partly because no one had a copy to read this bill before 9:45 last night.

Of serious concern are the costly new mandates included in the national Renewable Energy Standard that this bill creates. The most likely and certain result of this is to increase the power bills of almost every American family and business that it affects. That's right, Mr. Speaker, the Democrat bill isn't going to lower gas prices, but it will increase power bills.

The most egregious of it all is that this new mandate is slanted and biased by saying solar and wind power are renewable under the standard, but that hydropower isn't. This discrimination against hydropower is absolutely ridiculous. Hydropower is the most abundant source of renewable energy in our country. Hydropower is renewable, clean, non-emitting, non-polluting, and a reliable energy source.

Mr. Speaker, those are the facts.

And consider this; if capturing the sun shining and the wind blowing is renewable energy, then so is water running downhill, which is precisely what hydro is all about. But believe it or not, it is not renewable by definition under this bill.

Mr. Speaker, when Democrats—who just days ago were proudly declaring their career-long opposition to oil drilling—are suddenly preaching the merits of this self-proclaimed drilling bill, you know, it's really hard not to laugh, except for the fact that families, workers, farmers, schools and small businesses are struggling under the high cost of gasoline, and really this Democrat Congress is doing nothing to help.

Instead of real solutions to real problems of high gas and energy prices that Americans are facing, this Democrat Congress has chosen to look after themselves in writing this bill. What do I mean by that? This bill will do nothing, nothing but give Democrats a talking point and a 30-second television commercial where they can smile and claim that they are supporting drilling for American oil.

I urge my colleagues to vote against this unfair rule and this sham bill.

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

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

Mr. WELCH of Vermont. Mr. Speaker, we have an opportunity here to decide to make policy instead of continuing to play politics.

I happen to be among those who believe that we cannot drill our way out of this energy crisis, yet I support this bill that contains significant offshore and domestic drilling, and I'll tell you why. This will offer a transition fund so that we can go from an energy-dependent economy on oil to an independent energy economy.

What this bill will do is marry the argument that has been made on the other side that we have to have supply to get from here to there—that's true, it's indisputable—and that developing our own domestic resources is a way to help us get there. And it marries that to establishing that the revenues that will be generated will be used for the benefit of the American people to achieve the goal of energy independence, which requires two things: It requires investment in research and development of alternative energies, and it requires investment in the implementation of alternative energy projects.

So what you have here is a recognition that we do need supply; that's true. That's been the argument of the Republican side. Valid point. But it also recognizes that we need a sustainable financial fund in order to implement research and development in the implementation of clean energy projects.

This bill also cracks down on speculation, makes oil available, which will have an impact on the price of oil. It does a whole array of things that most of us are in agreement need to be done on wind, solar, biomass.

So, Mr. President, we can't drill our way out, but we can't get to where we need to be, a post oil-dependent economy, unless we have a sustainable energy fund that will allow us to do that. We managed to do this in Vermont when we had a fierce debate over nuclear power, and in the storage of nuclear waste, assessed a fee that went into a clean energy fund. It is now allowing schools to literally cut in half their cost of heating their schools. This is a very wise decision and allows us to work together to get something done.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire as to how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 19½ minutes. The gentlewoman from New York has 19 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the Republican whip, Mr. BLUNT of Missouri.

Mr. BLUNT. I appreciate the gentleman yielding.

This bill comes to the floor today, this rule comes to the floor without an opportunity to talk about issues that have been before the House for months now. Our Members—even with a 9:45 notice last night that finally there was a bill that nobody had seen on this side of the aisle before 9:45, 10:45 Rules Committee meeting—brought a stack of amendments a foot high to the committee, none of which we're voting on today, amendments and legislation that have been out there for months for people to look at that do most of the things that the gentleman from Vermont just mentioned.

And I agree that we need to be doing everything—we need to be doing more biomass, we need to be doing more wind, we need to be doing more solar, but we need to be doing more of everything. And everything is not in this bill. There is no nuclear, there is no lawsuit permitting reform. There is no real way to do oil shale in this bill.

Most importantly, this bill that now purports to allow drilling offshore doesn't do that because you don't open the door to that offshore drilling. We have four States in America today that get 37.5 percent of the revenue taken from that resource near their State. We're telling the other States, the other coastal States, you're not going to get anything, but we want you to vote to open the door to that 100-mile area offshore.

We're taking too much permanently out of play. The 25–50 mile range that Republican bill after Republican bill—and in fact Democrats also supported bills that have that 25-mile boundary in there and let the States open that door, this doesn't do that. This doesn't produce any real new energy to solve this problem. And it sets efficiency standards for utilities that can't be met in the time frame necessary. This bill will raise almost every American's

utility bill, some by as much as 100 percent in a decade, and it won't produce the energy that it purports to produce.

I think it's a shame we're bringing this rule to the floor. I will vote against the rule. I am going to be working hard to find another alternative to this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida, a member of the Committee on Rules, Ms. CASTOR.

Ms. CASTOR. I thank the distinguished chairwoman from the Rules Committee.

I rise in support of the landmark Comprehensive Energy Security and Consumer Protection Act and this rule. This represents the culmination of years of debate over energy policy. And it does contain numerous measures that have already been adopted by this body in a bipartisan fashion, but most importantly, this compromise energy bill represents fundamental change in the country's energy future and a significant break with White House policies that give little priority to ending the Nation's dependence on foreign oil.

Instead, this is the kind of comprehensive and balanced energy initiative that the American people have been calling for because it diversifies our Nation's energy portfolio and invests in new technologies and innovation. For example, we are going to make historic new investments in renewable energy through incentives for solar power and wind power that will have an additional benefit of producing thousands of new jobs across America.

We have the technology to save energy and to save consumers significant money. And this bill strengthens energy efficiency in residential and commercial buildings and promotes conservation as well. And American families could use a little cost savings right now. This energy bill also dramatically expands domestic supply and oil drilling because we realize that excessive entanglements in the Middle East do not serve our national security interests.

The contrast between the policies of the past and our forward-looking bill could not be more clear. There are real differences. Remember just 7 years ago the administration's Energy Task Force met behind closed doors. It consisted of oil company executives. And the administration fought tooth and nail to keep those meetings secret. Renewable sources of energy were not a priority, and a balanced comprehensive approach was not a priority.

So here is the question: Do the American people continue to subsidize big oil companies while they are making record profits, or do we shift our investment to cleaner, renewable fuels?

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I know it has been difficult for some to stand up to the White House and the big oil companies. But the American people are demanding it. We must make this transition and set new innovative priorities for this country when it comes to energy. Our ground-breaking effort, our reform and our new policy set this country on a path toward energy independence, particularly from the Middle East. So today we will cast aside the policies of the past and start down a path based upon the right energy priorities for America.

I congratulate Speaker NANCY PELOSI for her leadership in crafting this compromise future-oriented bill, and I thank my colleagues and the American people for their commitment to a new energy future for America.

I urge adoption of this landmark energy bill and this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 1 minute to the ranking member of the Appropriations Committee, Mr. LEWIS of California.

Mr. LEWIS of California. Mr. Speaker, I want to compliment my ranking member on the Rules Committee for a very fine statement that he made on introduction to his opposition to this rule, and I rise in opposition to the rule myself.

The folks at home have gotten the message relative to the level of competence or incompetence of the United States Congress. Polls indicate that our rates are somewhere at the 9 percent range, and there are serious doubts about our capability to effectively address major issues and in a sensible way come to conclusions that make sense for them.

As a matter of fact, Mr. Speaker, it was 82 days ago today that in the full Appropriations Committee I personally carried a substitute that would have opened the whole discussion and debate and the possibility of an up-or-down vote of drilling off our Continental Shelf. There is little question there is enough reserves if we will just tap them to assure American energy independence.

Since that time, the Appropriations Committee has closed down, literally they have done none of their work. And because of that, we find ourselves in the circumstance where today the leadership is undermining our ability to go forward towards energy independence.

Mr. Speaker, a bipartisan majority in the House has been calling for a real debate on energy issues for months now. But it was 82 days ago—during a scheduled full Appropriations Committee markup—that the real debate began.

That debate in full committee was short-lived and it ended rather abruptly; the majority leadership ordered Chairman OBEY to pull the plug on that markup when it became evident that they would lose a vote on off-shore drilling. The Appropriations Committee has not met since.

All year long, the majority leadership has abdicated its responsibility to have the Appropriations Committee proceed under regular order, largely relegating our work to the backburner. The assumption has been that BARACK OBAMA would be elected President in November. The assumption has been that the House majority would remain the House majority and that an Obama administration would be more inclined to support higher levels of spending in bills reflecting the majority's budget priorities.

Such a scenario, assumes that the House pass very few bills, pass a continuing resolution, and leave the future of the remaining bills unanswered until after the November election. But, what if JOHN MCCAIN is elected President? And what if he draws an even harder line on spending than President Bush? What then? Is the Appropriations Committee going to do nothing for the next 4 years?

Because the legitimate work of the House is now being dictated by election-year politics, it now appears that the Appropriations Committee will not meet again this year. It also appears that we will not have a chance to debate and consider a legitimate energy bill this year.

The vast majority of Americans support an energy policy that includes off-shore drilling for oil and natural gas. But the majority leadership still doesn't get it. Rather than working across party lines to develop a bipartisan bill—a consensus bill—we can all support, the House is being forced to consider a "take it or leave it" energy bill that leaves out over 80 percent of known energy reserves off our coasts.

This misguided strategy reflects decisions made at the highest levels of the majority leadership. It is especially disappointing to me because in recent years the Appropriations Committee has largely set aside partisan differences to pass all of our bills in a timely fashion. More often than not, we have been able to say, "We have fulfilled our responsibility. We have done our work." But not this year.

This year, one issue—the high price of oil and gas—has completely paralyzed the appropriations process and, indeed, the legislative process in the House of Representatives. We are now two weeks away from the beginning of the new fiscal year and what have we done? Nothing! Absolutely nothing! Instead, funding bills essential for every conceivable function of government have been put on a shelf to avoid votes on offshore drilling, on oil shale, and drilling in ANWR.

In past years, when controversial issues have come to the full committee, we took them head on.

During my service as chairman, we debated and considered raising the minimum wage, the millionaires' tax, and the Truman Commission. I was opposed to each of these amendments but felt our Members—Republicans and Democrats—deserved to have their voices heard.

Had the Interior bill been considered in full committee on June 18 as originally scheduled, the committee and the House would not be in this position today. It would have broken the logjam and enabled us to complete our work. And, it would have given Members of the House an opportunity to openly debate the most important issue facing our constituents today.

To me, preparing a long-term energy strategy is like preparing for retirement. It doesn't

happen overnight but takes careful, thoughtful, long-term planning. Addressing the OCS issue is just one leg of the energy stool (along with conservation, oil shale, renewables, etc.) just as a 401(k) plan is one leg of the stool when planning for retirement. I believe we have to take the long view just as we take the long view when planning for retirement. It can't and won't happen overnight.

Republicans and Democrats alike deserve an opportunity to have a straight up or down vote on energy amendments addressing the high price of oil and gas. Again, ''all of the above'' has been replaced with ''take it or leave it.''

Mr. Speaker, I don't recognize this place anymore. Once upon a time, members of the People's House worked together to serve the best interests of our country. Now, we either march in lockstop to the whims of the majority leadership or we are left out of the legislative process altogether.

When I first came to Congress, legislation was drafted not by the Speaker of the House but by committee chairmen with jurisdiction over the issue of the day. Members of the minority party had every opportunity to participate in the debate by offering amendments. But those days are no more. Members of the minority party no longer have any rights. We are basically told to ''sit down and shut up'' because the majority leadership knows best.

This Member has had enough. And my constituents have had enough. I encourage colleagues on both sides of the aisle to join me in rejecting this irresponsible approach to governing. Let's work together and openly debate energy policy. Let's vote on a consensus bill that addresses the high price of oil and gas. Remember, our constituents are closely watching this debate. They will remember what we do when they vote on November 4.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from California, the Chair of the Committee on Natural Resources, Mr. MILLER.

Mr. GEORGE MILLER of California. I thank the Chair. Mr. Speaker, I want to thank the Rules Committee for bringing this resolution to the floor so we can debate on the energy bill and vote on the energy bill later today. And I rise in very strong support of this comprehensive, forward-looking bill that will provide relief at the pump, create good jobs in America and finally put our Nation on a path toward a clean, more independent and sustainable energy future. Surely that is something that all of us can support.

America understands the problem: Our Nation is addicted to oil. Consumers are paying record prices to heat and cool their homes and drive their cars and their trucks. Global warming is a real, serious and growing problem. Meanwhile oil companies are making more money than ever before.

That is why Democrats made energy a top priority when they took back the House and the Senate last year. We raised the fuel economy standards for the first time in 30 years, overcoming the objections of the auto industry, the oil industry, the Republicans in Congress and the White House. And we passed one bill after another to improve America's energy policy and its energy future, to expand wind, solar and other renewable energy sources, to increase the efficiency and conservation and our use of energy, to curb speculation in the oil markets so consumers would not be ripped off by the oil speculators, to release oil from the Strategic Petroleum Reserve so that small businesses, truckers and airlines would not be thrust into economic hardship and to recoup tens of billions of dollars from the oil companies that are unfairly taken from the taxpayers. All of these are thrusting America into the future with respect to its energy resources, its supply and its usage.

But every bill was opposed by a majority of the Republicans in Congress and by President Bush. This is sort of the Goldilocks of the energy debate, too much wind, not enough solar; too much solar, not enough energy; too much going after the speculators, not enough going after the oil companies; too much going after the oil companies, not enough for the energy industry. They could never get it right. And they could never support an energy bill. And they have never been able, in all the time they controlled this Congress, to move America into the future of energy, to move America into renewables, to move America into efficiency. They voted against it all. And they didn't propose it. And at the end of their decade in Congress, gas was $4 a gallon. They controlled the White House, and they controlled the Congress. At the end of their decade, gas was $4 a gallon.

So what are we able to do here today? We're able to help consumers and the taxpayers by ending the subsidies to oil companies, subsidies that President Bush said were obsolete at $50 a barrel. Well they are certainly obsolete today at $100 a barrel or $90 a barrel or $140 a barrel. But the Republicans are going to hold to those subsidies. We are going to end the royalty holiday, a holiday for oil companies where they don't have to pay royalties. Where is the holiday for consumers? Where is the holiday for the person commuting to work? Where is the holiday for the person heating their home? Not from the Republicans. They fought tooth and nail. The President fought tooth and nail to hold on to those royalty holidays.

And finally we are talking about creating jobs for Americans here at home in green industries and the renewable energies of the future, in the efficiencies of the future. That is what the American energy future looks like. And that is what this Congress is going to be able to vote on. And that is what the American people are going to get as a result, a bright, renewable, smart energy future.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the ranking member of the Energy and Commerce Committee, Mr. BARTON of Texas.

Mr. BARTON of Texas. First of all, all you need to know about this bill is the title of section 1 of the bill. This is title 1, section 1, section 101, prohibition on leasing. Prohibition on leasing. This is a pretend bill. This is a bill that has, once again, been put together in the dead of night. I was notified by my staff about 10:30 last evening that the Rules Committee was going to meet at approximately 10:45 in the evening. I'm not sure what time they did meet. We had prepared a number of amendments. We were led to believe that it might be a rule that if you had an amendment to the Rules Committee, it might be made in order. We were even led to believe there might be a Republican substitute made in order. So we were prepared for all of those, ''we'' being the Republicans on the Energy and Commerce Committee.

Of course this is a closed rule, which means there are no amendments made in order. There is a motion to recommit. It is a 260-page bill. It has over 100 titles. If this bill were to become law, which it won't, but if it were, there wouldn't be one barrel of oil developed as a consequence of this bill because of title 1, section 1. This puts a permanent moratorium in place on any area that is currently not under lease unless you comply with the very specific instructions in this bill. And amongst those are if you have an existing lease in the Gulf of Mexico that was authorized under the Deep Royalty Relief Act, I believe, of 1998, you have to go in and renegotiate that lease before you can bid on any of these new leases. This is a bad bill. It is a terrible process.

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

Mr. HASTINGS of Washington. I yield the gentleman 15 additional seconds.

Mr. BARTON of Texas. This is a terrible process, a closed system and a political sham. We should vote against the rule and then let those Democrats that wish to work with those Republicans that wish to to bring a bipartisan product to the floor that can be voted on. The day before the election in the last Congress, the price for gasoline in Texas was approximately $2 a gallon. The day Speaker PELOSI became Speaker, it was $2.33. Today it's pushing $4. If we don't do something about energy policy, it's going to go higher, not lower.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, a member of the Committee on Energy and Commerce, Mr. GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to thank our Chair of the Rules Committee for

yielding to me. I rise in strong support of our legislation H.R. 6899, The Comprehensive American Energy Security and Taxpayer Protection Act and this rule.

Why we identify this as a comprehensive bill is very simple. Our country needs a comprehensive legislation that deals with energy. We need everything for our country to both be energy efficient but also to be able to afford it. All sides of debate can longer insist on the ''it's my way or the highway'' approach to energy. We need all energy resources, both conventional and renewable. And everyone must be willing to sacrifice to reach that common ground.

I do not believe our bill goes far enough to address all of our domestic energy resources, especially nuclear energy. But however in every shortcoming there are positive concessions. Our legislation improves on a provision included in the original H.R. 6 by at least freezing independent oil and natural gas producers at their current section 199 manufacturing deduction rate instead of a complete repeal. Our bill modifies provisions from the flawed use of ''use it or lose it'' legislation which necessarily hammered future lease acquisitions. It retains but adds accountability to the tainted Royalty-In-Kind Program that we all read about.

It improves the management of the Strategic Petroleum Reserve with an idea offered by my good friend from Texas, NICK LAMPSON, by allowing a swap for heavy crude which could immediately lower prices for consumers.

Most dramatically, our proposal will help utilize our domestic oil and natural gas resources in the outer continental shelf. Our legislation incorporates most of the offshore drilling provision that I and other ''Energy Democrats'' first introduced in the LEASE Act by directing the immediate opening of all areas beyond 100 miles off our coasts. That is over 300 million acres of outer continental shelf that are automatically open to oil and natural gas leasing. States are given the option to opt in the additional 50 to 100 miles off their coast, an estimated 90 million acres for production.

My friends on the other side of the aisle argue that this does not open enough acreage in the Gulf of Mexico. I agree. I would like to open up the eastern Gulf of Mexico. But there was an agreement made by the Republican Congress in 2006 for Florida, and we are not going to break that agreement on the House side.

But let's not forget the fact that during the height of the Republican rule under both the Republican President and Congress, Republicans were only able to open 8.3 million acres of leasing in the Gulf of Mexico. And President Bush took 7½ years, almost 7½ years of his administrations to actually decide to take off the moratorium. So who really wants to drill?

Over 350 million acres will be open. This bill is hundreds of millions more acres that are directly opened in contrast to the Senate ''Gang of 20,'' or in the Senate Republican Leader MITCH MCCONNELL's bill, his Gas Price Reduction Act, which has the support of only 44 Republican senators. We open so many more than even the Republican leadership and the Senate wanted to, more acreage for exploration and production.

Most importantly, we use the revenues from oil and gas production to transition to a clean energy future. Our bill would create a fund to invest in renewable, clean energy efficiency, land and water conservation and LIHEAP. Mr. Speaker, I could go on and on, and I will continue as we go to the debate. This bill is a drilling bill, but it's also a future bill for comprehensive energy production.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Michigan, a member of the Energy and Commerce Committee, Mr. UPTON.

Mr. UPTON. Mr. Speaker, there is a reason why Congress is in the 9 percent favorable rating. We have not done the Nation's business. I look at former Chairman BARTON sitting in the second row here. When we did the 2005 EPACT bill, we had lots of amendments here on the House floor, in fact, 23 different Democratic amendments, some amendments to amendments. And some of them would say at the end of the day that it was, in fact, a bipartisan bill because Congress worked its will. And I would say some of them were pro-energy. Frankly, some of them were anti-energy. One offered by Ms. SOLIS was described as an amendment that sought to delete refinery revitalization provisions in the bill. Thank goodness it was defeated. The bill moved forward, and it was signed into law.

But today we have a new bill that is hundreds of pages long. We haven't had a single hearing in subcommittee or full committee. We haven't had a single markup in subcommittee or full committee. And we have a rule that means when it comes to the House floor, there are no amendments allowed at all.

The Volt is an exciting new GM vehicle that is going to be in the showroom by 2010. It needs to be plugged in. We need to have electricity to make it move.

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

Mr. HASTINGS of Washington. I yield the gentleman 15 additional seconds.

Mr. UPTON. There are no amendments in here for coal. There are no amendments for nuclear. There are no amendments to provide for drilling offshore, no incentives, no amendments for oil shale, no amendments to bring in Canadian tar sand where they are producing 1 million barrels a day. Mr. Speaker, there is no beef in this legislation. Many would say, ''Where is the beef?'' There is none. The rule needs to be rejected.

□ 1415

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY), the chairman of the Select Committee on Energy Independence and Global Warming.

Mr. MARKEY. I thank the gentlewoman.

Ladies and gentlemen, this is a very simple debate. The Republicans are very upset that the Democrats are going to take the oil companies and make them pay taxes to the American people when they drill on the land owned by the American people, and the Democrats then want to move the money over to wind and solar and plug-in hybrids for tax breaks. So the Democrats are saying that America needs an oil change. So, as Mr. GREEN just said, we open up vast new areas where the oil industry can drill, drill, drill; drill, baby, drill.

But what we put into the bill is something else as well. We put in change, baby, change. Because we only have 3 percent of the oil in the world, we have 4 percent of the population, and we consume 25 percent of the oil in the world on a daily basis. That is not a long-term recipe.

So we need an oil change. And what we need to do and what we are going to do is allow them to drill in thousands and thousands of additional acres, to go for the oil, to go drill, baby, drill, but then say we need back some of those tax breaks that you don't need at $100 a barrel, $140 a barrel, $4 a gallon at the pump. We don't need to subsidize you anymore.

The taxpayer doesn't need to be tipped upside down and have money shaken out of their pockets as taxpayers to hand over to the oil companies, because they have already been tipped upside down and had money taken out of their pockets as consumers by the oil companies.

So we just take back those tax breaks, put a little bit of a tax on where they don't pay any taxes at all, and where do we shift it over to? Ladies and gentlemen, we shift it over to wind and solar and green buildings and plug-in hybrids. We shift it over to the future. We unleash a technological revolution that will break our dependence upon imported oil.

It is change, baby, change. It is innovate, baby, innovate. These guys are a one-note organization. They have been since two oilmen went to the White House 8 years ago.

Drill, baby, drill is not a long-term strategy.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute

to another member of the Energy and Commerce Committee, the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, this is a sad day for America. Contrary to what my friend from Massachusetts says, there is no drill, drill, drill, no change in this bill. There is not one drop of oil in this bill. And let me explain why.

I went to the Rules Committee and said that any oil produced under this bill will be challenged in lawsuits and there won't be a drop produced. Let's put a limit on the lawsuits. The Rules Committee said absolutely no.

Why did I do that? Last year, the Bush administration issued 487 leases in the Chukchi Sea. Environmental groups sued not 484 or 485 or 486. They sued every single lease.

There are 748 leases also in Alaska in the Beaufort Sea. The environmentalists have sued all 748.

There were 12 drilling plans filed last year with the Minerals and Management Service to produce oil off of Alaska. How many were sued? All 12. The Center for Biological Diversity, the Natural Resources Defense Council, every single lease has been challenged in court. We could solve that problem with limits, reasonable limits on litigation.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. SHADEGG. But instead, the Rules Committee said absolutely no, we want no limits on litigation. Not only are there lawsuits filed by environmental groups against every existing lease in Alaska and the lower 48, they filed a lawsuit against all future oil leases.

Any American who believes this bill will produce one drop of oil is being deceived by the lawyers that will sue and sue and sue.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE), a member of the Committees on Natural Resources and Energy and Commerce.

Mr. INSLEE. You know, if we were having this debate in the 1800s, someone would be arguing about need to preserve whale oil, because that was the dominant source of energy in the 1800s and they couldn't see the emerging transition to different fuels. And now we have some people in this Chamber who don't understand the transition of fuels for Americans, the only transition that has a chance of breaking our addiction to oil and truly keeping down the price of energy.

I want to show you a transition fuel that is just on the cusp. I met a man named Tony Markel. He works at the National Renewable Energy Laboratory in Golden, Colorado, two weeks ago, and he showed me this.

This is a photo-voltaic panel. It is about 400 square feet, and it is plugged into two plug-in electric hybrid cars. These are cars that run on electricity, only electricity, for about 40 miles, and if you want to go further than 40 miles, you use gasoline. This one system, a PV system, can power these two cars for essentially 40 miles, and then you use gasoline if you want to go more than 40 miles.

This bill that the Republicans hate is going to give Americans a step forward to this future, which is the only future, together with some biofuels and perhaps even some other technologies, that can break the stranglehold of the oil and gas industry over the American consumer. And it is clear to me from people at Boeing, who revolutionized commercial aircraft; from people at Microsoft, who revolutionized software, that now is a chance for Americans to revolutionize the world of new clean energy.

We know that we need innovation, not intransigence. We need invention, not insignificance. And we know we can't drill our way out of this problem. But we can, we must, and we will innovate our way to a clean energy future. This is a destiny of ours. It is a clean energy destiny.

In addition, I would like to add that Tony Markel is an employee of the National Renewable Energy Laboratory. NREL is a national laboratory that provides great data and research on energy efficiency and renewable energy; however, NREL does not generally have a position on pending legislation, nor does it have a position on this bill, H.R. 6899.

The SPEAKER pro tempore. The gentleman from Washington has 11¾ minutes remaining, and the gentlewoman from New York has 6 minutes remaining and the right to close.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, our side of the aisle is responding to three fundamental facts that have changed everything: An economic crisis, an energy crisis, and a national security crisis. Higher energy costs are bringing down our economy; energy bought from overseas is depriving us of American jobs; and foreign purchase of energy is transferring our wealth, $700 billion overseas. This is threatening our very national security.

We need a bill that has conservation, renewables, nuclear power, and, yes, American oil and American gas. That American oil and that American gas will pay for all the renewables we all want. It will help secure our Nation. It will grow our economy. And it will make sure that Americans have jobs, and our government has revenue.

Ms. SLAUGHTER. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, the point I want to make here is that the Republican bill, which has all of the above, sets aside $8.8 billion that would be taken from the profits of this oil leasing, and that money would be put into alternative and renewable energy. That money would go to the long-term solution, which is electric vehicles. Lithium-ion car batteries would eventually come on to the market.

But the reality is in the short-term we cannot afford to do what the Democrats want to do. In the last 2 years that they have run the Congress, they have doubled the price of gas by putting in place moratoriums, including one on oil shale development, a moratorium, by the way, that is on three States, Utah, Wyoming and Colorado. We lift that moratorium in our bill because of the reserves there. They do not.

We have a situation today where what we would do is allow offshore drilling. Gazprom, the Russian oil giant, is up in the Arctic drilling. No. They say no drilling in the Arctic. Off the coast of Florida, we watch as the Cubans drill. No, we are not going to be allowed to drill there.

They take 88 percent and take it off the table, and the other 12 percent, they say you have got to get the State to go along with. That means they just continue this moratorium. This is outrageous.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. ROYCE. I appreciate that.

Our own United States Air Force would like to try coal-to-liquid. They would like to try gasification out of coal. This is used by South Africa to make gas. That is prohibited. The Democrats won't lift their moratorium on that.

Clean coal, nothing in here for clean coal. Another prohibition brought to us by our friends on the other side of the aisle.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

Basically, what the problem here is the leadership on the Democratic side of the aisle are so focused on saving the planet that they are not going to save the United States of America when we are in this crisis over these oil prices and dependency on foreign countries.

NANCY PELOSI herself, the Speaker of the House, said, ''I want to save the planet.'' ''I want to save the planet.'' The majority leader of the Senate said, ''All fossil fuel is poison and we need to get rid of it.'' The gentleman from the

Sierra Club, Carl Pope, the executive director, said, ''We are better off without cheap oil, without cheap gas.''

We are better off without cheap gas? Tell that to the people in the 11th Congressional District back in Georgia when they are paying $4 and $5 a gallon.

The bottom line, my colleagues, is what the Democrats have done is come in here with a farce, a hoax of an energy bill, and say, okay, we know the American people, 85 percent of them want an energy bill and they want to be able to drill.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. GINGREY. I thank the gentleman.

They want this, and they want it now.

I just want to call my colleagues' attention to this Charlie Brown cartoon. This young man is Charlie Republican. This is Lucy Democrat. Lucy Democrat has teed up an energy bill that includes drilling, but when Charlie Brown goes to kick that field goal, she yanks it away. That is what the Democrat majority has done, and it is shameful, Mr. Speaker.

Ms. SLAUGHTER. I continue to reserve.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in opposition to this very misnamed bill and the rule that brings it to the floor.

First, it claims to be a comprehensive bill, yet it has nothing about nuclear energy, clean coal or increasing refinery capacity and halts much oil shale development. Second, and more importantly, it has no reforms or limitations on lawsuits by special interests environmental groups.

Radical environmental groups have successfully used lawsuits, the courts and administrative procedures to stop or drastically slow down all types of energy production and have really shut down this country economically in many, many ways. They have opposed not only drilling for oil, but also digging for any coal, cutting any trees, or, heaven forbid, any new nuclear plants. They want to go to wind power, but they oppose putting up any windmills.

I have noticed that almost all radical environmentalists come from very wealthy or very upper-income families. Perhaps they aren't hurt by high gas prices, high utility bills, higher prices for everything made out of wood and higher prices for everything. But almost all middle- and lower-income people are hurt by these higher prices.

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

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

Mr. DUNCAN. The trucking and railroad industries have been hit especially hard by higher diesel fuel costs. The president of Burlington Northern and Sante Fe Railroad told me his company spent $1 billion on fuel in all of 2003, and spent over $1 billion on fuel just in the first quarter of this year. All of these costs are passed on to the consumer in the form of higher prices.

The Air Transport Association says each one penny increase in jet fuel costs the aviation industry $200 million a year. Jet fuel has gone up far more than one penny, leading to much higher fares for the hundreds of millions who fly each year.

The hoax of a bill that we consider today is not a good bill, Mr. Speaker.

□ 1430

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania, a Member of this body who has been absolutely steadfast on the proposition of expanding our energy supply, Mr. PETERSON.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today with a heavy heart.

America is in a crisis for affordable, available energy. Our folks back home want us to sit down and figure out how to have available, affordable energy. Four hundred Members of Congress, including me, who have been involved in this debate for years, this morning found out there is a 290-page bill that we are going to vote on today with no amendments.

That's not the process of how to get to a solution. That's the political process. This is a political process, not a process about solving America's energy crisis.

Mr. MARKEY's just sharing with us that we are holding back wind and solar and geothermal. That's not true. There is no Member of Congress that I know of that won't fund all of those.

The Peterson-Abercrombie bill funds every renewable that's on the books for 5 years. It funds all the conservation programs that both parties have thought of, and it funds environmental cleanups. It incentivizes all the forms of energy that will help us get to where we need to be.

The Pelosi bill, unfortunately, talks with one hand of opening up drilling. On the other hand, it locks it back up because of a 50-mile setback, and then States are supposed to open it up when Members of Congress don't have the courage to, with no reward of a royalty. No State legislature is going to open up the second 50 miles and get no royalties.

America doesn't want this political rhetoric. America wants us to sit down as Republicans and Democrats. They don't want a Republican bill or a Democrat bill. They want us to sit down and discuss energy into the night, day after day, until we get it right, and we fix and provide America available, affordable energy.

Folks, we can do that. We have lots of reserves. Twenty-eight years ago we started locking up our reserves and decided not to produce energy. We caused the shortage. We caused the high prices. We are the reason the oil companies have made huge profits.

When you lock up supply, the price triples. Whoever owns it gets rich. That's how it works, folks. We need to open up supply, bring prices down and give America energy to heat their homes and drive their cars so that they can afford to pay for them.

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

Mr. HASTINGS of Washington. Mr. Speaker, can I inquire if my friend, the distinguished Chair of the Rules Committee, has any other speakers?

Ms. SLAUGHTER. Yes, Mr. Speaker, I have one further speaker, and then I will close.

Mr. HASTINGS of Washington. Mr. Speaker, at this time I am very pleased to yield 1 minute to the Republican leader, Mr. BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague from Washington for yielding and suggest to my colleagues that we are engaged in exactly what the American people are sick of, and that is political games here in Washington that are intended to be political games and to have no outcome.

Mr. Speaker, we have a bill that will be up soon. I don't know how many pages it is, because I haven't seen it yet. Of course, there is no Member of Congress who has seen this bill and no Member of Congress who has read it because it was introduced last night at 9:45. It's going to be up this afternoon, a bill that no one has seen, has been through no committee, written in the dark of night behind closed doors.

But what we do know about it is that it locks up about 88 percent of the known resources off our shores. We are the only country in the world that doesn't allow drilling on the Outer Continental Shelf, and this locks up 88 percent of it.

Is that a way to get to more energy? We have a bill that does all of the above on our side. But when you look at their bill, there is nothing about any nuclear energy in there, nothing about coal-to-liquids or coal to gas, nothing that is going to bring us, really, more American energy.

On top of all that, it has a big tax increase in it. If that isn't bad enough, we have an earmark in the bill, an earmark of $1.2 billion for the City of New York, for some railroad bonds. This is

not the way the American people want us to get our jobs done. They want us to work together. They want us to listen to them, and they want us to do their will, and that's not what's happening today. If all this isn't bad enough, the rule that we are considering to allow this legislation to come to the floor doesn't even allow the minority, the Republican Members of the House, to offer a substitute, no amendments, no substitute.

Now, it was Ms. PELOSI, back when she was the minority leader, that called for this to be the most open and fair and ethical Congress in history. She said that bills should come to the floor generally under an open rule that would allow us to offer amendments, but, no, there are no amendments allowed.

There is no substitute allowed. This is intended for one purpose and one purpose only, as this bill is coming to the floor, so that some of my colleagues in the majority, the Democrat party can say, we voted on energy. Didn't do anything. They know this bill that they are bringing has no chance of becoming law, and yet they are bringing it up under a scenario which is, frankly, unfair. There is not one Member, one Member of this Chamber, who doesn't understand that this is unfair.

This rule should be defeated. Let's go back to the drawing boards and do this right, and we can do it right in very short order and have this bill on floor yet this week.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Michigan, a member of the Energy and Commerce Committee, Mr. ROGERS.

Mr. ROGERS of Michigan. Mr. Speaker, this is the trouble when you introduce bills to hurt somebody, to try to punish somebody. When the Democrats took over a couple of years ago, they said they had a secret plan they were going to lower gas prices. The problem was the plan was deeply rooted in punishing average Americans.

If you drive a minivan, you are bad, and you are wrong. If you use electricity at home, you are wrong. If you commute more than 40 miles to work, you are wrong. So you have developed a plan that punishes them, and we are seeing the impact of that in every community in this country.

Single moms are having a difficult time packing their kids up. They have got to be at three events, they have got to pay for child care. They have got to stop and get gas to get them there. What they said is, you are wrong. You are wrong for working that hard.

What this bill does is it says ''no'' to more than it says ''yes.'' You want to hurt somebody so bad, oil companies, Alaskans, middle-class families. You are in such a hurry to do that, you have created a bill that hurts them more.

If you go home and try to put your kids on the Internet to do their homework, it will raise their monthly bill. If you cook their food on the stove, it will raise their monthly bill. If you put food in the refrigerator, this bill will raise their monthly bill.

It does nothing to help middle-class families. This is a slap in their face.

You say no to biomass, no to coal, no to shale oil, no to nuclear because you don't like it. This bill makes it easier for China to drill off our coast than it does for American companies to produce American-made energy.

This is not an energy bill for average Americans. I am a small-town guy. I plead with you, come to small-town America, see what these provisions, these plans are doing to average Americans in the middle class. It's killing them.

Don't punish America. Unleash the resources that we have to help America.

Ms. SLAUGHTER. May I inquire if my colleague has more speakers?

Mr. HASTINGS of Washington. Mr. Speaker, I have two additional individuals, and then I am prepared to yield back.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from California, a Member who served here previously and who was very active on this issue, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, I have been listening to this debate with much interest as I notice the anti-drillers on the other side of the aisle straining to prove that their bill actually includes real drilling.

So you listen to it, and it appears they are lip-synching their message while the special interests, environmental extremists and lawyers, are actually writing and singing their anti-energy lyrics. No, no, no, no, no, that's what we are hearing.

It just appears to me that the Democrats have brought us their 290-page bill, and they are trying to display it as their newest legislative Grammy winner. What it really is is nothing more than their newest version of Drilli Vanilli.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. I appreciate this opportunity.

Mr. Speaker, unfortunately an amendment that I proposed was shut out by the Democratic majority regarding renewal energy projects on public lands.

As you know, Nevada is on the forefront of a renewable energy. We have the third largest solar facility in the world in my district.

I have made some suggestions, so I have had to drop my own bill, since the leadership would not allow this to be heard, to ensure that when leasing or buying Federal lands, developers of renewable energy shall be able to lease or buy the property at existing fair market value.

It would expedite the process. We want to make sure if there is a solar or geothermal facility or wind or, whatever alternative energy, it is an expedited process.

It would direct the Secretary of the Interior to expedite these applications for renewable energy; direct the Secretary to also prioritize Federal land across the country, which could be used for renewable energy projects, and by local governments. It directs the Secretary to identify all Federal lands around the country that are suitable and feasible for alternative projects.

It's unfortunate this would not be heard by the majority party. This is something that is important to move this process along.

Mr. Speaker, Congress needs to act now to encourage the development of renewable resources on Federal lands, but as always bureaucracy and red tape are interfering with the process.

I am proud to introduce legislation that will remove regulatory and bureaucratic delays that are impeding the development of renewable energy projects on available Federal lands in resource rich states like my home state of Nevada.

According to the Department of Interior, there are currently 210 solar energy applications pending with the Bureau of Land Management (BLM) and 217 applications pending with the BLM for wind energy projects.

My legislation would help alleviate the bureaucratic hurdles and delays and streamline the application process needed to move renewable energy projects forward as we seek to address the current energy crisis.

My legislation will also:

Ensure that when leasing or buying Federal lands, developers of renewable energy projects shall be able to lease or buy the public land at the existing value fair market value, not the price of the land once the plant is built and improvements are made;

Expedite an efficient process for the submission and consideration of renewable energy projects;

Direct the Secretary of Interior to expedite all those applications for renewable energy projects currently in the logjam of bureaucratic delays;

Direct the Secretary to prioritize Federal land transfers for renewable energy projects to local governments; and

Direct the Secretary to identify all Federal lands around the country that are suitable and feasible for alternative energy projects.

A brief reminder of why renewable energy development is important to the Nation:

The economic impact of new renewable energy projects is immense—hundreds of thousands of jobs to develop and operate these power plants, bringing new tax dollars into rural communities, where unemployment is high and a boost to the local economies are sorely needed.

Renewable power plants reduce the Nation's dependence on fossil fuels and imports, enhancing our national security, improving our balance of payments, and stimulating our economy.

Renewable power plants improve our environment, reducing greenhouse gases and clearing our air.

I urge my colleagues to support this legislation,

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon, a member of the Committees on Natural Resources and Transportation, Mr. DEFAZIO.

Mr. DEFAZIO. I thank the gentlelady for yielding.

If you listen to the Republicans here today, you would think that Detroit can't make more efficient automobiles, something the Republicans blocked for 12 years, which we did within the first year of taking back power here in the House.

They are saying that our electric generators can't produce 15 percent, one-sixth of their energy from renewable resources. In the United States of America in the 21st century, we can't get 15 percent from renewables? We have to rely on fossil fuels?

Do you believe that they say that the oil companies can't afford to pay the American taxpayers fair royalties for the nonrenewable resources they are extracting from our Federal land? If you do believe all that, then you probably believe that they do have a plan for independence and energy sustainability for the future.

Now the gentleman there spoke earlier, the gentleman from Washington, a good friend, about a fig leaf hiding an embarrassing fact or problem. There is one huge fig leaf over this debate today, and here is what is under the fig leaf: George Bush, holding hands with the King of Saudi Arabia.

Now the Bush administration, last time I checked, same party affiliation as that side of the aisle, the Republicans, led by Vice President CHENEY, last time I checked, a member of the Grand Old Oil Party, wrote an energy bill in secret. They pushed for it for 5 years.

When the Republicans controlled everything, the House, the Senate and the White House, they jammed through their energy bill over the objections of many on our side of the aisle who said wait, no, this isn't a forward-looking energy policy. It's going to make us actually more dependent on imported oil, and it's going to make us more dependent on fossil fuels, and it's not going to give us a new energy future that the American people need. It's not going to make us more efficient, more sustainable and more affordable.

Now they are trying to hide that fig leaf. Now they have also talked about the price per gallon, that when Speaker PELOSI became Speaker almost 2 years ago, there has been a big run-up in prices.

Whoops. Here is when George Bush took office. Gas was about $1.45 a gallon; today, bumping back up, over $4 in some hurricane areas.

Now there is something else that goes along with that that they don't want to talk about, and this is what's really going on here, folks.

□ 1445

They want to talk about relief for American consumers. They don't give a fig leaf about relief for American consumers.

This is what the debate is all about. Look at the obscene growth in profits of the oil industry since the oil men in the White House, George Bush and DICK CHENEY, took over; from $30 billion a year to $160 billion this year, every penny of that extracted from the pockets of American consumers and American business. An unbelievable, unprecedented breath-taking run-up in profits.

And they say now they are concerned and want a change. They don't really want a change. They don't want this to change. They want us to continue to be dependent on oil and foreign oil and, yeah, maybe a smidgeon more of domestic oil.

Now they have a few other whoppers out there today. They say no drilling in Alaska. Whoops, sorry, wrong, guys. Actually, this bill would push the industry to get off its rear and begin to extract oil from the former Naval Petroleum Reserve, renamed the National Petroleum Reserve Alaska by the Republican Congress and put out for leasing. It has been leased. Bill Clinton, in fact, did the first leases. But guess what, 10 years later not a drop of oil, even though the known reserves, and why was it the Naval Petroleum Reserve for 80 years, because we knew there was a pile of oil under there, a huge pool of oil under there, more than 10 billion barrels.

No one knows if there is any oil under the Alaskan National Wildlife Refuge, but they want to talk about the refuge. They don't want to talk about the fact that their friends in the hugely profitable oil industry have failed to extract any oil from the known 10 billion barrels of reserves in the Naval Petroleum Reserve Alaska.

This bill would push for production there, push them to connect it to the existing pipeline, and push them to bring that oil down to the lower 48.

As Members on my side said earlier, we need a transitional fuel. We need to enhance our oil supply; this bill would do that. We also need to go after natural gas in a much more robust way, a cleaner fuel, a fuel of which we have significantly more reserves here in the United States of America which we don't need to import if we develop those reserves. This bill would do that.

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

Ms. SLAUGHTER. Let me give the gentleman an additional 30 seconds.

Mr. DEFAZIO. This bill would also reform royalties. It would end the party. The Minerals Management Service under the Bush administration was swapping oil or something for royalties, or maybe it was sex, drugs and rock and roll. This bill would reform that process.

This bill would bring back integrity, fiscal responsibility, and give us a sustainable, renewable and cleaner energy future. Vote for a new future, not the same old Big Oil, Grand Oil Party plan.

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

The SPEAKER pro tempore. The gentleman is recognized for 30 seconds.

Mr. HASTINGS of Washington. Mr. Speaker, my plea to those Democrats who proclaim their support for more drilling and making America more energy independent, I urge you to vote ''no'' against this sham bill by voting ''no'' on the previous question. By defeating the previous question, I will move to amend the rule to make in order H.R. 6566, the American Energy Act.

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

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, once again I urge my colleagues to vote ''no'' on the previous question because that means we will have a vote on both their bill and our bill.

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

Ms. SLAUGHTER. Mr. Speaker, this whole debate boils down to one issue today: whose side are you on? Which side are you on, the side of the persons who sent you here, your constituents and the businesses that you represent, or are you on the side of the oil companies? I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 1433 OFFERED BY MR. HASTINGS OF WASHINGTON

Strike all after the resolved clause and add the following:

That immediately upon the adoption of this resolution the House shall, without

intervention of any point of order, consider in the House the bill (H.R. 6899) to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; (2) an amendment in the nature of a substitute consisting of the text of H.R. 6566, the American Energy Act, as introduced, if offered by Representative Boehner of Ohio or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 3 hours equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 6842, NATIONAL CAPITAL SECURITY AND SAFETY ACT

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1434 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1434

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. That amendment may be offered only by the Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against that amendment are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendment as may have been adopted. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 6842 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1434.

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

There was no objection.

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

Mr. Speaker, H. Res. 1434 provides for the consideration of H.R. 6842, the National Capital Security and Safety Act, under a structured rule. The rule provides 1 hour of general debate controlled by the chairman and ranking

minority member of the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule makes in order the amendment in the nature of a substitute printed in the report if offered by Representative CHILDERS. That amendment is debatable for 1 hour. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, I stand before this House as a supporter of the second amendment, but also as a strong supporter of sensible gun safety legislation. I also stand here as a strong supporter of the elected Government of the District of Columbia, and I respect their right to enact and execute their own laws.

Apparently, and unfortunately, not all of my colleagues agree. They believe that Members of Congress from other States have the right to dictate matters that are best left to local governments.

On June 26, 2008, by a 5–4 decision in the Heller case, the Supreme Court upheld a ruling of the Federal Appeals Court which found the District's ban on handgun possession to be unconstitutional. It is important to note that the court stipulated that this right is not unlimited; they reaffirmed that ''any gun, anywhere'' is not constitutionally protected.

In response to the ruling, the D.C. City Council passed, and the mayor signed, emergency legislation to temporarily allow District residents to have pistols in their homes. The council will continue their work this week by making those changes permanent.

Mr. Speaker, the elected D.C. City Council and the elected mayor are committed to complying with the Heller decision. The plaintiff in the case, Dick Heller, was quickly allowed to keep a gun in his home.

But that is not good enough for my friends on the other side of this debate. They believe it is not good enough for the D.C. Government to comply with the court's ruling. They believe they can take this opportunity to shove the agenda of a single special interest, the gun lobby, down the throats of the citizens of the District of Columbia.

Mr. Speaker, it is beyond insulting; it is arrogant. I ask my friends on the other side, how would they like it if Congress enacted laws that took away local control in their own communities? Maybe Congress should decide whether the ''Adventures of Huckleberry Finn'' can be assigned in the Dallas County schools. Maybe Congress should decide whether a new Wal-Mart can be built in Tupelo, Mississippi. Maybe Congress should decide how many firefighters the Macon, Georgia Fire Department should have.

I promise you, Mr. Speaker, that if we tried to bring any of those things to the House floor, my friends on the other side of the aisle would be down here screaming about big government and local control. But when it comes to doing the bidding of the gun lobby, they have decided that Congress knows best.

It is bad enough that the citizens of the District of Columbia have to endure taxation without representation every single day. And it is bad enough that even though soldiers from the District of Columbia can fight and die wearing the uniform of the United States, they do not have the right to a full vote in the United States Congress.

We should be strengthening the District's right to govern itself, not trouncing on it. For years, Congress treated the District of Columbia as its little fiefdom. The amendment made in order under this rule would take us back to those bad old days.

Again, the purpose of the underlying bipartisan legislation before us today is to require that the D.C. Government comply with the Heller decision within 180 days. There is simply no need, there is no justification for this Congress to go beyond the Heller decision and impose sweeping changes to the self-governance of D.C. But that is exactly what the Heller amendment would do, easing access to guns, eliminating gun registration, and making D.C. law enforcement's job to protect its residents and the visitors that come here that much harder.

□ 1500

This will, in no way, make our Nation's capital a safer place.

Mr. Speaker, I want to thank Congresswoman HOLMES NORTON for her steadfast representation of the District, and for bringing H.R. 6842 to the floor today. I urge my colleagues to support her legislation and to vote ''no'' on the Childers amendment, and I look forward to the debate today.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, as you might guess, I rise in opposition to this rule, to the underlying legislation, and, I believe, to the entire process that got this bill here today, which I believe represents little more than an opportunity for this Democratic majority to thumb its nose at the Supreme Court's recent ruling upholding an individual's right to keep and bear arms, while also providing some of its vulnerable Members with a meaningless political cover vote leading up to this fall's election.

Since taking control of this House almost 2 years ago, Mr. Speaker, this Democrat majority has done everything in its power to prevent Republicans who agree with the Supreme Court that residents of the District of Columbia have the right to self-defense, like every other American citizen, having a vote on this issue, is very important. In fact, last year it was the Democrats' need to prevent a vote on this very issue that brought the debate on providing the District of Columbia with a voting Member of Congress to a screeching halt.

Today, however, the Democrat majority has been forced to bring this measure to the floor because of a rapidly growing bipartisan support for a competing measure to comply with the Supreme Court's affirmation of D.C. residents' constitutional rights. Isn't it amazing? The District of Columbia went to court and found out that they had to follow constitutional rights.

And there's also a fear by the Democrat majority that a discharge petition that has already won the support of 166 Members of Congress, the passage of which the Washington Post has recently said would be ''deeply embarrassing to the House leadership and could infrastructure the party's House contingent.''

Mr. Speaker, instead of providing real, meaningful policy solutions to make the lives of law-abiding citizens of the District of Columbia safer, today we are taking up a measure that would continue to subvert the wishes of our Founding Fathers, as recognized and affirmed by the Supreme Court, while also allowing Members to have a vote on an excellent substitute amendment which I fear will be dead on arrival when it reaches the Democrat-controlled Senate.

This substitute amendment, which I strongly support and have cosponsored, along with 115 other bipartisan colleagues, would recognize that D.C.'s ban on handgun possession in the home violates the second amendment, as does the District of Columbia's prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense.

To correct this injustice, the substitute amendment would repeal the District's illogical ban on the most popular home and self-defense weapons, restore the right of self-defense in the home, repeal the District's intentionally burdensome registration process, and allow D.C. residents to finally purchase handguns and defend themselves in their own homes.

Mr. Speaker, I understand that as early as today, that the D.C. City Council may be meeting to address this issue. But I remain concerned about what the same authors of the so-called ''emergency'' legislation that violated the Supreme Court's ruling just a few months ago, may try to pass in order to continue to drag their feet and to deny D.C. residents their constitutional rights to protect themselves and their families in their own home. This Congress should not be on record trying to avoid what is the law of the land.

Because of the Council's demonstrated past willingness to abide by our Nation's laws, I believe that it is important that this House pass the

substitute amendment on behalf of all law-abiding citizens who want to exercise their constitutional rights within the District of Columbia.

Additionally, as the administration notes in their statement of policy on this legislation, the underlying bill in its current form would do nothing more than direct the D.C. City Council to reconsider within 180 days the emergency firearms legislation it passed in July, and which will expire in October, regardless of this House's action on this matter. This means that if this legislation is passed without the substitute amendment provided for by this rule, the legislation's only effect would be to give the City Council even more time to drag its feet and remain noncompliant with the directives of the highest court in our land.

Mr. Speaker, it really should not be so difficult to write a law that is compliant with the Constitution.

Mr. Speaker, I would like to submit this Statement of Administration Policy in opposition to this bill and in support of the substitute amendment in the CONGRESSIONAL RECORD.

STATEMENT OF ADMINISTRATION POLICY

H.R. 6842—NATIONAL CAPITAL SECURITY AND SAFETY ACT

(Del. Norton (D) District of Columbia and Rep. Waxman (D) California)

The Administration supports the objective behind H.R. 6842 of revising the District of Columbia's firearms laws to ensure their conformity with the Second Amendment as interpreted by the Supreme Court in District of Columbia v. Heller. The bill in its present form, however, would do nothing more than direct the District's City Council to reconsider the emergency firearms legislation that it unanimously passed in July. Because that emergency legislation must by law expire in October, H.R. 6842 simply requires the Council to do what it is effectively required to do already (in far less time than the 180 days that would be required by this bill). Therefore, the Administration strongly opposes this legislation unless it is amended to include the provisions of H.R. 6691, the Second Amendment Enforcement Act.

The Administration strongly supports H.R. 6691 because it would immediately advance Second Amendment principles by directly protecting the individual right of law-abiding District residents to keep and bear commonly used firearms not only to protect themselves and their families but also to protect their homes and property. H.R. 6691 would ensure that law-abiding residents of the District have a meaningful opportunity to procure lawful firearms without undue delay, as well as the ability to keep those firearms readily accessible for self-defense without having to unlock or assemble them in the face of imminent danger. H.R. 6691, which has bipartisan support, would responsibly balance individual rights with the public safety by expanding the practical opportunities to keep and bear arms for lawful purposes in the District within the reasonable limits imposed by the Federal firearms laws.

Mr. Speaker, I encourage all my colleagues to support the substitute amendment to hold D.C. accountable to the Supreme Court, to the laws of this land, and to provide its residents with all the constitutional rights enjoyed by other American citizens, and to oppose the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, this debate is nuts. The Childers amendment, among other things, would allow stockpiling of military-style weapons with high capacity ammunition magazines. It would undermine Federal anti-gun trafficking laws. It would prohibit D.C. from enacting commonsense gun laws. It would repeal commonsense restrictions on gun possession by dangerous unqualified persons. It repeals all age limits for the possession and carrying of long guns, including assault rifles. It allows gun possession by many persons who have committed violent or drug-related misdemeanor crimes. It allows many persons who are dangerously mentally ill to obtain firearms. It repeals registration requirements for firearms. It repeals all safe storage laws.

Mr. Speaker, it is my view that, if, in fact, we enacted the Childers amendment, that we would create a situation where we put more people in danger.

This is not about security for the citizens of D.C. This, quite frankly, is about insecurity. What this amendment is is one big fat wet kiss to the National Rifle Association.

At this point, Mr. Speaker, I yield 5 minutes to the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentleman for yielding. I very much appreciate that the Rules Committee, under the gentleman, has made the Waxman-Norton Home Rule bill in order, and particularly Chairman WAXMAN for affording a hearing which exposed the dangers of this bill, so much so that the NRA was driven back to the drawing board to change at least some of it. Unfortunately, they've left a very dangerous bill anyway.

Our Home Rule bill says 180 days after the Heller decision, the District must respond, and, of course, within two weeks it had responded. Council was about to go out of town; could have gone out of town and waited until the Council reconvened today, but it allowed registration to occur by passing a stopgap measure. It didn't change much because there was no time for hearings. But Heller himself, Dick Heller, has registered under that bill.

They are voting, ironically, as I speak, on a permanent bill that I think every Second Amendment advocate would support because it more than meets the Heller decision.

Mr. Speaker, I understand the very painful dilemma that the Democratic leadership and our own caucus has been put in. 5 days after commemorating 9/11, Democrats were met in a dark alley with a ''do or die'' demand from the NRA pointing a proverbial gun at their re-election. This puts many Democrats in a terrible position.

For example, Speaker PELOSI and Majority Leader HOYER have spent their careers protecting the Federal presence. They have spent their careers supporting home rule and voting against bills just like the substitute amendment which has been made in order.

It is this substitute amendment which has dismayed and, I must tell you, even angered many in this House, because what the rule gives with one hand, it takes back with another.

Some people are dismayed because they are gun safety advocates, and we haven't been able to get a new assault weapon bill passed through the House.

Some people are dismayed because it is the energy bill they want to continue to talk about and other national business, and now they're talking about a local council issue.

Some are dismayed because they've always supported home rule. And some are dismayed because this is a bill that threatens, in the worst way, the Federal presence. We're putting not just the District at risk. That's par for the course. We're putting the entire Federal presence, every Federal official, every dignitary, from the President of the United States to Federal employees working in cabinet agencies, every man, woman and child who works, visits or lives in the District of Columbia, is put at risk by a bill that the NRA has insisted come to the floor.

We have before us, if this bill passes, one of the most permissive gun laws in the country. Post-9/11, the United States House of Representatives would be passing a bill, should this rule survive, that arms an entirely new set of people that most jurisdictions would prefer not to have guns at all, children. No age limit, for example. People just released from a mental institution, like John Hinckley, that is people who are voluntarily committed and then released, people convicted of very serious crimes, all could get a gun because of the NRA bill. Why?

The Waxman-Norton bill passed 21–1 because there wasn't any reason to vote against it and because people didn't want to be seen voting against such a bill.

So why the substitute?

The short answer, Mr. Speaker, is because the NRA says so. It's a short answer. It's a long answer. It's the only answer. NRA has proudly announced to every reporter in town that they wrote the bill, that they told the Members what to do, and that's why the bill is coming to the floor. They have used a combination of campaign funds and, frankly, terror in the hearts of some Democrats at least about their own re-election. Who knows if the NRA will succeed, but people are afraid.

The public lie that's being pandered here is that the NRA bill was necessary

because the District isn't complying and won't comply. Never mind that if D.C. didn't comply Congress could overturn District law because Congress can overturn any law the Council passes. But D.C. has already begun to comply. They put in a stopgap measure. Heller is, in fact, registered. They did that as they were going out of town.

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

Mr. McGOVERN. I yield the gentlewoman another 2 minutes.

Ms. NORTON. As we're speaking, the Council is voting on permanent legislation that no gun supporter could oppose. It puts no limit on the number of guns you could have in your homes. It allows unlocked semi-automatic firearms in the home, and it uses other measures to protect District residents and to protect the Federal presence, such as restrictions, for example, on the age when a child can get a gun.

But Members are being asked to cast a dangerous vote on a dangerous rule, followed by a vote on a dangerous bill that not only has no public purpose, but flies in the face of the overriding public purpose of the Congress of the United States since 9/11, and of the current administration, to protect the country beginning with protecting the Nation's Capital.

You didn't hear it from me. You heard it from the Capitol Police if you were at the hearing. You heard it from the Park Police which has jurisdiction throughout the region. You heard it. These are the Federal police that have enforcement authority. And you heard it from the head of the D.C. Police Department, the largest Police Department in the region, the woman who set up the Department's Homeland Security section, which put her in daily touch with the top Federal security network.

I have no idea, Mr. Speaker, what will happen if this matter passes this session. I know what I will do. But even if the danger penetrates here or in the Senate, let me give you fair warning, your districts are going to hear about what you do today. This has been blown up into a national matter because you are threatening the safety of the entire Federal presence and every dignitary and every Federal employee here.

No Member of Congress who regards herself or himself as responsible Members should want their name attached in the 110th Congress to this bill, not to the attached bill. I ask you to consider that before you go home and try to explain why you endangered the President of the United States and visitors to Washington like themselves.

□ 1515

Mr. SESSIONS. Mr. Speaker, you know, I find it very interesting that the gentleman from Massachusetts talks about ''those Republicans that have forced us into having to bring this bill to the floor today.''

Mr. McGOVERN. Will the gentleman yield?

Mr. SESSIONS. I will yield.

Mr. McGOVERN. I didn't accuse the Republicans of forcing. I said ''those on the other side of this debate.''

Mr. SESSIONS. I appreciate the gentleman clarifying that.

Reclaiming my time, the gentleman accused those who are on the other side of the debate of forcing this issue today.

Well, Mr. Speaker, this is an internal struggle within the Democratic Party. The gentleman who brought the bill to the floor today chaired the Rules Committee last night. I heard no voice opposition to the rule, to the substitute; and yet today we hear they were being forced into doing this by the other side, those who opposed the bill. But it's their bill. It's their internal fight. It's their internal disagreement. It's their argument that they're having among their own family members.

So for the record, let me just state the Republican Party is for following the law. We do believe the Supreme Court got it right. We believe that it is wrong to bring a bill to the floor as the majority party, the Democratic Party, has done to try and circumvent and lengthen out the time that was given by the Supreme Court for someone to come into compliance with the law.

And we do believe that what the Rules Committee did last night was not open and honest and not about more accountability. We believe what they did was to handle a political matter that is a fight that they're having among themselves.

The Republican Party is pleased to be here on behalf of taxpayers and law-abiding citizens who want to protect themselves. We believe that this substitute amendment, which has been made in order by the Rules Committee, is the better of the two bills.

But to say that somebody is struggling or some outside forces are forcing this bill upon this Democrat majority is absurd.

Mr. Speaker, at this time I would like to yield 5 minutes to the gentleman from Georgia and my former colleague on the Rules Committee, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

I rise very forcibly in favor of this bill. I think that it is a good rule and a good underlying bill, and I'm proud to support it.

I agree with my colleague, my former colleague on the Rules Committee, the gentleman from Texas, when he says that this is an internal struggle within the Democratic majority, within the Democratic Party over this piece of legislation just as I think, Mr. Speaker, that they're engaged in an internal struggle over the issue of whether or not to allow drilling on the Outer Continental Shelf for both oil and natural gas and to utilize our own resources to bring down the price of energy and the price at the pump to the American people who are suffering so badly.

In that particular legislation, of course, the leadership is in favor of, Mr. Speaker, of saving the planet. The leadership of the Senate is in favor of getting rid of all fossil fuels, which he characterizes as poison; the leader of Sierra Club says it would be a good thing if we had to pay $10 and $12 a gallon for gasoline at the pump. That's the leadership.

But there are many, Mr. Speaker, in the Democratic majority rank and file, if you will, the Blue Dog Coalition, they're struggling. They're struggling very badly with that type of policy. And I think they would feel just as we do on this side of the aisle that in these dire economic times, it's time to save not the planet, but to save the United States of America.

Mr. Speaker, I rise, as I say, in strong support of the amendment in the nature of a substitute the Rules Committee has made in order for this legislation. The right of an individual to keep and bear arms is one of the most basic rights provided to all Americans by our Bill of Rights.

On June 26, 2008, the Supreme Court reaffirmed that very right for the residents of the Nation's capital in its ruling on the case of the District of Columbia v. Heller. The Court's 5–4 decision rightfully deemed the longstanding ban on handguns in the homes of law-abiding citizens in the District of Columbia to be unconstitutional.

Mr. Speaker, in theory, the result of this ruling should have simply allowed Washington, DC, residents to have the same second amendment rights as the rest of this country. Unfortunately though, the D.C. City Council chose to ignore the will of the Supreme Court by passing an ordinance that continues to infringe upon the rights of individuals constitutionally protected.

The strongly bipartisan amendment in the nature of a substitute for H.R. 6842 properly addresses the underlying issue to enforce the will of the Supreme Court. It does so by repealing the District of Columbia's current ban on semi-automatic pistols, which are the most commonly owned handguns in this country. It also repeals the needless requirement that a lawful firearm in the home must be either disassembled or bound by a trigger lock; these provisions undermining an individual's ability to provide for their own self-defense and the self-defense of their family and their children.

Currently, there are no registered firearms dealers within the District of Columbia, so the amendment made in order will waive Federal law for D.C. residents and simply allow them to

lawfully purchase a handgun either in the State of Virginia or in the State of Maryland.

Mr. Speaker, it's imperative that we fully enforce the Supreme Court's rule and restore second amendment rights to residents of our Nation's capital. I strongly support the amendment in the nature of a substitute. I urge all of my colleagues to support this amendment and, if it is adopted, the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentleman from New York, the Chair of the Appropriations Subcommittee on Financial Services and General Government, which oversees the District of Columbia, Mr. SERRANO.

Mr. SERRANO. Mr. Speaker, I rise in support of the rule that would allow the Norton bill and in strong opposition to the amendment that treats the District of Columbia as a colony.

I have said many times that Congress needs to stop imposing its will on the residents of the District of Columbia. As chairman of the subcommittee that overseas the District, I have made noninterference in District affairs a priority of my oversight. D.C. does not need a second mayor and does not need a second city council, although there are Members here today who seem interested in serving for both.

The amendment to Delegate NORTON's bill is particularly offensive. Under the cover of forcing D.C. to comply with the Supreme Court ruling, it instead guts D.C.'s ability to protect its citizens from unnecessary violence.

I sincerely believe that supporters of this amendment are seeking to impose on D.C. that which they would never impose on their own communities simply because D.C. is under their control and they're not accountable to D.C. residents. What the heck, it's the District of Columbia; use it as a testing ground for anything you can't do back home.

One of the most unpleasant features of our current democracy is the fact that many millions of U.S. citizens in the District, Puerto Rico, and other territories do not have fair and equal representation here in Congress but instead are left to the subject of the whims of a Congress elected by citizens.

D.C. is a jurisdiction that does not need constant congressional meddling in local affairs. Their gun laws are no exception. They know best how to keep their citizens and residents like us safe from the threat of deadly gun violence.

The Supreme Court asked them to modify their laws to comply with the Constitution. The District is doing so in a responsible manner. In fact, today they are meeting to consider amendments to bring their firearm laws in compliance with the Supreme Court ruling. The underlying Norton bill would ensure that they continue to do so.

Unfortunately, this amendment would tie the hands of city officials to impose even the most basic reasonable safety measures and goes far beyond what the Supreme Court has required. It would, for instance, prohibit gun registration, prohibit any ban on purchasing in another State and bringing the gun to D.C., remove a clip limit—now, are you ready for this one—prohibit the D.C. Government from discouraging gun purchase and ownership.

In other words, you can tell people not to drink and drive; you can tell them to practice safe sex; you can tell them not to drop out of school; but you can't tell them that it's not a good idea to buy a gun.

This is, my friends, congressional colonialism at its worst. Our rule is not to override and interfere with local compliance with Supreme Court rulings. The citizens and residents of D.C. deserve our respect. This amendment fails that basic test.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 6 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the distinguished gentleman from Texas for his leadership and for yielding this time.

And I rise to oppose this rule. I support the Childers amendment in the form of a substitute. I am left to wonder, as I'm sure any of our countrymen looking in are wondering why, after only learning of the Democrat's energy bill last night at 9:45 on the House, we have taken some sort of a timeout from a contentious, and I thought, substantive debate on the Democrat energy bill that will be brought up, I assume, within an hour.

The Supreme Court of the United States has already ruled on this issue. I understand there is some disagreement in the Democrat majority over how it's to be handled from a funding standpoint, but what I don't understand is the timing.

Mr. Speaker, to be honest with you, I look across this aisle, I see men and women that I respect deeply and with whom I have worked on issues, sometimes in nontraditional ways. And so I would not accuse my colleagues that are here on the floor doing their duty of any ill motive. But I have to wonder about a Democrat majority that introduces this discussion about gun control on the one and only day that they are going to permit us to debate their energy bill.

And I think the American people are entitled to know, Mr. Speaker, the Democrat Party in the Congress, after spending the last 20 months telling their constituency and the American people that there would never be a vote allowed on this floor that would permit more domestic drilling, abruptly announced last week that they were going to bring an energy bill to the floor with drilling.

Now for those of us who have been clamoring for a comprehensive energy bill that included more drilling, more conservation, more fuel efficiency, solar, wind, nuclear, this was welcome news. And imagine how anxious we were late last week to wait for the Democrat bill to be filed, assuming we would have the weekend to examine it.

And as we waited throughout the first day of the week yesterday, it wasn't until 9:45 last night that a 290-page bill was filed on this floor. And we found that the drill-nothing Congress has introduced legislation that is essentially a drill-almost-nothing bill; and I want to speak about that in the very limited time that we have.

So while I oppose the rule, I want to speak about what is bearing upon the American people, bearing upon American families and school systems and seniors, and that is the unbridled and unprecedented weight of the cost of energy in America.

As Wall Street reels from another financial crisis, as we hear unemployment numbers that are heartbreaking to real working Americans, most Americans know the high cost of energy is costing American jobs.

And so on the one day that the Democrat majority will allow us to debate their comprehensive strategy for energy independence, I want to speak about what the substance of that bill is.

Now, as I said, the drill-nothing Democrat Congress announced they were going to bring this energy bill to the floor. It includes more drilling, and now many of them have said in many corners of the national media that Republicans have to take ''yes'' for an answer. Well, I would suggest to my countrymen, before you sign a contract, read the fine print.

□ 1530

The fine print of this contract is profoundly disappointing to those of us that were looking to give the bipartisan majority of this Congress that supports a comprehensive energy strategy, that includes a real access to America's domestic reserves, a fair up-or-down vote.

The drill-nothing Democratic Congress is essentially, as I said, a basically drill-almost-nothing. Here's some examples. They say ''yes'' to drilling in their bill but not in Alaska, not in the eastern gulf and not within 50 miles of our country.

They say ''yes'' to drilling in the bill, but they say States can decide on whether we drill off their coasts, but we will give the States no revenues whatsoever for allowing us to drill. The Governor of a coastal State was on the floor of the Congress today. When I said, ''What's the likelihood that your State will permit drilling if we offer your State legislature no revenues from the drilling in your waters?'' And he only laughed out loud.

I assume that the Democrat majority, in saying that unlike the Gulf States that get some 39 percent of the revenues that are drilled in their waters under existing agreements, I assume the Democrat majority believes that States will opt in to drilling out of the goodness of their hearts, out of their patriotism. Maybe not.

They say ''yes'' to drilling, but the lack of litigation reform will allow environmental lawyers to swarm over any new leases, even those that are permitted more than 50 miles out, and they'll be tied up in court for years before a single drop is pumped.

In their legislation, there's a renewable mandate that literally could cause electrical rates between now and 2012 to skyrocket on working Americans. There's no commitment to increasing our refinery capacity. There's huge tax increases on oil companies. As I've asked before to my citizens in Indiana, ''Who among you thinks by raising taxes on oil companies you're going to lower the price of gasoline at the pump?'' That's usually a laugh out loud moment in town hall meetings. That's what passes for the Democrat bill.

The SPEAKER pro tempore (Mr. SERRANO). The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman an additional 1 minute.

Mr. PENCE. I thank the gentleman for yielding.

I say to my Democrat colleagues, many of whom I respect deeply and with whom I work on a broad range of issues, on behalf of our constituents that are struggling under the weight of record gasoline prices, don't do this. Don't do it this way. This Congress is better than that.

We have a bipartisan majority in this Congress, including some men and women that I am looking at right now, who, if given the opportunity, would come together in a bipartisan way and pass legislation that said ''yes'' to more real drilling, but also ''yes'' to conservation, ''yes'' to fuel efficiency, ''yes'' to solar and wind and nuclear. But we can't say ''yes'' with a backroom deal brought to the floor of the Congress, given one day of debate, no amendments, and jammed through the American people.

Let's end the charade. Let's stop playing politics with American energy independence. Let this Congress work its will, and we will come together on a strategy that works for all of our Nation.

Mr. MCGOVERN. Mr. Speaker, first I want to thank the gentleman from Indiana for his interesting speech on drilling. I have to tell him it hasn't convinced me to support the Childers amendment on guns. Maybe he's implying that more guns on the street means cheaper gas prices, but I don't think he even believes that.

At this point, I would like to yield 1 minute to the gentleman from Mississippi (Mr. CHILDERS).

Mr. CHILDERS. Mr. Speaker, I rise today in support of the rule to H.R. 6842, the National Security and Safety Act. I was pleased the Rules Committee made in order my amendment in the nature of a substitute, which is directly in line with H.R. 6691, the Second Amendment Enforcement Act.

My sole intention with my amendment is to make clear law-abiding citizens in the District of Columbia are afforded self-protection rights within their homes. I do not seek to circumvent or take away any power from the District of Columbia. However, I do believe we should respect, even if we disagree with, the opinions of the Supreme Court.

I look forward to debating my substitute amendment in the near future, and I welcome the thoughts and concerns of my fellow colleagues in the House of Representatives.

Mr. SESSIONS. Mr. Speaker, at this time, I'd like to yield 5 minutes to the chairman of the Republican Policy Committee, the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Speaker, I rise to oppose the rule, and like our previous speaker from Indiana (Mr. PENCE), I do support the Childers amendment in the nature of a substitute. But I, too, find it ironic that we are discussing this today when we have so little time to discuss America's future energy security and energy independence.

Earlier today we've heard that we will be confronting landmark legislation. I concur with this assessment. Unfortunately, it will not be a landmark energy policy. It is going to be a landmark in political cynicism.

We've heard much about a compromise being struck. Yet as a member of a party that has not been consulted on this legislation, let alone involved in a free, open, and transparent process, we are left but to assume there's a compromise amongst the Speaker herself, potentially radical special interest groups, and maybe members of her own caucus that were privileged to be a part of its drafting behind closed doors.

Then what do we celebrate, as we've heard the word ''celebrate'' this landmark legislation so much? What do we celebrate? Do we celebrate the end of the House as a free, open, transparent institution where the voices of the American people are expressed through their servants in this Congress, to have an influence on legislation, to have an impact on legislation? Or do we actually, more, commemorate the loss of an individual's ability to serve as legislators rather than as radical rubber stamps for legislation placed under their noses?

What does this legislation do? Well, it increases a lot of things. It increases utility prices. It increases gas prices, increases taxes, increases everything but energy. And as we know, this is not what the American people demand. It is not what the American people deserve.

So we ask ourselves why. Well, there are two reasons. The first reason comes to us out of the curious visage that we have before us as Members, who in the past would not vote to drill a tooth, now embracing oil derricks as if they were endangered darter snails.

The question is why. It's because, as has been pointed out by many of my colleagues, this bill is not a drill bill, and drilling is, by the way, a technique. It is a technique that meets the goal which is maximum American energy production, and in that, this bill falls short. In fact, while you might be tempted to judge this book by its cover, the Dems are in the details and no drilling will occur, for many of the reasons put forward earlier.

So you ask yourself why. Why would we not expand supply? Why would we not allow Americans to access their own domestic energy resources to help successfully transition to American energy security and independence?

The reality is this. There are people who believe that high energy prices will help make this transition necessary, will force the American people to radically change their lifestyles in the pursuit of some abstract dystopia put forward by radical environmentalists and others who seek to undo the industrial age in American economic prosperity during this transition to a globalized economy.

That is the real basis of this discussion. That is the basis of this debate. We can have an all-of-the-above energy strategy that responsibly transitions America into a future of energy security and independence, or we can have a radical restructuring of their very lifestyle through the government regulation and rationing of American energy.

The consequences upon the people of this country will be devastating and, in the end, they will not be fooled. For while this bill comes before us and we are told the Republicans should not take ''yes'' for an answer, the reality is this: The American people will not mistake ''no'' for a solution, and in the end, they will also come to the conclusion that by not increasing American supply of their own energy resources, this deadbeat, drill-nothing Democrat Congress is Big Oil's best friend.

Mr. MCGOVERN. Mr. Speaker, I know this debate's getting a little wacky, but I want to thank the gentleman from Michigan. In those 5 minutes that he spoke, the big oil companies that the Republicans have been so supportive of have made $1.7 million in profits.

I yield 2 minutes to the chairman of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I happen to agree with the Supreme Court decision on the gun issue. I've always felt that those who claimed that there was not an individual protection in the second amendment for gun owners were oddly mistaken. But the issue facing us today is not about guns. It's about the Federal relationship with local communities.

The first fight I ever had on this floor was when Bob Giaimo and I pried loose the money for the District subway when the Appropriations Committee was trying to dictate local transportation policy. I didn't like bullying then, and I don't like it now.

That's why, since that time, I've generally voted ''present'' whenever the Congress tries to play city council and dictate local business. I do that as a protest against Congress acting like we're elected city councilmen.

Most Members of this Congress would fight to preserve local authority for their own communities, but they don't hesitate to destroy it when the District of Columbia's around. Well, I, for one, was not elected to be a D.C. city councilman. I'm not paid to be a D.C. city councilman. If I'm expected to vote on their issues, I want to know where is my check from the District government?

If Members of this body want to decide D.C. policy instead of running for the Congress, they ought to run for the district council, and they ought to cut their paychecks to the District council level. That's what I believe, and that's why I will vote ''present'' on the underlying bill, and I will vote ''present'' on any amendment thereto as a protest to Congress idiotically playing city council on this or any other issue.

Mr. SESSIONS. Mr. Speaker, we respect this Congress's ability to consult with and work with city councils and local governments. But to suggest in any way that this Congress should be trying to help anyone or collude with them to extend time frames that have been established already by the highest court of this land, that I believe was a reasonable answer—the gentleman from Wisconsin believes it was a reasonable answer—is a different kind of issue.

And that's all this bill really does today, gives the city council more time; wait till after the election before this tough issue can be decided any further by that body and by this.

I think it's a mistake to wait. I think it's a mistake to intervene, and I think it's a mistake not to follow the law that the Supreme Court has laid out for the D.C. government. D.C. government needs to follow the law, needs to follow the Constitution. They've been told that a long time. They've fought it. They've done all they can. They lost. The Supreme Court issued the decision. It's time to follow the law.

Mr. Speaker, we reserve our balance.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I thank the Rules Committee for allowing me this 2 minutes.

Those of us who support the Childers amendment are not here of our volition. We're here because the Supreme Court of the United States, in a clarification ruling regarding, in this case, the second amendment to the Constitution, said that it's the law of the land and certain things must be done.

This Childers amendment does this and only this. It does not, for example, have any provisions that would limit the ability of the independent authorities of D.C., such as a public housing authority, from restricting firearms. It does not repeal the ammunition ban. It does not do anything in terms of strict liability for gun manufacturers, as the District law provides, provisions regarding exemptions.

□ 1545

All it does is what we would do routinely around here if it were any other group of American citizens in any State or territory. We would say, look, the Supreme Court changed the law of the land that Congress is going to enact enabling legislation to allow for that decision to be instrumental and put into place. And you will do the same whether you live in California, New York, Tennessee, the District of Columbia, Hawaii, wherever. This is done routinely. I don't understand how people can argue that since its the District, it ought to somehow be different than any other American citizen.

And so, Mr. Speaker, this Childers amendment is very narrowly drawn to only enforce the Supreme Court decision as it relates to that decision; nothing more, nothing less. And whatever the District wants to do outside the parameters of that is perfectly all right with me.

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

Mr. MCGOVERN. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I rise today in support of the Childers amendment to H.R. 6842. I want to thank the gentleman from Massachusetts for giving me 2 minutes to address this issue.

Some folks may say, why would a Member of Congress from Arkansas be concerned about D.C. gun laws? It's quite simple. Number one, I'm a pro-gun Democrat. Number two, if the Government of D.C. can take your guns away from you in our Nation's capital, Prescott, Arkansas and many other small towns across this country could be next.

Now, why are we here? In June, the Supreme Court struck down D.C.'s ban on handguns and operable firearms within the home for self-defense. The District responded by passing an emergency bill that fails to comply with the Court's ruling. Here's what D.C.'s response was to the Supreme Court ruling saying, yes, the second right applies to the citizens of the District of Columbia just as it does to all the other citizens in the United States of America, and this is how the Government of D.C. responded. They did not correct its machine gun ban, which, unlike Federal or State laws, defines machine guns to include semi-automatic firearms. Well, guess what, Mr. Speaker, almost every weapon in America today is a semi-automatic firearm. You can't duck hunt without a semi-automatic firearm. Very few pistols can be purchased that are not semi-automatic firearms.

D.C. failed to eliminate its ban on operable firearms within the home, allowing a person to assemble and load a firearm at home only if a criminal attack is underway. In other words, if someone breaks into your house in D.C., you've got to say, excuse me, Mr. Intruder, would you pause a moment while I assemble my gun? This bill makes no sense, and that's why the Childers amendment is in order and that's why I will be supporting it today.

Mr. SESSIONS. Mr. Speaker, I continue to reserve.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentlelady from the District of Columbia.

Ms. NORTON. I thank the gentleman.

I think I should make an important announcement. The District of Columbia has just passed permanent legislation that has no gun lock provision; instead, substitutes a child access bill and allows semi-automatics and allows more than one. And they were always on their way to doing it. And the good faith was shown by the fact that they passed a stop-gap measure as they left town, which allowed immediate registration. This bill federalizes gun laws. It takes D.C. out of the gun business. It leaves a naked law with no regulations.

Scalia gave us a very narrow 5–4 decision. By 5–4, it's because that's the only way he could get it through. And you know that he got it through that way because it leaves it to local jurisdictions to tailor the bill to fit their local needs. D.C. is fitting its local needs and the needs of the Federal presence. This bill, the NRA bill, throws the doors open to guns and throws away all we've done in homeland security.

Mr. MCGOVERN. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to voice my strong opposition to the substitute amendment that this rule makes in order because it usurps D.C.'s home rule authority and

imposes upon the residents of our Nation's Capital laws that they don't support and that will make them less safe.

The substitute amendment goes well beyond anything contained in the Heller decision. It leaves D.C. City Council with little authority to impose sensible regulations on deadly weapons. It will repeal requirements that guns be properly stored in the home, requirements that we know prevent the accidental deaths of hundreds of children every year. States with safe storage laws have seen substantial drops in unintentional firearm deaths compared with States without those laws. And, in fact, a gun in the home is 22 times more likely to kill a family member or a friend than it is to ward off an intruder or be used in self-defense.

The substitute amendment will repeal the District's ban on semi-automatic guns. Even a .50 caliber semi-automatic sniper rifle is allowed, whose manufacturer publicly advertises that it can pierce the fuselage of a jet airplane from miles away. Talk about making a mockery of our homeland security rhetoric.

And the amendment will require Virginia and Maryland to sell guns to D.C. residents, breaking with decades of Federal gun trafficking laws, forcing the Commonwealth of Virginia to allow guns to fall into the hands of the mentally unbalanced and into the hands of criminals. We have already seen this happen with Virginia Tech. How dare this Congress overturn Virginia's State laws without even consulting them.

Who does the NRA think it is? There is no reason we're debating this issue today other than to appease the NRA at the expense of public safety. The Members who would impose this unwanted law onto D.C. residents would never do this to their own constituents, but it's being done because D.C. residents can't fight back. And that's the definition of bullying. It is beneath the character of the Congress to be doing this.

And let me tell you, when you have a Presidential motorcade, you clear all the streets in other cities. But in D.C., by this law, you're going to be able to have a loaded gun in your window that poses an immediate danger to the President.

What are we thinking of? This is wrong. It needs to be defeated. It is beneath the dignity of this Congress to even bring it up, and if it passes we will live to regret it.

Mr. SESSIONS. Mr. Speaker, since taking control of this House, this Democrat Congress has totally neglected its responsibility to address the domestic supply issues that have created the skyrocketing gas, diesel and energy costs that American families today and in the future are facing.

By going on vacation for 5 weeks over August while I and 138 other of my Republican colleagues stayed in Washington to talk about real energy solutions for American families, this Democrat majority has proven that they do not believe that the energy crisis facing American families and businesses is important enough to cancel their summer beach plans or book tours to get their work done.

However, enough of their Members must have heard from their frustrated constituents over August who are tired of the political games that the Democrats are playing and they want some kind of action. Because today, we are considering yet another measure to provide their Members with a political cover vote that will do nothing to bring down the cost of energy at the pump because it does nothing to encourage participation by States in a program to increase the amount of American-made energy. We are simply wasting our time on a sham, and something that will not materialize to help energy prices.

Mr. Speaker, last Friday, an influential Democrat Senator stated what everybody in this House knows, that any bill excluding energy production revenue sharing for the States will never pass the Senate, making the cynical and political exercise that the House will engage in shortly even more transparent.

So today, I urge my colleagues to vote with me to defeat the previous question so this House can finally consider a real and comprehensive solution to rising energy costs in addition to today's bill to buy the District of Columbia more time to avoid compliance with the Supreme Court's ruling on the second amendment.

If the previous question is defeated, I will move to amend the rule to allow for additional consideration of H.R. 6566, the American Energy Act. This real, all-of-the-above bill would increase the supply of American-made energy, improve conservation and efficiency, and promote new and expanding energy technologies to help lower the cost at the pump and reduce America's increasing costly and dangerous dependence on foreign sources of energy.

I encourage everyone that believes a comprehensive solution to solving this energy crisis and achieving energy independence includes increasing the supply of American energy to defeat the previous question.

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

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

There was no objection.

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

Mr. MCGOVERN. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 2½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, before I use my time, I would like to insert in the RECORD a statement by the Brady Campaign to Prevent Gun Violence; a statement by Stop Handgun Violence; a letter signed by a number of religious organizations opposed to the Childers amendment; and a letter from D.C. Vote, which includes the D.C. Republican Committee, which opposes the Childers amendment.

CHILDERS AMENDMENT WOULD REPEAL D.C. GUN LAWS, ENDANGER PUBLIC SAFETY AND THREATEN HOMELAND SECURITY

The House may soon consider legislation concerning D.C. gun laws. We support H.R. 6842, the bipartisan Norton/Issa bill to require that D.C. conform its laws to the Supreme Court ruling in District of Columbia v. Heller. The D.C. Council is already in the process of amending its gun laws in response to Heller, and this bill requires D.C. to act within 180 days.

A dangerous NRA-backed amendment, proposed by Rep. Childers, would repeal D.C. gun laws and go far beyond authorizing gun possession for self-defense in the home. The amendment is based on H.R. 6691, a reckless bill so broad it even would have allowed the carrying of assault rifles on D.C. streets. After the NRA repeatedly claimed that nothing in H.R. 6691 ''would allow people to carry loaded firearms outside of their home,'' it apparently agreed to undo dangerous provisions that did in fact allow the carrying of assault rifles in public. Yet the rest of the Childers amendment remains almost identical to H.R. 6691—it still undermines gun laws and endangers homeland security.

After repeatedly misleading Congress about the scope of H.R. 6691, the NRA has no credibility on this issue. Last week, the NRA's chief lobbyist, Chris Cox, was quoted repeatedly stating that the bill would not allow the open carrying of assault weapons, and ridiculing those who claimed otherwise. The NRA has now implicitly conceded that its repeated prior statements were false, as the revisions are aimed at a problem that the NRA claimed did not exist. Either the NRA was intentionally misleading Congress and the public about the bill, or it did not understand what its top legislative priority would do. It is hard to know which is worse.

The NRA-backed Childers amendment still creates serious threats to public safety and homeland security by allowing dangerous persons to stockpile semiautomatic assault weapons with high capacity ammunition magazines in D.C., undermining federal laws to curtail gun trafficking, and prohibiting D.C. from passing laws that could ''discourage'' gun possession or use, even basic safe storage requirements or age limits for the possession of assault rifles. We oppose the dangerous Childers amendment to H.R. 6842.

BACKGROUND

H.R. 6691 was introduced following the U.S. Supreme Court's ruling in District of Columbia v. Heller that D.C.'s ban on handguns in the home for self-defense was unconstitutional. Justice Scalia's majority opinion in Heller, however, was narrow and limited. He specifically noted that a wide range of gun laws are ''presumptively lawful''—everything from laws ''forbidding the carrying of firearms in sensitive places'' to ''conditions and qualifications on the commercial sale of arms.''

After Heller, D.C. passed temporary, emergency regulations to comply with the Supreme Court ruling, and the plaintiff in the case, Dick Heller, was approved by the city to keep a gun in his home. D.C. is currently developing permanent regulations to adapt all of its gun laws to the Court's ruling. Yet instead of giving D.C.'s elected officials a fair and reasonable opportunity to enact permanent regulations, the gun lobby is pushing Congress to enact dangerous and sweeping legislation that goes far beyond the mandates of Heller.

Even though the bipartisan Norton/Issa bill to require D.C. to conform to Heller was supported by the House Committee on Oversight and Government Reform by a 21–1 vote, the gun lobby is still pushing for a broad repeal of D.C. gun laws. It now supports the Childers amendment to H.R. 6842, which would bar the city from enacting measures to curb gun crime and weaken federal anti-gun trafficking laws.

The Childers amendment would endanger not only D.C. residents but also all those who work in and visit the capital. At a time when terrorists continue to look for ways to attack our nation, passing this amendment would be reckless and irresponsible. Congress should reject the dangerous Childers amendment.

DETAILS OF CHILDERS AMENDMENT TO H.R. 6842

Allowing stockpiling of military-style weapons with high capacity ammunition magazines—The Childers amendment would repeal D.C.'s ban on semi-automatic weapons, including assault weapons (4). It would also prohibit D.C. from enacting laws discouraging gun use or possession, such as restrictions on military-style weapons (3). It thus allows the stockpiling of military-style semiautomatic assault rifles or .50 caliber sniper rifles that can pierce armored car plating. It would even allow teenagers and children to possess loaded assault rifles by repealing all age restrictions on the possession of long guns (5(b)(1)). This means that law enforcement could not stop dangerous persons from stockpiling assault rifles or .50 caliber sniper rifles in homes or businesses near federal buildings or motorcade routes.

Undermining federal anti-gun trafficking laws—The Childers amendment would allow D.C. residents to cross state lines to buy handguns in neighboring states, thereby undermining federal anti-trafficking laws (10). For decades, federal law has barred gun dealers from selling handguns directly to out of state buyers (other than licensed dealers) because of the high risk this creates for interstate gun trafficking (18 U.S.C. 922(b)(3)). This means that gun traffickers could more easily obtain large quantities of guns outside D.C. to illegally distribute to criminals in D.C.

Prohibiting D.C. from enacting common sense gun laws—The Childers amendment would bar D.C. from passing any law that would ''prohibit, constructively prohibit, or unduly burden'' gun ownership by anyone not barred by already weak federal gun laws (3). It would even bar D.C. from enacting laws or regulations that may ''discourage'' private gun ownership or use, including by felons, children or other dangerous persons (Id.). This means that D.C. could not pass laws requiring shooting proficiency to use a gun, educating parents of the dangers to children of guns in the home, or even restricting gang members without criminal records from possessing assault rifles.

Repealing common sense restrictions on gun possession by dangerous or unqualified persons—The Childers amendment repeals common sense restrictions on gun possession in D.C. including:

Repealing the prohibition on most persons under age 21 from possessing firearms (5(b)(1)). It replaces current D.C. law with weaker federal limits that only bar anyone under 18 from possessing handguns (18 U.S.C. 922(x)), and it repeals all age limits for the possession and carrying of long guns, including assault rifles.

Repealing the prohibition on gun possession by anyone who has committed a violent crime or recent drug crime (5(b)(1)). It replaces this current D.C. law with the weaker federal ban that allows gun possession by many persons who have committed violent or drug-related misdemeanor crimes unrelated to domestic violence.

Repealing the prohibition on gun possession by anyone voluntarily committed to a mental institution in the last 5 years (unless they have a doctor's certification) (5(b)(1)). It replaces this current D.C. law with the weaker federal ban that allows many persons who are dangerously mentally ill to obtain firearms.

Repealing the prohibition in D.C. law on gun possession by anyone who does not pass a vision test, including if they are blind (5(b)(1)). D.C. would be barred from having any vision requirement for gun use.

Repealing registration requirements for firearms—The Childers amendment repeals even the most basic gun registration requirements (5). This means that police could no longer easily trace crime guns by tracing them to their registered owner.

Repealing all safe storage laws—After Heller, D.C. passed emergency legislation allowing guns to be unlocked for self-defense but otherwise locked to keep guns from children and dangerous persons. The Childers amendment repeals all safe storage requirements and prohibits D.C. from enacting new safe storage laws, even though every major gun maker recommends that guns be kept unloaded and locked (3, 7). This means that D.C. could not prohibit people from storing loaded firearms near children, posing an extreme danger to the safety of D.C. families.

THE FACTS

5 children were killed every day in gun related accidents and suicides committed with a firearm, from 1994–1998.

An average of 5 children were killed every day in gun related accidents and suicides committed with a firearm, from 1994–1998. Centers for Disease Control and Prevention's National Center for Injury Prevention and Control, National Injury Mortality Statistics, 1994–1998.

40% of American households with children have guns. Peter Hart Research Associates Poll, July 1999.

22 million children live in homes with at least one firearm. 34% of children in the United States (representing more than 22 million children in 11 million homes) live in homes with at least one firearm. In 69 percent of homes with firearms and children, more than one firearm is present. The RAND Corporation, ''Guns in the Family: Firearm Storage Patterns in U.S. Homes with Children,'' March 2001, an analysis of the 1994 National Health Interview Survey and Year 2000 objectives supplement. Also published as Schuster et al., ''Firearm Storage Patterns in U.S. Homes with Children,'' American Journal of Public Health 90(4): 588–594, April 2000.

A gun in the home is 22 times more likely to be used in an unintentional shooting, than to be used to injure or kill in self-defense.

A gun in the home is 22 times more likely to be used in an unintentional shooting, a criminal assault or homicide, or an attempted or completed suicide than to be used to injure or kill in self-defense. Journal of Trauma, 1998.

In 1997, gunshot wounds were the second leading cause of injury death for men and women 10–24 years of age.

In 1997, gunshot wounds were the second leading cause of injury death for men and women 10–24 years of age—second only to motor vehicle crashes—while the firearm injury death rate among males 15–24 years of age was 42% higher than the motor vehicle traffic injury death rate. Centers for Disease Control and Prevention, June 1999.

In the U.S., children under 15 commit suicide with guns at a rate of eleven times the rate of other countries combined.

For children under the age of 15, the rate of suicide in the United States is twice the rate of other countries. For suicides involving firearms, the rate was almost eleven times the rate of other countries combined. U.S. Department of Justice, March 2000.

Guns in the home are the primary source for firearms that teenagers use to kill themselves in the United States.

Studies show that guns in the home are the primary source for firearms that teenagers use to kill themselves. Injury Prevention, 1999.

85% of Americans want mandatory handgun registration.

85% of Americans endorse the mandatory registration of handguns and 72% also want mandatory registration of longguns (rifles and shotguns). 1998 National Gun Policy Survey of the National Opinion Research Center, University of Chicago.

85% of Americans want a background check and 5-day waiting period before a handgun is purchased.

85% of Americans want a background check and 5-day waiting period before a handgun is purchased. 1998 National Gun Policy Survey of the National Opinion Research Center, University of Chicago.

95% of Americans think that U.S. made handguns should meet the same safety standards as imported guns.

95% of Americans favor having handguns manufactured in the United States meet the same safety and quality standards that imported guns must meet. 1998 National Gun Policy Survey of the National Opinion Research Center, University of Chicago.

51% of the guns used in crimes by juveniles and people 18 to 24 were acquired by ''straw purchasers,'' people who buy several guns legally through licensed dealers, then sell them to criminals, violent offenders, and kids.

51% of the guns used in crimes by juveniles and people 18 to 24 were acquired by ''straw purchasers,'' people who buy several guns legally through licensed dealers, then sell them to criminals, violent offenders, and kids. ATF report, Crime Gun Trace Analysis, February 1999.

More Americans were killed by guns than by war in the 20th Century.

More Americans were killed with guns in the 18-year period between 1979 and 1997 (651,697), than were killed in battle in all wars since 1775 (650,858). And while a sharp drop in gun homicides has contributed to a decline in overall gun deaths since 1993, the 90's will likely exceed the death toll of the 1980s (327,173) and end up being the deadliest decade of the century. By the end of the 1990s, an estimated 350,000 Americans will have been killed in non-military-related firearm incidents during the decade. Handgun

Control 12/30/99 (Press release from CDC data).

A classroom is emptied every two days in America by gunfire. In 1998, 3,792 American children and teens (19 and under) died by gunfire in murders, suicides and unintentional shootings. That's more than 10 young people a day. Unpublished data from the Vital Statistics System, Centers for Disease Control and Prevention, National Center for Health Statistics, 2000.

Toy guns and teddy bears have more federal manufacturing regulations than real guns. Centers for Disease Control, National Center for Health Statistics, Deaths: Final Data for 1999. NVSR Volume 49, No. 8. 114 pp. (PHS) 2001–1120.

Every day 79 people are killed by firearms in America. In 1999 a total of 28,874 persons died from firearm injuries in the United States, down nearly 6 percent from the 30,625 deaths in 1998.

88% of the US population and 80% of U.S. gun owners support childproofing all new handguns. 88% of the U.S. population and 80% of U.S. gun owners support childproofing all new handguns.

Johns Hopkins University Center of Gun Policy and Research, 1997/1998.

Kids in America are 12 times more likely to be killed by a gun than kids in 25 other industrialized nations combined. The overall firearm-related death rate among U.S. children aged less than 15 years was nearly 12 times higher than among children in 25 other industrialized countries combined. Centers for Disease Control and Prevention, ''Rates of Homicide, Suicide, and Firearm-Related Death Among Children—26 Industrialized Countries,'' Morbidity and Mortality Weekly Report 46(05): 101–105, February 07, 1997.

Guns stored in the home are used 72% of the time when children are accidentally killed and injured, commit suicide with a firearm. In 72% of unintentional deaths and injuries, suicide, and suicide attempts with a firearm of 0–19 year-olds, the firearm was stored in the residence of the victim, a relative, or a friend. Harborview Injury Prevention and Research Center Study, Archives of Pediatric and Adolescent Medicine, August 1999.

Medical costs from gun injuries and deaths cost $19 billion. The U.S. taxpayer will pay half of that cost. Direct medical costs for firearm injuries range from $2.3 billion to $4 billion, and additional indirect costs, such as lost potential earnings, are estimated at $19.0 billion. Miller and Cohen, Textbook of Penetrating Trauma, 1995; American Academy of Pediatrics, 2000; Journal of American Medical Association, June 1995; Annals of Internal Medicine, 1998.

SEPTEMBER 8, 2008.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: As groups inspired by religious values and ethical principles, we urge you in the strongest terms to oppose H.R. 6691, introduced by Rep. TRAVIS CHILDERS (D–MS). This legislation claims to restore Second Amendment rights in the District of Columbia, but in actuality it prevents the 600,000 District of Columbia residents from enacting comprehensive, constitutional commonsense regulations to reduce gun violence and ensure their community's safety.

This legislation would go far beyond the changes needed to ensure that the District's gun regulations comply with the Supreme Court's recent decision in the case DC v Heller. The bill would drastically erode several regulations that were deemed both constitutional and reasonable by the Heller ruling. H.R. 6691 would completely repeal the District's firearm registration requirements; allow DC residents to travel to Maryland and Virginia to purchase handguns despite longstanding federal law that helps prevent gun trafficking; and legalize military-style assault weapons, whose destructive power goes far beyond what could possibly be necessary for self-defense or sport.

While we fully acknowledge that the DC law needs to comply with the Supreme Court's recent Heller decision, we believe duly elected District officials should have a fair and reasonable opportunity to develop and implement new locally specific regulations. H.R. 6691 would prohibit the DC government from enacting any future ''laws or regulations that discourage or eliminate the private ownership or use of firearms''. It would be unconscionable of the House to pass this bill and impose its will on the residents of the District of Columbia when they do not even have a voting member of Congress to register local concerns and defend their prerogatives. Rather than upholding Second Amendment liberties, this bill would restrict local governance, effectively limiting the freedoms of District residents. We find this violation of ''home rule'' to be deeply disturbing.

As faith inspired organizations, we must actively pursue a world free from bloodshed. This legislation would prevent the District of Columbia from lawfully regulating dangerous weapons. We urge you to help keep Washington, DC, residents safe, and to respect their right to self-government. Please vote against H.R. 6691.

Sincerely,

American Jewish Committee
Anti-Defamation League
ASHA for Women
Baptist Peace Fellowship of North America
Church of the Brethren Witness/Washington Office
FaithTrust Institute
Fellowship of Reconciliation
Friends Committee on National Legislation
Hadassah the Women's Zionist Organization of America
Jewish Community Relations Council of Greater Washington
The Jewish Council for Public Affairs
Jewish Women International
Jews United for Justice
Mennonite Central Committee Washington Office
National Advocacy Center of the Sisters of the Good Shepard
National Alliance of Faith and Justice
National Council of Jewish Women
NA'AMAT USA
North American Division of Seventh-day Adventists
Presbyterian Church (USA) Washington Office
Sisters of Mercy Institute Justice Team
Sojourners
Union for Reform Judaism
Unitarian Universalist Association of Congregations
United Church of Christ, Justice and Witness Ministries
United Methodist Church, General Board of Church and Society
United Synagogue of Conservative Judaism
Women of Reform Judaism
Women's League of Conservative Judaism
Workmen's Circle/Arbeter Ring

SEPTEMBER 12, 2008.

DEAR MEMBER OF CONGRESS: We urge you to support H.R. 6842, the National Capital Security and Safety Act, and to oppose any and all amendments offered to the bill.

H.R. 6842, introduced by DC Delegate Eleanor Holmes Norton, provides proponents of gun rights with a vehicle for ensuring that the DC government enacts legislation consistent with the requirements of the decision of the U.S. Supreme Court in District of Columbia v. Heller. The bill also respects local democracy in our nation's capital by allowing locally elected officials to enact the District's own local gun laws.

Gun rights proponents support alternate legislation, H.R. 1399 and H.R. 6691, claiming they are necessary to restore the Second Amendment rights of individuals in the District of Columbia. H.R. 6842 not only promotes that goal, but would also protect the unique status and security needs of our nation's capital city.

This summer, the duly elected DC government enacted temporary legislation in response to the Heller decision. Consequently, DC residents are now registering handguns for personal protection in their homes. H.R. 6842 would ensure that the DC government enacts permanent legislation within 180 days. Congress would have the power to review, approve, disapprove or override such permanent DC legislation if it believes the measure is inadequate.

We note that other localities are going through this same legislative process. Congress should afford Washingtonians the same respect and deference it is showing to communities around the country.

We urge you to support H.R. 6842, the National Capital Security and Safety Act.

Sincerely,

DC Vote, DC Republican Committee, Brady Campaign to Prevent Gun Violence, Coalition to Stop Gun Violence, Common Cause, and DC Democratic State Committee.

DC for Democracy, DC NAACP, Greater Washington Urban League, Jews United for Justice, League of Women Voters, Leadership Conference on Civil Rights, Metropolitan Washington Council, AFL-CIO, NAACP, and National Council of Jewish Women.

Mr. Speaker, first I want to take a moment to thank Congresswoman ELEANOR HOLMES NORTON for her incredible leadership on behalf of the people of the District of Columbia. For years, she has been a passionate advocate for the cause of local governance here in the District.

Again, I urge my colleagues to vote ''no'' on the Childers amendment and to vote ''yes'' for the sensible, bipartisan Holmes Norton bill, which would ensure that the District comply with the Supreme Court's ruling.

Before my colleagues vote, please ask yourself one simple question: What if it was your district we were talking about? What if it was your hometown whose rights were being trampled? All I ask is that you give the people of D.C. the same respect that you would give the people of your constituents.

This Childers amendment is far-reaching. It eliminates the D.C. registration law. If the District of Columbia, Mr. Speaker, wants sensible gun safety protections to protect its people, to protect its children, and at the same time comply with the second amendment, it should have the ability to do that.

Senator BARACK OBAMA, I think, said it perfectly when he said, ''The reality of gun ownership may be different for hunters in rural Ohio than they are for those plagued by gang violence in Cleveland, but don't tell me we can't uphold the second amendment while keeping AK–47s out of the hands of criminals.'' I think that says it best.

Mr. Speaker, I urge my colleagues to support the underlying bill by ELEANOR HOLMES NORTON. I urge my colleagues to vote against the Childers amendment. I think it is wrong, I think it is arrogant, and it does not belong on this House floor.

Mr. DINGELL. Mr. Speaker, I rise today in support of the rule that will allow us to debate and vote on Congressman CHILDERS' amendment to H.R. 6842: legislation that will implement the Supreme Court's historic Heller decision, and restore and protect the Second Amendment rights of the residents of the District of Columbia.

This legislation does four things: First, it overturns existing DC laws banning semiautomatic firearms, including the types of guns most commonly used for self defense. Second, it overturns DC laws requiring residents to keep their firearms locked and inoperable until the very moment they are attacked. Third, it gives DC residents the ability to purchase a firearm in Virginia or Maryland, a necessity because there is only one federally licensed firearms dealer in Washington, DC, and he operates without a facility that is open to the public. Fourth, this legislation removes the lengthy and burdensome registration procedures put in place by the DC Council.

What this legislation does not do is preclude the DC Council in any way from passing sensible firearms regulations that comply with the Supreme Court's decision in Heller. The DC Council will retain the authority to restrict firearms so long as those restrictions do not overly burden the Second Amendment rights of DC residents.

It should also be noted that this legislation does not in any way harm our efforts to stop criminals or terrorists that pose a threat to DC residents. Indeed, those criminals and terrorists already have access to illegal firearms. This legislation will, however, give law abiding residents of Washington, DC, with the opportunity to purchase a legal firearm from a federally licensed firearms dealer and keep it in their home or place of business in order to defend themselves.

I am happy to hear that the DC Council and the Mayor have proposed changes to DC's gun laws that will begin to bring the District into compliance with the Supreme Court's decision. However, those efforts do not preclude us from acting to pass Congressman CHILDERS' amendment. Rather, the DC Council's proposals will complement our efforts here today.

In short, I urge my colleagues to adopt this rule today and to support Mr. CHILDERS' amendment, which will for the first time in over 30 years give the residents of Washington, DC, the rights afforded to them under the Second Amendment.

Mr. STARK. Mr. Speaker, I rise today in adamant opposition to the National Capital Security & Safety Act as amended. I commend my colleagues Delegate HOLMES-NORTON and Representative WAXMAN on the work they have done to ensure that the DC City Council remains the leader in enacting the laws necessary to comply with the Supreme Court's decision in District of Columbia v. Heller. Unfortunately, Mr. CHILDERS' amendment ruins the intent of this legislation and has dire consequences for the Nation's capital.

I don't agree with the Supreme Court's decision. Regardless, I do believe that the DC City Council is in the best position to decide what regulations are appropriate for their community. Congress has trampled on the District's autonomy for long enough. The last thing DC needs is Congressional Members to repeatedly and unnecessarily intervene in issues specific to the District of Columbia.

Equally problematic and more disturbing are the repercussions of Mr. CHILDERS' amendment. His amendment throws out the DC City Council's emergency handgun regulations and replaces them with so-called regulations that in fact endanger their communities' public safety. His amendment allows for the stockpiling of semiautomatic assault weapons, fully loaded firearms in homes, and discourages the passage of common-sense legislation addressing safe storage requirements or age limits for the possession of assault rifles.

The supporters of this amendment are not representing the people of DC, they are representing the gun lobby. The nationwide statistics on deaths caused by intentional and accidental gunfire are extreme to begin with, but Washington DC is rated as the thirteenth most dangerous city in the country, where the homicide rate is almost double the national average. Are the supporters of this amendment representing the families in the District who have lost their loved ones to gun violence? Or the policemen and women who experience up close the misuse of guns by both kids and adults every day? No. Supporters of this amendment are only supporting the National Rifle Association.

We're not living in the 1700s, when governmental police forces were nonexistent and state militias were a constant threat to central government. Supporters of Mr. CHILDERS' amendment need to pull their heads out of the past and face the present: gun violence is an ugly reality, and we're not doing the people of the District of Columbia any favors by considering legislation that will endanger lives under the disguise of protecting constitutional rights. The people who make up this country are entitled to life, liberty, and the pursuit of happiness, and they certainly can't claim their right to the last two if they lose their lives. That's what guns do—they kill people.

I strongly urge my colleagues to stand with me in opposing this bill.

Mr. HOLT. Mr. Speaker, I regret that the Congress is even debating this matter. As this summer's Supreme Court decision in District of Columbia v. Heller made clear, governments have the right to enact gun safety laws consistent with the Court's decision Heller. Unregulated firearms in the capital would preclude the ability of the Metropolitan Police Department to track guns through registration and otherwise to help ensure that guns do not endanger Federal officials and employees, visiting dignitaries, tourists, and local residents. Unfortunately, some see this bill as an opportunity to try to undo the Supreme Court's decision, the effect of which would be to create a ''Criminal's Firearm Bill of Rights.''

Of greatest concern to me is that the proposed amendment to this bill would allow D.C. residents to cross State lines to purchase weapons, thereby weakening Federal anti-gun trafficking laws and encouraging the mass purchase of firearms outside of D.C. for resale to criminals or terrorists in D.C. We in New Jersey have lived very comfortably under our existing State gun safety laws—hunters, lobbyists, police, private citizens—but legislative interventions like the one proposed today undermine New Jersey's ability to keep its citizens safe. I can assure you that we in New Jersey do not want guns illegally purchased in D.C. being used in our State, which is why I did not support the amended version of this bill approved by the House.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of H.R. 6842, the National Capital Security and Safety Act and in opposition of the Childers substitute. H.R. 6842 is a commonsense bill that requires the District of Columbia to revise its gun laws in order to comply with the recent decision of the Supreme Court in the case of District Columbia v. Heller within 6 months and does not violate Home Rule and the self governance of the District of Columbia.

Over 30 years ago, the District banned the ownership of handguns, making it among the stiffest bans in the Nation. Like many large metropolitan areas, gun violence contributes to the high crime rates in the District, but the ban has helped to reduce homicide rates. Instead of working to increase the number of guns in the District, we should be helping to stem the availability of these weapons and protecting District residents and visitors from the threat of violence. This Congress should not be dictating to the District of Columbia the laws that govern them when their own elected delegate does not even have the right to vote on her own bill or its substitute.

The Childers substitute is dangerous. It both ignores the will of District residents and puts more guns on the street of our Nation's Capital. The Childers substitute repeals a ban on semi-automatic weapons and removes the ban on carrying these weapons in public, prohibits registration requirements for most guns, and drops criminal penalties for possessing an unregistered firearm.

Mr. Speaker, Congress must not strip the District of its power to regulate guns. We must not be reckless when it comes to protecting the citizens of D.C., our highest elected officials, and visitors to our Nation's Capital. I urge a vote in favor of the Norton bill and strongly urge a ''no'' vote on the Childers substitute which severely puts the safety of the District at risk.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1434 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider

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

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

□ 1600

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order: ordering the previous question on House Resolution 1433; adopting House Resolution 1433, if ordered; ordering the previous question on House Resolution 1434; adopting House Resolution 1434, if ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 6899, COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1433, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 238, nays 185, not voting 10, as follows:

[Roll No. 595]

YEAS—238

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

NAYS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)

Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (TX)
Cubin
Dreier
Ehlers
Jackson-Lee (TX)
Lampson
Neugebauer
Paul
Pitts
Walberg

□ 1626

Messrs. KINGSTON and CAZAYOUX changed their vote from ''yea'' to ''nay.''

Mr. RAMSTAD, Mrs. McCARTHY of New York and Mr. STARK changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 194, not voting 10, as follows:

[Roll No. 596]

YEAS—229

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

NAYS—194

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

NOT VOTING—10

Brady (TX)
Cubin
Dreier
Ehlers
Lampson
Neugebauer
Paul
Pitts
Tiahrt
Walberg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1638

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6842, NATIONAL CAPITAL SECURITY AND SAFETY ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1434, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 183, not voting 9, as follows:

[Roll No. 597]

YEAS—241

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

NAYS—183

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

NOT VOTING—9

Brady (TX)
Cubin
Dreier
Ehlers
Lampson
Neugebauer
Paul
Pitts
Walberg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1647

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3036, NO CHILD LEFT INSIDE ACT OF 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–854) on the resolution (H. Res. 1441) providing for consideration of the bill (H.R. 3036) to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1433, I call up the bill (H.R. 6899) to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6899

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive American Energy Security and Consumer Protection Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—FEDERAL OIL AND GAS LEASING
Subtitle A—Outer Continental Shelf Oil and Gas Leasing
Sec. 101. Prohibition on leasing.
Sec. 102. Opening of certain areas to oil and gas leasing.
Sec. 103. Coastal State roles and responsibilities.
Sec. 104. Protection of the environment and conservation of the natural resources of the Outer Continental Shelf.
Sec. 105. Limitations.
Sec. 106. Prohibition on leasing in certain Federal protected areas.
Sec. 107. No effect on applicable law.
Sec. 108. Buy American requirements.
Sec. 109. Small, woman-owned, and minority-owned businesses.
Sec. 110. Definitions.
Subtitle B—Diligent Development of Federal Oil and Gas Leases
Sec. 121. Clarification.
Sec. 122. Covered provisions.
Sec. 123. Regulations.
Sec. 124. Resource estimates and leasing program management indicators.
Subtitle C—Royalties Under Offshore Oil and Gas Leases
Sec. 131. Short title.

Sec. 132. Price thresholds for royalty suspension provisions.
Sec. 133. Clarification of authority to impose price thresholds for certain lease sales.
Sec. 134. Eligibility for new leases and the transfer of leases; conservation of resources fees.
Sec. 135. Strategic Energy Efficiency and Renewables Reserve.

Subtitle D—Accountability and Integrity in the Federal Energy Program

Sec. 141. Royalty in-kind.
Sec. 142. Fair return on production of Federal oil and gas resources.
Sec. 143. Royalty-in-kind ethics.
Sec. 144. Prohibition on certain gifts.
Sec. 145. Strengthening the ability of the Interior Department Inspector General to secure cooperation.

Subtitle E—Federal Oil and Gas Royalty Reform

Sec. 151. Amendments to definitions.
Sec. 152. Interest.
Sec. 153. Obligation period.
Sec. 154. Tolling agreements and subpoenas.
Sec. 155. Liability for royalty payments.

Subtitle F—National Petroleum Reserve in Alaska

Sec. 161. Short title.
Sec. 162. Acceleration of lease sales for National Petroleum Reserve in Alaska.
Sec. 163. National Petroleum Reserve in Alaska: pipeline construction.
Sec. 164. Alaska natural gas pipeline project facilitation.
Sec. 165. Project labor agreements and other pipeline requirements.
Sec. 166. Ban on export of Alaskan oil.

Subtitle G—Oil Shale

Sec. 171. Oil shale leasing.

TITLE II—CONSUMER ENERGY SUPPLY

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Sale and replacement of oil from the Strategic Petroleum Reserve.

TITLE III—PUBLIC TRANSPORTATION

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Grants to improve public transportation services.
Sec. 304. Increased Federal share for Clean Air Act compliance.
Sec. 305. Transportation fringe benefits.
Sec. 306. Capital cost of contracting vanpool pilot program.
Sec. 307. National consumer awareness program.
Sec. 308. Exception to alternative fuel procurement requirement.

TITLE IV—GREATER ENERGY EFFICIENCY IN BUILDING CODES

Sec. 401. Greater energy efficiency in building codes.

TITLE V—FEDERAL RENEWABLE ELECTRICITY STANDARD

Sec. 501. Federal renewable electricity standard.

TITLE VI—GREEN RESOURCES FOR ENERGY EFFICIENT NEIGHBORHOODS

Sec. 601. Short title and table of contents.
Sec. 602. Definitions.
Sec. 603. Implementation of energy efficiency participation incentives for HUD programs.
Sec. 604. Minimum HUD energy efficiency standards and standards for additional credit.
Sec. 605. Energy efficiency and conservation demonstration program for multifamily housing projects assisted with project-based rental assistance.
Sec. 606. Additional credit for Fannie Mae and Freddie Mac housing goals for energy efficient mortgages.
Sec. 607. Duty to serve underserved markets for energy-efficient and location-efficient mortgages.
Sec. 608. Consideration of energy efficiency under FHA mortgage insurance programs and Native American and Native Hawaiian loan guarantee programs.
Sec. 609. Energy efficient mortgages education and outreach campaign.
Sec. 610. Collection of information on energy-efficient and location efficient mortgages through Home Mortgage Disclosure Act.
Sec. 611. Ensuring availability of homeowners insurance for homes not connected to electricity grid.
Sec. 612. Mortgage incentives for energy-efficient multifamily housing.
Sec. 613. Energy efficiency certifications for housing with mortgages insured by FHA.
Sec. 614. Assisted housing energy loan pilot program.
Sec. 615. Residential energy efficiency block grant program.
Sec. 616. Including sustainable development in comprehensive housing affordability strategies.
Sec. 617. Grant program to increase sustainable low-income community development capacity.
Sec. 618. Utilization of energy performance contracts in HOPE VI.
Sec. 619. HOPE VI green developments requirement.
Sec. 620. Consideration of energy-efficiency improvements in appraisals.
Sec. 621. Assistance for Housing Assistance Council.
Sec. 622. Rural housing and economic development assistance.
Sec. 623. Loans to States and Indian tribes to carry out renewable energy sources activities.
Sec. 624. Green banking centers.
Sec. 625. Public housing energy cost report.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Alternative fuel pumps.
Sec. 702. National Energy Center of Excellence.
Sec. 703. Sense of Congress regarding renewable biomass.

TITLE VIII—ENERGY TAX INCENTIVES

Sec. 800. Short title, etc.

Subtitle A—Energy Production Incentives

PART 1—RENEWABLE ENERGY INCENTIVES

Sec. 801. Renewable energy credit.
Sec. 802. Production credit for electricity produced from marine renewables.
Sec. 803. Energy credit.
Sec. 804. Credit for residential energy efficient property.
Sec. 805. Special rule to implement FERC and State electric restructuring policy.
Sec. 806. New clean renewable energy bonds.

PART 2—CARBON MITIGATION PROVISIONS

Sec. 811. Expansion and modification of advanced coal project investment credit.
Sec. 812. Expansion and modification of coal gasification investment credit.
Sec. 813. Temporary increase in coal excise tax.
Sec. 814. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 815. Carbon audit of the tax code.

Subtitle B—Transportation and Domestic Fuel Security Provisions

Sec. 821. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 822. Credits for biodiesel and renewable diesel.
Sec. 823. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 824. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 825. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 826. Restructuring of New York Liberty Zone tax credits.
Sec. 827. Transportation fringe benefit to bicycle commuters.
Sec. 828. Alternative fuel vehicle refueling property credit.
Sec. 829. Energy security bonds.
Sec. 830. Certain income and gains relating to alcohol fuels and mixtures, biodiesel fuels and mixtures, and alternative fuels and mixtures treated as qualifying income for publicly traded partnerships.

Subtitle C—Energy Conservation and Efficiency Provisions

Sec. 841. Qualified energy conservation bonds.
Sec. 842. Credit for nonbusiness energy property.
Sec. 843. Energy efficient commercial buildings deduction.
Sec. 844. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 845. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 846. Qualified green building and sustainable design projects.

Subtitle D—Revenue Provisions

Sec. 851. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 852. Clarification of determination of foreign oil and gas extraction income.
Sec. 853. Time for payment of corporate estimated taxes.

TITLE I—FEDERAL OIL AND GAS LEASING

Subtitle A—Outer Continental Shelf Oil and Gas Leasing

SEC. 101. PROHIBITION ON LEASING.

(a) PROHIBITION.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) notwithstanding, the Secretary shall not take nor authorize any action related to oil and gas preleasing or leasing of any area of the Outer Continental Shelf that was not available for oil and gas leasing as of July 1, 2008, unless that action is expressly authorized by this subtitle or a statute enacted by Congress after the date of enactment of this Act.

(b) TREATMENT OF AREAS IN GULF OF MEXICO.—For purposes of this subtitle, such action with respect to an area referred to in section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109–432; 42 U.S.C. 1331 note) taken

or authorized after the period referred to in that section shall be treated as authorized by this subtitle, and such leasing of such area shall be treated as authorized under section 102(a).

SEC. 102. OPENING OF CERTAIN AREAS TO OIL AND GAS LEASING.

(a) LEASING AUTHORIZED.—The Secretary may offer for oil and gas leasing, preleasing, or other related activities, in accordance with this section and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and subject to subsection (b) of this section, section 103 of this Act, and section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456), any area—

(1) that is in any Outer Continental Shelf Planning Area in the Atlantic Ocean or Pacific Ocean that is located farther than 50 miles from the coastline; and

(2) that was not otherwise available for oil and gas leasing, preleasing, and other related activities as of July 1, 2008.

(b) INCLUSION IN LEASING PROGRAM REQUIRED.—An area may be offered for lease under this section only if it has been included in an Outer Continental Shelf leasing program approved by the Secretary in accordance with section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

(c) REQUIREMENT TO CONDUCT LEASE SALES.—As soon as practicable, consistent with subsection (b) and section 103(a), but not later than 3 years after the date of enactment of this Act, and as appropriate thereafter, the Secretary shall conduct oil and gas lease sales under the Outer Continental Shelf lands Act (43 U.S.C. 1331 et seq.) for areas that are made available for leasing by this section.

SEC. 103. COASTAL STATE ROLES AND RESPONSIBILITIES.

(a) STATE APPROVAL OF CERTAIN LEASING REQUIRED.—The Secretary may not conduct any oil and gas leasing or preleasing activity in any area made available for oil and gas leasing by section 102(a) that is located within 100 miles from the coastline and within the seaward lateral boundaries of an adjacent State, unless the adjacent State has enacted a law approving of the issuance of such leasing by the Secretary.

(b) CONSULTATION WITH ADJACENT AND NEIGHBORING STATES.—

(1) IN GENERAL.—In addition to the consultation provided for under section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345), the Governor of a State that has a coastline within 100 miles of an area of the Outer Continental Shelf being considered for oil and gas leasing and made available for such leasing by section 102(a) may submit recommendations to the Secretary with respect to—

(A) the size, timing, or location of a proposed lease sale; or

(B) a proposed development and production plan.

(2) REQUIREMENTS.—Subsections (b), (c), and (d) of section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345) shall apply to the recommendations provided for in paragraph (1).

SEC. 104. PROTECTION OF THE ENVIRONMENT AND CONSERVATION OF THE NATURAL RESOURCES OF THE OUTER CONTINENTAL SHELF.

The Secretary—

(1) shall ensure that any activity under this subtitle is carried out in a manner that provides for the protection of the coastal environment, marine environment, and human environment of State coastal zones and the Outer Continental Shelf; and

(2) shall review all Federal regulations that are otherwise applicable to activities authorized by this subtitle to ensure environmentally sound oil and gas operations on the Outer Continental Shelf.

SEC. 105. LIMITATIONS.

(a) COMPLIANCE WITH MEMORANDUM.—Any oil and gas leasing of areas of the Outer Continental Shelf shall be conducted in accordance with the document entitled ''Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns On The Outer Continental Shelf'' and dated July 2, 1983, and such revisions thereto as may be agreed to by the Secretary of Defense and the Secretary of the Interior; except that no such revisions may be made prior to January 21, 2009.

(b) NATIONAL SECURITY.—Notwithstanding subsection (a), the United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the Outer Continental Shelf pursuant to section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

SEC. 106. PROHIBITION ON LEASING IN CERTAIN FEDERAL PROTECTED AREAS.

(a) IN GENERAL.—Notwithstanding any other provision of this or any other Federal law, no lease or other authorization may be issued by the Federal Government that authorizes exploration, development, or production of oil or natural gas in—

(1) any marine national monument or national marine sanctuary; or

(2) the fishing grounds known as Georges Bank in the waters of the United States, which is one of the largest and historically important fishing grounds of the United States.

(b) IDENTIFICATION OF COORDINATES OF GEORGES BANK.—The Secretary of Commerce, after publication of public notice and an opportunity for public comment, shall identify the specific coordinates that delineate Georges Bank in the waters of the United States for purposes of subsection (a).

SEC. 107. NO EFFECT ON APPLICABLE LAW.

Except as otherwise specifically provided in this subtitle, nothing in this subtitle waives or modifies any applicable environmental or other law.

SEC. 108. BUY AMERICAN REQUIREMENTS.

(a) IN GENERAL.—It is the intent of Congress that this Act, among other things, result in a healthy and growing American industrial, manufacturing, transportation, and service sector employing the vast talents of America's workforce to assist in the development of energy from domestic sources. Moreover, the Congress intends to monitor the deployment of personnel and material onshore and offshore to encourage the development of American technology and manufacturing to enable United States workers to benefit from this Act by good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American resources.

(b) SAFEGUARD FOR EXTRAORDINARY ABILITY.—Section 30(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(a)) is amended in the matter preceding paragraph (1) by striking ''regulations which'' and inserting ''regulations that shall be supplemental and complimentary with and under no circumstances a substitution for the provisions of the Constitution and laws of the United States extended to the subsoil and seabed of the outer Continental Shelf pursuant to section 4 of this Act, except insofar as such laws would otherwise apply to individuals who have extraordinary ability in the sciences, arts, education, or business, which has been demonstrated by sustained national or international acclaim, and that''.

SEC. 109. SMALL, WOMAN-OWNED, AND MINORITY-OWNED BUSINESSES.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) OPPORTUNITIES FOR LEASING.—The Secretary shall establish goals to ensure equal opportunity to bid on offshore leases for qualified small, women-owned, and minority-owned exploration and production companies and may implement, where appropriate, outreach programs for qualified historically underutilized exploration and production companies to participate in the bidding process for offshore leases.''.

SEC. 110. DEFINITIONS.

In this subtitle:

(1) ADJACENT STATE.—The term ''adjacent State'' means, with respect to any program, plan, lease sale, leased tract, or other activity, proposed, conducted, or approved in accordance with the Outer Continental Shelf Lands Act (43U.S.C. 1331 et seq.), the State, the laws of which are declared pursuant to section 4(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C.1333(a)(2)) to be the law of the United States for the portion of the Outer Continental Shelf on which the program, plan, lease sale, leased tract, or activity is, or is proposed to be, conducted.

(2) COASTAL ENVIRONMENT.—The term ''coastal environment'' has the meaning given that term in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) COASTAL ZONE.—The term ''coastal zone'' has the meaning given that term in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(4) COASTLINE.—The term ''coastline'' has the meaning given the term ''coast line'' under section 2 of the Submerged Lands Act (43 U.S.C. 1301).

(5) HUMAN ENVIRONMENT.—The term ''human environment'' has the meaning given that term in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(6) MARINE ENVIRONMENT.—The term ''marine environment'' has the meaning given that term in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(7) OUTER CONTINENTAL SHELF.—The term ''Outer Continental Shelf'' has the meaning given the term ''outer Continental Shelf'' under section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(8) SEAWARD LATERAL BOUNDARY.—The term ''seaward lateral boundary'' means a boundary drawn by the Minerals Management Service in the Federal Register notice of January 3, 2006 (vol 71, no. 1).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

Subtitle B—Diligent Development of Federal Oil and Gas Leases

SEC. 121. CLARIFICATION.

The lands subject to each lease that authorizes the exploration for or development or production of oil or natural gas that is issued under a provision of law described in section 122 shall be diligently developed for such production by the person holding the lease in order to ensure timely production from the lease.

SEC. 122. COVERED PROVISIONS.

The provisions referred to in section 121 are the following:

(1) Section 17 of the Mineral Leasing Act (30 U.S.C. 226).

(2) Section 107 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a).

(3) The Outer Continental Shelf Lands Act (43 11 U.S.C. 1331 et seq.).

(4) The Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.).

SEC. 123. REGULATIONS.

The Secretary shall issue regulations within 180 days after the date of enactment of this Act that establish what constitutes diligently developing for purposes of this subtitle.

SEC. 124. RESOURCE ESTIMATES AND LEASING PROGRAM MANAGEMENT INDICATORS.

(a) IN GENERAL.—The Secretary of the Interior shall annually collect and report to Congress—

(1) the number of leases and the number of acres of land under Federal onshore oil and gas lease, per State and per year the lease was issued—

(A) on which seismic exploration activity is occurring or has occurred;

(B) on which permits to drill have been applied for, but not yet awarded;

(C) on which permits to drill have been approved, but no drilling has yet occurred;

(D) on which wells have been drilled but no production has occurred; and

(E) on which production is occurring;

(2) resource estimates for and the number of acres of Federal onshore and offshore lands, by State or offshore planning area—

(A) under lease, per year the lease was issued;

(B) under lease and not producing, per year the lease was issued;

(C) under lease and drilled, but not producing, per year the lease was issued;

(D) offered for lease in a lease sale conducted during the previous year, but not leased; and

(E) available for leasing but not under lease or offered for leasing in the previous year;

(3) resource estimates for and the number of acres of unleased Federal onshore and offshore land available for oil and gas leasing;

(4) resource estimates for and the number of acres of areas of the Outer Continental Shelf—

(A) included in proposed sale areas in the most recent 5-year plan developed by the Secretary pursuant to section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344); and

(B) available for oil and gas leasing but not included in the 5-year plan;

(5) the number of leases and the number of acres of Federal onshore land, per Bureau of Land Management field office, offered in a lease sale conducted during the previous year, including data on the number of protests filed and how many lease tracts were withdrawn as a result of such protests, and how many leases were offered and issued with stipulations as a result of those protests, including the name of the entity or entities filing the protests;

(6) the number of applications for permits to drill received, approved, pending, and denied, in the previous year per Bureau of Land Management and Minerals Management Service field office;

(7) the number of environmental inspections conducted per State and per Bureau of Land Management and Minerals Management Service field office in the previous year; and

(8) the number of full time staff equivalent (FTEs) devoted to permit processing and oversight per Bureau of Land Management and Minerals Management Service field office.

(b) COVERED PROVISIONS.—Subsection (a) shall apply with respect to leases and land eligible for leasing pursuant to—

(1) section 17 of the Mineral Leasing Act (30 U.S.C. 226);

(2) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.);

(3) section 107 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a); or

(4) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

Subtitle C—Royalties Under Offshore Oil and Gas Leases

SEC. 131. SHORT TITLE.

This subtitle may be cited as the ''Royalty Relief for American Consumers Act of 2008''.

SEC. 132. PRICE THRESHOLDS FOR ROYALTY SUSPENSION PROVISIONS.

The Secretary of the Interior shall agree to a request by any lessee to amend any oil and gas lease issued for any Gulf of Mexico tract during the period of January 1, 1998, through December 31, 1999, to incorporate price thresholds applicable to royalty suspension provisions, that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)). Any amended lease shall impose the new or revised price thresholds effective October 1, 2006. Existing lease provisions shall prevail through September 30, 2006.

SEC. 133. CLARIFICATION OF AUTHORITY TO IMPOSE PRICE THRESHOLDS FOR CERTAIN LEASE SALES.

Congress reaffirms the authority of the Secretary of the Interior under section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)) to vary, based on the price of production from a lease, the suspension of royalties under any lease subject to section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (Public Law 104–58; 43 U.S.C. 1337 note).

SEC. 134. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER OF LEASES; CONSERVATION OF RESOURCES FEES.

(a) ISSUANCE OF NEW LEASES.—

(1) IN GENERAL.—The Secretary shall not issue any new lease that authorizes the production of oil or natural gas in the Gulf of Mexico under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to a person described in paragraph (2) unless—

(A) the person has renegotiated each covered lease with respect to which the person is a lessee, to modify the payment responsibilities of the person to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(B) the person has—

(i) paid all fees established by the Secretary under subsection (b) that are due with respect to each covered lease for which the person is a lessee; or

(ii) entered into an agreement with the Secretary under which the person is obligated to pay such fees.

(2) PERSONS DESCRIBED.—A person referred to in paragraph (1) is a person that—

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the new lease; or

(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

(B) any other person or entity who has any direct or indirect interest in, or who derives any benefit from, a covered lease;

(3) MULTIPLE LESSEES.—

(A) IN GENERAL.—For purposes of paragraph (1), if there are multiple lessees that own a share of a covered lease, the Secretary may implement separate agreements with any lessee with a share of the covered lease that modifies the payment responsibilities with respect to the share of the lessee to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(B) TREATMENT OF SHARE AS COVERED LEASE.—Beginning on the effective date of an agreement under subparagraph (A), any share subject to the agreement shall not constitute a covered lease with respect to any lessees that entered into the agreement.

(b) CONSERVATION OF RESOURCES FEES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior by regulation shall establish—

(A) a conservation of resources fee for producing Federal oil and gas leases in the Gulf of Mexico; and

(B) a conservation of resources fee for nonproducing Federal oil and gas leases in the Gulf of Mexico.

(2) PRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(A)—

(A) subject to subparagraph (C), shall apply to covered leases that are producing leases;

(B) shall be set at $9 per barrel for oil and $1.25 per million Btu for gas, respectively, in 2005 dollars; and

(C) shall apply only to production of oil or gas occurring—

(i) in any calendar year in which the arithmetic average of the daily closing prices for light sweet crude oil on the New York Mercantile Exchange (NYMEX) exceeds $34.73 per barrel for oil and $4.34 per million Btu for gas in 2005 dollars; and

(ii) on or after October 1, 2006.

(3) NONPRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(B)—

(A) subject to subparagraph (C), shall apply to leases that are nonproducing leases;

(B) shall be set at $3.75 per acre per year in 2005 dollars; and

(C) shall apply on and after October 1, 2006.

(4) TREATMENT OF RECEIPTS.—Amounts received by the United States as fees under this subsection shall be treated as offsetting receipts.

(c) TRANSFERS.—A lessee or any other person who has any direct or indirect interest in, or who derives a benefit from, a lease shall not be eligible to obtain by sale or other transfer (including through a swap, spinoff, servicing, or other agreement) any covered lease, the economic benefit of any covered lease, or any other lease for the production of oil or natural gas in the Gulf of Mexico under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), unless—

(1) the lessee or other person has—

(A) renegotiated all covered leases of the lessee or other person; and

(B) entered into an agreement with the Secretary to modify the terms of all covered leases of the lessee or other person to include limitations on royalty relief based on market prices that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the

Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(2) the lessee or other person has—

(A) paid all fees established by the Secretary under subsection (b) that are due with respect to each covered lease for which the person is a lessee; or

(B) entered into an agreement with the Secretary under which the person is obligated to pay such fees.

(d) DEFINITIONS.—In this section—

(1) COVERED LEASE.—The term ''covered lease'' means a lease for oil or gas production in the Gulf of Mexico that is—

(A) in existence on the date of enactment of this Act;

(B) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104–58); and

(C) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) LESSEE.—The term ''lessee'' includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 135. STRATEGIC ENERGY EFFICIENCY AND RENEWABLES RESERVE.

(a) IN GENERAL.—For budgetary purposes, the net increase in Federal receipts by reason of the enactment of this Act shall be held in a separate account to be known as the ''Strategic Energy Efficiency and Renewables Reserve''. The Strategic Energy Efficiency and Renewables Reserve shall be available to offset the cost of subsequent legislation—

(1) to accelerate the use of clean domestic renewable energy resources and alternative fuels;

(2) to promote the utilization of energy-efficient products and practices and energy conservation;

(3) to increase research, development, and deployment of clean renewable energy and efficiency technologies;

(4) to provide increased assistance for low income home energy and weatherization programs;

(5) to further the purposes set forth in section 1(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4); and

(6) to increase research, development, and demonstration of carbon capture and sequestration technologies.

(b) PROCEDURE FOR ADJUSTMENTS.—

(1) BUDGET COMMITTEE CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, providing funding for the purposes set forth in subsection (a) in excess of the amounts provided for those purposes for fiscal year 2007, the chairman of the Committee on the Budget of the applicable House of Congress shall make the adjustments set forth in paragraph (2) for the amount of new budget authority and outlays in that measure and the outlays flowing from that budget authority.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to—

(A) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(B) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of Congressional Budget Act of 1974; and

(C) the budget aggregates contained in the appropriate concurrent resolution on the budget as required by section 301(a) of Congressional Budget Act of 1974.

(3) AMOUNTS OF ADJUSTMENTS.—The adjustments referred to in paragraphs (1) and (2) shall not exceed the total of the receipts over a 10-year period, as estimated by the Congressional Budget Office upon the enactment of this Act.

Subtitle D—Accountability and Integrity in the Federal Energy Program

SEC. 141. ROYALTY IN-KIND.

Section 342(d) of the Energy Policy Act of 2005 (42 U.S.C. 15902(d)) is amended to read as follows:

''(d) BENEFIT TO THE UNITED STATES REQUIRED.—The Secretary may receive oil or gas royalties in-kind only if the Secretary determines that receiving royalties in-kind provides benefits to the United States that are greater than or equal to the benefits that would likely be received if the royalties were taken in-value, and if the Secretary determines that receiving royalties in-kind is consistent with the fiduciary duties of the Secretary on behalf of the American people.''.

SEC. 142. FAIR RETURN ON PRODUCTION OF FEDERAL OIL AND GAS RESOURCES.

(a) ROYALTY PAYMENTS.—The Secretary of the Interior shall take all steps necessary to ensure that lessees under leases for exploration, development, and production of oil and natural gas on Federal lands, including leases under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), the Outer Continental Shelf Lands Act (30 U.S.C. 1331 et seq.), and all other mineral leasing laws, are making prompt, transparent, and accurate royalty payments under such leases.

(b) RECOMMENDATIONS FOR LEGISLATIVE ACTION.—In order to facilitate implementation of subsection (a), the Secretary of the Interior shall, within 180 days after the date of enactment of this Act and in consultation with the affected States, prepare and transmit to Congress recommendations for legislative action to improve the accurate collection of Federal oil and gas royalties.

SEC. 143. ROYALTY-IN-KIND ETHICS.

(a) GIFT BAN.—

(1) PROHIBITION.—No employee of the Minerals Management Service may—

(A) accept gifts of any value from any prohibited source; or

(B) seek, accept, or hold employment with any prohibited source.

(2) PENALTY.—Any person who violates paragraph (1) shall be subject to such penalties as the Secretary of the Interior considers appropriate, which may include suspension without pay or termination.

(b) TRAINING.—The Secretary of the Interior shall implement a robust ethics training program for employees of the Royalty-In-Kind division of the Minerals Management Service that is in addition to the standard ethics training that such employees are already required to attend. Such additional training program shall require written certification by each such employee that the employee knows and understands the ethics requirements by which the employee is bound.

(c) CODE OF ETHICS.—The Secretary of the Interior shall promulgate, within 180 days after the date of the enactment of this Act, a code of ethics for all employees of the Minerals Management Service. The code of ethics shall provide clear direction relating to the obligations, prohibitions, and consequences of misconduct.

(d) DRUG TESTING.—The Secretary of the Interior shall, within 180 days after the date of the enactment of this Act, implement a random drug testing program for the employees of the royalty-in-kind division of the Minerals Management Service.

(e) DEFINITIONS.—In this section:

(1) GIFT.—The term ''gift''—

(A) includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; and

(B) includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(2) PROHIBITED SOURCE.—The term ''prohibited source'' means, with respect to an employee, any person who—

(A) is seeking official action by the Minerals Management Service;

(B) does business or seeks to do business with the Minerals Management Service;

(C) conducts activities regulated by the Minerals Management Service;

(D) has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or

(E) is an organization a majority of whose members are described in any of subparagraphs (A) through (D).

(f) OTHER ETHICS REQUIREMENTS APPLY.—The prohibitions and requirements under this section are to be in addition to any other requirements that apply to employees of the Minerals Management Service.

SEC. 144. PROHIBITION ON CERTAIN GIFTS.

Section 201 of title 18, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f); and

(2) by inserting after subsection (c) the following new subsection:

''(d)(1) Whoever—

''(A) seeking or holding one or more leases of property from the United States, through the Minerals Management Service of the Department of the Interior, for purposes of oil or mineral extraction, knowingly engages in a course of conduct that consists of providing things of value to a public official of, or person who has been selected to be a public official of, the Minerals Management Service, because of the official's or person's position in the Minerals Management Service; or

''(B) being a public official of, or person who has been selected to be a public official of, the Minerals Management Service of the Department of the Interior, knowingly engages in a course of conduct consisting of receiving things of value, knowing that such things of value were provided because of the official's or person's position in the Minerals Management Service, from a person seeking or holding one or more leases of property from the United States, through the Minerals Management Service, for purposes of oil or mineral extraction;

shall be fined under this title, imprisoned for not more than two years, or both, except that a corporation, partnership, or other organization that violates subparagraph (A) shall be fined $25,000,000 and an amount equal to its gross revenues arising, during the period in which the course of conduct described in subparagraph (A) occurred, from the lease or leases described in that subparagraph.

''(2) For purposes of this subsection, the term 'course of conduct' means a series of acts over a period of time evidencing a continuity of purpose.

''(3)(A) The Attorney General may bring a civil action in the appropriate United States district court against any corporation, partnership, or other organization that engages in conduct constituting an offense under paragraph (1)(A) and, upon proof of such conduct by a preponderance of the evidence, such corporation, partnership, or other organization shall be subject to a civil penalty of not more than $25,000,000 and an amount equal to its gross revenues arising, during the period in which the course of conduct described in paragraph (1)(A) occurred, from the lease or leases described in that paragraph.

''(B) If a corporation, partnership, or other organization is held liable for a civil penalty under subparagraph (A) for a violation of paragraph (1)(A), the United States may terminate the lease or leases that were the subject to the violation, and the United States shall not be liable for any damages to any party to such lease or leases by reason of such termination.

''(C) The imposition of a civil penalty under this paragraph does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available to the United States, or any other person, under this section or any other law.''.

SEC. 145. STRENGTHENING THE ABILITY OF THE INTERIOR DEPARTMENT INSPECTOR GENERAL TO SECURE COOPERATION.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8K the following:

''SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF THE INTERIOR

''SEC. 8L. Notwithstanding section 6(a)(4), the Inspector General of the Department of the Interior may, in any inquiry or investigation involving leases of property from the United States through the Minerals Management Services for purposes of oil and mineral extraction, require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium, including electronically stored information and tangible things, and testimony necessary in the performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court*: Provided,* that procedures other than subpoenas shall be used by the Inspector General to obtain documents, information, or testimony from Federal agencies.''.

Subtitle E—Federal Oil and Gas Royalty Reform

SEC. 151. AMENDMENTS TO DEFINITIONS.

Section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702) is amended—

(1) in paragraph (20)(A), by striking '': *Provided*, That'' and all that follows through ''subject of the judicial proceeding'';

(2) in paragraph (20)(B), by striking ''(with written notice to the lessee who designated the designee)'';

(3) in paragraph (23)(A), by striking ''(with written notice to the lessee who designated the designee)'';

(4) by amending paragraph (24) to read as follows:

''(24) 'designee' means any person who pays, offsets, or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments a lessee must make pursuant to section 102(a);'';

(5) in paragraph (25)(B), by striking ''(subject to the provisions of section 102(a) of this Act)''; and

(6) in paragraph (26), by striking ''(with notice to the lessee who designated the designee)''.

SEC. 152. INTEREST.

(a) ESTIMATED PAYMENTS; INTEREST ON AMOUNT OF UNDERPAYMENT.—Section 111(j) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721(j)) is amended by striking ''If the estimated payment exceeds the actual royalties due, interest is owed on the overpayment.''.

(b) OVERPAYMENTS.—Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended by striking subsections (h) and (i).

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective one year after the date of enactment of this Act.

SEC. 153. OBLIGATION PERIOD.

Section 115(c) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(c)) is amended by adding at the end the following:

''(3) ADJUSTMENTS.—In the case of an adjustment under section 111A(a) (30 U.S.C. 1721a(a)) in which a recoupment by the lessee results in an underpayment of an obligation, for purposes of this Act the obligation becomes due on the date the lessee or its designee makes the adjustment.''.

SEC. 154. TOLLING AGREEMENTS AND SUBPOENAS.

(a) TOLLING AGREEMENTS.—Section 115(d)(1) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(1)) is amended by striking ''(with notice to the lessee who designated the designee)''.

(b) SUBPOENAS.—Section 115(d)(2)(A) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(2)(A)) is amended by striking ''(with notice to the lessee who designated the designee, which notice shall not constitute a subpoena to the lessee)''.

SEC. 155. LIABILITY FOR ROYALTY PAYMENTS.

Section 102(a) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1712(a)) is amended to read as follows:

''(a) In order to increase receipts and achieve effective collections of royalty and other payments, a lessee who is required to make any royalty or other payment under a lease or under the mineral leasing laws, shall make such payments in the time and manner as may be specified by the Secretary or the applicable delegated State. Any person who pays, offsets or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments the lessee must make is the lessee's designee under this Act. Notwithstanding any other provision of this Act to the contrary, a designee shall be liable for any payment obligation of any lessee on whose behalf the designee pays royalty under the lease. The person owning operating rights in a lease and a person owning legal record title in a lease shall be liable for that person's pro rata share of payment obligations under the lease.''.

Subtitle F—National Petroleum Reserve in Alaska

SEC. 161. SHORT TITLE.

This subtitle may be cited as the ''Drill Responsibly in Leased Lands Act of 2008''.

SEC. 162. ACCELERATION OF LEASE SALES FOR NATIONAL PETROLEUM RESERVE IN ALASKA.

Section 107(d) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a(d)) is amended—

(1) by striking ''(d)'' and all that follows through ''; first lease sale'' and inserting the following:

''(d) LEASE SALES.—

''(1) FIRST LEASE SALE.—The first lease sale''; and

(2) by adding at the end the following:

''(2) SUBSEQUENT LEASE SALES.—The Secretary shall accelerate, to the maximum extent practicable, competitive and environmentally responsible leasing of oil and gas in the Reserve in accordance with this Act and all applicable environmental laws, including at least 1 lease sale during each of calendar years 2009 through 2013.''.

SEC. 163. NATIONAL PETROLEUM RESERVE IN ALASKA: PIPELINE CONSTRUCTION.

The Federal Energy Regulatory Commission shall facilitate, in an environmentally responsible manner and in coordination with the Secretary of the Interior, the Secretary of Transportation, the Secretary of Energy, and the State of Alaska, the construction of pipelines necessary to transport oil and natural gas from or through the National Petroleum Reserve in Alaska to existing transportation or processing infrastructure on the North Slope of Alaska.

SEC. 164. ALASKA NATURAL GAS PIPELINE PROJECT FACILITATION.

(a) FINDINGS.—Congress finds the following:

(1) Over 35 trillion cubic feet of natural gas reserves have been discovered on Federal and State lands currently open to oil and natural gas leasing on the North Slope of Alaska.

(2) These gas supplies could make a significant contribution to meeting the energy needs of the United States, but the lack of a natural gas transportation system has prevented these natural gas reserves from reaching markets in the lower 48 States.

(b) FACILITATION BY PRESIDENT.—The President shall, pursuant to the Alaska Natural Gas Pipeline Act (division C of Public Law 108–324; 15 U.S.C. 720 et seq.) and other applicable law, coordinate with producers of natural gas on the North Slope of Alaska, Federal agencies, the State of Alaska, Canadian authorities, pipeline companies, and other interested persons in order to facilitate construction of a natural gas pipeline from Alaska to United States markets as expeditiously as possible.

SEC. 165. PROJECT LABOR AGREEMENTS AND OTHER PIPELINE REQUIREMENTS.

(a) PROJECT LABOR AGREEMENTS.—The President, as a term and condition of any permit required under Federal law for the pipelines referred to in section 163 and 164, and in recognizing the Government's interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of such pipelines to be developed under such permits and the special concerns of the holders of such permits, shall require that the operators of such pipelines and their agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction for such pipelines.

(b) PIPELINE MAINTENANCE.—The Secretary of Transportation shall require every pipeline operator authorized to transport oil and gas produced under Federal oil and gas leases in Alaska through the Trans-Alaska Pipeline, any pipeline constructed pursuant to

section 163 or 164 of this Act, or any other federally approved pipeline transporting oil and gas from the North Slope of Alaska, to certify to the Secretary of Transportation annually that such pipeline is being fully maintained and operated in an efficient manner. The Secretary of Transportation shall assess appropriate civil penalties for violations of this requirement in the same manner as civil penalties are assessed for violations under section 60122(a)(1) of title 49, United States Code.

SEC. 166. BAN ON EXPORT OF ALASKAN OIL.

(a) REPEAL OF PROVISION AUTHORIZING EXPORTS.—Section 28(s) of the Mineral Leasing Act (30 U.S.C. 185(s)) is repealed.

(b) REIMPOSITION OF PROHIBITION ON CRUDE OIL EXPORTS.—Upon the effective date of this Act, subsection (d) of section 7 of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)), shall be effective, and any other provision of that Act (including sections 11 and 12) shall be effective to the extent necessary to carry out such section 7(d), notwithstanding section 20 of that Act or any other provision of law that would otherwise allow exports of oil to which such section 7(d) applies.

Subtitle G—Oil Shale

SEC. 171. OIL SHALE LEASING.

(a) REPEAL OF RESTRICTION.—Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (division F of Public Law 110–161; 121 Stat. 2152) is repealed.

(b) REQUIREMENT THAT STATE APPROVE OF OIL SHALE LEASING.—Section 369 of the Energy Policy Act of 2005 (42 U.S.C. 15927) is amended by adding at the end the following:

''(t) REQUIREMENT THAT STATE APPROVE OF OIL SHALE LEASING.—No lease may be issued under this section, section 21 of the Mineral Leasing Act (30 U.S.C. 241), or any other law, for exploration, research, development, or production of oil shale on lands located in a State, unless the State has enacted a law approving of Federal oil shale leasing in the State. Nothing in this subsection shall be construed as preventing the Department of the Interior from preparing an environmental impact statement under the existing authority under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an individual lease sale proposed under the commercial leasing program established under this section.''.

TITLE II—CONSUMER ENERGY SUPPLY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Consumer Energy Supply Act of 2008''.

SEC. 202. DEFINITIONS.

In this title—

(1) the term ''light grade petroleum'' means crude oil with an API gravity of 30 degrees or higher;

(2) the term ''heavy grade petroleum'' means crude oil with an API gravity of 26 degrees or lower; and

(3) the term ''Secretary'' means the Secretary of Energy.

SEC. 203. SALE AND REPLACEMENT OF OIL FROM THE STRATEGIC PETROLEUM RESERVE.

(a) INITIAL PETROLEUM SALE AND REPLACEMENT.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), the Secretary shall publish a plan not later than 15 days after the date of enactment of this Act to—

(1) sell, in the amounts and on the schedule described in subsection (b), light grade petroleum from the Strategic Petroleum Reserve and acquire an equivalent volume of heavy grade petroleum;

(2) deposit the cash proceeds from sales under paragraph (1) into the SPR Petroleum Account established under section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247); and

(3) from the cash proceeds deposited pursuant to paragraph (2), withdraw the amount necessary to pay for the direct administrative and operational costs of the sale and acquisition.

(b) AMOUNTS AND SCHEDULE.—The sale and acquisition described in subsection (a) shall require the offer for sale of a total quantity of 70,000,000 barrels of light grade petroleum from the Strategic Petroleum Reserve. The sale shall commence, whether or not a plan has been published under subsection (a), not later than 30 days after the date of enactment of this Act and be completed no more than six months after the date of enactment of this Act, with at least 20,000,000 barrels to be offered for sale within the first 60 days after the date of enactment of this Act. In no event shall the Secretary sell barrels of oil under subsection (a) that would result in a Strategic Petroleum Reserve that contains fewer than 90 percent of the total amount of barrels in the Strategic Petroleum Reserve as of the date of enactment of this Act. Heavy grade petroleum, to replace the quantities of light grade petroleum sold under this section, shall be obtained through acquisitions which—

(1) shall commence no sooner than 6 months after the date of enactment of this Act;

(2) shall be completed, at the discretion of the Secretary, not later than 5 years after the date of enactment of this Act;

(3) shall be carried out in a manner so as to maximize the monetary value to the Federal Government; and

(4) shall be carried out using the receipts from the sales of light grade petroleum authorized under this section.

(c) DEFERRALS.—The Secretary is encouraged to, when economically beneficial and practical, grant requests to defer scheduled deliveries of petroleum to the Reserve under subsection (a) if the deferral will result in a premium paid in additional barrels of oil which will reduce the cost of oil acquisition and increase the volume of oil delivered to the Reserve or yield additional cash bonuses.

TITLE III—PUBLIC TRANSPORTATION

SEC. 301. SHORT TITLE.

This title may be cited as the ''Saving Energy Through Public Transportation Act of 2008''.

SEC. 302. FINDINGS.

Congress finds the following:

(1) In 2007, people in the United States took more than 10.3 billion trips using public transportation, the highest level in 50 years.

(2) Public transportation use in the United States is up 32 percent since 1995, a figure that is more than double the growth rate of the Nation's population and is substantially greater than the growth rate for vehicle miles traveled on the Nation's highways for that same period.

(3) Public transportation use saves fuel, reduces emissions, and saves money for the people of the United States.

(4) The direct petroleum savings attributable to public transportation use is 1.4 billion gallons per year, and when the secondary effects of transit availability on travel are also taken into account, public transportation use saves the United States the equivalent of 4.2 billion gallons of gasoline per year (more than 11 million gallons of gasoline per day).

(5) Public transportation use in the United States is estimated to reduce carbon dioxide emissions by 37 million metric tons annually.

(6) An individual who commutes to work using a single occupancy vehicle can reduce carbon dioxide emissions by 20 pounds per day (more than 4,800 pounds per year) by switching to public transportation.

(7) Public transportation use provides an affordable alternative to driving, as households that use public transportation save an average of $6,251 every year.

(8) Although under existing laws Federal employees in the National Capital Region receive transit benefits, transit benefits should be available to all Federal employees in the United States so that the Federal Government sets a leading example of greater public transportation use.

(9) Public transportation stakeholders should engage and involve local communities in the education and promotion of the importance of utilizing public transportation.

(10) Increasing public transportation use is a national priority.

SEC. 303. GRANTS TO IMPROVE PUBLIC TRANSPORTATION SERVICES.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) URBANIZED AREA FORMULA GRANTS.—In addition to amounts allocated under section 5338(b)(2)(B) of title 49, United States Code, to carry out section 5307 of such title, there is authorized to be appropriated $750,000,000 for each of fiscal years 2008 and 2009 to carry out such section 5307. Such funds shall be apportioned, not later than 7 days after the date on which the funds are appropriated, in accordance with section 5336 (other than subsections (i)(1) and (j)) of such title but may not be combined or commingled with any other funds apportioned under such section 5336.

(2) FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.—In addition to amounts allocated under section 5338(b)(2)(G) of title 49, United States Code, to carry out section 5311 of such title, there is authorized to be appropriated $100,000,000 for each of fiscal years 2008 and 2009 to carry out such section 5311. Such funds shall be apportioned, not later than 7 days after the date on which the funds are appropriated, in accordance with such section 5311 but may not be combined or commingled with any other funds apportioned under such section 5311.

(b) USE OF FUNDS.—Notwithstanding sections 5307 and 5311 of title 49, United States Code, the Secretary of Transportation may make grants under such sections from amounts appropriated under subsection (a) only for one or more of the following:

(1) If the recipient of the grant is reducing, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will reduce one or more fares the recipient charges for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, those operating costs of equipment and facilities being used to provide the public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient is no longer able to pay from the revenues derived from such fare or fares as a result of such reduction.

(2) If the recipient of the grant is expanding, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will expand public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, those operating and capital costs of equipment and facilities being used to provide the public transportation service, or in the case of subsection (f)

of such section 5311, intercity bus service, that the recipient incurs as a result of the expansion of such service.

(3) To avoid increases in fares for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or decreases in current public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that would otherwise result from an increase in costs to the public transportation or intercity bus agency for transportation-related fuel or meeting additional transportation-related equipment or facility maintenance needs, if the recipient of the grant certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will not increase the fares that the recipient charges for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or, will not decrease the public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient provides.

(4) If the recipient of the grant is acquiring, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will acquire, clean fuel or alternative fuel vehicle-related equipment or facilities for the purpose of improving fuel efficiency, the costs of acquiring the equipment or facilities.

(5) If the recipient of the grant is establishing or expanding, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will establish or expand, commuter matching services to provide commuters with information and assistance about alternatives to single occupancy vehicle use, those administrative costs in establishing or expanding such services.

(c) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share of the costs for which a grant is made under this section shall be 100 percent.

(d) PERIOD OF AVAILABILITY.—Funds appropriated under this section shall remain available for a period of 2 fiscal years.

SEC. 304. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT COMPLIANCE.

Notwithstanding section 5323(i)(1) of title 49, United States Code, a grant for a project to be assisted under chapter 53 of such title during fiscal years 2008 and 2009 that involves acquiring clean fuel or alternative fuel vehicle-related equipment or facilities for the purposes of complying with or maintaining compliance with the Clean Air Act (42 U.S.C. 7401 et seq.) shall be for 100 percent of the net project cost of the equipment or facility attributable to compliance with that Act unless the grant recipient requests a lower grant percentage.

SEC. 305. TRANSPORTATION FRINGE BENEFITS.

(a) REQUIREMENT THAT AGENCIES OFFER TRANSIT PASS TRANSPORTATION FRINGE BENEFITS TO THEIR EMPLOYEES NATIONWIDE.—

(1) IN GENERAL.—Section 3049(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (5 U.S.C. 7905 note; 119 Stat. 1711) is amended—

(A) by striking ''Effective'' and all that follows through ''each covered agency'' and inserting ''Each agency''; and

(B) by inserting ''at a location in an urbanized area of the United States that is served by fixed route public transportation'' before ''shall be offered''.

(2) CONFORMING AMENDMENTS.—Section 3049(a) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended—

(A) in paragraph (3)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively; and

(B) in paragraph (4) by striking ''a covered agency'' and inserting ''an agency''.

(b) BENEFITS DESCRIBED.—Section 3049(a)(2) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended by striking the period at the end and inserting the following: '', except that the maximum level of such benefits shall be the maximum amount which may be excluded from gross income for qualified parking as in effect for a month under section 132(f)(2)(B) of the Internal Revenue Code of 1986.''.

(c) GUIDANCE.—Section 3049(a) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended by adding at the end the following:

''(5) GUIDANCE.—

''(A) ISSUANCE.—Not later than 60 days after the date of enactment of this paragraph, the Secretary of Transportation shall issue guidance on nationwide implementation of the transit pass transportation fringe benefits program under this subsection.

''(B) UNIFORM APPLICATION.—

''(i) IN GENERAL.—The guidance to be issued under subparagraph (A) shall contain a uniform application for use by all Federal employees applying for benefits from an agency under the program.

''(ii) REQUIRED INFORMATION.—As part of such an application, an employee shall provide, at a minimum, the employee's home and work addresses, a breakdown of the employee's commuting costs, and a certification of the employee's eligibility for benefits under the program.

''(iii) WARNING AGAINST FALSE STATEMENTS.—Such an application shall contain a warning against making false statements in the application.

''(C) INDEPENDENT VERIFICATION REQUIREMENTS.—The guidance to be issued under subparagraph (A) shall contain independent verification requirements to ensure that, with respect to an employee of an agency—

''(i) the eligibility of the employee for benefits under the program is verified by an official of the agency;

''(ii) employee commuting costs are verified by an official of the agency; and

''(iii) records of the agency are checked to ensure that the employee is not receiving parking benefits from the agency.

''(D) PROGRAM IMPLEMENTATION REQUIREMENTS.—The guidance to be issued under subparagraph (A) shall contain program implementation requirements applicable to each agency to ensure that—

''(i) benefits provided by the agency under the program are adjusted in cases of employee travel, leave, or change of address;

''(ii) removal from the program is included in the procedures of the agency relating to an employee separating from employment with the agency; and

''(iii) benefits provided by the agency under the program are made available using an electronic format (rather than using paper fare media) where such a format is available for use.

''(E) ENFORCEMENT AND PENALTIES.—The guidance to be issued under subparagraph (A) shall contain a uniform administrative policy on enforcement and penalties. Such policy shall be implemented by each agency to ensure compliance with program requirements, to prevent fraud and abuse, and, as appropriate, to penalize employees who have abused or misused the benefits provided under the program.

''(F) PERIODIC REVIEWS.—The guidance to be issued under subparagraph (A) shall require each agency, not later than September 1 of the first fiscal year beginning after the date of enactment of this paragraph, and every 3 years thereafter, to develop and submit to the Secretary a review of the agency's implementation of the program. Each such review shall contain, at a minimum, the following:

''(i) An assessment of the agency's implementation of the guidance, including a summary of the audits and investigations, if any, of the program conducted by the Inspector General of the agency.

''(ii) Information on the total number of employees of the agency that are participating in the program.

''(iii) Information on the total number of single occupancy vehicles removed from the roadway network as a result of participation by employees of the agency in the program.

''(iv) Information on energy savings and emissions reductions, including reductions in greenhouse gas emissions, resulting from reductions in single occupancy vehicle use by employees of the agency that are participating in the program.

''(v) Information on reduced congestion and improved air quality resulting from reductions in single occupancy vehicle use by employees of the agency that are participating in the program.

''(vi) Recommendations to increase program participation and thereby reduce single occupancy vehicle use by Federal employees nationwide.

''(6) REPORTING REQUIREMENTS.—Not later than September 30 of the first fiscal year beginning after the date of enactment of this paragraph, and every 3 years thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on nationwide implementation of the transit pass transportation fringe benefits program under this subsection, including a summary of the information submitted by agencies pursuant to paragraph (5)(F).''.

(d) EFFECTIVE DATE.—Except as otherwise specifically provided, the amendments made by this section shall become effective on the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 306. CAPITAL COST OF CONTRACTING VANPOOL PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish and implement a pilot program to carry out vanpool demonstration projects in not more than 3 urbanized areas and not more than 2 other than urbanized areas.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—Notwithstanding section 5323(i) of title 49, United States Code, for each project selected for participation in the pilot program, the Secretary shall allow the non-Federal share provided by a recipient of assistance for a capital project under chapter 53 of such title to include the amounts described in paragraph (2).

(2) CONDITIONS ON ACQUISITION OF VANS.—The amounts referred to in paragraph (1) are any amounts expended by a private provider of public transportation by vanpool for the acquisition of vans to be used by such private provider in the recipient's service area, excluding any amounts the provider may have received in Federal, State, or local government assistance for such acquisition, if the private provider enters into a legally binding agreement with the recipient that

requires the private provider to use all revenues it receives in providing public transportation in such service area, in excess of its operating costs, for the purpose of acquiring vans to be used by the private provider in such service area.

(c) PROGRAM TERM.—The Secretary may approve an application for a vanpool demonstration project for fiscal years 2008 through 2009.

(d) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing an assessment of the costs, benefits, and efficiencies of the vanpool demonstration projects.

SEC. 307. NATIONAL CONSUMER AWARENESS PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a national consumer awareness program to educate the public on the environmental, energy, and economic benefits of public transportation alternatives to the use of single occupancy vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2009. Such sums shall remain available until expended.

SEC. 308. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S. C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting ''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

''(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.''.

TITLE IV—GREATER ENERGY EFFICIENCY IN BUILDING CODES

SEC. 401. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

(a) IN GENERAL.—Section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) is amended to read as follows:

''SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

''(a) UPDATING NATIONAL MODEL BUILDING ENERGY CODES.—(1) The Secretary shall support updating the national model building energy codes and standards at least every three years to achieve overall energy savings, compared to the 2006 IECC for residential buildings and ASHRAE Standard 90.1–2004 for commercial buildings, of at least—

''(A) 30 percent in editions of each model code or standard released in or after 2010; and

''(B) 50 percent in editions of each model code or standard released in or after 2020.

Targets for specific years shall be set by the Secretary at least 3 years in advance of each target year, coordinated with the IECC and ASHRAE Standard 90.1 cycles, at the maximum level of energy efficiency that is technologically feasible and life-cycle cost effective.

''(2)(A) Whenever the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 12 months after the date of such revision, on—

''(i) whether such revision will improve energy efficiency in buildings; and

''(ii) whether such revision will meet the targets under paragraph (1).

''(B) If the Secretary makes a determination under subparagraph (A)(ii) that a code or standard does not meet the targets under paragraph (1), or if a national model code or standard is not updated for more than three years, then the Secretary shall, within 12 months after such determination, establish a modified code or standard that meets such targets. Any such modified code or standard—

''(i) shall achieve the maximum level of energy savings that is technologically feasible and life-cycle cost-effective;

''(ii) shall be based on the latest revision of the IECC or ASHRAE Standard 90.1, including any amendments or additions thereto, but may also consider other model codes or standards; and

''(iii) shall serve as the baseline for the next determination under subparagraph (A)(i).

''(C) The Secretary shall provide the opportunity for public comment on targets, determinations, and modified codes and standards under this subsection, and shall publish notice of targets, determinations, and modified codes and standards under this subsection in the Federal Register.

''(b) STATE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—(1) Not later than 2 years after the date of enactment of this subsection, each State shall certify to the Secretary that it has reviewed and updated the provisions of its residential and commercial building codes regarding energy efficiency. Such certification shall include a demonstration that such State's code provisions meet or exceed the 2006 IECC for residential buildings and the ASHRAE Standard 90.1–2007 for commercial buildings, or achieve equivalent or greater energy savings.

''(2)(A) If the Secretary makes an affirmative determination under subsection (a)(2)(A)(i) or establishes a modified code or standard under subsection (a)(2)(B), each State shall, within 2 years after such determination or establishment, certify that it has reviewed and updated the provisions of its building code regarding energy efficiency. Such certification shall include a demonstration that such State's code provisions meet or exceed the revised code or standard, or achieve equivalent or greater energy savings.

''(B) If the Secretary fails to make a determination under subsection (a)(2)(A)(i) by the date specified in subsection (a)(2), or makes a negative determination, each State shall within 2 years after the specified date or the date of the determination, certify that it has reviewed the revised code or standard, and updated the provisions of its building code regarding energy efficiency to meet or exceed any provisions found to improve energy efficiency in buildings, or to achieve equivalent or greater energy savings in other ways.

''(c) STATE CERTIFICATION OF COMPLIANCE WITH BUILDING CODES.—(1) Each State shall, not later than 3 years after a certification under subsection (b), certify that it has—

''(A) achieved compliance under paragraph (3) with the certified State building energy code or with the associated model code or standard; or

''(B) made significant progress under paragraph (4) toward achieving compliance with the certified State building energy code or with the associated model code or standard. If the State certifies progress toward achieving compliance, the State shall repeat the certification each year until it certifies that it has achieved compliance.

''(2) A certification under paragraph (1) shall include documentation of the rate of compliance based on independent inspections of a random sample of the new and renovated buildings covered by the code in the preceding year, or based on an alternative method that yields an accurate measure of compliance.

''(3)(A) A State shall be considered to achieve compliance under paragraph (1) if—

''(i) at least 90 percent of new and renovated building space covered by the code in the preceding year substantially meets all the requirements of the code regarding energy efficiency, or achieves an equivalent energy savings level; or

''(ii) the estimated excess energy use of new and renovated buildings that did not meet the code in the preceding year, compared to a baseline of comparable buildings that meet the code, is not more than 5 percent of the estimated energy use of all new and renovated buildings covered by the code in the preceding year.

''(B) Only renovations with building permits are covered under this paragraph. If the Secretary determines the percentage targets under subparagraph (A) are not reasonably achievable for renovated residential or commercial buildings, the Secretary may reduce the targets for such renovated buildings to the highest achievable level.

''(4)(A) A State shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State—

''(i) has developed and is implementing a plan for achieving compliance within 8 years, assuming continued adequate funding, including active training and enforcement programs;

''(ii) after one or more years of adequate funding, has demonstrated progress, in conformance with the plan described in clause (i), toward compliance;

''(iii) after five or more years of adequate funding, meets the requirement in paragraph (3) substituting 80 percent for 90 percent or substituting 10 percent for 5 percent; and

''(iv) has not had more than 8 years of adequate funding.

''(B) Funding shall be considered adequate, for purposes of this paragraph, when the Federal Government provides to the States at least $50,000,000 in a year in funding and support for development and implementation of State building energy codes, including for training and enforcement.

''(d) FAILURE TO MEET DEADLINES.—(1) A State that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

''(A) the status of the State with respect to meeting the requirements and submitting the certification; and

''(B) a plan for meeting the requirements and submitting the certification.

''(2) Any State for which the Secretary has not accepted a certification by a deadline under subsection (b) or (c) of this section is out of compliance with this section.

''(3) In any State that is out of compliance with this section, a local government may be in compliance with this section by meeting the certification requirements under subsections (b) and (c) of this section.

''(4) The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on the status of national model building energy codes and standards, the status of code adoption and compliance in the States, and implementation of this section. The report shall include estimates of impacts of past action under this section and potential impacts of further action on lifetime energy use by buildings and resulting energy costs to individuals and businesses.

''(e) TECHNICAL ASSISTANCE.—(1) The Secretary shall on a timely basis provide technical assistance to model code-setting and standard development organizations. This assistance shall include technical assistance as requested by the organizations in evaluating code or standards proposals or revisions, building energy analysis and design tools, building demonstrations, and design assistance and training. The Secretary shall submit code and standard amendment proposals, with supporting evidence, sufficient to enable the national model building energy codes and standards to meet the targets in subsection (a)(1).

''(2) The Secretary shall provide technical assistance to States to implement the requirements of this section, including procedures for States to demonstrate that their code provisions achieve equivalent or greater energy savings than the national model codes and standards, and to improve and implement State residential and commercial building energy efficiency codes or to otherwise promote the design and construction of energy efficient buildings.

''(f) AVAILABILITY OF INCENTIVE FUNDING.—(1) The Secretary shall provide incentive funding to States to implement the requirements of this section, and to improve and implement State residential and commercial building energy efficiency codes, including increasing and verifying compliance with such codes. In determining whether, and in what amount, to provide incentive funding under this subsection, the Secretary shall consider the actions proposed by the State to implement the requirements of this section, to improve and implement residential and commercial building energy efficiency codes, and to promote building energy efficiency through the use of such codes.

''(2) Additional funding shall be provided under this subsection for implementation of a plan to achieve and document at least a 90 percent rate of compliance with residential and commercial building energy efficiency codes, based on energy performance—

''(A) to a State that has adopted and is implementing, on a Statewide basis—

''(i) a residential building energy efficiency code that meets or exceeds the requirements of the 2006 IECC, or any succeeding version of that code that has received an affirmative determination from the Secretary under subsection (a)(2)(A)(i); and

''(ii) a commercial building energy efficiency code that meets or exceeds the requirements of the ASHRAE Standard 90.1–2007, or any succeeding version of that standard that has received an affirmative determination from the Secretary under subsection (a)(2)(A)(i); or

''(B) in a State in which there is no Statewide energy code for either residential buildings or commercial buildings, or where State codes fail to comply with subparagraph (A), to a local government that has adopted and is implementing residential and commercial building energy efficiency codes, as described in subparagraph (A).

''(3) Of the amounts made available under this subsection, the Secretary may use amounts required, not exceeding $500,000 for each State, to train State and local officials to implement codes described in paragraph (2).

''(4) There are authorized to be appropriated to carry out this subsection—

''(A) $70,000,000 for each of fiscal years 2009 through 2013; and

''(B) such sums as are necessary for fiscal year 2014 and each fiscal year thereafter.''.

(b) DEFINITION.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended by adding at the end the following new paragraph:

''(17) The term 'IECC' means the International Energy Conservation Code.''.

TITLE V—FEDERAL RENEWABLE ELECTRICITY STANDARD

SEC. 501. FEDERAL RENEWABLE ELECTRICITY STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

''SEC. 610. FEDERAL RENEWABLE ELECTRICITY STANDARD.

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

''(1) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means each of the following:

''(i) Cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy.

''(ii) Nonhazardous, plant or algal matter that is derived from any of the following:

''(I) An agricultural crop, crop byproduct or residue resource.

''(II) Waste such as landscape or right-of-way trimmings (but not including municipal solid waste, recyclable postconsumer waste paper, painted, treated, or pressurized wood, wood contaminated with plastic or metals).

''(iii) Animal waste or animal byproducts.

''(iv) Landfill methane.

''(B) NATIONAL FOREST LANDS AND CERTAIN OTHER PUBLIC LANDS.—With respect to organic material removed from National Forest System lands or from public lands administered by the Secretary of the Interior, the term 'biomass' covers only organic material from (i) ecological forest restoration; (ii) pre-commercial thinnings; (iii) brush; (iv) mill residues; and (v) slash.

''(C) EXCLUSION OF CERTAIN FEDERAL LANDS.—Notwithstanding subparagraph (B), material or matter that would otherwise qualify as biomass are not included in the term biomass if they are located on the following Federal lands:

''(i) Federal land containing old growth forest or late successional forest unless the Secretary of the Interior or the Secretary of Agriculture determines that the removal of organic material from such land is appropriate for the applicable forest type and maximizes the retention of late-successional and large and old growth trees, late-successional and old growth forest structure, and late-successional and old growth forest composition.

''(ii) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System.

''(iii) Wilderness Study Areas.

''(iv) Inventoried roadless areas.

''(v) Components of the National Landscape Conservation System.

''(vi) National Monuments.

''(2) ELIGIBLE FACILITY.—The term 'eligible facility' means—

''(A) a facility for the generation of electric energy from a renewable energy resource that is placed in service on or after January 1, 2001; or

''(B) a repowering or cofiring increment.

''(3) EXISTING FACILITY.—The term 'existing facility' means a facility for the generation of electric energy from a renewable energy resource that is not an eligible facility.

''(4) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional generation that is achieved from increased efficiency or additions of capacity made on or after January 1, 2001, or the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

''(5) INDIAN LAND.—The term 'Indian land' means—

''(A) any land within the limits of any Indian reservation, pueblo, or rancheria;

''(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation;

''(C) any dependent Indian community; or

''(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

''(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(7) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated by a renewable energy resource.

''(8) RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar, wind, ocean, tidal, geothermal energy, biomass, landfill gas, incremental hydropower, or hydrokinetic energy.

''(9) REPOWERING OR COFIRING INCREMENT.—The term 'repowering or cofiring increment' means—

''(A) the additional generation from a modification that is placed in service on or after January 1, 2001, to expand electricity production at a facility used to generate electric energy from a renewable energy resource;

''(B) the additional generation above the average generation in the 3 years preceding the date of enactment of this section at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section: or

''(C) the portion of the electric generation from a facility placed in service on or after January 1, 2001, or a modification to a facility placed in service before the date of enactment of this section made on or after January 1, 2001, associated with cofiring biomass.

''(10) RETAIL ELECTRIC SUPPLIER.—(A) The term 'retail electric supplier' means a person that sells electric energy to electric consumers (other than consumers in Hawaii)

that sold not less than 1,000,000 megawatt-hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year. For purposes of this section, a person that sells electric energy to electric consumers that, in combination with the sales of any affiliate organized after the date of enactment of this section, sells not less that 1,000,000 megawatt hours of electric energy to consumers for purposes other than resale shall qualify as a retail electric supplier. For purposes of this paragraph, sales by any person to a parent company or to other affiliates of such person shall not be treated as sales to electric consumers.

''(B) Such term does not include the United States, a State or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or a rural electric cooperative, except that a political subdivision of a State, or an agency, authority, or instrumentality of the United States, a State or a political subdivision of a State, or a rural electric cooperative that sells electric energy to electric consumers or any other entity that sells electric energy to electric consumers that would not otherwise qualify as a retail electric supplier shall be deemed a retail electric supplier if such entity notifies the Secretary that it voluntarily agrees to participate in the Federal renewable electricity standard program.

''(11) RETAIL ELECTRIC SUPPLIER'S BASE AMOUNT.—The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier, expressed in terms of kilowatt hours, to electric customers for purposes other than resale during the most recent calendar year for which information is available, excluding—

''(A) electric energy that is not incremental hydropower generated by a hydroelectric facility; and

''(B) electricity generated through the incineration of municipal solid waste.

''(b) COMPLIANCE.—For each calendar year beginning in calendar year 2010, each retail electric supplier shall meet the requirements of subsection (c) by submitting to the Secretary, not later than April 1 of the following calendar year, one or more of the following:

''(1) Federal renewable energy credits issued under subsection (e).

''(2) Federal energy efficiency credits issued under subsection (i), except that Federal energy efficiency credits may not be used to meet more than 27 percent of the requirements of subsection (c) in any calendar year. Energy efficiency credits may only be used for compliance in a State where the Governor has petitioned the Secretary pursuant to subjection (i)(2).

''(3) Certification of the renewable energy generated and electricity savings pursuant to the funds associated with State compliance payments as specified in subsection (e)(3)(G).

''(4) Alternative compliance payments pursuant to subsection (j).

''(c) REQUIRED ANNUAL PERCENTAGE.—For calendar years 2010 through 2039, the required annual percentage of the retail electric supplier's base amount that shall be generated from renewable energy resources, or otherwise credited towards such percentage requirement pursuant to subsection (d), shall be the percentage specified in the following table:

''Calendar Years	Required annual percentage
2010	2.75
2011	2.75
2012	3.75
2013	4.5
2014	5.5
2015	6.5
2016	7.5
2017	8.25
2018	10.25
2019	12.25
2020 and thereafter through 2039	15

''(d) RENEWABLE ENERGY AND ENERGY EFFICIENCY CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (b)(1) through the submission of Federal renewable energy credits—

''(A) issued to the retail electric supplier under subsection (e);

''(B) obtained by purchase or exchange under subsection (f) or (g); or

''(C) borrowed under subsection (h).

''(2) A retail electric supplier may satisfy the requirements of subsection (b)(2) through the submission of Federal energy efficiency credits issued to the retail electric supplier obtained by purchase or exchange pursuant to subsection (i).

''(3) A Federal renewable energy credit may be counted toward compliance with subsection (b)(1) only once. A Federal energy efficiency credit may be counted toward compliance with subsection (b)(2) only once.

''(e) ISSUANCE OF FEDERAL RENEWABLE ENERGY CREDITS.—(1) The Secretary shall establish by rule, not later than 1 year after the date of enactment of this section, a program to verify and issue Federal renewable energy credits to generators of renewable energy, track their sale, exchange, and retirement and to enforce the requirements of this section. To the extent possible, in establishing such program, the Secretary shall rely upon existing and emerging State or regional tracking systems that issue and track non-Federal renewable energy credits.

''(2) An entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The applicant must demonstrate that the electric energy will be transmitted onto the grid or, in the case of a generation offset, that the electric energy offset would have otherwise been consumed on site. The application shall indicate—

''(A) the type of renewable energy resource used to produce the electricity;

''(B) the location where the electric energy was produced; and

''(C) any other information the Secretary determines appropriate.

''(3)(A) Except as provided in subparagraphs (B), (C), and (D), the Secretary shall issue to a generator of electric energy one Federal renewable energy credit for each kilowatt hour of electric energy generated by the use of a renewable energy resource at an eligible facility.

''(B) For purpose of compliance with this section, Federal renewable energy credits for incremental hydropower shall be based, on the increase in average annual generation resulting from the efficiency improvements or capacity additions. The incremental generation shall be calculated using the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission. The calculation of the Federal renewable energy credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility not directly associated with the efficiency improvements or capacity additions.

''(C) The Secretary shall issue 2 renewable energy credits for each kilowatt hour of electric energy generated and supplied to the grid in that calendar year through the use of a renewable energy resource at an eligible facility located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on such land.

''(D) For electric energy generated by a renewable energy resource at an on-site eligible facility no larger than one megawatt in capacity and used to offset part or all of the customer's requirements for electric energy, the Secretary shall issue 3 renewable energy credits to such customer for each kilowatt hour generated.

''(E) In the case of an on-site eligible facility on Indian land no more than 3 credits per kilowatt hour may be issued.

''(F) If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue the Federal renewable energy credits based on the proportion of the renewable energy resources used.

''(G) When a generator has sold electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract for power from an existing facility, and the contract has not determined ownership of the Federal renewable energy credits associated with such generation, the Secretary shall issue such Federal renewable energy credits to the retail electric supplier for the duration of the contract.

''(H) Payments made by a retail electricity supplier, directly or indirectly, to a State for compliance with a State renewable portfolio standard program, or for an alternative compliance mechanism, shall be valued at one credit per kilowatt hour for the purpose of subsection (b)(2) based on the amount of electric energy generation from renewable resources and electricity savings up to 27 percent of the utility's requirement that results from those payments.

''(f) EXISTING FACILITIES.—The Secretary shall ensure that a retail electric supplier that acquires Federal renewable energy credits associated with the generation of renewable energy from an existing facility may use such credits for purpose of its compliance with subsection (b)(1). Such credits may not be sold, exchanged, or transferred for the purpose of compliance by another retail electric supplier.

''(g) RENEWABLE ENERGY CREDIT TRADING.—(1) A Federal renewable energy credit, may be sold, transferred, or exchanged by the entity to whom issued or by any other entity who acquires the Federal renewable energy credit, except for those renewable energy credits from existing facilities. A Federal renewable energy credit for any year that is not submitted to satisfy the minimum renewable generation requirement of subsection (c) for that year may be carried forward for use pursuant to subsection (b)(1) within the next 3 years.

''(2) A federally owned or cooperatively owned utility, or a State or subdivision thereof, that is not a retail electric supplier that generates electric energy by the use of a renewable energy resource at an eligible facility may only sell, transfer or exchange a Federal renewable energy credit to a cooperatively owned utility or an agency, authority, or instrumentality of a State or political subdivision of a State that is a retail electric supplier that has acquired the electric energy associated with the credit.

''(3) The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market and a national energy efficiency credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits and a transparent national market for the sale or trade of Federal energy efficiency credits.

''(h) RENEWABLE ENERGY CREDIT BORROWING.—At any time before the end of calendar year 2012, a retail electric supplier that has reason to believe it will not be able to fully comply with subsection (b) may—

''(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient Federal renewable energy credits and Federal energy efficiency credits within the next 3 calendar years which, when taken into account, will enable the retail electric supplier to meet the requirements of subsection (b) for calendar year 2012 and the subsequent calendar years involved; and

''(2) upon the approval of the plan by the Secretary, apply Federal renewable energy credits and Federal energy efficiency credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (b) for each calendar year involved.

The retail electric supplier must repay all of the borrowed Federal renewable energy credits and Federal energy efficiency credits by submitting an equivalent number of Federal renewable energy credits and Federal energy efficiency credits, in addition to those otherwise required under subsection (b), by calendar year 2020 or any earlier deadlines specified in the approved plan. Failure to repay the borrowed Federal renewable energy credits and Federal energy efficiency credits shall subject the retail electric supplier to civil penalties under subsection (i) for violation of the requirements of subsection (b) for each calendar year involved.

''(i) ENERGY EFFICIENCY CREDITS.—

''(1) DEFINITIONS.—In this subsection—

''(A) CUSTOMER FACILITY SAVINGS.—The term 'customer facility savings' means a reduction in end-use electricity at a facility of an end-use consumer of electricity served by a retail electric supplier, as compared to—

''(i) consumption at the facility during a base year;

''(ii) in the case of new equipment (regardless of whether the new equipment replaces existing equipment at the end of the useful life of the existing equipment), consumption by the new equipment of average efficiency; or

''(iii) in the case of a new facility, consumption at a reference facility.

''(B) ELECTRICITY SAVINGS.—The term 'electricity savings' means—

''(i) customer facility savings of electricity consumption adjusted to reflect any associated increase in fuel consumption at the facility;

''(ii) reductions in distribution system losses of electricity achieved by a retail electricity distributor, as compared to losses during the base years;

''(iii) the output of new combined heat and power systems, to the extent provided under paragraph (5); and

''(iv) recycled energy savings.

''(C) QUALIFYING ELECTRICITY SAVINGS.—The term 'qualifying electricity savings' means electricity savings that meet the measurement and verification requirements of paragraph (4).

''(D) RECYCLED ENERGY SAVINGS.—The term 'recycled energy savings' means a reduction in electricity consumption that is attributable to electrical or mechanical power, or both, produced by modifying an industrial or commercial system that was in operation before July 1, 2007, in order to recapture energy that would otherwise be wasted.

''(2) PETITION.—The Governor of a State may petition the Secretary to allow up to 27 percent of the requirements of a retail electric supplier under subsection (c) in the State to be met by submitting Federal energy efficiency credits issued pursuant to this subsection.

''(3) ISSUANCE OF CREDITS.—(A) Upon petition by the Governor, the Secretary shall issue energy efficiency credits for electricity savings described in subparagraph (B) achieved in States described in paragraph (2) in accordance with this subsection.

''(B) In accordance with regulations promulgated by the Secretary, the Secretary shall issue credits for—

''(i) qualified electricity savings achieved by a retail electric supplier in a calendar year; and

''(ii) qualified electricity savings achieved by other entities if—

''(I) the measures used to achieve the qualifying electricity savings were installed or placed in operation by the entity seeking the credit or the designated agent of the entity; and

''(II) no retail electric supplier paid a substantial portion of the cost of achieving the qualified electricity savings (unless the retail electric supplier has waived any entitlement to the credit).

''(4) MEASUREMENT AND VERIFICATION OF ELECTRICITY SAVINGS.—Not later than June 30, 2009, the Secretary shall promulgate regulations regarding the measurement and verification of electricity savings under this subsection, including regulations covering—

''(A) procedures and standards for defining and measuring electricity savings that will be eligible to receive credits under paragraph (3), which shall—

''(i) specify the types of energy efficiency and energy conservation that will be eligible for the credits;

''(ii) require that energy consumption for customer facilities or portions of facilities in the applicable base and current years be adjusted, as appropriate, to account for changes in weather, level of production, and building area;

''(iii) account for the useful life of electricity savings measures;

''(iv) include specified electricity savings values for specific, commonly-used efficiency measures;

''(v) specify the extent to which electricity savings attributable to measures carried out before the date of enactment of this section are eligible to receive credits under this subsection; and

''(vi) exclude electricity savings that (I) are not properly attributable to measures carried out by the entity seeking the credit; or (II) have already been credited under this section to another entity;

''(B) procedures and standards for third-party verification of reported electricity savings; and

''(C) such requirements for information, reports, and access to facilities as may be necessary to carry out this subsection.

''(5) COMBINED HEAT AND POWER.—Under regulations promulgated by the Secretary, the increment of electricity output of a new combined heat and power system that is attributable to the higher efficiency of the combined system (as compared to the efficiency of separate production of the electric and thermal outputs), shall be considered electricity savings under this subsection.

''(j) ENFORCEMENT.—A retail electric supplier that does not comply with subsection (b) shall be liable for the payment of a civil penalty. That penalty shall be calculated on the basis of the number of kilowatt-hours represented by the retail electric supplier's failure to comply with subsection (b), multiplied by the lesser of 4.5 cents (adjusted for inflation for such calendar year, based on the Gross Domestic Product Implicit Price Deflator) or 300 percent of the average market value of Federal renewable energy credits and energy efficiency credits for the compliance period. Any such penalty shall be due and payable without demand to the Secretary as provided in the regulations issued under subsection (e).

''(k) ALTERNATIVE COMPLIANCE PAYMENTS.—The Secretary shall accept payment equal to the lesser of:

''(1) 200 percent of the average market value of Federal renewable energy credits and Federal energy efficiency credits for the applicable compliance period; or

''(2) 2.5 cents per kilowatt hour adjusted on January 1 of each year following calendar year 2006 based on the Gross Domestic Product Implicit Price Deflator,

as a means of compliance under subsection (b)(4)

''(l) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

''(1) the annual renewable energy generation of any retail electric supplier, Federal renewable energy credits submitted by a retail electric supplier pursuant to subsection (b)(1) and Federal energy efficiency credits submitted by a retail electric supplier pursuant to subsection (b)(2);

''(2) annual electricity savings achieved pursuant to subsection (i);

''(3) the validity of Federal renewable energy credits submitted for compliance by a retail electric supplier to the Secretary; and

''(4) the quantity of electricity sales of all retail electric suppliers.

''(m) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

''(n) STATE PROGRAMS.—(1) Nothing in this section diminishes any authority of a State or political subdivision of a State to—

''(A) adopt or enforce any law or regulation respecting renewable energy or energy efficiency, including but not limited to programs that exceed the required amount of renewable energy or energy efficiency under this section, or

''(B) regulate the acquisition and disposition of Federal renewable energy credits and Federal energy efficiency credits by retail electric suppliers.

No law or regulation referred to in subparagraph (A) shall relieve any person of any requirement otherwise applicable under this section. The Secretary, in consultation with States having renewable energy programs and energy efficiency programs, shall preserve the integrity of such State programs, including programs that exceed the required amount of renewable energy and energy efficiency under this section, and shall facilitate coordination between the Federal program and State programs.

''(2) In the rule establishing the program under this section, the Secretary shall incorporate common elements of existing renewable energy and energy efficiency programs, including State programs, to ensure administrative ease, market transparency, and effective enforcement. The Secretary shall work with the States to minimize administrative burdens and costs to retail electric suppliers.

''(o) RECOVERY OF COSTS.—An electric utility whose sales of electric energy are subject to rate regulation, including any utility whose rates are regulated by the Commission and any State regulated electric utility, shall not be denied the opportunity to recover the full amount of the prudently incurred incremental cost of renewable energy and energy efficiency obtained to comply with the requirements of subsection (b). For purposes of this subsection, the definitions in section 3 of this Act shall apply to the terms electric utility, State regulated electric utility, State agency, Commission, and State regulatory authority.

''(p) PROGRAM REVIEW.—The Secretary shall enter into a contract with the National Academy of Sciences to conduct a comprehensive evaluation of all aspects of the program established under this section, within 8 years of enactment of this section. The study shall include an evaluation of—

''(1) the effectiveness of the program in increasing the market penetration and lowering the cost of the eligible renewable energy and energy efficiency technologies;

''(2) the opportunities for any additional technologies and sources of renewable energy and energy efficiency emerging since enactment of this section;

''(3) the impact on the regional diversity and reliability of supply sources, including the power quality benefits of distributed generation;

''(4) the regional resource development relative to renewable potential and reasons for any under investment in renewable resources; and

''(5) the net cost/benefit of the renewable electricity standard to the national and State economies, including retail power costs, economic development benefits of investment, avoided costs related to environmental and congestion mitigation investments that would otherwise have been required, impact on natural gas demand and price, effectiveness of green marketing programs at reducing the cost of renewable resources.

The Secretary shall transmit the results of the evaluation and any recommendations for modifications and improvements to the program to Congress not later than January 1, 2016.

''(q) STATE RENEWABLE ENERGY AND ENERGY EFFICIENCY ACCOUNT PROGRAM.—(1) There is established in the Treasury a State renewable energy and energy efficiency account program.

''(2) All money collected by the Secretary from the alternative compliance payments under subsection (k) shall be deposited into the State renewable energy and energy efficiency account established pursuant to this subsection.

''(3) Proceeds deposited in the State renewable energy and energy efficiency account shall be used by the Secretary, subject to annual appropriations, for a program to provide grants to the State agency responsible for administering a fund to promote renewable energy generation and energy efficiency for customers of the State, or an alternative agency designated by the State, or if no such agency exists, to the State agency developing State energy conservation plans under section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6322) for the purposes of promoting renewable energy production and providing energy assistance and weatherization services to low-income consumers.

''(4) The Secretary may issue guidelines and criteria for grants awarded under this subsection. At least 75 percent of the funds provided to each State shall be used for promoting renewable energy production and energy efficiency through grants, production incentives or other state-approved funding mechanisms. The funds shall be allocated to the States on the basis of retail electric sales subject to the Renewable electricity Standard under this section or through voluntary participation. State agencies receiving grants under this section shall maintain such records and evidence of compliance as the Secretary may require.''.

(b) TABLE OF CONTENTS.—The table of contents for such title is amended by adding the following new item at the end:

''Sec. 610. Federal renewable electricity standard.''.

(c) SUNSET.—Section 610 of such title and the item relating to such section 610 in the table of contents for such title are each repealed as of December 31, 2039.

TITLE VI—GREEN RESOURCES FOR ENERGY EFFICIENT NEIGHBORHOODS

SEC. 601. SHORT TITLE AND TABLE OF CONTENTS.

This title may be cited as the ''Green Resources for Energy Efficient Neighborhoods Act of 2008'' or the ''GREEN Act of 2008''.

SEC. 602. DEFINITIONS.

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

(1) GREEN BUILDING STANDARDS.—The term ''green building standards'' means standards to require use of sustainable design principles to reduce the use of nonrenewable resources, encourage energy-efficient construction and rehabilitation and the use of renewable energy resources, minimize the impact of development on the environment, and improve indoor air quality.

(2) HUD.—The term ''HUD'' means the Department of Housing and Urban Development.

(3) HUD ASSISTANCE.—The term ''HUD assistance'' means financial assistance that is awarded, competitively or noncompetitively, allocated by formula, or provided by HUD through loan insurance or guarantee.

(4) NONRESIDENTIAL STRUCTURE.—The term ''nonresidential structures'' means only nonresidential structures that are appurtenant to single family or multifamily housing residential structures, or those that are funded by the Secretary of Housing and Urban Development through the HUD Community Development Block Grant program.

(5) SECRETARY.—The term ''Secretary'', unless otherwise specified, means the Secretary of Housing and Urban Development.

SEC. 603. IMPLEMENTATION OF ENERGY EFFICIENCY PARTICIPATION INCENTIVES FOR HUD PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue such regulations as may be necessary to establish annual energy efficiency participation incentives to encourage participants in programs administered by the Secretary, including recipients under programs for which HUD assistance is provided, to achieve substantial improvements in energy efficiency.

(b) REQUIREMENT FOR APPROPRIATION OF FUNDS.—The requirement under subsection (a) for the Secretary to provide annual energy efficiency participation incentives pursuant to the provisions of this title shall be subject to the annual appropriation of necessary funds.

SEC. 604. MINIMUM HUD ENERGY EFFICIENCY STANDARDS AND STANDARDS FOR ADDITIONAL CREDIT.

(a) MINIMUM HUD STANDARD.—

(1) RESIDENTIAL STRUCTURES.—A residential single family or multifamily structure shall be considered to comply with the energy efficiency requirements under this subsection if—

(A) the structure complies with the applicable provisions of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1–2007, as such standard or successor standard is in effect for purposes of this section pursuant subsection (c);

(B) the structure complies with the applicable provisions of the 2006 International Energy Conservation Code, as such standard or successor standard is in effect for purposes of this section pursuant subsection (c);

(C) in the case only of an existing structure, where determined cost effective, the structure has undergone rehabilitation or improvements, completed after the date of the enactment of this Act, and the energy consumption for the structure has been reduced by at least 20 percent from the previous level of consumption, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption; or

(D) the structure complies with the applicable provisions of such other energy efficiency requirements, standards, checklists, or ratings systems as the Secretary may adopt and apply by regulation, as may be necessary, for purposes of this section for specific types of residential single family or multifamily structures or otherwise, except that the Secretary shall make a determination regarding whether to adopt and apply any such requirements, standards, checklists, or rating system for purposes of this section not later than the expiration of the 180-day period beginning upon the date of receipt of any written request, made in such form as the Secretary shall provide, for such adoption and application.

In addition to compliance with any of subparagraphs (A) through (D), the Secretary shall by regulation require, for any newly constructed residential single family or multifamily structure to be considered to comply with the energy efficiency requirements under this subsection, that the structure have appropriate electrical outlets with the facility and capacity to recharge a standard electric passenger vehicle, including an electric hybrid vehicle, where such vehicle would normally be parked.

(2) NONRESIDENTIAL STRUCTURES.—For purposes of this section, the Secretary shall identify and adopt by regulation, as may be necessary, energy efficiency requirements, standards, checklists, or rating systems applicable to nonresidential structures that are constructed or rehabilitated with HUD assistance. A nonresidential structure shall be considered to comply with the energy efficiency requirements under this subsection if the structure complies with the applicable provisions of any such energy efficiency requirements, standards, checklist, or rating systems identified and adopted by the Secretary pursuant to this paragraph, as such standards are in effect for purposes of this section pursuant to subsection (c).

(b) ADDITIONAL CREDIT FOR COMPLIANCE WITH ENHANCED ENERGY EFFICIENCY STANDARDS.—

(1) IN GENERAL.—In addition to compliance with the energy efficiency requirements under subsection (a), a residential or nonresidential structure shall be considered to comply with the enhanced energy efficiency and conservation standards or the green building standards under this subsection, to

the extent that such structure complies with the applicable provisions of the standards under paragraph (2) or (3), respectively (as such standards are in effect for purposes of this section, pursuant to subsection (c)), in a manner that is not required for compliance with the energy efficiency requirements under subsection (a) and subject to the Secretary's determination of which standards are applicable to which structures.

(2) ENERGY EFFICIENCY AND CONSERVATION STANDARDS.—The energy efficiency and conservation standards under this paragraph are as follows:

(A) RESIDENTIAL STRUCTURES.—With respect to residential structures:

(i) NEW CONSTRUCTION.—For new construction, the Energy Star standards established by the Environmental Protection Agency, as such standards are in effect for purposes of this subsection pursuant to subsection (c);

(ii) EXISTING STRUCTURES.—For existing structures, a reduction in energy consumption from the previous level of consumption for the structure, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption, that exceeds the reduction necessary for compliance with the energy efficiency requirement under subsection (a)(1)(C).

(B) NONRESIDENTIAL STRUCTURES.—With respect to nonresidential structures, such energy efficiency and conservation requirements, standards, checklists, or rating systems for nonresidential structures as the Secretary shall identify and adopt by regulation, as may be necessary, for purposes of this paragraph.

(3) GREEN BUILDING STANDARDS.—The green building standards under this paragraph are as follows:

(A) The national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as such checklist or successor checklist is in effect for purposes of this section pursuant to subsection (c).

(B) The gold certification level for the LEED for New Construction rating system, the LEED for Homes rating system, the LEED for Core and Shell rating system, as applicable, as such systems or successor systems are in effect for purposes of this section pursuant to subsection (c).

(C) The Green Globes assessment and rating system of the Green Buildings Initiative.

(D) For manufactured housing, energy star rating with respect to fixtures, appliances, and equipment in such housing, as such standard or successor standard is in effect for purposes of this section pursuant to subsection (c).

(E) The National Green Building Standard, but such standard shall apply for purposes of this paragraph only—

(i) if such standard is ratified under the American National Standards Institute process;

(ii) upon expiration of the 180-day period beginning upon such ratification; and

(iii) if, during such 180-day period, the Secretary of Housing and Urban Development does not reject the applicability of such standard for purposes of this paragraph.

(F) Any other requirements, standards, checklists, or rating systems for green building or sustainability as the Secretary may identify and adopt by regulation, as may be necessary for purposes of this paragraph, except that the Secretary shall make a determination regarding whether to adopt and apply any such requirements, standards, checklist, or rating system for purposes of this section not later than the expiration of the 180-day period beginning upon date of receipt of any written request, made in such form as the Secretary shall provide, for such adoption and application.

(4) GREEN BUILDING.—For purposes of this subsection, the term ''green building'' means, with respect to standards for structures, standards to require use of sustainable design principles to reduce the use of nonrenewable resources, minimize the impact of development on the environment, and to improve indoor air quality.

(5) ENERGY AUDITS.—The Secretary shall establish standards and requirements for energy audits for purposes of paragraph (2)(A)(ii) and, in establishing such standards, may consult with any advisory committees established pursuant to section 605(c)(2) of this title.

(c) APPLICABILITY AND UPDATING OF STANDARDS.—

(1) APPLICABILITY.—Except as provided in paragraph (2), the requirements, standards, checklists, and rating systems referred to in subsections (a) and (b) that are in effect for purposes of this section are such requirements, standards, checklists, and systems are as in existence upon the date of the enactment of this Act.

(2) UPDATING.—For purposes of this section, the Secretary may adopt and apply by regulation, as may be necessary, future amendments and supplements to, and editions of, the requirements, standards, checklists, and rating systems referred to in subsections (a) and (b).

SEC. 605. ENERGY EFFICIENCY AND CONSERVATION DEMONSTRATION PROGRAM FOR MULTIFAMILY HOUSING PROJECTS ASSISTED WITH PROJECT-BASED RENTAL ASSISTANCE.

(a) AUTHORITY.—For multifamily housing projects for which project-based rental assistance is provided under a covered multifamily assistance program, the Secretary shall, subject to the availability of amounts provided in advance in appropriation Acts, carry out a program to demonstrate the effectiveness of funding a portion of the costs of meeting the enhanced energy efficiency standards under section 604(b). At the discretion of the Secretary, the demonstration program may include incentives for housing that is assisted with Indian housing block grants provided pursuant to the Native American Housing Assistance and Self-Determination Act of 1996, but only to the extent that such inclusion does not violate such Act, its regulations, and the goal of such Act of tribal self-determination.

(b) GOALS.—The demonstration program under this section shall be carried out in a manner that—

(1) protects the financial interests of the Federal Government;

(2) reduces the proportion of funds provided by the Federal Government and by owners and residents of multifamily housing projects that are used for costs of utilities for the projects;

(3) encourages energy efficiency and conservation by owners and residents of multifamily housing projects and installation of renewable energy improvements, such as improvements providing for use of solar, wind, geothermal, or biomass energy sources;

(4) creates incentives for project owners to carry out such energy efficiency renovations and improvements by allowing a portion of the savings in operating costs resulting from such renovations and improvements to be retained by the project owner, notwithstanding otherwise applicable limitations on dividends;

(5) promotes the installation, in existing residential buildings, of energy-efficient and cost-effective improvements and renewable energy improvements, such as improvements providing for use of solar, wind, geothermal, or biomass energy sources;

(6) tests the efficacy of a variety of energy efficiency measures for multifamily housing projects of various sizes and in various geographic locations;

(7) tests methods for addressing the various, and often competing, incentives that impede owners and residents of multifamily housing projects from working together to achieve energy efficiency or conservation; and

(8) creates a database of energy efficiency and conservation, and renewable energy, techniques, energy savings management practices, and energy efficiency and conservation financing vehicles.

(c) APPROACHES.—In carrying out the demonstration program under this section, the Secretary may—

(1) enter into agreements with the Building America Program of the Department of Energy and other consensus committees under which such programs, partnerships, or committees assume some or all of the functions, obligations, and benefits of the Secretary with respect to energy savings;

(2) establish advisory committees to advise the Secretary and any such third party partners on technological and other developments in the area of energy efficiency and the creation of an energy efficiency and conservation credit facility and other financing opportunities, which committees shall include representatives of homebuilders, realtors, architects, nonprofit housing organizations, environmental protection organizations, renewable energy organizations, and advocacy organizations for the elderly and persons with disabilities; any advisory committees established pursuant to this paragraph shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.);

(3) approve, for a period not to exceed 10 years, additional adjustments in the maximum monthly rents or additional project rental assistance, or additional Indian housing block grant funds under the Native American Housing Assistance and Self-Determination Act of 1996, as applicable, for dwelling units in multifamily housing projects that are provided project-based rental assistance under a covered multifamily assistance program, in such amounts as may be necessary to amortize a portion of the cost of energy efficiency and conservation measures for such projects;

(4) develop a competitive process for the award of such additional assistance for multifamily housing projects seeking to implement energy efficiency, renewable energy sources, or conservation measures; and

(5) waive or modify any existing statutory or regulatory provision that would otherwise impair the implementation or effectiveness of the demonstration program under this section, including provisions relating to methods for rent adjustments, comparability standards, maximum rent schedules, and utility allowances; notwithstanding the preceding provisions of this paragraph, the Secretary may not waive any statutory requirement relating to fair housing, nondiscrimination, labor standards, or the environment, except pursuant to existing authority to waive non-statutory environmental and other applicable requirements.

(d) REQUIREMENT.—During the 4-year period beginning 12 months after the date of

the enactment of this Act, the Secretary shall carry out demonstration programs under this section with respect to not fewer than 50,000 dwelling units.

(e) SELECTION.—

(1) SCOPE.—In order to provide a broad and representative profile for use in designing a program which can become operational and effective nationwide, the Secretary shall carry out the demonstration program under this section with respect to dwelling units located in a wide variety of geographic areas and project types assisted by the various covered multifamily assistance programs and using a variety of energy efficiency and conservation and funding techniques to reflect differences in climate, types of dwelling units and technical and scientific methodologies, and financing options. The Secretary shall ensure that the geographic areas included in the demonstration program include dwelling units on Indian lands (as such term is defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501), to the extent that dwelling units on Indian land have the type of residential structures that are the focus of the demonstration program.

(2) PRIORITY.—The Secretary shall provide priority for selection for participation in the program under this section based on the extent to which, as a result of assistance provided, the project will comply with the energy efficiency standards under subsection (a), (b), or (c) of section 604 of this title.

(f) USE OF EXISTING PARTNERSHIPS.—To the extent feasible, the Secretary shall—

(1) utilize the Partnership for Advancing Technology in Housing of the Department of Housing and Urban Development to assist in carrying out the requirements of this section and to provide education and outreach regarding the demonstration program authorized under this section; and

(2) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of the Army regarding utilizing the Building America Program of the Department of Energy, the Energy Star Program, and the Army Corps of Engineers, respectively, to determine the manner in which they might assist in carrying out the goals of this section and providing education and outreach regarding the demonstration program authorized under this section.

(g) REPORTS.—

(1) ANNUAL.—Not later than the expiration of the 2-year beginning upon the date of the enactment of this Act, and for each year thereafter during the term of the demonstration program, the Secretary shall submit a report to the Congress annually that describes and assesses the demonstration program under this section.

(2) FINAL.—Not later than six months after the expiration of the 4-year period described in subsection (d), the Secretary shall submit a final report to the Congress assessing the demonstration program, which—

(A) shall assess the potential for expanding the demonstration program on a nationwide basis; and

(B) shall include descriptions of—

(i) the size of each multifamily housing project for which assistance was provided under the program;

(ii) the geographic location of each project assisted, by State and region;

(iii) the criteria used to select the projects for which assistance is provided under the program;

(iv) the energy efficiency and conservation measures and financing sources used for each project that is assisted under the program;

(v) the difference, before and during participation in the demonstration program, in the amount of the monthly assistance payments under the covered multifamily assistance program for each project assisted under the program;

(vi) the average length of the term of the such assistance provided under the program for a project;

(vii) the aggregate amount of savings generated by the demonstration program and the amount of savings expected to be generated by the program over time on a per-unit and aggregate program basis;

(viii) the functions performed in connection with the implementation of the demonstration program that were transferred or contracted out to any third parties;

(ix) an evaluation of the overall successes and failures of the demonstration program; and

(x) recommendations for any actions to be taken as a result of the such successes and failures.

(3) CONTENTS.—Each annual report pursuant to paragraph (1) and the final report pursuant to paragraph (2) shall include—

(A) a description of the status of each multifamily housing project selected for participation in the demonstration program under this section; and

(B) findings from the program and recommendations for any legislative actions.

(h) COVERED MULTIFAMILY ASSISTANCE PROGRAM.—For purposes of this section, the term ''covered multifamily assistance program'' means—

(1) the program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for project-based rental assistance;

(2) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for assistance for supportive housing for the elderly;

(3) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) for supportive housing for persons with disabilities; and

(4) the program for assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year in which the demonstration program under this section is carried out.

(j) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary shall issue any regulations necessary to carry out this section.

SEC. 606. ADDITIONAL CREDIT FOR FANNIE MAE AND FREDDIE MAC HOUSING GOALS FOR ENERGY EFFICIENT MORTGAGES.

Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)), as amended by the Federal Housing Finance Regulatory Reform Act of 2008 (Public Law 110–289; 122 Stat. 2654), is amended—

(1) in paragraph (2), by striking ''paragraph (5)'' and inserting ''paragraphs (5) and (6)''; and

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

''(6) ADDITIONAL CREDIT.—

''(A) IN GENERAL.—In assigning credit toward achievement under this section of the housing goals for mortgage purchase activities of the enterprises, the Director shall assign—

''(i) more than 125 percent credit, for such purchases that both—

''(I) comply with the requirements of such goals; and

''(II) support housing that meets the energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008; and

''(ii) credit in addition to credit under clause (i), for purchases that both—

''(I) comply with the requirements of such goals, and

''(II) support housing that complies with the enhanced energy efficiency and conservation standards, or the green building standards, under section 604(b) of such Act, or both,

and such additional credit shall be given based on the extent to which the housing supported with such purchases complies with such standards.

''(B) TREATMENT OF ADDITIONAL CREDIT.—The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.''.

SEC. 607. DUTY TO SERVE UNDERSERVED MARKETS FOR ENERGY-EFFICIENT AND LOCATION-EFFICIENT MORTGAGES.

Section 1335 of Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565), as amended by the Federal Housing Finance Regulatory Reform Act of 2008 (Public Law 110–289; 122 Stat. 2654), is amended—

(1) in subsection (a)(1), by adding at the end the following new subparagraph:

''(D) MARKETS FOR ENERGY-EFFICIENT AND LOCATION-EFFICIENT MORTGAGES.—

''(i) DUTY.—Subject to clause (ii), the enterprise shall develop loan products and flexible underwriting guidelines to facilitate a secondary market for energy-efficient and location-efficient mortgages on housing for very low-, low-, and moderate income families, and for second and junior mortgages made for purposes of energy efficiency or renewable energy improvements, or both.

''(ii) AUTHORITY TO SUSPEND.—Notwithstanding any other provision of this section, the Director may suspend the applicability of the requirement under clause (i) with respect to an enterprise, for such period as is necessary, if the Director determines that exigent circumstances exist and such suspension is appropriate to ensure the safety and soundness of the portfolio holdings of the enterprise.'';

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

''(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) ENERGY-EFFICIENT MORTGAGE.—The term 'energy efficient mortgage' means a mortgage loan under which the income of the borrower, for purposes of qualification for such loan, is considered to be increased by not less than $1 for each $1 of savings projected to be realized by the borrower as a result of cost-effective energy saving design, construction or improvements (including use of renewable energy sources, such as solar, geothermal, biomass, and wind, super-insulation, energy-saving windows, insulating glass and film, and radiant barrier) for the home for which the loan is made.

''(2) LOCATION-EFFICIENT MORTGAGE.—The term 'location efficient mortgage' means a mortgage loan under which—

''(A) the income of the borrower, for purposes of qualification for such loan, is considered to be increased by not less than $1 for each $1 of savings projected to be realized by the borrower because the location of the home for which loan is made will result in decreased transportation costs for the household of the borrower; or

''(B) the sum of the principal, interest, taxes, and insurance due under the mortgage loan is decreased by not less than $1 for each $1 of savings projected to be realized by the borrower because the location of the home for which loan is made will result in decreased transportation costs for the household of the borrower.''.

SEC. 608. CONSIDERATION OF ENERGY EFFICIENCY UNDER FHA MORTGAGE INSURANCE PROGRAMS AND NATIVE AMERICAN AND NATIVE HAWAIIAN LOAN GUARANTEE PROGRAMS.

(a) FHA MORTGAGE INSURANCE.—

(1) REQUIREMENT.—Title V of the National Housing Act is amended by adding after section 542 (12 U.S.C. 1735f–20) the following new section:

''SEC. 543. CONSIDERATION OF ENERGY EFFICIENCY.

''(a) UNDERWRITING STANDARDS.—The Secretary shall establish a method to consider, in its underwriting standards for mortgages on single-family housing meeting the energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 that are insured under this Act, the impact that savings on utility costs has on the income of the mortgagor.

''(b) GOAL.—It is the sense of the Congress that, in carrying out this Act, the Secretary should endeavor to insure mortgages on single-family housing meeting the energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 such that at least 50,000 such mortgages are insured during the period beginning upon the date of the enactment of such Act and ending on December 31, 2012.''.

(2) REPORTING ON DEFAULTS.—Section 540(b) of the National Housing Act (12 U.S.C. 1735f–18(b)) is amended by adding at the end the following new paragraph:

''(3) With respect to each collection period that commences after December 31, 2011, the total number of mortgages on single-family housing meeting the energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 that are insured by the Secretary during the applicable collection period, the number of defaults and foreclosures occurring on such mortgages during such period, the percentage of the total of such mortgages insured during such period on which defaults and foreclosure occurred, and the rate for such period of defaults and foreclosures on such mortgages compared to the overall rate for such period of defaults and foreclosures on mortgages for single-family housing insured under this Act by the Secretary.''.

(b) INDIAN HOUSING LOAN GUARANTEES.—

(1) REQUIREMENT.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(A) by redesignating subsection (l) as subsection (m); and

(B) by inserting after subsection (k) the following new subsection:

''(l) CONSIDERATION OF ENERGY EFFICIENCY.—The Secretary shall establish a method to consider, in its underwriting standards for loans for single-family housing meeting the energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 that are guaranteed under this section, the impact that savings on utility costs has on the income of the borrower.''.

(2) REPORTING ON DEFAULTS.—Section 540(b) of the National Housing Act (12 U.S.C. 1735f–18(b)), as amended by subsection (a)(2) of this section, is further amended by adding at the end the following new paragraph:

''(4) With respect to each collection period that commences after December 31, 2011, the total number of loans guaranteed under section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) on single-family housing meeting the enhanced energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 that are guaranteed by the Secretary during the applicable collection period, the number of defaults and foreclosures occurring on such loans during such period, the percentage of the total of such loans guaranteed during such period on which defaults and foreclosure occurred, and the rate for such period of defaults and foreclosures on such loans compared to the overall rate for such period of defaults and foreclosures on loans for single-family housing guaranteed under such section 184 by the Secretary.''.

(c) NATIVE HAWAIIAN HOUSING LOAN GUARANTEES.—

(1) REQUIREMENT.—Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended by inserting after subsection (l) the following new subsection:

''(m) ENERGY-EFFICIENT HOUSING REQUIREMENT.—The Secretary shall establish a method to consider, in its underwriting standards for loans for single-family housing meeting the energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 that are guaranteed under this section, the impact that savings on utility costs has on the income of the borrower.''.

(2) REPORTING ON DEFAULTS.—Section 540(b) of the National Housing Act (12 U.S.C. 1735f–18(b)), as amended by the preceding provisions of this section, is further amended by adding at the end the following new paragraph:

''(5) With respect to each collection period that commences after December 31, 2011, the total number of loans guaranteed under section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) on single-family housing meeting the enhanced energy efficiency standards under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 that are guaranteed by the Secretary during the applicable collection period, the number of defaults and foreclosures occurring on such loans during such period, the percentage of the total of such loans guaranteed during such period on which defaults and foreclosure occurred, and the rate for such period of defaults and foreclosures on such loans compared to the overall rate for such period of defaults and foreclosures on loans for single-family housing guaranteed under such section 184A by the Secretary.''.

SEC. 609. ENERGY EFFICIENT MORTGAGES EDUCATION AND OUTREACH CAMPAIGN.

Section 106 of the Energy Policy Act of 1992 (12 U.S.C. 1701z–16) is amended by adding at the end the following new subsection:

''(g) EDUCATION AND OUTREACH CAMPAIGN.—

''(1) DEVELOPMENT OF ENERGY-EFFICIENT MORTGAGE OUTREACH PROGRAM.—

''(A) COMMISSION.—The Secretary, in consultation and coordination with the Secretary of Energy, the Secretary of Education, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall establish a commission to develop and recommend model mortgage products and underwriting guidelines that provide market-based incentives to prospective home buyers, lenders, and sellers to incorporate energy efficiency upgrades in new mortgage loan transactions.

''(B) REPORT.—Not later than 24 months after the date of the enactment of the Green Resources for Energy Efficient Neighborhoods Act of 2008, the Secretary shall provide a written report to the Congress on the results of work of the commission established pursuant to subparagraph (A) and that identifies model mortgage products and underwriting guidelines that may encourage energy efficiency.

''(2) IMPLEMENTATION.—After submission of the report under paragraph (1)(B), the Secretary, in consultation and coordination with the Secretary of Energy, the Secretary of Education, and the Administrator of the Environmental Protection Agency, shall carry out a public awareness, education, and outreach campaign based on the findings of the commission established pursuant to paragraph (1) to inform and educate residential lenders and prospective borrowers regarding the availability, benefits, advantages, and terms of energy efficient mortgages made available pursuant to this section, energy efficient mortgages that meet the requirements of section 1335 of the Housing and Community Development Act of 1992 (42 U.S.C. 4565), and other mortgages, including mortgages for multifamily housing, that have energy improvement features and to publicize such availability, benefits, advantages, and terms. Such actions may include entering into a contract with an appropriate entity to publicize and market such mortgages through appropriate media.

''(3) RENEWABLE ENERGY HOME PRODUCT EXPOS.—The Congress hereby encourages the Secretary of Housing and Urban Development to work with appropriate entities to organize and hold renewable energy expositions that provide an opportunity for the public to view and learn about renewable energy products for the home that are currently on the market.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $5,000,000 for each of fiscal years 2009 through 2012.''.

SEC. 610. COLLECTION OF INFORMATION ON ENERGY-EFFICIENT AND LOCATION EFFICIENT MORTGAGES THROUGH HOME MORTGAGE DISCLOSURE ACT.

(a) IN GENERAL.—Section 304(b) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

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

''(5) the number and dollar amount of mortgage loans for single-family housing and for multifamily housing that are energy-efficient mortgages (as such term is defined in section 1335 of Housing and Community Development Act of 1992); and

''(6) the number and dollar amount of mortgage loans for single-family housing and for multifamily housing that are location-efficient mortgages (as such term is defined in section 1335 of Housing and Community Development Act of 1992).''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to the first calendar year that begins after the expiration of the 30-day period beginning on the date of the enactment of this Act.

SEC. 611. ENSURING AVAILABILITY OF HOMEOWNERS INSURANCE FOR HOMES NOT CONNECTED TO ELECTRICITY GRID.

(a) IN GENERAL.—In the case of any covered structure (as such term is defined in subsection (d)), it shall be unlawful for any insurer to deny homeowners insurance coverage for the structure, or to otherwise discriminate in the issuance, cancellation, amount of such coverage, or conditions of such coverage for the structure, based solely and without any additional actuarial risks upon the fact that the structure is not connected to, or able to receive electricity service from, any wholesale or retail electric power provider.

(b) CONSIDERATION OF ACTUARIAL RISK.—Subsection (a) may not be construed to prevent any insurer from charging rates for homeowners insurance coverage for a structure that are based on a good faith actuarial analysis of the risk associated with the structure not being connected to, or able to receive electricity service from, any wholesale or retail electric power provide. Any good faith analysis of such risk shall include analysis of the manner in which electric power for the structure is provided.

(c) INSURING HOMES AND RELATED PROPERTY IN INDIAN AREAS.—Notwithstanding any other provision of law, covered structures located in Indian areas (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) and constructed or maintained using assistance, loan guarantees, or other authority under the Native American Housing Assistance and Self-Determination Act of 1996 may be insured by any tribally owned self-insurance risk pool approved by the Secretary of Housing and Urban Development.

(d) COVERED STRUCTURE.—For purposes of this section, the term ''covered structure'' means a residential structure that—

(1) consists of one to four dwelling units;

(2) is provided power, heat, or electricity from renewable energy sources (such as solar, wind, geothermal, or biomass) or a fuel cell; and

(3) is not connected to any wholesale or retail electrical power grid.

SEC. 612. MORTGAGE INCENTIVES FOR ENERGY-EFFICIENT MULTIFAMILY HOUSING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall establish incentives for increasing the energy efficiency of multifamily housing that is subject to a mortgage to be insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.) so that the housing meets the energy efficiency standards under section 604(a) of this title and incentives to encourage compliance of such housing with the energy efficiency and conservation standards, and the green building standards, under section 604(b) of this title, to the extent that such incentives are based on the impact that savings on utility costs has on the operating costs of the housing, as determined by the Secretary.

(b) INCENTIVES.—Such incentives may include, for any such multifamily housing that complies with the energy efficiency standards under section 604(a)—

(1) providing a discount on the chargeable premiums for the mortgage insurance for such housing from the amount otherwise chargeable for such mortgage insurance;

(2) allowing mortgages to exceed the dollar amount limits otherwise applicable under law to the extent such additional amounts are used to finance improvements or measures designed to meet the standards referred to in subsection (a); and

(3) reducing the amount that the owner of such multifamily housing meeting the standards referred to in subsection (a) is required to contribute.

SEC. 613. ENERGY EFFICIENCY CERTIFICATIONS FOR HOUSING WITH MORTGAGES INSURED BY FHA.

Section 526 of the National Housing Act (12 U.S.C. 1735f–4(a)) is amended—

(1) in subsection (a)—

(A) by striking '', other than manufactured homes,'' each place such term appears;

(B) by inserting after the period at the end the following: ''The energy performance requirements developed and established by the Secretary under this section for manufactured homes shall require energy star rating for wall fixtures, appliances, and equipment in such housing.'';

(C) by inserting ''(1)'' after ''(a)''; and

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

''(2) The Secretary shall require, with respect to any single- or multi-family residential housing subject to a mortgage insured under this Act, that any approval or certification of the housing for meeting any energy efficiency or conservation criteria, standards, or requirements pursuant to this title and any approval or certification required pursuant to this title with respect to energy conserving improvements or any renewable energy sources, such as wind, solar energy geothermal, or biomass, shall be conducted only by an individual certified by a home energy rating system provider who has been accredited to conduct such ratings by the Home Energy Ratings System Council, the Residential Energy Services Network, or such other appropriate national organization, as the Secretary may provide, or by licensed professional architect or engineer. If any organization makes a request to the Secretary for approval to accredit individuals to conduct energy efficiency or conservation ratings, the Secretary shall review and approve or disapprove such request not later than the expiration of the 6-month period beginning upon receipt of such request.

''(3) The Secretary shall periodically examine the method used to conduct inspections for compliance with the requirements under this section, analyze various other approaches for conducting such inspections, and review the costs and benefits of the current method compared with other methods.''; and

(2) in subsection (b), by striking '', other than a manufactured home,''.

SEC. 614. ASSISTED HOUSING ENERGY LOAN PILOT PROGRAM.

(a) AUTHORITY.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall develop and implement a pilot program under this section to facilitate the financing of cost-effective capital improvements for covered assisted housing projects to improve the energy efficiency and conservation of such projects.

(b) LOANS.—The pilot program under this section shall involve not less than three and not more than five lenders, and shall provide for a privately financed loan to be made for a covered assisted housing project, which shall—

(1) finance capital improvements for the project that meet such requirements as the Secretary shall establish, and may involve contracts with third parties to perform such capital improvements, including the design of such improvements by licensed professional architects or engineers;

(2) have a term to maturity of not more than 20 years, which shall be based upon the duration necessary to realize cost savings sufficient to repay the loan;

(3) be secured by a mortgage subordinate to the mortgage for the project that is insured under the National Housing Act; and

(4) provide for a reduction in the remaining principal obligation under the loan based on the actual resulting cost savings realized from the capital improvements financed with the loan.

(c) UNDERWRITING STANDARDS.—The Secretary shall establish underwriting requirements for loans made under the pilot program under this section, which shall—

(1) require the cost savings projected to be realized from the capital improvements financed with the loan, during the term of the loan, to exceed the costs of repaying the loan;

(2) allow the designer or contractor involved in designing capital improvements to be financed with a loan under the program to carry out such capital improvements; and

(3) include such energy, audit, property, financial, ownership, and approval requirements as the Secretary considers appropriate.

(d) TREATMENT OF SAVINGS.—The pilot program under this section shall provide that the project owner shall receive the full financial benefit from any reduction in the cost of utilities resulting from capital improvements financed with a loan made under the program.

(e) COVERED ASSISTED HOUSING PROJECTS.—For purposes of this section, the term ''covered assisted housing project'' means a housing project that—

(1) is financed by a loan or mortgage that is—

(A) insured by the Secretary under subsection (d)(3) or (d)(4) of section 221 of the National Housing Act (12 U.S.C. 1715l), and bears interest at a rate determined under the proviso of section 221(d)(5) of such Act; or

(B) insured or assisted under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

(2) at the time a loan under this section is made, is provided project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for 50 percent or more of the dwelling units in the project; and

(3) is not a housing project owned or held by the Secretary, or subject to a mortgage held by the Secretary.

SEC. 615. RESIDENTIAL ENERGY EFFICIENCY BLOCK GRANT PROGRAM.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

''SEC. 123. RESIDENTIAL ENERGY EFFICIENCY BLOCK GRANT PROGRAM.

''(a) IN GENERAL.—To the extent amounts are made available for grants under this section, the Secretary shall make grants under this section to States, metropolitan cities and urban counties, Indian tribes, and insular areas to carry out energy efficiency improvements in new and existing single-family and multifamily housing.

''(b) ALLOCATIONS.—

''(1) IN GENERAL.—Of the total amount made available for each fiscal year for grants under this section that remains after reserving amounts pursuant to paragraph (2), the Secretary shall allocate for insular areas, for metropolitan cities and urban counties, and for States, an amount that bears the same ratio to such total amount as the amount allocated for such fiscal year under section 106 for Indian tribes, for insular areas, for metropolitan cities and urban counties, and for

States, respectively, bears to the total amount made available for such fiscal year for grants under section 106.

''(2) SET ASIDE FOR INDIAN TRIBES.—Of the total amount made available for each fiscal year for grants under this section, the Secretary shall allocate not less than one percent to Indian tribes.

''(c) GRANT AMOUNTS.—

''(1) ENTITLEMENT COMMUNITIES.—From the amounts allocated pursuant to subsection (b) for metropolitan cities and urban counties for each fiscal year, the Secretary shall make a grant for such fiscal year to each metropolitan city and urban county that complies with the requirement under subsection (d), in the amount that bears the same ratio such total amount so allocated as the amount of the grant for such fiscal year under section 106 for such metropolitan city or urban county bears to the aggregate amount of all grants for such fiscal year under section 106 for all metropolitan cities and urban counties.

''(2) STATES.—From the amounts allocated pursuant to subsection (b) for States for each fiscal year, the Secretary shall make a grant for such fiscal year to each State that complies with the requirement under subsection (d), in the amount that bears the same ratio such total amount so allocated as the amount of the grant for such fiscal year under section 106 for such State bears to the aggregate amount of all grants for such fiscal year under section 106 for all States. Grant amounts received by a State shall be used only for eligible activities under subsection (e) carried out in nonentitlement areas of the State.

''(3) INDIAN TRIBES.—From the amounts allocated pursuant to subsection (b) for Indian tribes, the Secretary shall make grants to Indian tribes that comply with the requirement under subsection (d) on the basis of a competition conducted pursuant to specific criteria, as the Secretary shall establish by regulation, for the selection of Indian tribes to receive such amount.

''(4) INSULAR AREAS.—From the amounts allocated pursuant to subsection (b) for insular areas, the Secretary shall make a grant to each insular area that complies with the requirement under subsection (d) on the basis of the ratio of the population of the insular area to the aggregate population of all insular areas. In determining the distribution of amounts to insular areas, the Secretary may also include other statistical criteria as data become available from the Bureau of Census of the Department of Labor, but only if such criteria are set forth by regulation issued after notice and an opportunity for comment.

''(d) STATEMENT OF ACTIVITIES.—

''(1) REQUIREMENT.—Before receipt the receipt in any fiscal year of a grant under subsection (c) by any grantee, the grantee shall have prepared a final statement of housing energy efficiency objectives and projected use of funds as the Secretary shall require and shall have provided the Secretary with such certifications regarding such objectives and use as the Secretary may require. In the case of metropolitan cities, urban counties, units of general local government, and insular areas receiving grants, the statement of projected use of funds shall consist of proposed housing energy efficiency activities. In the case of States receiving grants, the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government.

''(2) PUBLIC PARTICIPATION.—The Secretary may establish requirements to ensure the public availability of information regarding projected use of grant amounts and public participation in determining such projected use.

''(e) ELIGIBLE ACTIVITIES.—

''(1) REQUIREMENT.—Amounts from a grant under this section may be used only to carry out activities for single-family or multifamily housing that are designed to improve the energy efficiency of the housing so that the housing complies with the energy efficiency standard under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008, including such activities to provide energy for such housing from renewable sources, such as wind, waves, solar, biomass, and geothermal sources.

''(2) PREFERENCE FOR COMPLIANCE BEYOND MINIMUM REQUIREMENTS.—In selecting activities to be funded with amounts from a grant under this section, a grantee shall give more preference to activities based on the extent to which the activities will result in compliance by the housing with the enhanced energy efficiency and conservation standards, and the green building standards, under section 604(b) of such Act.

''(f) REPORTS.—Each grantee of a grant under this section for a fiscal year shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report concerning the use of grant amounts, which shall contain an assessment by the grantee of the relationship of such use to the objectives identified in the grantees statement under subsection (d).

''(g) APPLICABILITY OF CDBG PROVISIONS.—Sections 109, 110, and 111 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309, 5310, 5311) shall apply to assistance received under this section to the same extent and in the same manner that such sections apply to assistance received under title I of such Act.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section $2,500,000,000 for fiscal year 2009 and such sums as may be necessary for each fiscal year thereafter.''.

SEC. 616. INCLUDING SUSTAINABLE DEVELOPMENT IN COMPREHENSIVE HOUSING AFFORDABILITY STRATEGIES.

Section 105(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)) is amended—

(1) by striking ''and'' at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting ''; and'';

(3) and by inserting after paragraph (20) the following:

''(21) describe the jurisdiction's strategies to encourage sustainable development for affordable housing, including single-family and multifamily housing, as measured by—

''(A) greater energy efficiency and use of renewable energy sources, including any strategies regarding compliance with the energy efficiency requirements under section 604(a) of the Green Resources for Energy Efficient Neighborhoods Act of 2008 and with the enhanced energy efficiency and conservation standards, and the green building standards, under section 604(b) of such Act;

''(B) increased conservation, recycling, and reuse of resources;

''(C) more effective use of existing infrastructure;

''(D) use of building materials and methods that are healthier for residents of the housing, including use of building materials that are free of added known carcinogens that are classified as Group 1 Known Carcinogens by the International Agency for Research on Cancer; and

''(E) such other criteria as the Secretary determines, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, are in accordance with the purposes of this paragraph.''.

SEC. 617. GRANT PROGRAM TO INCREASE SUSTAINABLE LOW-INCOME COMMUNITY DEVELOPMENT CAPACITY.

(a) IN GENERAL.—The Secretary may make grants to nonprofit organizations to use for any of the following purposes:

(1) Training, educating, supporting, or advising an eligible community development organization or qualified youth service and conservation corps in improving energy efficiency, resource conservation and reuse, design strategies to maximize energy efficiency, installing or constructing renewable energy improvements (such as wind, wave, solar, biomass, and geothermal energy sources), and effective use of existing infrastructure in affordable housing and economic development activities in low-income communities, taking into consideration energy efficiency requirements under section 604(a) of this title and with the enhanced energy efficiency and conservation standards, and the green building standards, under section 604(b) of this title.

(2) Providing loans, grants, or predevelopment assistance to eligible community development organizations or qualified youth service and conservation corps to carry out energy efficiency improvements that comply with the energy efficiency requirements under section 604(a) of this title, resource conservation and reuse, and effective use of existing infrastructure in affordable housing and economic development activities in low-income communities. In providing assistance under this paragraph, the Secretary shall give more preference to activities based on the extent to which the activities will result in compliance with the enhanced energy efficiency and conservation standards, and the green building standards, under section 604(b) of this title.

(3) Such other purposes as the Secretary determines are in accordance with the purposes of this subsection.

(b) APPLICATION REQUIREMENT.—To be eligible for a grant under this section, a nonprofit organization shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) AWARD OF CONTRACTS.—Contracts for architectural or engineering services funded with amounts from grants made under this section shall be awarded in accordance with chapter 11 of title 40, United States Code (relating to selection of architects and engineers).

(d) MATCHING REQUIREMENT.—A grant made under this section may not exceed the amount that the nonprofit organization receiving the grant certifies, to the Secretary, will be provided (in cash or in kind) from non-governmental sources to carry out the purposes for which the grant is made.

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) The term ''nonprofit organization'' has the meaning given such term in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

(2) The term ''eligible community development organization'' means—

(A) a unit of general local government (as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704));

(B) a community housing development organization (as defined in section 104 of the

Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704));

(C) an Indian tribe or tribally designated housing entity (as such terms are defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)); or

(D) a public housing agency, as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437(b)).

(3) The term ''low-income community'' means a census tract in which 50 percent or more of the households have an income which is less than 80 percent of the greater of—

(A) the median gross income for such year for the area in which such census tract is located; or

(B) the median gross income for such year for the State in which such census tract is located.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.

SEC. 618. UTILIZATION OF ENERGY PERFORMANCE CONTRACTS IN HOPE VI.

Section 24(d) of the United States Housing Act of 1937 (42 U.S.C. 1437v(d)) is amended by adding at the end the following new paragraph:

''(3) ENERGY PERFORMANCE CONTRACTS.—

''(A) IN GENERAL.—The Secretary shall provide that a public housing agency shall receive the full financial benefit, as determined by the Secretary, from any reduction in the cost of utilities resulting from any contract with a third party to undertake energy conservation improvements in connection with a revitalization plan under this section.

''(B) THIRD PARTY CONTRACTS.—Contracts described in subparagraph (A) may include contracts for equipment conversions to less costly utility sources, projects with resident-paid utilities, and adjustments to frozen base year consumption, including systems repaired to meet applicable building and safety codes and adjustments for occupancy rates increased by rehabilitation.

''(C) TERM OF CONTRACT.—The total term of a contract described in subparagraph (A) shall not exceed 20 years to allow longer payback periods for retrofits, including windows, heating system replacements, wall insulation, site-based generation, advanced energy savings technologies, including renewable energy generation, and other such retrofits.''.

SEC. 619. HOPE VI GREEN DEVELOPMENTS REQUIREMENT.

(a) MANDATORY COMPONENT.—Section 24(e) of the United States Housing Act of 1937 (42 U.S.C. 1437v(e)) is amended by adding at the end the following new paragraph:

''(4) GREEN DEVELOPMENTS REQUIREMENT.—

''(A) REQUIREMENT.—The Secretary may not make a grant under this section to an applicant unless the proposed revitalization plan of the applicant to be carried out with such grant amounts meets the following requirements:

''(i) GREEN COMMUNITIES CRITERIA CHECKLIST.—All residential construction under the proposed plan complies with the national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as such checklist is in effect for purposes of this paragraph pursuant to subparagraph (D) at the date of the application for the grant, or any substantially equivalent standard or standards as determined by the Secretary, as follows:

''(I) The proposed plan shall comply with all items of the national Green Communities criteria checklist for residential construction that are identified as mandatory.

''(II) The proposed plan shall comply with such other nonmandatory items of such national Green Communities criteria checklist so as to result in a cumulative number of points attributable to such nonmandatory items under such checklist of not less than—

''(aa) 25 points, in the case of any proposed plan (or portion thereof) consisting of new construction; and

''(bb) 20 points, in the case of any proposed plan (or portion thereof) consisting of rehabilitation.

''(ii) GREEN BUILDINGS CERTIFICATION SYSTEM.—All non-residential construction under the proposed plan complies with all minimum required levels of the green building rating systems and levels identified by the Secretary pursuant to subparagraph (C), as such systems and levels are in effect for purposes of this paragraph pursuant to subparagraph (D) at the time of the application for the grant.

''(B) VERIFICATION.—

''(i) IN GENERAL.—The Secretary shall verify, or provide for verification, sufficient to ensure that each proposed revitalization plan carried out with amounts from a grant under this section complies with the requirements under subparagraph (A) and that the revitalization plan is carried out in accordance with such requirements and plan.

''(ii) TIMING.—In providing for such verification, the Secretary shall establish procedures to ensure such compliance with respect to each grantee, and shall report to the Congress with respect to the compliance of each grantee, at each of the following times:

''(I) Not later than 6 months after execution of the grant agreement under this section for the grantee.

''(II) Upon completion of the revitalization plan of the grantee.

''(C) IDENTIFICATION OF GREEN BUILDINGS RATING SYSTEMS AND LEVELS.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall identify rating systems and levels for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally-sound approach to ratings and standards for green buildings. The identification of the ratings systems and levels shall be based on the criteria specified in clause (ii), shall identify the highest levels the Secretary determines are appropriate above the minimum levels required under the systems selected. Within 90 days of the completion of each study required by clause (iii), the Secretary shall review and update the rating systems and levels, or identify alternative systems and levels for purposes of this paragraph, taking into account the conclusions of such study.

''(ii) CRITERIA.—In identifying the green rating systems and levels, the Secretary shall take into consideration—

''(I) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this paragraph;

''(II) the ability of the applicable ratings system organizations to collect and reflect public comment;

''(III) the ability of the standards to be developed and revised through a consensus-based process;

''(IV) An evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

''(aa) efficient and sustainable use of water, energy, and other natural resources;

''(bb) use of renewable energy sources;

''(cc) improved indoor and outdoor environmental quality through enhanced indoor and outdoor air quality, thermal comfort, acoustics, outdoor noise pollution, day lighting, pollutant source control, sustainable landscaping, and use of building system controls and low- or no-emission materials, including preference for materials with no added carcinogens that are classified as Group 1 Known Carcinogens by the International Agency for Research on Cancer; and

''(dd) such other criteria as the Secretary determines to be appropriate; and

''(V) national recognition within the building industry.

''(iii) 5-YEAR EVALUATION.—At least once every five years, the Secretary shall conduct a study to evaluate and compare available third-party green building rating systems and levels, taking into account the criteria listed in clause (ii).

''(D) APPLICABILITY AND UPDATING OF STANDARDS.—

''(i) APPLICABILITY.—Except as provided in clause (ii) of this subparagraph, the national Green Communities criteria checklist and green building rating systems and levels referred to in clauses (i) and (ii) of subparagraph (A) that are in effect for purposes of this paragraph are such checklist systems, and levels as in existence upon the date of the enactment of the Green Resources for Energy Efficient Neighborhoods Act of 2008.

''(ii) UPDATING.—The Secretary may, by regulation, adopt and apply, for purposes of this paragraph, future amendments and supplements to, and editions of, the national Green Communities criteria checklist, any standard or standards that the Secretary has determined to be substantially equivalent to such checklist, and the green building ratings systems and levels identified by the Secretary pursuant to subparagraph (C).''.

(b) SELECTION CRITERIA; GRADED COMPONENT.—Section 24(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437v(e)(2)) is amended—

(1) in subparagraph (K), by striking ''and'' at the end;

(2) by redesignating subparagraph (L) as subparagraph (M); and

(3) by inserting after subparagraph (K) the following new subparagraph:

''(L) the extent to which the proposed revitalization plan—

''(i) in the case of residential construction, complies with the nonmandatory items of the national Green Communities criteria checklist identified in paragraph (4)(A)(i), or any substantially equivalent standard or standards as determined by the Secretary, but only to the extent such compliance exceeds the compliance necessary to accumulate the number of points required under such paragraph; and

''(ii) in the case of non-residential construction, complies with the components of the green building rating systems and levels identified by the Secretary pursuant to paragraph (4)(C), but only to the extent such compliance exceeds the minimum level required under such systems and levels; and''.

SEC. 620. CONSIDERATION OF ENERGY-EFFICIENCY IMPROVEMENTS IN APPRAISALS.

(a) APPRAISALS IN CONNECTION WITH FEDERALLY RELATED TRANSACTIONS.—

(1) REQUIREMENT.—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(A) in paragraph (1), by striking ''and'' at the end;

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

(C) by inserting after paragraph (1) the following new paragraph:

''(2) that such appraisals be performed in accordance with appraisal standards that require, in determining the value of a property, consideration of any renewable energy sources for, or energy-efficiency or energy-conserving improvements or features of, the property; and''.

(2) REVISION OF APPRAISAL STANDARDS.—Each Federal financial institutions regulatory agency shall, not later than 6 months after the date of the enactment of this Act, revise its standards for the performance of real estate appraisals in connection with federally related transactions under the jurisdiction of the agency to comply with the requirement under the amendments made by paragraph (1) of this subsection.

(b) APPRAISER CERTIFICATION AND LICENSING REQUIREMENTS.—Section 1116 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3345) is amended—

(1) in subsection (a), by inserting before the period at the end the following: '', and meets the requirements established pursuant to subsection (f) for qualifications regarding consideration of any renewable energy sources for, or energy-efficiency or energy-conserving improvements or features of, the property'';

(2) in subsection (c), by inserting before the period at the end the following: '', which shall include compliance with the requirements established pursuant to subsection (f) regarding consideration of any renewable energy sources for, or energy-efficiency or energy-conserving improvements or features of, the property'';

(3) in subsection (e), by striking ''The'' and inserting ''Except as provided in subsection (f), the''; and

(4) by adding at the end the following new subsection:

''(f) REQUIREMENTS FOR APPRAISERS REGARDING ENERGY-EFFICIENCY FEATURES.—The Appraisal Subcommittee shall establish requirements for State certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers consider and are qualified to consider, in determining the value of a property, any renewable energy sources for, or energy-efficiency or energy-conserving improvements or features of, the property.''.

(c) GUIDELINES FOR APPRAISING PHOTOVOLTAIC MEASURES AND TRAINING OF APPRAISERS.—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended by adding at the end the following new subsection:

''(g) GUIDELINES FOR APPRAISING PHOTOVOLTAIC MEASURES AND TRAINING OF APPRAISERS.—The Appraisal Subcommittee shall, in consultation with the Secretary of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation, establish specific guidelines for—

''(1) appraising off- and on-grid photovoltaic measures for compliance with the appraisal standards prescribed pursuant to section 1110(2);

''(2) requirements under section 1116(f) for certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers consider, and are qualified to consider, such photovoltaic measures in determining the value of a property; and

''(3) training of appraisers to meet the requirements established pursuant to paragraph (2) of this subsection.''.

SEC. 621. ASSISTANCE FOR HOUSING ASSISTANCE COUNCIL.

The Secretary shall require the Housing Assistance Council—

(1) to encourage each organization that receives assistance from the Council with any amounts made available from the Secretary to provide that any structures and buildings developed or assisted under projects, programs, and activities funded with such amounts complies with the enhanced energy efficiency requirements under section 604(a) of this title; and

(2) to establish incentives to encourage each such organization to provide that any such structures and buildings comply with the energy efficiency and conservation standards, and the green building standards, under section 604(b) of this title.

SEC. 622. RURAL HOUSING AND ECONOMIC DEVELOPMENT ASSISTANCE.

The Secretary shall—

(1) encourage each tribe, agency, organization, corporation, and other entity that receives any assistance from the Office of Rural Housing and Economic Development of the Department of Housing and Urban Development to provide that any structures and buildings developed or assisted under activities funded with such amounts complies with the energy efficiency requirements under section 604(a) of this title; and

(2) establish incentives to encourage each such tribe, agency, organization, corporation, and other entity to provide that any such structures and buildings comply with the enhanced energy efficiency and conservation standards, and the green building standards, under section 604(b) of this title.

SEC. 623. LOANS TO STATES AND INDIAN TRIBES TO CARRY OUT RENEWABLE ENERGY SOURCES ACTIVITIES.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the ''Alternative Energy Sources State Loan Fund''.

(b) EXPENDITURES.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (c)(1).

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund, not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of Housing and Urban Development to carry out this section.

(c) LOANS TO STATES AND INDIAN TRIBES.—

(1) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to States and Indian tribes to provide incentives to owners of single-family and multifamily housing, commercial properties, and public buildings to provide—

(A) renewable energy sources for such structures, such as wind, wave, solar, biomass, or geothermal energy sources, including incentives to companies and business to change their source of energy to such renewable energy sources and for changing the sources of energy for public buildings to such renewable energy sources;

(B) energy efficiency and energy conserving improvements and features for such structures; or

(C) infrastructure related to the delivery of electricity and hot water for structures lacking such amenities.

(2) ELIGIBILITY.—To be eligible to receive a loan under this subsection, a State or Indian tribe, directly or through an appropriate State or tribal agency, shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) CRITERIA FOR APPROVAL.—The Secretary may approve an application of a State or Indian tribe under paragraph (2) only if the Secretary determines that the State or tribe will use the funds from the loan under this subsection to carry out a program to provide incentives described in paragraph (1) that—

(A) requires that any such renewable energy sources, and energy efficiency and energy conserving improvements and features, developed pursuant to assistance under the program result in compliance of the structure so improved with the energy efficiency requirements under section 604(a) of this title; and

(B) includes such compliance and audit requirements as the Secretary determines are necessary to ensure that the program is operated in a sound and effective manner.

(4) PREFERENCE.—In making loans during each fiscal year, the Secretary shall give preference to States and Indian tribes that have not previously received a loan under this subsection.

(5) MAXIMUM AMOUNT.—The aggregate outstanding principal amount from loans under this subsection to any single State or Indian tribe may not exceed $500,000,000.

(6) LOAN TERMS.—Each loan under this subsection shall have a term to maturity of not more than 10 years and shall bear interest at annual rate, determined by the Secretary, that shall not exceed interest rate charged by the Federal Reserve Bank of New York to commercial banks and other depository institutions for very short-term loans under the primary credit program, as most recently published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release, preceding the date of a determination for purposes of applying this paragraph.

(7) LOAN REPAYMENT.—The Secretary shall require full repayment of each loan made under this section.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such amounts in the Fund that are not, in the judgment of the Secretary of the Treasury, required to meet needs for current withdrawals.

(2) OBLIGATIONS OF UNITED STATES.—Investments may be made only in interest-bearing obligations of the United States.

(e) REPORTS.—

(1) REPORTS TO SECRETARY.—For each year during the term of a loan made under subsection (c), the State or Indian tribe that received the loan shall submit to the Secretary a report describing the State or tribal alternative energy sources program for which the loan was made and the activities conducted under the program using the loan funds during that year.

(2) REPORT TO CONGRESS.—Not later than September 30 of each year that loans made under subsection (c) are outstanding, the Secretary shall submit a report to the Congress describing the total amount of such loans provided under subsection (c) to each eligible State and Indian tribe during the fiscal year ending on such date, and an evaluation on effectiveness of the Fund.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000,000.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(2) STATE.—The term ''State'' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

SEC. 624. GREEN BANKING CENTERS.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by adding at the end the following new subsection:

''(x) 'GREEN BANKING' CENTERS.—

''(1) IN GENERAL.—The Federal banking agencies shall prescribe guidelines encouraging the establishment and maintenance of 'green banking' centers by insured depository institutions to provide any consumer who seeks information on obtaining a mortgage, home improvement loan, or home equity loan with additional information on—

''(A) obtaining an home energy rating or audit for the residence for which such mortgage or loan is sought;

''(B) obtaining financing for cost-effective energy-saving improvements to such property; and

''(C) obtaining beneficial terms for any mortgage or loan, or qualifying for a larger mortgage or loan, secured by a residence which meets or will meet energy-efficiency standards.

''(2) INFORMATION AND REFERRALS.—The information made available to consumers under paragraph (1) may include—

''(A) information on obtaining a home energy rating and contact information on qualified energy raters in the area of the residence;

''(B) information on the secondary market guidelines that permit lenders to provide more favorable terms by allowing lenders to increase the ratio on debt-to-income requirements or to use the projected utility savings as a compensating factor;

''(C) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered by the Secretary of Housing and Urban Development, including the Energy Efficient Mortgage Program;

''(D) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered for qualified military personal, reservists, and veterans by the Secretary of Veterans Affairs;

''(E) information about, and contact information for, the Office of Efficiency and Renewable Energy at the Department of Energy, including the weatherization assistance program;

''(F) information about, and contact information for, the Energy Star Program of the Environmental Protection Agency;

''(G) information from, and contact information for, the Federal Citizen Information Center of the General Services Administration on energy efficient mortgages and loans, home energy rating systems, and the availability of energy efficient mortgage information from a variety of Federal agencies; and

''(H) such other information as the agencies or the insured depository institution may determine to be appropriate or useful.''.

(b) INSURED CREDIT UNIONS.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following new subsection:

''(x) 'GREEN BANKING' CENTERS.—

''(1) IN GENERAL.—The Board shall prescribe guidelines encouraging the establishment and maintenance of 'green banking' centers by insured credit unions to provide any member who seeks information on obtaining a mortgage, home improvement loan, or home equity loan with additional information on—

''(A) obtaining an home energy rating or audit for the residence for which such mortgage or loan is sought;

''(B) obtaining financing for cost-effective energy-saving improvements to such property; and

''(C) obtaining beneficial terms for any mortgage or loan, or qualifying for a larger mortgage or loan, secured by a residence which meets or will meet energy-efficiency standards.

''(2) INFORMATION AND REFERRALS.—The information made available to members under paragraph (1) may include—

''(A) information on obtaining a home energy rating and contact information on qualified energy raters in the area of the residence;

''(B) information on the secondary market guidelines that permit lenders to provide more favorable terms by allowing lenders to increase the ratio on debt-to-income requirements or to use the projected utility savings as a compensating factor;

''(C) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered by the Secretary of Housing and Urban Development, including the Energy Efficient Mortgage Program;

''(D) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered for qualified military personal, reservists, and veterans by the Secretary of Veterans Affairs;

''(E) information about, and contact information for, the Office of Efficiency and Renewable Energy at the Department of Energy, including the weatherization assistance program;

''(F) information from, and contact information for, the Federal Citizen Information Center of the General Services Administration on energy efficient mortgages and loans, home energy rating systems, and the availability of energy efficient mortgage information from a variety of Federal agencies; and

''(G) such other information as the Board or the insured credit union may determine to be appropriate or useful.''.

SEC. 625. PUBLIC HOUSING ENERGY COST REPORT.

(a) COLLECTION OF INFORMATION BY HUD.—The Secretary of Housing and Urban Development shall obtain from each public housing agency, by such time as may be necessary to comply with the reporting requirement under subsection (b), information regarding the energy costs for public housing administered or operated by the agency. For each public housing agency, such information shall include the monthly energy costs associated with each separate building and development of the agency, for the most recently completed 12-month period for which such information is available, and such other information as the Secretary determines is appropriate in determining which public housing buildings and developments are most in need of repairs and improvements to reduce energy needs and costs and become more energy efficient.

(b) REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress setting forth the information collected pursuant to subsection (a).

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. ALTERNATIVE FUEL PUMPS.

(a) REQUIREMENT.—Not later than January 1, 2018, each retail automotive fueling station owned by a major integrated oil company shall have at least 1 alternative fuel pump (and necessary infrastructure and storage facilities) available to dispense for automotive purposes a fuel referred to in subparagraph (A), (B), (C), or (D) of subsection (c)(2) .

(b) PENALTY.—A major integrated oil company that has failed to comply with subsection (a) as of January 1 of any calendar year beginning with 2018 shall be liable for a civil penalty in the amount of $100,000 for each automotive fueling station owned by such company that is not in compliance. Any such penalty may be assessed and collected by the Secretary of Energy by order. The Secretary may bring an action in the appropriate United States District court to require the payment of civil penalties imposed under this subsection, and such court shall have jurisdiction to enforce any order of the Secretary under this subsection.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''major integrated oil company'' has the meaning given that term in section 167(h)(5)(B) of the Internal Revenue Code of 1986.

(2) The term ''alternative fuel pump'' means a fuel pump that dispenses as a fuel for automotive purposes—

(A) natural gas;

(B) any fuel at least 85 percent of the volume of which consists of ethanol;

(C) any mixture of biodiesel and diesel or renewable diesel (as defined in regulations under section 211(o) of the Clean Air Act), determined without regard to any use of kerosene and containing at least 20 percent biodiesel or renewable diesel; or

(D) hydrogen.

(d) REGULATIONS.—The Secretary of Energy shall promulgate such regulations as may be necessary to carry out this section.

SEC. 702. NATIONAL ENERGY CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary of Energy shall award a grant on a competitive basis to one consortium of institutions of higher education (as such term is defined in section 102 of the Higher Education Act of 1965) for the establishment of a National Energy Center of Excellence to conduct research and education activities in geological and geothermal sciences, renewable energy and energy efficiency (including energy technology using clean coal, solar, wind, oil, natural gas, hydroelectric, biofuels, ethanol, and other energy alternatives), and energy conservation, including a special emphasis on environmentally safe energy.

(b) CONSORTIUM.—The consortium shall include at least two institutions of higher education, one of which must be eligible to receive assistance under part A or B of title III or title V of the Higher Education Act of 1965.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2009 through 2013.

SEC. 703. SENSE OF CONGRESS REGARDING RENEWABLE BIOMASS.

It is the sense of Congress that—

(1) in order to fulfill the commitment of the United States to energy security and independence, the current definition of renewable biomass in the Renewable Fuel Standard (RFS) could be improved;

(2) in order to meet the United States' energy challenges in an environmentally responsible way, the RFS should be as inclusive as possible to better reflect the realities of our Nation's resources, to encourage investment, and to help us meet the congressional mandate for advanced biofuels;

(3) Congress recognizes that renewable fuels are important to our climate and energy security strategy, as well as the rural communities they support; and

(4) cellulosic biofuels can and should be produced from a highly diverse array of feedstocks, allowing every region of the country to be a potential producer of this fuel.

TITLE VIII—ENERGY TAX INCENTIVES

SEC. 800. SHORT TITLE, ETC.

(a) SHORT TITLE.—This title may be cited as the ''Energy Tax Incentives Act of 2008''.

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

Subtitle A—Energy Production Incentives

PART 1—RENEWABLE ENERGY INCENTIVES

SEC. 801. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND FACILITIES.—Paragraph (1) of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(2) 3-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2012'':

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i)(I) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking ''the 8 cent amount in paragraph (1),'' in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

''(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

''(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

''(i) the applicable percentage with respect to such facility, multiplied by

''(ii) the eligible basis of such facility.

''(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

''(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

''(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may be carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

''(iii) PRELIMITATION CREDIT.—The term 'prelimitation credit' with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).

''(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

''(ii) METHOD OF PRESCRIBING APPLICABLE PERCENTAGE.—The applicable percentage prescribed by the Secretary for any month under clause (i) shall be the percentage which yields over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

''(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

''(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

''(II) by using a discount rate equal to the greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the applicable percentage is being prescribed, or 4.5 percent, and

''(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

''(D) ELIGIBLE BASIS.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'eligible basis' means, with respect to any facility, the sum of—

''(I) the basis of such facility determined as of the time that such facility is originally placed in service, and

''(II) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

''(ii) RULES FOR ALLOCATION.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

''(iii) SHARED QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'shared qualified property' means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

''(I) which a qualified facility will require for utilization of such facility, and

''(II) which is not a qualified facility.

''(iv) SPECIAL RULE RELATING TO GEOTHERMAL FACILITIES.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 263(c) were capitalized rather than expensed.

''(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.

''(F) ELECTION TO TREAT ALL FACILITIES PLACED IN SERVICE IN A YEAR AS 1 FACILITY.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are originally placed in service during the same calendar year shall be treated for purposes of this section as 1 facility which is originally placed in service at the mid-point of such year or the first day of the following calendar year.''.

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(e) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

''(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

''(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

''(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

(3) LIMITATION BASED ON INVESTMENT IN FACILITY.—The amendment made by subsection (b)(2) shall apply to property originally placed in service after December 31, 2009.

(4) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (c) shall apply to electricity produced and sold after the date of the enactment of this Act.

(5) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 802. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 801, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 803. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking ''and'' at the end of clause (iii), by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48, and''.

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

''(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

''(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(B) which produces—

''(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(C) the energy efficiency percentage of which exceeds 60 percent, and

''(D) which is placed in service before January 1, 2017.

''(2) LIMITATION.—

''(A) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

''(B) APPLICABLE CAPACITY.—For purposes of subparagraph (A), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(C) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(3) SPECIAL RULES.—

''(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

''(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(ii) the denominator of which is the lower heating value of the fuel sources for the system.

''(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(B) shall be determined on a Btu basis.

''(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(4) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

''(A) paragraph (1)(C) shall not apply, but

''(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 804. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking ''$2,000'' and inserting ''$4,000''.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking ''$6,667'' and inserting ''$13,333''.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.''.

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.''.

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

''(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

''(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 805. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 806. NEW CLEAN RENEWABLE ENERGY BONDS.

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

"SEC. 54C. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by public power providers or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $1,750,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

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

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a new clean renewable energy bond,

which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. New clean renewable energy bonds.''.

(c) APPLICATION OF CERTAIN LABOR STANDARDS ON PROJECTS FINANCED UNDER TAX CREDIT BONDS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of any tax credit bond (as defined in section 54A of the Internal Revenue Code of 1986) other than qualified forestry conservation bonds (as defined in section 54B of such Code).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART 2—CARBON MITIGATION PROVISIONS

SEC. 811. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$2,250,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $950,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

''(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking ''and'' at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 812. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $150,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 813. TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

SEC. 814. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

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

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to

sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 815. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2009 and 2010.

Subtitle B—Transportation and Domestic Fuel Security Provisions

SEC. 821. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 822. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by striking ''or D396'' in subparagraph (B) and inserting '', D396, or other equivalent standard approved by the Secretary''.

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following flush sentence:

''Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking ''(as defined in section 45K(c)(3))''.

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Subsection (f) of section 40A (relating to renewable diesel) is amended by adding at the end the following new paragraph:

''(4) CERTAIN AVIATION FUEL.—

''(A) IN GENERAL.—Except as provided in the last three sentences of paragraph (3), the term 'renewable diesel' shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

''(B) APPLICATION OF MIXTURE CREDITS.—In the case of fuel which is treated as renewable diesel solely by reason of subparagraph (A), subsection (b)(1) and section 6426(c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (c) shall apply to fuel produced, and sold or used, after February 13, 2008.

SEC. 823. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(7) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 824. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Section 30 is amended to read as follows:

"SEC. 30. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

''(2) BASE AMOUNT.—The amount determined under this paragraph is $3,000.

''(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which has a gross vehicle weight rating of less than 14,000 pounds,

''(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity.

''(2) EXCEPTION.—The term 'new qualified plug-in electric drive motor vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

''(3) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

''(4) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(5) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent for the first 2 calendar quarters of the phaseout period,

''(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(C) 0 percent for each calendar quarter thereafter.

''(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(f) SPECIAL RULES.—

''(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

''(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30 (determined without regard to subsection (c) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end the following new paragraph:

''(34) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 804, is amended by striking ''and 25D'' and inserting ''25D, and 30''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 804, is amended by striking ''and 25D'' and inserting '', 25D, and 30''.

(D) Section 26(a)(1), as amended by section 804, is amended by striking ''and 25D'' and inserting ''25D, and 30''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30''.

(2) Section 30B(h)(1) is amended by striking ''section 30(c)(2)'' and inserting ''section 30(d)(3)''.

(3)(A) Section 53(d)(1)(B) is amended by striking clause (iii) and redesignating clause (iv) as clause (iii).

(B) Subclause (II) of section 53(d)(1)(B)(iii), as so redesignated, is amended by striking ''increased in the manner provided in clause (iii)''.

(4) Section 55(c)(3) is amended by striking ''30(b)(3),''.

(5) Section 1016(a)(25) is amended by striking ''section 30(d)(1)'' and inserting ''section 30(f)(1)''.

(6) Section 6501(m) is amended by striking ''section 30(d)(4)'' and inserting ''section 30(f)(4)''.

(7) The item in the table of sections for subpart B of part IV of subchapter A of chapter 1 is amended to read as follows:

''Sec. 30. New qualified plug-in electric drive motor vehicles.''.

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking ''sections 27, 30, and 30B'' and inserting ''section 27''.

(B) Paragraph (3) of section 55(c) is amended by striking ''30B(g)(2),''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 825. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

''(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

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

SEC. 826. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

''SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

''(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(i) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), plus

''(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

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

''(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.''.

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting ''(in the case of nonresidential real property and residential rental property, the date of the enactment of the Energy Tax Incentives Act of 2008 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''section 1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

''Sec. 1400L. New York Liberty Zone tax credits.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 827. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

''(D) Any qualified bicycle commuting reimbursement.''.

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.''.

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

''(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

''(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

''(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

''(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

''(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).''.

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting ''(other than a qualified bicycle commuting reimbursement)'' after ''qualified transportation fringe''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 828. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C is amended—

(1) by striking ''30 percent'' in subsection (a) and inserting ''50 percent'',

(2) by striking ''$30,000'' in subsection (b)(1) and inserting ''$50,000'', and

(3) by striking ''$1,000'' in subsection (b)(2) and inserting ''$2,000''.

(b) EXTENSION OF CREDIT.—Subsection (g) of section 30C is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3) and inserting before paragraph (2) (as so redesignated) the following new paragraph:

''(1) in the case of property relating to natural gas, compressed natural gas, or liquified natural gas, and which is not of a character subject to an allowance for depreciation, December 31, 2017,'', and

(2) by striking ''December 31, 2009'' in paragraph (3) (as so redesignated) and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 829. ENERGY SECURITY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by sections 806 and 841, is amended by adding at the end the following new section:

''SEC. 54E. ENERGY SECURITY BONDS.

''(a) ENERGY SECURITY BOND.—For purposes of this subchapter, the term 'energy security bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for qualified purposes,

''(2) the bond is issued by a qualified issuer,

''(3) the issuer designates such bond for purposes of this section, and

''(4) repayments of principal and applicable interest on financing provided by the issue are used not later than the close of the 3-month period beginning on the date the repayment (or complete repayment) is received—

''(A) to redeem bonds which are part of the issue, or

''(B) for any qualified purpose.

For purposes of paragraph (4), the term 'applicable interest' means so much of the interest on any loan as exceeds the amount payable at a 1 percent rate.

''(b) QUALIFIED PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified purpose' means the making of grants and low-interest loans for the purpose of placing in service natural gas refueling property at retail motor fuel stations located in the United States.

''(2) LIMITATION ON LOANS.—Such term shall not include—

''(A) any loan of more than $200,000 for property located at any one retail motor fuel station, and

''(B) any loan for more than 50 percent of the cost of such property and its installation.

''(3) NATURAL GAS REFUELING PROPERTY.—The term 'natural gas refueling property' means qualified clean-fuel refueling property (as defined in section 179A(d)) which is described in section 179A(d)(3) with respect to natural gas fuel.

''(4) LOW-INTEREST LOAN.—The term 'low-interest loan' means any loan the rate of interest on which does not exceed the applicable Federal rate in effect under section 1288(b)(1) determined as of the issuance of the loan.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national energy security bond limitation of $1,750,000,000.

''(e) ALLOCATION.—

''(1) IN GENERAL.—The Secretary shall make allocations of the amount of the national energy security bond limitation under subsection (d) among qualified issuers in such manner as the Secretary determines appropriate.

''(2) RESERVATION FOR PROPERTY IN METROPOLITAN AREA.—50 percent of the national energy security bond limitation under subsection (d) may be allocated only for loans to provide natural gas refueling property located in metropolitan statistical areas (within the meaning of section 143(k)(2)(B)).

''(3) PERCENTAGE OF STATIONS RECEIVING LOANS.—In making allocations under paragraph (1), the Secretary shall attempt to ensure that at least 10 percent of the retail motor fuel stations in the United States received loans from the proceeds of energy security bonds.

''(f) QUALIFIED ISSUER.—For purposes of this section, the term 'qualified issuer' means any State or any political subdivision or instrumentality thereof.

''(g) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2017.''.

(b) COORDINATION WITH REFUELING PROPERTY CREDIT.—Subsection (e) of section 30C of such Code is amended by adding at the end the following new paragraph:

''(6) COORDINATION WITH ENERGY SECURITY BONDS.—The cost otherwise taken into account under this section with respect to any property shall be reduced by the portion of such cost which is financed by any loan provided from the proceeds of any energy security bond (as defined in section 54E).''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by sections 806 and 841, is amended by striking ''or'' at the end of subparagraph (B), by adding ''or'' at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

''(D) an energy security bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by sections 806 and 841, is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''and'', and by adding at the end the following new clause:

''(iv) in the case of an energy security bond, a purpose specified in section 54E(b).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by sections 806 and 841, is amended by adding at the end the following new item:

''Sec. 54E. Energy security bonds.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SEC. 830. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) is amended by inserting '', or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, or any alcohol fuel defined in section 6426(b)(4)(A) or any biodiesel fuel as defined in section 40A(d)(1)'' after ''timber)''.

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

Subtitle C—Energy Conservation and Efficiency Provisions

SEC. 841. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by section 806, is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $2,625,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by section 806, is amended by striking ''or'' at the end of subparagraph (A), by adding ''or'' at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

''(C) a qualified energy conservation bond,''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by section 806, is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting ''and'', and by adding at the end the following new clause:

''(iii) in the case of a qualified energy conservation bond, a purpose specified in section 54D(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by section 806, is amended by adding at the end the following new item:

''Sec. 54D. Qualified energy conservation bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 842. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

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

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsection (b), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

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

SEC. 843. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 844. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets

or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 845. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(D) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

''(iii) any qualified smart electric meter, and

''(iv) any qualified smart electric grid system.''.

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 846. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

Subtitle D—Revenue Provisions

SEC. 851. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION FOR SPECIFIED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of any specified oil company (as defined in subsection (d)(9)), the

production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof.''.

(b) LIMITATION ON OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME FOR TAXPAYERS OTHER THAN SPECIFIED OIL COMPANIES.—

(1) IN GENERAL.—Section 199(d) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer (other than a specified oil company) has oil related qualified production activities income for any taxable year beginning after 2009, the amount otherwise allowable as a deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this section, the term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.

''(C) SPECIFIED OIL COMPANY.—For purposes of this section, the term 'specified oil company' means—

''(i) any major integrated oil company (as defined in section 167(h)(5)(B)), and

''(ii) any entity in which a foreign government holds (directly or indirectly)—

''(I) any interest which (by value or voting interest) is 50 percent or more of the total of such interests in such entity, or

''(II) any other interest which provides the foreign government with effective control of such entity.

''(D) PRIMARY PRODUCT.—For purposes of this section, the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(2) CONFORMING AMENDMENT.—Section 199(d)(2) (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 852. CLARIFICATION OF DETERMINATION OF FOREIGN OIL AND GAS EXTRACTION INCOME.

(a) IN GENERAL.—Paragraph (1) of section 907(c) is amended by redesignating subparagraph (B) as subparagraph (C), by striking ''or'' at the end of subparagraph (A), and by inserting after subparagraph (A) the following new subparagraph:

''(B) so much of any transportation of such minerals as occurs before the fair market value event, or''.

(b) FAIR MARKET VALUE EVENT.—Subsection (c) of section 907 is amended by adding at the end the following new paragraph:

''(6) FAIR MARKET VALUE EVENT.—For purposes of this section, the term 'fair market value event' means, with respect to any mineral, the first point in time at which such mineral—

''(A) has a fair market value which can be determined on the basis of a transfer, which is an arm's length transaction, of such mineral from the taxpayer to a person who is not related (within the meaning of section 482) to such taxpayer, or

''(B) is at a location at which the fair market value is readily ascertainable by reason of transactions among unrelated third parties with respect to the same mineral (taking into account source, location, quality, and chemical composition).''.

(c) SPECIAL RULE FOR CERTAIN PETROLEUM TAXES.—Subsection (c) of section 907, as amended by subsection (b), is amended to by adding at the end the following new paragraph:

''(7) OIL AND GAS TAXES.—In the case of any tax imposed by a foreign country which is limited in its application to taxpayers engaged in oil or gas activities—

''(A) the term 'oil and gas extraction taxes' shall include such tax,

''(B) the term 'foreign oil and gas extraction income' shall include any taxable income which is taken into account in determining such tax (or is directly attributable to the activity to which such tax relates), and

''(C) the term 'foreign oil related income' shall not include any taxable income which is treated as foreign oil and gas extraction income under subparagraph (B).''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 907(c)(1), as redesignated by this section, is amended by inserting ''or used by the taxpayer in the activity described in subparagraph (B)'' before the period at the end.

(2) Subparagraph (B) of section 907(c)(2) is amended to read as follows:

''(B) so much of the transportation of such minerals or primary products as is not taken into account under paragraph (1)(B),''.

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

SEC. 853. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

In the case of a corporation—

(1) to which paragraph (1) of section 401 of the Tax Increase Prevention and Reconciliation Act of 2005 applies, and

(2) which had any significant income for the preceding taxable year referred to in such paragraph from extraction, production, processing, refining, transportation, distribution, or retail sale, of any fuel or electricity,

the percentage under subparagraph (C) of such paragraph (as in effect on the date of the enactment of this Act) is increased by 40 percentage points.

The SPEAKER pro tempore (Mr. OBEY). Pursuant to House Resolution 1433, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Alaska (Mr. YOUNG) each will control 90 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 6899.

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

There was no objection.

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

Mr. Speaker, the pending legislation, H.R. 6899, has as its additional cosponsors the gentleman from Texas (Mr. GENE GREEN), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Michigan, the dean of the House, Mr. JOHN DINGELL.

My colleagues, today we stand at a crossroads, and the two paths before us are crystal clear. Those of us supporting the pending legislation bring with us the new-age conviction that in order for this Nation to be truly secure, we must bridge the gap between our addiction to oil, to a future empowered by more secure, safe, and reliable sources of power, that we must shatter the shackles of the past and remove the bonds that have placed such a burden on the American people and on our security as a Nation.

The other path is less enlightened. It carries with it the belief that a subservience to the policies of the past can sustain the country in the years and decades ahead. It would sacrifice America's energy security on the altar of Big Oil's profits and its profiteering. The choice is quite clear.

Before us today is landmark legislation that would, for the first time since 1982, sweep away moratoria precluding oil and gas leasing in much of the Federal waters off America's coastlines.

As a result of the pending measure, roughly 85 percent of all oil on the Outer Continental Shelf will be available for production. We are opening up to 400 million acres off the Atlantic and Pacific Coasts to drilling. We are expanding the availability of oil by at least 2 billion barrels of oil, enough to power 1 million cars for 60 years.

But in doing so, we have built in safeguards. I repeat that: we have built in safeguards. We do not undermine the defense posture of this country and the Defense Department's need to engage in military operations in America's waters.

We protect national marine monuments and sanctuaries, and we provide for the consideration of the interests of the coastal marine and human environment. And importantly, we are cracking down on the incredible failure of the Interior Department to ensure that Americans are getting paid a fair rate of return for the production of their, and I emphasize their, Federal oil and gas reserves and resources. These reserves are not owned by Chevron or Shell or by Exxon; they are owned by all Americans. They are owned by all Americans by birthright.

Yesterday, another former Interior Department official who was in charge of collecting Federal oil and gas royalties pleaded guilty to rigging bids. Last week reports were released by the Interior Department's Inspector General which found ''a culture of ethical failure'' in a division of the Minerals Management Service as part of what I believe to be a burgeoning scandal. This

is an agency that is supposed to safeguard one of the largest non-IRS streams of revenue to the Treasury. It is almost like Teapot Dome all over again.

At the same time, Government Accountability Office reports were released that found that the United States receives one of the smallest shares of oil and gas revenue in the world. Think about that. We receive one of the smallest shares of oil and gas revenues of any country in the world.

The reports also found that Federal oil and gas leases are not being diligently developed. We on this side of the aisle have been saying that for months. Production is only occurring on 12 percent of offshore leases and 5 percent of onshore leases. And as I have been bringing to light through a number of hearings held by the Natural Resources Committee, the Interior Department is unable to provide certainty that companies are paying the royalties owed to the American people, a culture of ethical failure, indeed.

The legislation before us contains bold initiatives to crack down on this legacy of abuse. It would require the diligent development of Federal oil and gas leases, require that prompt, transparent and accurate royalty payments are made, and would tackle the ethical failures occurring at the Interior Department. Leading the vanguard in our march to a more energy self-reliant and secure future is this legislation's establishment of a strategic energy efficiency and renewable reserve.

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This initiative would finance the development of renewable and alternative energy technologies, provide increased assistance for low-income home energy and weatherization programs, and advance carbon capture and storage, among other items. And we are dedicating over $6 billion to this fund over the next 10 years.

All of the above. All of the above. How often have we heard that in this debate? All of the above. It is here my friends: oil, natural gas, oil shale, wind, solar, coal energy efficiencies and energy conservation.

As I noted earlier, today we are at a crossroads. The difference is clear between those of us supporting this measure and some of those on the other side of the aisle who have been trumpeting their bumper sticker ''drill here, drill now'' approach to our serious energy situation.

They would open up everything to Big Oil. Perhaps some of them would even open up the National Mall if they could to drilling rigs. They would give away the store, no accountability, no safeguards, no expectation of a return in terms of energy or revenue.

We, on this side, instead, seek to protect America's interests in American resources. Make more Federal oil and gas available to drilling? Yes. That's what we're doing in this bill. But we're doing so in a manner that safeguards our environment, ensures the diligent development of those energy resources, and demands that the American taxpayer gets a fair return. Royalties due, royalties paid.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, and my colleagues, I rise in the strongest possible opposition to this ill-conceived, if it was conceived at all, legislation.

I don't know how many of you ever saw the Peter Pan story, the movie, or even read it. This is a Peter Pan story. You know, they have the imaginary bowls, the bowls that were not imaginary but they were empty, and they convinced Peter Pan, Robin Williams, to use his imagination and the bowls will be full of food.

And this is what you're doing today, Mr. Chairman, and the people that wrote this bill, who we do not know who did write it. Use your imagination. We're going to have the oil for everything because this bill produces oil.

It produces nothing. This is a Peter Pan story. It's a figment of the imagination. It is a political gimmick. It is a sham on the American people.

Shame on this House, that the courage wasn't there for the leadership to go on both sides of the aisle, listen to those that have some expertise in this problem we are facing today, the high cost of energy, and work together and pass an energy solution to a problem that produces not only fossil fuels but other forms of fuel, that solves the problems for the commuter who has to go to work. And Mr. and Mrs. Commuter, if you think this bill today that came out of this leadership on that side produces one bit of relief to you as you drive to work, don't believe it. Go see Peter Pan. That's all this bill is.

It has nothing in there to produce energy. In fact, it probably will drive down the ability to produce energy. It will help foreign countries.

I just heard my chairman talk about Big Oil, how bad Big Oil is, and put the blame on Big Oil. Where do you think you're getting your oil today as you put it in your tank? From Saudi Arabia, Venezuela, Chavez, foreign countries that have control of us right now. We ought to be talking about that. Forget talking about Big Oil, because this body, and I've said it before on this floor of the House, both sides of the aisle have not seized the ability to solve the energy problem by developing fossil fuels.

Coal. There's nothing in this bill about coal to liquification or gasification. There's nothing in this bill about nuclear power. There's nothing in this bill that produces any energy. In fact, this bill takes land that's open now and closes it, and take lands that was closed and opens it, but it happens to be 50 miles offshore. Any oil in between there can't be developed.

And by the way, my good friends, if any State contiguous to decides not to have it drill 50 miles and out they can say no, and they will say no because there's no revenue sharing in this bill. None.

It is probably the best way to call this bill the Venezuela, Russian, Middle East Oil Production Act, because you're protecting the foreign countries under this legislation.

I don't know why I'm getting worked up about it because we all know this is a political gimmick. It's never going to go anywhere. It's not going to become law. But it will give some people cover to say, I voted for more drilling and more production. This bill does not do that.

It will increase energy costs. And I'm a little concerned on both sides of the aisle again because oil has dropped down to $93 a barrel today. You know, if that would have happened last year we would have said, my God, the world's coming to an end. Oil went to $93. But it was $145, and we are being lulled into this type of legislation saying we're going to solve the problem and nothing is occurring to solve the problems of the American consumer. We're right where we were last year and the year before that, and that's wrong.

It does leave out ANWR. I wasn't going to bring up that, but the closest, quickest way to produce a million barrels a day to the United States was to open ANWR. No, we left that out. Can't happen. A million barrels a day for the next maybe hundred years, for the American consumer. Every barrel would have gone to the United States of America. A little provision says you can't export any of this oil to overseas. We're not exporting oil, we're consuming it. But we're consuming most of our oil from overseas, paying the foreign countries the oil prices today because you have not come to this floor, not one hearing in our committee on this issue.

This bill was written in the midnight. I shouldn't say the midnight, the midnight sun. I would say it was written in the darkness of night. And introduced last night, had the rule last night, 500 pages. I have read it, and it produces nothing.

You can get more energy out of this bill, ladies and gentlemen, if you take all the copies of the bill and put it in a bonfire. And that is not good for this House of this Nation. You had the opportunity.

Now, I don't understand, really, why anybody would support this legislation at all because we're committing something wrong to the American people. We had a chance.

I see people from oil-producing States over on that side. Why did you buy into the concept we wanted to bring a bill to the floor that does nothing but say I helped develop more oil when it doesn't do it?

If you believe that, you would have let us have this bill, 2 weeks, 3, 4 weeks ago, but you didn't because you know when it finally gets out to the public and they start understanding what's occurring, that the public will understand, yes, it was a sham.

And I'm tired of politics on oil in this body. We have a Speaker that believes that we have to save the planet because we can't burn any more fossil fuel. If that's the case, then let's admit it. I believe this is what she believes, and I think that's sad.

I believe we ought to say, okay, we do have to have fossil fuels and we can develop the other forms of energy but it takes time. We need that bridge. This bill doesn't do that.

So we're going to come back here next year, the public will be hoodwinked. The public will have high prices again, nothing will be done.

If we're really wise, we'd take this bill today, totally defeat it, send it back and work across the aisle for the American people, work across the aisle for solutions that would no longer have the yoke not of Big Oil around our necks, the yoke of the foreign countries that took those billions of dollars. The largest transfer of American wealth in history occurred because this body didn't act correctly and did not develop the resources so we wouldn't have to transfer that wealth overseas, and we did it.

So we have a responsibility to defeat this legislation. It was conceived in the dark. Who the father is, I do not know. But we do know it's not legitimate.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself 1 minute.

I would note to the gentleman that just spoke, the minority, when they were in power, tried very hard writing bills late at night, so nothing should surprise them as far as the timing of this bill.

I yield, Mr. Speaker, 3 minutes to the distinguished gentleman from Texas (Mr. GENE GREEN), a very important champion of this bill and cosponsor of the legislation.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 6899, the Comprehensive American Energy Security and Taxpayer Protection Act.

I don't know why my Republican colleagues can't take yes for an answer. We are opening up over 305 million acres. Now, granted, it's a compromise. But when you were in charge, we opened up 8 million acres in the eastern Gulf of Mexico. I'd like to open up more, but, again, like you had to make compromises, we have. But for the first time we're going to open up more Outer Continental Shelf opportunity than anytime in history, even under years of Republican House control, Senate control and the President.

I support opening ANWR, but that didn't happen even when the Republicans were in control.

The royalty share, I'd love to share royalties with our States who allow drilling, but CBO won't let us. Maybe the Senate will bring up that point.

But I don't know why we can't take yes for an answer. If you want to drill in our country, this is the bill. Now, if you want a political issue that you think you'll ride into the November election on like you tried in August, which was more theatrics than anything else then vote ''no.'' But I'll tell you what, the American people are going to see this for what it is. And it's a comprehensive bill that will go forward.

We're going to invest that royalty into renewable energy research. I don't think it's economically feasible now, but we need to get there. But we're going to produce domestically, and send that message to the world which, you know, maybe a bill on the floor has helped us with that oil prices going down every day per barrel.

I want to thank my esteemed colleagues, Chairman RAHALL, Chairman MILLER and Chairman DINGELL, as well as Speaker PELOSI and Majority Leader HOYER and the entire Democratic Caucus for working together to craft legislation that our majority, our Congress and our country can be proud of.

Now, I know some of my friends in Congress and maybe the energy industry and the environmental community may be asking themselves one question: ''How in the world can an unholy alliance of GREEN, MILLER and RAHALL ever come together to introduce a comprehensive energy plan. The answer is very simple. America's energy needs demand it. We need to do what's environmentally good, but we also need to make sure we can keep the prices of our current fuel costs low, and whether it's for lighting our homes or cooling or heating our homes or running our vehicles or running our industry.

All sides of this debate can no longer insist my way or the highway approach to energy. We need all energy sources, both conventional and renewable, and everyone must be willing to sacrifice to reach a common good.

I personally have questions about this, some of the things in this bill. But again, this is the first step. Why would you kill it right now when we still have to work with the Senate and also get a bill passed that the President will sign?

So this is the first time we're opening this much Outer Continental Shelf drilling in the Democratic majority House of Representatives. Maybe it's just response to say no to everything that comes up because we're doing it many, many times more than what they did when they had the majority.

Our legislation improves on the original H.R. 6 from last year, at least freezing independent oil and natural gas producers at their current section 199 manufacturing. It removes the arbitrary proposals for raising royalty. There was a proposal to go to 21 percent. This administration already increased it to 16 percent. But we don't need to go to 21. It retains accountability for the tainted royalty in kind that I support.

Mr. Speaker, I will place the remainder of my statement into the RECORD, but let me just say one last thing.

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

Mr. GENE GREEN of Texas. President Bush waited 7½ years to eliminate the executive moratorium. And the Democratic Congress has only taken 1½ years.

It improves the management of the Strategic Petroleum Reserve—an idea first offered by my good friend from Texas, NICK LAMPSON—by allowing a swap for heavy crude which could immediately lower prices for consumers.

Most dramatically, our proposal will help utilize our own domestic oil and natural gas resources in the Outer Continental Shelf.

Our legislation incorporates many of the offshore drilling provisions I and other ''Energy Democrats'' first introduced in the LEASE Act by directing the immediate opening of all areas beyond 100 miles off our coasts.

That's over 305 million acres in the OCS that are automatically opened for oil and natural gas leasing.

States are also given discretion to ''opt-in'' to additional drilling from 50 to 100 miles off their coasts estimated at an additional 90 million acres for production.

My friends from the other side of the aisle will argue this bill does not open up enough acreage offshore.

In some instances, as in the Eastern Gulf of Mexico, I agree.

But let's not forget one fact: during the height of Republican rule, under both a Republican President and Congress, Republicans were only able to direct the opening of 8.3 million acres for leasing in the Gulf of Mexico. President Bush after almost 7½ years in office removed the Presidential moritorium.

Today, Democrats are directing the opening of over 305 million acres with state concurrence.

This is hundreds of millions more acres that are directly opened than in the Senate's ''Gang of 20'' proposal, or in Senate Republican Leader MITCH MCCONNELL'S ''Gas Price Reduction Act'', which has the support of 44 Republican Senators.

Most importantly, we use the revenues from oil and gas production to transition America to a clean energy future.

Our bill will create a fund to invest in clean renewable energy, energy efficiency, the Land and Water Conservation Fund, carbon capture sequestration, and the Low-Income Home Energy Assistance Program.

And we extend many of the critical tax credits for wind, solar, and other renewable energy sources that expire this year.

While I believe it's also fundamental to allow states to share in any offshore revenues, "pay-go" rules require any revenue sharing-provisions to be offset—whether it's included in this legislation or any other OCS proposal.

Mr. Speaker, our legislation isn't perfect. But we cannot make the perfect the enemy of the good. Let's pass this bill and for the first time a Democratic Congress.

Our constituents, and our Nation, can no longer wait for Congress to act on a balanced energy policy that will provide the conventional energy we need to fuel our economy and to develop the clean energy sources of tomorrow.

I urge my colleagues to support the Rahall-Green-Miller legislation, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself 1 minute.

Again, I have great respect for my friend from Texas, and I understand the pressure he's under.

But just think for a minute. There's no real offshore exploration in their bill. There's no renewables in their bill. There's no oil shale in their bill. Of course there's no ANWR in their bill. There's no nuclear in their bill. There's no clean coal to coal to liquids in their bill. There's no new refinery capacity in their bill.

□ 1715

There is no electricity price hike control in their bill. And most of all, there is no lawsuit reform in their bill.

This bill is, in fact, a ''no'' bill: no energy, no energy, no energy.

Mr. Speaker, at this time I ask unanimous consent that the gentleman from Texas and the ranking Republican on the Energy and Commerce Committee be allowed to control 21 minutes of the general debate time.

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

There was no objection.

Mr. BARTON of Texas. I would recognize myself, Mr. Speaker, for 3½ minutes.

Members of the House, we have before us a bill that proclaims to be one thing but which is, in reality, something entirely different. My good friend from Texas, the Honorable GENE GREEN, whose district has just been hit so hard by Hurricane Ike, made the point that under Republican majorities we only opened—his term was 8 million acres and this bill pretends to open 300 million so it's a better bill.

Well, I would point out that if we put in the bill that you can drill anywhere in the Pacific Ocean beyond 200 miles or anywhere in the Atlantic Ocean beyond 200 miles, which is the international limit, that we could claim to open up for exploration literally billions of acres.

The point is we don't have the technology in many cases to utilize that. And in any event, there is no prohibition now.

What we need to do is have an energy development bill for America that makes it possible to develop the energy resources where we think we have the highest probability of actually finding and developing, in an environmentally and economically safe fashion, those resources. This bill doesn't do that. It simply doesn't do that.

I would have liked in prior Congresses when I was chairman of the Energy and Commerce Committee or subcommittee chairman of the Energy and Air Quality Subcommittee to have opened up more of our domestic energy resources. But in those Congresses, we literally didn't have the votes. We did have debate on the floor, we had amendments offered, we had an open process in committee and on the floor; but in some of those cases, we lost those votes.

This bill, we're not allowed to even have the amendment. I offered a number of amendments to the Rules Committee last evening, and they were not made in order. This is a closed rule, you know. Why not have this as the base text and then have a number of amendments to see what the will of the House is? That would be a fair process.

This is not a fair process.

When the first title, section 101 of your bill, is a title called ''Prohibition on Leasing'' and in the very first paragraph, notwithstanding any other provision of the Outer Continental Shelf and several other laws, no leasing shall be allowed unless expressly authorized in this bill itself, that's not a pro-energy development bill. That's not a pro-energy development bill.

So this is a bill that pretends to be one thing, Mr. Speaker, but in actuality is something completely different. If we had any kind of a regular process where the bill went through the gentleman's committee, the Resources Committee and the Ways and Means Committee and the Energy and Commerce Committee and the Agriculture Committee and the Science Committee so that we had these issues vetted, that would be a different thing.

This is a 290-page bill. Nobody knows what is in the bill in its entirety. None of this has been vetted. I think it will come as a surprise to some Members of the majority that you have mandatory random drug testing in this bill. I don't know that everybody on the majority side—I happen to think that's one of the few good things in the bill. But it is in the bill. Now, I have participated in floor debates in prior Congresses where we tried to do mandatory drug testing, and huge majorities of the current majority opposed that.

So, again, we've got a flawed process; we have a flawed bill. What we have is a title that pretends to be one thing and the substance of the bill is something else. We should vote this down and go back and have a bipartisan process.

With that, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself 1 minute.

It's interesting to note that the gentleman from Texas has just spoken about that we should have a straight up-or-down—or, I'm sorry, that we should have amendments, that he's complaining about the closed rule as other Members on that side have. Yet their mantra over the last several months has been, Let's have a straight up-or-down vote; let's have a straight up-or-down vote. I would say that's what we're getting to before this evening is over with.

I would note also the lack of hearings to which we've been charged. This energy debate has gone on ad infinitum on numerous pieces of legislation, often bills having nothing to do with energy, during 1-minutes, during Special Orders. Even when the House was not in session, the other side had their energy debate.

So I would say there are various parts of this bill that have passed the House before, have been debated on ad infinitum in committees and/or on this floor. So there is really nothing new in this piece of legislation, and it's a piece of legislation that has been debated over and over.

Mr. Speaker, I yield 3 minutes to the distinguished chairman of our Education and Labor Committee, the gentleman from California (Mr. GEORGE MILLER), and also a cosponsor of this legislation.

Mr. GEORGE MILLER of California. I thank the chairman for yielding and thank him for bringing this legislation to this floor. I'm honored to be a cosponsor of this legislation along with Mr. RAHALL and Mr. GREEN.

I rise in very strong support of this comprehensive, forward-looking bill that will provide relief at the pump, create good jobs here in America, and finally put our Nation on a path toward a clean and more independent energy future. Surely that is something that we could all support.

Americans understand the problem. Our Nation is addicted to oil. Consumers are paying record prices to heat and cool their homes and to drive their cars and trucks. Global warming is real; it's serious and a growing problem. Meanwhile, oil companies are making more money than ever before. That's why Democrats made energy a top priority when we took back the House and Senate last year.

We raised auto fuel economy standards for the first time in a generation, overcoming the objections of the auto and oil industries and the Republicans in Congress and the White House. And we passed one bill after another to improve America's energy policy to expand wind, solar, and other renewable

energy sources, to increase the efficiency and conservation, to curb speculation and energy markets, and to release oil from the Strategic Petroleum Reserve, and to recoup tens of billions of dollars that oil companies have unfairly taken from the taxpayers as they've exploited the taxpayers' resources on our public lands.

Every bill we passed was opposed by a majority of the Republicans in Congress and by President Bush. And at the end of all of their objections, gas rose to $4 a gallon. Think how different this debate would have been if in the previous decade when the Republicans controlled this House and the 8 years when they controlled the White House and the Congress if they had pushed forward on energy in those days. Think how different the automobile industry would have been today had they not caved in to the oil industry and the auto industries and moved those standards. But no, it took 30 years, and we did it in this Congress with the Democratic leadership.

Think how different this discussion would be on renewables and alternatives if the Republicans had chosen that. But no. Every time they brought an energy bill to the floor, they looked to the past. They said that we could drill our way out of this problem, we're just another drop of oil away from the problem. And at the end of that decade, we ended up more dependent upon foreign oil than at any other time in our history.

So that's why we're here today. We're here to help consumers, to drive down the price of energy, to expand the energy resources in this Nation that are available to all consumers all across the country, and to create good American jobs in the process of doing that and to put us on that path to energy independence and to greater diversity in our sources of energy.

We are not going to succumb to the old interests that tell us we have to continue to give away the public's resources and not provide the royalties that the public is entitled to, that the public, with all due respect, in most every other nation in the world gets when they give their resources to be exploited.

We're going to stop the days of the royalty holidays, royalty holidays for oil companies that are making record profits because of their record ingenuity and their skill and their talent. But the fact of the matter is there is no royalty holiday for the ratepayers, for the people paying at the pump, for people trying to heat and cool their homes. And that's why this legislation must pass because this legislation speaks to the future, to a sustainable and renewable energy policy for this country for the first time in over a decade.

Mr. BARTON of Texas. Mr. Speaker, I want to yield 2 minutes to a member of the Energy and Commerce Committee, Congresswoman BLACKBURN of Tennessee.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas for yielding the time.

You know, this has been such an interesting discussion that we have carried forth on this bill. It has lasted for weeks. And finally the majority decides they're going to do something about it. But you know, it really is a bait-and-switch-type issue with the American people because the American people are for drilling on American soil for American energy resources because they want to move to energy independence. They want to lower the price at the pump. And the bill that we have in front of us is not going to do that.

Indeed, Mr. Speaker, if you get into section 101 of this bill, what is it that you find right out of the gate, right from the start, what is it that the majority wants to do? And now bear in mind this bill never came to the Energy and Commerce Committee. It didn't go to the Energy Subcommittee. The 290 pages of this bill was dropped in the dark of night last night and brought to the floor today.

But in section 101 of the bill, what do you have? Putting permanently off-limits some of the richest reserve areas in the Outer Continental Shelf.

So it's like that situation where you want to give a little and take a lot, which is not appropriate when we have the price of gas in our States at all-time record highs today.

Other things that it does not do is to address renewables without tax hikes. If you want renewables, run the taxes up, is what the majority says, what the Democrats say. Oil shale exploration? Not going to do that. Arctic coastal plain, ANWR? Not going to do that.

If you want nuclear—in TVA and Tennessee, we're looking at a 20 percent electric rate hike. But this bill would make it more difficult for expanding nuclear. There's nothing in there for emission-free nuclear. And we know that our rates are going up 20 percent. We know that moving from hydroelectric to nuclear is an imperative for us.

I encourage my colleagues to vote this bill down and vote for the American Energy Act, all-of-the-above.

Mr. RAHALL. Mr. Speaker, I yield 4 minutes to the distinguished chairman of our Subcommittee on Energy and Mineral Resources, an individual who's helped us a great deal in the drafting of this legislation, the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I want to thank Chairman RAHALL, Chairman MILLER, and Chairman GREEN for all their hard work and their continuous efforts to try to ensure that we deal with America's energy crisis today.

I rise in support of the passage of H.R. 6899, but I view this bill as a work in progress. Obviously it's not in its final form. The Senate needs to vet its efforts, and the President needs to weigh in, and therefore it needs more work, in my opinion.

I do appreciate, though, the Speaker's efforts on this bill. And I do hope to continue to support her efforts as we look at the compromise, the bipartisan compromise, that will continue to improve this measure.

In its current form, however, it doesn't provide some of the comprehensive efforts and solutions that existed in the measure that Congressmen ABERCROMBIE, PETERSON, and others worked on in a bipartisan effort; and I want to thank them, Representatives ABERCROMBIE and PETERSON, for their hard work. Six weeks we worked in June and in July to form the bipartisan compromise effort otherwise known as the National Conservation Environment and Energy Independence Act, H.R. 6709.

□ 1730

The differences between that effort and this are the following:

First, the bill prohibits drilling within 50 miles of the coast, which, in my opinion, puts a lot of our most promising areas off-limits in terms of the Outer Continental Shelf.

Second, by not allowing revenue sharing with States, as we do with Texas, Louisiana and Mississippi, I think it makes it less likely that States will opt in to leasing, even between the 50 and 100 miles.

Third, the bill doesn't directly tie the new royalties generated to funding for renewables and energy efficiency. So it doesn't provide the same benefits that we have in H.R. 6709, although there are some PAYGO issues there. I think they are workable. I think we can get this measure out. I think we can work with them in the Senate.

The bottom line is that we need to use all the energy tools in our energy toolbox. That includes both coal sequestration, as well as new advances in nuclear power that doesn't put it in Nevada.

We talk a lot about the urge to put an Apollo-like program together. We do. We do need to do that in a bipartisan effort. But sometimes people forget that in the Apollo program, we had the Mercury program so that men could go into space. We had the Gemini project that showed that you could dock and you could spacewalk before we got to Apollo.

The goal is to reduce our dependency on fossil fuels, reduce our dependency on foreign sources of energy. We can't get there overnight. We need to have this Apollo-like program that uses our current energy resources here in America to finance the renewables that will bridge the gap. That's what we need to do.

It's my hope that the provisions of our previous measure can be incorporated into this bill as we work

through the legislative process, as we should do. But I think it's a step in the right direction, this measure. We need to move forward to take a closer look at how we come together in a bipartisan effort in that comprehensive energy package. The American public demands that we do this. Our economy requires that we do this.

We are going to have a transfer of $750 million in wealth this year just to pay for our energy price tag. For all those reasons, I urge my colleagues to vote for this measure, even though you don't like some of the elements in this measure, as I don't believe some of the elements in this measure are pointed toward that comprehensive effort.

But I want to commend my colleagues, Chairman RAHALL, Chairman MILLER and Chairman GREEN, for their willingness to compromise. I want to continue my efforts across the aisle with Congressman PETERSON and others who are part of that bipartisan effort. That's what we need to do, that's what the American public expects, and that's why I'm voting for this measure.

I thank the chairman.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Speaker, I come before you today to address the majority's so-called energy package. I find the name odd, considering it contains almost no energy provisions. Instead, it serves as political cover, an empty offering to the American people before the November elections. After all, it contains no language to build new nuclear power plants or oil refineries. And while it claims to allow offshore drilling, it actually keeps 88 percent of offshore oil reserves under lock and key.

The American people want real action and meaningful solutions that include an increase in American-produced energy. The American Energy Act, on the other hand, will open all of our vast natural resources, allowing oil exploration offshore and in ANWR. It assists in the building of new oil refineries and nuclear power plants, and extends the tax credits to encourage more investment and research into wind and solar energy.

This is the all-of-the-above energy solution that the American people have been asking for. I implore my colleagues to listen to the American people. Bring the real energy bill to the floor for a vote.

Mr. RAHALL. Mr. Speaker, I am very honored to yield 1 minute to the distinguished dean of the House and cosponsor of the pending legislation and chairman of our Energy and Commerce Committee, Mr. DINGELL of Michigan.

Mr. DINGELL. Mr. Speaker, I rise in support of the legislation. I rise to commend and express my great respect for the distinguished gentleman from West Virginia (Mr. RAHALL), chairman of the Committee on Natural Resources, and also to my colleague Mr. GREEN, a valuable member of the Committee on Energy and Commerce.

They, working with the Speaker, have come forward with a good bill, one which is going to move this country forward in terms of reducing our dependency on foreign oil and increasing our utilization and development of more of our own domestic natural resources.

This bill achieves the delicate balance between the need for increased production, aggressive conservation, and a greater use of renewable energy, a path that this Congress has established in last year's energy bill, and as I would note for my colleagues, we will be in business again next year. Last year, we did something. The year before, in the prior Congress under the leadership of my Republican colleagues, we passed legislation which also increased production. Next year, I assure you that when we confront the business of this Congress in the new Congress, we will again move forward on legislation. This is not a static matter. It is something which goes forward in an intelligent process, thoughtfully led by people like my good friend from West Virginia (Mr. RAHALL).

Again, I commend my colleagues who have worked on this legislation. I recognize that it has more to be done, but there's always business to be done around this place.

I urge the adoption, and again, I commend my friend Mr. RAHALL and his colleagues on the committee for the superb job they have done on this legislation working with our distinguished Speaker.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to a member of the Energy and Commerce Committee, Mr. MURPHY of Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, the American public wants real solutions to this energy crisis. Unfortunately, what we're voting on today is not a real solution. It's a no drill bill.

Our country's security is threatened in four ways. One is family security. With the price of natural gas and food on the increase, families can't afford the next loaf of bread, the next gallon of milk, the next tank of gas or the heating bill for their homes.

Two, job security. As we continue to rely on OPEC countries for oil, we are refusing to create jobs here. Consider this: One oil refinery during construction would be 8,000 jobs and then another 1,800 during its use. Oil and natural gas exploration employs nearly 386,000 workers. We could double or triple this number if we drill for more oil. Indirect incomes in other industries resulting from this gas activity can support another 4 million jobs, and this bill cuts out our vast coal supplies and the jobs from clean coal energy and coal-to-liquid.

Three, our economic security is also threatened. As we rely on OPEC countries, other nations in the Mideast get rich off our dollars. Our national debt continues to rise and our dollar falls. OPEC buys our national debt, buys our businesses, and our trade deficit with energy gets worse.

Fourth, our national security. Many of these oil producing countries are threatening the United States. Iran uses oil money to fund missiles and nuclear weapons and supplies bombs to attack our troops. Russia invades Georgia, threatens the Ukraine, threatens Poland, and sends bombers to Venezuela.

We must drill for our own abundant oil as a means to end our dependence on foreign oil, but this bill cuts off 90 percent of U.S. oil off our coasts, which means we cannot use that energy to help our country.

Americans understand: We cannot tax away the independence. We cannot cut off our energy as a way to independence. We can and should use our oil, use our coal, use our nuclear energy, use our innovation and use conservation to be energy independent. That comprehensive solution is what we have to have. That's not what we have yet.

Mr. RAHALL. Mr. Speaker, I yield myself 30 seconds.

I'm glad the gentleman from Alaska has returned to the floor and reclaimed managing on his part. I hope he's been back in the cloakroom speaking to his Governor, Sarah Palin, and urging her to speak with his Presidential nominee, JOHN MCCAIN, in regard to opening up ANWR, since the gentleman is so anxious to open up ANWR. I would note that his Presidential nominee is opposed opening ANWR as well.

This legislation, however, increases domestic oil production in Alaska by mandating annual lease sales in the National Petroleum Reserve which has more than 10 billion barrels of oil, more oil than the Arctic Wildlife Refuge.

Mr. Speaker, it's my honor to yield 4 minutes to a very distinguished member of our Committee on Natural Resources, the gentleman from Oklahoma (Mr. BOREN).

The SPEAKER pro tempore. The gentleman from Okmulgee is recognized for 4 minutes.

Mr. BOREN. Thank you, Mr. Speaker. We're proud that you were born in Okmulgee, Oklahoma.

Mr. Speaker, I rise today to join my colleagues in support of the Comprehensive American Energy Security and Consumer Protection Act. That's a long name. This legislation represents an investment in America's future that will reduce our dependence on foreign oil, develop our domestic energy resources, and lower energy costs for American families.

There are several reasons to support this bill. However, the most important

one is that it expands the use of natural gas as a reliable energy resource for the future.

Natural gas is clean, it is efficient, it is less expensive, and as recent studies have shown, available in abundant supplies. The natural gas provisions in this bill greatly expand our Nation's domestic gas infrastructure by providing tax incentives for consumers to install natural gas refueling stations in their homes and creating more natural gas pumps at gas stations across the United States.

In my home State of Oklahoma, we have a long and proud legacy of leadership in providing our Nation with reliable energy. The energy industry in Oklahoma is one of the largest private employers in my State, providing economic opportunity to Oklahomans and a sense of purpose in helping our Nation meet its energy needs.

In my congressional district, we have seen counties where unemployment rates stood between 10 and 15 percent year after year, now are reporting rates below 2 percent because of the energy industry. That is the type of economic prosperity that the natural gas provisions in this bill could bring to many other places across the United States.

It's been said that natural gas is the bridge that will allow us—and you see this in the Boone Pickens ads—that will allow us to reach domestic energy independence and a future of renewable energy. Mr. Speaker, the natural gas provisions in this legislation will build that bridge.

It's been an honor to work closely with my friend and colleague Representative RAHM EMANUEL to make sure that the provisions of our natural gas vehicle bill were included in this legislation.

In addition to natural gas, I'm also supportive of the expansion of coastal drilling. It is another critical step toward reducing our dependence on foreign oil and ultimately lowering gas prices.

I have long supported expanded offshore drilling, as well as drilling in ANWR and everywhere else domestic energy can be found. It is my hope that as we move forward we can work together to increase domestic drilling opportunities in future legislation.

While I support this bill before us today, I do have concerns about several provisions, including the repeal of important energy tax incentives, the increase of royalty fees, as well as the so-called use-it-or-lose-it requirement.

I also feel that the renewable electricity standard included in this bill could very well be an unrealistic mandate as it is written currently.

I look forward to working with my fellow colleagues to address these concerns in the future, but at the end of the day, I support this legislation because it represents a critical turning point in our Nation's energy future. Today is the day we begin to open our domestic drilling opportunities. It is a day when we created a new market for the benefits of natural gas and a day when we began to take action towards securing our energy independence.

Rather than viewing oil and gas companies as enemies as a lot of people on my side of the aisle do, I think they are for American progress. We must instead view them as partners in the effort to provide innovative solutions that we need.

The contents of this bill were written in the spirit of compromise, and I commend my fellow colleagues on both sides of the aisle that have dedicated their efforts to increase energy supplies in this country.

For these reasons, Mr. Speaker, I encourage my colleagues to support the final passage of this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself 30 seconds.

The gentleman from West Virginia was giving a history lesson a moment ago. We passed ANWR on this House 10 times, never got out of the Democrat Senate side because of filibuster, and Bill Clinton vetoed it. And my candidate has sort of changed his mind with his new Vice Presidential candidate, who is going to be the next Vice President of the United States, who strongly supports drilling in ANWR.

I am convinced with her great personality and her knowledge, she will be able to convince him the right way, more than we do Mr. OBAMA.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I want to thank the ranking member from the Energy and Commerce Committee.

When President Bush lifted the Presidential moratorium on offshore oil drilling, the price of oil dropped $12 a barrel immediately and began falling ever since.

I have said many times over our summer recess that if Congress passes an energy bill that increases the production of domestic energy, the markets will react with lower prices.

□ 1745

That is the litmus test that Congress should use to determine whether we are delivering what the American people want, which is lower gas prices.

The Democrat energy bill will be received with a resounding thud on the world markets. It won't move the price of gas one cent because it provides no incentive for States to increase production offshore. Unlike the comprehensive American Energy Act, the bill that we are voting on today does not address oil shale production, lawsuit reform, environmental ESA reform, streamlining nuclear energy processes, coal-to-liquid technology, increasing refinery capacity, or opening ANWR. However, the bill does include a drawdown of our Strategic Petroleum Reserve, the fraudulent use-it-or-use-it legislation, and the extremely costly renewable energy mandate.

Over the next 20 years, U.S. oil consumption is projected to grow even after factoring in a projected 26 percent increase in renewable energy supply and 29 percent increase in efficiency. Unless we look for and develop new U.S. reserves, reliance on foreign sources of oil—already over 60 percent—will continue to rise. OPEC will continue to manipulate production levels and prices.

Ladies and gentlemen, it's time to support the American Energy Act.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentlelady from Pennsylvania, a member of the Ways and Means Committee, Ms. SCHWARTZ.

Ms. SCHWARTZ. Mr. Speaker, I rise in support of the Comprehensive American Energy Security and Consumer Protection Act.

The United States consumes 25 percent of the world's oil, yet only holds 2 percent of the world's oil reserve. The fact is that we cannot simply drill our way out of this energy crisis, but that's exactly what Republicans would lead you to believe, that drilling is the answer. But it is simply shortsighted, misleading, and wrong.

We can drill responsibly, but lower gas prices and energy independence require immediate and significant investments in American innovation in alternative fuels, investments in renewable energy technology, and in energy efficiency.

The Republicans say that they want an all-of-the-above plan. Well, that's exactly what we have before us today. This proposal is a 21st-century energy plan that spurs innovation, puts the Nation on a path to energy independence, and lowers gas prices for American families and American businesses.

It will expand renewable energy production and improve energy efficiency through $18 billion in tax incentives paid for by repealing subsidies to the oil industry. It will promote conservation by encouraging the construction of commercial buildings that are 50 percent more energy efficient. It will increase domestic production of traditional energy sources by allowing new offshore drilling. And it will create hundreds of thousands of new high-quality, good-paying American jobs.

This plan is a stark contrast to the Republicans' drill-only mantra. If my colleagues on the other side of the aisle want to vote for an all-of-the-above approach, this is their chance. Vote for a uniquely American solution to our security and to America's energy future.

Mr. BARTON of Texas. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 11 minutes remaining. The gentleman from Alaska, 60½; 64½ for the gentleman from West Virginia.

Mr. BARTON of Texas. Mr. Speaker, at this time, I would like to reserve the balance of my time and yield back control of the Republican time to the distinguished ranking member of the Resources Committee, Mr. YOUNG.

Mr. YOUNG of Alaska. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, this is a gas receipt. All of us have seen our constituents give us these gas receipts. This is for $89. It's what Boone Pickens says is the largest transfer of wealth in the history of the world.

Now I'm going to show you where that money is going. A lot of it is going to Dubai. Dubai, they're our allies. If you had gone to Dubai before the cost of gasoline went up, you would have seen this picture. This is the main street in Dubai, a dirt road; and the only thing higher than two stories was a mosque.

Now let me show you Dubai today. That's where the infrastructure is being built. It's not in the United States. There are more construction cranes in Dubai than there are in the United States, 25 percent of them in the world.

Now here's my point: Do you know what Dubai is doing? Do you know what Abu Dhabi—do you know what the United Emirates are doing at this very moment? They are building or plan to build 14 nuclear power plants. They're building nuclear power plants. They're going to generate their electricity exclusively from nuclear power. Why? Because we don't get it; they get it. They're going to sell oil to us because we're not going to develop nuclear power. China is building 30. India is building 17.

This bill doesn't get it. Senator OBAMA, Senator BIDEN, they're opposed to nuclear power. They're not doing what the oil-rich Arabs are doing. Thank goodness Senator MCCAIN and Governor Palin, they get it. The Republicans get it. This bill has no nuclear power in it. This bill is not going to stop the largest transfer of wealth in the history of the world. You can't do it without nuclear power.

Let's come back with a real energy solution. And I say to my friends on the other side of the aisle, your bill doesn't get it. Dubai and Abu Dhabi will continue to build their nuclear power plants; we will build none.

And energy is the number one factor in manufacturing. We're going to lose our manufacturing. They're going to get it because they get it and you don't.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentlelady from Nevada, Ms. SHELLEY BERKLEY.

Ms. BERKLEY. Before I give my prepared remarks, I'd like to say that one of the reasons that I am so supportive of the Democratic proposal is because it does not have nuclear energy reliance which has a nuclear waste problem that no one has been able to solve.

Mr. Speaker, I rise today in support of this important legislation which will help our Nation move towards a cleaner, more sustainable energy future.

This bill provides necessary tax incentives for electricity produced from renewable resources, including wind, solar and geothermal. These incentives will provide badly needed assistance to clean renewable energy companies in my home State of Nevada and throughout the country that are working to diversify our Nation's energy portfolio and clean up our environment.

Power from the sun and wind and geothermal are unlimited. And these entrepreneurs are ready to build and expand our renewable energy resources as soon as we in Congress give them the tools they need to move forward.

Energy independence is not just an environmental issue or an economic issue, it's a national security imperative. We pay exorbitant prices for oil from countries like Venezuela and Saudi Arabia, who support and finance terrorism and terrorist attacks on America and our allies. We must stop funding both sides of this war on terror. By encouraging the development of renewable energy and energy independence, this bill helps move this country in the right direction.

Our Nation has only 3 percent of the world's oil reserves, and yet our energy future is being held up on the fantasy that we can drill our way out of our energy problems.

Mr. Speaker, we need to move ahead and grow our clean energy resources instead of relying on old 20th-century technologies like nuclear, that is not clean or safe or inexpensive, or industries like oil that pollute our air and contribute to global warming to satisfy our Nation's energy needs.

Let's invest in our energy future by supporting this good piece of legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today to address the false choice being offered to America on the House floor today.

Despite months of pleas from the American people, the Democrat leadership of this House is still trying to dodge the issue of real energy reform.

We can't expect this country to break its addiction to foreign oil if we continue to address only half the problem. But that's exactly what this bill does. It includes numerous provisions aimed at boosting conservation. I support them. In fact, I'm the lead Republican cosponsor on a bill that closely mirrors a section of this legislation dealing with clean buildings. I'm also a strong supporter of the development and deployment of renewable and alternative energy technologies like hydrogen, cellulosic ethanol, geothermal, solar and wind. But to call this bill we're considering today a comprehensive energy solution is just plain wrong.

Some on the other side of the aisle would have us believe that this bill will open new areas of the Outer Continental Shelf to offshore exploration. Instead, it discourages States from allowing drilling off their shores. By not allowing States to share in the royalties from offshore oil and natural gas exploration, we virtually guarantee that no State would permit production off its coast.

In addition, it includes no new refinery capacity, no clean coal, and zero nuclear energy. In my home State of Illinois, we rely on nuclear power for 50 percent of our energy needs. It's safe, carbon-free, and could provide sustainable domestic energy for decades to come. Scientists at our national labs have developed new reprocessing technologies that will allow us to reburn spent nuclear fuel, vastly reducing the toxicity and the volume of waste. With this new process, we can solve the waste problem.

Does anything in this bill take advantage of the advances we have made in nuclear power? No. Instead, the bill includes a renewable energy mandate that will raise energy costs for consumers who live in States like Illinois that rely heavily on clean nuclear power.

Mr. Speaker, we can do better. Let's work together on the all-of-the-above energy package that embraces long-term energy solutions while also boosting production and conservation to provide near-term relief at the pump.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentlelady from California, Ms. ANNA ESHOO.

Ms. ESHOO. I thank the distinguished chairman of the committee.

Mr. Speaker, I rise today in support of H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act of 2008.

As the title of the bill makes clear, there is no greater threat to our economic or our national security than our dependence on fossil fuels. Our Nation is acknowledging something, and that is that we have an addiction to oil and that we are so totally dependent upon it. And who benefits from this addiction? Iran, Venezuela, Russia, rogue regimes. And they are all getting rich off our reliance on a 19th-century energy source. Today, we have an opportunity to strike a blow to some of the

most dangerous regimes and promote American economic and American national security. And that's what this bill represents.

The simplistic and unconditional ''drill here, drill now'' rhetoric is not a real response to these challenges. It really falls short of what some of the great leaders of our Nation put forward at another time during the history of our country.

We have to lift ourselves up to end this dangerous addiction by developing renewable energy sources and become energy efficient. Solar panels, electric cars, fuel cells, efficient data centers and green buildings are all being developed by innovators in my congressional district in Silicon Valley. With these technologies, we can export energy to the world instead of being an importer of fossil fuels.

This bill is fully paid for—and I think my Republican friends need to listen up to this—by rolling back needless subsidies to the oil companies, and will develop a renewable energy industry, will create American jobs, will increase production, and will motivate investments in renewable energy through tax credits.

Oil is a necessary source in the near term, and the bill provides for responsible drilling. I think we need to protect our precious coastal regions. And with the offshore oil drilling moratorium expiring in a few weeks, our coast will be open to new leases.

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

Mr. RAHALL. I yield the gentlelady an additional 30 seconds.

Ms. ESHOO. No one wants oil rigs sitting three miles off our coasts; my constituents don't, maybe some others do. But that's why this bill protects 50 miles off of all of our coasts and gives the States the right to review to opt in or not.

This bill is all about the future. Some, placing our country at risk, will choose the past, to stay with the past and to remain addicted.

This bill is a pathway to the future. I'm proud to support it, and I urge my colleagues to do the same.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members not to traffic the well while another Member is under recognition.

□ 1800

Mr. SALI. I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, this bill is all about the future. It's about protecting the Democrat incumbents to make sure they get reelected. This should be called ''The Protect Congressmen and Congresswomen Bill.'' We're bringing this bill to the floor at the 11th hour just before we adjourn for this year, unless we have a special session. They know full well this bill is not going to get through the Senate. So we're not doing anything. This is window dressing.

We have a severe problem in this country, and they're doing nothing but creating a facade so the American people will think they're doing something when they're not. This bill will not do anything to help people with the price they are paying for food, gasoline, clothes or anything else that is transported by diesel or gasoline. It's not going to do anything because it's not going to go anywhere.

In addition to that, this bill has no nuclear, no clean coal, no refineries and no revenue sharing with the States. So if a State says they want to drill off the coast 50 or 100 miles, which is a long way and it's going to be really deep, they are not going to do it unless they're going to get something back, some revenue back. Why else would they do it? So this bill is really a facade because it's not going to encourage the States to allow drilling off their coast because they don't get anything for it. This bill increases taxes on the oil companies. It's going to discourage further exploration and further drilling.

This bill is something that the American people ought to know is a fraud. It is not going anywhere. It's not going to solve the gasoline crisis problem. It's not going to solve the energy problem. But it's going to help reelect some of the Democrats because they have heard from their constituents when they went home, you have to do something about the energy problem. You have to drill here in America. You have to pass a bill. So they're going to pass a bill. But this bill is not going to do anything. It's going to accomplish nothing. It's not going to get through the Senate. And we're going to be in the same situation 6 months from now because they will not move a real energy bill.

There was a bipartisan bill that Mr. ABERCROMBIE of Hawaii and Mr. PETERSON of Pennsylvania sponsored. I was a cosponsor of that bill. It had all kinds of compromises in it. But it dealt with the energy crisis. They don't want that bill. The Speaker doesn't want that bill. And they're not going to do a darn thing, and the American people ought to know.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon, a valued member of our Committee on Natural Resources, Mr. DEFAZIO.

Mr. DEFAZIO. I thank the gentleman.

The oil and gas industry contributed $166 million to the Republicans since 1990, 75 percent of their political contributions. Fact: When President Bush took office, gas cost $1.47 a gallon. Today gas costs $3.79 a gallon in my district. Fact: In 2002, the oil companies made $30 billion in profits. In 2008, it's projected they will make an unbelievable record $160 billion in profits, every penny of that extracted from American consumers and American small businesses and borrowed from overseas, putting us in huge trouble.

The oil companies took care of their Republican cronies and the Republicans legislated on their behalf. When they controlled everything, the House, the White House and the Senate, they passed the so-called energy bill. It took them 5 years to write it. And they passed it. We're living with the consequences, which is the huge increase in profits and the huge increase in prices to consumers.

The choice is clear. Do we pass a bill written by Democrats who are not beholden to Big Oil, or do we pass another Republican bill, those who legislated this mess in the first place? Do we break our dependence on fossil fuels and mandate renewal energy, or do we ignore the ravages of global warming, drill, dig, burn and borrow our Nation to debt and dust?

Today I will vote for energy independence, sustainability and affordable energy prices. Many of my Republican colleagues will vote yet again for bigger oil company profits. Congratulations to the Grand Old Oil Party. They're very consistent.

Mr. SALI. I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I rise today as my colleagues across the aisle try to deceive the American people with this none-of-the-above, no energy plan. H.R. 6899, the Democrat energy bill, does nothing to address lawsuits from radical environmentalists, which means that leases will be tied up in court for years. It allows no drilling within 50 miles of American shores. This alone rules out most of the promising areas in the Gulf of Mexico. It gives no revenue sharing to States that allow offshore drilling. This bill would actually cost these States money. States will have no incentive to allow drilling from 50 to 100 miles. It imposes tax increases on oil companies right when they need to invest in new development. These tax hikes will be passed on to consumers and will raise the price of gasoline and home heating oil. It does nothing to promote oil shale, nuclear power, clean coal, new refineries or Alaskan oil.

I am concerned about using oil shale in particular, being from Colorado. According to estimates, there are 1.23 trillion barrels of oil in oil shale deposits just in government-owned lands. This legislation does not provide a solution that advances oil shale development. It is estimated that access to this American supply of energy could supply American domestic gasoline needs for 200 years.

In essence, the Democrat bill does not open up offshore drilling as it purports to do. It makes no progress on

other major sources of energy. And it actually raises the cost of oil and gas through tax hikes and raises the cost of electricity through its renewable energy standards. This bill is not just a sham and a fraud, though it is that. It will actually damage our economy. It will kill jobs, and it threatens our economic future as a country.

Mr. RAHALL. Mr. Speaker, just to remind the previous gentleman, he ought to read the bill because there is a State opt-in for oil shale leasing, including in his own State.

I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE) who has been a real stalwart in helping us develop this comprehensive energy bill.

Mr. ALTMIRE. My friends on the other side of the aisle, those who stood in this darkened House Chamber for weeks asking Congress to return to vote on a drilling bill, will bemoan the fact that this bill is not identical to their bill, but no one in this House, Republican or Democrat, got everything in this bill that they wanted. Every one of us could find something we would like to take out, something that was left out that we would like to put in, or language that we would like to change. But that is how the legislative process works. The finished product is a result of give-and-take compromise put together in a way that can pass by majority vote. That is what we're here for, right? To pass an energy bill.

But the truth is, Mr. Speaker, those on the other side have been a part of this process. For months, we've heard their cries of ''drill here, drill now.'' For months they have talked of nothing else. So here we are today taking up a bill that triples the territory that is available for offshore drilling. And during the 6 years the Republicans held control of both Congress and the White House, they had the chance to write the bill exactly as they wanted. And during those 6 years, they did nothing to reduce our dependence on foreign oil and nothing to advance their ''drill, baby, drill'' war chant. For 6 years the American people watched and waited for the Republicans to act but got nothing in return.

So now it's our turn, and today we will pass a bill to expand offshore drilling. So to my Republican colleagues, I say their voices have been heard. Their views have been included. And they should take ''yes'' for an answer.

Mr. SALI. I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman. My colleague on the other side just said nobody got everything they wanted out of this bill. The reality is nobody gets anything out of this bill. Nobody gets anything of out of this bill except the environmental groups who will sue to block all oil production. The reality is we are legislating to solve a crisis that we created. It was the Congress at the urging of environmental groups that blocked Outer Continental Shelf drilling. It was the Congress that blocked drilling in the Inter-Mountain West. It was the Congress that blocked drilling in Alaska.

Do you know what that has done? That has cost Americans jobs. That has cost the people in my district their chance to earn a livelihood because we locked that all up. Are we opening it up today? Is my colleague right that this is a compromise? Absolutely not. We are not opening up one single square inch of drilling. Let me make it clear. The Sierra Club said ''we are working very hard on this bill to ensure that its focus is not expanded offshore drilling.'' Mr. MURTHA, a close friend of Speaker PELOSI, said, he admitted that, this is a political month. Last Wednesday, he said that there are all kinds of things we are going to try to do that will go away after we leave.

They don't plan to produce oil under this bill. It's just talk. The legislative director of the radical Natural Resources Defense Council acknowledged the same thing about the Democrats' ploy: ''This is about politics, not necessarily about policy.'' Democrats know that not a drop of oil will be produced because lawyers will file lawsuits stopping every single one. Let me make the point: The administration last year issued 487 leases in the Chukchi Sea. Environmental groups sued to stop and have stopped all 487.

The administration has a total of 748 leases in the Chukchi Sea and Beaufort Sea. How many lawsuits have been filed and how many leases have been challenged in lawsuits? All 748. Various oil companies in February of 2007 filed exploration plans for 12 separate leases in the Beaufort Sea. How many of the 12 have been challenged? Every single one. The BLM in New Mexico offered for sale 78 leases in New Mexico, Kansas, Oklahoma and Texas. How many have been sued? Every single one.

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

Mr. SALI. I yield the gentleman 30 additional seconds.

Mr. SHADEGG. The truth is this problem could be easily solved. If my Democrat colleagues were genuine about wanting to create American jobs, about putting Americans to work and about getting off our dependence on foreign oil, then put reasonable language in the bill that limits lawsuits. We can allow lawsuits. But they don't have to be dilatory. They don't have to be such that no oil will ever be produced.

Sadly, the Speaker called our efforts to produce a hoax. If you don't fill the litigation loophole in this bill, this bill is a hoax. And it's not nice to fool the American people, to tell them you're doing something when you know you're not doing anything.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Thank you, Mr. RAHALL, for bringing this bill to the floor, building this bill and spending a lot of time over the last 2 months to bring a compromise piece of legislation. And I want to focus first of all on the part of the bill that Mrs. BIGGERT was talking about, which is the Green Resources for Energy Efficient Neighborhoods (Green Act), which is a bipartisan section of this bill designed to make housing, commercial and industrial properties more energy efficient.

Now, how anybody on your side of the aisle could complain about energy efficiency is way beyond me because a barrel of oil saved is a barrel of oil earned, a Btu saved is a Btu earned, and how anybody could complain about that section of the bill, which Mrs. BIGGERT didn't, is beyond belief. She is a cosponsor of the Green Act out of Financial Services. But it creates a green mortgage market, it upgrades 50,000 units of HUD to energy efficient standards. We've seen and heard in our committee that HUD's utility costs have gone from $3.5 billion 4 years ago to $4.6 billion this year. We need to come up with different ways to power our country and be more efficient in how we do that. So there are all sorts of energy efficient measures that are a bipartisan portion of this bill.

But my friends on the Republican side of the aisle want to come up with the same old complaints, the same old arguments, the same old answers and the same old results. And it's all about oil. The problem is if we're addicted to one commodity, one fuel that is controlled by eight countries and five oil companies, we're going to have these problems all the time.

And I would like to say that our friends had the opportunity several years ago to come up with their energy bill. And the Majority Leader at that time, JOHN BOEHNER, said the GOP energy bill would bring down prices. He said, ''So what is being done to bring gas prices down? The Energy Policy Act of 2005 is a balanced bipartisan bill that will ultimately lower energy prices for consumers and spur our economy.'' (8/19/05).

It couldn't be farther from the truth. Gas prices have just gone up, so we've got to have a comprehensive approach. It can't just be about oil, although this bill does expand domestic production by a lot.

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

Mr. RAHALL. I yield the gentleman an additional 30 seconds.

□ 1815

Mr. PERLMUTTER. We have all sorts of opportunities for additional drilling, offshore and onshore. And my

friend from Colorado couldn't have been further from the truth when he said there was nothing in there about oil shale. Oil shale is part of the opt-in process here.

This is a comprehensive bill that includes coal, includes renewables, includes energy efficiency, includes domestic production. This is the kind of thing that we need to break ourselves from the dependence upon oil from foreign countries. But with two oil men in the White House, what would you expect about gas prices? Gas prices are going straight up, and that is just what the Grand Old Party wants.

Mr. SALI. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. MCCRERY), the ranking member on the Ways and Means Committee.

Mr. MCCRERY. Mr. Speaker, I just want to say in response to the last speaker for the majority that the energy bill that he derided that we passed on a bipartisan basis in 2005 is basically included in this bill. You take the same tax provisions, for example, that we had in that bill and you just renew them. So the bill that we did in 2005 wasn't bad, evidently, because you have embraced it. It is just that it wasn't enough.

Now, finally, I think the country and people around the country understand the importance of not only preparing for the future, which admittedly we have to do, but in 2005 when we said ultimately that bill will lead to lower prices, we think it will, once we get alternative fuels on the market. But we have to develop those. We provided incentives in that bill, as you do in this bill, to generate activity in those alternative fuel sectors. But what we also need and what the country has come to embrace now I think is more domestic oil and gas production to bridge us to that future.

We are not there yet. This bill, unfortunately, doesn't provide that bridge. It is advertised as such, but I would submit that it is false advertising.

This legislation, produced unfortunately in secret by the majority and released just late last night, is a sham. It permanently locks up large portions of the Outer Continental Shelf, putting it off-limits to oil and gas producers, meaning that any claims that this bill will help promote energy security, certainly in the short-term, and by that I mean for the next 20 or 30 years, is just not the case.

Moreover, in what surely must go down as one of the biggest bait-and-switches in legislative history, the majority claims to open up some areas far offshore for production, but only if the States agree, only if the States opt in, and then it is only a few States. And to try to sour that deal, this bill removes the typical revenue sharing that would go to that State, in effect eliminating a major financial reason for States to allow drilling off their shores.

Because of this omission in the bill, even my senior Senator, who is a Democrat, sees the foolishness of this bill's approach. She is quoted in the New Orleans paper as saying in reference to this bill that is on the floor right now, "It most certainly won't see the light of day in the Senate." That is because of the omission of the revenue sharing in this bill. What she means is it won't see the light of day in the Senate because they know on a bipartisan basis in the Senate that this bill won't produce any more offshore drilling because States won't opt in if there is no revenue sharing for this bill.

So, Mr. Speaker, I urge this House to do an all-of-the-above bill on energy, and not a none-of-the-above bill, like this bill represents.

Mr. RAHALL. Mr. Speaker, I yield myself 1 minute.

The gentleman from Louisiana has just described the revenue program as "typical" and that we are doing away with the "typical revenue sharing." I would remind my colleagues, that is not an accurate statement.

The OCS Lands Lease Act passed in 1954 had zero revenue sharing in it. Zero revenue sharing. It was only in 2006 when this Congress passed revenue sharing to allow four States to share in that money, due to hurricane relief, those four States being Texas, Louisiana, Mississippi and Alabama. Revenue sharing was a one-shot deal.

So for the gentleman from Louisiana to describe it as typical, and many on that side have attacked this bill because there is no revenue sharing, a bribe to the States, if you will, to opt in, is just not an accurate description of this legislation. Revenue sharing has never been typical of leasing and the Outer Continental Shelf.

Mr. MCCRERY. Will the gentleman yield?

Mr. RAHALL. I will yield.

Mr. MCCRERY. Thank you. You are right with respect to offshore drilling, and I think that has been an unfortunate omission throughout the years, and we have corrected that recently.

Mr. RAHALL. Reclaiming my time, it was a one-shot correction due to hurricane relief, Katrina.

Mr. MCCRERY. That was the bridge that got us there. But certainly with respect to onshore production on Federal lands, there typically has been revenue sharing, is that correct?

Mr. RAHALL. Onshore, yes. We are talking about the Outer Continental Shelf here. You said OCS.

Mr. MCCRERY. For the same reasons, we should have revenue sharing for offshore.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the chairman.

I rise to support the Comprehensive American Energy Security and Consumer Protection Act. This bill is a real comprehensive energy solution, one that will bring down gas prices in the short-term and, most importantly, end our national addiction to oil in the long-term.

This is the energy plan that Americans have been waiting for since the oil embargo of 1973. The sooner we take oil out of the equation, the better it will be for our economy and our national security.

This legislation has the potential to dramatically reduce gas prices and set our country on a path to energy independence with real investment in clean technologies and provide tax breaks for individuals and businesses which make smart energy choices.

In this package we treat oil as a transition to the innovative technologies of the future, but it is only a transition. Congress has finally learned through the American people that we cannot continue to feed our oil addiction and remain competitive in a global economy.

This package opens up new parts of the Outer Continental Shelf for drilling, 85 percent of it, and it also includes the drill-it-or-lose-it provision that I have supported. This basically says that Congress is telling the oil companies that they must drill on the land or offshore areas that they already control, or step aside and let someone else drill on that area.

I have always believed that most Americans believe that that ingenuity that put a man on the Moon can and will solve our energy crisis, and this package provides the necessary incentives for our scientists, researchers and entrepreneurs to perfect the next generation of clean, affordable energy sources. America is well ahead of the Bush administration on energy policy, and is more than ready to embrace this comprehensive energy plan.

Mr. SALI. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, Carl Pope, the executive director of the Sierra Club, was quoted as saying, "We are better off without cheap gas." Well, maybe the wealthy members of the Sierra Club aren't hurt by $4 gasoline and gasoline that will go much higher if we don't increase production, but many middle and lower income Americans are hurt by this, and we can't let radicals just put all types of energy production off-limits in this Nation if we are going to remain viable economically and not shut this country down from an economic standpoint.

This bill has been described by several people as a hoax bill. The hoax bill that we are considering now claims to lift the congressional moratorium on offshore drilling. In reality, it would keep 85 to 88 percent of offshore oil production off-limits and really allow drill only where there is very little oil and oil that is very expensive to get.

The hoax bill that claims to be a consumer protection act would raise taxes on oil companies by $17.7 billion. Well, who do you think pays these taxes? The consumer does, that is who. So the hoax bill protects consumers by passing on billions of new taxes to them.

The hoax bill allows States to opt in by allowing oil drilling, but does not allow States to share in the revenue. That is giving States no incentive to allow for this drilling.

The hoax bill does not even open up the 19.8 million acre Arctic National Wildlife Refuge where billions of barrels of oil could be produced. This is an area, Mr. Speaker, 36 times the size of the Great Smoky Mountains National Park, where over 9 million people visit each year. Only a few hundred visit ANWR, and where they want to drill is a frozen tundra, millions of acres without a tree or bush on it. I have been there twice. They want to drill on only 2,000 or 3,000 acres out of these 19.8 million acres.

We passed this 12 years ago, but President Clinton vetoed it, thus stopping a million barrels a day for the U.S. every day since then. We were told then and several times since then that allowing more drilling wouldn't help immediately. But we said it would in a few years.

If the Republicans in Congress had their way, we never would have seen $4 a gallon gas. Now Republicans have bills that are not hoax bills and that would do something for the middle and lower income people of this country.

Mr. Speaker, finally, if we are ever going to lower the cost of gas and other forms of energy, we need to restore government of, by and for the people, and not government of, by and for wealthy environmentalists.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind Members not to traverse the well while another Member is under recognition.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the chairman for his leadership.

Today we have arrived at a moment of truth on energy policy in this body. For weeks, our Republican colleagues have claimed they want a comprehensive piece of legislation, an all-of-the-above piece of legislation when it comes to energy policy. Now we have just such an initiative before us on the floor of this House, and they won't take ''yes'' for an answer.

It turns out that they want all of the above with a big asterisk next to it. It turns out it is all of the above, except let's not take away some of the taxpayer giveaways and subsidies to the big oil and gas companies and use those moneys instead for renewable energy and energy efficiency.

I think the American people know what a cozy relationship there has been between the Bush White House and Big Oil. I think last week we learned just how cozy that was between the Bush Department of the Interior and the oil industry.

This bill does two main things. First of all, it greatly expands opportunities for responsible offshore drilling in our country, and uses the royalties and proceeds from those drilling operations to invest in renewable energy and energy efficiency.

But let's not try and fool the American people. The Department of Energy has made it clear that even if you drilled on every square inch of this country today, you wouldn't see a drop in price of gas at the pump for a very long time and the price impact would be minimal. Why? The United States has 3 percent of the world's oil reserves and guzzles 25 percent of the world's oil.

You cannot drill your way to energy independence, which is why we have the second part of this bill, which is a huge increase in renewable energy and energy efficiency, why we establish a national 15 percent renewable energy standard by 2020. That is why we redirect the subsidies away from the oil and gas industry, who are making record profits, and invest that money instead in renewable energy and energy efficiency.

It is too bad that in listening to the debate today, that our Republican colleagues will not cease this opportunity to move forward together on what is a comprehensive plan. It is too bad that they refuse to break that connection with the oil and gas industry as a result of the provisions in this bill that say let's redirect those subsidies.

This is a serious challenge that our country is facing. This is a serious proposal that is put forth to bridge the differences and try to move forward together on an important piece of legislation for the American people. It is unfortunate, just listening to the debate, that some of our colleagues want so badly to have a political issue to take to this election that they refuse to come together as one in this body to actually get something real done.

Mr. Speaker, the American people deserve better than that. They deserve a piece of legislation that will move us forward on this very important issue. They deserve for this House to support this bill.

Mr. SALI. Mr. Speaker, may I inquire as to the time remaining for each side.

The SPEAKER pro tempore. The gentleman has 56 minutes remaining, and the gentleman from West Virginia has 48 minutes remaining.

Mr. SALI. I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise to oppose the Democrat energy bill, the Comprehensive American Energy Act.

I have enormous respect for the gentleman from Maryland. This is a serious issue. The American people are hurting. Gasoline prices in eastern Indiana in 6 hours on Saturday went from $3.79 a gallon to $4.29 a gallon. They expect this Congress to come together. Where I respectfully disagree with my colleague from Maryland is this is a serious issue, but this is not a serious proposal.

□ 1830

A serious proposal is considered in committees. A serious proposal is the subject of hearings. A serious proposal is the subject of more than a half a day of debate on this floor. A serious proposal gives consideration to all the Members of this Congress through the amendment process.

The truth of the matter is this Congress is coming to this point, because after 20 months of the Democrat majority refusing to bring a vote to the floor to allow more domestic drilling, House Republicans took this floor in the month of August, and we held it. We demanded an energy bill, a comprehensive bill that said ''yes'' to fuel efficiency, ''yes'' to conservation, ''yes'' to solar, wind, and nuclear, and, ''yes'' to more domestic drilling.

The Democratic majority, the drill-nothing Congress, cried ''uncle,'' and it brings us to this day. But I would suggest to my countrymen, as you hear again and again, that Republicans are refusing to take yes for an answer. Read the fine print.

Reality is that this is no longer a drill-nothing Congress; it's a drill almost-nothing Congress. They say ''yes'' to drilling in this bill, but not in Alaska, not in the eastern coast and not within 50 miles. They say ''yes'' to drilling, but States can decide whether we do it or not, and they won't get a single penny from revenues for allowing drilling off their shores. I guess we are just going to rely on the goodness of our States' hearts to open up their shorelines to more drilling.

They say ''yes'' to drilling, but litigation rules will allow environmental lawyers to tie up the leases from the very day they are filed. I say to my House Democrat colleagues, from my heart, don't do this.

Daniel Webster said it a century ago, and it's chiseled on the wall. Let us develop the resources of our land and call forth its power, and let us do something worthy to be remembered.

We can do better than this. We can pass a bipartisan comprehensive energy bill, and I urge my colleagues to do that.

Mr. RAHALL. Mr. Speaker, God forbid, that this bill be known as a drill here, drill now, drill everywhere, drill irresponsibly piece of legislation.

I yield 1 minute to the distinguished majority leader, a gentleman who has done yeoman's work in bringing this

together as a caucus on this legislation, and I salute his knowledge and expertise in developing this legislation, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

This is a serious issue, and there are a lot of related issues.

The gentleman who spoke before me, and I have a great deal of respect and affection for him, we treat one another with respect. We put a price-gouging bill on the floor because we were concerned about the spikes in pricing. Indeed, we saw, as Ike was coming and bearing down on Texas, before it ever got to the shoreline, there were $5 per gallon prices, before it ever got to the shoreline, before it ever destroyed anything.

My friend voted against the price-gouging bill.

These are serious pieces of legislation. The Republicans were in charge of the House for 6 years. In 2001, 2002, 2003, 2004, 2005, and 2006, they controlled the White House.

I have in my hand the eight pages that the administration, Mr. Bush, has submitted to us, President Bush submitted to us, over the last 8 years. Six of those years they were included in the appropriations bills passed by the Republican Congress and Republican Senate and signed by a Republican President.

In each of those bills, the administration asked to continue the moratoria on drilling, every one of them, passed for 6 years by your Congress. We didn't have the votes to pass anything.

Then we took over the control, because the Congress was fed up, frankly, with a complacent, do-nothing Congress, complicit in moving in the wrong direction, which 82 percent of America thinks we are now on, the wrong direction.

This Congress has mightily tried to change direction, and, in fact, we have in many areas, including a comprehensive energy bill last year that the President signed. Sam Bodman said it was a great bill, the Secretary of Energy. It passed in a bipartisan fashion in both the Senate and the House.

President Bush, in last year, fiscal year 2008, submitted a budget document, he submitted it, which said, the moratoria should continue. This year, the President submitted a bill, for the 2009 fiscal year, which said the moratoria should continue.

So these crocodile tears about how Democrats have taken over and all of a sudden gas prices have spiked, you give us far more credit than we deserve in light of not being able to override the President's veto on almost anything that he didn't want. He signed some things that he didn't want like the minimum wage. He signed some things he said he wasn't going to sign, like the GI Bill. He signed some things that we passed through the House and Senate.

But these crocodile tears are unwarranted by your record, and by the submissions of the budgets, by your President, for 8 years running. Now, a couple of months ago, the moratoria which was put on by George Bush, his father, was lifted. Why? Because our constituents are hurting. Why? Because we are being held up by those who are selling oil. Why? Because the market is being manipulated and speculators are impacting on price.

You think that's not the case, or do you think all of a sudden demand went down by a third, so it went from $146 down to $92 today, within just a few months. Who believes the free market operates in a way that demand spikes for oil that much in a 90-day period? Nobody on this floor who is rational believes that.

Something is rotten in my home of Denmark. And, actually, it's not rotten in Denmark; it's rotten someplace, though. Mr. ABERCROMBIE is going to speak on behalf of this bill, as he met with Mr. PETERSON and tried to come together.

Originally this bill, the gang of 20 in the Senate, which apparently you don't like, because they are undermining the drill, drill, drill political advantage that you have sought, the 20 said let's deal with four States. We are saying let's deal with every State. We do say with sensitivity, as the previous speaker said about his State, States are going to have the opportunity to make a determination as to whether they want to proceed.

Now, you could argue that that shouldn't be the case, because, after all, that's Federal. It's not State property, you get that far out.

We have done a lot of work. We have done a lot of work in trying to work across this spectrum. I want to congratulate Mr. RAHALL and Mr. GREEN and others who have worked so hard to try to bring us together.

I will tell my friend, we do deal with oil shale in this bill. In your bill, you repeal a section which had caused a problem. We repealed that as well, so your bill and our bill did the same thing on that. Furthermore, we said three States that have substantial oil shale ought to have the same opportunity that the coastal States have to opt in to develop that.

Whether the technology is available now, I don't know. In part, I believe the arguments used on this floor, which I will say as an aside, I think was a misuse of this floor. But notwithstanding that, arguments that were made day after day after day were not accurate, and you knew they were not accurate, which is why it made it so difficult to respond to.

None of you ever mentioned the fact that the President of the United States, George Bush, submitted, months ago and 7 years prior to that, and you passed 6 years in a row, on your watch, the moratoria, of which you now wring your hands.

All of us are concerned. All through the summer and into the fall Americans have been filling up their cars at record prices in my district and every district, $60, $80, $100 a tank and looking for Washington to help, to see what we could do about it. We are trying to do something about it.

Now, you passed an energy bill in 2005. Your Speaker, Mr. Hastert, your majority leader or now minority leader, Mr. BOEHNER, and my good friend, your whip, said to us, and I won't quote them all at length but I will quote your Speaker, Americans need this bill—your energy bill passed in 2005—to lower their energy prices, to drive economic growth and job creation, and to promote greater energy independence. That's what you said your bill was going to do.

You also said, of course, in 2001, that we were going to have the greatest economy we would ever have seen if we passed your economic improvement program. I doubt that any American believes that you accomplished that objective. You passed your bill, the President signed it. Just a short number of months later prices went from $1.46, when you took over, to over $4.20.

If it was a successful energy program, it was a successful energy program in driving up the price of gasoline for all of our consumers. To see what we could do about this we met, we talked to Mr. ABERCROMBIE, we talked to Mr. PETERSON to try to bring our caucus together. It was a diverse caucus. A lot of people felt President Bush was right, those 8 years that he submitted those bills and that you passed 6 years you were in charge.

To relieve the strain on their budgets and their families, not 10 years from now but now, today, I am sure you are wondering whether we will throw up our hands on the work of compromise and retreat into finger pointing. I think we can do better than that on both sides.

Both of us want to make sure that we bring prices down, and both sides of the aisle want to see energy independence. We can pass this bill, the Comprehensive American Energy Security and Consumer Protection Act. You say it's not perfect. Many Members on our side say it is not perfect, but it is a very significant step and a very significant expansion of where oil could be found.

I would reiterate, there are 68 million acres right now, right now, as I stand here, that could be drilled upon right now without any further legislation, regulation or administrative action.

This legislation, this bold step towards a comprehensive energy policy, is worthy of the 21st century. Lower gas prices today, American oil and natural gas for the years to come, that's what this bill promises and will provide, and serious investment in a new

generation of energy technologies for a cleaner, more secure energy future. It's all here, and we are all going on record this evening.

Here is what the energy package is going to accomplish. First, we are going to drill for more oil and gas here at home. That's what Americans have said. Use our resources. Don't rely on the Middle East. Don't rely on Venezuela. Don't rely on Russia. Certainly, don't rely on Iran. Drill here.

We have both said all along, we put a bill on the floor, drill responsibly in presently leased land, that Mr. RAHALL led. Most of you, many of you voted against it. For many of my colleagues, I know that drilling is the most contentious part of this compromise, but we have worked hard to find common ground.

Drilling will come with strong, new environmental protections. Americans want that. They want resources, but they want them safely gotten. It will take place well offshore, as opposed to the 3-mile zone that will go up for grabs in 15 days if we vote this bill down and do nothing.

I don't know how many of you are for that. Maybe all of you are for it on that side. I don't think our citizens are for it. In the areas closer to shore, we are letting the States themselves make the final call. To my colleagues on the Republican side who argue that States won't opt in without revenue sharing, I reply this, if the ground swell for drilling is as strong as you have said it is, and I believe it is, surely our State leaders will listen.

Do not ascribe to us the only ones who will respond to the public's desire to find more resources. Certainly our State leaders will respond as well. They will feel comfort that their State has made that determination.

That's not to mention the job creation that will occur in States, what a motivation that is. We are also including diligent development provisions, which, by the way, you included in your 2005 bill. We thought it was a good provision. We called it ''use it or lose it.'' You voted against it because it wasn't your bill. You voted for it when it was development in your bill. When we put it on the floor, you voted against it.

Second, we are going to take immediate action to lower the price of oil by releasing 10 percent of the oil in the Strategic Petroleum Reserve. We proposed that; the President said ''no.'' We said don't buy any more. The President said ''no.'' Both of those policies are now being pursued by the administration.

Tax incentives for plug-in hybrid cars, solar and wind power, biofuels and energy efficient homes. Why? Because we can't drill ourselves out of this. We need to drill, we want to drill, we are providing for drilling, but that's not the solution.

It is part of the solution. We all understand, you say, all of the above. We say, yes, let's invest in alternative research, for cutting-edge energy research, support for mass transit and renewable energy.

□ 1845

We need all of those steps if we are going to be energy independent.

Some day soon I think we will look back on these investments as the beginning of the end of our oil addiction. We are going to fund them by recovering the royalties the oil companies owe the American people. Who here believes you need to incentivize a company to produce a product that is getting the highest price it has ever gotten in history. I don't find that premise in my free market concept. The free market operates that if people are buying your product and they are paying you a very good price, by golly, you try to provide more product for them.

Refineries were operating at less than 90 percent, or about 91 percent this summer, the lowest point they have been at refining capacity in a number of years, not because they didn't have supply. They have got supply. There are no shortages, there are no lines. They are just charging a high price.

We are going to fund that research, as I said, by asking the oil companies to pay their fair share. They are making good money and our citizens shouldn't have to pay more to run their government because some oil companies are not paying their fair share. It simply doesn't make economic sense to do billions of dollars of tax cuts to oil companies while our citizens are paying high taxes.

All of that is our energy solution. We have not left a stone unturned or a remedy untried. To my Democratic colleagues, I don't think a single one of us is happy with every single provision in this bill. I know I am not. There would have been some additional things I would have liked in this bill. But I also know that is the price of a good compromise, and making good compromises is our business. To my Republican colleagues, you have told us loud and long, and I want to congratulate Mr. PETERSON for the work he has done in bringing this issue to the fore and talking about it, not just this year because I have known him for a long time. We served on the Appropriations Committee, and he has been consistent and constant in his focus on this issue.

Your Presidential candidate is running for office under the motto ''Country First.'' We would all run on that platform.

I am for Mr. OBAMA, as all of you know. He wants to see change and a new direction. But certainly all of us agree that our country comes first, perhaps not before God, perhaps we would say our family is critical, but certainly country is our consideration.

Democrats and Republicans, we are all being watched today and they can see partisan differences, partisan divide, and sending a partisan bill to the Senate. We can perhaps do that, and maybe we will. Our public will not be pleased. This bill is not perfect. It is not everything you wanted; it is not everything I wanted. But it is a substantial expansion on drilling, a substantial investment on renewables, a substantial investment on conservation. We ought to pass this bill.

Mr. BOUSTANY. Will the gentleman yield?

Mr. HOYER. I would yield briefly to the gentleman.

Mr. BOUSTANY. I would like to ask if you considered repealing section 199, which is basically singling out the oil and gas industry for a tax which all of our manufacturers don't have to pay—

Mr. HOYER. Reclaiming my time, that provision, of course, was added under your leadership to manufacturing. It wasn't in manufacturing, as you probably know, when it was originally adopted because it was not perceived that the oil companies were in manufacturing as the bill contemplated to be.

Then you thought the oil companies weren't doing well enough, and so you wanted to add that provision and you added it under Republican leadership. Very frankly, we thought that was not a wise move at that time, and we don't think it is a wise move now. And very frankly, I don't think the American public thinks that the oil companies will go out of business if we don't give them this tax incentive.

Mr. BOUSTANY. If the majority leader would yield.

Mr. HOYER. I will yield one more time, and then I will conclude.

Mr. BOUSTANY. This provision hurts the larger companies which are necessary with the technology to drill in deep water. The smaller companies participate in that. So if we hurt our deep water abilities in the United States off our Outer Continental Shelf, we are making ourselves less competitive and we are hurting job prospects.

I have seen so many folks from Louisiana who are serving all over the world, working in the oil industry who have left the United States, left Louisiana because they have to work over there. We could keep these jobs here.

Mr. HOYER. Reclaiming my time, they go no place in the world, my friend, where they pay less than they do in the United States to those nationalized countries that allow them to drill. No place in the world do they pay less. If they went to Venezuela, they pay 93 percent. If they went to Norway, they pay 78 percent. Nowhere in the world, my friend, do they pay less than they pay here, and the difference is made up by your taxpayers and my taxpayers.

Ladies and gentlemen, this is a good bill. It is not a perfect bill. But it is a good-faith effort to move this issue forward, to make us independent, to bring prices down, to invest in the future which renewables are clearly the harbinger of, and to make sure that we take the action our public wants.

I thank Mr. RAHALL for his leadership, and I urge every Member of this body on both sides, vote for this piece of legislation. Move us toward energy independence, not just today but tomorrow and tomorrow.

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

Mr. Speaker, there has been a lot of discussion here and I think the main issue we are dealing with is how do we end our addiction to foreign oil. Can we drill our way out of this problem; can alternatives be used to replace crude oil. I think those are the two primary positions that are being bantered about on this floor.

As the American public is watching this debate, I am sure they must be quite baffled because both sides claim only they are correct. I think the answer, can we drill our way out of this problem, can alternatives be used to replace crude oil, the answer to both of those questions is probably ''kind of.''

Mr. Speaker, a couple of weeks ago I was at the Idaho National Laboratory. It is one of the premier nuclear and alternative energy research facilities in the U.S. Here is what the experts at the INL told me when I was there. They said wind energy is about a 2 percent energy solution. Solar is not much better, and it is a lot more expensive. They talked about hydrogen. Currently we generate hydrogen by burning natural gas. That actually loses energy. Today there is no good source for the carbon dioxide, carbon monoxide that they say is needed to develop other forms of alternative energy, unless we are going to burn coal, and coal is not included in this bill except that we are going to increase excise taxes on that coal.

How will we get enough hydrogen, carbon monoxide, and carbon dioxide to make alternatives a reality? Well, the folks at the INL said we will need to have next generation nuclear reactor facilities, not today's light water reactors that people are seeking to permit today. Next generation reactors operate at higher temperatures, and at those temperatures, chemistry and the reactions that take place, they take on new characteristics and that will allow the generation of hydrogen, carbon dioxide, and carbon monoxide in quantities that will make alternatives a reality.

Here is the problem. According to the Idaho National Laboratory, next generation nuclear facilities are two to three decades away from becoming a reality.

This bill does nothing to develop next generation nuclear reactors, and it doesn't really address the alternative energy in a meaningful way because of that. The bridge has to be made with crude oil and natural gas. The problem is this bill permanently locks up almost 90 percent of those offshore resources so it doesn't really address even our most limited need for crude oil.

Mr. Speaker, we need crude oil for more than just gas and oil. No plastics will ever be made from a windmill. No industrial chemicals will ever come from solar panels. No ink for printing. No asphalt that we need to make pavement to drive those electric cars and hybrid cars on. Well, Mr. Speaker, it just doesn't deal with those energies.

What does it deal with? Well, it increases taxes to the tune of about $18 billion. I wonder how many people in America believe that if we increase taxes on oil companies, that somehow that will cause them to reduce the price they charge for gas and oil. That is an absurd, absurd suggestion. In fact, what is going to happen is those taxes will go right down the pipeline, through the gas tank right into your gasoline tank where you will be paying higher prices for the gas and diesel that you need.

It was suggested earlier that we use so much energy in this country. You have all heard T. Boone Pickens on television say, gosh, we burn so much of this crude oil. I am not ashamed that we use a lot of energy in this country. It has made us the most prosperous Nation on the face of the planet, and it has allowed us to help essentially every other country on the face of the planet at one time or another. And America has proven time and time again that with our prosperity, we will also be generous to other countries at the time when they need it. Without that prosperity, we would not be able to have that generosity. Using energy makes us prosperous.

Just over a year ago, the Business Roundtable put out a report. Their conclusion was that to meet our energy needs for the future, we had better get our hands on every bit of energy we can from every source possible. That includes all of the alternatives. It includes nuclear. It includes crude oil and natural gas in increasing quantities. This bill does not get us there with any of those things.

I guess the question at this point is what kind of future do we want for our kids and our grandkids.

Mr. Speaker, ladies and gentlemen of this body, I am here to tell you that I want a future for my kids and grandkids where they will be prosperous. And for them to be prosperous, Mr. Speaker, we will need to get our hands on every bit of energy we can from every source possible, and this bill will not get that job done.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE); and while she is taking the mike, I remind her that our thoughts and prayers are certainly with all of her constituents and all those who have suffered from the recent Hurricane Ike.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the chairman of the committee for his leadership and kind words to the people of the gulf coast. Let me thank all of my colleagues who have offered to us their concern and certainly their support. I just landed, and I came from the view of a devastated community, an area in Galveston represented by my colleagues that has experienced the greatest devastation that they have seen in decades. Three million people are without power, many of them desperate because of their financial conditions. As everyone knows, particularly my friends from Louisiana, sometimes getting power back together takes a long time.

That is why this bill was important enough for me to come back, because it is a balance. As I left Houston, there were people crying out for diesel fuel, hospitals needing 700 gallons of fuel, and price gouging that law enforcement officers had to stop. People lined up at gas stations wherever they could find fuel, and those who could not find it were begging for fuel. So we know we have to do something about this calamity of energy and need.

I come from what has been called the oil capital of the world. I practiced oil and gas law. And as someone said on the other side of the aisle, there is no fear over here. Democrats want to balance what is best for America, and we have done so.

So there is a little bit of sacrifice that we are doing, but it is important to note that this bill brings relief to those suffering in the gulf and who need to find gasoline because in addition to many other aspects, it opens up leasing of 319 million acres; 85 million acres come from a State option.

□ 1900

That's a balance. But at the same time, this bill includes $18 billion in tax cuts to spur green jobs. And energy is all kinds of energy sources. And so, in addition to the oil, we have the opportunity to do more with green jobs.

We also allow a taking-out from the Strategic Petroleum Reserve. If we could get this bill passed and signed, I could help the people in the Gulf region because it would come to hospitals, it would come to gasoline stations. It would come to people who are in need.

This is a bill that ends the current moratorium that allows drilling 3 miles off, but it allows drilling through a State option, 50 to 100 miles.

Let me just say this, Mr. Speaker. I have listened to a lot of Republicans. And interestingly enough, in the 2005 bill, they even said they are trying to move toward energy independence. This is what we do.

And I want to thank the chairman and Congressmen GREEN and MILLER for allowing me to put language in this bill, and I'm proud of this language.

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

Mr. RAHALL. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON-LEE of Texas. Beyond the fact of the expansion of the leases offshore and opt-in, it allows minority women and small businesses to have the opportunity to do something they've never done, bid for these offshore leases, and it creates an energy consortium of our universities to work with wind and solar.

I would like revenue sharing. I'm from the region. But we can't have everything. I hope to work on it, that we have these incentives that everybody is asking for. But now we have a balance, and the people in the Gulf region are crying out for resources and energy. And this bill, if it's gone to the Senate and it gets to the desk of the President, will help us do so.

This is a good bill. This is a bill that should be signed. This is a bill we're proud of.

And I want to thank my staff, Arthur Sidney.

Mr. Speaker, I rise today in strong support of H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act. This legislation is a timely, necessary, and a comprehensive approach to addressing our energy crisis.

I am especially proud to support this bill because my staff, and I worked tirelessly to ensure that appropriate language was included to benefit all Americans—especially, small, minority, and women-owned businesses, institutions of higher learning, particularly minority serving institutions. I also worked hard so that the American consumers would benefit from paying lower gas prices at the pump. I am proud that such a progressive and comprehensive piece of legislation is on the floor of the House today. I thank Speaker NANCY PELOSI, Democratic Majority Leader STENY HOYER, and Representatives RAHALL, MILLER, and GREEN for their leadership in bringing today's important energy legislation to the floor that will address, in part, our current national energy crisis. I would also like to thank Mr. Arthur D. Sidney, my Legislative Director, for his work on this bill.

I AM PLEASED TO HAVE MY LANGUAGE INCLUDED IN H.R. 6899

I am especially proud to stand in support of this progressive piece of legislation because I was able to get my language included in this bill. Specifically, I was able to get included language in this bill that covers four critical issues: (1) the expansion of leases to offshore lands along the Outer Continental Shelf; (2) that States might opt-in to allow leasing off its costs by enacting legislation signed by the Governor or referendum; (3) allows the Secretary of Interior to establish goals to ensure equal opportunity to bid on offshore leases for qualified small, women-owned, and minority-owned exploration and production companies and may implement outreach programs for qualified historically underutilized exploration and production companies to participate in the bidding process for offshore leases; and (4) provides that the Secretary of Energy shall award a grant on a competitive basis to a consortium of institutions of higher learning for the establishment of a National Energy Center of Excellence to conduct research and education activities in geological and geothermal sciences, renewable energy and energy efficiency (including energy technology using clean coal, solar, wind, oil, natural gas, hydroelectric, biofuels, ethanol, and other energy alternatives), and energy conservation, including a special emphasis on environmentally safe energy. This consortium shall include at least two institutions of higher learning that are historically Black colleges, Hispanic-serving institutions, and tribally-based universities and colleges.

As a senior Member of the House, representing the 18th Congressional District, which includes Houston, the energy capital of the world, I am pleased to support this bill. I am glad to have authored language and have it included in this bill. My language will go far in making sure that individuals, that heretofore have been underserved, are provided a seat at the proverbial energy table. I urge my colleagues to support this bill.

Mr. Speaker, this bill could not come at a better time for Americans. To put it mildly, Americans are in desperate need of relief. Just a few months ago in May 2008, gas prices were at an all-time high. The price of regular-grade unleaded gasoline has risen well above $4 in some States. Increasingly, as the economy spirals to a recession, Americans must choose between food, energy, and gas. This crisis is of national and international importance. It is expected that the damage from Hurricane Ike which hit Houston and other parts of Texas, last week, will also drive up domestic oil prices.

BACKGROUND ON OIL PRICES AND THE CASE FOR THE NECESSITY OF THIS LEGISLATION

The price of crude oil is the largest single factor in the retail price of gasoline. Oil prices have not been regulated since the Reagan Administration; however, the market situation since 2004 has yielded little excess capacity. The weakening value of the dollar, political uncertainty, and unrest in places such as Nigeria, Venezuela, India, and China, exacerbate the problem. Worse still, is the plight faced by the developing world. While the developed world is facing high oil prices, the developing world is facing even higher prices with the weakening value of the dollar. Food prices all over the world are rising, and instability is growing.

Mr. Speaker, oil prices reached a record $147 per barrel and the American people are suffering. Many are faced with the decision to pay for gas or to pay for more food to feed their hungry families. Consumers are in desperate need of relief in the prices of oil, gas, and food.

But even refiners cannot escape the impact of the rising price of crude oil. Refining companies that have no upstream component, all reported steep year-over-year profit losses for the first quarter of 2008.

The overall effects on the consumer have been deep and widespread. Concern over the rising price of retail gas has been mounting for 3 years, and even as fuel exacts a greater toll on consumers' budgets, its macroeconomic effects have reverberated through all sectors of the economy.

The rise in fuel prices is having a deleterious effect on other industries, including the automobile industry. Sales of mid-size cars and trucks have declined. Automakers reported an overall drop in sales of 6.3 percent in February of this year, led by light trucks—which were down 10.6 percent—and sport utility vehicles—down 7.7 percent. The average fuel economy of new vehicles has increased by more than half a mile per gallon since 2004.

These rising gas prices are also spilling over into other sectors and they are having equally deleterious effects. In a recent survey of plumbing, heating, and cooling contractors, more than 90 percent of respondents expected their business to be harmed because of the high fuel costs. Without change, such as H.R. 6899, long-term, sustained gas price increases are going to severely affect persons living in the suburbs because of the high gas prices and the long commutes. H.R. 6899 will bring marked improvements in energy prices.

H.R. 6899—THE LEGISLATION ON THE FLOOR TODAY

H.R. 6899 will address the price at the pump by expanding drilling in an environmentally conscious manner. This bill is comprehensive, and its implementation will expand domestic and renewable sources of energy to bolster our national security. This is a real energy bill that will expand production and supply without sacrificing environmental concerns. The goal of this bill is to make the production and exploration of energy sources more affordable, more accessible, and more environmentally friendly.

H.R. 6899 will end subsidies to the oil companies, promote good jobs here in America, and require Big Oil companies to pay what they owe America's taxpayers. It puts America on the path toward energy independence and a clean green energy future through greater energy efficiency and conservation, and protects consumers with strong action to lower the price you pay at the pump.

This comprehensive and sweeping measure takes strong action to lower the price at the pump. It does so by releasing a small portion of oil from the Government's strategic reserve, and invests royalties from oil companies owed the American taxpayer in alternative energy technology.

H.R. 6899 commits America to a renewable energy future and jobs by extending and expanding tax incentives for renewable electricity, solar and wind energy, and fuel from America's heartland, as well as for plug-in hybrid cars, while requiring 15 percent of American electricity to come from renewable energy. This is a real energy bill.

This bill includes a compromise to responsibly open up the Outer Continental Shelf for drilling, with environmental protections, while demanding that Big Oil companies use the leases they have already been issued. It promotes efficiency and conservation that will save consumers billions, with tax incentives and loans for energy efficient homes, buildings, and appliances, and updated efficiency standards for buildings.

I am pleased that this bill is one of the few recent energy bills that have already garnered strong bipartisan support on the House floor. Now, more than ever, in a time where the American people are experiencing serious economic woes, with a rampant mortgage crisis, the failings of major financial institutions, low wages and high prices, America needs legislation to make oil more accessible and more affordable. Because oil is a finite commodity, it is imperative that all Americans have access. This bill does just that: provides access in a responsible and sensible manner.

Importantly, this bill lowers costs to consumers and protects taxpayers. This is critically important given our growing dependence upon sources of foreign oil and the ever increasing world price of oil. To that end, this bill temporarily releases nearly 10 percent of the oil from the Government's stockpile, known as the Strategic Petroleum Reserve, and replaces it later with heavier, cheaper crude oil. This is a real energy bill that provides real solutions to America's energy crisis.

The bill provides royalty reform by making oil companies pay their fair share. Further, H.R. 6899 ensures that oil companies pay their fair share of royalties on flawed leases granted in 1998 and 1999. Because of mistakes made by the Interior Department, oil companies holding 70 percent of leases issued for drilling in the Gulf of Mexico in 1998 and 1999 became exempt from paying any royalties, costing American taxpayers about $15 billion. This bill makes it more efficient for the Interior Department to collect royalty payments from oil and gas companies owed to the American taxpayer. Additionally, this bill adds a new requirement that it must be in the fiduciary interest of the Federal Government for oil companies to be permitted to make royalty in kind, instead of cash, payments to the government.

H.R. 6899 restores accountability and integrity in oil leasing at the Mineral Management Service. As you are aware, several recent events have called the integrity of this fine institution in question. This bill attempts to right some of those wrongs and address the misconduct that has occurred.

This bill provides for a renewable energy future and creates American jobs. The bill includes $18 billion in tax cuts to spur green jobs and American energy independence, including an 8-year extension of the investment tax credit for solar energy and fuel cells.

Mr. Speaker, H.R. 6899 includes a 3-year extension on the production tax credit for energy derived from biomass, geothermal hydropower, landfill gas, and solid waste. H.R. 6899 provides for a 1-year extension of the production tax credit for energy derived from wind and clean renewable energy bonds for electric cooperatives and public power. It also provides for incentives for the production of homegrown renewable fuels and tax credits for the purchase of fuel-efficient, plug in hybrid vehicles and it provides incentives for energy conservation for individual businesses and State and local governments.

The bill expands domestic energy supply by ending the current moratorium which only allows drilling 3 miles offshore. The bill also increases domestic oil production across America and in Alaska.

Regarding Alaska, this bill incorporates a modified version of the "Use It" legislation that creates more stringent requirements that oil companies produce oil during the initial term of their lease. H.R. 6899 mandates annual lease sales in the National Petroleum Reserve in Alaska to speed its development and oil and production. Importantly, the bill bans export of Alaskan oil outside of the United States. It also calls upon the Bush Administration to facilitate completion of the oil pipeline infrastructure into the National Petroleum Reserve in Alaska, and to facilitate the construction of the Alaskan Natural Gas Pipeline, which could create up to 100,000 jobs.

H.R. 6899 provides the greatest energy efficiency and conservation of any other bill introduced before the Congress. This bill strengthens energy efficiency codes for buildings, provides incentives for energy efficient homes, and reduces transit fees for commuter rail and buses and expands service through $1.7 billion grants to transit agencies for the next 2 years. This is a real energy bill, and I urge its adoption.

MY FOUR AMENDMENTS TO H.R. 6899

Mr. Speaker, I already briefly mentioned the language that my staff and I were able to get included in the bill. I would now like to take the opportunity to talk a little more at length about this language and explain why it is imperative that any comprehensive energy bill include this language. My language covers four areas.

Critically, my language provides for the expansion of leases to offshore lands along the Outer Continental Shelf. This is important because it expands production and supply possibilities. This should alleviate the deficit of energy and should hopefully lead to lower energy prices.

Second, my language addresses another critical issue: the ability for states to opt-in. Specifically, my language provides that states might opt-in to allow leasing off of its coasts by enacting legislation signed by the Governor or referendum. This is important because it gives States more latitude in the use and dispensation of energy along its coasts.

Third, my language allows the Secretary of Interior to establish goals to ensure equal opportunity to bid on offshore leases for qualified small, women-owned, and minority-owned exploration and production companies and implement outreach programs for qualified historically underutilized exploration and production companies to participate in the bidding process for offshore leases. My city of Houston is the oil capital of the world, and as such, it has small, women-owned, and minority-owned exploration and development companies that would greatly benefit by outreach and leases that the Department of Interior could provide to them. I purposefully structured the language so that the Department of Interior would not be fettered and would have wide latitude in ensuring that money and leasing opportunities would be extended to underserved communities.

Fourth, my language provides that the Secretary of Energy shall award a grant on a competitive basis to a consortium of institutions of higher learning for the establishment of a National Energy Center of Excellence to conduct research and education activities in geological and geothermal sciences, renewable energy and energy efficiency (including energy technology using clean coal, solar, wind, oil, natural gas, hydroelectric, biofuels, ethanol, and other energy alternatives), and energy conservation, including a special emphasis on environmentally safe energy.

This consortium shall include at least two institutions of higher learning that are historically black colleges, hispanic-serving institutions, and tribally-based universities and colleges. This last piece is important because it ensures that minority-serving institutions benefit from the largess and capital that is set aside for energy and renewable research. It further ensures that these universities will develop top notch disciplines, programming, and educational infrastructure that will be used for energy development, renewables, and energy conservation. Energy development, renewables, clean energy, and energy conservation is the future, and it is here to stay. Minorities and other historically underserved populations must be encouraged to enter and thrive in these growing disciplines.

I urge my colleagues to support this bill.

Mr. PEARCE. Mr. Speaker, may I inquire of the time remaining for each side?

The SPEAKER pro tempore. The gentleman has 48½ minutes remaining. And the gentleman from West Virginia has 44 minutes remaining.

Mr. PEARCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. It's been a fascinating day, hasn't it?

You have the votes to pass this bill, so congratulations. You'll pass it. But the bill is a ghost. It's going over to the Senate. It's dead on arrival. It will not do one thing for producing energy and American jobs for the American people.

Now, there is almost no mention in this huge bill that we got at 9:45 last night, almost no mention about new refineries. I think refineries were mentioned one time.

Natural gas, I heard my friend from Oklahoma say natural gas is included in this bill. It's mentioned less than a half a dozen times. There is no title for natural gas in this bill.

Nuclear energy, it's not here. I can't find it.

Now, the polls currently show that faith in Congress, our congressional credibility is at an all-time low.

You won an election 2 years ago on the basis of the fact that you're going to get us out of Iraq. You didn't do it. You're going to bring down gas prices. That didn't work. Most ethical Congress ever. I'm afraid not.

And now the last thing was we are not going to drop large bills in the middle of the night into this House. We're going to do it the right way. Well, I'm afraid that's been lost as well.

Now, why does it matter?

Well, we have a subcommittee. We've had multiple hearings on energy over the past 18, 20 months. Mr. BOUCHER is

to be commended for the amount of hearings that he's had on this. But we didn't get to mark this bill up in subcommittee. Not one amendment came from a Republican at any time on this bill. We didn't see this bill in full committee.

Now, there are things that we should do urgently; like we should protect our electrical grid in this country, which we're not doing in this bill. There's the urgency. Bring that bill to the House floor without going through subcommittee and full committee. That, the American people would understand.

Well, notwithstanding what the majority leader has just told us, Paris Hilton will tell you, this is not rocket surgery. We do need all the above. Unfortunately, this bill does not provide that. I urge voting against this legislation.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to a valued member of our Committee on Natural Resources, the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, nothing is more apt for Americans than the clean energy revolution that we will start with today's bill. Nothing is more apt for Americans because this bill depends on two very intrinsic American qualities. Those are the qualities of optimism and innovation. And we believe that this bill sets us on a course for innovation that will achieve for clean energy what we achieved in the space race of the 1960s.

And I'd like to share why I'm optimistic about this. This is a picture I took a couple of weeks ago in Golden, Colorado, at the National Renewable Energy Laboratory, the center of our national effort on renewable energy. It's a picture of a photovoltaic cell. On the other side of this array is a 400-square-foot photovoltaic cell converting sunlight into electricity. That sunlight feeds down into these two cars that are plugged-in electric hybrid cars. This is a term Americans are going to get to know real well. They plug in. They use this solar-based power, and they will go 40 miles with zero gasoline. And then after you go more than 40 miles, they have a gasoline engine to go another 200 or 250 miles.

Here's the stunning fact which they told me at the renewable lab. This panel, which can go on your roof, powers two cars in 8 hours to get that all-electric drive for a full 40 miles.

We are in the midst of a transition. We are on the cusp of a great transition. It reminds me of another transition when we went from typewriters to software, and there were a bunch of optimists out in Redmond, Washington at Microsoft, in my district, that were optimistic about this new transition we were going to get into.

Now, I will tell you this: I've heard some of my Republican friends saying ''drill, baby, drill.'' I think during that transition from typewriters to software, what they would have been saying is ''type, baby, type.''

We know that we have to break our addiction to oil, not to continue it, and this bill is a comprehensive measure.

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

Mr. RAHALL. I yield the gentleman 30 more seconds.

Mr. INSLEE. Let's be clear. The Republicans who will vote against this bill today are voting against solar energy for Americans. They are voting against plug-in hybrid technology for Americans. They are voting against enhanced geothermal for Americans. They are voting against more wind energy for Americans. And this idea of drilling as a bridge to these technologies, it's a bridge to nowhere. It won't show up for 15 years.

We need this technology starting today. That's a future America deserves.

Mr. PEARCE. Mr. Speaker, I yield myself 15 seconds.

I would draw the attention of our viewers across America to look at the picture that the gentleman just presented to us. Make no mistake about it. The majority in this House wants to change your way of life to where you cannot drive the cars you drive today.

I yield 2 minutes to the gentlelady from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. For 21 months the Democrat-controlled Congress watched as gas prices increased over 76 percent on the American people. For 21 months they sat in idleness as the American people became 70 percent dependent on foreign oil. They knew the American people paid an effective tax of $700 billion to foreign countries.

For 21 months the Democrats presided while watching one-sixth of our economy, money and jobs going overseas. For 21 months the solution was obvious to anyone who was looking to win the energy battle for the American people, and it was this: Legalize American energy production, all of it, legalize it and have Congress get out of the way. Whether it's clean coal, natural gas, oil production, nuclear, alternative, conservation, the Democrats could have done every bit of this 21 months ago and been the heroes of the American people. They could have because they have been in charge. But they willingly, intentionally, with eyes wide open, chose not to.

The Democrats defied the will of the American people, and now as the clock strikes midnight on the 110th Congress, with this sad chameleon they call an energy bill, the Democrats continue to defy the American people. But the truth is clear, this bill won't reduce the price of gasoline at the pump. The American people will suffer, as they have suffered under Democrat inaction.

But let's throw the American people a lifeline. We can, because in November Americans can have their say, finally, and under Republicans and JOHN MCCAIN, they will be able to choose $2 a gallon or less for gasoline, or they can choose Senator OBAMA and the no-drill Democrats, and they can see gas climb to the heights of 5 or $6 gallon or more.

The choice couldn't be more clear.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to address their remarks to the Chair, and not the television audience.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, for 30 years, since the first oil shock of 1973, we've been facing an energy crisis in the United States. And let's be honest and level with the American people, both parties have missed opportunities to deal with it. And the American people hold all of us accountable.

So I'm proud that this Congress, in its first time in less than a year, increased the fuel efficiency standards for cars, something that's been kicked around, talked about for 30 years. This Congress in its short, first year took action.

And I'm proud that our Republican colleagues who claim to be for the all-of-the-above energy policy can vote for the most comprehensive energy policy and legislation in 20 years, what we have here today.

Now, listen. You can be for drilling offshore. And this bill provides 300 additional acres of drilling. But that is not a cure to our energy independence. It is not just drilling offshore, but it's also what we do onshore in our laboratories, our universities with our innovation and our technology for our energy independence.

This bill provides that we invest in our renewable energy technologies and ends big subsidies for big oil companies. We require utility companies to use wind, solar and biomass to generate more electricity.

What I'm most proud about is also what it does in the area of natural gas, which those who are in the industry see as revolutionary for their industry. Natural gas is 100 percent U.S. supply, 33 percent cleaner and 40 percent cheaper. And it provides the infrastructure to make sure that our auto industry can start to convert and start to use natural gas, something Europe has been doing and the United States has been lagging. And here's an energy source that today is available. Just in the State of Utah, drivers can pay $0.83 per gallon if they fill up with natural gas.

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

Mr. RAHALL. I yield the gentleman 10 seconds.

Mr. EMANUEL. So the question is before us, are we going to have an energy policy that keeps us wedded to the

past or begins to invest in our future? And this is the opportunity to do that.

Mr. PEARCE. Mr. Speaker, I yield myself 10 seconds.

I would point out that there is more stimulation in this bill for bicycles than nuclear power.

I yield 2 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, when I was a young legislator in Utah, I was told that oftentimes the process we use in creating legislation is more important than the actual words of that legislation. Thus, here in Congress we have established a concept of regular order so that fair and competent legislation is brought forth that eliminates unintended consequences of poorly written provisions. So we in Congress review.

And yet, by mutual understanding, the bill we have before us has had no public hearing, no committee work, no review, no amendments by Republicans or Democrats, rank and file, no reading of this bill since it was printed after everyone had left last night. It's not a comprehensive solution. It has the appearance of competence but is not a real solution to meet the needs of real Americans. It does not work.

Let me give you one small example. The section on oil shale I originally thought was one of the bright lights in an otherwise dismal bill. And I'm sorry that my colleague—no, my colleague from Utah is still here. I congratulate him on his work.

It removes the prohibition of oil shale development that this body callously placed in last year's appropriations act, despite a chorus of bipartisan opposition to do such. But rather than simply remove the prohibition and move forward, it replaces it with a mandate of States' actions to pass a law to allow it to take place, something I personally like, something I think the industry would support, but which also has potential of constitutional implications.

There are other areas of this bill which have even more constitutional implications. And since this act has no severability clause, it simply means if one part of this bill goes down on constitutional issues, the entire bill goes down.

□ 1915

Rather than just take out the prohibition, it's almost as if we put in the margin a big sign that says, ''Look here to sue,'' so that outside agencies can do in court what some people have said they would like to do on the floor, which is not have a real solution.

I am saddened because we could have done so much more. We could have done so much better, and instead, we will vote on a hollow shell of a bill.

Mr. RAHALL. Mr. Speaker, it is my honor to yield to the lady that leads this body. I certainly commend her for the tremendous efforts that she's made meeting after meeting after meeting to bring us together as a caucus, often at much political sacrifice, including to her own desires.

I yield 1 minute to the Speaker.

Ms. PELOSI. I thank the gentleman for yielding and his recognition of the fact that this legislation is indeed a compromise. It isn't the bill that any one of us would have written individually, but it brings us together in consensus. I want to thank the distinguished chairman of the National Resources Committee, Mr. RAHALL, for his extraordinary leadership on this bill.

This is a difficult bill because we all had to come from different directions on it, and we've come to agreement.

I want to also acknowledge the important work that was done by GENE GREEN, Congressman GENE GREEN of Texas; by GEORGE MILLER, the Chair of the Education and Labor Committee; and JOHN DINGELL, the Chair of the Energy and Commerce Committee, all of whom who are cochairs of this important legislation.

I would like to acknowledge CHARLIE RANGEL, the Chair of the Ways and Means Committee for the provisions from his bill in this bill, and NEIL ABERCROMBIE who really tried to bring as many of the provisions of the legislation he was cosponsoring into this legislation so that it really did reflect the thinking of our colleagues on both sides of the aisle, if not to get the support from both.

I also want to acknowledge Congresswoman SLAUGHTER for her input. And Mr. ABERCROMBIE has joined us. Thank you, Mr. ABERCROMBIE. I'm pleased to acknowledge your great leadership on this, this step in the right direction with certainly more to come.

I want to remind our colleagues or inform, for those who may not have been born yet, that in 1973 during that energy crisis, President Nixon became the first President to call for American energy independence. In his 1974 State of the Union address, President Nixon said that the United States should ''not be dependent on any other country for the energy we need to provide our jobs, to heat our homes, and to keep our transportation moving.'' He promised energy independence within 6 years. That would be by 1980. In 1974, he had that vision.

President Nixon was the first to make such a call, but certainly not the last. Practically every national leader in the intervening 33 years has called for energy independence.

Today, this House of Representatives has the opportunity to take this country in a new direction on energy and make that energy independence happen. We have this opportunity with the comprehensive, I call it All American Energy Security and Consumer Protection Act.

The legislation we debate today is a bold step forward that will help us end our dependence on foreign oil and strengthen our national security. And protecting the American people is our first responsibility, and so I list that first among the goals and the provisions of this legislation.

The legislation is a result of reasonable compromise that will put us on a path toward energy independence by expanding domestic supply of oil drilled offshore, and expanding domestic supply of energy by investing in renewable energy resources. It will protect consumers with strong action to lower the cost of energy and to protect taxpayers by making Big Oil pay for its fair share of our transition to a clean, renewable energy future.

It will ensure a clean, green energy future through energy efficiency and conservation. It will commit America to renewable energy and help create millions of good paying green jobs. It will do so by rearranging the financial relationship between the American people, their oil, and Big Oil.

Right now I think that the arrangement is a real rip-off of the American taxpayer and the American consumer. And so we say in this legislation to Big Oil, if you want to drill—and to others, but particularly to Big Oil—if you want to drill in the Outer Continental Shelf, let's talk about that.

We're in the position that we are today because for 8 years, President Bush has requested a moratorium on drilling in the Outer Continental Shelf. In recent months, he reversed his policy. And this is a reversal not only of his policy but of decades of policy that had prohibited drilling on the Outer Continental Shelf.

So as a result of his lifting the moratorium on drilling, starting after September 30 at the end of this fiscal year, it will be possible for the U.S. Government to provide leases to companies to drill 3 miles—3 miles—off the coast of our coastal States with no consent from the States. It will be 3 miles, leases given by the Federal Government.

And that's why in order to remedy that, this legislation strikes a compromise and a balance by saying, yes, if you're going to drill offshore, it has to be 50 miles offshore and it has to have an opt-in by the State. The State has to agree that you can drill. The Federal Government can give leases to the private sector to drill 50 miles offshore.

And it also says the following in terms of the financial arrangement. Right now, the status quo, which is what some of our Republican friends want to perpetuate, the status quo is the following: the oil belongs to the American people, and yet Big Oil drills for that oil subsidized by the U.S. taxpayer. At a time when Big Oil's enjoying record and historic profits, they

still insist that the U.S. taxpayer subsidize their drilling and have had royalty holidays of paying the taxpayer for the taxpayers' oil which they have been drilling.

So what we're saying in this legislation is that day is over. Now if you want to drill, you're on your own. In the private sector, in the free market, you're on your own. The American people are not subsidizing that drilling. And, by the way, we want our share of the royalties. And lifting the subsidies and getting our royalties, including going back to the royalty holidays of the 1990s, by doing that we will be able to invest in America's energy future by using those funds to invest in renewable energy resources, whether it's wind or solar, biofuels, other clean alternatives.

We'll be able to use that money from that offshore drilling, by now finally getting the taxpayers' fair share, to invest and provide more support for LIHEAP, the low income heating initiative, so important to so many, many families in America and even more so in this time of economic uncertainty. And to invest in our lands and conservation fund, some of the provisions which were in the original bill that Mr. ABERCROMBIE was supporting. So we took up some of the investments that he would make from the royalties that we would recoup and also from not providing subsidies to Big Oil.

Many of us have thought for a long time that there was something wrong with this relationship. Our oil, their profits, we subsidize, we don't get the full benefit of that. But it was only recently that we saw how wrong something was with that relationship. It tells us again and again why it is time for a new direction. And nothing demonstrates that more clearly, I think, than the recent scandal in the Bush Interior Department.

On the Republicans' watch, Interior Department officials accepted football tickets, ski trips, golf outings, and other favors in return for rigging contracts to benefit Big Oil. They engaged in illicit behavior that gives new meaning to the words ''cozy relationship'' between the Republicans and Big Oil.

These Republican officials, one of whom pled guilty just yesterday to corruption charges, were in charge of collecting billions of dollars' worth of oil and natural gas last year alone from companies allowed to drill on Federal lands and offshore. It just isn't right.

So when I said earlier that this was a rip, it's a rip and it's corrupt, and it must be changed. I think all Americans believe that it's time for an oil change in America.

The Democrats stand for that change. Democrats demand it. Republicans are demanding the status quo, but not all Republicans. Many have been involved, though they may not specifically approve of this particular bill, many of the provisions in this legislation were provisions advocated by Republicans in their bipartisan legislation with Mr. ABERCROMBIE.

The status quo, as has been suggested by some, will not bring down the price at the pump. The status quo will not protect taxpayers from subsidizing Big Oil, and the status quo will certainly not make America energy independent. It's time for a new direction. It's time for us to set aside partisan politics on this issue. This should not be an issue on which we are divided.

The protection of our country by assuring energy independence, the creation of new jobs through a new energy green industry in our country with renewable energy resources, the assurance that we will never be in this position again because not only are we expanding the domestic supply of oil, but we are also investing in renewable and other alternatives; and also that, again, security, environmental protection, economic entrepreneurialship in this legislation and a moral responsibility to reduce our dependence on foreign oil and on fossil fuel, to do so in a way that reverses global warming, which in my view is a moral responsibility if you believe, and I think everyone does, that this beautiful planet is God's creation and we have a moral responsibility to preserve it and preserve it in a way that is fair to all of the people who inhabit this planet. And in our case, we're talking about the American people.

So, again, this comprehensive energy package is a result of compromise in favor of sweeping and innovative solutions to America's energy future. I urge my colleagues on both sides of the aisle to join together to support a clean, renewable energy future by supporting this comprehensive legislation.

Once again, I salute all of those who participated in bringing us to this compromise: some intentionally, some by the basic work that they've been doing in the Congress for a long time and may not, again, support this legislation today but have put their stamp of approval on many of the provisions that they had suggested in other legislation and which we have been pleased to pick up where we had bipartisan agreement.

So I'm very excited about this. This is a very important day in our energy story for America. And I commend all who worked so hard, and so many people did. But we recognize it's only a first step. There are many more issues to be dealt with, more progress to be made, but we cannot wait for that to happen.

In the meantime, I'm pleased that in this legislation we have our legislation related to the Strategic Petroleum Reserve which, if the oil is released, which we have asked the President to do, will immediately bring down the price at the pump within 10 days instead of 10 years—which would be the length of time it would take to bring the price down for 2 cents. Two cents, 10 years; 10 days, our bill.

The President originally resisted. Now he says he may release from the SPR not because Congress asked but because Big Oil asked.

It's about time we got the leverage back to the American people, recognized our need to meet their needs, to protect the consumer and the taxpayer, to keep them safe with energy independence, to grow our economy through good green jobs, and to make sure that we never find ourselves in this situation by making investments in renewable energy resources.

□ 1930

Mr. PEARCE. Mr. Speaker, I recognize myself for 15 seconds before I recognize Mrs. CAPITO of West Virginia for 2 minutes.

Mr. Speaker, we've just heard that we're going to sell oil out of our Strategic Petroleum Reserve in order to cure a marketing problem. That oil was put there for our national defense and now we're using it in pure marketing.

I yield 2 minutes to Mrs. CAPITO.

Mrs. CAPITO. I thank the gentleman for recognizing me.

The Speaker, we just listened to her, and her leadership team had an opportunity to present this House with a truly bipartisan energy bill. Both she and the majority leader have talked about the compromises that they reached and how they worked on a compromise. I don't know who they're compromising with. They're compromising with themselves, negotiating with themselves.

Instead, they chose to bring forth what I think is a blatantly partisan bill. It will increase energy costs in my State, and again, essentially ignores West Virginia, its people, its abundant supply of coal.

I go back to the fact that I've listened to both the majority leader and the Speaker in their remarks, and not one mention of clean coal in both of their remarks.

So let me be clear, in a time when West Virginians are making hard decisions based on their gas, electric and home heating needs, this bill offers them nothing more but Washington. All talk and no action.

We know it's going to take a comprehensive plan to wean our Nation off of $700 billion worth of dependence on foreign sources of oil, but this bill just doesn't do the job.

It includes a renewable portfolio standard that will send electric costs skyrocketing in a State like West Virginia by mandating difficult standards, all of this at a time when many of my constituents can barely afford gas or their heating bill.

This bill doesn't invest in royalties for offshore exploration into alternative energy sources like clean coal

or renewable fuels. Coal-to-liquid has great promise to lead this Nation towards our energy independence.

The American people gave the leadership of Congress a homework assignment to solve our energy crisis, and they responded by waiting till the last minute, hastily writing their bill, and delivering it late. Sadly, it fully deserves the ''F'' that the American people will be giving it.

At a time when a solution demands real bipartisanship, this bill just doesn't cut the muster. I'm on the bipartisan bill. We worked night after night with no lobbyists, no leadership, no special interests, and we found good compromise in that bipartisan bill, and I'm proud of the efforts on both sides of the aisle where we joined together.

With this empty shell of an energy bill, I'm afraid I'm disappointed and I'm afraid the American people will be, too.

Mr. RAHALL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, reading the legislation will show that the strategic energy efficiency renewable reserve fund that we've set up—we explained the funding mechanism and how much earlier—would go toward accelerating the use of clean domestic renewable energy resources and alternative fuels. And an understanding of what alternative fuels is would lead one to know that that includes coal-to-liquid and clean coal technologies.

In addition, we have a separate section that increases research, development, and demonstration of carbon capture and sequestration techniques, also clearly spelled out in the legislation.

Furthermore, when we're talking about carbon capture and sequestration in this legislation, we do have language that specifically sets aside how the process is, that these grants will be made from this fund to go toward carbon capture and sequestration.

We provide $1.1 billion of tax credits for the creation of advanced coal electricity projects and certain coal classification projects and we explain how that will be awarded.

In addition, we ensure the solvency of the black lung disability trust fund, not a laughing matter to West Virginians.

I yield 2 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. I thank the chairman.

Mr. Speaker, my constituents are frustrated and angry by rising energy costs and the impact on their businesses, their grocery bills, and their everyday lives. Today, we respond to that frustration and anger by considering the Comprehensive American Energy Security and Consumer Protection Act. I rise in strong support of this legislation that increases our domestic energy supply, invests in alternative fuels, and ends taxpayer subsidies for big oil companies.

This important legislation includes several provisions to move us towards a 21st century energy policy. My friends on the other side of the aisle have called for increased drilling to capture more of our domestic resources. The bill does just that.

Advocates for the environment have called on oil and gas companies to produce oil on Federal land to which they already hold leases or give up those leases. This bill requires them to do just that.

After learning last week of the corrupt relationship between Big Oil and the Bush administration's Minerals Management Service, this bill strengthens oversight of the Interior Department.

Most importantly, this bill launches a clean renewable energy future that creates new American jobs, specifically in my home State of Illinois.

If this comprehensive bill isn't an all-of-the-above response to energy prices, then, quite frankly, I don't know what is.

Mr. Speaker, I am proud of every energy vote I have taken in the 110th Congress, from addressing oil speculation abuses, cracking down on price gouging by Big Oil, improving public transportation options, releasing millions of barrels of oil from the Strategic Petroleum Reserve, to increasing fuel economy standards in our vehicles and providing relief for consumers at the pump.

The Comprehensive American Energy Security and Consumer Protection Act pulls many of these measures together, moving us closer to ending this energy crisis and establishing real energy independence.

I urge all of my colleagues to support this incredibly wonderful piece of legislation.

Mr. PEARCE. Mr. Speaker, I recognize myself for 15 seconds prior to recognizing Mr. FORTENBERRY of Nebraska.

Two years ago when the new Speaker took over, we were promised a plan. Tonight, we're told that we're going in a new direction. The new direction: Sell off our Strategic Petroleum Reserve; provide more stimulus for bicycles than nuclear power; and the solar car that the gentleman from Washington showed us the picture of. That's the plan the American people are given while they're hurting at the pump.

I would recognize Mr. FORTENBERRY for 2 minutes.

Mr. FORTENBERRY. I thank the gentleman.

Mr. Speaker, America needs, and is demanding from this Congress, a bold, new energy vision.

We, as a Congress, have been presented with the opportunity of a generation: to step into the breach and deliver to the American people a victory over the vexing problem of dependence on foreign oil. Left unaddressed for far too long, it has compromised our national security, our economic security, and our environmental security. And now is not the time to retreat into the familiar trenches of partisan politics.

Now is the time to establish a broad, comprehensive, new energy direction, and yes, I believe we should adopt long-term investments in a sustainable future. I support them: research and incentives for wind, solar, biofuels and geothermal. But we must also address, Mr. Speaker, the immediate problem of our overwhelming dependence on foreign oil.

Let's have an honest debate about the full range of energy options in our portfolio. Increased use of domestic resources in an environmentally responsible way will promote our energy independence while bridging to a sustainable and independent energy future, fully integrating conservation, innovative technologies and a variety of renewable resources.

Mr. Speaker, today, I believe, could have been a day of celebration instead of the rancorous political pushing and shoving. I am sure that many Members on both sides are eager for a bill, reached in true bipartisan fashion, yes, with the appropriate trade-offs and compromises but one that lays a new energy vision.

What a message we could have sent to our own people, the financial markets, to innovators and entrepreneurs, to the world oil markets, that America has chosen a new way and we will no longer be captive and vulnerable. Instead, we have a bill that is the product of dysfunction in this House, Mr. Speaker. I just believe we can do better.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the distinguished gentlelady from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, the bill before us this evening is a strong response to one of the most challenging issues that faces our country: securing American energy independence. Meeting this challenge requires the comprehensive approach on the floor tonight: drilling, conservation, and renewable power.

I am particularly pleased that this bill contains an 8-year extension of the solar investment tax credit, or the ITC. Solar power represents one of our Nation's best hopes for a clean, secure, and sustainable future. It will provide powerful economic benefits in my district in southern Arizona but to the rest of the country as well.

According to a new study by Navigant Consulting, an 8-year extension of the solar ITC could lead to more than 440,000 permanent jobs and attract $232 billion in investment through 2016.

I thank the leadership. I thank the chairman. I thank those who have worked so hard at listening to the people of southern Arizona and across this country about this newer, brighter future.

I urge my colleagues on both sides of the aisle to support this balanced bill and call on our colleagues in the Senate to pass this legislation as well.

Mr. PEARCE. Mr. Speaker, I would yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, since the Democrats took control of Congress the price of gas has increased 75 percent. Mr. Speaker, their first response was to declare a 6-week vacation while the American people suffered. Republicans spoke out. The American people heard. They demanded action.

So now what do we have, Mr. Speaker? In the dark of night, we have produced a 240-page nonenergy energy bill, with no amendments, no substitutes, no committee hearings, supposedly from a Speaker who promised us the most open, democratic, and fair process known to mankind. These are strong-arm tactics that are more befitting of Hugo Chavez's Venezuela than they are the United States of America.

Mr. Speaker, this bill does not produce American energy. It is a sham. It is a fraud. There are no new refineries, no clean coal, no ANWR, no nuclear, and regardless of what they say, Mr. Speaker, no production of our deep sea resources.

And, in fact, this bill makes matters worse. It would permanently ban the development of our oil and gas resources on almost 88 percent of our offshore resources.

You know, it's ironic, Mr. Speaker, if the Democrats would do nothing—and certainly, they've had lots of practice doing nothing—this moratorium on development would go away in just 2 weeks. Decades and decades of American energy, oil and gas in the ground, ready to be developed, but the Democrats won't let us do it.

In fact, this has called the publication Roll Call to ask, ''Is this just an elaborate exercise to give their Democrat Members a heaping dose of political cover?'' The answer, Mr. Speaker, is ''yes.''

We need all of the above. We need conservation. We need renewables. We need alternative energy. But we need more American energy, too. Democrats view our oil and gas resources as toxic waste sites. Republicans view them as valuable natural resources that can be used to ease pain at the pump.

Vote against that bill. Vote for American energy.

Mr. RAHALL. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. MATHESON) who's been very instrumental in helping us develop this piece of legislation, especially in regards to the oil shale.

Mr. MATHESON. Mr. Speaker, I thank the chairman, both for yielding the time, but more importantly I thank the chairman for his leadership on putting together a bill that really, I think, speaks to a number of issues that we all care about.

It's no surprise we're less than 50 days before an election that the rhetoric out here on the House floor may get a little hotter than usual, and on an issue as important as this, I think that's unfortunate.

I think if we can, for just a few moments, maybe set that aside and really take a look at what this bill is and talk about what's in the bill, I think that would be productive, because, you know, this bill actually takes ideas and clauses and sections from a lot of different bills that have been introduced by a lot of Members of Congress. There have been all kinds of energy bills introduced by Republicans, by Democrats. This particular bill we're talking about tonight incorporates a lot of those ideas, and that's a good thing, and it reflects a cross-section of the House of Representatives in terms of point of view.

If we take a look at this bill, you will see that there are Democrats and Republicans who could actually come together and agree on a lot of these things. I suspect with the election coming up we may have more of a partisan nature on this vote than we would like. At the end of the day, I think we all spent a lot of time in August meeting with our constituents. We all have had the experience of going to the pump and paying a lot more than we are used to and a lot more than we like, and we've all felt the pain of that process. We've talked to a lot of our constituents who have also felt the unease of that circumstance, and they are anxious about looking for opportunities to move beyond that.

That's what we're looking to do. I don't think my constituents think the government can wave a magic wand and solve all this. When I talk to my constituents, they know that this is a complicated issue, that it is going to take a comprehensive approach, and a lot of the solutions are going to come not necessarily from government but from the private sector, the innovators in our country. That's why this country has always done so well in global competitions through innovation.

I've met with various businesses in my own congressional district just in the last few weeks who are making remarkable progress on technological advances, and it's exciting. It's invigorating. We should be optimistic about the future when you see what's going on out there in the private sector right now to help new technology move forward. We shouldn't be on the blame game of who's responsible for this.

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Our caucus leader, Mr. EMANUEL, said that the oil crisis first started 35 years ago with the 1973 oil embargo. Different parties have been in power in the White House and in the Congress, and we can look back in hindsight and say there may have been a lot of decisions that should have been made but weren't, or other actions that should have happened but didn't.

The blame game is not particularly productive. What we ought to talk about doing is how do we move forward as a country? How do we set public privacy that allows the private sector to innovate? How do we make progress with new technology? How do we take ourselves to a new position where we are no longer dependent on foreign energy? That's the type of discussions I think most people around the country want us to have. That's the type of discussion we ought to be having here on the floor tonight. And I'm not hearing enough of that, quite frankly, from both sides of the aisle.

This bill does increase production. It opens up substantial amounts of the offshore resource for exploration. The bill also includes oil shale production. A lot of people on the other side of the aisle said it does not, but it does. It eliminates the moratorium. It gives the States the ability to opt in to do that. It is a huge potential resource.

It includes the important tax credit extensions that so many people in this body on both sides of the aisle support. Oh, I know there are things in this bill that probably every Member of Congress could come up with something they don't like. I'm sure every Member of Congress could come up with things they would like to see in this bill that are not in it tonight. When you try to put together a consensus bill, that's the nature of the process.

But this is an important step. It's a step that allows us to say we are moving ahead with domestic production, we're moving ahead on accruing new technology, we're moving ahead on trying to reduce our dependence on foreign supply.

Again, I commend the chairman for his leadership. I ask everyone to support this bill.

Mr. PEARCE. Mr. Speaker, I recognize myself for 10 seconds before recognizing Mr. JOHNSON of Texas for 2 minutes.

Mr. Speaker, this bill taxes American refinery jobs and does not tax foreign refineries. So we're giving the advantage to foreign jobs and we are hurting American jobs.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. The American people want, need, and deserve a Congress that responds to their needs and acts diligently on their top priority. Sadly, the Democrats in Congress, beholden to their radical leftist interests, have blocked progress and will not let us do the job that the American people sent us to Washington to do—find real energy solutions.

Ironically, the only border fence the Democrats seem to care about is the

fence they want to put up around the areas where we can't explore for oil. That's a disgrace. Solving our energy crisis means tapping all of America's resources for America's future to create American jobs and American prosperity. Folks are sick and tired of paying around $4 a gallon for gas. They're fed up with relying on foreign countries and brutal dictators to supply our energy needs. Americans have had it with a Democrat leadership who told the Congress to take a 5-week vacation instead of staying around to do their jobs.

The Democrat bill before us today is a sham. They're refusing to allow us to tap into our own home-grown energy resources and discouraging investment in future energy supply. I'm here to tell you, in Texas, this bill is all hat and no cattle.

On October 1, the ban on offshore energy exploration on the Outer Continental Shelf expires. This bill would put the lid on the OCS with no progress in sight. However, today's bill puts excessive rules and regulations back on the OCS, landing us basically back where we started. That's not what I call progress.

We owe it to the American people to get this one done right. We need to open up the Outer Continental Shelf. We need to allow States to share the revenue of oil exploration. We need to tap Alaskan areas that hold potential for domestic energy resources, not just the parts cherry-picked by the Speaker.

We must be open to oil shale, clean coal, nuclear, and renewable energy sources like wind and the sun. We don't need more bureaucracy, we need more innovation, and we need it all.

I'm urging my colleagues on both sides of the aisle to work together to come up with real energy reform for our children, grandchildren and America's future.

Mr. RAHALL. Mr. Speaker, I yield myself 15 seconds.

The previous gentleman has once again referred to the so-called ''5-week vacation'' during the month of August—a time period that we all have enjoyed with our families and working in our districts—without mentioning the fact that for the 90 days prior to that August district work period, Republicans called for 18 motions to adjourn this House, and they called for two motions today to adjourn this House without consideration of this bill.

Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. I thank the kind chairman for not only allowing me to speak on this, but also for all the work that you've done to put this together.

I rise today in support of the Comprehensive American Energy Security and Consumer Protection Act.

A lack of action by the previous Republican-led Congresses and policies of the Bush Administration have led to skyrocketing gas prices while Big Oil companies are earning their largest profits in American history. We need to act now. We need to pass a balanced energy bill, which is exactly what H.R. 6899 is.

Many Americans are facing financial hardship because of our country's energy struggles. This bill expands domestic drilling, it protects States' rights to maintain control over their shores, and it allows America to move towards the future by investing in new sources of energy.

Despite some of the speeches we have heard on the floor today, the American people and the States are not unanimously in favor of an offshore drilling free-for-all.

The looming expiration of the offshore drilling ban on September 30 would allow drilling as close as three miles offshore in my home State of California. That's very concerning for Californians who are committed to protecting our shores from any drilling. And I support their sentiment.

This bill provides a compromise, ensuring that States like California can opt out of offshore drilling. Quite frankly, it seems like those people who would be for States' rights would support this provision that ensures that States are involved in the decision of whether to drill between 50 and 100 miles off of their shores.

In addition, the remaining Outer Continental Shelf beyond the 100 miles would be open to oil and gas leasing. As you might imagine, that doesn't thrill Californians, but this is a compromise; it's a compromise that gives States control over the waters closest to them while also advancing the Federal drilling interests further offshore.

In addition to the drilling provision, this bill will help enhance our national security and move toward energy independence by investing in renewable sources of energy. This legislation expands and extends tax incentives for renewable electricity, energy such as solar and wind and plug-in hybrid cars and energy-efficient homes and buildings and appliances.

I urge everybody to vote for this bill.

Mr. PEARCE. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

You know, a lot of us who spent time at home hoping that we would come back here and vote on a serious piece of legislation are disappointed here. This is not a serious piece of legislation. This is a piece of legislation that seems to be geared simply to give some people some cover for the upcoming elections.

If we had a serious piece of legislation that would provide for allowing us to exploit our own resources, it would allow States to share in the revenue generated by offshore drilling. Without allowing that, you simply guarantee that no State will opt in. So there is a lot of bait and switch here going on.

It seems that the only recycling in this is a familiar pattern of loading the bill up with a lot of items so you can get votes from here and there. For example, one of the spending programs is a National Consumer Awareness Program to educate the public on the environmental and energy benefits of public transportation. That's not a serious bill about our energy crisis. This seems to be a San Francisco bill with New York sensibilities.

And speaking of New York, there is a big fat item in for New York, about a $2 billion item which allows for the so-called Liberty Zone. This provision would allow New York City to keep $2 billion worth of the employers' share of payroll taxes to invest in transportation projects. That's a specific limited tax benefit for one entity here. That's an earmark by all definitions. And yet nobody has been able to explain—and we sought this morning, we sought all day to have somebody explain what that has to do with our energy future. Instead, it was just put in the bill to try to get a vote from here and there.

Again, this is not a serious piece of legislation. It is meant to provide political cover. It should be rejected. And, hopefully, as the moratorium goes off, we will get to really addressing our energy future.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CHET EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, when it comes to reducing gasoline prices now, this energy bill does something important, something that Republican bills refused to do. This bill will release onto the market 10 percent of the Strategic Petroleum Reserve, which already has 700 million barrels of oil in it.

By dramatically increasing the supply of oil onto the market this year, we will drive down the price of oil, which is being kept artificially high by oil speculators who don't produce anything except profits at the expense of average working families and businesses.

Just look at the facts. In 1991, when former President Bush released just 17 million barrels of oil from the SPR, oil prices dropped by 33.4 percent in just one day, 33 percent in one day. In 2000, when President Clinton released oil from the SPR, oil prices dropped by 18.7 percent. The fact is that releasing oil from the SPR is a proven way to drive prices down quickly, and that's why this bill mandates the release of 70 million barrels of oil.

Now I can see why oil speculators don't like the idea of lower prices. I

can see why ExxonMobil doesn't like the idea of lower prices. I can't quite see why my Republican House colleagues have voted against releasing oil from the SPR earlier this year. And none of their bills include this idea. It makes one wonder just whose side are they on now. Well, I'm going to be on the side of families and businesses in America who want lower oil prices today, not 20 years from now.

The Republican bill says to the patient that's hemorrhaging, well, help is on the way 10 or 20 years from now. And the patient is hemorrhaging and the American economy, businesses and families are hemorrhaging economically today, they need and deserve help today. Let's vote for this bill tonight. And let's help Americans this year by lowering energy and gasoline prices.

Mr. PEARCE. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from New Mexico for yielding.

The Strategic Petroleum Reserve, I think it's named exactly what it is. Why, at a time when we have hurricanes that have hit the gulf coast, that's a time we might want to have to tap into the Strategic Petroleum Reserve. When we've got Putin sitting over in Georgia, Ahmadinejad threatening to close the Straits of Hormuz and we're opening up the Strategic Petroleum Reserve for what, for political strategy? Not for strategy for the security of the United States of America. That defies logic, I would say.

And to swap out sweet Texas crude for heavy Venezuelan oil at the same time also defies logic to track this. Why would anybody come to the floor and defend opening up the Strategic Petroleum Reserve?

But, Mr. Speaker, I came here to address this overall energy piece. And first, I'm for all-American energy all the time. I want to open up all of it. And I'm also for an open process, not for a 290-page bill that hit the presses last night at 10 o'clock and the Rules Committee at 10:45. How in the world could they evaluate it? And furthermore, what's the purpose of this constitutional process if there is no subcommittee, no committee, no amendments allowed anywhere along the line, amendments denied at the Rules Committee as well, a closed process—yes, an open debate for 3 hours, but not a process that allows perfection?

So it seems to me that we've handed the entire authority of the United States Congress over to the Speaker from San Francisco, who writes a policy, 290 pages, that doesn't do anything for us.

And I would add, Mr. Speaker, that even the Outer Continental Shelf, if we do nothing, it opens up. If this bill passes and becomes law, then it blocks out the first 50 miles, and litigation blocks that out and all of the rest.

I have here a copy of the Federal Code. This is the legislation that ended litigation on the North Slope of Alaska in 1973. That's what it took. No one got through the environmental litigation; it was an act of Congress. If we don't have an act of Congress, we're not going to get through this litigation, and all of our energy is going to be locked up, Mr. Speaker.

So this bill does nothing for corn ethanol, coal, ANWR, nuclear, the first 50 miles, oil shale, natural gas, hydroelectric, or the litigation that's blocking it.

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Mr. RAHALL. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I rise tonight in support of H.R. 6899, a comprehensive plan to use our Nation's resources and Americans' know-how to reduce prices and to free our Nation from the grips of foreign oil.

This legislation invests in renewable energy sources such as cellulosic ethanol, biomass and soybean diesel, creating good-paying jobs here at home and growing our rural economies. This legislation has opened up the Outer Continental Shelf. It has renewed drilling while demanding that oil companies use the leases they already have that have been issued or lose the leases to other oil companies that will actually produce oil and gas. It is time to end the giveaway to big oil companies that are reaping record profits while my folks in North Carolina and their families are struggling to afford to fill their own gas tanks. Today's bill does just that.

This legislation puts our Nation on a path toward a sustainable energy future through greater energy efficiency and conservation. This legislation is for the people of North Carolina and for America who would rather grow their own fuel instead of sending billions of dollars to the Middle East.

Mr. Speaker, I urge my colleagues to vote in favor of this progressive, futuristic piece of legislation to free America.

Mr. Speaker, I rise tonight in support of 6899, the Comprehensive American Energy Security and Consumer Protection Act.

H.R. 6899 will increase American oil production, invest in renewable energy sources and new efficiency technology, end giveaways to big oil companies, and create jobs here at home. This legislation puts our Nation on a path toward energy independence through greater energy efficiency and conservation, and lowers the price average Americans consumers pay for the energy they need.

For too long, this administration and the Republicans in Congress have relied on a single approach to our Nation's energy policy, allowing big oil companies to decide when and where to drill, while failing to ensure that they pay their fair share to the American people for the use of our federal lands. For too long the major oil companies have enjoyed the highest profits ever recorded at the expense of the American consumer, all while utilizing only a fraction of the Federal land available to them for drilling. This has only served to increase our reliance on foreign oil.

The bill Democrats are proposing today represents a change in the direction for our Nation's energy policy. H.R 6899 puts our Nation on a path towards a sustainable renewable energy future by eliminating unnecessary tax breaks to oil companies and using these funds for research into alternative fuels and renewable energy and efficiency tax incentives. We can put American know-how to work, strengthening our economy and creating good-paying jobs here at home instead of $700 billion each year to the Middle East. We can use the resources of rural America to grow energy right here at home and strengthen our communities.

Finally Mr. Speaker, H.R. 6899 has shown that the Democratic Congress has listened to the American people and not the big oil companies. This is comprehensive legislation that includes a compromise that will responsibly open the Outer Continental Shelf, OCS, for drilling, while demanding that oil companies use the leases they have already been issued or lose these leases to oil companies that actually want to produce oil.

This legislation gives States the authority to allow drilling from 50 to 100 miles offshore and makes all OCS waters beyond 100 miles immediately available for oil exploration. This puts our resources to work to meet our Nation's needs while at the same time protecting our coasts.

I know how high energy prices are hurting American families. This bill makes important changes to improve our energy supply and reduce costs. This is a bill that we can all support on behalf of the American people. I urge my colleagues to vote in favor of H.R. 6899.

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. PEARCE) has 29¼ minutes remaining. The gentleman from West Virginia (Mr. RAHALL) has 23¾ minutes remaining.

Mr. PEARCE. Mr. Speaker, I would yield 2 minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Actually, Mr. Speaker, I'm disappointed to be standing here tonight, discussing the bill that we're discussing, and I really wonder what the Americans who are sitting at home watching our debate tonight are thinking. From one side, they're hearing this is the best thing that has ever happened to America. From the other side, they're hearing what this bill is really all about.

I represent Virginia's Second Congressional District. That's the entire coastline in Virginia—the Atlantic coastline. For the 4 years that I've served in Congress, 2 years of those were on the Natural Resources Committee. I worked on this issue of the Outer Continental Shelf. I can't tell you how disappointing it was to know that the rumors I was hearing over the weekend were true and that, yes, it would open up the Outer Continental

Shelf on paper but not in reality, because what this bill does is it says, from 50 to 100 miles, yes, States, you may opt in. However, Virginia and every other coastal State, you will receive no royalties for doing that.

Now, when you look at the Gulf States—Alabama, Mississippi, Louisiana, Texas—37½ percent of those royalties go to those individual States. I don't think that this Congress believes in treating our States differently.

So, in discussing this bill, the reality of this bill will be that States will say ''no'' because why would a State agree to be treated so completely differently? So the reality becomes industry can go harvest this resource at 100 miles out. The problem is that's very expensive; it's much more dangerous, and we know the bulk of the resource in the Outer Continental Shelf is within 50 miles of the coast.

So what we're saying is, yes, America, we're going to do it, but in reality, no, America, it won't work. I think Americans are smarter than that, and Americans today understand that we have vast resources in this country that we've blocked. It's time for us to have a solution to open our American energy, to meet our needs and to treat our States fairly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Let the Chair remind Members, because it has happened three times during the debate, that Members should not traffic the well while another Member has been recognized and is in the process of speaking. Members should not approach the microphone in the well while another Member is speaking. It's discourteous, and Members owe better than that to each other.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I'm from North Dakota. I can understand why someone from Virginia would want the State of Virginia to get a lot of money for drilling more than 50 miles out, but you know, from where I come from, when you're past 50 miles off the coast, I'm not thinking of Virginia; I'm thinking of ocean. When you're dealing with leases owned by the United States of America, I think of resources that ought to come to the United States of America.

By the time this administration is done bailing out Wall Street, we may be looking at a fiscal deficit this year of $500 billion. Sure, it would be nice to just cut a big, old slice and give it to States here or to States there, but what about the Federal Treasury for heaven's sake?

I'm from a State that has got some oil. I'm very proud of what's going on in North Dakota. We've got a play called the Bakken shale play. They estimate there are 4 billion barrels of recoverable oil, some of it on U.S. leased land. North Dakota is not getting a big, old slice of that, but we're sure generating a lot of economic activity. Man, it's making our State's economy hum, and the economic activity of this drilling off the coast is going to make a lot of the economies of these States hum.

I can sure understand. Look, if I were from Virginia, I'd be saying, ''Hey, give us some money. Give us some of this.'' I understand that, but as a Nation, this year alone, it's going to run potentially $500 billion in the red. Don't you think we have some responsibility to our Nation, to all of the States and to our children?

You know, I like this bill, in my coming from an energy State, because it has got so many things in here that are positive. I mentioned our contribution in oil, but we also have a major wind dimension to our State. They call us the Saudi Arabia of wind. If you've ever been up to the high prairies of North Dakota, you'd know what they're talking about. We need to continue the tax support for the drilling-wind energy, and it's in this bill.

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

Mr. RAHALL. I yield the gentleman an additional 30 seconds.

Mr. POMEROY. There is one other thing I wanted to mention. We're sitting on 800 years of lignite coal at present consumptive rates. The provisions of this bill that deal with trying to get clean coal technology so that this can continue to be an abundant, affordable component of our energy sources while trying to meet new environmental concerns is going to take investment. It's in this bill. This bill is a diverse bill—oil, renewables like wind and clean coal. This bill deserves your support. I hope you will.

Mr. PEARCE. Mr. Speaker, I would yield 3 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I would point out for those States that are not coastal States, if they have Federal or State lands that have mineral development or hydrocarbon development, those States do get a royalty share if it's public. Now, if it's on private land, then the royalty goes to the private landowner, but if it's on public land—State or Federal—and it's on an onshore State, there is a royalty that the Federal Government pays to the State.

We are here this evening because this is the climactic day, apparently, or evening on whether we're going to have a domestic energy production program for America that comes out of this Congress. The bill before us pretends to be just that bill.

The problem is in section 101. The first title of the bill is a leasing prohibition bill. There are so many prohibitions throughout the bill that, in point of fact, when you sort it all through, you have tax increases on coal because there's an existing coal tax that is set to expire in 2014, and it's extended to 2018. You have huge prohibitions against existing oil companies bidding on any of these new leases that might eventually come up. If you substitute Hollywood for Big Oil, that's like saying we won't let George Lucas or we won't let Steven Spielberg produce another movie because Star Wars or something like that made so much money the last time, which is simply silly.

We want our major oil companies to be out there producing and developing these leases because they're the ones most likely to actually find something and to produce it in a cost-effective fashion. I would point out that, for every dollar of profit our major oil companies make, they pay 3½ times that in taxes. It's a 3-to-1 return to the taxpayer when an oil company actually finds, develops, produces, and sells energy for America.

The bill before us has absolutely no permitting reform. As Congressman SHADEGG has pointed out, if you eliminated all of the moratoria and just did that and really let any area that's in the public domain be leased, it still wouldn't be developed because the national environmental groups preemptively file these lawsuits.

If you really want to have development and production, we have to do something on permitting reform, and that is not in this bill either. We really do need to be working together. Congressman ABERCROMBIE and Congressman PETERSON have developed a bipartisan bill that, I believe, has over 100 cosponsors, I would assume, equally divided between the Republicans and the Democrats. Very little of that bill is in this bill.

We simply must stop posturing politically and must really start developing good, sound public policy. The way to do that, in my opinion, would be to defeat the base text, to vote for a motion to recommit or to send the whole thing back and start over, I guess, next week with a clean sheet of paper.

Vote ''no'' on the bill that's before us.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from New York, a valued member of our Natural Resources Committee, Mr. HINCHEY.

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to Chairman RAHALL for his leadership and for the good job that he has done with this bill and to Speaker PELOSI for her leadership in putting this together.

It has taken some time, but nevertheless, we have now a good, forward-looking piece of energy legislation, and it's high time. We know that we have, roughly, 3 percent, actually less, of the known oil reserves around the world,

and we are now importing about 70 percent of the oil that we're consuming. Obviously, just those numbers tell us clearly that we have to be moving in a different direction.

So this bill makes it a lot easier for us to drill for our own oil, and it makes that oil more accessible. Already we've seen what has happened. The price of a barrel of oil has dropped down by more than 30 percent even though a price of a gallon of gasoline has dropped only by 12 percent, which is interesting since the oil companies are continuing to exploit the situation.

The fact of the matter is and, I think, one of the main parts of this bill which really needs our attention is the way in which it is moving us toward energy independence, energy independence on alternative renewable energy, which this bill opens up in a way that has never been opened up before. That is extremely positive and very good for us.

What we really need here is a new industrial revolution, an industrial revolution which will enable us to develop all of the energy that we need from solar, from geothermal, from wind.

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I think solar is the primary way, and that has been obvious to a lot of people, including somebody like Thomas Edison in 1933, who said it very clearly back then, solar energy is the one reliable form of energy. It ought to be increasingly clear to all of us now. And this bill opens that up. It is going to make solar energy real, significant, less expensive, and move us toward energy independence. And at the same time it does that, it will have a very positive effect on our economy. The likelihood is over a relatively few years, if we do this properly, solar energy will produce more than 1 million jobs in America.

So I thank you for the job that you have done. You are finally moving us in the right direction.

Mr. PEARCE. Mr. Speaker, I yield myself 15 seconds prior to yielding to Mr. SCALISE 2 minutes.

I would point out, Mr. Speaker, that the carbon footprint of solar is tremendously higher than that of wind. It is exponentially higher than the carbon footprint of nuclear. So while we are trying to clean up the environment, we are dumping now solar carbon into it.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I want to thank my colleague.

I am glad in one sense that we are finally having a real debate with people on both sides of the aisle. For the last 5 weeks, Republicans have been here debating this issue. For the last 4 months, we have actually had a proposal on the table.

What is very unfortunate is we hadn't seen a formal proposal by our friends on the other side until 10 o'clock last night. The bill was filed by dark of night, no inclusion of the membership on the other side, no bipartisan agreement. And yet now the bill is going to be thrown up here with no ability to offer amendments to the most important issue facing our country today, and that is solving this national energy crisis.

If you want to complain about Big Oil profits, you know how you can lower the profits of oil companies? You can increase the supply of American oil, which will immediately reduce the price of gas at the pumps. And, by the way, then their profits fall down.

But we need to be mostly concerned about what we can do to help the American consumer, and that means increasing the American supply. This bill does nothing to increase American supply. And you don't have to just ask me, you don't have to ask my Republican colleagues. You can ask my Democratic colleague, Senator LANDRIEU, across the aisle; Senator LANDRIEU, who said this bill, the Democrat House liberal energy bill, is dead on arrival in the Senate because of the provisions in the bill that literally will allow no drilling to occur to help increase American supply, to reduce our dependence on Middle Eastern oil.

Now, if you want to be relying on OPEC, this is your bill. This is the bill that takes away all of our leverage so that we can finally tell OPEC we are moving away from our dependence on Middle Eastern oil, we are not going to need you anymore, and then we have the money from all the billions that will be generated to bridge ourselves into all of the renewables we are trying to achieve in the American Energy Act.

This bill won't get us there, though, because by taking away revenue sharing, which, by the way, for States like Louisiana is what we would use to restore our coast, which is our barrier against hurricanes. Why would they want to take away the money that we would use to protect us from future hurricanes? That is one of many reasons why this bill is clearly dead on arrival in the Senate. They don't want to pass a bill if this is the only option they are going to put on the table.

Bring back the American Energy Act, a truly bipartisan bill, and let's solve this crisis together.

Mr. RAHALL. Could I have a time check, please, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from West Virginia has 19¼ minutes remaining, and the gentleman from New Mexico has 22 minutes.

Mr. RAHALL. I have the right to close, I assume?

The SPEAKER pro tempore. Yes.

Mr. RAHALL. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I want to thank my friend, Mr. RAHALL, for yielding me this time.

Let me just remind my colleagues on the other side of the aisle, when this bill passes and when it becomes law, after passage of the Democratic energy bill, 85 percent of the total oil available offshore will be open for exploration and drilling. My colleagues on the other side simply can't take yes for an answer, and I am perplexed by that.

We continue to come back, and I know that my friend Mr. FLAKE made reference once again, to a provision in this bill that would restructure the 9/11 New York Liberty Zone bonds. We had a more extensive debate about this earlier today, and I don't want to necessarily go back into that.

But I think it is important to note for the record, on May 15 of this year, under questioning within the Ways and Means Committee, the Deputy Assistant Secretary for Tax Policy, Karen Sowell, stated that the President would oppose earmarks, but supports restructuring the New York Liberty Zone bonds and that the language included in his budget reflects that, that this is not an earmark.

Once again, I repeat: The 9/11 restructuring money is not an earmark. It is part of the $20 billion that you, that we, promised New York after the attacks of 9/11, $18 billion of which has already been delivered, or thereabouts. $2 billion has yet to be used, and, quite frankly, in the form it is in today, is not usable, and that is why we are doing this. This is not something new. We have already passed this four previous times. We just have not yet been able to get it enacted into law.

So I would just remind my colleagues once again that this is not an earmark. In fact, your former chairman of the Ways and Means Committee, Mr. Thomas, he is the person who put this into law. We are trying to fulfill a promise that you made.

Mr. PEARCE. Mr. Speaker, I would yield myself 15 seconds before yielding 5 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

I would again point out that there is more stimulation for bicycles in this bill than there is for nuclear power. That indicates this new direction we are being taken by the majority.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. I want to thank the gentleman for yielding, and I want to thank all the Members of this body for participating. Those of you that have been down here for hours, I want to thank you. I want to thank my friend Mr. ABERCROMBIE from Hawaii, who has worked at my side for half a decade, bipartisanly, to try to figure out how we can make America energy independent and open up the resources that we have.

How can the most powerful country in the world allow itself to be in a position where its energy prices depend on

three things that they have no control over? We just faced one, and we dodged a bullet again from major damage; storms in the gulf. They happen most years. It will depend on that whether we have available affordable energy.

The stability of the 13 largest oil companies in the world, all bigger than Exxon, unstable countries, non-democracies who have governments that tip over often. And if any one of them tips and produces two or three million barrels less oil, there is a shortage of oil in the world.

And then we have been lucky that terrorists have not yet attacked our energy system. It is so vulnerable.

How did we let ourselves get there? Well, most of our lifetime, in fairness to the former Congresses, energy was cheap, $2 gas and $10 oil. A spike in the seventies, a spike in the eighties, a spike in the nineties. We tried alternatives, but they didn't work, because cheap oil ran them out of the market.

Folks, cheap oil is gone. Cheap natural gas is over. We are in a new era. We are sharing energy now with a whole part of the world that didn't use it before. We will soon not be the biggest user of energy.

Twenty-eight years ago, we decided it was better to use theirs, not ours. We started locking up our Outer Continental Shelf. A few years later we tried to open ANWR when it was starting to get a little tighter, and a President vetoed it. About the same time, they set one of the largest coal reserves in America, I believe it was in the State of Utah, aside, as if it wasn't important, millions of acres.

More recently, in legislation that slipped through and got signed, unfortunately, we locked up shale oil, the big new field that has awesome potential.

And the one that stuns me, the fastest growing renewable, and I haven't heard anybody mention it here, woody biomass, 3.6 percent now. Woody biomass. Pellet stoves, wood waste for boilers, and we are hoping to do cellulosic ethanol from it. We have legislation that says wood waste from our Federal lands can't be used.

Tar sand oil, the new oil from Canada that we have built our refineries to use, we have legislation that is going to made it difficult to get that.

Every year since I have been here we have become 2 percent more dependent on foreign oil, and we will again next year. Unfortunately, this legislation locks up 97 percent of the west coast energy availability. It removes the part of the eastern gulf that is the most easy to obtain, close to where we are producing today, where the infrastructure is there and we can do it quickly. On the east coast, most of the energy is between 25 and 50 miles out, and it is locked up.

Then I guess the part that bothers me, I was a State legislator before I came here, we are kicking the ball to the State legislatures. It is Congress' role to provide energy for America. We are saying to State legislators, vote to open up. We are not going to give you royalties. There is no win in it for you, but you be statesmen. You take on that environmental lobby and you open that land up, because we won't.

Yes, prior to this bill, the ANWR Interior bill was available, and for the last number of years I forced many of you, and some of you groaned, to vote on whether we continued the moratorium.

Fourteen Congresses and three Presidents have not adequately valued energy availability for America. There is lots of blame to go around. Let's stop blaming each other here.

Who are the losers? The working people of America, Mary and Joe, retired seniors, living in a family homestead, struggling to have money for their automobile fuel and going to try to heat that big old home this year. Last year they kept it at 58. They don't know what they are going to do this year.

Jim and Nicole with three children. They have an eight-year-old vehicle and a modest older home. They kept their home at 60 raising kids, and they don't know how they are going to do it, because their bills are going to be much higher this year.

Then Margie, a single mom with a teenage daughter and a teenage son. She drives 40 miles to work one way, that is 400 miles a week. That is really stretching her budget with these gas prices. Her gas bill has gone from $175 to $220 to $230. She has no idea how she is going to pay it.

The small businesses that employ the bulk of our friends and neighbors are struggling to pay their energy bill.

Folks, we need to deal with this energy issue, and we need to deal with it bipartisanly and get cost-effective energy for this country.

Mr. RAHALL. Mr. Speaker, I am very happy to yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE) and want to salute him not only as an extremely knowledgeable person on our Committee on Natural Resources, but one who has worked with us throughout this process, has been involved every step of the way and has contributed magnificently.

I just want to salute Mr. ABERCROMBIE for his tremendous efforts on behalf of this compromise bill.

Mr. ABERCROMBIE. Mr. Speaker, I want to thank JOHN PETERSON as we move on this bill, whatever happens tonight. I notice there are some Members we have been working with.

This is kind of an emotional moment for me, I will tell you, because one of the great sorrows that I am going to have out of this is not so much that our bill didn't make it to the floor, but that JOHN PETERSON is leaving the Congress of the United States. Of course, he is doing it always for the right reasons, for somebody else, and, of course, we hope that your wife, JOHN, is going to be well. I send her greetings and love and affection tonight, the love and affection we bear for you. You make the word ''honorable'' mean something very deep and real in this House.

I see Mr. BISHOP and others. Mrs. DRAKE was here. There are so many names we were working with: JIM COSTA and DAN BOREN, BILL FOSTER, TIMMY WALZ, TIM MURPHY. So many people. I am going to risk hurting people's feelings if I don't name everybody. But I have got to say DAN BURTON or he will yell at me. So many folks. JEFF MILLER, so many. NICK LAMPSON, he is down there tonight.

The reason I bring all those names up is that we are productive with H.R. 6709 I think because we got away from lobbyists coming in or corporations coming, advocacy groups, and we got away from the leadership clash, if you will, over who is going to get the House or who might not.

In all honesty, I want to move this bill tonight. I agree, by the way, with DON YOUNG, I agree with what JOHN just said, what THELMA said, all the folks over here on sharing the revenues. I think we didn't have enough information coming from the CBO on that. It looks now like we can put royalties in and it won't create a pay-as-you-go problem.

There are a lot of things that can be done, if we can move the bill along. That is what I am asking, just move this bill along. It is like JIM COSTA said earlier, a work in progress. Come on, there are very few rookies here, very few rookies legislatively, even if you are just new in the body. We have got four or five different shots at this in order to perfect a bill.

I wouldn't vote for this bill if it came back now and this was conference bill. I wouldn't vote for it. But this gives us an opportunity to move this along. That is all I am looking for. And, believe me, the Republicans can claim they forced the Democrats to take it up and they made their point, and the Democrats will claim that they went for the bigger national interest and acted in a nonpartisan way.

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Everybody can make their political claims. But let's keep this moving. We have been talking to SAXBY CHAMBLISS, come on, a lot of us served with him here in the House; and LINDSEY GRAHAM, he is our friend; BEN NELSON, MARY LANDRIEU. I told MARY, left a message, said, look, don't say it's dead on arrival. We are for the revenue sharing. We can work this out.

The American people will blame all of us. The American people will not say the Democrats have showed up the Republicans, or the Republicans sure

showed the Democrats. They are going to blame the Congress, because they want energy independence. We have to have it.

My plea to you is that we take this bill and move it along and get it into the Senate. We have nothing to lose and everything to gain in terms of energy independence, number one; and, number two, preventing the exporting of needed American dollars from investment in this country to import energy. That's the reason that we need to do this.

We have got to get away from, I see there is something from the National Wildlife Federation, comes in today, a lot of praise for the bill, but they don't like the oil shale provision, where it's an opt-in from the State, so they still kill the whole bill, kill everything because there is something in it they don't like. We urge you to oppose it and the motion to recommit too. So we end up with nothing.

Other people, we have been using words like ''hoax,'' despite claims to the contrary, this is not a drilling bill. Believe me, when the Speaker came around on this, and it's one of the reasons I feel we should move forward with the bill, the Speaker doesn't want this bill, believe me. But she is not the leader of the California delegation, she is the Speaker of the House, and she feels that something has to move along, even if she doesn't approve of most of the provisions that are in here, if she had her own personal way. What I am asking is let's rise above the arguments. Let's rise above the clash with one another.

I don't say that for altruistic reasons, I say it for practical reasons, practical legislative reasons. We will not be forgiven by the people of this Nation if we are not able to move an energy bill to the Senate so we have a fighting chance to try and work the legislative process here. Let's not have the kids that come to visit us every day, the people who come to our office sincerely asking us for our help, look at us and say they couldn't do the job that they were sent here to do.

Mr. PEARCE. Mr. Speaker, I submit for the RECORD three letters of opposition for this bill from The American Conservative Union, Industrial Energy Consumers of America, and the National Association of Manufacturers.

DEAR REPRESENTATIVE PEARCE: On behalf of the American Conservative Union, I urge you to vote ''NO'' on H.R. 6899, the so-called ''Comprehensive American Energy Security and Consumer Protection Act,'' a 290 page bill put on the floor with less than 24 hours notice under a closed rule with no room for amendments.

When we were kids, we all played a variation of the game ''Let's Pretend'' in which we pretended to do something or be somebody knowing it was make-believe. The authors of this bill are playing ''Let's Pretend'' with the American people, pretending they are passing a bill to increase domestic energy production when they know it will do no such thing.

By eliminating revenue sharing for the states in royalties for offshore oil and gas drilling while requiring states to approve the drilling leases, the bill's sponsors know it is unlikely the states will bother to give their approval. Even Democratic Senator Mary Landrieu of Louisiana has said this bill ''will not see the light of day in the Senate'' should it pass the House.

The bill prohibits drilling less than 50 miles offshore when the sponsors know that, to give an example, 95 percent of the known reserves off the coast of California are less than 50 miles out.

Once again, as in other energy legislation, the bill needlessly increases taxes that only serve to increase the cost of energy. The bill will also increase electricity bills for the average consumer by forcing utility companies to use alternative fuels regardless of the cost. This provision has already been rejected by the Senate in a previous energy bill.

The American people are demanding we change our bankrupt energy policy which has prevented the U.S. from utilizing our own resources and made us dangerously dependent on foreign oil supplies from unfriendly countries. They will not fall for a bill full of gimmicks which does not do the job.

We strongly urge a ''no'' vote on H.R. 6899.

Sincerely,

LARRY HART,
Director of Government Relations,
The American Conservative Union.

INDUSTRIAL ENERGY
CONSUMERS OF AMERICA,
Washington, DC, September 15, 2008.

Hon. NANCY PELOSI
Speaker of the House,
Washington, DC.

DEAR MADAM SPEAKER: We thank you for placing domestic energy production at the top of the September legislative priorities. Together, we must act to solve our energy crisis that is impacting every American and threatens the competitiveness of our manufacturing sector. On behalf of the Industrial Energy Consumers of America (IECA), we look forward to working with you to increase domestic production of affordable and reliable energy and to increase conservation and efficiency across all sectors of the economy.

The Industrial Energy Consumers of America is an association of leading manufacturing companies with $500 billion in annual sales and with more than 850,000 employees nationwide. It is an organization created to promote the interests of manufacturing companies for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets.

As significant consumers of energy, our competitiveness is largely determined by the cost of energy and especially natural gas and electricity. Given this, we have reviewed key components of your legislation and offer the following comments.

Your legislative provision to open the outer continental shelf (OCS) to drilling is a bold positive step and we applaud you for it. However, unless modified, it will not result in increased offshore production. To increase production, either remove the provision that requires a state to approve drilling in their offshore areas or provide royalty incentives to states who agree to allow drilling. Also, the 50 mile requirement is problematic because according to the Minerals Management Service 80 percent of our known natural gas and oil reserves are located within 50 miles offshore. If our goal is to increase domestic production and increase our nation's energy security, we must not limit drilling to beyond the 50 miles.

IECA also encourages you to allow production access to the Alaska National Wildlife Refuge. This is an area in Alaska that is the size of the Los Angeles airport with tremendous known hydrocarbon resources that will significantly add to our national energy security.

IECA strongly oppose provisions that provide monetary incentives and mandates to use compressed natural gas (CNG) as a motor vehicle fuel. The transportation fuels market already has alternatives and is developing more options in which to fuel their market while home owners, farmers and manufacturers who use natural gas do not. This provision puts the transportation market in direct competition for the same natural gas and will result in much higher prices. We urge you to delete this provision from your legislation. Later, after we have had several years of increased natural gas production such an initiative could be re-visited.

Increasing demand without first significantly increasing supply could devastate the manufacturing sector that relies upon natural gas for both fuel and feedstock. We have lost over 3.0 million high paying manufacturing jobs since 2000 and high natural gas prices have played a significant role.

According to the Energy Information Administration, natural gas demand has grown by 9.8 percent since 2000 while production has remained flat despite record well completions. Production in 2000 was 19.2 trillion cubic feet versus 19.3 trillion cubic feet in 2007. Recent growth in natural gas from shale is encouraging, but this has not yet shown sufficient production to accommodate the growing demand by the power sector let alone provide additional supplies for the motor vehicle industry.

Congress has a history of passing mandates that increase demand for natural gas while simultaneously failing to put in place a long-term framework to increase production—this must change. Federal mandates such as the low-sulfur fuels standard and the biofuels (ethanol) mandate both increased demand for natural gas. And, pressure to reduce greenhouse gas emissions has resulted in a 35 percent increase in natural gas demand by the power sector. Together, the increases in demand and resulting higher price significantly contributed to the erosion of US manufacturing base since 2000.

IECA does not support the federal Renewable Portfolio Standard (RPS). Incentives, not mandates are the appropriate way to increase the nation's supply of renewable energy. States that have abundant renewable energy resources have enacted programs while those not endowed have not done so for good reason. A federal RPS would have a devastating impact on the global competitiveness of the pulp and paper industry that uses biomass as a feedstock and fuel. We urge you to delete this provision from your legislation.

For both cost and security reasons, it is important the Congress support research and deployment of carbon capture and sequestration (CCS) technology to use our vast coal reserves. IECA is troubled with this provision because it increases the price of electricity to us and to consumers thru a wires charge. It is essential that the provision be modified to ensure that the wires charge be paid for by 'all' consumer classes and that it

specifically designate that no less than 10 percent of the revenues be directed for industrial applications for CCS.

Thank you for considering our views and we look forward to working with you.

Sincerely,

PAUL N. CICIO,
President.

SEPTEMBER 16, 2008.

DEAR REPRESENTATIVE: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to oppose the Comprehensive American Energy Security and Consumer Protection Act.

We are encouraged that the House of Representatives has taken steps to craft an energy bill that will result in measurable energy efficiency gains and renewable energy incentives. We also recognize the important attempt to expand domestic energy development in the Outer Continental Shelf (OCS). While we support an increase in domestic energy supplies, we have serious concerns that without any state revenue sharing mechanisms it is highly unlikely that states will ''opt-in'' to leases and the result will be no new access.

Moreover, the NAM strongly opposes provisions in the bill that would:

Increase taxes on energy producers, including ending the Sec. 199 deduction for certain producers and limiting it for others and restricting the use of foreign tax credits. This will directly add to the costs to energy production, discourage new domestic oil and natural gas production and make domestic energy investments less competitive economically with foreign opportunities;

Create a mandatory 15 percent federal renewable portfolio standard. This provision will directly add to the cost of electricity for manufacturers and consumers by mandating a renewable standard in regions of the country that do not have adequate resources to comply. In effect, it would translate into a new tax on electricity, passed on to U.S. manufacturers and consumers.

While the NAM cannot support this legislation and urges its defeat, we are prepared to continue to work with Congress to advance energy legislation that lowers costs for manufacturers and promotes energy security .

The NAM's Key Vote Advisory Committee has indicated that votes on the Comprehensive American Energy Security & Consumer Protection Act will be considered for designation as Key Manufacturing Votes in the 110th Congress. Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Executive Vice President,
National Association of Manufacturers.

Mr. Speaker, I yield myself 6 minutes.

We have heard my friend from Hawaii just compel us to vote for the bill. But with all respect, I would say that we have constituents who are struggling to make their budgets balanced. They have $4 a gallon gasoline, high cost of food, increasing taxes, and we are telling them, ride a bicycle. We are telling them we are not going to build nuclear power plants.

China gets it. China is converting from bicycles to nuclear, while we are converting from nuclear to bicycles. If China gets it, how come we don't? Everyone in this country is worried about our jobs disappearing to China. They are worried about our standard of living decreasing. They are worried about the ability to pay for their kids' college, and we are sitting here saying ride a bicycle, drive a solar car.

With all due respect, I wonder if the Speaker is going to leave tonight in a black solar limousine. I wonder if the Speaker has a nuclear car. I wonder if the Speaker has a wind-powered car. We are dealing in gibberish here while the American people are suffering and while our economy is suffering, and why are we doing it?

I will tell you, I watched in the 1970s as this Congress began to do things to kill an industry, the timber industry. There were 20,000 jobs in New Mexico in the timber industry, and this Congress at that time eliminated those jobs by killing the industry, allowing litigation to stop every single project. There is nothing in this bill to stop litigation.

I think that Americans are tired of watching special interest groups bring litigation to stop drilling, to stop mining, to stop oil and gas, to stop timber, to stop everything. They stopped construction projects.

I think the American people are ready to take back this country from the extremists who obstruct our way of life and who obstruct everything that we stand for. I believe in American exceptionalism, I believe in our ability to bring hope to the entire world.

Everyone wants to come to this Nation to find their hopes, and we are litigating ourselves out of it. I don't understand why this Congress and this majority is making the stance that we are not going to build nuclear. Instead, we want you to ride your bicycles.

Oh, by the way, we are going to tax those American jobs. We are going to tax them out of existence if we have to, because we have got a point to prove. That's what I see in this bill. We are going to tax American jobs, and we are going to let that foreign gasoline come in here tax-free, so we are going to do that, but we're going to get back at somebody. That's what I hear in this bill.

We need every form of energy that we can get our hands on now, and, in the future, our need for energy increases dramatically. Why are we doing nothing in this bill for clean coal technology? Why are we doing nothing in this bill for the easy-to-get offshore gas and oil?

We prohibit, forever, oil and gas that lies just off our shore. We say to the oil companies, you can go out there at 50 to 150 miles, that ultra-deep stuff, that's where the stimulations are right now. There are no stimulations for onshore production. There are no stimulations for that shallow-water production. The only stimulations are for that very deep, deep production, and we hear constant complaining and accusations.

That stimulation to deep, offshore production is increasing our capability to produce our own jobs and our own energy. We are sending over $600 billion a year out this country to other countries. We are providing jobs for them, and we are not providing jobs here.

If we reinvested, and if we invested in our local oil and gas economies, we could produce at least a 6 percent rate of growth in this economy just by that. Forget the other services that are going to come along with just the $600 billion. We are making foolish, upside-down decisions here, and this Nation is going to pay for it. Small businesses are going to go out of business. We are seeing the difficulty that we have competing worldwide, and this Nation is going to see a decline in the standard of living because of decisions that we are making here.

Last December, we made a decision to put all shale off-limits, 2 trillion barrels of shale. The American country has not used 1 trillion of shale, of oil, since our inception, and we put 2 trillion off-limits. Then we come into this bill and we sort of tickle around with it and say, well, maybe you can if your State says you can.

Where else do we allow the States to say, no, you can't produce those Federal assets. Where else do we give the States the veto power over our economy and over the production of Federal resources? It just doesn't make sense what we are doing here tonight.

It does not make sense that we don't cure the litigation problems that are going to kill our economy dead. It doesn't make sense that we are saying ''yes'' to bicycles, no to nuclear, no to that easy to get to oil off the coast, no to clean-coal technology. We are saying ''yes'' to the extremists and ''no'' to the American family.

I think the American family is going to take note for a long time what we are doing here tonight.

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

Mr. RAHALL. Mr. Speaker, may we have a time check. I am prepared to close on this side.

The SPEAKER pro tempore. The gentleman from New Mexico has 11 minutes remaining, and the gentleman from West Virginia has 12¾ remaining.

Mr. PEARCE. We have two more speakers.

Mr. RAHALL. Mr. Speaker, I reserve the balance of our time.

Mr. PEARCE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, when Puerto Rico kicked us out, yes, kicked us out of our training areas for the Air Force and the Navy in Vieques, we had to move that specialized type of training into the eastern Gulf of Mexico. We established a military mission

line and said there would be no drilling platforms or drilling ships there because it would not be compatible with the type of training.

The type of training that we are doing there with the Air Force and the Navy aviation, as well as the naval surface ships are hypersonic weapons, supersonic aircraft, long-range missiles, stand-off missiles like AMRAAM, and we are talking about Patriot missiles. We are talking about all types of ordnance being used to train our pilots and our ship crews, a very specialized training.

For those of us who are determined to make sure that our forces have the best training possible, this is the only place, according to a briefing that I had with the Deputy Secretary of Defense this week, the Air Force this week, the Navy this week, this is the only place east of the military mission line where this type of training can take place in America.

So those who are concerned, those of us who are concerned about this, are curious as to what will the motion to recommit have to do or speak to this area east of the military mission line?

It's very important to us. It's very important to our national security and to those fighter pilots who are going to be doing their training here before they get into a combat situation.

Mr. BOEHNER. Will the gentleman yield?

Mr. YOUNG of Florida. I will be happy to yield to the leader.

Mr. BOEHNER. I thank my colleague for yielding.

Mr. Speaker, it would be our intention in the motion to recommit to protect this military mission area.

After we lost our training area off the coast of Puerto Rico, I think all of us understand how important this area is to the training of our war fighters and the fact that it needs to be preserved for that purpose.

Mr. YOUNG of Florida. I want to thank the leader. This is important to most of us and to our military. So I thank the gentleman for his response.

Mr. RAHALL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I appreciate the comments of the gentleman from Florida and his concern for the area off his coast, and I appreciate the minority leader's comments in response that he would be protected in the motion to recommit. We do protect him in this bill.

We met with the Florida delegation. We are perfectly aware of the concern of the Department of Defense to this particular area, the military training and equipment training that takes place therein. We are preserving existing law in our bill, which holds that area off-limits to drilling unless there is a memorandum of understanding between the Secretary of Defense and the Secretary of Interior. That is the current law that was enacted in 2006.

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

Mr. PEARCE. Mr. Speaker, I would recognize Mr. BROWN for 2 minutes.

Mr. BROWN of South Carolina. I appreciate the gentleman yielding.

Mr. Speaker, the argument that we have today is an argument that we have been discussing for a long, long time about our energy and energy independence.

We recognized, this past week, when the storm went through Houston, that we found another problem that we had. We were concerned about the price of gasoline.

Now we are concerned about the price, not the price, but the availability. What we need is more supply if we are going to compete in the world arena.

Some 70 percent of our energy today is coming from foreign sources. If you have been following the dialogue on the world market, Russia now controls most of the natural gas going to the European nations.

You notice from time to time there is a threat to cut that supply off. One day that's going to happen to America. With 70 percent of our energy coming from offshore from people that don't like us, we are going to have the same problem one day, a supply problem. Just like we had back with the oil embargo in the 1970s, the same situation is going to happen to us, even as we see some families now going to stations, and they say ''out of supply today.''

The bill we are looking at today concerns me. I represent the coast of South Carolina, some of the prettiest beaches in all the world. We would love to say there are alternate ways to find our energy solutions, but we are willing, in South Carolina, to pay the price, just like in Louisiana, just like in Texas, just like some other places, California and other places, that are using their energy resources to help cultivate the economy of this great Nation.

□ 2045

We recognize if we don't do all of the above, we are going to find ourselves in a Third World situation. We need nuclear power. We need wind, we need solar power. But we also need gas and oil. Gas is one of the best fuels we can find. We can burn it in our automobiles and we can burn it in our power plants. It is a clean-burning fuel, and we have an unlimited reserve off the Outer Continental Shelf. We need to be able to access those resources.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I wanted to reference today's New York Times editorial, not a Member of this body but the editorial page. It is titled, ''Ms. Pelosi Compromise.''

''This is obviously not the best moment for Congress to rush through an energy bill. The country is caught up in a heated Presidential campaign. Voters are furious at high gas prices. Republicans are happily pandering to that anger, while the Democrats fear it. And at the end of this month, just before Congress heads home for the election recess, the long-standing moratorium on offshore drilling is scheduled to expire—providing an opportunity for more grandstanding.''

The editorial continues that ''these are not sensible times, which means that Congressional Democrats, particularly House Speaker Nancy Pelosi, must try hard to make the best of a bad situation.

''The situation, briefly, is this: the Republicans have been bludgeoning the Democrats with the claim that Democratic opposition to offshore drilling is to blame for high fuel prices and that drilling is the answer, or one answer to the country's dependence on foreign oil.

''We find it hard to imagine that they really believe what they say. Drilling will have no impact on fuel prices for at least 15 years, if then, and any number of efficiency measures will do more to reduce the country's dependence than drilling for America's modest offshore reserves. But the chant of 'drill, baby, drill!' is playing far too well on the campaign trail for the Republicans to let the facts get in the way.

''The Republicans have offered bills that would provide broad access to the Outer Continental Shelf and in one case allow drilling as close as 12 miles from shore. So Ms. Pelosi is taking no chances. As early as Tuesday she is expected to unveil what she advertised as a grand compromise. The bill would allow drilling in all of the Outer Continental Shelf beyond 100 miles offshore from States that permit it.''

The bottom line: ''Ms. Pelosi's compromise deserves support. If it fails, the Democrats must fight to renew the moratorium. Otherwise, there could well be oil rigs within 3 miles of American shore.''

Thank you, Mr. Speaker, and thank you to the New York Times.

Mr. PEARCE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, the American people have made it clear that they support all-of-the-above energy solutions that increase the production of American-made energy, including offshore energy. Unfortunately, the Democrats' so-called energy bill is anything but an all-of-the-above energy bill.

The Democrat bill claims to expand offshore drilling, and yet it expands drilling in areas where there isn't any oil.

The energy bill also requires the States to opt in to allow offshore energy exploration off their coast. However, it doesn't even provide them with a share of the royalty revenues.

I think the American people would agree that we should be providing coastal States with incentives to produce energy, not discourage them. I strongly oppose any effort to treat California as a second-class State, and I am frankly surprised that the Speaker would support a bill that denies our State royalty revenue benefits that other States currently enjoy.

This bill does nothing to increase production of nuclear power, nothing for hydropower, and nothing to increase refining capability. This bill is hardly change we can believe in. In fact, this bill isn't change at all.

Mr. RAHALL. Mr. Speaker, I am prepared to close, so I reserve the balance of my time.

Mr. PEARCE. How much time remains?

The SPEAKER pro tempore. The gentleman has 5½ minutes remaining.

Mr. PEARCE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, we know that litigation has been stopping all of the attempts at drilling and will continue to do so unless there was something in the bill to end the litigation. So we know that is going to stop it. We know that this bill has an opt-in for States but won't give them a dime of revenue so they are not going to opt in.

So what this has become is akin to what I saw this weekend after the hurricane. On the radio and on the phone people were told that this gas station at such and such location now has gas. People would run down there only to find it was out of gas. That is what this bill does.

Here is energy; people are going to run out, and when they get there, they are going to find out there isn't any.

Mr. PEARCE. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Speaker, two quick points as the debate draws to a close. First, I have to question again the use of the term ''compromise.'' The use of the term ''compromise'' implies that the minority party was consulted, our advice was sought, that we could channel the wishes and aspirations and voices of our people into this debate as the legislation moves forward. We were denied that opportunity. Perhaps it would be best to clarify that this is a compromise amongst the Democratic Party itself and not amongst the majority and minority parties.

Secondly, this bill continues to ration energy. This is a government rationing of energy, and at this point in time when America needs energy production, it will not meet the needs of people who are suffering.

Mr. PEARCE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I want to thank the gentleman from New Mexico.

My comments on this last 1 minute are more on the process. I have spoken at length on the policy, or lack thereof. I thought it was ironic that we had Congressman ABERCROMBIE and Congressman PETERSON on the floor earlier speaking about their efforts to come up with a bipartisan compromise bill. I think they made a noble effort.

I went to JOHN DINGELL, the chairman of the Energy Committee, and asked if he would like to work with me on the Energy and Commerce section of the bill; and he said that, quite frankly, he wasn't able to do that.

I just asked DON YOUNG if he was ever asked by Mr. RAHALL to work on a bill in his committee, and Mr. YOUNG said that never happened.

My guess is that if I asked JIM MCCRERY, the ranking member of the Ways and Means Committee, if he was asked by Mr. RANGEL, the chairman, that Mr. MCCRERY would also say that he was never asked.

The point of fact is we have a 290-page bill that is being voted on the day after the evening it was introduced. There is no way you can have a substantive vetting, debate on this massive amount of legislation in less than a 24-hour period. And none of the relevant committees on a bipartisan basis have held a markup, have held a hearing, any kind of a legislative drafting session at all. And yet we are asking the 435 Members of this body and the delegates that are allowed to vote on the floor to vote on the most important domestic public policy issue before this Congress.

That is not fair to the American people. It is a disservice to the process; and for that reason alone, the bill should be voted down.

Mr. PEARCE. Mr. Speaker, may I inquire of the time.

The SPEAKER pro tempore. The gentleman has 2½ minutes remaining.

Mr. PEARCE. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, this debate has progressed for a long time, but made a very short distance. The American people have a right to expect that we would do our job, that we would do our job to ease the pain in their everyday life. They have a right to expect that we would increase the competitiveness of American companies so that we are able to hold a good, strong economy. They have a right to expect that we would give fairness to all States. They have a right to expect that we would use good common sense in establishing this bill.

Mr. Speaker, we are failing on every account in the bill that is before us tonight. When we should be establishing American dominance in the energy field, we are saying ''no'' to nuclear and ''yes'' to bicycle power. When we should be doing our job to find new clean coal technologies, we don't even mention them here. When we should be drilling for every amount of oil that we can find here to create American jobs and to stop spending $700 billion overseas, we are limiting our ability to produce here.

We were told 2 years ago that we were going to see a plan, and tonight we were told we have new ideas. Those new ideas are riding bicycles and killing the American economy with higher fuel prices, hurting the American family with continued restrictions of supplies, putting ourselves strategically at risk by selling off the Strategic Petroleum Reserve.

Mr. Speaker, I request that all Members, Republican and Democrat, vote ''nay'' on the bill in front of us tonight.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague for yielding. Let's just stop and think for a moment about what our constituents are dealing with tonight as we stand here. They have got concerns about the economy, concerns about keeping their own jobs. They have concerns about whether they are going to be able to put gas in their car tomorrow considering the high price of gas. Or we have the home heating crisis about to come to us as they are filling their propane tanks and oil tanks and looking at the heating bills that are coming this winter.

And what are we doing? We are sitting here tonight in the middle of the biggest hoax I have seen in the 18 years I have been in Congress. It is a sham, and everybody in this Chamber knows it is a sham. I know those are strong words and words that I don't use lightly, but I want my colleagues to consider this for a moment.

We have a bill here that purports to be a compromise, but I don't know one Republican Member who was involved in one meeting with regard to this compromise. It was written by the Democrat leadership that runs this Congress in the dark of night on a napkin. It showed up here last night at 9:45, a 290-page bill at 9:45 last night that no Member had ever seen; and guess what, as we stand here tonight, no Member has read.

All right, some Member, any Member stand up and tell me you have read this bill. That is what I suspected. Not one Member has read the bill that we are about to consider. No hearings on the bill, no committee action, no one has read, and the bill purports, purports to increase American energy. But I want you to consider this: 85 percent of the known reserves off of our coast on the Outer Continental Shelf, 85 percent at a minimum are locked up permanently under this bill. And of the 15 percent that are purportedly opened, the States would have to comply to open those Outer Continental Shelf reserves. But there is no revenue sharing to the States like there is in Texas and Louisiana and Mississippi and other areas.

There is no revenue sharing, so the States have no incentive to want to open up the Outer Continental Shelf.

So how much new drilling will we get out of this bill? Zero. It is just zero. And there isn't a Member in this body who doesn't know it is zero. So when I call it a hoax or a sham, I think you all understand what I am trying to say.

No new nuclear plants in this bill, no new oil shale drilling in this bill. No clean-coal technology in this bill. We are the Saudi Arabia of the world when it comes to coal. We have clean-coal technology. Whether it is coal to gas, coal to liquid, we have ways to use our coal in a clean way. Nothing in this bill will allow it to happen.

What does it have in it? It has a big old tax increase in it; you can be sure of that.

What else does it have in it? It has a big earmark in it: $1.2 billion for the City of New York on behalf of one Member in this bill. Here we are trying to take some steps toward energy security, and we have to load it up with a big old earmark, $1.2 billion.

A compromise, huh? This is no compromise. The compromise might have been amongst a bunch of Democrat chairmen who wanted to have some bill, but there is no compromise here.

Let's just describe this bill for what it really is. It is nothing more than political cover on the eve of an election to say that we voted for an energy bill, except there is no energy in it.

Congressional approval today is at the lowest point in any time since polling began, and our Members wonder why.

□ 2100

And it's stunts like this that have the American people so cynical about their Congress. They expect that the Congress is going to do something about increasing energy security in our country; that we're going to do something about bringing down the high cost of gasoline; that we're going to do something about bringing down the high cost of heating oil or propane or natural gas this winter.

And what are we doing?

Playing political games on the eve of an election.

The American people understand that 70 percent of our oil comes from overseas. More than half of that comes from OPEC, who's considering lowering their production in order to maintain the high price of oil. We're just teetering, they're just teetering with us, kind of have us on a string because, over the last 30 years, my Democrat colleagues have stood in the way of more energy production in the United States. That's why we're in this box that we're in today. And we have a chance to do something. We have a chance to move in the right direction, but this bill isn't it, and there's not a Member in this Chamber who doesn't understand this bill doesn't do anything about bringing us any closer to energy security.

In a few minutes, we're going to have an opportunity for all of the Members on both sides of the aisle to do something of substance. The motion to recommit tonight will be the Abercrombie/Peterson bill. No changes. No tweaks, no nothing. And it's painful. And it may not be everything that I want, but let me tell you, this bill is a bipartisan bill worked on by serious Members from both sides of the aisle. It's a bill that does do all of the above. It gives us more drilling for oil and natural gas in an environmentally sensitive way off our coast. It does allow revenue sharing, revenue sharing to the States so they have an incentive to participate in helping to open up this area off our coast. It's got new nuclear in it. It's got oil shale drilling in it. It's got clean coal technology in it, and it's got a lot more money than the Democrat bill when it comes to putting money into renewables, trying to speed up their development to bring those renewables to market as soon as possible.

And so we've got a chance to do the right thing tonight for the American people. We can show them, once and for all, that we can work together across the aisle. We can show them that we can do something to move our country toward more energy security, because most Americans understand that energy security is paramount and is, in effect, our national security.

This bill that we're going to bring up under the motion to recommit will create a million new jobs here in America. And with all the talk about a stimulus bill, the greatest stimulus we could give our economy is to create a million new jobs, lower the cost of gasoline, lower the cost of heating oil, lower the cost of energy that will actually even create more American manufacturing jobs.

The question is, do we have the courage to do the right thing? Do we have the courage of our own convictions about doing what we know that we have to do as a country to move ourselves toward more energy security? Or are we going to show our constituents that, once again, Congress is up there playing political games with our future?

It's the American people. It's their jobs. It's their budget. It's their concerns. They send us here to represent their interests, and it's about damn time that we represent their interests. And by voting for the motion to recommit tonight we can show them that we're working in a bipartisan fashion on their behalf.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would once again remind Members not to traffic the well while another Member is speaking. While the distinguished minority leader was speaking, another Member crossed across the well. That is not supposed to happen, and the Chair would ask all Members to remember that and honor it in the future.

Mr. RAHALL. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, my colleagues on both sides of the aisle, this has been a good debate that we've conducted today. It's been a debate that as we've heard for several months over the last time period in this body, we've had extensive debates in the House over the energy issue. We've had it on the House floor during consideration of various energy bills. We've had the debate during 1-minutes. We've had it during Special Orders. We've had it on bills that we've considered that have had nothing to do with energy, and we've even had a debate when the House was not in session.

We've heard repeatedly that the Republican Members want a straight up-or-down vote. That's what we're giving them by this rule today, and we're about to near that point.

It's regrettable that oftentimes the debate today has used the words hoax, sham, bait and switch, not serious, political gains, and I could go on and on about the venom that has been spewed from the other side. When it comes to political games and the bait and switch tactics that we've been alleged to be employing, I would say what is wrong when we're trying to represent the crying need and the desperate need of the American people.

We are politicians in this body. We know what the art of compromise is all about, or at least we should know what the art of compromise is all about. We know the diversity that exists within both sides, both caucuses in this body, and the diversity that exists among the American people. But we all are united. We all are united in trying to resolve the crying need that the American people are telling us today needs to be addressed.

This bill has worked with both sides of the aisle. In working with Representatives ABERCROMBIE and PETERSON, that has been working with the other side of the aisle.

We have also taken a lot of this language, not a lot of it, but elements of this proposal come from the so-called Senate Gang of 10 or 15, however many it is from the other body. Those that say this is dead on arrival over there, I think, are a little premature in their predictions.

In working with my colleagues that are cosponsors, Representative GENE GREEN, Representative GEORGE MILLER and Representative JOHN DINGELL, we have certainly reached out. Speaker PELOSI has been tremendous in her of efforts, and as well as the leadership of STENY HOYER, JIM CLYBURN, CHRIS VAN HOLLEN and RAHM EMANUEL, and I certainly want to thank each and every one of them.

Charges have been made today that this bill does nothing to increase energy production. Indeed, the minority leader just said that. And I want to quote, by the way, in an August 2005 debate on this floor, when Minority Leader JOHN BOEHNER said that the GOP energy bill, remember that bill, the GOP energy bill of 2005 would bring down prices, writing, and I quote from Minority Leader BOEHNER at that time. ''So what is being done to bring gas prices down? The Energy Policy Act of 2005 is a balanced bipartisan bill that will ultimately lower energy prices for consumers and spur our economy.'' End quote from Minority Leader JOHN BOEHNER addressing our energy concerns on August 19 of 2005.

The results speak for themselves. This legislation will increase domestic production of oil and gas. The offshore drilling provisions opened up from 63 to 80 percent. That's 309 up to 404 million acres of land off the Atlantic and Pacific coasts that are currently off limits to drilling. It depends, of course, on what the States decide. It goes beyond the bipartisan compromise proposal in the Senate, opening up the West Coast and the Northeast to drilling.

The offshore drilling provisions expands oil available by at least 2 billion barrels of oil, nearly 4 years worth of oil produced offshore in America and enough to power 1 million cars for 60 years. It also makes available enough natural gas to heat 6 million homes for over 42 years.

Now am I going to sit here and say that passage of this legislation is going to bring down the price of gas tomorrow or next month or next year? No, I'm not going to say that; just as the other side cannot say, no matter what is in their recommittal motion, that is not going to bring down the price of gas tomorrow, next month or next year either.

We need a comprehensive energy plan. This bipartisan effort, this, as we will see by the final vote on this bill, shows that we are making efforts to begin the road toward a comprehensive energy package. We have provisions in here for carbon mitigation, for carbon capture and sequestration for those who say there's no coal.

We provide $1.1 billion of tax credits for the creation of advanced coal electricity projects and certain coal gasification projects that demonstrate the greatest potential for carbon capture and sequestration. Of these $1.1 billion of incentives, $950 million would be awarded to advance electricity projects and $150 million would be awarded to certain coal gasification projects. Coming from a coal State, as I do, this provision is important.

We also provide for the solvency for the Black Lung Disability Trust Fund in this legislation, something that is not inconsequential to those from coal States as well.

On the revenue sharing point, we have not provided for revenue sharing in this bill because these are the people's resources. These are the resources that belong to the American people by birthright and, therefore, the money gained through royalties should be shared with the American people, and revenue sharing is not a commonly accepted method of providing the revenues from royalty collection. I refer to the OCS legislation passed in 1954 which provided for no revenue sharing.

The only time Congress has provided for revenue sharing from these royalty leases is, as I said earlier, during Hurricane Katrina when the four States involved were in dire need of help to get back on their feet. So revenue sharing is not provided in this bill because we do not think a bribe is necessary for the States to opt in. The offer of new jobs, a new economy and all the related businesses thereto should be enough for a State if they want to opt in to this program to provide them incentives to opt in.

In regard to the fiasco that's recently been revealed to the American people, what has taken place in the Office of the Minerals Management Service in their Denver office, these are public servants entrusted with fiduciary responsibilities of ensuring that the American people receive a just return for the use of their resources.

This legislation sets up ethical codes of conduct. It prohibits acceptance of gifts and ski vacations and other extravaganzas that were being heaped upon these royalty collectors by big oil companies. This Committee on Natural Resources will have a hearing next Thursday and delve further into these hearings to see how much the American taxpayers were, once again, ripped off by the big oil companies.

In conclusion, Mr. Speaker, let me comment generally about this bill and the need to pass it this evening. It is a real comprehensive effort based on the need to move toward a comprehensive energy bill. Are we all happy with this? No.

As I said earlier, we are legislators. We know what the art of compromise is, and we know that this is a compromise between the ''no drillers anywhere'' and the ''drill everywherers.'' That's what this bill is all about.

We cannot have opening all lands, all of our national monuments and other areas in this country to drilling and be fair with the American people. We must assure accountability. That's what we're doing with this legislation. As with all compromises, it does require both sides to give. And in return for a responsible opening of more of our offshore areas for drilling, our bill requires oil companies to pay their fair share so that we can make a historic commitment to renewable energy future and alternative fuels and jobs for our people.

This bill puts us on the path toward energy independence. It protects our consumers. It provides transparency and accountability for the big oil companies. It strengthens our national security, it helps reduce global warming, the goals and the key ingredients that are needed for a comprehensive national strategy.

And I say to my colleagues, let's look forward of where this bill can go provided that there is that spirit of compromise from the other side, from the other body and from the other end of Pennsylvania Avenue. And I think, when all is said at the end of the day, rather than shut the government down, we will see that those in the middle, those who truly feel compromise is part of the legislative process, that compromise is what the American people are yearning for these days, in order to meet their high energy costs, that that is where we will be when all is said and done on the pending bill.

Again, I want to salute all of my colleagues that have worked so hard on this legislation on both sides of the aisle. I do not ignore the fact that there are certainly good-minded and fair-minded and compromise-minded individuals on the other side of the aisle. If only they were allowed to work their will as well.

So this is a good bill. I again salute everybody that has been involved, and I ask for its passage and a defeat of the motion to recommit.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H.R. 6899, and I thank Speaker PELOSI for bringing it to the floor today.

This Democratic energy plan increases domestic energy supply, ensures more renewable energy and greater energy efficiency, and protects the American taxpayers by making sure that Big Oil pays their fair share of royalties.

It takes strong action to lower the price at the pump, free our nation from its reliance on foreign oil, and create good-paying, green collar jobs right here in America.

Quite simply, it is the American-owned, 21st century energy policy the country has been waiting for.

My Republican counterparts have been advocating a ''drill, baby, drill'' approach, which supports any drilling, any where, any time, no matter the environmental consequences.

Instead, H.R. 6899 offers a responsible compromise on drilling, with strong environmental protections.

We don't need ''drill, baby, drill' when we can have ''change-baby-change.''

That's what this bill gives us.

Mr. GOODLATTE. Mr. Speaker, during the month of August I was pleased to join over 130 of my Republican colleagues in Washington to represent the American people on the floor of this House. It is undeniable that the American people want us to develop our Nation's resources. This is demonstrated in poll after poll and exemplified with the meetings I have with my constituents. I always hear: Congressman, we must do something about energy costs!

When I heard that the Speaker had announced she would be bringing a bill to the floor to allow us to expand energy production, I felt that we had achieved success for the American people. Yes, the Speaker did hear the calls of the American people demanding increased energy production, but she isn't bringing a bill to the floor to expand energy production. Instead, she is bringing to the floor a sham piece of legislation that seeks to only give political cover to vulnerable Democrats who disagree with the will of the American people.

Some have cited how this bill opens up areas of the Outer Continental Shelf, OCS. It may technically remove some of the barriers, but it does not include provisions to provide the traditional revenue sharing between the Federal Government and States for the income generated from these developments. What incentive do coastal States have to then develop their resources? I represent a coastal State, a State that has expressed strong interest in developing the resources on our OCS. I think the Commonwealth of Virginia should benefit from revenue sharing, just as Texas, Louisiana, Mississippi, and Alabama have. It is unfair for Virginia to be treated differently than these other States when sharing our resources.

Sadly, this isn't the only provision that will unfairly harm Virginia. This legislation also contains a one-size-fits-all Renewable Electric Standard. This legislation assumes that all States have the exact same amount of renewable resources and can develop them, and punishes them when they cannot with penalties. The costs of energy due to the Renewable Electric Standard, as estimated by just one of Virginia's many electric utilities, will increase $900 million for its retail customers. My constituents are already paying high prices for energy; we don't need to further increase these costs! The fact is Virginia does not have as many wind and solar resources as other states. In Virginia, we have a voluntary RPS but our RPS contains nuclear and waste-to-energy, two things not allowed if this legislation becomes law.

Proponents of this legislation will tout how green this bill is; however, if my colleagues really want to promote green energy they should encourage the production of more nuclear sites which provide CO_2 emission-free energy. The rest of the world is far outpacing the U.S. in its commitment to clean nuclear energy. We generate only 20 percent of our energy from this clean energy, when other countries can generate about 80 percent of their electricity needs through nuclear. It is a travesty that this legislation does not once mention or encourage the construction of clean and reliable nuclear plants. Nuclear energy is the most reliable and advanced of any renewable energy technology, and if we are serious about encouraging CO_2-free energy use, we must support nuclear energy.

Furthermore, this legislation does not even address some of our most promising domestic alternative and renewable energy supplies. There is not one thing in this bill that addresses clean coal technologies. Coal is one of our Nation's most abundant resources, yet the development of coal-to-liquid technologies is completely ignored by this bill.

What's even more troubling is the energy resources this bill continues to keep out of the hands of American consumers. The Democrats' legislation prohibits environmentally responsible exploration of American oil shale resources unless states ''opt-in'' to such a system and the bill does not allow local communities to share in the revenues generated from oil shale exploration. The Department of Energy estimates that 2 trillion barrels of oil shale exists within the United States, resources that the Majority does not seem to want to develop.

Furthermore, this legislation does not permit responsible exploration of the Arctic National Wildlife Refuge, known as ANWR, in Alaska. According to estimates by the U.S. Geological Survey, ANWR holds between 5.7 and 16 billion barrels of recoverable reserves, potentially producing nearly a million barrels of oil a day. Exploration and development in ANWR would open only 2,000 of the 19 million acres of the refuge, or the equivalent of an area one-fifth the size of Dulles Airport in an area the size of South Carolina.

This legislation does nothing to address the energy concerns of our country. This legislation only makes the situation worse and it is the product of a flawed process that does not have bipartisan support! If we really want to make our country energy independent, this Congress must pass an energy bill that allows and encourages the development of our Nation's resources. Americans are tired of Congress playing politics when they are in desperate need of relief from high energy costs. It is time for Congress to get serious and allow Americans increased access to their energy resources.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 6899, the ''Comprehensive American Energy Security and Consumer Protection Act''. This bill promotes energy savings for all Americans and advances the national security interests of the United States by reducing its dependence on oil.

In particular, I am pleased that this bill incorporates H.R. 6052, the ''Saving Energy Through Public Transportation Act of 2008'', which the House passed by a vote of 322–98 on June 26, 2008. The Committee on Transportation and Infrastructure also included these provisions in last year's House-passed energy bill, but unfortunately, they did not become law. At that time, decreasing America's demand for foreign oil was often lost in the debate, overshadowed by concerns over increasing our supply. But decreasing demand is one of the most immediate and effective ways we can deal with the high cost of gas and move America toward greater energy independence.

Americans understand this. They are riding transit more and driving less. Public transportation all across the country is seeing record ridership while the number of miles traveled in personal automobiles is falling. Last year, Americans took more than 10.3 billion trips on public transportation, the highest level in 50 years. In the second quarter of 2008, commuters took more than 2.8 billion transit trips nationwide, an increase of 5.2 percent. Meanwhile, use of personal automobiles is falling by record numbers when measured by vehicle-miles traveled, VMT. In fact, much of the recent drop in both crude oil and gasoline prices has been due to a reduction in demand.

People are making these choices based not only on the high price of gas, but also because of a very real desire to wean our country off our dangerous addiction to imported oil. At current rates, that means a saving of 1.4 billion gallons of gas a year, or 33.5 million barrels of oil. As transit ridership continues to grow, we can expect even greater reductions in oil consumption and demand. According to a recent study, if Americans used public transit at the same rate as Europeans—for roughly 10 percent of their daily travel needs—the United.States could reduce its dependence on imported oil by more than 40 percent. This ''mode shift'' to transit should be a national goal, and strategies to achieve it should be at the forefront of any well-rounded energy debate.

Unfortunately, this lesson appears to be lost on the Bush administration. Although voters continue to approve state and local ballot initiatives to support public transportation, the administration has opposed increased funding for transit to help public transit agencies keep pace with the rising costs of fuel and the demand for more transit service. In fact, by stressing the need for new transit projects to meet ''cost-effectiveness'' benchmarks above all other criteria, the administration has stunted or stifled altogether much needed growth in transit. And this short-sightedness couldn't be happening at a worse time.

According to a recent study by the American Public Transportation Association, 85 percent of public transit systems nationwide are experiencing capacity problems due to the unprecedented rise in ridership. The survey revealed that 91 percent of public transit agencies report that they are reaching the limit in their ability to add service to meet increasing ridership demands. Further, more than 60 percent of the transit systems report they are considering fare increases and 35 percent are considering service cuts, some for the second time in less than a year.

Just as high gas prices and the desire to use less foreign oil are inspiring more Americans to take the train or bus to work rather than drive alone, our Nation's public transportation systems are facing budgetary nightmares and high fuel prices of their own that may cause them to be unable to meet any further growth in transit ridership. This bill recognizes the importance of funding public transportation to further our energy savings and security goals.

Specifically, H.R. 6899 authorizes $1.7 billion over two years for grants to transit agencies nationwide to temporarily reduce fares, expand services, or offset the increased cost of system and fleet maintenance to meet the needs of the growing number of transit commuters.

It also allows transit agencies to use these new grants to offset the increased cost of fuel or to acquire clean fuel or alternative fuel vehicle-related equipment or facilities. In addition, transit agencies may use these grants to establish or expand ''commuter matching services'', to provide commuters with information about alternatives to single occupancy vehicle use.

H.R. 6899 increases to 100 percent the Federal share for clean fuel and alternative-

fuel transit bus, ferry, or locomotive-related equipment or facilities, thereby assisting transit agencies in becoming more fuel efficient.

This legislation extends the Federal transit pass benefits program to require that all Federal agencies offer transit passes to Federal employees working in metropolitan areas with existing transit systems throughout the United States. Current law limits this program to Federal agencies in the Washington, DC, metropolitan region. This provision will provide more Federal employees with the incentives to choose transit options, thereby reducing their transportation-related energy consumption and reliance on foreign oil.

Finally, H.R. 6899 creates a national consumer awareness program to educate the public on the environmental benefits of public transportation alternatives to the use of single occupancy vehicles.

Mr. Speaker, public transportation in all its forms—buses, light rail, subways, to name a few—saves fuel and reduces our dependence on foreign oil. Increasing the use of public transportation by providing Americans the good transit service they want and need must be an important part of a holistic national energy policy.

I strongly urge my colleagues to join me in supporting H.R. 6899.

Mr. MARKEY. Mr. Speaker, I rise in strong support of this bill.

This energy bill is truly a comprehensive energy plan. I commend the great work of the gentleman from West Virginia, Chairman RAHALL, and Chairman DINGELL and Chairman MILLER in crafting this balanced legislation. I also want to commend Speaker PELOSI and Majority Leader HOYER for their leadership in pulling together what is truly a bipartisan approach that Members from all regions should be able to support.

The Republican leadership says that they want an ''all of the above'' energy plan. Well, today we get to see if they are serious, or if they have simply been playing politics. This energy bill is a comprehensive energy package that will protect consumers, unleash the renewable energy revolution, increase energy efficiency and conservation and even expand areas for domestic oil production.

While the Republican leadership and the Bush administration have said that they want ''all of the above,'' for the 6 years that they controlled the White House, the House and Senate, they did almost nothing to increase our use of renewable energy and energy efficiency. For 8 years, the two oil men in the White House crafted an energy policy that put the interests of the American Petroleum Institute over the American people, and consumers are now paying the price at the pump for that failed fossil fuel agenda.

One of the first actions the Bush administration took in 2001 after entering the White House was to convene the secret Cheney Energy Task Force to meet with executives from the oil industry and craft an energy policy. Then the Bush administration and the Republican Congress passed an energy bill in 2005 that gave billions of dollars to the oil and gas industries while nickel-and-diming renewables.

And in this Congress, the Republican leadership has followed the marching orders of the Bush administration and voted 13 times to block legislation that Democrats have brought to the floor to increase our use of renewable energy, help protect consumers from high energy prices and ensure that big oil pays its fair share. While the Republican leadership says they want ''all of the above'' they have repeatedly chosen ''none of the above'' and voted against these measures. But here they are today, crying crocodile tears that all these policies that they have spent their entire career opposing have not been implemented.

The Republican leadership says they want ''all of the above,'' but here they are today, once again opposing a truly comprehensive, compromise energy bill that will not only increase our use of renewable energy but will also provide for more drilling. Perhaps that's because it's not ''all of the above'' that the Republican leadership and big oil are really concerned with, it's really only ''all that's below''—all the oil that's below our beaches 3 miles offshore, all the oil the below our national parks, all the oil that's below our most pristine wilderness areas.

The comprehensive energy bill that we are considering today will build on last year's tremendous energy bill accomplishment. This bill will adopt a National Renewable Electricity standard to require that 15 percent of the electricity that we generate in 2020 come from renewable sources and efficiency and will create 100,000 jobs. By further increasing the efficiency of our buildings, this comprehensive energy bill will save consumers $200 billion on energy costs. This comprehensive plan will extend the vital tax incentives for solar, wind and other renewables, and ensure that they are paid for, which will prevent the loss of $19 billion in investment and 116,000 jobs next year in these industries. And this comprehensive plan will protect more than 5 million Americans from an impending home heating crisis and an increase in the heating bill of the average family of nearly $600 this winter by funding the Low-Income Home Energy Assistance Program.

And the Republicans say they want more offshore drilling, well this bill does that. I remain skeptical that additional offshore drilling will do anything to lower prices but this compromise bill ensures that there will be proper protections for Georges Bank off the coast of New England, which is one of our Nation's most important fisheries, and that if we are going to open more areas to drilling we first ensure that big oil cannot continue to drill for free on public land and reap billions of dollars in unnecessary tax breaks at a time when they are making record profits. With the renewable energy revolution that we will unleash with this bill it will make any additional drilling unnecessary in 20 years.

The comprehensive energy bill that we are considering today, combined with the energy bill that Democrats passed in December, means that Democrats in the 110th will have passed energy bills that achieve one-third of the reductions in global warming pollution needed by 2030 to save the planet and eliminate nearly twice the oil we currently import from the Persian Gulf.

After 8 years of running on a Bush-Cheney-Big Oil energy plan, America, it is time for an oil change! It's time to change our dependence on foreign oil and OPEC. It's time to change from the dirty fossil fuels of the past to the renewable energies of the future. It's time to change to invest in wind and solar. It's time to change to start building green to save families money. The Republicans like to say ''drill, baby, drill,'' but for our Nation's energy policy the American public is saying it's high time we started saying ''change, baby, change.''

Vote ''aye.'' Vote for change.

Mr. STARK. Mr. Speaker, I rise today to support a comprehensive energy bill, H.R. 6899, that will help to end our addiction to foreign oil and will move our Nation toward a clean energy economy.

For nearly 8 years, we have seen the consequences of policies made by an administration that was literally ''in bed'' with the oil companies, as evidenced by the recent scandal at the Mineral Management Service, MMS. Profits for Exxon-Mobil and others are setting records, while family budgets are stretched to the breaking point by high energy prices. Rather than putting forth real solutions, the President and his congressional Republican enablers have offered a regressive plan and a slick political slogan that amounts to more giveaways to oil companies with nothing that will lower prices in the short-term or move our Nation away from fossil fuel dependence in the long-term.

The Democratic Congress, in contrast, has already passed legislation, H.R. 6, to raise fuel economy standards to 35 mpg by 2020—the first increase in a generation. Reaching the 35 mpg threshold will save 1.1 million barrels of oil per day, more than 10 times the amount of oil that offshore drilling will be producing in 2020. By 2030, we will be saving 2.5 million barrels a day, or the same amount that we import from the Persian Gulf. That is a real solution.

I agree with the Department of Energy's assessment that expanded drilling will only reduce prices at the pump by 3 or 4 cents and not for another 10 years in the future. However, I support the legislation before us today because it represents a commonsense compromise on drilling that protects the environment and allows individual States to decide whether drilling off their coasts is appropriate.

But this legislation is about much more than drilling. It is a comprehensive plan that takes steps to lower gas prices in the near term by releasing oil from the Strategic Petroleum Reserve and fully funding energy assistance programs so families can heat and cool their homes. It reigns in the excesses of oil companies and ensures that they pay their fair share back to the taxpayer when they drill on public lands. Accountability will be restored to the scandal plagued MMS by enacting tough new laws with criminal penalties for MMS employees who engage in unethical behavior with the very oil companies they are charged with regulating.

Finally, this bill ends our dangerous reliance on fossil fuels and confronts global warming. This legislation establishes a Renewable Portfolio Standard that will mandate 15 percent of electricity to be generated from renewable sources by 2020, lowering the demand for coal and other dirty fuels. It makes an $850 million yearly investment in public transportation so that cities and States can expand

services. In addition, the legislation will provide incentives for the production of renewable energy and will modernize energy efficiency codes for buildings.

The Comprehensive American Energy Security and Consumer Protection Act is a real solution to America's energy needs. It may not satisfy the ''drill, baby, drill'' crowd, but after suffering through their failed policies for the last 8 years their slogans are little more than hot air.

I urge all of my colleagues to support this legislation.

Mr. CARSON. Mr. Speaker, the American people are hurting and in need of immediate relief. And the relief they need extends beyond their urgent need for lower energy costs. Mr. Speaker, the American people also need jobs and they need them now.

And I am proud to say that this bill seeks to achieve both—it seeks to lower energy costs and create jobs. This legislation will create several green jobs by providing tax incentives to companies that invest in renewable energy resources.

The creation of green jobs was the focus of a forum I recently hosted in my district. For too many years, hardworking Hoosiers have seen good-paying manufacturing jobs leave the great State of Indiana. Through the creation of green jobs, this bill will boost our economic performance and lessen our dependence on foreign oil.

I am proud to support this legislation.

Mr. THORNBERRY. Mr. Speaker, the approval ratings for Congress are at record lows, and it is no wonder. The American people see that too often this Congress has played partisan games rather than confronting the issues head-on in a straightforward way. Today the games continue.

The Democrats' Energy Bill is a fig leaf designed to cover a political problem. It is not real. Rather than untie our hands so we can produce more energy of all kinds here at home, in many ways this bill makes it harder.

In several important areas of energy production, this bill does nothing.

This bill does nothing to develop more nuclear energy.

This bill does nothing to build more refineries.

This bill extends the wind tax credit by only 1 year, but does nothing to make it easier to plan and finance the large investments that are necessary to build wind farms.

Even on drilling off our coasts, this bill replaces a temporary ban that will expire 2 weeks from today and with a permanent ban on exploring and producing where most of the oil is. It prohibits all drilling within 50 miles of the coast line, where the Minerals Management Service says 88 percent of the oil is located.

From 50 to 100 miles, States can choose to drill, but get no royalty payments—none. So there is little incentive for them to allow drilling even for the 12 percent of the oil that may be there.

Drilling can occur more than 100 miles away—which is technologically impossible in some areas. But even where it is possible, this very same bill repeals the existing tax incentives which encourage deep water drilling.

Of course, should a new drilling opportunity slip through these new regulations and restrictions, lawsuits are ready and waiting to shut it down, and this bill does nothing to limit them.

There are many good, serious energy proposals that have been introduced in this Congress. Over a year ago, for example, I introduced the ''No More Excuses Energy Act,'' a bill that would encourage energy production of all kinds here at home. Unfortunately, the legislation that we are discussing today is just another excuse not to take real action to solve our energy shortfalls.

It hardly seems too much to ask to allow this House 2 or 3 days to go through the various ideas, allowing members to vote according to their districts and their consciences. Energy is that important, that central to our country's security and quality of life. Instead, this charade will disappoint the American people yet again on the issue that most directly affects their family and well-being. We can and should do better.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the Comprehensive American Energy Security and Consumer Protection Act, and I would like to thank the Democratic Leadership of the House of Representatives for bringing this critical bill to the floor. In my home State of Rhode Island, the high cost of oil and gas have become the top concern for families and businesses struggling to keep up in today's economy. This legislation promotes short term solutions to increase supply of domestic oil and gas, while establishing a long term national energy policy that invests in the development of renewable energy resources.

This legislation will open the Outer Continental Shelf to responsible oil and gas development between 50 and 200 miles off the coast, requiring state approval between 50 and 100 miles. It will protect national marine monuments and sanctuaries, as well as the Georges Bank fishing area off the coast of New England. Further, the Interior Department will be required to ensure that drilling is only approved if it can be done in a manner that protects the coastal environment, marine environment, and human environment of the State coastal areas and the Outer Continental Shelf. We cannot sacrifice the health of our coastlines and the people who live there, and I am pleased that this bill takes a safe and responsible approach to domestic drilling.

While I support the provisions to increase domestic oil production, I have said time and time again that we cannot drill our way out of our national energy crisis. The U.S. represents 25 percent of the world's daily oil consumption, yet we only have two percent of the world's reserves—relying solely on new production simply doesn't add up. Under this bill, revenue from domestic offshore production will be reinvested into the development of renewable energy resources, such as wind, solar, and bio-fuels, to bring clean, affordable solutions to our Nation. I also strongly support a provision in this bill to require electric power companies to produce at least 15 percent of their electricity from renewable sources by 2020. Furthermore, the legislation includes several proposals requiring the Department of Energy and Department of Housing and Urban Development to create new efficiency standards for both residential and commercial buildings and to help educate consumers on how to become more energy efficient, therefore limiting our demand for foreign oil.

I am also pleased to see tax credits included for the promotion of more energy efficient appliances and vehicles. Increased demand for green products will bring new jobs in green technology to our communities. Further, because this bill rolls back tax breaks to big oil and uses revenues from drilling to pay for the increased investment into renewable resources, we will not leave debt behind to be paid for by future generations.

I believe that it is critical for our nation to achieve energy independence and to end our reliance on foreign oil, while preserving our environment for future generations in a fiscally responsible manner. The Comprehensive American Energy Security and Consumer Protection Act reaches a careful balance in support of these efforts, and I am pleased that this Congress is putting the safety and security of our Nation's families ahead of excessive industry profits. I urge my colleagues to join me in support of energy independence by voting yes on the Comprehensive American Energy Security and Consumer Protection Act.

Ms. HARMAN. Mr. Speaker, I rise in support of the Comprehensive American Energy Security and Consumer Protection Act, but as a Representative of America's most stunning coastline, I do so with some reservations.

There is much to like in this bill. It includes long-sought alternative energy tax credits, which are essential to the continued development of the emerging clean energy industry.

It also requires utility companies to generate more power from renewable energy sources (following the lead of my home State of California), creates a reserve to pay for future research and development of clean renewable energy and energy efficiency technologies, and requires the adoption of more energy efficient building codes.

These are all serious, much-needed answers to our energy crisis—reasoned, carefully crafted, and targeted toward moving us into a new era of clean energy.

That is not, unfortunately, the path pursued in other parts of the bill, particularly those that concern off-shore drilling.

We've heard a lot about drilling these days. ''Drill, baby, drill,'' or so the chant goes. It's a nice pep rally cheer, a clever soundbite. But it's not serious policy, and everybody knows it.

Here are the facts. Oil is traded on a global market, which sets prices based on global supply and global demand.

Given the staggering amounts of oil that the world produces and consumes every day, only a staggering amount of new supply will affect price (particularly given the skyrocketing demand for oil in China, India, and the rest of the developing world).

The amount of oil off the coasts of the United States is very far from staggering. Paltry is more like it.

According to the Bush Administration's own Energy Information Administration, even if we opened the entire Outer Continental Shelf for drilling tomorrow, it would take years (possibly up to 2030) for that oil to hit the market.

And then, all that drilling would only increase our domestic production by 200,000 barrels of oil per day.

The world consumes around 80 million barrels of oil per day. This new production would be a tiny drop in an ocean of oil.

Even the Bush Administration concedes that the impact on oil prices from such a minuscule increase would be, and I quote, ''insignificant.''

And what do we risk for this ''insignificant'' increase in supply?

A few oil companies will make a little more money. But we'll also put the (mostly) pristine California coastline—an environmentally fragile yet economically indispensible asset—at the mercies of chance, human fallibility, and the ability of new oil rig technology to withstand the inevitable big quake.

That's not a risk that I'm willing to take.

Fortunately I'm not alone. Leadership wisely gave states some discretion. The bill would forbid drilling within 50 miles of the coast, and only allow drilling from 50–100 miles if a state ''opts-in'' (affirmatively passes a law allowing drilling).

I am confident that California is unlikely to ever ''opt-in.''

My strong preference is to retain the moratorium against off-shore drilling, but we don't have the votes to do that. The Democratic Leadership asserts that this compromise is necessary to avoid the calamity of a drilling free-for-all off our coasts. Many in the environmental community and leading newspaper editorial boards in California and around the country concur.

In that case, I can live with it.

I wish we could do better. The American public is engaged. The media is devoting front-page articles to energy issues. We have the chance to make a significant difference in the way our country thinks about and uses energy.

Portions of this bill take big leaps in that direction, and Leadership should be commended for standing by these priorities.

I hope that my three grandchildren will eventually be the beneficiaries of this foresight.

Mr. ORTIZ. Mr. Speaker, I rise today in support of H.R. 6899, the Comprehensive American Energy and Consumer Protection Act.

I appreciate the hard work that the sponsors of the bill—Chairmen DINGELL, RAHALL, and MILLER and my fellow Texan, Chairman GREEN—have put into crafting this legislation.

They considered different viewpoints and different approaches to the energy issue and came together in an inclusive manner that will lead us down the right path.

We have heard from our constituents, time and time again, that we need to become more energy independent and we need to produce more of our energy supply domestically.

We have heard from our constituents, time and time again, that we need to invest in the future and develop alternative energy resources, such as wind and solar power.

We have heard from our constituents, time and time again, that we need to provide tax credits so that our businesses have the incentive and opportunity to produce more energy.

And, we have heard from our constituents, time and time again, that we need to act on lowering the price at the pump, which is adversely affecting many south Texas families, farmers, and small businesses.

We can look forward to a balanced plan that expands both conventional and renewable energy resources. It will provide for new domestic drilling opportunities, both off shore and on land. It will release oil from the Strategic Petroleum Reserve. It will spur companies and businesses to do more research and more exploration. It reforms the way royalties are paid between the Government and the oil companies. It provides incentives to conserve our energy use and raise energy efficiency standards.

This legislation is a compromise. It directs us in the right direction towards energy independence. My colleagues have called for an all of the above approach when it comes to the energy issue. I believe we have accomplished that.

Mr. NEAL of Massachusetts. Mr. Speaker, as the House considers tax legislation to promote the development and deployment of alternative and renewable energy technologies, I rise today in support of the proposed plug-in electric drive motor vehicle tax credit and, in particular, making the tax credit even more robust and immediate by including in the credit road-certified two-wheel vehicles and low-speed neighborhood electric vehicles. I support the underlying bill, but hope as it progresses that this clean energy incentive may also be included.

I know that House Ways and Means Committee Chairman RANGEL and the House Leadership are committed to renewing existing energy tax provisions and enacting new incentives for environmentally-friendly, domestic energy production. And I believe that the tax credit for plug-in electric drive vehicles is a critical component of that commitment. This tax credit will encourage the ongoing efforts to develop and bring to the marketplace the technology that will be necessary for these vehicles to become a common occurrence on our roads and highways. Tailpipe emissions from the combustion of gasoline and diesel fuel are by far the largest contributors to climate change and the air quality problems that exist in many regions of our country. This tax credit will go directly at addressing these issues by displacing foreign oil with electricity that is domestically produced with—it is my hope—a significant and growing renewable component.

The plug-in electric drive vehicle tax credit is so vital to our alternative and renewable energy priorities that it should begin working as soon as it is enacted, but it can only do so by expanding the credit to include both road-certified two-wheel vehicles and low-speed neighborhood electric vehicles, which are now in retail production. These vehicles are specifically designed to address the short-haul transportation needs of urban and suburban communities. Because the first mile of a trip creates the most tailpipe emissions, these vehicles can play an important and significant role in mitigating the unique contribution of urban and suburban transportation to our air quality and climate change problems.

If enacted, the plug-in electric drive motor vehicle tax credit will be an important element of our policy to encourage the development and deployment of alternatives to the consumption of foreign oil. As the manufacturers of electric drive two-wheel and low-speed vehicles already are demonstrating, this policy also has the added benefit of creating quality jobs here in the U.S.

While the technology for plug-in electric cars is still being developed, road-certified two-wheel vehicles and low-speed neighborhood electric vehicles can begin reducing our reliance on foreign oil today, and including these vehicles in the tax credit will help develop a consumer market for them, just as the credit will help create a market for plug-in electric automobiles and trucks that are expected to come on-line in a few years.

Again, I thank the Speaker and Chairman RANGEL for their important work on the critical issue of ensuring our Nation's energy security.

Mr. SHAYS. Mr. Speaker, this energy bill is a missed opportunity to have meaningful debate on America's energy needs and constructive compromise about America's energy solutions.

High energy costs are bringing down our economy; energy bought from overseas is depriving us of American jobs; and foreign purchases of energy is transferring $700 billion to countries that would do us harm.

I strongly believe in a comprehensive energy policy that includes conservation, renewable sources, nuclear power, and American oil and natural gas.

H.R. 6899 brings us closer, but is silent on several important issues. Regrettably, the authors of this bill have refused to allow members to make any amendments.

I am grateful this legislation encourages investment in renewable energy technologies by extending the production tax credit for wind, solar, geothermal and biomass. This measure provides the much-needed assurance that investors need to start developing these technologies.

I am also grateful H.R. 6899 would establish a Renewable Energy Standard, requiring electricity companies to produce 15 percent of their electricity from renewable sources by 2020, although I have advocated increasing this standard to 20 percent by 2020.

The bill also repeals the moratorium on drilling on the Outer Continental Shelf, OCS, and would allow states to ''opt-in'' to drill between 50 to 100 miles off of their coast. Unfortunately, without revenue sharing, I am concerned states will have little incentive to develop these resources.

I would have particularly liked to have seen revenues derived from these leases directed towards further renewable energy investment, so that American oil and natural gas would pay for the renewables we all want.

Although I will vote for this bill, I believe this is a missed opportunity for meaningful, bipartisan debate and a better bill.

Mr. RAMSTAD. Mr. Speaker, I rise today in strong support of this bipartisan comprehensive energy bill that opens offshore areas to drilling, provides incentives for the development of renewable energy, clamps down on speculators and requires oil companies to drill on 69 million acres of leased land and water.

I oppose the alternative bill, which would give coastal states that support drilling over $40 billion from oil and gas royalties over the next 10 years. After 2019, the federal government would be required to transfer to coastal states nearly 40 percent of all federal revenues from offshore oil and gas drilling ($6 billion every year).

Even the Administration has told us that such a cost would be too high!

We should not hand coastal states billions of federal dollars, while giving them undue influence over national resource management.

And, despite its cost, the alternative plan would do little to increase the supply or reduce the price of oil, according to the Department of Energy.

Congress should debate offshore drilling on its own merits without using resource revenues to buy votes. Our nation needs a comprehensive energy reform policy that will boost supplies of all types of energy, reduce our dependence on foreign oil and lower gas prices. The American people deserve nothing less!

Mr. UDALL of Colorado. Mr. Speaker, I support this legislation that will help provide price relief for American families, open up new areas for domestic energy production, and assist us to make the transition to a new energy economy that will reduce our dependence on imported oil—all without adding to the federal deficit.

While this bill is not perfect—I would prefer to see the more comprehensive approach embodied in my ''American Innovation, American Energy'' plan—it is a step in the right direction and deserves approval.

It will help us address gas prices in the short term by including a provision (as does my energy bill) to release additional oil from the Strategic Petroleum Reserve (SPR). This release would provide for a quick increase in the supply of petroleum in our consumer market and so could reduce the likelihood of further short-term increases in the price of gasoline and other refined products. And, it will do this in a way that is both cost-effective and protective of our national security interests.

Under the bill, the Energy Department (DOE) would sell at least 20 million barrels of light grade oil now stored in the Strategic Petroleum Reserve, and sales would continue for 6 months or until 70 million barrels have been sold, whichever comes first. But the drawdown would not be permanent because the bill would require the energy department to acquire, through purchase (using money from the sales) or exchange, heavy grade petroleum for storage in the strategic reserve, to replace the light grade petroleum that would be sold.

Right now, slightly more than 700 million barrels of oil are stored in the strategic reserve—so the amount to be sold under the bill would be only about 10 percent of the amount on hand.

Importantly, the bill specifies that the amount of oil stored in the strategic reserve could not drop below 90 percent of the amount stored when the bill is enacted. The most recent data I have seen indicate that the reserve is currently filled nearly to capacity, so the bill will not cause a significant reduction in the amount stored.

Furthermore, this bill will help diversify the type of oil in the SPR, meaning that this bill not only is compatible with the national security purposes of the SPR, it can actually assist in achieving them.

This bill will also require that oil companies pay their fair share of royalties on flawed leases granted in 1998 and 1999. Because of mistakes made by the Interior Department, oil companies holding 70 percent of leases issued for drilling in the Gulf of Mexico in 1998 and 1999 became exempt from paying any royalties, costing American taxpayers about $15 billion.

And the bill will address the recently discovered ethical problems within the Department of Interior's Mineral Management Service (MMS)—problems that were particularly rampant at the MMS office in Denver.

Numerous government employees were found to have very inappropriate relationships with employees who worked for the very companies they were regulating. This bill will increase penalties for both MMS employees and companies that hold oil or gas leases, strengthen the MMS code of ethics, and strengthen the office of the Inspector General, which uncovered these problems.

But, Mr. Speaker, this bill recognizes that short-term solutions and fixing past problems are no ''silver bullets'' for the factors that have led to the current high price of oil and products such as gasoline that are made from oil. We need long-term solutions as well.

This bill includes opening up new areas of the Outer Continental Shelf (OCS) to oil and gas drilling. Specifically, the bill would end the current moratorium on OCS drilling and would permit leasing between 50 and 100 miles offshore if a State ''opts-in'' to allow it off of their coast, while providing protection for environmentally sensitive areas. I think that is a critical component of this provision—states must be able to have a say in drilling activity within their territory.

A separate provision in the bill deals with Federal lands that have been leased for energy exploration and development under the Mineral Leasing Act but where such activities have not yet occurred—yet another provision that is also in my energy plan. While it is important to understand the reality that oil and gas exploration is a complicated commercial and scientific enterprise involving efforts not easily fitting within strict regulatory timelines, I think that this is a reasonable response to current conditions. In essence, it would bar the current holders of federal mineral leases—whether for onshore or offshore areas—from obtaining additional leases unless they are able to show that they are ''diligently developing'' the leases they already hold. The Secretary of the Interior would be responsible for spelling out in regulations exactly what would be needed to show such ''due diligence.''

These provisions also include a requirement for the Department of the Interior to offer at least one lease sale annually in the National Petroleum Reserve in Alaska. This is an area of well-established potential that was initially made available for leasing in the Clinton Administration, and with regard to which the current Administration just today announced that 2.6 million acres would be offered at lease sales in the near future. Dictating a leasing timetable in legislation is unusual, and I have reservations about that approach—but the potentially beneficial effects on prices from tapping the reserves in this part of Alaska are undeniable.

In addition, the bill would reinstate a ban on the export of Alaskan oil that was previously a matter of federal law. Oil is a globally-traded commodity, so the effect of this will be limited, but it to an extent might reduce the extent to which imports are used to supply the domestic market.

And the bill calls on the President to use the powers of his office to facilitate the completion of oil pipelines into the National Petroleum Reserve and to facilitate the construction of an Alaska natural gas pipeline to the continental United States to move the product to market. These are only exhortations, but I see no objection to their inclusion in the legislation.

I am particularly pleased that the measure before contains a provision that I authored, along with Representatives TOM UDALL and TODD PLATTS, to establish a Renewable Electricity Standard (RES). This provision will require utilities to acquire 15 percent of electricity production from renewable resources by 2020. While I would prefer to see us adopt a RES of 20 percent by 2020, as we have in Colorado and as is in my energy plan, establishing a 15 percent by 2020 is a good step in the right direction.

As co-chair of the Renewable Energy and Energy Efficiency Caucus, I am especially pleased to see the bill include needed extension for tax credits for renewable energy. The Production Tax Credit (PTC) in particular has been instrumental in promoting the creation of a renewable energy industry. An extended PTC will provide more market certainty and we must have an extension of this key tax credit before the current credit expires at the end of 2008.

I must add that, while I am pleased that the bill provides a three year extension of the PTC for most renewable energy sources, I am concerned that it only provides a one-year extension for wind energy. Wind is a very promising renewable energy source and a one year extension will not be as helpful for the industry. I will continue to lead the fight to extend the PTC for more than one year in fact, my energy plan includes a four year extension of the PTC for all renewable energy sources.

The bill also extends the Investment Tax Credit (ITC) for solar energy, qualified fuel cells, and microturbines for eight years. The ITC will help companies with initial investment costs in expanding these renewable energy sources across the country.

The bill also authorizes new clean renewable energy bonds (CREBS) for public power providers and electric cooperatives. This is a critical tool, especially for Colorado's rural co-ops and municipal utilities.

Of course, the cheapest kilowatt of energy is the one you don't use and energy efficiency also has a key role in addressing our energy needs. This bill will provide incentives to lenders and financial institutions, including the Federal Housing Administration, to provide lower interest loans and other benefits to consumers who build, buy or remodel their homes to improve their energy efficiency. It will also establish a residential energy efficiency block grant program to improve the energy efficiency of housing.

Transportation is another area of high energy use and public transportation is becoming more and more necessary as gas prices continue to rise. This bill establishes $1.7 billion in grants to transit agencies for the next two years, which will help reduce transit fares for commuter rail and buses and expands service.

While I would like to see much more for transportation, such as the increase in vehicle efficiency and additional advancements in alternative fuels that are included in my energy plan, this public transportation provision is a good start.

I maintain strong reservations about the pace at which this Administration is pursuing oil shale development in Western Colorado. Before commercial leasing occurs, we need to know more about oil shale development's impacts on water and local communities.

Until those questions are answered, I do not believe that the federal government should rush ahead with oil shale leasing and I therefore have been fighting, with my colleague Representative JOHN SALAZAR, to ensure that the necessary research and development can be completed before we move ahead. I have also been fighting to ensure that the State of Colorado has a voice in the development of oil shale, so that the wisdom of Westerners can help us avoid the pitfalls that have sunk oil shale development in the past.

At the end of this month, the moratorium on commercial oil shale leasing is scheduled to expire. In the event it does, I believe that the state of Colorado should have a safety valve so that it can determine the pace of oil shale development within its borders. Section 171 of the energy bill currently before the House aims to create that safety valve, and to ensure that regardless of the Administration's desire to rush ahead with oil shale development at all costs, Colorado and other states can control the pace of development.

In conclusion, Mr. Speaker, I think this bill deserves support. But it certainly is not all that is needed in terms of energy policy. We need to do more.

I think we need to look at increasing mileage standards for new cars and trucks. Specifically, I believe we have the technology to require that all new vehicles achieve 35 miles per gallon by 2015 and, with additional American innovation, we can achieve 50 miles per gallon by 2030. I also think we need additional incentives for Americans to purchase high efficiency vehicles and for manufactures to produce many vehicles that use alternative fuels. And we need to aggressively pursue development of alternative energy sources, including solar and wind power, in order to reduce our dependence not just on imported oil but on all fossil fuels. We also need to work even harder to increase energy efficiency, so that we get a greater payoff from all energy sources.

I hope today we can move this bill forward and promote positive change that will benefit our families and rural communities, save consumers money, reduce air pollution, and increase reliability and energy security.

I strongly encourage my colleagues in the House to vote for this needed legislation, and also encourage quick action in the Senate so that we may move it to the President's desk.

Mr. HOLT. Mr. Speaker, there is no denying that America is suffering from an energy crisis. My constituents are paying record prices at the pump, they are paying higher prices for food and commodities. This problem is only going to get worse this winter when they will be paying 15 percent more to heat their homes than last year. With family budgets already being stretched to the breaking point, Congress needs to act and to act quickly to address this problem. This will require both long term solutions that decrease our reliance on fossil fuels and imported fuels and short term solutions which will help bring down the price of energy now.

I have heard from a number of my constituents that a proven way to address both our short term and long term energy costs is to renew the renewable energy tax credit and the production tax credit that are due to expire at the end of this year. We already know how effective these tax credits are. For example, wind energy is not only a significant component of the global warming solution, but also a powerful engine in our economy. Since January 2007, more than 40 wind industry manufacturing facilities have been announced, brought online, or expanded in the U.S., creating over 9,000 jobs and one billion in new manufacturing investment. When the production tax credit lapsed in 2000, 2002 and 2004, wind capacity installation dropped 93 percent, 73 percent and 77 percent, respectively, from the previous year. It is unwise to allow the wind production tax credit to expire and allow this bright spot in our economy to grind to a halt.

The solar energy production tax credit and the solar residential tax credit have been instrumental in helping my home state of New Jersey become a leader in the production of solar energy technology. New Jersey is also one of the nation's fastest growing solar energy markets. The extension of the solar energy tax credit will spur job growth in communities and would help New Jersey reach its goal of having 20 percent of its electricity derived from renewable sources by the year 2020. I have heard from companies in my district that if we don't extend the production tax credit they will have to shut down new solar projects or charge more for energy.

The tax credit for consumers has been equally effective in saving our constituents thousands of dollars on their energy bills. For example, I was recently contacted by Phyllis who lives in Marlboro, New Jersey. By utilizing the residential energy investment tax credit, Phyllis was able to install 55 solar panels on the roof of her home. Phyllis also used the investment tax credit to purchase a high efficiency heating and cooling system. Together these investments have decreased her energy costs to one fourth the cost she was paying the year before. Phyllis is also selling the excess energy her solar panels gather back into the grid and has made over $2,000 this summer. We need to encourage more Phyllises—that is how we will break our dependence on 19th century technology.

The renewal of these tax credits will also help to increase our economy by creating hundreds of thousands of jobs. According to a recent study, if the renewable energy tax breaks expire at the end of this year, over 116,000 jobs in wind and solar industries would be lost in one year. Today, when the predicted economic growth forecast is an anemic pace of 1.6 to 2 percent and unemployment is likely to continue to climb, we in Congress should do everything we can to ensure job growth and preserve jobs.

Renewable energy tax credits are instrumental to ensuring growth in the renewable energy sector, bolstering our national economy, providing us with home growth energy and have the potential to save our constituents thousands on their energy costs. It would be a disservice to our constituents if we do not act prior to Congress adjourning to extend and expand renewable energy tax incentives. Therefore, I have introduced legislation today that will extend the renewable energy tax credit, production tax credit, and the hybrid vehicle tax credit for ten years. This legislation would help to grow our economy and provide for a secure energy future.

Mr. BLUMENAUER. Mr. Speaker, I rise in support of the "Comprehensive American Energy Security and Consumer Protection Act." It looks like the Republican mantra of "drill, baby, drill!" and their threat to hold the entire operation of government hostage in order to eliminate the decades-old ban on drilling off our coasts may actually end up doing a favor to those of us who want a comprehensive and sustainable approach to energy policy.

Ironically, there is not much controversy about the impact of more drilling on gas prices. Even the Bush administration's own Department of Energy agrees that more drilling will make no difference for two up to decades, and even then any impact on the price at the pump would be insignificant.

When it comes to drilling, the real issue is about surrendering more of our energy future to a handful of large oil companies to develop when they want to, according to their terms, and whether or not we are going to get full value for the taxpayer dollar. The American citizens, after all, own our oil and the evidence is that other countries drive a stronger bargain for their oil than we do.

Indeed, the comic, yet tragic Inspector General's report about mismanagement, collusion, conflict of interest, partying, and even sexual liaisons between the Three Stooges operation that is the Minerals Management Service and the industry they are supposed to regulate, is an example of the failure of the Republican oil administration. It is also the fault of the Republicans, who ran Congress until recently, and who are even less concerned about providing adult supervision.

I am proud that the Democrats have responded today with a wide-ranging proposal that offers opportunities for some responsible drilling for gas and oil, but goes far beyond just drilling This bill ensures that taxpayers get fair value for the oil from public lands and waters and provides additional incentives for renewable energy and conservation. It presents another opportunity to extend the production tax credits so essential to the emerging new sustainable green energy sources like wind and solar which, despite having passed the House five times, is still resisted by Republicans in the Senate and the President.

I am also pleased that this bill recognizes that giving Americans transportation choices will help reduce the pain at the pump by expanding service and reducing transit fares for commuter rail and buses.

This legislation puts all the pieces together in a comprehensive, thoughtful way that answers the legitimate concerns of the American public with more than a bumper sticker solution. As is always the case in the legislative process in a democracy, this bill is not everything that anyone person would want. For example, I would prefer to extend the moratorium on drilling off our shores for more than just 50 miles.

However, compared to the Republicans' one-dimensional, disingenuous approach to

energy policy, in which they seek to obscure their 7½ years of mismanagement and misdirection, this bill is certainly light-years ahead. It will also provide a framework to look at the big picture between now and November and an important point of departure for a new administration and Congress to follow through.

We are not going to reverse years of myopia and mismanagement overnight; certainly not in one bill in the few remaining weeks of this Congress. Today, we do have an opportunity to tie the pieces together in a way that will move us further along to solving the problem rather than dueling sound bites.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the energy legislation before the House.

We need a comprehensive approach that includes responsible development of additional energy resources, greater energy efficiency, tax incentives to spur alternative energy, investment in new technologies, and relief to American consumers. The bill before the House does that.

It is clear that a more-of-the-same approach to energy will not work. If we've learned nothing else from the last eight years, we've learned that we cannot drill our way to energy security. Neither will conservation alone do the job.

The legislation before us provides long-term incentives for renewable energy that will give the solar, wind, and biomass industries the stability they need to make investments in additional production capacity. There are also significant incentives for making our nation and economy more energy efficient.

The offshore drilling provisions of this legislation open up as much as 400 million acres of land off the Atlantic and Pacific coasts that are currently off limits to drilling. Through this compromise, we will expand oil production offshore, while setting a reasonable buffer zone.

The legislation requires electric utilities to produce more of their electricity from renewable energy sources. This is smart energy policy that will create new industries and new American jobs.

The legislation increases the tax credit for alternative refueling property, such as E85 pumps, and extends the credit through 2010. Biofuels are an important component of our nation's energy strategy, and U.S. automakers have made significant investments to bring flex-fuel vehicles to market. To maximize the impact of this progress we need to speed the deployment of E85 pumps.

This legislation also provides incentives for manufacturers to produce washing machines, refrigerators and dishwashers that push the boundaries of energy and water efficiency, and to build them in the United States. Reducing the energy and water usage of a washing machine over time and across millions of households will produce remarkable reductions in energy and water usage, saving consumers billions on their utility bills.

In a word, the approach taken by this bill is comprehensive. It addresses both the supply and demand sides of our nation's energy policy. It is a balanced, responsible and long-term approach to addressing the challenges of energy security. I urge all of my colleagues to support this comprehensive package.

Mr. HOLT. Mr. Speaker, I rise today in opposition to H.R. 6899, The Comprehensive American Energy Security and Consumer Protection Act.

Today's energy crisis is based on a generation of failed policies which have made us excessively dependent on foreign fuels. We must learn from the mistakes of the past and find a new direction that will decrease our reliance on gas and oil and move our energy policy forward. Today my constituents in New Jersey are paying more than $3.50 at the pump. The steep increase in gas prices is stretching family budgets to the breaking point, and I am deeply concerned about the impact that prices are having on American consumers. Congress needs to pass comprehensive legislation that will help families struggling with rising gas and fuel oil prices in the short-term, while developing a long-term strategy that decreases our dependence on foreign oil and reduces our greenhouse gas emissions.

The legislation that we are considering today, the Comprehensive American Energy Security and Consumer Protection Act, has some good provisions, provisions that could help to move our country's energy policy in the right direction. I consistently have supported many of these provisions in the past. I have voted in favor of renewing the renewable energy tax credits three times this Congress. I have voted to repeal the billions of dollars in tax breaks that have been given to oil companies at the expense of the American taxpayer and to invest this money in clean, renewable energy. I have voted to provide relief to our public transit agencies which are struggling to meet the skyrocketing demand for public transportation. Twice I have voted to encourage oil companies to drill on the 68 million acres of the lands open for drilling both onshore and offshore that currently are leased by oil companies for production, yet remain unused. I have supported legislation which would help to increase supply for oil and decrease demand for oil including releasing oil from the Strategic Petroleum Reserve, instituting a national Renewable Portfolio Standard, and increasing the efficiency of buildings and appliances. I have consistently supported comprehensive reform of our nation's energy policy. Last year I supported H.R. 6, the Energy Independence and Security Act, a law that will make a real difference in moving our energy policy forward by raising the Corporate Average Fuel Economy Standard. However, unlike H.R. 6, the legislation before us today is not the comprehensive policy that we need to move our country forward and I cannot support it.

I believe that drilling in environmentally sensitive areas, such as our coastline, is unwise. Some in America claim that drilling—here, now, and everywhere—will bring instantaneous relief to families paying painful gas prices. The facts do not support this claim. ''Drill baby drill'' is not an energy policy, it is a slogan to hide behind to avoid corning up with a real policy which will help America move towards sustainable, affordable energy. There is no easy solution to this crisis, and the evidence shows that drilling in OCS would save pennies per gallon years from now. We can begin now, not years from now, to move to sustainable, affordable energy. Fortunately, the environmental and financial requirements for an oil or gas company to drill are strong enough that few if any wells will be drilled under this legislation, and I expect smarter, more comprehensive legislation will follow next year.

We will never be able to drill our way to energy independence. The United States consumes 25 percent of the world's oil but only possesses 3 percent of the world's oil reserves. Even if we drilled on every single square inch of land where oil is assumed to exist we will never be able to meet our national demand. Moreover, drilling 50 or 100 miles off our shores, as H.R. 6899 proposes, could be detrimental to the preservation of our environment for future generations. In New Jersey, tourism along our shore brings $35 billion to the state's economy. A possible oil spill from drilling of the coast of New Jersey, Virginia, or Delaware would be devastating to my state's 120 miles of shoreline. I am unwilling to sacrifice our nation's environment for drilling which will do nothing to decrease prices at the pump.

Since I was elected 10 years ago I have consistently opposed drilling in environmentally sensitive areas including the Outer Continental Shelf. I have a strong record for voting in favor of preserving our environment and developing new energy sources that are clean, safe, and sustainable. This is really the only way that we can lower our gas prices in the long term. I will not support legislation which will continue the failed policies of reliance on fossil fuels, and I oppose H.R. 6899.

I will continue to push for real reform of our nation's energy policy. Therefore I will be introducing legislation today which extend for 10 years the tax credits for hybrid cars, energy efficient housing, and renewable energy sources including solar, wind, geothermal, biomass, and hydro power. Extending these tax credits will help our country stay on the right path towards a cleaner energy future.

Mrs. CAPPS. Mr. Speaker, I rise in reluctant opposition to this bill.

I do so because I simply cannot support the myth that a lack of offshore drilling is at the root of our energy problems, and the supposed solutions to that myth are contained in this bill.

I fully support the provisions in the bill that will help America reach the goal of a clean energy future. For example, the bill extends federal tax incentives for energy efficiency and renewable energy that will expire by the end of 2008. It's critical that these tax incentives be extended to avoid causing significant harm to our country's developing clean energy industries. It would also provide new incentives for purchasing energy efficient products and plug-in hybrid vehicles.

I also support the Renewable Electricity Standard included in the bill, which requires at least 15 percent of our national energy production to come from renewable sources by 2020. More than half of the states already have a standard like this in place, including California and Texas.

I believe these provisions are clear steps in the right direction and, in fact, would argue we should be doing more of them.

But President Bush was right when he said our country is addicted to oil. The U.S. is like the alcoholic who says he needs just one more drink to get him through the day and

then tomorrow he will stop. And this recent nonstop effort to open up the entire U.S. coast to more drilling looks to me a lot like a problem drinker in denial.

The driving force behind this legislation is the relentless, disingenuous and, in the end, futile attempt to drill our way to energy security. It is doomed to failure because we simply don't have the resources. We consume 25 percent of the world's oil and yet we have only 3 percent of the world's oil supply. Do the math.

Or better yet, just look at recent history. Seven and a half years ago, President Bush took office promising to implement a national energy policy that would make America energy independent. The former oilman entrusted his Vice President, himself the former head of the largest oil servicing company in the world, with leading the effort. Since then, the President's energy policy has mostly been about enabling our addiction to fossil fuels by focusing only on increasing domestic oil and gas supplies.

For example, between 2001 and 2007, the Bush Administration offered 343 million acres of leases for offshore drilling, selling over 33 million acres to oil and gas companies. And in the last five years, the Republican-controlled Congress gave the President approval for new leasing in Bristol Bay, Alaska, and the eastern Gulf of Mexico. In fact, the U.S. has more oil and gas rigs operating today than the entire rest of the world.

Meanwhile, the Bush Administration energy policy paid lip service to conservation, neatly summed up by Vice President CHENEY's dismissive and uninformed remark that ''conservation may be a sign of personal virtue but it is not a sufficient basis for a sound, comprehensive energy policy.''

And the Administration's lack of interest in developing alternative energy was succinctly illustrated when Congressional Republicans, needing to reduce the overall cost of their ''landmark'' 2005 energy bill, slashed support for alternative fuels while leaving intact tens of billions of dollars in taxpayer subsidies for already rich oil companies.

The results of these choices aren't pretty: in 2000, the U.S. imported 53 percent its oil; today, that figure is 59 percent. And while consumers pay record high prices at the pump, oil companies are racking up record high oil profits. Exxon-Mobil's last quarterly profits were $11 billion, the largest in human history. The other oil and gas behemoths pulled in similarly spectacular profits.

But the failure of President Bush's strategy was both predictable and predicted. Democrats in Congress pointed out that the vast majority of offshore oil and gas reserves were already available for exploitation. Even if they hadn't been and we made them all available to drilling, there is still that troubling U.S. demand versus U.S. supply contradiction.

For years, Democrats tried to convince the Republicans then in charge of Congress that real energy security would be found by making our cars, buildings and appliances more efficient; by dramatically speeding up the development of renewable and alternative energy sources; and by beginning the long, hard transition away from fossil fuels that imperil our economy, damage our planet and come mostly from unstable countries all too often wishing us harm. Those arguments were all rejected by the President and his supporters in Congress, leaving us where we are today.

To be clear, I don't want to see more oil rigs off my congressional district. My constituents rightfully fear the economic and environmental effects of new drilling. Many of us witnessed firsthand the devastation of the blowout on Platform A off the coast of Santa Barbara in 1969. We saw the dead birds and seals, the beaches covered with oil, the land that we love so much nearly destroyed.

In the years since, despite the great advances touted by the industry, oil accidents and drilling-based pollution in my district have been plentiful, offshore and onshore. For example, Exxon-Mobil recently agreed to pay almost $3 million for releasing dangerous PCB's into the Santa Barbara Channel from Platform Hondo.

Another fine example is that of Greka Oil, a company that has been polluting our local creeks with toxic runoff and countless oil spills seemingly without a care. It looks like Greka based its environmental policies on the cutting edge technology found in the movie ''There Will Be Blood.'' I could also site the infamous Torch Operating Company pipeline explosion in 1997, the destruction and rebuilding of Avila Beach brought on by Unocal's decades-long pollution in that coastal town, or the impacts to our local air and water quality that we deal with every day. That is the history—and daily reality—of oil drilling in my congressional district.

So, yes, Californians don't want more of that.

But my opposition to this bill is mostly because it is simply not in the best interests of this country. The longer we try to fool ourselves into believing that this time new drilling will bring us lower prices and that we still have plenty of time to get ourselves off this oil addiction, the tougher the day of reckoning will be. Our economy will continue to be at the whim of crazy dictators around the world, globing warming will continue unabated and the decisions to send our troops in harm's way will too often be tainted by the stench of oil politics.

And just so we are clear, this ''American'' oil we want to drill for is more likely to end up in gas tanks in Beijing or Calcutta than in Washington or Wasilla because oil markets are global. The multinational oil companies that will sink their rigs off California or Virginia will be selling ''American'' oil to the highest bidder. That is one reason why none other than the Bush Administration's own Energy Information Administration concluded that even opening the entire U.S. coastline to more drilling would have virtually no impact on oil prices.

We need to end our addiction to fossil fuels and we need to start now. Expanded drilling off our coasts will not bring us closer to that goal.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of the Comprehensive American Energy Security and Taxpayer Protection Act. This comprehensive energy bill provides a marked change to Republicans' solitary drumbeat of their flawed energy policy which only maintains the oil-consuming status quo. Instead of trying to score cheap political points, Democrats in Congress are paving the way forward with real sound solutions to the pain at the pump the American people are feeling.

The Comprehensive American Energy Security and Taxpayer Protection Act expands domestic and alternative sources of energy to increase our nation's national security. Additionally, it extends and expands tax incentives for renewable energy and reduces transit fares for commuter rail and buses. Provisions in the bill would responsibly open up the Outer Continental Shelf for drilling with significant environmental protections while demanding that oil companies use the leases they have already been issued.

This bill allows for safe responsible drilling while investing in domestic alternative technologies and green jobs. In return for opening up more areas for drilling, the bill requires oil companies to pay American taxpayers royalties owed to them and ends subsidies to oil companies for drilling. This bill provides long-term solutions to help us achieve real energy independence, strengthen our national security, and reduce global warming.

Under the agreement reached between Florida Democrats and House Leadership, the Comprehensive American Energy Security and Taxpayer Protection Act includes provisions maintaining a 2006 compromise protecting the Eastern Gulf of Mexico from offshore oil drilling. These limitations protect the military areas off the coast of Florida, as well as Florida's tourism and fishing industries.

I am pleased that this bill protects Florida's coast from expanded offshore oil drilling, much to the dismay of the oil men in the White House and corrupt Interior Department officials who were accepting gifts from the oil companies they regulate. Drilling off Florida's coast only further subjects our beaches to oil spills that become exacerbated by hurricane damage and contributes to global climate change. Although the struggle to maintain the existing protections for Florida's coast is far from over, I promise to be the last man standing in the fight to prevent expanded offshore oil drilling in Florida.

Mr. TIAHRT. Mr. Speaker, the American people have been speaking for months about the need to increase our domestic energy production. Never has the political will been so strong for the opening up of our domestic resources both on- and offshore. But, this Democrat-controlled Congress is not heeding the voice of its constituents and has failed them by bringing H.R. 6899 to the floor today.

Our Nation is currently facing one of the most significant energy challenges in its history. We are not producing enough energy to provide for our growing economy. This bill inadequately addresses this challenge because it keeps 88 percent of our known resources in the Outer Continental Shelf, OCS, off limits to new domestic energy exploration. If Congress is serious about energy independence and lowering the cost of fuel, this isn't the bill. America deserves a comprehensive, bipartisan energy bill that opens up our domestic resources, incentivizes the discovery of renewable technologies and encourages conservation. This is the policy that will lead America into energy independence in the long-term and bring down the price of gas in the short-term.

Before I get into why this bill fails our constituents, I want to point out a provision I do support. I was pleased the provision that makes it a Federal crime for oil companies with Federal leases to provide gifts to Government employees was inserted in this bill. I am deeply disappointed in recent revelations about improper activities between Federal employees and oil company representatives. And I support actions that would help prevent such improper activities from happening again. However, this bill fails miserably to incentivize the discovery of new technologies and domestic energy sources.

Why does this bill fail our constituents? The Democrat-controlled Congress hastily put together this 290-page bill in the dark of night and brought it to the floor the very next morning. At 9:45 p.m. on September 15, 2008, H.R. 6899 was introduced. At 10 a.m., H.R. 6899 was brought to the House floor without any amendments and no committee input. This is not the process envisioned by our founders. Actually, when the Republicans held the majority in 2005, they allowed 23 Democrat amendments to be offered to the energy bill, H.R. 6. This bill fails our constituents because this leadership has shut out the voice of 48 percent of our constituents by not allowing any Republican amendments.

The bill opens with the words, ''Prohibition on Leasing.'' The Democrat's energy solution for the American people is a prohibition on leasing and limited new energy production that will help us achieve energy freedom. This bill will produce little if any new oil and gas since it locks up, by law, the first 50 miles of our coasts—on the Pacific coast that is over 97 percent of our known resources. Overall, 88 percent of all known resources offshore remain permanently locked under this bill. Instead of producing more American energy with American workers, the Democrats would rather rely on foreign nations to produce our oil and natural gas. This is economically and environmentally irresponsible.

In the 50–100 miles beyond the Atlantic and Pacific shores, the adjacent state must approve any lease. But what makes this provision even more unlikely to produce any new energy offshore is the fact that the bill does not share any of the royalties with adjacent states. Thus, it effectively removes any incentive for states to ''opt in'' while changing current policy on state revenue sharing.

Why is this bill failing our constituents? Our country holds the largest supply of clean coal in the world. But this bill does nothing to promote clean coal and coal to liquid technologies.

Why does this bill fail our constituents? Americans face a significant increase in our electricity rates in the coming months. This bill does nothing to increase our capacity; in fact, this bill imposes a new 15 percent renewable energy requirement on utilities. This bill fails our constituents because these new renewable energy requirements will be passed along to them in the form of higher monthly utility bills.

The American people deserve a rational, transparent debate about developing domestic energy resources. Congress should pass a bipartisan energy plan that includes conservation, production, and innovation to help America become energy independent. We desperately need energy freedom in America.

Why does this bill fail our constituents? This bill fails our constituents because it doesn't bring us any closer to energy independence. Instead of introducing a bill in the dark of night, this Democrat majority should bring up a bipartisan bill that has been vetted by both sides of the aisle. The Speaker has an abundance of legislative options that address our short-term and long-term energy needs. But she refuses to allow a full debate and vote on a comprehensive plan.

For instance, a bipartisan bill, H.R. 6709, the National Conservation, Environment and Energy Independence Act, has been introduced by Representative ABERCROMBIE (D–HI) and JOHN PETERSON (R–PA). I am a cosponsor of this bill. One of the principal areas of this legislation is production—the exploration for and extraction of oil and natural gas in places such as the Outer Continental Shelf. There's also a call to establish conservation and environmental reserve funds that will help to preserve and to maintain wildlife refuges and public parks and to develop alternative energy, including solar, wind, and biofuels. The production of oil and natural gas from within U.S. borders will serve as a bridge to the Nation's ''alternative energy future'' and will see to it that the royalties from the leasing and sale of that oil and natural gas go to alternative energy, environmental, and conservation projects.

A second option is H.R. 6566, the American Energy Act, of which I am also a cosponsor. The American Energy Act is an ''all of the above'' energy strategy that will increase the supply of American-made energy in environmentally sound ways. It will accomplish this by opening energy-rich deep ocean resources, Arctic coastal plain, and Inter-Mountain West oil shale resources for more environmentally safe oil and gas exploration. This bill will also improve energy conservation and efficiency by providing tax incentives for businesses and families that improve their energy efficiency. This legislation focuses heavily on the promotion of alternative and renewable energy technologies through spurring the development of alternative fuels by permanently extending the tax credit for alternative energy production, including wind, solar and hydrogen and promoting coal-to-liquids technology.

These are the policies that will lead America into energy independence. While I cannot support this bill today, if H.R. 6709, the bipartisan energy bill were to be brought to the House floor, I would vote ''yes.'' If H.R. 6566, an ''all of the above'' energy bill were brought to the House floor, I would vote ''yes.'' It is my hope that these bills will be brought to the floor of the House of Representatives before the 110th Congress adjourns. These are the bills that actually address and allow America to explore our own domestic resources and build a bridge to our future energy sources.

Mr. CASTLE. Mr. Speaker, I remain frustrated that Congress has yet to arrive at a compromise to ensure a majority vote in both chambers on a comprehensive energy package. There is a finite supply of oil and increasing global demand, and this picture will not change. For this reason, I believe that all solutions are essential in any compromise legislation striving to eliminate our dependence on foreign oil, so that future generations are not faced with the same energy problems. It is my goal to continue to work toward a compromise package, which can be signed into law, to deliver the relief the American public needs now and an energy policy for the 21st Century.

New domestic offshore drilling has been the subject of much debate over the last few months. With Delaware's coastline and tourism economy in mind I have been cautions about any new drilling that could have a negative impact. However, I do believe that additional domestic oil and gas production on a limited basis and carried out in an environmentally sound manner is realistic, so that American dollars no longer go overseas to in some cases unfriendly nations. Coupled with this must be a sincere commitment to invest in renewable energy development and energy efficiency measures. It is this way that we will improve our national security, help address climate change, improve American competitiveness, and create jobs.

Today I voted to support maintaining a ban on oil and gas development up to 50 miles off our coastlines, to allow drilling between 50 and 100 miles offshore if states give the green light, and to allow the federal government to permit drilling from 100 to 200 miles offshore in the Outer Continental Shelf. The bill ensures drilling happens in a way that protects ''coastal environment, marine environment, and human environment of state coastal areas and the Outer Continental Shelf.'' A strong protective barrier between our coastlines and where new drilling could begin is important for protecting sensitive coastal habitat and the tourism industry Delaware. A sustainable federal funding mechanism for conservation and alternative and renewable energy initiatives, which this bill includes, is critical, but I also support revenue sharing with the states, including impacted neighboring states, which this legislation unfortunately omits.

As for renewable energy production and energy efficiency measures, which I have supported many times in the last few months, the bill provides $19 billion over ten years in tax incentives. Included in this is a short-term extension of the production tax credit for renewable energy production, like wind facilities, critical for states like Delaware pushing offshore wind projects. We must continue strive for longer-term incentives. To pay for the continued investment in these important measures, the bill requires U.S. oil companies to renegotiate leases and pay royalty payments and repeals certain tax incentives at a time of record profits. The legislation also includes a requirement that power companies generate 15 percent of their energy from renewable sources by 2020, which I have previously supported.

The measure also allows leasing federal lands for oil shale production, only if states like Colorado, Utah and Wyoming allow it. While I believe alternative fuels are important to develop, I believe we should not make commercially available those that are more greenhouse gas intensive than conventional fuels.

Other provisions included in the bill are tax incentives for coal projects that capture carbon, plug-in hybrid cars, and fueling stations for natural gas vehicles, and grants for public transportation agencies; requiring the U.S. Department of the Interior to offer oil and gas

lease sales on the National Petroleum Reserve in Alaska on an annual basis; encouraging completion of a new oil and gas pipeline to aid the transmission of supply; and reinstates the ban on the export of Alaskan oil. Additionally, this bill requires oil companies to ''diligently develop'' all of their current leases for energy production or relinquish them. Finally, the legislation requires the government to release 70 million barrels of crude oil in exchange from the Strategic Petroleum Reserve. Many of these provisions have been considered by the House in earlier iterations and I believe represent substantive small steps we can take now to make additional supply available and some of which could reduce prices immediately.

My priority is promoting pragmatic solutions that cover a broader spectrum of energy policies, including intensifying development of alternatives, extending renewable and efficiency tax credits, implementing stronger efficiency standards, and encouraging more conservation. A comprehensive compromise energy policy is critical for our national security, public health, meeting the challenges of global warming, and bolstering the economy.

There is no silver bullet and we must be willing to compromise. I hope that the House and Senate will now sit down and craft yet another compromise that we can deliver to the President as soon as possible.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act.

Every day my constituents contact my office wanting to know what Congress is doing to lower gas prices. Many of these families work full-time. Some even have more than one job. Yet as a result of skyrocketing energy costs and a weakening economy, they are struggling to make ends meet.

Mr. Speaker, there is something fundamentally wrong with our energy policy when hardworking American families are increasingly burdened by escalating energy prices, while oil companies continue to reap record profits. Congress has a duty to move past short-sighted solutions, and pass this legislation which will provide the first steps to ending this inequity and our Nation's addiction to oil.

While I have serious concerns about the expansion of offshore drilling, I recognize however, that this compromise is needed to address the expiration of the moratorium on Outer Continental Shelf drilling and move the other important provisions in the legislation forward.

While it is far from perfect, H.R. 6899 is a necessary and realistic compromise that in addition to preventing drilling only three miles off our shores, will help expand our domestic energy supply, encourage energy efficiency and conservation, and reduce our Nation's dependence on oil.

H.R. 6899 will address our energy crisis by the temporary release of almost 10 percent of the oil in the Strategic Petroleum Reserve. This is expected to have the direct result of lower gas prices in the short-term.

The bill also invests in renewable energy technology by establishing a package of renewable energy tax credits and creating a renewable electricity standard, thereby giving us the tools and the incentives to break free of our dependence on oil. It is estimated that the renewable electricity standard will save American consumers up to $18 billion by 2020. In addition, the tax credits will help spur the creation of new, green jobs and encourage the next generation of job development here in America.

The bill also ensures that oil companies will pay their fair share of royalties on their drilling leases. Due to errors made by the Department of the Interior in 1998 and 1999, many oil companies who were granted leases during that time were exempt from paying royalties. This has amounted to $15 billion in lost revenues to the American taxpayer. There is absolutely no reason that oil companies should continue to cash in while American families can't even make ends meet. By rectifying this error, H.R. 6899 will ensure that the Interior Department will be able to collect the payments owed to hardworking Americans.

Given the current crisis, it is necessary we take the first step to reach our larger goal of energy independence. The Democratic leadership has wisely rejected the Republican Party's shortsighted call for ''drill-only'' legislation, and instead has put forward a responsible plan to give states the option to decide if portions of the Outer Continental Shelf no closer than 50 miles off our shores will be opened to oil drilling—and it requires oil companies to drill on their existing leases or lose them. I am gratified that the legislation will incorporate environmental safeguards by permanently withdrawing national marine monuments and national marine sanctuaries from leasing eligibility.

I urge my colleagues to support this legislation to protect our shores from the lifting of the offshore drilling moratorium and as a first step away from dependence on foreign oil and toward critical investments in renewable energy technology. This legislation provides the foundation for a long-term strategy to move the Nation on the road to energy independence.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, the Comprehensive American Energy Security and Consumer Protection Act increases regulation and continues to limit production of abundant American energy resources. This legislation follows the Majority's typical path of runaway spending, higher taxes, and more red tape for domestic energy production:

This legislation deepens our dependence on foreign oil by permanently banning production of 97 percent of the 10.5 billion barrels off the coast of California, and over 85 percent of American's energy resources.

It contains no revenue sharing provision, thus giving states a major disincentive to agree to off-shore drilling. It also prohibits drilling in areas where experts say most of the energy resources is known to be found.

H.R. 6899 imposes a massive tax increase of $17.7 billion over 10 years on companies engaged in domestic energy production. At this time of economic uncertainty, increasing taxes does nothing but threaten millions of American jobs. By raising costs on domestic production, consumers can expect the higher taxes to be passed down to them. This measure would limit efforts to expand American energy supplies, which ensures further dependence on Hugo Chavez and unstable Middle Eastern nations for their sources of oil.

I cannot support a bill that says no to clean coal, no to nuclear and no to new refineries.

Energy is the critical issue of our time, and this Democratic Congress refuses to let the House engage in and debate a real, meaningful energy bill that actually produces energy. We need a vigorous energy policy that relies on American resources for American energy while growing our economy and creating countless new jobs.

The American people expect and deserve better. This country needs a serious, aggressive, all-of-the-above energy plan that will lead us to energy independence, not a hoax of an energy bill.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of the Comprehensive American Energy Security and Consumer Protection Act (H.R. 6899) and would like to commend Chairman RAHALL, Speaker PELOSI, and the Democratic leadership for their hard work on this important legislation.

America stands at a crossroads with regard to our country's energy security. In 2008, gasoline and home heating prices have risen to record levels, burdening middle class American families during already tough economic times. This Congress has a choice to make and America's families deserve action.

Congress can continue to follow the path of the past and increase our Nation's addiction on oil companies and foreign produced petroleum from countries like Saudi Arabia, Iraq, Venezuela, and Nigeria. Some voices now claim that the U.S. can achieve energy independence by exploiting all currently protected lands and coastal areas, allowing drilling wherever oil companies want to drill. Of course, since the U.S. consumes twenty-five percent of the world's oil and possesses less than 3 percent of global petroleum reserves, the ''drill, baby, drill'' rhetoric is both simplistic and simply false.

The American people need to know that government estimates state that if drilling was allowed in all restricted offshore sites and the Arctic National Wildlife Refuge (a policy I strongly oppose) it would pump only one million extra barrels of oil per day onto the global market by 2025, less than 1 percent of projected global output. For consumers this would translate into a 2 cent reduction in price in the year 2025. The ''drill, baby, drill'' crowd appears to be committed to advancing the interests of the oil companies while leaving the American people with a potentially miniscule price reduction seventeen years from now. Their proposal is not a policy solution, but rather a political gimmick.

There is another option, a plan to move America forward towards energy independence with a comprehensive energy policy that focuses on investments in renewable energy, energy efficiency, conservation, and maximizing the potential of existing fossil fuel sources with the necessary restrictions to protect the environment. Responsible drilling is a part of this plan as a transition to a clean energy future. I will continue to oppose any ''give aways'' that allow special advantages to oil companies to exploit the limited natural resources belonging to American taxpayers and

limit the ability of American families to receive a fair price at the pump.

Today, oil companies have leases on 68 million acres of federal lands. Right now they have access to drill within 182 million acres of the Outer Continental Shelf (OCS) surrounding Alaska and the lower 48 states. This bill, H.R. 6899, requires that oil companies make use of these existing leases by commencing exploration on these lands or relinquish their leases. If more drilling is the goal of the petroleum industry, they currently have the legal authority to do it on 68 million acres of federal land and 182 million acres of the OCS. And, with oil companies profits projected at $160 billion for 2008, they have the money to do it without federal tax breaks or sweetheart deals at taxpayer expense.

House Democrats recognize that American families are seeking relief from high energy prices and a stabilizing of prices. For this reason this energy bill allows for the release of ten percent of the light crude from the Strategic Petroleum Reserve to increase domestic oil supply. In the short-term, allowing this oil onto the market will help to stabilize prices.

It is time to take America in a new direction, moving away from the Bush Administration's policy of dependency on foreign oil and toward bold investments in America's energy future. By repealing $19 billion dollars worth of unnecessary subsidies to oil companies and investing these funds in clean renewable energy, the Comprehensive American Energy Security Act will create of thousands of new American jobs, reduce America's dependence on foreign energy sources, and ensure responsible stewardship of our environment today and for generations to come.

Today, I reflect the views of my constituents by voting for a forward thinking, comprehensive energy policy. Passing the Comprehensive American Energy Security Act will be a big step towards energy independence and the creation of a green American economy.

I urge my colleagues to support the Comprehensive American Energy Security Act.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1433, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 2115

MOTION TO RECOMMIT

Mr. PETERSON of Pennsylvania. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PETERSON of Pennsylvania. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Peterson of Pennsylvania moves to recommit the bill H.R. 6899 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Conservation, Environment, and Energy Independence Act''.

SEC. 2. TABLE OF CONTENTS-.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—OFFSHORE AND ONSHORE LEASING AND OTHER ENERGY PRODUCTION
Sec. 101. Termination of prohibitions on expenditures for, and withdrawals from, offshore and onshore leasing and other limitations on energy production.
Sec. 102. Outer continental shelf leasing program.
Sec. 103. Sharing of revenues.
Sec. 104. Policies regarding buying and building American.
Sec. 105. Elimination of other restrictions on use of energy alternatives.
TITLE II—CLEANER ENERGY PRODUCTION AND ENERGY CONSERVATION INCENTIVES
Sec. 201. Extension of renewable energy credit.
Sec. 202. Extension of credit for alternative fuel vehicles.
Sec. 203. Extension of alternative fuel vehicle refueling property credit.
Sec. 204. Extension of credit for energy efficient appliances.
Sec. 205. Extension of credit for nonbusiness energy property.
Sec. 206. Extension of credit for residential energy efficient property.
Sec. 207. Extension of new energy efficient home credit.
Sec. 208. Extension of energy efficient commercial buildings deduction.
Sec. 209. Extension of energy credit.
Sec. 210. Extension of credit for clean renewable energy bonds.
Sec. 211. Extension of credits for biodiesel and renewable diesel.
Sec. 212. Credit for plug-in hybrid vehicles.
Sec. 213. Time for payment of corporate estimated taxes.
TITLE III—MODIFYING THE STRATEGIC PETROLEUM RESERVE AND FUNDING CONSERVATION AND ENERGY RESEARCH AND DEVELOPMENT
Sec. 301. Findings.
Sec. 302. Definitions.
Sec. 303. Objectives.
Sec. 304. Modification of the Strategic Petroleum Reserve.
Sec. 305. Energy Independence and Security Fund.

TITLE I—OFFSHORE AND ONSHORE LEASING AND OTHER ENERGY PRODUCTION

SEC. 101. TERMINATION OF PROHIBITIONS ON EXPENDITURES FOR, AND WITHDRAWALS FROM, OFFSHORE AND ONSHORE LEASING AND OTHER LIMITATIONS ON ENERGY PRODUCTION.

(a) PROHIBITIONS ON EXPENDITURES.—All provisions of Federal law that prohibit the expenditure of appropriated funds to conduct natural gas, oil, oil shale, and other energy production leasing and preleasing activities for Federal lands shall have no force or effect with respect to such activities.

(b) REVOCATION WITHDRAWALS.—All withdrawals of Federal submerged lands of the Outer Continental Shelf from leasing, including withdrawals by the President under the authority of section 12(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(a)), are hereby revoked and are no longer in effect with respect to the leasing of areas for exploration for, and development and production of natural gas and oil.

(c) GULF OF MEXICO OIL AND GAS.—Section 104 of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3003) is repealed.

(d) OIL SHALE.—Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (division F of Public Law 110–161; 121 Stat. 2152) is repealed.

SEC. 102. OUTER CONTINENTAL SHELF LEASING PROGRAM.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by inserting after section 9 the following:

''SEC. 10. MORATORIA AREA AND STATE DISAPPROVAL REQUIREMENT WITH RESPECT TO LEASING.

''(a) PROHIBITION ON LEASING.—The Secretary may not issue any lease authorizing exploration for, or development of, natural gas or oil in any area of the outer Continental Shelf that is located within 25 miles of the coastline of a State.

''(b) STATE DISAPPROVAL AUTHORITY.—The Secretary may not issue any lease authorizing exploration for, or development of, natural gas or oil in any area of the outer Continental Shelf that is located more than 25 miles and less than 50 miles from the coastline of a State if the State has enacted, within the 1-year period beginning on the date of the enactment of the National Conservation, Environment, and Energy Independence Act, a law disapproving of the issuance of such leases by the Secretary.

''(c) MILITARY OPERATIONS.—The Secretary shall consult with the Secretary of Defense regarding military operations needs in the Outer Continental Shelf. The Secretary shall work with the Secretary of Defense to resolve any conflicts that might arise between such operations and leasing under this section. If the Secretaries are unable to resolve all such conflicts, any unresolved issues shall be referred by the Secretaries to the President in a timely fashion for immediate resolution.''.

SEC. 103. SHARING OF REVENUES.

(a) IN GENERAL.—Section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) is amended—

(1) in paragraph (2) by striking ''Notwithstanding'' and inserting ''Except as provided in paragraph (6), and notwithstanding'';

(2) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9); and

(3) by inserting after paragraph (5) the following:

''(6) BONUS BIDS AND ROYALTIES UNDER QUALIFIED LEASES.—

''(A) NEW LEASES.—Of amounts received by the United States as bonus bids, royalties, rentals, and other sums collected under any qualified lease on submerged lands made available for leasing under this Act by the enactment of the National Conservation, Environment, and Energy Independence Act that are located within the seaward boundaries of a State established under section 4(a) (2) (A)—

''(i) 30 percent shall be deposited in the general fund of the Treasury;

''(ii) 30 percent shall be paid to the States that are producing States with respect to those submerged lands;

''(iii) 8 percent shall be deposited in the Conservation Reserve established by paragraph (7);

''(iv) 10 percent shall be deposited in the Environment Restoration Reserve established by paragraph (7);

''(v) 15 percent shall be deposited in the Renewable Energy Reserve established by paragraph (7);

''(vi) 5 percent shall be deposited in the Carbon Capture/Sequestration and Nuclear Waste Reserve Established by paragraph (7); and

''(vii) 2 percent shall be available to the Secretary of Health and Human Services for carrying out the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621, et seq.).

''(B) LEASED TRACT THAT LIES PARTIALLY WITHIN THE SEAWARD BOUNDARIES OF A STATE.—In the case of a leased tract that lies partially within the seaward boundaries of a State, the amounts of bonus bids and royalties from such tract that are subject to subparagraph (A)(ii) with respect to such State shall be a percentage of the total amounts of bonus bids and royalties from such tract that is equivalent to the total percentage of surface acreage of the tract that lies within such seaward boundaries.

''(C) USE OF PAYMENTS TO STATES.—Amounts paid to a State under subparagraph (A)(ii) shall be used by the State for one or more of the following:

''(i) Education.

''(ii) Transportation.

''(iii) Coastal restoration, environmental restoration, and beach replenishment.

''(iv) Energy infrastructure.

''(v) Renewable energy development.

''(vi) Energy efficiency and conservation.

''(vii) Any other purpose determined by State law.

''(D) DEFINITIONS.—In this paragraph:

''(i) ADJACENT STATE.—The term 'Adjacent State' means, with respect to any program, plan, lease sale, leased tract or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, any State the laws of which are declared, pursuant to section 4(a)(2), to be the law of the United States for the portion of the outer Continental Shelf on which such program, plan, lease sale, leased tract, or activity appertains or is, or is proposed to be, conducted.

''(ii) ADJACENT ZONE.—The term 'adjacent zone' means, with respect to any program, plan, lease sale, leased tract, or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, the portion of the outer Continental Shelf for which the laws of a particular adjacent State are declared, pursuant to section 4(a)(2), to be the law of the United States.

''(iii) PRODUCING STATE.—The term 'producing State' means an Adjacent State having an adjacent zone containing leased tracts from which are derived bonus bids and royalties under a lease under this Act.

''(iv) STATE.—The term 'State' includes Puerto Rico and the other territories of the United States.

''(v) QUALIFIED LEASE.—The term 'qualified lease' means a natural gas or oil lease made available under this Act granted after the date of the enactment of the National Conservation, Environment, and Energy Independence Act, for an area that is available for leasing as a result of enactment of section 101 of that Act.

''(E) APPLICATION.—This paragraph shall apply to bonus bids and royalties received by the United States under qualified leases after September 30, 2008.

''(7) ESTABLISHMENT OF RESERVE ACCOUNTS.—

''(A) IN GENERAL.—For budgetary purposes, there is established as a separate account to receive deposits under paragraph (6)(A)—

''(i) the Conservation Reserve, to offset the cost of legislation enacted after the date of the enactment of the National Conservation, Environment, and Energy Independence Act for conservation programs, such as weatherization, and conservation tax credits and deductions for energy efficiency in the residential, commercial, industrial and public sectors, including Conservation Districts;

''(ii) the Environment Restoration Reserve, to offset the cost of legislation enacted after the date of the enactment of the National Conservation, Environment, and Energy Independence Act to conduct restoration activities to improve the overall health of the ecosystems primarily or entirely within wildlife refuges, national parks, lakes, bays, rivers, and streams, in-eluding the Great Lakes, the Chesapeake and Delaware Bays, the San Francisco Bay/Sacramento San Joaquin Bay Delta, the Florida Everglades, New York Harbor, the Colorado River Basin, and Intracoastal Waterways and inlets that serve them;

''(iii) the Renewable Energy Reserve, to offset the cost of legislation enacted after the date of the enactment of the National Conservation, Environment, and Energy Independence Act to accelerate the use of cleaner domestic energy resources and alternative fuels; to promote the utilization of energy-efficient products and practices; and to increase research, development, and deployment of clean renewable energy and efficiency technologies and job training programs for those purposes; and

''(iv) the Carbon Capture and Sequestration Reserve, to offset the cost of legislation enacted after the date of the enactment of the National Conservation, Environment, and Energy Independence Act to promote research and development projects associated with carbon capture and storage in the production of liquid transportation fuels, synthetic natural gas, chemical feedstocks, and electricity, and for the disposition and recycling/reprocessing of nuclear waste from nuclear power plants.

''(B) PROCEDURE FOR ADJUSTMENTS.—

'' (i) BUDGET COMMITTEE CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, providing funding for the purposes set forth in clause (i), (ii), (iii), or (iv) of subparagraph (A) in excess of the amount of the deposits under paragraph (6)(A) for those purposes for fiscal year 2009, the chairman of the Committee on the Budget of the applicable House of Congress shall make the adjustments set forth in clause (ii) for the amount of new budget authority and outlays in that measure and the outlays flowing from that budget authority.

''(ii) MATTERS TO BE ADJUSTED.—The adjustments referred to in clause (i) are to be made to—

''(I) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

''(II) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

''(III) the budget aggregates contained in the appropriate concurrent resolution on the budget as required by section 301(a) of the Congressional Budget Act of 1974.

''(iii) AMOUNTS OF ADJUSTMENTS.—The adjustments referred to in clauses (i) and (ii) shall not exceed the receipts estimated by the Congressional Budget Office that are attributable to this Act for the fiscal year in which the adjustments are made.

''(C) EXPENDITURES ONLY BY SECRETARY OF THE INTERIOR IN CONSULTATION.—Legislation shall not be treated as legislation referred to in subparagraph (A) unless any expenditure under such legislation for a purpose referred to in that subparagraph may be made only after consultation with the Administrator of the Environmental Protection Agency, the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of the Army acting through the Corps of Engineers, and, as appropriate, the Secretary of State.

''(8) MAINTENANCE OF EFFORT BY STATES.—The Secretary of the Interior, the Secretary of Health and Human Services, the Secretary of Energy, and any other Federal official with authority to implement legislation referred to in paragraph (6)(A) shall ensure that financial assistance provided to a State under that legislation for any purpose with amounts made available under this subsection or in any legislation with respect to which paragraph (7) applies supplement, and do not replace, the amounts expended by the State for that purpose before the date of the enactment of the National Conservation, Environment, and Energy Independence Act''.

(b) ESTABLISHMENT OF STATE SEAWARD BOUNDARIES.—Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended in the first sentence by striking '', and the President'' and all that follows through the end of the sentence and inserting the following: ''. Such extended lines are deemed to be as indicated on the maps for each Outer Continental Shelf region entitled 'Alaska OCS Region State Adjacent Zone and OCS Planning Areas', 'Pacific OCS Region State Adjacent Zones and OCS Planning Areas', 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas', and 'Atlantic OCS Region State Adjacent Zones and OCS Planning Areas', all of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service. The preceding sentence shall not apply with respect to the treatment under section 105 of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109–432) of qualified outer Continental Shelf revenues deposited and disbursed under subsection (a)(2) of that section.''.

SEC. 104. POLICIES REGARDING BUYING AND BUILDING AMERICAN.

(a) INTENT OF CONGRESS.—It is the intent of the Congress that this Act, among other things, result in a healthy and growing American industrial, manufacturing, transportation, and service sector employing the vast talents of America's workforce to assist in the development of energy from domestic sources. Moreover, the Congress intends to monitor the deployment of personnel and material onshore and offshore to encourage the development of American technology and manufacturing to enable United States workers to benefit from this Act by good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American resources.

(b) SAFEGUARD FOR EXTRAORDINARY ABILITY.—Section 30(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(a)) is amended in the matter preceding paragraph (1) by striking ''regulations which'' and inserting ''regulations that shall be supplemental and complimentary with and under no circumstances a substitution for the provisions of the Constitution and laws of the United States extended to the subsoil and seabed of the outer Continental Shelf pursuant to section 4 of this Act, except insofar as such laws

would otherwise apply to individuals who have extraordinary ability in the sciences, arts, education, or business, which has been demonstrated by sustained national or international acclaim, and that''.

SEC. 105. ELIMINATION OF OTHER RESTRICTIONS ON USE OF ENERGY ALTERNATIVES.

(a) RENEWABLE BIOMASS.—Section 211(o)(1)(I) of the Clean Air Act (42 U.S.C. 7545(o)(1)(I)) is amended effective January 1, 2009—

(1) in clause (ii), by striking ''on non-federal land''; and

(2) in clause (iv), by striking ''that are from non-federal forestlands, including forestlands'' and inserting ''from forestlands, including those on public lands and those''.

(b) ALTERNATIVE FUELS.—Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

(c) LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID ADVANCED LEAN-BURN TECHNOLOGY VEHICLES.—Section 30B of the Internal Revenue Code of 1986 is amended by striking subsection (f).

TITLE II—CLEANER ENERGY PRODUCTION AND ENERGY CONSERVATION INCENTIVES

SEC. 201. EXTENSION OF RENEWABLE ENERGY CREDIT.

Each of the following provisions of section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2013'':

(1) Paragraph (1) (relating to wind facility).

(2) Clauses (i) and (ii) of paragraph (2)(A) (relating to closed-loop biomass facility).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A) (relating to open-loop biomass facility).

(4) Paragraph (4) (relating to geothermal energy facility).

(5) Paragraph (5) (relating to small irrigation power facility).

(6) Paragraph (6) (relating to landfill gas facilities).

(7) Paragraph (7) (relating to trash combustion facilities).

(8) Paragraph (8) (relating to refined coal production facility).

(9) Subparagraphs (A) and (B) of paragraph (9) (relating to qualified hydropower facility).

SEC. 202. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLES.

Paragraphs (2), (3), and (4) of section 30B(j) of the Internal Revenue Code of 1986 are each amended by striking the date therein and inserting ''December 31, 2014''.

SEC. 203. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 30C(g) of such Code (relating to termination) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) ALTERNATIVE FUELS.—Paragraph (1) of section 30C(g) of the Internal Revenue Code of 1986 is amended by striking ''hydrogen,'' inserting ''hydrogen or alternative fuels (as defined in section 30B(e)(4)(B)).''.

SEC. 204. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M of the Internal Revenue Code of 1986 (relating to applicable amount) is amended by striking ''calendar year 2006 or 2007'' each place it appears in paragraphs (1)(A)(i), 1(1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting ''calendar year 2006, 2007, 2008, 2009, 2010, 2011, 2012, or 2013''.

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) of such Code (relating to aggregate credit amount allowed) is amended by inserting ''beginning after December 31, 2007'' after ''for all prior taxable years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 205. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 206. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Section 25D(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2014''.

SEC. 207. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 208. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 209. EXTENSION OF ENERGY CREDIT.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) of the Internal Revenue Code of 1986 (relating to energy credit) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) of such Code (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) of such Code (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 210. EXTENSION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 211. EXTENSION OF CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

SEC. 212. CREDIT FOR PLUG-IN HYBRID VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by adding at the end the following new section:

''SEC. 30D. PLUG-IN HYBRID VEHICLES.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each qualified plug-in hybrid vehicle placed in service by the taxpayer during the taxable year.

''(b) PER VEHICLE DOLLAR LIMITATION.—

''(1) IN GENERAL.—The amount determined under this subsection with respect to any qualified plug-in hybrid vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

''(2) BASE AMOUNT.—The amount determined under this paragraph is $4,000.

''(3) BATTERY CAPACITY.—In the case of vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

''(c) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(d) QUALIFIED PLUG-IN HYBRID VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plug-in hybrid vehicle' means a motor vehicle (as defined in section 30(c)(2))—

''(A) the original use of which commences with the taxpayer,

''(B) which is acquired for use or lease by the taxpayer and not for resale,

''(C) which is made by a manufacturer,

''(D) which has a gross vehicle weight rating of less than 14,000 pounds,

''(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

''(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

''(i) has a capacity of not less than 4 kilowatt hours, and

''(ii) is capable of being recharged from an external source of electricity, and

''(G) which either—

''(i) is also propelled to a significant extent by other than an electric motor, or

''(ii) has a significant onboard source of electricity which also recharges the battery referred to in subparagraph (F).

''(2) EXCEPTION.—The term 'qualified plug-in hybrid vehicle' shall not include any vehicle which is not a passenger automobile or

light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

''(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

''(e) SPECIAL RULES.—

''(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

''(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.''.

(b) PLUG-IN VEHICLES NOT TREATED AS NEW QUALIFIED HYBRID VEHICLES.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—

Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end the following new paragraph:

''(34) the portion of the plug-in hybrid vehicle credit to which section 30D(c)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by this Act, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by this Act, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by this Act, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(e)(1).''.

(3) Section 6501(m) is amended by inserting ''30D(e)(4),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D). Plug-in hybrid vehicles.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 213. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year—

(1) the percentage under section 401(1) (C) of the Tax Increase Prevention and Reconciliation Act of 2005 (as in effect on the date of the enactment of this Act) is increased by 51 percentage points, and

(2) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2018 shall be 200 percent of such amount.

The amount of the next required installment after an installment to which paragraph (2) applies shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

TITLE III—MODIFYING THE STRATEGIC PETROLEUM RESERVE AND FUNDING CONSERVATION AND ENERGY RESEARCH AND DEVELOPMENT

SEC. 301. FINDINGS.

Congress finds the following:

(1) The Strategic Petroleum Reserve (SPR) was created by Congress in 1975, to protect the Nation from any future oil supply disruptions. When the program was established, United States refiners were capable of handling light and medium crude and the make up of the SPR matched this capacity. This is not the case today.

(2) A GAO analysis found that nearly half of the refineries considered vulnerable to supply disruptions are not compatible with the types of oil currently stored in the SPR and would be unable to maintain normal refining capacity if forced to rely on SPR oil as currently constituted, thereby reducing the effectiveness of the SPR in the event of a supply disruption. GAO concluded that the SPR should be comprised of at least 10 percent heavy crude.

(3) This Act implements the GAO recommendation and dedicates funds received from the transactions to existing energy conservation, research, and assistance programs.

SEC. 302. DEFINITIONS.

In this title—

(1) the term ''light grade petroleum'' means crude oil with an API gravity of 35 degrees or higher;

(2) the term ''heavy grade petroleum'' means crude oil with an API gravity of 26 degrees or lower; and

(3) the term ''Secretary'' means the Secretary of Energy.

SEC. 303. OBJECTIVES.

The objectives of this title are as follows:

(1) To modernize the composition of the Strategic Petroleum Reserve to reflect the current processing capabilities of refineries in the United States.

(2) To provide increased funding to accelerate conservation, energy research and development, and assistance through existing programs.

SEC. 304. MODIFICATION OF THE STRATEGIC PETROLEUM RESERVE.

Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), the Secretary shall publish a plan not later than 30 days after the date of enactment of this Act to—

(1) exchange as soon as possible light grade petroleum from the Strategic Petroleum Reserve, in an amount equal to 10 percent of the total number of barrels of crude oil in the Reserve as of the date of enactment of this Act, for an equivalent volume of heavy grade petroleum plus any additional cash bonus bids received that reflect the difference in the market value between light grade petroleum and heavy grade petroleum and the timing of deliveries of the heavy grade petroleum;

(2) from the gross proceeds of the cash bonus bids, deposit the amount necessary to pay for the direct administrative and operational costs of the exchange into the SPR Petroleum Account established under section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247); and

(3) deposit 90 percent of the remaining net proceeds from the exchange into the account established under section 305(a).

SEC. 305. ENERGY INDEPENDENCE AND SECURITY FUND.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States the ''Energy Independence and Security Fund'' (in this section referred to as the ''Fund'').

(b) ADMINISTRATION.—The Secretary shall be responsible for administering the Fund for the purpose of carrying out this section.

(c) DEPOSITS.—The Secretary shall transfer the balance of funds in the SPR Petroleum Account on the date of enactment of this Act in excess of $10,000,000 into the Fund.

(d) DISTRIBUTION OF FUNDS.—The Secretary shall make available for obligation, without further appropriation and without fiscal year limitation, the following amounts from the Fund:

(1) ADVANCED RESEARCH PROJECTS AGENCY—ENERGY.—The Secretary shall transfer $100,000,000 to the account ''Energy Transformation Acceleration Fund'', established under section 5012(m) of the America COMPETES Act (42 U.S.C. 16538(m)), to remain available until expended. Of the funds so transferred, the Secretary shall further allocate the amounts made available for obligation as follows:

(A) $50,000,000 shall be available for university-based research projects.

(B) $10,000,000 shall be available for program direction expenses.

(2) WIND ENERGY RESEARCH AND DEVELOPMENT.—The Secretary shall transfer $15,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for a program to support the development of next-generation wind turbines, including turbines capable of operating in areas with low wind speeds, as authorized in section 931(a)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(B)).

(3) SOLAR ENERGY RESEARCH AND DEVELOPMENT.—The Secretary shall transfer $30,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of solar energy technologies, and public education and outreach materials pursuant to such program, as authorized by section 931(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(A)).

(4) LOW INCOME WEATHERIZATION AND LIHEAP.—The Secretary shall transfer $100,000,000 to the account ''Weatherization

Assistance Program'', to remain available until expended, for necessary expenses for a program to weatherize low income housing, as authorized by section 411 of the Energy Independence and Security Act of 2007 (Public Law 110–140). The Secretary shall transfer $100,000,000 to the Secretary of Health and Human Services for distribution to States under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)).

(5) MARINE AND HYDROKINETIC RENEWABLE ELECTRIC ENERGY.—The Secretary shall transfer $30,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of ocean and wave energy, including hydrokinetic renewable energy, as authorized by section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) and section 636 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17215).

(6) ADVANCED VEHICLES RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—The Secretary shall transfer $40,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for research, development, and demonstration on advanced, cost-effective technologies to improve the energy efficiency and environmental performance of vehicles, as authorized in section 911(a)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)(A)).

(7) INDUSTRIAL ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.—The Secretary shall transfer $110,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of new technologies to improve the energy efficiency and reduce greenhouse gas emissions from industrial processes, as authorized in section 911(a)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)(C)) and in section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111).

(8) BUILDING AND LIGHTING ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.—The Secretary shall transfer $70,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for a program to accelerate the research, development, demonstration, and deployment of new technologies to improve the energy efficiency of and reduce greenhouse gas emissions from buildings, as authorized in section 321(g) of the Energy Independence and Security Act of 2007 (42 U.S.C. 6295 note), section 422 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082), and section 912 of the Energy Policy Act of 2005 (42 U.S.C. 16192).

(9) GEOTHERMAL ENERGY DEVELOPMENT.—The Secretary shall transfer $30,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for geothermal research and development activities to be managed by the National Renewable Energy Laboratory, as authorized by sections 613, 614, 615, and 616 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17192–95) and section 931(a)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(C)).

(10) SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—The Secretary shall transfer $30,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for research, development, and demonstration of smart grid technologies, as authorized by section 1304 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17384).

(11) CARBON CAPTURE AND STORAGE.—The Secretary shall transfer $385,000,000 to the account ''Fossil Energy Research and Development'', to remain available until expended, for necessary expenses for a program of demonstration projects of carbon capture and storage, and for a research program to address public health, safety, and environmental impacts, as authorized by section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) and sections 703 and 707 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251, 17255).

(12) NONCONVENTIONAL DOMESTIC NATURAL GAS PRODUCTION AND ENVIRONMENTAL RESEARCH.—

(A) The Secretary shall transfer $50,000,000 to the account authorized by section 999H(e) of the Energy Policy Act of 2005 (42 U.S.C. 16378(e)), to remain available until expended.

(B) The Secretary shall transfer $15,000,000 to the account ''Fossil Energy Research and Development'', to remain available until expended, for necessary expenses for a program of basin-oriented assessments and public and private partnerships involving States and industry to foster the development of regional advanced technological, regulatory, and economic development strategies for the efficient and environmentally sustainable recovery and market delivery of natural gas and domestic petroleum resources within the United States, and for support for the Stripper Well Consortium.

(13) HYDROGEN RESEARCH AND DEVELOPMENT.—The Secretary shall transfer $5,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, for necessary expenses for the Department of Energy's 1–1Prize Program, as authorized by section 1008(f) of the Energy Policy Act of 2005 (42 U.S.C. 16396(f)).

(14) ENERGY STORAGE FOR TRANSPORTATION AND ELECTRIC POWER.—

(A) The Secretary shall transfer $30,000,000 to the account ''Basic Energy Sciences'', to remain available until expended, for necessary expenses for a program to accelerate basic research on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution, as authorized by section 641(p)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(p)(1)).

(B) The Secretary shall transfer $70,000,000 to the account ''Energy Efficiency and Renewable Energy'', to remain available until expended, including—

(i) $30,000,000 for a program to accelerate applied research on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution as authorized by section 641(p)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(p)(2));

(ii) $20,000,000 for energy storage systems demonstrations as authorized by section 641(p)(4) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(p)(4)); and

(iii) $20,000,000 for vehicle energy storage systems demonstrations as authorized by section 641(p)(5) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(p)(5)).

(e) TRANSFER PROCEDURES.—The Secretary shall make an initial transfer from the Fund no later than 30 days after the initial deposit of monies into the Fund. The Secretary shall make additional transfers no later than 30 days after subsequent deposits. If the amount available to be transferred is less than the levels authorized under subsection (d), the transfers for each program shall be allocated on a pro rata basis. If the amount available to be transferred exceeds the levels authorized under subsection (d), the transfers for each program shall be increased on a pro rata basis.

(f) MANAGEMENT AND OVERSIGHT.—

(1) ADDITIONALITY OF FISCAL YEAR 2008 TRANSFERS.—All amounts transferred under subsection (d) shall be in addition to, and shall not be substituted for, any funds appropriated for the same or similar purposes in the Consolidated Appropriations Act, 2008.

(2) EXCESS FUNDS.—The total of all amounts transferred under subsection (d) and any funds appropriated for the same or similar purposes in the Consolidated Appropriations Act, 2008 may not exceed the amounts authorized in other Acts for such purposes. In the event that amounts made available under this title plus amounts under the Consolidated Appropriations Act, 2008 exceed the cumulative amounts authorized in other Acts for any program funded by this Act, the excess amounts shall be distributed to the other programs funded by this title on a pro rata basis.

(3) PROGRAM PLANS AND PERFORMANCE MEASURES.—The Secretary shall prepare and publish in the Federal Register a plan for the proposed use of all funds authorized in subsection (d). The plan also shall identify how the use of these funds will be additive to, and not displace, annual appropriations. The plans also shall identify performance measures to assess the additional benefits that may be realized from the application of the additional funding provided under this section. The initial plan shall be published in the Federal Register not later than 45 days after the date of enactment of this Act.

(4) CONGRESSIONAL OVERSIGHT AND REVIEW.—Nothing in this section shall limit or restrict the review and oversight of program plans by the appropriate committees of Congress. Nothing in this section shall limit or restrict the authority of Congress to set alternative spending limitations in annual appropriations Acts.

(5) APPORTIONMENT.—All transactions of the Fund shall be exempt from apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

Mr. PETERSON of Pennsylvania (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

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

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes in support of his motion.

Mr. PETERSON of Pennsylvania. Thank you, Mr. Speaker.

I want to thank the leadership on both sides. I want to thank all of the Members for the opportunity tonight to offer America the first bipartisan energy bill that may have been offered in this century written by Republicans and Democrats in a room with just cold sandwiches night after night, working with no lobbyists, no power brokers, trying to come together like the American people want us to. They want affordable, available energy as soon as

we can get it, and they want it ongoingly, and they deserve it.

We're the most powerful Nation in the world, and it's unfair to the American public that their future depends on weather in the gulf, that their future depends on unstable countries that provide us half of our imported oil. We get half of the 70 percent we import from friends and half of it from unstable nations. The American people are not comfortable with that. They want better.

And the American people know that our energy system could be sabotaged each and every day by the terrorists because there is no slop in the system, there's no surplus, there's no extra. There's just enough oil to meet the oil demand each day, and whenever anything goes wrong, the prices skyrocket.

Folks, we have the chance here to reevaluate our policies. I understand many years ago when we set it aside, it was cheap: $2 gas, $10 oil, use theirs, save ours. Folks, that day is gone. We need to now reassess where we're at. We need to be energy independent in this country, and we need to start down that long road. It won't be easy, and it needs to be a broad-based plan.

Our bill opens up the Outer Continental Shelf. It takes away all the prohibitions that have been put upon the Department of the Interior for leasing land. It repeals the prohibition of preventing Federal agencies from entering into contracts for procurement of alternative and synthetic fuels. It repeals limitation on the number of new qualified hybrid and advanced clean-burn technology vehicles eligible for the alternative vehicle tax benefits. That's electric and gas cars.

It allows the use of woody biomass, the fastest growing renewable we have that's fueling pellet stoves and factories with wood waste and will be part of cellulosic ethanol as we move from corn to cellulose, prohibited today by law from using off of Federal land, wood waste. Removes that.

Folks, it removes the prohibition on shale oil, the biggest oil opportunity this country has ever had. And folks, it takes the revenues and funds the renewables better than they've ever been funded. It funds conservation better than it's ever been funded. It funds clean-up efforts, environmental clean-up efforts. It funds carbon sequestration with large amounts of money.

And let me read you that paragraph which I think is vital: ''The Carbon Capture and Sequestration Reserve offsets the cost of legislation enacted after the date of the enactment of the National Conservation, Environment and Energy Independence Act to promote research and development projects associated with carbon capture and storage in the production of liquid transportation fuels, electricity, synthetic natural gas, chemical feedstock and for the disposition and recycling/reprocessing of nuclear waste from nuclear power plants.''

It will fund LIHEAP for those who are not going to be able to afford their heating this winter.

Folks, this is not a perfect bill, but it's a damn good start, and it was put together by no interest groups, no corporations got involved, no environmental radical groups. None of them were at the table.

□ 2130

It was just Members of Congress who felt the needs of their districts and realized the plea of the people to give us available, affordable energy. We're the most powerful Nation. Why are we not doing that? Just recently, Russia bought a coal plant in Pennsylvania. You're going to find China buying energy plants in this country. They're building plants everywhere. They're preparing for their future while we've been sitting on our hands, bickering and bipartisanly fighting with each other.

I ask the Members of both conferences to support this act that will give America energy in the future that's affordable.

Mr. RAHALL. Mr. Speaker, with all due respect to the gentleman from Pennsylvania, I claim my 5 minutes in opposition to the motion to recommit, and I yield 2 minutes to the gentleman from Pennsylvania's partner in this effort, the gentleman from Hawaii.

The SPEAKER pro tempore. The gentleman may yield and reclaim time as he sees fit. The Chair will not monitor sub-units of time within his 5 minutes.

Mr. RAHALL. I'm sorry?

The SPEAKER pro tempore. The gentleman must keep track of the time himself. The Chair will not monitor it.

Mr. RAHALL. Fine. Thank you, Mr. Speaker.

Mr. ABERCROMBIE. Why didn't we take H.R. 6709 from the beginning just for the reasons that JOHN says and make this a bill that we all put together? We've denounced each other all day, not everybody, but the denunciations and the accusations were all taking place all day.

Where's JOHN? No, no, I love you, JOHN. The other JOHN. But I don't see him over there.

Mr. BOEHNER, the minority leader, has been talking about the other bill, the total energy bill or whatever it is all straight through. Then we come to H.R. 6709. Now, it's easy for me. I gave my word. Everybody in here knows that I give you my word, I'm going to keep it. I gave my word on this bill to try and move it along, and so I will.

What bothers me is if the intention was to work H.R. 6709 all along, why didn't we do it? It would have been easy just to say okay, Madam Speaker, let's put this together and do it.

Now, as I say, I believe that honor puts me in the position of voting for the bill as we have it on the floor, not for the recommittal.

What I'm asking is, is if we meant this for real about trying to pass something in the national interest, then that's what we should do is pass the bill that we have.

Now if the recommittal comes up and it doesn't succeed, what I'm hoping is if the other bill passes—and I urge us to vote for that bill—that we then go to the Senate and say, look, we've got a considerable consensus here, not unanimous by any respects, but we have a considerable consensus on the drilling, on the revenue sharing, on all the items that we worked on, on a bipartisan basis.

So I think what we have to do here tonight, what I recommend to everybody on our side, is that we keep our word. We said that we were going to put this bill in good faith on the floor and move it along despite everybody saying that they had other contentions they would like to be in there, and that where H.R. 6709 is concerned on the recommittal is that it should have been offered from the beginning as a working document, but that the first part—okay. All right.

Mr. RAHALL. Regular order, Mr. Speaker.

Mr. ABERCROMBIE. You're making my point for me. You're making my point for me. We reached out to everybody. JOHN and I reached out, and not just JOHN and I, the 49 or 50 people—I named some of them tonight—to everybody. And if you think you're going to score points by yelling at me here on the floor, I think you're making my case for me.

Mr. RAHALL. Mr. Speaker, reclaiming my time, it should be noted that the recommittal motion, in taking the Abercrombie and Peterson language as it has word for word, does repeal the military mission law protection that we worked so hard to keep in for the Florida delegation.

The gentleman from Florida (Mr. YOUNG) raised that issue on the floor. He had the map, and I would say to him that because of the importance of this to our military training, our aviation training, our national security defenses, we protect this area in our bill.

The Abercrombie-Peterson measure, as read by the Clerk of the House just now, repeals the section 104 that provides for the protection of this Florida area.

So I would urge my colleagues from the State of Florida to particularly take this into recognition, as well as all of my colleagues, because this is a national security area. The Air Force uses the eastern gulf for training maneuvers. It has become crucial for maintaining our military readiness, especially after the closure of Vieques, and our compromise bill does protect this area for important defense training and exercises.

So I would hope Members would note that, and I do, of course, rise in opposition to the motion to recommit. Well, I do know where it came from, and as I said, I respect the gentleman from Pennsylvania (Mr. PETERSON) for working with Mr. ABERCROMBIE, and he has stated his reasons for opposing this language as well.

So I would urge my colleagues to oppose this motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. PETERSON of Pennsylvania. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 191, noes 226, not voting 17, as follows:

[Roll No. 598]

AYES—191

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

NOES—226

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

NOT VOTING—17

Brady (TX)
Conyers
Cubin
Dreier
Ehlers
Green, Al
Higgins
Lampson
McCaul (TX)
McNerney
Miller (MI)
Neugebauer
Paul
Pitts
Pryce (OH)
Slaughter
Walberg

□ 2156

Messrs. MOLLOHAN and ROTHMAN changed their vote from ''aye'' to ''no.''

Messrs. NUNES, SIMPSON and TURNER changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 598, had I been present, I would have voted "aye."

Stated against:

Mr. McNERNEY. Mr. Speaker, on rollcall No. 598, had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. RAHALL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 236, noes 189, not voting 9, as follows:

[Roll No. 599]

AYES—236

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin

Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Carter
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Emerson
English (PA)
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Holt
Hulshof
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pallone
Payne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—9

Brady (TX)
Cubin
Dreier
Ehlers
Lampson
Neugebauer
Paul
Pitts
Walberg

□ 2204

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Ladies and gentlemen of the House, after consultation with the minority, we have agreed that we will take the debate on the District of Columbia bill tonight. We will conclude debate, but we will roll votes until tomorrow so that we will not have to keep Members here. I've discussed this with, as I say, the minority. I've also discussed it with the Members of our side. Those who will want to participate in the debate, obviously, will remain, but there has been agreement that there will be no further votes tonight.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

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

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

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6842.

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

There was no objection.

NATIONAL CAPITAL SECURITY AND SAFETY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1434 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 6842.

□ 2209

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism, with Mr. WILSON of Ohio in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. SOUDER) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, today I rise in strong support of H.R. 6842, the National Capital Security and Safety Act.

The bill before us this evening has been crafted with great care and with utmost concern for the safety and well-being of our Nation's capital—its residents, businesses, visitors, and the Federal Government.

I would like to recognize and thank the gentlewoman from the District of Columbia (Ms. NORTON) as well as Committee Chairman HENRY WAXMAN for their leadership in bringing today's bill to the floor and for not turning a blind eye to the concept of home rule and self-governance by attempting to rewrite the District's new gun laws since the Supreme Court's decision in the Heller case.

The measure has been considered and debated thoroughly by the oversight committee and was approved by a vote of 21–1, which demonstrates the bill's bipartisan support.

As chairman of the subcommittee with oversight authority over the District of Columbia, I am well aware of the long history behind the District's gun regulatory efforts as well as the city's continual efforts to protect its citizens against violence and crime. As chairman, I'm also well aware of the effect that the presence of the Federal Government places on the security concerns of the District.

H.R. 6842 seeks to highlight this issue by urging the District's city council to take into consideration such issues as homeland security, military functionality, threats of terrorism, and foreign dignitary protection as they

continue to amend their laws to be in compliance with the Supreme Court's Heller decision.

The measure being considered today serves as a commonsense and practical approach to ensuring the requisite protection of our Nation's capital, while at the same time supporting the District in its efforts to reform its own gun laws versus rewriting the laws for them.

□ 2215

That is the job that the District's elected officials are tasked with, not Congress, and I am happy to see that this legislation recognizes that, especially since according to information from the District City Council, efforts are already underway to address several outstanding second amendment issues from the Supreme Court's Heller decision and expressed by Members of Congress in other pieces of legislation. The Council is revisiting the definition of ''machine guns'' and ''semiautomatics'' and making current gun storage requirements advisory versus mandatory.

In light of the city's efforts today, today's bill, H.R. 6842, represents both the least and the most we should be doing at this moment and at this level. The bill upon enactment gives the District 6 months to finalize its laws governing the possession and use of firearms as necessary to comply with the decision of the Supreme Court in District of Columbia v. Heller.

As the city continues to perform its work to produce a permanent gun law reform package, I am sure that at some point in the future Congress, under its legislative review authority, will have the chance to revisit this issue under regular and proper protocol. But until then, let us continue promoting the importance of self-government and home rule for the District of Columbia and the importance of safety and security in our Nation's capital by supporting H.R. 6842.

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

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are a number of things that are less than normal procedure tonight, and I want to briefly explain what has gone on here.

We have an underlying bill that went through the Government Reform and Oversight Committee that is being offered first. The gentleman from Illinois is correct that that went through unanimously, partly after a contentious hearing and debate. Chairman WAXMAN and Ranking Member DAVIS asked if we could just move it without a lot of amendments, move it without contention, because we knew we were coming to the House floor for the major debate tonight.

In this major debate, there will be an amendment offered by Mr. CHILDERS of Mississippi that has been worked out in cooperation, proving that in fact when we try, we can work together, and that Congressman ROSS and I had a bill to overturn the D.C. gun ban. The Supreme Court took care of the need for that. The District of Columbia came back and attempted to reinstitute the ban. It became apparent from the discharge petition that the will of this House, the overwhelming majority that signed the brief to the Supreme Court, the overwhelming majority of the Senate signed a brief to the Supreme Court, and it became apparent that this House wanted a vote.

The Democrat leadership, to their credit, worked out with the NRA and the minority a bill that was acceptable to Mr. ROSS and myself and those who had been attempting to overturn this. This will be offered in the nature of a substitute tonight. The underlying bill is not what is in contention here. The underlying bill is a stalking horse for the existing law and the debate we will have here is about the existing law.

The fact is that the reason the Supreme Court overturned the existing law is that under existing law if you wanted to protect yourself in your home, you had to have a gun in a locked cabinet, disassembled, with the bullets in another location. If somebody broke into your house and started firing, you had to go find the key, assemble the gun, find the bullets, put the bullets into the gun and hope your family wasn't dead or you were dead.

The Supreme Court argued that American citizens have a preexisting right to defend themselves, and no city or State has the right to take that away. The critical part of that decision was that a militia is in fact not a military, but the militia are the citizenry itself and have a right to home defense and to self-defense. It supersedes any right of a city to abrogate that right. It supersedes the State's right to abrogate that right. It is a right to self-defense in the United States.

Now, there will be much debate tonight about the process. But let me make a couple of facts extremely clear. Marion Barry once said that the crime rate in the District of Columbia isn't too bad, except for the murders. That is not quite right, because they are actually up in all violent crime, 67 percent, even though the city has declined in population.

Washington, D.C. has been the murder capital of the United States 15 of the last 19 years. It has been in the top three the others. The two cities that have occasionally toppled it from its top rank are Baltimore and Detroit. Both those cities have restrictive laws, in Detroit and in Baltimore as well, hardly making a case that guns do anything to protect people.

In fact, John Stossel on ''20–20'' in some interviews had some interesting points. He talked to a maximum security felon, and the unidentified male prisoner said, ''When you go to rob somebody you don't know,'' speaking as if they are armed, ''if you don't know, it makes it harder to rob them.''

He also talked to another prisoner who said, when they said don't gun laws work, wouldn't that affect your ability to get guns? And he said, ''I am not worried about the government saying I can't carry a gun. I am going to carry a gun anyway.'' This isn't about, to use the classic expression, whether criminals are going to have guns. This is about whether citizens have the right to protect themselves.

The D.C. City Council after the Supreme Court decision came back with a law that basically put variations of the restrictions again that in effect became a replacement for the previous law. In this replacement they said you had to be under imminent danger.

The general interpretation of that meant somebody had to have pulled a gun on you and was possibly firing before you could once again get your gun assembled, find the bullet and all that type of procedure. But imminent danger could possibly have been when they broke into your house, possibly when somebody is coming up a sidewalk with a gun. Quite frankly, it could possibly be in certain neighborhoods that it was so egregious that we felt we had to act. We thought the Supreme Court made it clear, but it was clear D.C. intended to defy it.

Now they are trying to come forward and say just last night, I believe, that they were going to change the law again and that congressional action was unnecessary. On what basis would we at this point trust the second amendment to the D.C. City Council? The Supreme Court said it is a preexisting right to defend yourself, and that is what the debate is going to be about tonight.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman and thank him for his leadership, and I rise in strong support of the bill and strong opposition to the amendment that will be offered.

Ladies and gentlemen, put this bill in context. I am not sure whether there were 435 of us, I don't know the total vote, but let's say 430. 430 of us this night, this night, voted either to give the States the option to opt out of one of the most important issues confronting us, and that is using American resources for our energy needs, or the other half voted to let the States opt in. So hear me. Everybody on this House floor voted to allow the States either to opt in or to opt out. Pick your bill. But the premise was the same, that States had the authority to act themselves.

The amendment to be offered rejects that and imposes, not on Detroit that the gentleman mentioned, there is no legislation on the floor about Detroit, Michigan. There is no legislation on this floor about Indianapolis, Indiana. I don't know what their gun law is. And, very frankly, there is none about Hartford, Connecticut, or Baltimore, Maryland. But the District of Columbia comes here, unfortunately defenseless, from the perspective of some on this floor. Their defense is us.

But let me speak to this. 220 years before this Capitol had been imagined and when this city was a swamp, our Founders were asking a question we still hear echoed in the District to this day: How could they establish a Federal city, cut it out from its home State and put it under the rule of Congress without violating the principles they had just fought a war to secure? That was their question. Government comes from the consent of the governed. That is a principle we hold dear, asterisk, except for the 600,000 people who happen to live in Washington, D.C.

In the 43rd Federalist Paper published in 1788, James Madison answered the question that was posed, that our authority over the District would be legitimate only if some basic guarantees were in place. The Government, and I quote, ''will no doubt provide for the rights and the consent of the citizens inhabiting it.''

In other words, James Madison thought we would surely secure the rights of the citizens of the District of Columbia. And when we refer to the citizens of the District of Columbia, let us, my friends, be more expansive: Citizens of America who happen to live in the District of Columbia, and, but for Maryland's generosity, would live in Maryland. They are citizens of America who happen to live in the District of Columbia. But should they be disenfranchised because they happen to live in this square that we call the District of Columbia?

He went on to say, and ''a municipal legislature for local purposes derived from their own suffrages, will of course be allowed them.'' That is the options to make their policy.

Now, listen to the confidence with which Madison wrote. His words suggested that ''no doubt,'' ''no doubt,'' Madison said, that surely the Congress of the United States and the Founding Fathers who had expressed the rights of our citizens would respect those rights, wherever those citizens might reside. And that ''of course'' they will be citizens, not subjects, unlike apparently those in Indianapolis or in other cities.

I think his confidence would be shaken if he could hear this debate, if he could see what a congressionally imposed gun policy would do to the District's right to govern itself.

We can argue back and forth the gun policy. What we cannot argue back and forth is that the District of Columbia citizens have the right and should have that right to govern themselves. That is the principle that is at stake here.

I will leave the argument over gun rights and gun control to other Members. We have a gun law in Maryland. It works well. I don't get any complaints about it. If I did, I would have to address it. I wouldn't expect you to address it, unless you wanted to pass a Federal statute. This is not a Federal statute. This is a statute for one area.

Whatever conclusion this House comes to, we are really confronted with a much more fundamental question, as I said: Do we impose that decision on those who have had no say in it, or do we pass the Norton bill as introduced, which I am in favor of, and require the people of the District of Columbia to comply with the Supreme Court's decision through local legislation, as all of us have to do? No more, no less.

The people of Maryland need to comply with the Constitution, as do the people of the District of Columbia. But you don't interpose your judgment. In fact, somebody repairs to the courts and the courts decide. The courts decided in this case, and the District of Columbia is moving to comply with the Court's decision.

You may disagree with their compliance, and indeed somebody may take it to court and the court will say, no, District of Columbia, you didn't do it right. That happens to us all. But we should not interpose our own judgment. Madison believed that would not be consistent with our principles.

If Congress imposes a gun policy on the people of D.C., are we meeting any of those conditions? Are we providing for their rights and consent? No. They do not have the right to consent to anything that goes on here.

Do they have a ''voice in the election of the government which is to exercise authority over them''? Well, yes, in a way they do. They elect Ms. NORTON. We don't give her a vote. That is wrong. They elect their council. They elect their mayor. But, oh, by the way, if we don't like your policies, we will overturn them. Not because a court has found them to be unconstitutional, but because we interpose our judgment. Madison would have thought that was wrong.

Where is their equal vote in this Congress? Are they allowed a ''municipal legislature for local purposes''? Well, yes, sort of, but subject to our interposing our own judgment for theirs. We are not elected to be local city council persons. Well, the City Council still meets. But on this supremely local and sensitive issue, we are preparing to silence it.

□ 2230

The principle of federalism, which so many of my colleagues profess, say that local problems are best tackled locally. That is why I suggest 435 of us, there weren't 435 that voted, but unanimously voted, either to allow individual States to opt out of an important policy, or to opt in to an important policy. But we gave those States that right. Both sides gave it to them. Every one of us voted for that option, and we turn around and say, oh, but we are not going to give that option to the District of Columbia.

The closer you get to the problem, the more direct knowledge and direct accountability you find. While we in Congress may be close physically, we are still a world away from the gun violence the D.C. Council is struggling to confront, all the while upholding the Court's decision.

They know they have to do that. They know the Court will oversee it. Let the law operate as it was intended to do, and if they do not comply with the Supreme Court decision, the Court will say so.

I ask my colleagues candidly, who is better equipped to make these difficult decisions, Congress or the people of this community? The people of our communities believe that they are best qualified to make their local decisions.

I don't know how you can call yourself a Federalist and answer Congress. A conservative columnist put it well a few years ago. ''You can't favor federalism for only ideas you like.''

Federalism is about allowing local and State governments to make decisions you don't like. So the ultimate issue here is not guns, it is a question of who here is prepared to be consistent in their principles, and of who here is prepared to respect the District's right of self-government, as was referred to by James Madison, which he said, the founders, which I am saying, the founders, took for granted.

I urge my colleagues to support this base bill. Whatever position you have on guns, this is an issue of federalism and principle and local option, local government.

You voted that way for the States on energy. Vote that way for the citizens of the District of Columbia.

Mr. SOUDER. Mr. Chairman, I yield myself 30 seconds.

Our attempt to reverse the D.C. gun ban was upheld by the Supreme Court, because, in fact, Detroit hasn't, Indianapolis hasn't, no city in the United States attempted to ban handguns, which 85 percent of American people defend themselves through handguns.

The second amendment is not any more than when the Supreme Court ruled on integration that States could stand in defiance of a court ruling. States, cities, nobody has a right to stand in defiance of a court ruling.

Mr. Chairman, I yield 3 minutes to my colleague and friend from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, for many years, Washington, D.C. has had the distinction of being the murder capital of America. It's very high as far as crime is concerned, right up at the top.

I want to tell you a couple of stories, and I hope my colleagues on the other side of the aisle listen to this. I had a gal that worked for me, a young lady that worked for me as my secretary, years ago. She lived about four blocks from the Capitol, and one night she had her window opened this much on the second floor. A guy shimmied up the drain pipe, came in with a 4-inch knife and stabbed her four times. The only way she could protect herself was to hit him in the head with a pan. She couldn't have mace, she couldn't have a gun, and so she was at his mercy.

When I first got elected, I took a cab to the Capitol. On the way in, I said to the cab driver, I said, tell me about Washington, D.C. He said, ''Oh, it's a beautiful place, but there is an awful lot of crime.'' I said, ''Back in Indiana I used to carry a lot of money in my business, and I had a gun permit. Maybe I should get one here.'' He said, ''Oh, you can't get a gun permit here in Washington, D.C. Nobody has guns here except the police and the crooks.'' He reached under the front seat of his cab and pulled a .38 out and says, ''But if you want one of these, I can get it for you in 15 minutes.''

Now a person who wants to defend themselves and their family in this city, and they want to do it legally, they are at the mercy of the people who can get these guns in 15 minutes.

The record shows that this has been a murder leader and a crime leader across this country, because criminals know if they break into your house, you don't have any way to defend yourselves. That's why the Supreme Court made the decision that it did, because people have a right to protect themselves.

You know, I live across the river in Virginia. The crime rate over there in Alexandria is much, much lower than it is here, and it's because the people have the right to defend themselves and their property in their own homes. If they want to, they can get a gun permit to carry a gun to protect themselves.

That's the way it ought to be in Washington, D.C., and it isn't. As a result, we have had Members of Congress mugged, the former minority leader of the House was mugged, beaten half to death. Two of my staff people have been mugged and beaten, one of them twice, and he took their money. They had no way to defend themselves, none, even in their homes.

Now, we are not asking you to give gun permits to everybody that's walking around the streets, but they ought to at least have the right to have a gun in their home to protect themselves if somebody breaks in.

I want to end up by saying this, I think this is a beautiful capital, I enjoy being in Congress, but there is no way in hell I would live in this city. I live across the river where it's safe.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 4 minutes to the primary author of the Norton bill, Delegate ELEANOR HOLMES NORTON from Washington, D.C.

Ms. NORTON. I thank the gentleman for yielding and for his principled work on the bill.

Tonight, just 7 years after the attack on the national capital region, not 7 days after our own tearful commemoration of that attack, the NRA has put a gun at the back of Members of this House and forced a debate, a late-night debate, on a bill that throws off of the roof of the Capitol all concern for homeland security that we have spent the last 7 years paying lip service to.

Now, the NRA may know how to write a bill to repeal gun safety laws, we have stopped that four times, but they certainly don't know how to write a gun bill. They forgot the indelible link when it comes to gun safety between the District of Columbia and the Federal sector, which are joined at the hip. They are twins. You can't get up without getting yourself, and so this time you step right in it.

Fortunately D.C. knows both sides because it has been in the business of protecting both for 208 years. Under the Home Rule Act, if it fails to protect the Federal sector, justifiably, its laws can be overturned. We have made in order, and I am grateful, boy am I grateful to the Chair of the full committee, Mr. WAXMAN, for putting his energy, the energy of his staff and his principled commitment to States' rights and to the sovereignty of all Americans, to the bill which is the Waxman-Norton bill.

It requires the District to respond adequately within 180 days. That's the limits of what you are entitled to do. If they don't do it, then you are entitled to step in.

The fact is the District of Columbia has been working on a bill ever since a Supreme Court decision on June 26. They started the very next day. It's the Supreme Court, the final arbiter of all of this, that has required the District to rewrite the law. A narrow bill, 5–4, say you tailor it, each and every one of you, to your convictions. That's what has been done, has been done. So all of this talk about what it used to be before the Supreme Court, is used to be.

Now, what this District has done and signed, I am sure Members haven't even taken any note of. But it wasn't much influenced by the NRA threat, the way Members who support this substitute were.

Sure, it permits some of the things that were always intended, some of the things in the substitute, because it does allow—I read the Supreme Court decision—it allows unlocked semiautomatic guns in the home, as the Supreme Court required. But most of what is reckless in this substitute you won't find in D.C.'s bill.

Of course, the bill came down from the Supreme Court as the Council was about to recess for summer, so they had to pass a stop-gap bill just to allow registration. They did that in good faith, and what did they get for it? What they get for it is the Souder bill all over again, which he, of course, put in.

That's the mirror image of this bill. He put the mirror image of this bill in in March of 2007 before the law was overturned. Now they come back with it after the law has been overturned and after D.C. has already, in fact, passed the law signed by the mayor.

They fastened on to the substitute that keeps them looking like complete idiots, so they fastened on to the substitute knowing full well that it was a stop-gap measure. The bill that is before you, the substitute that you will have to consider, is not the idea of any Member, it was written by the NRA, mandated by the NRA. Most Members would not, I will say, in your behalf, have cosponsored this bill.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. DAVIS of Illinois. I yield another 30 seconds to the lady.

Ms. NORTON. They would not have cosponsored this bill. They looked at the NRA label and signed onto this bill. Why? Because the NRA wanted to flex its muscles. They held the House up for now.

What you see, though, is what you get. It's a bare bill, federalizes all D.C. gun laws, won't be able to change it no matter what the need, no regulations, introduces military-style assault weapons into the Nation's capital that children and adults can possess, allows gun running across State lines into Maryland and Virginia, just what Federal gun laws have kept us from doing for decades, allows assault weapons to be owned by juveniles and by people just released from mental institutions.

That's what you get if you don't vote for Waxman-Norton, if you do, in fact, vote for the substitute, the reckless substitute that no Member should want to have anything to do with or have his name attached to in any way.

Mr. SOUDER. Just for the record, the substitute is Mr. CHILDERS', a Democrat's bill, not my bill.

I yield 2 minutes to Mr. JORDAN of Ohio.

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to H.R. 6842, and in support of the Childers amendment, I support the amendment for three reasons, first it's just basic respect for the second amendment. The founders got it right when they put the second amendment right after the first.

Our founders understood how important this principle was in ensuring our basic freedoms in a constitutional republic.

I want to support the Childers amendment also for the fact that it respects the Supreme Court decision in the Heller case. This bill, in its current form, would allow for restrictions and regulations to be imposed that run contrary to the expressed opinion in that court decision.

When given the chance to implement commonsense legislation that protects the second amendment rights and respected the Supreme Court, the D.C. City Council instead enacted an emergency bill, completely in defiance of the Court, that banned most semiautomatic pistols, the firearm most often used by families to defend themselves.

They banned operable firearms in the home, requiring an individual to assemble and load and fire them only after an attack is under way and instituted costly and intrusive and convoluted registration process.

Finally, the last reason, I think, that the Childers amendment makes so much sense, is it's just good common sense. As the individual from Indiana pointed out, criminals aren't stupid, they are just bad.

Bad guys aren't dumb, they are just bad, and here is the dynamic that is at work. If you have a bad guy, a bad guy out there on the street trying to figure out which home he is going to rob some night, and there are two adjacent properties side by side. In one driveway is a pickup truck with a gun rack and a bumper sticker that says, ''I love the NRA'' and ''Palin for President.''

In the very next driveway, you have a Volkswagen with a Greenpeace bumper sticker and, respectfully, ''WAXMAN for President'' bumper sticker as well, which place do you think he is going to target for a crime?

That's the dynamics that is at work here. Criminals now have to stop and think, as previous speakers have pointed out, about this family may, in fact, be now able to exercise their second amendment rights to protect themselves, their family and their property.

That's the basic fundamental constitutional right we want to protect with the Childers amendment. That's why I oppose the underlying bill and support the amendment.

□ 2245

Mr. DAVIS of Illinois. Mr. Chairman, it is my pleasure to yield 3 minutes to the chairman of Oversight and Government Reform, Mr. HENRY WAXMAN.

Mr. WAXMAN. Mr. Chairman, the bill that is before us is a very simple bill. It directs the District of Columbia to comply with the recent Supreme Court decision in the Heller case which held that the second amendment gives individuals the right to have a handgun at home for personal protection. The Heller decision is now the law of the land, and the District of Columbia, just like every other State or local government in this country, has a legal obligation to follow it.

Our committee, the Oversight and Government Reform Committee, has jurisdiction over the District of Columbia and so our committee reported this measure last week to underline the District's legal obligations. The bill tells the city government in very clear, unequivocal terms that it has to conform its law to comply with the Heller decision. It even sets a deadline for the District to complete this effort in 180 days.

This measure, sponsored by Ms. NORTON and myself and others, was adopted by the committee of jurisdiction by a vote of 21–1. An amendment could have been offered like the amendment that is being offered today. It was not offered in committee. The committee recommended on a vote of 21–1 on a bipartisan basis that we support this legislation.

Now I know there is going to be an amendment proposed to this bill, but that amendment would trample on the principle of home rule for the District. If the District of Columbia adopts legislation that complies with the Supreme Court, it is no business of any Representative from other areas in this country to override the decision of the District of Columbia.

D.C. residents are the only Americans who pay Federal taxes but are denied a vote in Congress. That is fundamentally wrong, and when Congress overrules the City Council and the mayor, we compound that wrong. The District I believe is acting responsibly, and I think we ought to let them pursue their legislation to comply with the Supreme Court decision.

I ask my colleagues to imagine how you would feel if the Congress of the United States tried to dictate the gun laws or any other laws for your district. I think you would be outraged. Yet that is exactly what some Members want to do today.

Now we are going to have a substitute amendment that will be offered to Congresswoman NORTON's bill that does more than trample on home rule. It is also an exceptionally dangerous proposal. It repeals key safeguards the District has established to protect our Nation's capital and the many officials who live and work here. Even basic commonsense measures like gun registration which tells law enforcement who possesses a weapon and enables background checks would be repealed.

I urge support of the underlying bill and rejection of the substitute.

Mr. SOUDER. Mr. Chairman, I yield myself 1 minute.

I want the RECORD to show because I have great respect for the chairman of the Government Reform Committee, but the fact is I had talked to the minority staff about my concerns with some of the language of this bill because I believe it has factual mistakes in it that suggests that actually handguns endanger people rather than protect people.

But I talked to the chairman and to the ranking member, and the hearing that we had had been agreed to by both sides and we went through the process. You specifically told me you will get your vote on the floor and let's not have a fight in committee, so I didn't offer a series of amendments. I certainly had the right, but I chose not to do it.

Mr. WAXMAN. Will the gentleman yield?

Mr. SOUDER. I yield.

Mr. WAXMAN. You certainly had a right, but you chose not to exercise that right. It was up to you. What we discussed was that we have a clean vote on the substitute and a clean vote on the bill.

There might have been a misunderstanding, but it was on your part.

Mr. SOUDER. Reclaiming my time, did you not ask me if we could just have the vote and not have a bunch of amendments?

Mr. WAXMAN. No. If the gentleman would yield, I said to you if you would offer your substitute, we will vote on it, we will offer the underlying bill.

The CHAIRMAN. The gentleman's time has expired.

Mr. SOUDER. Mr. Chairman, I yield myself an additional minute.

Reclaiming my time, you said can you just offer your substitute, and we knew we were going to have that vote on the floor. But what I said was I had a series of amendments, and in discussion with the majority and the minority, I'm not objecting that I didn't have the right to do it; I certainly had the right to do it. What I am objecting to is we had a process that both sides had roughly agreed that we weren't going to challenge the underlying bill. We keep hearing that the underlying bill passed unanimously. It did not have unanimous support in the committee. If we would have had a forced vote, we would have polarized on this, as we would have on the bill.

We have moved the bill forward, and that was my point. I believe we are having that debate tonight, but it should not be taken by Members of Congress that there was a unanimous vote in support of this bill as opposed to the substitute that is coming from Mr. CHILDERS.

I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), a senior member of the Oversight and Government Reform Committee.

Mr. SHAYS. I thank the gentleman for yielding, and I don't intend to take 3 minutes, but I do want to weigh in.

In 1993 or 1994, the assault weapon ban passed the House by one vote, and it resulted in the defeat of a number of

powerful Democrats and may have resulted, in fact, in the Republican Party gaining the majority. This is not an easy vote for Members to take, and I had some Members suggest I won't be the next chairman or ranking member of the Committee on Government Reform if I step up and speak in favor of something I believe in. Obviously that is not a sensible thing to tell any Member.

The bottom line for me is this: I believe that people have a constitutional right to bear arms and the government has a constitutional responsibility to regulate that right. That's what I believe. I believe it has to conform to the Constitution of the United States.

I believe the Supreme Court has declared what the District of Columbia has outlined in banning handguns. They declared it as unconstitutional and they said come back with a law that is constitutional. It seems very reasonable to me that we would give the District of Columbia an opportunity to comply with the ruling of the Supreme Court without our bringing our own particular views to this issue.

During that debate I was in good company. Leading the debate for the Republicans on the assault weapon ban was Henry Hyde, a revered Member of this House. So there are obviously differences of agreements on what we should do. But what we should do is speak our mind as we see it and obviously live with the results of that as it impacts individuals.

People have a constitutional right to bear arms. The government has a constitutional responsibility to regulate that right. The District of Columbians are Americans. They don't have a full-fledged Member of Congress, though I would say Ms. NORTON is full-fledged with me but she does not have all of the powers she deserves. I hope some day she has those powers.

I agree with the majority leader when he said you can't favor Federalism for only the ideas you like. The bottom line for me, in the spirit of Henry Hyde, I believe that the District of Columbia should have the right to make this decision and abide by the Constitution of the United States.

Mr. DAVIS of Illinois. Mr. Chairman, may I inquire as to how much time I have left.

The CHAIRMAN. The gentleman from Illinois has 17 minutes remaining. The gentleman from Indiana has 15½.

Mr. DAVIS of Illinois. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentlelady from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise in strong support of H.R. 6842, the National Capital Security and Safety Act. It is a commonsense bill. This bill puts the District of Columbia on notice that it must comply with the Supreme Court's decision and directs the men and women elected by the citizens of our Nation's capital, along with the District's law enforcement officers, who put their lives on the line every day to do their jobs and to determine how best to comply with the Court.

Capital Police Chief Morse and D.C. Metropolitan Police Chief Cathy Lanier testified before our committee, and I trust them when they express their grave concerns about more guns, more powerful guns on D.C. streets. But rather than listen to Chief Lanier and Chief Morse, there will be a substitute amendment offered on behalf of the National Rifle Association with complete disregard for the American families that live in Washington, D.C.

The substitute amendment would allow for more guns designated solely to kill people on D.C. streets and surely result in more money in the pockets of gun profiteers and the possibility of more fund-raising dollars for pro-gun candidates.

To all the brave hunters on the floor tonight fighting to protect the rights of hunters, there are no bucks, bears or boars to shoot on the streets of D.C., but there are innocent children, women and men who will be shot as they are caught in the crossfire in a city loaded with guns designed to kill.

In our Nation's capital with all of the homeland security considerations, I simply cannot understand why we deny elected local officials from taking commonsense measures to comply with the court and at the same time ensure the safety of our residents, our dignitaries, and our guests.

Mr. Chairman, we talk a great deal about listening to military leaders on the ground in Iraq. Why aren't we taking our own advice and listening to our law enforcement leaders on the streets of D.C.?

As a supporter of the second amendment to the Constitution, I stand with law enforcement for safety, security and sensible gun laws. I urge my colleagues to support H.R. 6842 and reject the NRA's amendment that would facilitate the senseless proliferation of weapons of human destruction in our Nation's capital.

Mr. SOUDER. Mr. Chairman, I yield myself 30 seconds.

I want to remind people again not to forget during this debate that Washington, D.C. has been the murder capital of the United States 15 of the last 19 years, and the other four they were in the top three. Let's don't act like what we are doing is making it dangerous in this city.

Mr. DAVIS of Illinois. Mr. Chairman, I would just say you can certainly kill more people with automatic weapons.

I am pleased to yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

Mr. Chairman, let's start with something we can all agree on, that the Government of the District of Columbia should pass a local law that conforms to the recent Supreme Court decision. They have done that now. As of today, the Government of the District of Columbia has passed legislation that complies with the Supreme Court ruling.

So what is the issue before us today? It is not whether they should comply with the constitutional ruling, it is who gets to decide what new constitutional law they can put in place and whether or not this body should play D.C. City Council, or whether we should pretend we are 435 mayors of the District of Columbia and substitute our judgment for the judgment of the elected leaders of our Nation's capital.

You know, people in this body often talk about the importance of local decision-making, and we have to listen to the people close to the ground. That is great to say, but the actions, at least in the substitute bill, suggest that we are not serious in that respect about what we say because what this substitute bill does is takes away from the people of the District of Columbia the democratic rights that all of our constituents have in cities and States around this country.

Mr. BURTON mentioned he lived in Virginia when he is near the Nation's capital and how he feels safe there. Virginia has a law that says you can only purchase one gun a month. So does my State of Maryland, one gun a month.

What this substitute bill says is the people of the District of Columbia, they can't pass the same law that the people of Virginia and people of Maryland have. That is absolutely wrong.

I represent a district that is a neighbor to the Nation's capital. This bill eliminates for the purpose of the District of Columbia the ban on interstate trafficking of guns that applies to every other jurisdiction of this country that not only puts at risk the people of the District of Columbia but puts a burden and a risk on the people of all the surrounding jurisdictions. Why would we allow that provision which applies throughout the country just to the District of Columbia?

□ 2300

Why are we substituting our judgment for the decisions of the people of the District of Columbia when they are conforming to the Constitution of the United States, including the most recent ruling?

Mr. Chairman, we should support this bill and oppose the substitute.

Mr. SOUDER. I yield myself 1 minute.

Article I, section 8, clause 17 of the U.S. Constitution gives Congress the power to ''exercise exclusive legislation in all cases whatsoever over the District.'' That was done by our Founding Fathers.

Two hundred and fifty Congressmen signed the amicus brief that said that

they felt the DC gun ban should be overturned. Fifty-five Senators signed the amicus brief that said that the DC gun ban should be overturned because it violated a basic constitutional right and, according to Heller, was a pre-existing right to defend yourself, even without the constitutional question.

This is not about being a City Council. I don't believe, obviously, you could do gun limitations. The Heller case said there can be limitations. But DC came back with, in effect, a total ban all over again. The reason you have to have interstate commerce is, guess what, they passed a new ban, but there's no gun stores with which to get one gun. The Childers amendment, as I understand it, has a temporary ability to get guns elsewhere because there is no way to defend yourself in the District of Columbia because you can't buy a gun and bring it. And that's why that particular clause is in, regardless of the claims contrary, that this is not about being a State government because in fact——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOUDER. I yield myself an additional minute.

That this isn't about whether or not we're usurping State government powers because the State, there isn't a State. We are, in effect, the State government. Normal cities have a State with which to work a check, and it's not a matter of city.

When it comes to a constitutional right, whether it's freedom of speech, freedom of religion or any basic right, no City Council has a right to take away.

Mr. VAN HOLLEN. Would the gentleman yield?

Mr. SOUDER. I would be happy to yield.

Mr. VAN HOLLEN. If you agreed that the District of Columbia had a gun law that was consistent with the recent Supreme Court ruling, would you then agree to abide by the democratic decisions of that elected government?

Mr. SOUDER. To answer the gentleman's question very directly, my assumption was, after the Heller case, that my bill was dead and that we would not have to revisit it in Congress. I was outraged by the actions of the District of Columbia, and that led to the process of working with those who signed the brief, including Mr. CHILDERS, who's doing the amendment, Mr. ROSS, on your side who had been there to act. I did not believe that the District of Columbia was going to do such an egregious bill that said you had to be in imminent danger that put most of those controls in.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOUDER. I yield myself an additional 30 seconds.

There is no reason to believe that an action on the eve of legislation in Congress is in good faith by the DC Council.

Mr. VAN HOLLEN. Well, if the gentleman would yield.

Mr. SOUDER. I yield to the gentleman.

Mr. VAN HOLLEN. It was an emergency piece of legislation. It is now the law of the District of Columbia. I don't know if the gentleman's had a chance to review it. But if there's agreement by people reviewing this DC gun law that it is consistent with the U.S. Supreme Court decision that came down recently, then would the gentleman agree that we do not need to move forward with the substitute piece of legislation?

Mr. SOUDER. Reclaiming my time, it's Mr. CHILDERS, and obviously the Congressional process has started. I have no faith, that the current is a gimmick, that it will stand.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOUDER. I yield myself an additional 30 seconds. And thus we are at this point in the process. Obviously, if the DC government enacted legislation that Congress had faith in, that this bill would likely not go through the Senate and be signed by the President. But we are now moving a bill through that had been agreed upon a number of weeks ago, that I believe is necessary, that I don't believe the DC Council acted in good faith. But we shall see.

But the vote's here. We're voting on a Democratic amendment tonight that's been agreed to, that the majority of this House, that the majority of the Senate agrees with, and I think, at this point the United States Congress has lost faith in whether the——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOUDER. I yield myself an additional 15 seconds.

This Congress has lost faith in the willingness of the District of Columbia to defend the second amendment which is a constitutional right guaranteed by a Supreme Court decision.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Maryland, Representative ELIJAH CUMMINGS.

Mr. CUMMINGS. I want to thank the gentleman for yielding, and I rise today to express strong support for H.R. 6842. I was proud to join Mr. WAXMAN and other members of our committee on Tuesday when we passed this bill out of the Oversight and Government Reform Committee.

Mr. Speaker, I find it odd that certain individuals in Congress feel the need to weigh in on this subject now when it is still in the process of being resolved.

Specifically, H.R. 6691, legislation introduced by Representative CHILDERS, entitled the Second Amendment Enforcement Act, which will be offered as an amendment in the nature of a substitute, goes far beyond the court's intent. This amendment flies in the face of the Heller decision by prohibiting the District of Columbia from enacting any future laws or regulations that discourage or eliminate the private ownership or use of firearms.

Aside from my concerns about whether Congress ought to weigh in on what is essentially a local issue, I seriously question whether Representative CHILDERS or any other Member of this body would appreciate Congress determining the gun laws in their congressional districts.

The proposed legislation is simply bad policy. We can all agree that different communities, whether they are urban, rural or suburban, require different types of regulation. The District of Columbia in particular presents a unique case.

No one in the Congress can tell me that they do not understand the specific homeland security issues that the National Capital region faces. We have allocated millions of Federal dollars to secure this city because we recognize that we are all still sitting in one big target.

With the number of U.S. officials and foreign dignitaries who live, work and travel here every day, it's simply astounding that there are not more acts of violence than we currently have. This is a tribute to the fine work of the law enforcement officials who patrol these streets and I, for one, simply cannot understand why we would fail to give them all the tools they need to do their work effectively and efficiently.

Let's be clear. They support this legislation. Allowing an individual to own an unregistered AK–47 in our Nation's Capital is pure insanity. And so I support the legislation, and I would ask our Members to vote against the substitute.

Mr. SOUDER. I continue to reserve my time.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 3 minutes to a strong proponent of sane, sensible gun legislation, Representative CAROLYN MCCARTHY from New York.

Mrs. MCCARTHY of New York. I thank the gentleman for the time.

Mr. Chairman, I rise in opposition to the Childers substitute amendment to H.R. 6842, the National Capitol Security and Safety Act, that would get in the way of the democratic process currently underway to reform the District of Columbia's gun laws and dictate to the district what all gun laws must be.

When the Supreme Court came up, in one way I was very happy because I think almost all of us have agreed in one way or the other, that people have the right to own a gun. But now I'm disappointed to see that we're actually overturning what the Supreme Court had said. They basically said the Court ruled that the second amendment right

is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. That's a quote, unquote from their wording.

We have an obligation to keep our communities safe from gun violence. I believe that the Heller decision actually allows us to move ahead to create commonsense gun laws that do not hinder the right to gun ownership but rather keep guns out of the wrong hands and keep communities and individuals safe from gun violence.

My colleague from the other side basically said, D.C. doesn't even have gun stores so the residents can't buy guns. That's not true. There is a gun store in the D.C. area, and I'm sure within a year we'll see many other gun stores there.

Heller paved the way for Congress to move forward on passing the kind of laws that will protect our communities and where we work and certainly in the D.C. area.

The District of Columbia is fully committed to appropriate response to Heller and reform its gun laws in a manner that is consistent with the rulings in the decision.

Make no mistake. This is not a battle, again, about is there a right to own a gun. The courts have put that out. D.C. is applying to that.

The District enacted temporary legislation in response to Heller, the Firearms Emergency Amendment Act of 2008 on July 16, 2008, which will only remain in effect for 90 days as the District is currently drafting permanent laws that would fully comply with Heller.

Why are we doing this? What is the rush?

You know, we, unfortunately, have seen D.C. go under some terrible times. But, again, I will say to you that again changing our laws or having this Congress dictate to D.C. is not the right way to go. The Mayor and the City Council are tasked to make sure that this occurs.

Unfortunately, some Members of Congress want to circumvent the democratic process underway in the District of Columbia.

The Heller decision clearly states that local governments can enact their own appropriate restrictions on gun ownership. Let me say that again. The States and local governments can enact their own appropriate restrictions on gun ownership.

However, the substitute amendment, based largely on H.R. 6691, would dictate to the District of Columbia what gun laws it must be.

H.R. 6691 will repeal the District's ban on most semi-automatic weapons, preempting many of the District's regulations on gun possession, including gun registrations.

Let me say this. We have a battle with the NRA. The battle has always been the right to own a gun. I'm not arguing that. The Court has stated that. The District has the right to write their own laws.

Mr. SOUDER. May I inquire as to the time remaining on both sides?

The CHAIRMAN. The gentleman from Indiana has 11¾ minutes. The gentleman from Illinois has 8 minutes.

Mr. SOUDER. I yield myself 2 minutes.

We earlier had an exchange with my distinguished colleague and friend from Maryland about whether it was needed for us to pass legislation. Let me read from washingtonpost.com right after the Supreme Court decision.

''Mayor Adrian Fenty and his feisty Attorney General, Peter Nickles, stood on the steps of the Wilson Building this week ostensibly to announce how the District will comply with the Supreme Court's rejection of Washington's ban on handguns. But really, they were delivering very much the opposite message. With only the narrowest of exceptions, we're sticking with our gun ban. Don't like it? Sue us.''

Quote, ''I am pretty confident that the people of the District of Columbia want us to err in the direction of trying to restrict guns,'' Fenty told me, smiling broadly at the suggestion that what he's really trying to do is make it as hard as possible for Washingtonians to keep a loaded gun at home.''

Nickles, the Acting Attorney General said, ''it's clear the Supreme Court didn't intend for you to have a loaded gun around the house.''

Quite frankly, that isn't what the Supreme Court said. The Supreme Court says you have a right to have a handgun in your house to protect yourself; that if this bill was, in fact, just what the D.C. City Council was doing, then it won't harm for us to pass this bill. The only danger is if the City Council really doesn't mean to protect the second amendment.

We have lost faith. Statements like this were outrageous after the Supreme Court decision, and that a coalition in this House, something that's rare, a majority of Members working together on both sides of the aisle, working—and NRA has been spit out of some people's mouth like it's some kind of evil organization. The NRA represents gun owners and people who believe in family protection all over America. I am not ashamed to be proud that I work with the NRA. And there are Members on the Democratic side, Mr. CHILDERS is offering the substitute amendment with the support of the Blue Dogs and we've worked together, 250 Members, 55 in the Senate. And it's made to sound like it's some kind of little minor group that wants to take over the City Council of D.C. It's a majority of America. It's a majority of the House, the majority of the Senate, this administration who say the second amendment should be protected. And just because you live in a city that wants to take it away doesn't give that city the right to take it away.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from California, Representative LYNN WOOLSEY.

Ms. WOOLSEY. Mr. Chairman, sensible gun laws and reasonable restrictions are fully consistent with the second amendment. That's what the Supreme Court said when it ruled on the D.C. gun ban in June, and that's what this bill, H.R. 6842 does.

However, the proposed substitute amendment to this bill undermines commonsense protections in our Nation's Capital, particularly at a time when gun violence threatens our children and their families.

By legalizing semi-automatic assault weapons, repealing criminal and mental health restrictions for owning guns, and ending registration requirements for firearms, this amendment jeopardizes the safety of the families who live in Washington, D.C. and those who visit.

□ 2315

This substitute goes so far as to eliminate the vision test for owning a gun and repeals D.C.'s safe storage laws preventing D.C. from prohibiting people from storing loaded firearms near children.

Allowing people to go out and buy a gun the day after being released from a mental institution is reckless, not responsible; putting the same weapons in the hands that killed 32 students and faculty at Virginia Tech and 13 students and teachers at Columbine is reckless, it is not reasonable; removing the requirement that they register these guns is reckless, it is not reasonable.

I urge my colleagues to join me in opposing this substitute amendment and support the underlying bill because the safety of every person who steps foot in this city depends on it.

Mr. SOUDER. Mr. Chairman, I yield 4 minutes to my friend and colleague from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I was sitting in my office listening to this debate, and it occurred to me there was an interesting experiment done a number of years ago. The City of Morton Grove, Illinois, which is a suburb of Chicago, put in a ban on handguns. They outlawed the ownership of guns in Morton Grove; and in response to that, the City of Kennesaw, Georgia, enacted legislation within that community that required the ownership of firearms within that community.

Both of these are very similar communities. Morton Grove is just outside of Chicago; Kennesaw is just outside of Atlanta.

It was very interesting what happened with this social experiment. The crime rate, the murder rate, the assaults, the rapes, every measure of crime in Morton Grove, Illinois, rose exponentially. In Kennesaw, Georgia, the crime rate plummeted and is still low even today. The Kennesaw ordinance allowed people who didn't want to have firearms in their homes a method of having conscientious objection to doing so. But it's a very interesting experiment.

I hear from the other side all of these rants and raves and anger even expressed tonight over the substitute amendment supporting the bill. Well, the fact is the underlying bill does not support the second amendment, it is anti-second amendment; and frankly, according to the Constitution, we have a pre-existing right prior to the Constitution to own firearms and to protect ourselves. And that's what this substitute would help allow to happen in Washington, D.C.

Washington is not a State. It's not a city, according to all of the other cities in the country. It's very unique. And this body has the prerogative, has the responsibility under the Constitution to set the laws and to monitor what is going on in Washington, D.C.

I hear claims on the other side that the substitute amendment would legalize AK–47s. Well, that's not factual. I hear that it will allow mentally deficient people to have firearms. That's not correct. I hear so many claims on the other side and every single person that I have heard come to this floor making these outrageous, incorrect claims are all on record of being anti-gun, anti-second amendment, and want to outlaw guns, register guns, and want to get guns out of the hands of individuals.

We have an individual right to protect ourselves. We have an individual right to own a firearm. And what this amendment will do is it will allow the people of Washington, D.C. the right to protect themselves. It's inane to think that somebody can't have a gun and own that gun and have it loaded.

It's inane to think that somebody has to have a gun unloaded or locked or taken apart because if somebody's breaking into your house, if they're robbing, raping, pillaging, you don't have time to put those firearms together, even the loaded firearm.

We know from the experiment in Morton Grove, as well as Kennesaw, Georgia, that owning firearms within a community actually decreases crime and makes people safer.

So I encourage the Members of this House to vote for the substitute amendment and vote down the underlying bill.

Mr. WAXMAN. Will the gentleman yield?

Mr. BROUN of Georgia. Yes.

Mr. WAXMAN. Is it your position that the amendment that will be offered does not allow AK–47s?

Mr. BROUN of Georgia. It does not allow AK–47s.

Mr. WAXMAN. The gentleman is incorrect.

Mr. BROUN of Georgia. An AK–47 is a fully automatic machine gun. Machine guns are very strictly controlled and have been for decades. This will not allow machine guns.

Now, there are many on that side that think if a gun is an autoloader, that it's a machine gun. It is not. A machine gun, you pull the trigger, it fires multiple times with one pull of the trigger. This bill does not allow that. A semi-automatic would allow one shot with one pull of the trigger. There are shotguns that do that, there are pistols that do that, there are rifles that do that.

The CHAIRMAN. The gentleman's time has expired.

Mr. DAVIS of Illinois. Mr. Chairman, I'm absolutely certain that the people in Morton Grove, Illinois, would not suggest that they have a high-crime community.

It is my pleasure to yield 2 minutes to the gentleman from Georgia, Representative JOHN LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I rise in support of the bill and against the amendment.

Members of Congress, you are not the mayor of Washington, D.C., you do not sit on the City Council, you have not been ordained to stand in judgment. I dare you to act as judge and jury and sentence the people of the District of Columbia to unfettered access to guns.

Some of my friends have fought tooth and nail against too much government intervention. So how could you suggest tonight that Congress circumvent, disregard, and disrespect the rights and freedom of the citizens of this city?

D.C. residents have made it crystal clear they want to limit the proliferation of guns in Washington to protect all of its citizens, including Members of Congress, staffers, even the President of the United States, who all live and work in this city.

The amendment would nullify the will of hundreds of thousands of voting Americans like they don't even exist. They are citizens of America. They are human beings.

We all heard the news of a few weeks ago: 11 people were shot, wounded, some even died on the streets of Washington in one night. How many more people will die? How many more victims will be robbed when they stare down the barrel of a gun?

As Members of Congress, you may believe what you will. Maybe you truly think that when everyone bears arms, the city will really be safer. You have a right to your opinion, but we are here tonight to say the people of the District of Columbia do not agree. And they should not have your way of life, your viewpoint, your amendment forced down their throat. That is not right. That is not fair. That is not just.

And I think even you would agree that that is not the American way.

Mr. SOUDER. Mr. Chairman, I yield myself 30 seconds.

Mr. LEWIS is certainly the most respected advocate for civil rights in this United States Congress. No city has a right to deprive a constitutional right, even if the majority of people in that State or city favor depriving you. I don't know how D.C. could be less safe. It's the murder capital in 15 of the last 19 years since they instituted the gun law, and the other 4 years they were in the top three. They were not before they instituted the gun law.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, it's my pleasure to yield 2 minutes to Representative DONNA EDWARDS from Maryland.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise in support of H.R. 6842 and in strong and absolute opposition to the Childers-Souder substitute to the National Capital Security and Safety Act.

It's not the place of this Congress to undermine the elected Council of the District of Columbia's ability to regulate firearms within their borders. The mayor and the District's Council have taken the necessary steps to revise their gun laws in accordance with the decision of the United States Supreme Court, and Representative NORTON's bill offers them that opportunity.

This substitute amendment is a dangerous alternative, the full scope of which we've not even had time to fully understand. Residents of the District of Columbia and my congressional district in neighboring Prince George's and Montgomery Counties in Maryland want a commonsense law enforcement approach when it comes to gun ownership. And if this NRA-sponsored substitute were to pass, it would have a devastating consequence of prohibiting registration for most guns and repealing the ban on semi-automatic weapons.

Furthermore, it is outrageous that the Congress of the United States is going to substitute and undermine the laws of my State of Maryland by allowing this substitute amendment to create an exemption to Federal law for the District of Columbia to enter jurisdictions in Maryland and Virginia to purchase guns.

Maryland taxpayers are going to be asked to foot the bill in an unfunded mandate to integrate systems, process applications. We're a State. We have a Governor who's elected, we have a general assembly that's elected. We have an Attorney General that's elected. We don't need the Congress of the United States stomping on the foot of Marylanders in order to pass a law that it's trying to impose on the sovereignty of the District of Columbia. And I think

it's time for us to just say ''no'' to this substitute amendment on the sovereign rights of Maryland.

And I support Congresswoman NORTON's bill as a logical next step forward and urge my colleagues to vote ''no'' on the Childers substitute. The safety of all who live, work, and play in the District of Columbia and the surrounding metropolitan area hangs in the balance, and our sovereign State of Maryland is not going to stand for this body substituting its judgment for our State.

Mr. SOUDER. Does the gentleman have any additional speakers?

Mr. DAVIS of Illinois. I am prepared to close.

Mr. SOUDER. Mr. Chairman, I will yield myself the balance of the time.

Anybody watching this debate can feel the passion, and they can see some differences based on where people are from. And can you hear the passion from many of those in the urban cities who are very concerned about the violent crime.

I believe this solution is not only wrong and doesn't work; it's unconstitutional. But I do want to say a few words that we do need to get control of the challenges in our urban areas.

As my friend from Chicago knows well, we've worked together on prisoner re-entry programs; we've worked together on education programs. We need to make sure there are job opportunities. And there are many things we need to do to try to address the problems that the inner cities face.

I do not believe the taking away of the constitutional right to bear arms is the way to go. I don't believe it will work. I believe Washington, D.C. is a model of a gun law not working. And besides that, it happens to be the constitutional right of American citizens to defend themselves.

The Supreme Court ruled clearly. The City of Washington attempted to defy that ruling; 250 Members of Congress, 55 Senators who signed the amicus brief believed that Congress therefore has to step reluctantly in to try to pass this legislation.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, we've been debating tonight a gun issue. But it also is a home rule issue, an issue that simply says that the people of the District of Columbia should have the opportunity to make a decision about themselves. We're also debating a homeland security issue, a crime prevention issue, a safety issue. It's a foreign dignitary protection issue. But it's also a commonsense issue.

Common sense tells us that the more weapons you put on the street, the more likely you are to have disaster. And so H.R. 6842 represents and protects all of what we have discussed relative to the ability of the people of the District of Columbia to make their own decision.

□ 2330

I urge that we vote in favor of the Waxman-Norton bill and reject the Childers substitute.

I yield back the balance of our time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in the bill is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 6842

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Capital Security and Safety Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Washington, DC is both a local self-governing jurisdiction and the seat of the United States government, with unique Federal responsibilities that accompany its role as the Nation's capital.

(2) The Metropolitan Police Department (MPD), the District's local police force, with more than 4,000 members, is the only sizeable police force in the National Capital Region.

(3) In its role as a Federal city, the District of Columbia has always been linked with Federal law enforcement in a partnership to protect the Federal presence, including Federal officials and employees, visiting dignitaries, and other individuals.

(4) Since the terrorist attacks by a United States citizen on a Federal facility in Oklahoma City, Oklahoma, and especially since the attacks by foreign terrorists on the National Capital Region on September 11, 2001, the District of Columbia has been considered by Federal law enforcement and security officials to be a likely target for terrorist and domestic attacks on Federal sites and on Federal officials and employees, visiting dignitaries, and other individuals.

(5) The MPD works continuously with all Federal law enforcement agencies, including 36 different police agencies, to prevent attacks in the Nation's capital.

(6) Federal and District law enforcement interests work together and communicate daily on many efforts, including providing protective escort services to the President, Vice President, first lady, and presidential candidates as they travel and work throughout the District.

(7) The President, Vice President, and many cabinet and other Federal officials reside in the District of Columbia.

(8) MPD teams with Federal officials to provide protective escorts for the more than 40 national and international dignitaries who visit the District of Columbia every month.

(9) The Nation's capital is required by law to be the headquarters of every cabinet agency of the Federal government and has the largest concentration of Federal employees, a total of 145,000.

(10) In the District of Columbia Home Rule Act, Congress delegated self-governing powers to the District of Columbia local government but retained authority to protect Federal interests when necessary.

(11) The District of Columbia government has just begun the process of enacting legislation to allow gun ownership in the District for self-defense in a person's home in compliance with the Supreme Court ruling in the case of District of Columbia vs. Heller.

(12) Local jurisdictions, including the District of Columbia, enact firearms legislation in keeping with local desires and concerns, but the District of Columbia must take into account that the District also is a Federal city and that such legislation must be consistent with the heightened Federal interest in preventing terrorism and domestic attacks on individuals in the city because of the Federal presence.

(13) The most frequent attacks on Federal officials in the Nation's capital have been ''lone-wolf'' attacks by individuals with concealable handguns, such as the assassinations of Presidents Abraham Lincoln and James Garfield, the serious attempts on Presidents Ronald Regan and Andrew Jackson, and the July 1998 murder of 2 United States Capitol Police officers in the United States Capitol.

(14) The most dangerous attacks on individuals in the United States have been committed with handguns, including the recent attack at Virginia Tech University in which 32 people were shot and killed and the attack at Columbine High School in which 12 people were killed.

(15) The government of the District of Columbia, with the informed advice of MPD, is best suited to carrying out the complicated task of developing local laws that satisfy the Supreme Court's mandate while protecting Federal officials and employees, visiting dignitaries, and other individuals. Congress should allow the District of Columbia the opportunity to enact statutes and promulgate regulations, while preserving the Federal right to intervene under the District of Columbia Home Rule Act if federally protected individuals or the Federal presence are exposed to risk.

(16) Unregulated firearms in the Nation's capital would preclude the ability of the MPD and, if needed, the Federal government to track guns through registration and otherwise to help ensure that guns do not endanger Federal officials and employees, visiting dignitaries, and other individuals.

SEC. 3. REVISION OF DISTRICT OF COLUMBIA FIREARMS LAWS.

(a) REQUIRING DISTRICT TO REVISE LAWS.—Not later than 180 days after the date of the enactment of this Act, the District of Columbia shall revise the laws and regulations of the District of Columbia which govern the use and possession of firearms, as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller.

(b) CONFORMING AMENDMENT TO LOCAL LAW.—Title VII of the Firearms Control Regulations Act of 1975 (sec. 7–2507.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

''SEC. 712. CONSISTENCY WITH FEDERAL REQUIREMENTS.

''The Mayor and the Council shall ensure that this Act and the regulations promulgated to carry out this Act are consistent with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller.''.

The CHAIRMAN. No further amendment is in order except the amendment in the nature of a substitute printed in House Report 110–852. That amendment may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the

time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

AMENDMENT OFFERED BY MR. CHILDERS

Mr. CHILDERS. Mr. Chairman, I have an amendment in the nature of a substitute at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHILDERS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Second Amendment Enforcement Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled ''An Act to prohibit the killing of wild birds and wild animals in the District of Columbia'', approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: ''Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person.''.

SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

''(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.''.

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4501(c), D.C. Official Code) is amended to read as follows:

''(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975.''.

SEC. 5. REPEAL REGISTRATION REQUIREMENT.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking ''any firearm, unless'' and all that follows through paragraph (3) and inserting the following: ''any firearm described in subsection (c).''.

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

''(c) A firearm described in this subsection is any of the following:

''(1) A sawed-off shotgun.

''(2) A machine gun.

''(3) A short-barreled rifle.''.

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by striking ''Registration requirements'' and inserting ''Firearm Possession''.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7–2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7–2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''the District;'' and all that follows and inserting the following: ''the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act.''; and

(B) in subsection (b), by striking ''which are unregisterable under section 202'' and inserting ''which are prohibited under section 201''.

(4) Section 402 (sec. 7–2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''Any person eligible to register a firearm'' and all that follows through ''such business,'' and inserting the following: ''Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,''; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

''(1) The applicant's name;''.

(5) Section 403(b) (sec. 7–2504.03(b), D.C. Official Code) is amended by striking ''registration certificate'' and inserting ''dealer's license''.

(6) Section 404(a)(3) (sec. 7–2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking ''registration certificate number (if any) of the firearm,'';

(B) in subparagraph (B)(iv), by striking ''holding the registration certificate'' and inserting ''from whom it was received for repair'';

(C) in subparagraph (C)(i), by striking ''and registration certificate number (if any) of the firearm'';

(D) in subparagraph (C)(ii), by striking ''registration certificate number or''; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7–2504.06(c), D.C. Official Code) is amended to read as follows:

''(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

''(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

''(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory.''.

(8) Section 407(b) (sec. 7–2504.07(b), D.C. Official Code) is amended by striking ''would not be eligible'' and all that follows and inserting ''is prohibited from possessing or receiving a firearm under Federal or District law.''.

(9) Section 502 (sec. 7–2505.02, D.C. Official Code) is amended—

(A) by amending subsection (a) to read as follows:

''(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.'';

(B) by amending subsection (c) to read as follows:

''(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.'';

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7–2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''any registration certificate or'' and inserting ''a''; and

(B) in subsection (b), by striking ''registration certificate,''.

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7–2531.01(2)(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking ''or ignoring proof of the purchaser's residence in the District of Columbia''; and

(2) in subparagraph (B), by striking ''registration and''.

SEC. 6. REPEAL HANDGUN AMMUNITION BAN.

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is amended by striking ''is the holder of the valid registration certificate for'' and inserting ''owns''.

SEC. 7. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

SEC. 8. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking ''that:'' and all that follows through ''(1) A'' and inserting ''that a''; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. 9. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking ''a pistol,'' and inserting the following: ''except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,''; and

(2) by striking ''except that:'' and all that follows through ''(2) If the violation'' and inserting ''except that if the violation''.

(b) CONFORMING AMENDMENT.—Section 5 of such Act (47 Stat. 651; sec. 22–4505, D.C. Official Code) is amended—

(1) by striking ''pistol'' each place it appears and inserting ''firearm''; and

(2) by striking ''pistols'' each place it appears and inserting ''firearms''.

SEC. 10. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after ''other than a State in which the licensee's place of business is located'' the following: '', or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia,''.

The CHAIRMAN. Pursuant to House Resolution 1434, the gentleman from Mississippi (Mr. CHILDERS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. CHILDERS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I'm pleased to be here this evening in support of my substitute amendment to H.R. 6842.

I want to start out by saying that I in no way promote increased violence inside the District of Columbia, nor do I disrespect the sovereignty of the District city council and their congressional leadership. My only goal in this matter, along with over 130 of my colleagues, is to restore fundamental second amendment rights to law-abiding citizens who reside in the Nation's capital.

There has certainly been a lot of spirited discussion and debate on this matter. I want to dispel any false rumors that my legislation makes it easier for terrorists or other individuals to openly spur violence in the District of Columbia.

I specifically reference section 3 of my amendment, which states: Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business or on other land possessed by the person.

Again, my inherent goal in this amendment is to restore second amendment rights within the home for self-protection purposes. Unfortunately, it is evident to me and many others that the District of Columbia city council is unwilling to comply with the Supreme Court's Heller decision.

On multiple fronts, the Firearms Emergency Amendment Act of 2008, which was passed following the Heller decision, continues to infringe on second amendment rights. Specifically, the D.C. city council's definition of machine guns groups together the majority of semi-automatic handguns, most used for self-protection purposes, which effectively bans their possession in the District.

Secondly, the ballistics identification procedure is an overburdensome and lengthy registration requirement that improperly denies the right of D.C. citizens, law-abiding citizens I might add, to immediately possess a firearm in their household.

Finally, the continued insistence of having to keep a firearm unloaded, stored or trigger-locked is not acceptable to affording a right of self-defense within an individual household.

In summary, I would compare my substitute amendment to words written in the majority opinion by the Supreme Court in the Heller case that reflect my sole intention of granting self-protection rights for law-abiding citizens.

The Court stated that their decision should not be taken to cast doubt on long-standing prohibitions on the possession of firearms by felons and the mentally ill or law forbidding the carrying of firearms in sensitive places such as schools and government buildings.

I came to Congress to serve and protect the ideals laid out by our Nation's Founding Fathers. As I stated above, I have no intention of directly circumventing the legislative practices of the D.C. city council. However, the second amendment right is a long-standing pillar in our system of government, and I believe law-abiding citizens should have the right to defend their homes in the District of Columbia, just like they have the ability to do so in the First Congressional District of Mississippi.

I reserve my time.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong opposition to the amendment being offered.

The CHAIRMAN. The gentleman is recognized for 30 minutes.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the amendment being offered by the gentleman from Mississippi. The amendment, which is largely taken from the base bill H.R. 6691, goes way beyond the ruling that's been handed down by the Supreme Court in the Heller case and, ironically, would lead to less security and safety and greater risk in the Nation's capital.

Moreover, in light of the ruling in the Heller case, the gentleman's amendment touches on more than just the issue of gun ownership in the home for purposes of self-defense.

The amendment would allow the unfettered transport of guns and/or firearms and the possession of guns in businesses, and as written, the amendment only says businesses and nothing about businesses in which property is owned.

And what is even more disturbing about the amendment is that it strips the District of Columbia from issuing or enacting any rule, law, or regulation dealing with homeownership. Nowhere in the case was such an order or action addressed or even mentioned in the Heller Supreme Court decision as written by Justice Scalia. In fact, it is my understanding that the decision clearly stated that a range of gun regulations are presumptively lawful. However, the gentleman's amendment fails to take that part of the Court's ruling into consideration.

When the Court overturned the District's long-standing gun laws, in order not to infringe upon the second amendment rights of District residents, it set in motion a process that would require the District Government to rewrite the laws and not the United States Congress or the House of Representatives. This would be the case in Tupelo, Mississippi. Therefore, the elected officials of the District of Columbia should have an opportunity to develop permanent legislation to bring the city into compliance with the Heller ruling.

If I may, Mr. Chairman, let me point out just what the amendment before us does. For starters, it would eliminate any form of gun registration which would prevent the city's police department from knowing who owns what type of gun or firearm.

Secondly, the language is written so broadly that it would permit individuals to carry assault rifles openly in public and on D.C. streets.

Lastly, I'd also like to point out that the amendment creates a gun show loophole that will allow D.C. residents to avoid background checks when purchasing weapons from private individuals and at gun shows without background checks.

While Members from both sides of the aisle agree on the importance of preserving individual rights, we must also recognize that we live in perilous times, and with lone-wolf terrorists and copycat shootings on the rise, flat out ignoring the homeland security interests of the District of Columbia and the Federal Government is downright reckless and risky.

But yet, this is exactly what this amendment has the potential to do, if adopted. As stated earlier, the District has already begun to revamp its laws, and in the coming months, we will have an opportunity to review the newly adopted gun ownership laws under our already well-established congressional review authority.

I ask my colleagues to recognize and respect this fact and to join me in opposing this amendment.

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

Mr. CHILDERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan, and I believe to be the longest-serving Member in this great body, Mr. DINGELL.

Mr. DINGELL. Mr. Chairman, I rise to salute the offerer of the amendment. The gentleman from Mississippi has shown extraordinary leadership, courage, and ability, and the body owes him a thanks for his efforts in this matter.

I also rise to thank the leadership for putting this legislation on the floor. The amendment offered by the gentleman from Mississippi is a commonsense, bipartisan proposal that will implement the historic Heller decision enacted by the Supreme Court, and it will restore and protect second amendment rights of the residents of the District of Columbia and elsewhere.

The Congress acts tonight under its plenary power over the District of Columbia, and one of its actions tonight are to assure the protections of the second amendment of the Constitution.

We've heard much falsehood and misunderstanding pronounced in the press and tonight in the discussion about what it is going to do. The Supreme Court found that the District of Columbia's ban on handguns was a violation of the second amendment, and it based that finding on a decision that the second amendment grants each individual the right to own a firearm for self-defense.

Like a majority of the Members of this body, I supported the decision, and I pointed out that the Court's ruling provided important guidance that would allow local governments to craft sensible, responsible measures designed to keep firearms out of the hands of criminals, the mentally ill, and those who pose a threat to the public safety.

That remains the truth today and tonight. The D.C. council reacted to this historical ruling not by enacting sensible regulations but, instead, passed emergency legislation that continues to bar law-abiding citizens, residents of the District of Columbia, from meaningful access to the firearms within the second amendment.

I'm happy to hear that the D.C. council and the mayor have now proposed changes to D.C. gun laws that will begin to bring the District into compliance with the Supreme Court decision. I commend them for it. It came, regrettably, too late. These efforts do not, however, preclude us from acting upon the amendment offered by the distinguished gentleman from Mississippi, and again, I commend him for his leadership in this matter.

When the D.C. council's proposals, if they are carried forward as they say they intend to, are there, they, together with the legislation that we are enacting tonight with the Childers amendment, will protect the rights of the citizens of the District of Columbia under the second amendment, but they also will assure that the District of Columbia has the reasonable power to control improper use of firearms.

The legislation only does four things. First, it overturns existing D.C. gun laws banning semi-automatic weapons, including the types of guns most commonly used for self-defense, something which the Supreme Court said was protected by the second amendment.

Secondly, it overturns D.C. law requiring residents to keep their firearms locked and inoperable until the very moment that they are attacked. What a silly proposal, a proposal that requires a person to rush to the cabinet to unlock it, to get a firearm, to load it, so that they can protect themselves against thugs, bandits, murderers or rapists.

Third, it gives the D.C. residents a reasonable ability to purchase a firearm in Maryland or Virginia, a necessity because only one federally licensed firearms dealer exists in Washington, D.C.

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And he operates without a facility that is open to the public.

Fourth, the legislation removes lengthy and burdensome registration procedures malevolently put in place by the D.C. City Council to ensure that citizens would not be able to access firearms in a lawful, legal, and proper fashion.

This legislation does not preclude the Council from in any way enacting sensible firearms regulations that comply with the Supreme Court's decision in Heller. The D.C. Council will retain authority to restrict firearms so long as those restrictions do not improperly burden the second amendment rights of D.C. residents.

Some of the opponents of Congressman CHILDERS' amendment have claimed that this legislation will lead to more guns ending up in the hands of criminals or even terrorists. What hooey. The only people in D.C. that can own a firearm for almost all intents and purposes are criminals. Law-abiding citizens have enormous burdens in achieving ownership of a firearm. And so we have, in the District of Columbia, a well-armed group of thugs armed to the teeth, preying upon law-abiding citizens at their whim with firearms which they may have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHILDERS. Mr. Chairman, I yield another 30 seconds.

Mr. DINGELL. I thank the gentleman.

The legislation is simply going to put D.C. residents in a position where they have their rights under the second amendment.

I urge my colleagues to support this amendment. It is a sensible, proper amendment. It is a sensible, proper exercise of the power of the Congress under the Constitution. And it is a sensible and proper protection of the rights of American citizens.

I urge the adoption of the amendment. And I commend the distinguished gentleman from Mississippi for his important leadership in this very important constitutional question.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 3 minutes to the gentlelady from Maryland, Representative DONNA EDWARDS.

Ms. EDWARDS of Maryland. Mr. Chairman, I rise again in strong opposition to this substitute.

Why does this body believe it has the right to force Maryland, my State, a sovereign State, to bear the cost and work to register D.C. firearms under this substitute? Our State is already facing significant shortfalls. And the proponents of this substitute are not planning to reimburse Maryland taxpayers—I haven't heard that coming from Mississippi or from Indiana.

This matter is properly already under the jurisdiction of local elected officials in the District of Columbia. And I do respect and the people of Maryland respect the right of the people of the District of Columbia and their elected officials to make decisions for themselves and to comply with the courts of this land. So why are the Members of this body unwilling to let the legislature and the courts do their job?

Our great and sovereign State of Maryland has regulations in place that work for our citizens. We're not trying

to regulate D.C. guns; we're not trying to regulate Virginia guns or Mississippi guns or Indiana guns. That's not our job in Maryland. We respect your sovereignty and you should respect ours by not imposing unfunded mandates on our taxpayers or creating additional burdens for our State troopers whose job it is to process firearm applications.

With this substitute, you are demanding that our State troopers double the size of our enforcement units, integrate with D.C. databases, criminal and mental health databases and other databases that currently do not comply with Maryland's system, and all of this within a 7-day period so that we can comply with our own law in our State.

For a group of people who often cry foul on States' rights and on unfunded mandates, you sure haven't had a problem at all in offering this substitute to impose exactly those same burdens on the State of Maryland and on Virginia.

Mr. CHILDERS. I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman from Mississippi. And I also want to thank the dean of the House, Chairman DINGELL, who has been a hero to gun owners all over America for many years, for his willingness to stand up. And I want to thank our new freshman Member, Mr. CHILDERS, and those who are standing with him, because this is, indeed, a historic night. And unless you're a Member of Congress or somebody who is kind of a political junkie, it's hard to figure out exactly what's happening tonight.

In fact, a discharge petition is something that, when you sign it, basically would turn the House over to the other party. And if you're willing to stand up to your own party, you could force a vote. I know this because, when we first became in the majority, I was one who was often pulled into a side room, threatened that by bringing down a rule or other things that I was going to destroy the party. In fact, sometimes it's your only way to force things. There is a certain number of votes that are allowed on each side to let a bill go through.

But what we're seeing tonight was the courage of some Members on the majority side to stand up and say, look, we want a bill. And as these negotiations move forward, it came to me, as the Republican author, along with Mr. ROSS, of the bill to overturn this, of, will you accept somewhat less than the whole, but a bill that actually has a chance to be law.

Now, as a Republican, I could have said, you know, I think we'll let them fight and we'll go into the election with no bill, with no vote in the House, and put those who are so-called Blue Dogs in a real spot. But that isn't the way we should legislate. We have Members who stood up, even in their own party, and said we want to broker an agreement. We had Members on our side, in our leadership, agreeing that we will be willing to negotiate. And we had a Democrat leadership willing to sit down and work it out even though the majority of their party doesn't agree with this, and obviously many of them are passionately upset.

So tonight is a historic debate. Tomorrow will be a historic vote: Will the will of the House be allowed to work its will as it did on campaign finance reform? And I thank the gentleman from Mississippi for his leadership.

Mr. DAVIS of Illinois. Mr. Chairman, I now yield 5 minutes to the gentlewoman from the District of Columbia, Delegate ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentleman for yielding. And I particularly thank the gentleman and the chairman of the full committee, Mr. WAXMAN, for your time and effort that you put into Waxman-Norton, and yes, into defeating the substitute before us now.

This substitute stoops very, very low to conquer. The Congress is known for its low blows against the District of Columbia, but this is the first time that in shooting the District of Columbia in the back—which has become routine—that in over 200 years, never before, but tonight you are shooting protections for the entire Federal presence that this House is sworn to protect, beginning with the President of the United States and going to every Federal employee working in a Cabinet agency. And the House has the gall to ask for a vote to nullify the gun laws in my district, depriving my district of the right to protect itself and visitors like yourselves, while denying me a vote on this floor on passage? Have you no shame? Is no principle invalid?

The sponsors of the substitute have consistently singled out two sections of the old D.C. law because otherwise this would look crazier than it already does. The section, for example, they temporarily left in place while they worked on new legislation, as the Supreme Court asked them to, new legislation which has now been signed into law, left in place the trigger lock section. But whoever would have left that in place—after all, it was one of the few issues singled out in the Supreme Court decision, and you know it. And they knew it. But they had to do the necessary investigation. They had to know what other jurisdictions did. And they knew that handguns had to be defined as semi-automatics because those are the most commonly used handguns today. But they had to have time to do it. Now they've done it.

Those changes were inevitable, you knew they were inevitable. They've occurred. And here you are, a day late and a dollar short, looking very foolish. Only because of the Waxman hearings were we able to expose the high risk and danger to the Federal Government, to the Federal presence that this bill brings, the high risk in government to Members of Congress every day when they come here. Yes, you think you are endangered? Well, boy, would you have really been at risk if this bill were to get through both Houses.

With the help of three police chiefs with jurisdiction in this region, all three came to show that the bill that you brokered would have allowed carrying semi-automatic handguns in this city—by children, sir, and by adults, thank you very much—well, that was even too much for the NRA, so they changed it.

When the chiefs testified that in an inauguration parade we can't protect the Federal presence, one had to wonder what kind of brokering of bills you folks do. Don't you read what you broker? Don't you read what the NRA tells you to pass?

The danger of the bill that we now have is almost as great. Oh, no, you can't carry a gun in public anymore, as a child could and as an adult could, but you can possess a semi-automatic AK–47, sir. You can possess a Bushmaster XM–15, which 6 years ago the sniper, the D.C. sniper used in the States of Virginia, Maryland and D.C. Semi-automatics, that's in your bill; that's still in your bill.

Just back from unveiling the memorial benches at the 9/11 ceremony, just back from a ceremony after the National Capital region was targeted—and still is—7 years ago, you had just dried your tears and now you come and ask us to vote for a substitute.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. DAVIS of Illinois. I yield 1 additional minute to the gentlelady.

Ms. NORTON. You now ask us to vote on a substitute mandating in the Nation's capital one of the most permissive gun laws in the country, no registration of gun laws, no way for the police to know who has a gun or to trace guns used in committing a crime.

Mandates. Gun show loophole. Licensed dealers must do a criminal background check, but private individuals don't have to. And we exempt gun shows. You can have gun shows in the Nation's capital, perfectly legal. D.C. can't close any of these loopholes because you Federalize gun laws, you leave us with a bare bill.

The police can't issue any regulations. You allow the stockpiling of assault weapons. You allow gun running between Maryland, Virginia and the District. You allow people, voluntarily committed to a mental institution, to get out and the next day they can own a gun even while John Hinkley is still institutionalized at St. Elizabeth's Hospital for an attempt on the life of President Reagan.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. DAVIS of Illinois. I yield the gentlewoman an additional 30 seconds.

Ms. NORTON. You allow children to own AK–47s. You allow this in the Nation's capital. No age limit whatsoever on owning a gun.

This isn't Mississippi, sir. You have just been elected to Congress; you better understand where you are. This is a big city. You have squandered critical time with the House while the economy is falling down behind you, Wall Street is collapsing. Why? Because the NRA told you to do so.

I've been to the Senate, too. There's another House. And you know what I know.

Mr. CHILDERS. I would ask the speaker to direct her remarks to the Chair.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. DAVIS of Illinois. I yield 30 additional seconds to the gentlewoman.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Member should direct her remarks to the Chair and not to an individual.

Ms. NORTON. You know that this substitute is going to be strangled with a thousand holes, and still you march in salute to the NRA.

I say to the cosponsors, watch what you vote for. If you analyze this bill, this substitute, step by step, you can think of half a dozen bills of major importance. Well, they can stick up the Democrats and make us sue for peace. Watch the precedent you set. Watch what you vote for tomorrow. Defeat the substitute. Vote for Waxman-Norton.

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Mr. CHILDERS. Mr. Chairman, I would yield 3 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. I thank the gentleman.

We're here tonight, not because we've asked for a vote but because the Supreme Court, in a recent decision, changed the law of the land or at least clarified what the law of the land is with respect to the second amendment. It could be about almost any subject. We routinely come here after the Supreme Court decides what the law of the land is on a justiciable issue, and we enact, implementing legislation whether its on people in Tennessee or in Mississippi or in Oregon or in Washington State or in the District of Columbia. That's done routinely over and over again. The subject happens to be the second amendment in this most recent Supreme Court decision. It could be about anything.

Nobody disputes the fact that the District of Columbia has every right to make its own laws. What we do dispute is that the District of Columbia does not have the right, nor does any other American citizen, to ignore the law of the land. The law of the land, as enunciated in a recent Supreme Court decision, whether one agrees or disagrees, grants to individual citizens the right to bear arms legally. The District has failed to implement that decision, and therefore, we are here tonight.

This Childers substitute does nothing more nor nothing less than implement the bare minimum that the Supreme Court said was the law of the land. Whether you like it or not, that is the law of the land when the Supreme Court decides a justiciable issue.

This legislation, the Childers substitute, does not in any way limit the authority of the District or the ability of independent authorities in the District to restrict firearm possession. It does not repeal the D.C. law banning a person from the possession of ammunition. It does not amend the D.C. definition of ''restricted pistol bullets.'' It does not repeal the D.C. law providing for strict liability for handgun manufacturers.

Quite frankly, many of us live in the District for most of the year now because of our job requirements. I don't want to impose on the District, but I do say this:

The District, just like people all over the rest of America, has to implement legislation when the Supreme Court speaks. That's why we're here, not because we asked for this. I, quite frankly, enjoy living in the District and enjoy having the District make the laws that we live under here, but like no other citizen, the District is no different in that they cannot ignore the law of the land even if they disagree with it as cannot the citizens of my State or of any other State.

Mr. DAVIS of Illinois. Mr. Chairman, I'm pleased to yield 4 minutes to the chairman of the Committee on Oversight and Government Reform, Representative HENRY WAXMAN.

Mr. WAXMAN. Mr. Chairman and my colleagues, the Supreme Court ruled in the Heller case that the District of Columbia could not ban handguns. They said that would violate the second amendment. The Supreme Court said every individual has a right to own a handgun. That's now the law of the land. The District of Columbia has finalized its revision of its laws just today, and I defy any Member of this body to say that the District of Columbia has failed to comply with the second amendment to the Constitution under the Heller decision. I think that the District of Columbia has complied with that law. I know we've heard from Members of Congress that D.C. is unwilling to comply and that they're unwilling to live by the law of the land. Well, let us examine that D.C. law more carefully. Since it only was finally enacted today, I would suggest that when this bill goes to the other body that they hold this bill up and review that D.C. law.

The District of Columbia is not obligated to do all of the things that are in this substitute. In fact, not one single provision of H.R. 6691 is required by the second amendment or by the Supreme Court decision in the Heller case. Let me just walk through it.

One provision removes the District's longstanding ban on semiautomatic assault rifles and pistols. Well, there is nothing in the second amendment that guarantees an individual's right to high-powered military assault rifles capable of firing more than 30 rounds without reloading. There is certainly nothing in the Heller case that says that. Evidently, the people who are offering this substitute don't like the fact that the D.C. Government agreed with that provision, but they said that they would limit it to 10 rounds. Well, there is nothing in the Constitution that says it has to be 30 or more.

One provision of this substitute removes the District's longstanding provision for a registration system, which includes D.C.'s required background checks before someone can buy a gun. Well, there is nothing in the second amendment that says individuals have a right not to register their guns. Yet the substitute would wipe out that D.C. law.

Now, it was said by one of the advocates of this substitute that this is a burdensome requirement for registration that was put malevolently in place by the District of Columbia. Well, I want you all to know that it was also put in place by California, Connecticut, Maryland, New Jersey, Michigan, Chicago, Cleveland, New York City, and Omaha, and I don't think that any of those jurisdictions are violating the second amendment to the Constitution.

Another provision in this substitute would take away the ability of the District of Columbia's law enforcement authorities, through their registration system, to trace guns used in crimes. It helps them figure out who bought the guns, who transferred them, how they got into the hands of the criminal or terrorist. That's not in violation of the second amendment, and yet this substitute would repeal it.

This amendment would allow people to obtain firearms without criminal background checks. I don't know why they think the second amendment requires that, because it does not.

This amendment goes far beyond the Heller case. It goes far beyond the second amendment to the Constitution. It is gratuitously rewriting the law of the District of Columbia. It is not our job to rewrite a law passed by the people elected in the District of Columbia if that law complies with the Constitution of the United States.

I urge that we reject the substitute amendment.

Mr. CHILDERS. Mr. Chairman, I would yield 3 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Chairman, I rise in support of the Childers amendment to H.R. 6842.

Tonight is a historic night. The American people are sick and tired of

all of the partisan bickering that goes on up in Washington. Time after time, bills come to the floor, and they pass or fail on a straight party line vote. Tonight, a bill is going to be defeated by Democrats and Republicans coming together, and an amendment is going to pass because of Democrats and Republicans coming together. That, in my opinion, is long overdue.

Mr. Chairman, when I raised my right hand and took the oath of office, I swore that I would uphold the Constitution of the United States of America. That includes amendment No. 2. Mr. Chairman, I could not be more proud of the gentleman from Mississippi (Mr. CHILDERS). He may be a new Member of Congress, but he certainly knows where he is, and he knows why he's here—to defend the Constitution of the United States of America. We can't cherry pick. We took the oath to defend the entire Constitution, including the second amendment.

Back home in Arkansas, there's a bumper sticker that says, ''When you outlaw guns, only outlaws will have guns.'' Quite frankly, I don't believe it's a coincidence that Washington, D.C. has a high crime rate, a rate where guns can only be found with the outlaws and not with responsible, law-abiding citizens.

In June of this year, the U.S. Supreme Court struck down D.C.'s ban on handguns and operable firearms for self-defense within the home as in the case of D.C. versus Heller. Mr. SOUDER and I had a bill to address this issue. We thought we would no longer need to raise the issue after the Supreme Court ruling, but that was before we learned that the District responded by passing an emergency bill that failed to comply with the Supreme Court's ruling. In fact, they snubbed their nose at the Supreme Court.

The Childers substitute amendment remedies this by enforcing the Supreme Court's Heller decision and by preventing the District of Columbia's government from restricting the second amendment rights of its citizens. This should be very important to every one of us who is a Member of Congress because, folks, Mr. Chairman, if our Nation's capital can pass gun control, our hometowns all across America could be next. That's why I'm against this bill and why I am for the amendment. I'm proud to stand here as a pro gun Democrat.

What did the Washington, D.C. city council do that was so bad and that makes no sense in snubbing their nose at the Supreme Court?

Number one, they defined ''machine guns'' to include all semiautomatic guns. Nearly every gun in America today is a semiautomatic gun. We duck hunt with semiautomatic guns. Pistols are semiautomatics.

They also said that any gun that you own must be unassembled in the privacy of your own home until you are in imminent danger. In other words, you've got to wait until someone is inside your home and then say, ''Mr. Intruder, would you please respectfully wait while I assemble my gun.''

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHILDERS. I yield the gentleman an additional 30 seconds.

Mr. ROSS. That makes no sense either.

Then, finally, the Supreme Court said you can have a gun in D.C., but they don't sell guns in D.C. Guess what? The D.C. city council said you can't transport a gun from Maryland or Virginia into D.C. Therefore, that means you can still no longer have a gun in D.C.

We're not giving Washington, D.C. any more or any less than what most citizens in this country enjoy today under the second amendment. That is the ability of law-abiding citizens to responsibly own guns and to have them assembled, if they so choose, in the privacy of their own homes. We provide Washington, D.C. in this substitute amendment the same definition as most of the rest of the country has as it relates to machine guns.

I urge support of the amendment and a vote against the bill in support of our Nation's second amendment rights.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 30 seconds.

Much of the discussion is about crime and crime prevention and protection. We sound as though people are invading people's homes and are murdering them and are attacking them. Much of the murder that I read about and that I hear about is really from drive-by shootings. It's really by individuals with semiautomatics who are engaged in turf battles over drugs, who are killing each other. They're not by people who are necessarily invading homes. They're by people who have access to these high-powered guns, people who are killing each other on the streets.

I reserve the balance of my time.

Mr. CHILDERS. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Mississippi has 10½ minutes remaining. The gentleman from Illinois has 13 minutes remaining.

Mr. CHILDERS. Mr. Chairman, I recognize the gentleman from Tennessee (Mr. LINCOLN DAVIS) for 4 minutes.

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Mr. LINCOLN DAVIS of Tennessee. Mr. Chairman, it is good to be here to discuss what I believe is the foundation of our society and America, our Constitution.

In 1787, the articles were proposed that ultimately became the foundation for our Constitution. In 1789, 12 amendments were offered, of which only 10 were approved immediately, or pretty well immediately, by 1791.

Included in those are 10 amendments we often called the Bill of Rights. The first one, a lot of us talk about, our ability to have religious freedom. In the South, where I am from, that is something that we treasure. Our freedom of speech is included in number one. And number two is the right to bear arms.

Now, I know we don't live on the frontier anymore, but if you can imagine a farmer or someone moving his family into the wilderness in Tennessee, or as we moved westward, one of the things that you would find with them, pieces of equipment, more than just the farm equipment, was generally a muzzleloader, that would hang on many cases on the beam that supported the loft in the cabin in which the family would live. It was there for protection.

When he would go into the fields to farm, he would also take his muzzleloader with him, oftentimes leaning it upon a stump or a tree, where it would be for protection from wildlife or wild animals or from those who might be intending to do harm to his family or himself.

The second amendment gives us that right to protect our homes and our family, whether it is in Pall Mall, Tennessee, where I am from, are whether it is right here in Washington, D.C. We can't suspend the Constitution depending on where we live.

We had a huge argument over what is called the Foreign Intelligence Surveillance Act, about whether or not our individual rights were about to be jeopardized. In fact, many of us argued on this floor that there are certain constitutional guarantees that guarantee our liberty and our freedom from oppression and from an oppressive and intrusive government. In fact, that is not just for Washington, D.C., and it was just not for Pall Mall, Tennessee. It is for all of us who live in this Nation. So, for me, we cannot cherry pick and pick and choose what that Constitution guarantees us.

To me, I applaud the efforts of the gentleman from Mississippi to offer the substitute amendment that I believe will give individuals who live in Washington, D.C. the same opportunity to defend their sons and their daughters, their husband or their wife, and the home that they own from those who would do harm or be intrusive in their homes.

Mr. DAVIS of Illinois. Mr. Chairman, I reserve the balance of my time.

Mr. CHILDERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I thank the gentleman.

When the D.C. City Council decided to ignore a ruling from the United States Supreme Court and when the District of Columbia decided to play games with the Constitution of the

United States, it was they that brought us to the point where we are today, where congressional intervention is necessary to uphold the rights of Washington, D.C. citizens under the second amendment to the Constitution.

As a signatory of the amicus brief urging the Supreme Court to overturn the unconstitutional gun ban, I was outraged at the D.C. Council's new gun restrictions. So I joined with Mr. CHILDERS of Mississippi to help craft the Second Amendment Enforcement Act, which is the text of the amendment we are debating here tonight.

This bill repeals D.C.'s gun ban and permits law-abiding gun owners the right to keep their firearms in ways that will ensure their availability and use for self-defense. This amendment ensures that the intent of the Supreme Court and of the second amendment are upheld for all citizens, including those who live in the District of Columbia.

Mr. CHILDERS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman from Mississippi.

I wanted to clarify for those watching the debate and for the CONGRESSIONAL RECORD that the one hearing we did have, there were four witnesses. Three of them were Federal witnesses, and Mr. ISSA asked each one of them whether the bill that this amendment is amending had any impact on them. All of them said no. They were never asked another question during the hearing, because they weren't relevant to the hearing.

The fourth witness was the police chief of Washington, D.C., and she did have an opinion and doesn't agree, obviously, with this amendment. But she is a political appointee of the mayor, and while it may be her personal view, if she held a view different from the mayor or city council, she would have been removed.

So it was somewhat inaccurate to present that at our hearing, that somehow the witnesses all felt that there was this imminent danger in the Federal sector, because all three of them said the bill had nothing to do whatsoever with their positions.

Mr. DAVIS of Illinois. Mr. Chairman, I continue to reserve. I understand that Mr. CHILDERS is ready to close.

PARLIAMENTARY INQUIRY

Mr. SOUDER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. Does the gentleman yield for a parliamentary inquiry?

Mr. CHILDERS. I would yield to the gentleman.

Mr. SOUDER. Does the gentleman from Mississippi have the right to close?

The CHAIRMAN. No, the gentleman from Illinois, as a manager controlling time in opposition to the amendment, is entitled to close debate thereon.

Mr. CHILDERS. Mr. Chairman, in closing, let me just simply say to my distinguished colleagues Mr. DAVIS from Illinois and all those who have spoken not only for my amendment, but to those also who have spoken against my amendment, I have nothing but the greatest of respect for all of you. I have nothing but the greatest respect for this wonderful institution which I am so proud to be a part of.

Mr. Chairman, there is no hidden agenda here. The intent of my amendment offered in the form of a substitute is simply to give the law-abiding citizens of the District of Columbia the same rights and freedoms that all Americans share, from coast to coast and all over this great land.

I appreciate the spirited debate. I certainly hope that I have been respectful of all of my colleagues. It certainly was my intent. In closing, I would like to ask for a recorded vote, and I understand that will be in the morning, and I would urge passage of my amendment.

Mr. Chairman, I yield back my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to certainly acknowledge the not only newness of the gentleman from Mississippi, but also his demeanor, his debate and his introduction of legislation. It occurred to me though if we were in West Point, Mississippi, or if we were in Fort Wayne, Indiana, or if we were in Western Pennsylvania telling the people in those communities what we thought they ought to be doing or the way in which we felt they had to be in compliance with the Supreme Court as they were wrestling with those decisions themselves, they probably would say that we were unwelcome.

I think that the people of the District of Columbia would say that this amendment is unwelcome, that it further takes away their right to self-governance. Here they are, they don't have a representative in Congress with a vote. Now we are saying that your City Council and your representatives on the City Council can't decide the way in which you would be in compliance with the highest court in our land.

Let me just mention that a previous speaker said that the District passed a law prohibiting District residents from bringing in weapons from across State lines. That was incorrect. In fact, Congress passed this law, not the District of Columbia. But this amendment would remove this restriction.

So I think Members should understand that this is the first step in the NRA's plan to repeal Federal gun control laws, not just in the District of Columbia. But I think it is a matter of using the District of Columbia to work one's will for other parts of the country and to work a national will using the people of the District of Columbia.

I think the protections that are needed and the compliance that is needed can be found in the Waxman-Norton bill, and that this amendment, the Childers amendment, unfortunately strips that bill of its impact. For that reason, I would urge that we reject the Childers amendment vote for the Norton-Waxman bill.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. CHILDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHILDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

Mr. DAVIS of Illinois. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Mr. WILSON of Ohio, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute Special Orders are entered in favor of the gentleman from South Carolina (Mr. SPRATT) and the gentleman from New Jersey (Mr. HOLT), each with customary leave to insert.

There was no objection.

A REVISION TO THE BUDGET ALLOCATIONS AND AGGREGATES FOR CERTAIN HOUSE COMMITTEES FOR FISCAL YEARS 2008 AND 2009 AND THE PERIOD OF FISCAL YEARS 2009 THROUGH 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 205 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2008 and 2009 and the period of fiscal years 2009 through 2013. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of the bill H.R. 6899, Comprehensive American Energy Security and Consumer Protection Act. Corresponding tables are attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2008 [1]	Fiscal Year 2009 [1 2]	Fiscal Years 2009–2013
Current Aggregates:			
Budget Authority	2,456,198	2,462,544	n.a.
Outlays	2,437,784	2,497,322	n.a.
Revenues	1,875,401	2,029,653	11,780,263

BUDGET AGGREGATES—Continued

[On-budget amounts, in millions of dollars]

	Fiscal Year 2008 [1]	Fiscal Year 2009 [1 2]	Fiscal Years 2009–2013
Change in the Comprehensive American Energy Security and Consumer Protection Act (H.R. 6899):			
Budget Authority	0	−4,528	n.a.
Outlays	0	−4,528	n.a.
Revenues	0	−2,348	818
Revised Aggregates:			
Budget Authority	2,456,198	2,458,016	n.a.
Outlays	2,437,784	2,492,794	n.a.
Revenues	1,875,401	2,027,305	11,781,081

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

[1] Current aggregates do not include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2).

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Current allocation:						
Energy and Commerce	89	81	839	802	3,162	3,157
Resources	0	0	0	0	0	0
Transportation and Infrastructure	395	0	1,496	0	4,176	0
Ways and Means	1,853	1,843	5,794	5,714	−6,724	−5,034
Change in the Comprehensive American Energy Security and Consumer Protection Act (H.R. 6899):						
Energy and Commerce	0	0	−4,700	−4,700	−100	−100
Resources	0	0	−142	−142	−3,332	−3,332
Transportation and Infrastructure	0	0	115	115	575	575
Ways and Means	0	0	199	199	199	199
Total	0	0	−4,528	−4,528	−2,658	−2,658
Revised allocation:						
Energy and Commerce	89	81	−3,861	−3,898	3,062	3,057
Resources	0	0	−142	−142	−3,332	−3,332
Transportation and Infrastructure	395	0	1,611	115	4,751	575
Ways and Means	1,853	1,843	5,993	5,913	−6,525	−4,835

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DREIER (at the request of Mr. BOEHNER) for today on account of the death of his mother.

Mr. POE (at the request of Mr. BOEHNER) for today until 3:30 p.m. on account of recovery efforts following Hurricane Ike.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 2403. An act to designate the United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse''.

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

ADJOURNMENT

Mr. CHILDERS. Mr. Chairman, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes a.m.), the House adjourned until today, Wednesday, September 17, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8398. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Removal of Regulated Areas in Texas [Docket No. APHIS-2007-0157] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8399. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Fluid Milk Processor Promotion Program [Docket No. AMS-DA-07-0156; DA-07-05] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8400. A letter from the Under Secretary of Defense, Department of Defense, transmitting the Department's quarterly report as of June 30, 2008, entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account,'' pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

8401. A letter from the Principal Deputy, Department of Defense, transmitting authorization of 18 officers to wear the authorized insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

8402. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting a report entitled, ''Report to Congress: Plan for Coordinating National Guard and Federal Military Force Disaster Response,'' pursuant to Public Law 110-181, section 1814; to the Committee on Armed Services.

8403. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7797] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8404. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 2007 Annual Report of the Securities Investor Protection Corporation, pursuant to 15 U.S.C. 78ggg; to the Committee on Financial Services.

8405. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Report on Section 3167 of the Department of Energy Science Education Enhancement Act Related to Education Partnerships with Minority Education Institutions,'' pursuant to 42 U.S.C. 7381c-1, section 3167; to the Committee on Education and Labor.

8406. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, ''The State of

21st Century Financial Incentives for Americans with Disabilities''; to the Committee on Education and Labor.

8407. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8408. A letter from the Deputy Director, Department of Health and Human Services, transmitting a report on the Developmental Disabilities Programs for Fiscal Years 2005-2006, pursuant to Public Law 99-319, section 105(a)(7); to the Committee on Energy and Commerce.

8409. A letter from the Administrator, Department of Energy, Energy Information Administration, transmitting the Administration's report entitled, ''Annual Energy Outlook 2008,'' pursuant to Public Law 110-140; to the Committee on Energy and Commerce.

8410. A letter from the Administrator, Department of Energy, Energy Information Administration, transmitting the Administration's report entitled, ''Annual Energy Review 2007''; to the Committee on Energy and Commerce.

8411. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

8412. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

8413. A letter from the Chair, Commission on International Religious Freedom, transmitting the Commission's 2008 Annual Report covering the period May 2007 through April 2008; to the Committee on Foreign Affairs.

8414. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Clarification of the Classification of Crew Protection Kits on the Commerce Control List, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8415. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Kosovo in the Export Administration Regulations [Docket No. 080717846-8879-01] (RIN: 0694-AE34) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8416. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions list of vessels for the containment and transportation of explosive devices that have primary applications in law enforcement and security, pursuant to Section 38(f) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8417. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of $50,000,000 or more, pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8418. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under Category 1 ofthe United States Munition List (Transmittal No. DTC 063-08), pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8419. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's annual report on the extent and disposition of United States contributions to international organizations for fiscal year 2007, pursuant to 22 U.S.C. 287b(b), section 405(b); to the Committee on Foreign Affairs.

8420. A letter from the Under Secretary of State for Political Affairs, Department of State, transmitting the Department's eighth report covering current military, diplomatic, political and economic measures that are being or have been undertaken to complete our mission in Iraq successfully, pursuant to Public Law 109-163 , section 1227; to the Committee on Foreign Affairs.

8421. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107 -243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, reports prepared by the Department of State on a weekly basis for the June 15- August 15, 2008 period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

8422. A letter from the Secretary General, Organization for Security and Cooperation in Europe, Parliamentary Assembly, transmitting the Astana Declaration and Resolutions adopted on July 3, 2008 at the Seventeenth Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, pursuant to Public Law 102-138, section 169(e) (105 Stat. 679); to the Committee on Foreign Affairs.

8423. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting the Department's final set of amendments to the Department's Fiscal Year 2008 Annual Performance Plan; to the Committee on Oversight and Government Reform.

8424. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8425. A letter from the Director, Office of National Drug Control Policy, transmitting the Office's report entitled, ''Fiscal Year 2007 Performance Summary Report,'' pursuant to P.L. 105-277 (Div. C-Title VII), section 705(d); to the Committee on Oversight and Government Reform.

8426. A letter from the Special Counsel, Office of Special Counsel, transmitting the Office's FY 2007 Annual Report, pursuant to 5 U.S.C. 1218; to the Committee on Oversight and Government Reform.

8427. A letter from the Acting Deputy Assistant Secretary for Policy and Economic Development, Department of the Interior, transmitting the Department's proposed plan with respect to the award entered in the compromise and settlement of claims under Pueblo of San Ildefonso v. United States, No. 660-87L, United States Court of Federal Claims, pursuant to Public Law 109-286, section 14; to the Committee on Natural Resources.

8428. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species (HMS); Atlantic Shark Management Measures [Docket No. 0612242866-8888-03] (RIN: 0648-AU89) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8429. A letter from the Citizenship & Immigration Services Ombudsman, Department of Homeland Security, transmitting the Annual Report of the Citizenship and Immigration Services for Fiscal Year 2008, pursuant to Section 452(c)(1) of the Homeland Security Act; to the Committee on the Judiciary.

8430. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a legislative proposal, entitled ''The Foreign Agents Registration Technical Amendments Act of 2008''; to the Committee on the Judiciary.

8431. A letter from the Deputy Assistant Administrator Deputy Chief of Operations Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Elimination of Exemptions for Chemical Mixtures Containing the List I Chemicals Ephedrine and/or Pseudoephedrine [Docket No. DEA-284F] (RIN: 1117-AB11) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8432. A letter from the Director, Department of Justice, transmitting the Department's report entitled ''Indian Country Drug Threat Assessment 2008''; to the Committee on the Judiciary.

8433. A letter from the President, National Council on Radiation Protection and Measurements, transmitting the Council's ''Audit of Federal Awards A-133 for the National Council on Radiation Protection and Measurements'' from July 14, 2008; to the Committee on the Judiciary.

8434. A letter from the Chief Justice, Supreme Court of the United States, transmitting notification that the Supreme Court will open the October 2008 Term on Monday October 6, 2008 and will continue until all matters before the Court ready for argument have been disposed of or decided; to the Committee on the Judiciary.

8435. A letter from the Chief United States Bankruptcy Judge, United States Bankruptcy Court, transmitting the 2007 Annual Report for the United States Bankruptcy Court for the Central District of California; to the Committee on the Judiciary.

8436. A letter from the Secretary, Department of Transportation, transmitting the Department's fourth report on the breakdown of the disability-related complaints that U.S. and foreign passenger air carriers operating to and from the U.S. received during 2007, pursuant to Section 707 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; to the Committee on Transportation and Infrastructure.

8437. A letter from the National Ombudsman and Assistant Administrator for Regulatory Enforcement Fairness, Small Business Administration, transmitting the National Ombudsman's Annual Report to Congress; to the Committee on Small Business.

8438. A letter from the Chairman, International Trade Commission, transmitting a report entitled, ''The Year in Trade 2007,'' pursuant to Section 163(c) of the Trade Act

of 1974; to the Committee on Ways and Means.

8439. A letter from the Secretary, Department of Agriculture, transmitting the Department's pilot project status report for fiscal year 2007 to implement the Quincy Library Group's forest management proposal on designated lands in the Plumas, Lassen, and Tahoe National Forests, pursuant to Public Law 105-277; jointly to the Committees on Natural Resources and Agriculture.

8440. A letter from the Assistant Regional Solicitor, Department of the Interior, transmitting the Department's ''Answer to Motion to Clarify Record of Modesto and Turlock Irrigation Districts''; jointly to the Committees on Natural Resources and Energy and Commerce.

8441. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting the Department's annual report to Congress on the CALFED Bay-Delta Program entitled, ''2007 Calfed Annual Report,'' pursuant to Public Law 108-361, section 105(a)(1); jointly to the Committees on Natural Resources and Transportation and Infrastructure.

8442. A letter from the Secretary, Department of Energy, transmitting the Department's ''2008 Annual Plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program,'' pursuant to Public Law 109-58, section 999B(e)(3); jointly to the Committees on Science and Technology and Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. CASTOR: Committee on Rules. House Resolution 1441. Resolution providing for consideration of the bill (H.R. 3036) to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes (Rept. 110–854). Referred to the House Calendar.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 6323. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; with an amendment (Rept. 110–855). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1376. Resolution commemorating the 80th anniversary of the Okeechobee Hurricane of September 1928 and its associated tragic loss of life; with amendments (Rept. 110–856). Referred to the House Calendar.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5244. A bill to amend the truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; with an amendment (Rept. 110–857). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. Misleading Information from the Battlefield: The Tillman and Lynch Episodes (Rept. 110–858). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BURGESS (for himself and Mr. STUPAK):

H.R. 6908. A bill to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER:

H.R. 6909. A bill to direct the Secretary of the Interior to give priority to consideration of applications for permits and other authorizations required for renewable energy projects on Federal public land, and for other purposes; to the Committee on Natural Resources.

By Mr. PRICE of Georgia:

H.R. 6910. A bill to establish a monetary prize for achievements in overcoming scientific and technical barriers associated with the development and production of alternative fuel vehicles, to remove certain restrictions on the exploration, development, and production of mineral resources on Federal lands, and to use the resulting Federal revenue to fund the monetary prize and reduce the public debt; to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Mr. SMITH of New Jersey, Mr. WEXLER, Ms. SCHWARTZ, and Mr. SHUSTER):

H.R. 6911. A bill to authorize assistance to meet the urgent humanitarian needs of the people of Georgia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BOSWELL (for himself, Mr. LOEBSACK, Mrs. BOYDA of Kansas, Mr. SKELTON, Mrs. EMERSON, and Mr. BERRY):

H.R. 6912. A bill to amend title XVIII of the Social Security Act to provide for temporary improvements to the Medicare inpatient hospital payment adjustment for low-volume hospitals and to provide for the use of the non-wage adjusted PPS rate under the Medicare-dependent hospital (MDH) program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 6913. A bill to provide that no funds made available to the Department of Commerce may be used to implement, administer, or enforce certain amendments made to regulations relating to license exemptions for gift parcels and humanitarian donations for Cuba; to the Committee on Foreign Affairs.

By Mr. HOLT:

H.R. 6914. A bill to amend the Internal Revenue Code of 1986 to extend certain renewable energy provisions for 10 years, and for other purposes; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 6915. A bill to amend the Internal Revenue Code of 1986 to extend the alternative motor vehicle credit for 10 years, and for other purposes; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself and Mr. MELANCON):

H.R. 6916. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide assistance to individuals and households that are required to evacuate their primary residences as a result of a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. LAMBORN (for himself and Mr. SMITH of Texas):

H.R. 6917. A bill to amend the Wilderness Act to allow recreation organizations to cross wilderness areas on established trails, and for other purposes; to the Committee on Natural Resources.

By Mr. COBLE (for himself and Mr. STUPAK):

H. Con. Res. 415. Concurrent resolution celebrating 75 years of effective State-based alcohol regulation and recognizing State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself, Mr. WOLF, Mr. SCOTT of Virginia, Mr. GOODLATTE, Mr. MORAN of Virginia, Mr. GOODE, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mr. FORBES, Mrs. DRAKE, and Mr. WITTMAN of Virginia):

H. Con. Res. 416. Concurrent resolution commending Barter Theatre on the occasion of its 75th anniversary; to the Committee on Education and Labor.

By Mr. MCCOTTER (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. CARTER, Ms. GRANGER, Mr. CANTOR, Mr. COLE of Oklahoma, Mr. PUTNAM, Mr. AKIN, Mrs. BACHMANN, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BONNER, Mr. BRADY of Texas, Mr. BURGESS, Mr. CAMP of Michigan, Mrs. CAPITO, Mr. CONAWAY, Mr. FORTENBERRY, Mr. HAYES, Mr. HERGER, Mr. MANZULLO, Mr. MCHUGH, Mrs. MCMORRIS RODGERS, Mr. NUNES, Mr. PLATTS, Mr. RADANOVICH, Mr. RENZI, Mr. TERRY, Mr. TIBERI, Mr. KLINE of Minnesota, Mr. ENGLISH of Pennsylvania, Mrs. SCHMIDT, Mr. WESTMORELAND, Mr. HALL of Texas, Mr. MCCRERY, Mr. RYAN of Wisconsin, Mr. KUHL of New York, Mrs. MYRICK, Mr. GRAVES, Mr. SHUSTER, Mr. MCCARTHY of California, Mr. GARRETT of New Jersey, Mr. PRICE of Georgia, Mr. BACHUS, Mr. GOODE, Mr. DAVIS of Kentucky, Mr. WILSON of South Carolina, Ms. FALLIN, Mr. WALBERG, Mr. DANIEL E. LUNGREN of California, Mr. SMITH of Texas, Mr. LAMBORN, Mr. MCCAUL of Texas, Mr. PETERSON of Pennsylvania, Mr. MCHENRY, Mr. LINDER, Mr. GINGREY, Mr. ROSKAM, Ms. FOXX, Mr. PITTS, Mrs. MUSGRAVE, Mr. BROUN of Georgia, Mr. BOOZMAN, Mr. TIAHRT, Mrs. WILSON of New Mexico, Mr. JORDAN, Mr. SULLIVAN, Mr. POE, Mr. SCALISE, Mr. GOHMERT, Mr. YOUNG of Alaska, Mr. BISHOP of Utah, Mr. SAM JOHNSON

of Texas, Mr. HOEKSTRA, Mr. PENCE, Mr. CALVERT, Mr. BROWN of South Carolina, Mr. LATOURETTE, Mr. WELDON of Florida, and Mr. SIMPSON):

H. Con. Res. 417. Concurrent resolution expressing the sense of the Congress that the 110th Congress should not adjourn until comprehensive energy legislation has been enacted; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Science and Technology, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Mr. PLATTS, Ms. WOOLSEY, Ms. HIRONO, Ms. BALDWIN, Ms. BORDALLO, Mr. CHILDERS, Mr. MCGOVERN, Mr. HINCHEY, Mr. ELLISON, Mr. DOYLE, Mr. FILNER, Mr. CLEAVER, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. ENGLISH of Pennsylvania, Ms. CORRINE BROWN of Florida, and Mr. TOWNS):

H. Res. 1440. A resolution expressing support for designation of the month of October as ''National Work and Family Month''; to the Committee on Education and Labor.

By Mr. BURTON of Indiana (for himself, Ms. BEAN, Mr. CHABOT, and Mr. DAVIS of Illinois):

H. Res. 1442. A resolution supporting and congratulating the people of Serbia on the formation of a new coalition government; to the Committee on Foreign Affairs.

By Mr. DEFAZIO (for himself, Mr. FILNER, Mr. WAXMAN, Mr. BLUMENAUER, Mr. REICHERT, Mr. THOMPSON of California, Mr. INSLEE, Mr. WU, and Mr. MCDERMOTT):

H. Res. 1443. A resolution recognizing the 40th anniversary of the National Trails System Act and the Pacific Crest National Scenic Trail; to the Committee on Natural Resources.

By Mr. ENGLISH of Pennsylvania:

H. Res. 1444. A resolution expressing the Sense of the House of Representatives that the Susquehanna River Basin Commission should carefully consider the energy needs of the United States and the economic development needs of the region before limiting natural gas exploration and development in the Marcellus Shale formation; to the Committee on Transportation and Infrastructure.

By Mr. KILDEE (for himself, Mr. DINGELL, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Ms. SUTTON, Mr. EHLERS, Mr. KNOLLENBERG, Ms. KAPTUR, Mr. LEVIN, Mr. STUPAK, Mr. CAMP of Michigan, Mr. HOEKSTRA, Mr. MCCOTTER, Mr. WALBERG, Mr. UPTON, Ms. KILPATRICK, Mr. VISCLOSKY, and Mr. CONYERS):

H. Res. 1445. A resolution commending the General Motors Corporation on the occasion of its 100th anniversary; to the Committee on Energy and Commerce.

By Mr. SIRES (for himself, Ms. WASSERMAN SCHULTZ, Mr. PAYNE, and Mr. PASTOR):

H. Res. 1446. A resolution expressing the importance of swimming lessons and recognizing the danger of drowning in the United States, especially among minority children; to the Committee on Energy and Commerce.

By Mr. SOUDER (for himself and Mr. RUPPERSBERGER):

H. Res. 1447. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. RUPPERSBERGER.
H.R. 154: Mr. GONZALEZ.
H.R. 219: Mr. FEENEY.
H.R. 522: Mr. MORAN of Virginia.
H.R. 543: Mr. BAIRD.
H.R. 715: Mr. WEXLER, Mr. KLEIN of Florida, and Mr. SERRANO.
H.R. 741: Mr. BOSWELL and Ms. DEGETTE.
H.R. 1014: Mr. WITTMAN of Virginia and Mr. SCALISE.
H.R. 1029: Mr. LARSON of Connecticut, Ms. MCCOLLUM of Minnesota, Mr. SHAYS, and Mr. RAMSTAD.
H.R. 1246: Mr. BACA.
H.R. 1279: Mr. SNYDER.
H.R. 1280: Mr. GERLACH and Mr. CONYERS.
H.R. 1283: Mr. BILIRAKIS and Mr. WITTMAN of Virginia.
H.R. 1295: Mr. MCINTYRE.
H.R. 1576: Mr. FRELINGHUYSEN.
H.R. 1643: Mr. BISHOP of New York.
H.R. 1650: Mr. KLINE of Minnesota.
H.R. 1655: Mr. KENNEDY.
H.R. 1691: Mr. CONYERS.
H.R. 1738: Mr. REYNOLDS and Mr. RUSH.
H.R. 1767: Mr. LINDER, Mr. LAMPSON, and Mr. FORBES.
H.R. 1953: Mr. ABERCROMBIE.
H.R. 2066: Mr. BISHOP of New York.
H.R. 2188: Mr. SIMPSON.
H.R. 2391: Mr. ALTMIRE.
H.R. 2468: Mr. BERRY, Mr. MURTHA, and Mr. SCOTT of Virginia.
H.R. 2994: Mrs. MYRICK and Mr. WAXMAN.
H.R. 3186: Mr. BRALEY of Iowa.
H.R. 3326: Mrs. TAUSCHER, Mrs. LOWEY, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3402: Mr. GONZALEZ.
H.R. 3404: Ms. SLAUGHTER and Mr. BISHOP of New York.
H.R. 3458: Mr. BISHOP of Georgia and Mr. CARNAHAN.
H.R. 3479: Mr. CALVERT.
H.R. 3544: Mr. UPTON.
H.R. 3679: Mrs. MUSGRAVE.
H.R. 3820: Mr. BILBRAY.
H.R. 4236: Mr. GORDON.
H.R. 4464: Mr. CARTER.
H.R. 4851: Mr. GEORGE MILLER of California.
H.R. 5131: Mr. PUTNAM, Mr. PORTER, and Mr. ALTMIRE.
H.R. 5174: Mr. OLVER.
H.R. 5461: Mr. CARNAHAN.
H.R. 5611: Mr. FRANK of Massachusetts.
H.R. 5615: Mr. TERRY.
H.R. 5635: Mr. TIBERI and Mr. PITTS.
H.R. 5672: Ms. GRANGER.
H.R. 5734: Mr. LOEBSACK, Mr. SCHIFF, Ms. SHEA-PORTER, Mr. SERRANO, and Mr. BERMAN.
H.R. 5748: Mr. JONES of North Carolina.
H.R. 5782: Mr. SCALISE.
H.R. 5793: Mr. CRENSHAW, Mr. PASCRELL, Mrs. BIGGERT, Ms. GRANGER, Mr. LEWIS of Kentucky, Mr. RENZI, Mr. SCALISE, and Mr. COBLE.
H.R. 5823: Mr. MCNULTY, Mr. LATHAM, Mr. WU, and Mr. MORAN of Virginia.
H.R. 5842: Mr. STARK, Mr. CAPUANO, Mr. THOMPSON of California, and Mr. OLVER.
H.R. 5843: Mr. STARK.
H.R. 5901: Mr. BISHOP of New York, Mr. SCOTT of Virginia, and Mr. MEEK of Florida.
H.R. 5925: Mr. MCGOVERN.
H.R. 5946: Mr. GUTIERREZ.
H.R. 5954: Mr. BISHOP of Georgia.
H.R. 6023: Mr. SCALISE, Mr. MARIO DIAZ-BALART of Florida, and Mr. GOODLATTE.
H.R. 6066: Mr. MILLER of North Carolina, Mr. GUTIERREZ, Mr. MORAN of Virginia, and Mrs. CHRISTENSEN.
H.R. 6070: Mr. CAZAYOUX, Mr. SCALISE, and Mr. MCINTYRE.
H.R. 6126: Ms. MATSUI and Ms. LEE.
H.R. 6146: Mr. KING of New York.
H.R. 6163: Ms. MATSUI and Mr. SALAZAR.
H.R. 6170: Mr. ROGERS of Kentucky.
H.R. 6172: Mr. WALDEN of Oregon, Ms. HIRONO, Mr. DEAL of Georgia, and Mr. TERRY.
H.R. 6201: Mr. ROSS.
H.R. 6220: Mr. CRENSHAW.
H.R. 6233: Mr. BISHOP of Utah, Mr. GALLEGLY, Mr. KLINE of Minnesota, Mr. BRADY of Pennsylvania, Mr. SMITH of Washington, and Mr. ORTIZ.
H.R. 6268: Mr. BISHOP of Georgia.
H.R. 6293: Mr. FORBES, Mr. WESTMORELAND, and Mr. CRENSHAW.
H.R. 6363: Mr. FILNER.
H.R. 6371: Mr. WILSON of Ohio.
H.R. 6379: Mr. HENSARLING.
H.R. 6387: Mr. CROWLEY.
H.R. 6411: Mr. MITCHELL.
H.R. 6439: Mr. BISHOP of Georgia, Mr. SALAZAR, and Mr. MAHONEY of Florida.
H.R. 6485: Ms. LINDA T. SÁNCHEZ of California, Mr. WU, Mr. MCGOVERN, Mr. TERRY, Mrs. CAPITO, Mr. MCHUGH, and Mr. OLVER.
H.R. 6512: Mr. FEENEY and Mr. DEAL of Georgia.
H.R. 6548: Mr. BURTON of Indiana.
H.R. 6566: Mr. HULSHOF and Mrs. BIGGERT.
H.R. 6567: Mr. ALLEN and Ms. DEGETTE.
H.R. 6568: Mr. WATT, Mr. BISHOP of New York, Mr. ENGLISH of Pennsylvania, and Mr. TIERNEY.
H.R. 6581: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 6594: Mr. MCHUGH and Mr. REYNOLDS.
H.R. 6598: Mr. NEAL of Massachusetts, Mr. TIERNEY, Mr. CLEAVER, and Mr. OLVER.
H.R. 6646: Mr. LINDER, Mr. SOUDER, and Mr. FRANK of Massachusetts.
H.R. 6651: Mr. HINCHEY, Mrs. CHRISTENSEN, Ms. MOORE of Wisconsin, and Mr. SIRES.
H.R. 6654: Mr. CHILDERS and Mr. HINCHEY.
H.R. 6680: Mr. RYAN of Ohio and Mrs. CHRISTENSEN.
H.R. 6691: Mr. WITTMAN of Virginia, Mr. BILIRAKIS, Mrs. CUBIN, Mr. CRENSHAW, Mr. KELLER, Mr. MACK, Mr. HENSARLING, Mr. STEARNS, Mr. MCHENRY, Mr. DENT, Mr. HELLER, Mr. TERRY, Mr. DEAL of Georgia, and Mr. BARTLETT of Maryland.
H.R. 6694: Ms. WASSERMAN SCHULTZ, Mr. BACA, Mr. DANIEL E. LUNGREN of California, and Mr. LARSEN of Washington.
H.R. 6696: Mr. FORTUÑO, Mrs. CAPITO, Mr. EHLERS, Mr. FRANKS of Arizona, and Mr. HOEKSTRA.
H.R. 6702: Mr. MCGOVERN.
H.R. 6706: Mr. MCHUGH.
H.R. 6707: Mr. HOLDEN and Ms. NORTON.
H.R. 6709: Mr. BOSWELL, Mrs. MUSGRAVE, and Mrs. BIGGERT.
H.R. 6728: Ms. CORRINE BROWN of Florida.
H.R. 6771: Mr. FORBES.
H.R. 6853: Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Ms. GINNY BROWN-WAITE of Florida, Mr. KELLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HINCHEY, and Ms. WASSERMAN SCHULTZ.
H.R. 6856: Mr. CHANDLER.
H.R. 6864: Mr. GOHMERT, Mr. WELCH of Vermont, Mr. HERGER, Mr. MCCOTTER, and Mr. CARTER.
H.R. 6873: Mr. YOUNG of Florida, Mr. TIERNEY, Mr. KING of New York, Mr. BILIRAKIS, Mr. KIRK, Mr. COSTELLO, Mr. THOMPSON of California, and Mr. MORAN of Kansas.
H.R. 6884: Ms. SCHWARTZ.

H.R. 6885: Mr. ARCURI.
H.R. 6895: Mr. ISSA.
H.R. 6905: Ms. BALDWIN and Mr. TOWNS.
H. Con. Res. 284: Mr. WAMP.
H. Con. Res. 294: Mr. BISHOP of Georgia.
H. Con. Res. 357: Mrs. BIGGERT.
H. Con. Res. 362: Ms. PRYCE of Ohio and Mr. WELDON of Florida.
H. Con. Res. 393: Mrs. BLACKBURN.
H. Con. Res. 397: Mr. SHAYS, Mr. MORAN of Virginia, Mr. GRIJALVA, Mr. FARR, Mrs. MALONEY of New York, Mr. BURTON of Indiana, Ms. WATSON, Ms. WOOLSEY, Mr. MARSHALL, Ms. SCHAKOWSKY, Ms. GIFFORDS, Mr. PLATTS, Mr. TOM DAVIS of Virginia, Mr. MCGOVERN, and Mr. KLEIN of Florida.
H. Con. Res. 407: Mr. PAYNE.
H. Con. Res. 411: Mr. MCHUGH and Mr. COBLE.
H. Res. 101: Mr. CARSON.
H. Res. 672: Mr. MILLER of North Carolina.
H. Res. 925: Mrs. MUSGRAVE.
H. Res. 1042: Mr. PENCE, Mr. DENT, Mr. SAXTON, Mr. LATHAM, Mr. GARY G. MILLER of California, Mr. ISSA, Mr. CALVERT, Mr. BARTLETT of Maryland, Mr. BURGESS, Mr. BROUN of Georgia, Mr. GINGREY, Mr. BILBRAY, Mr. SNYDER, Mr. BERMAN, Mr. KINGSTON, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. WESTMORELAND, Mr. PETERSON of Pennsylvania, Mr. SMITH of Nebraska, Mr. SALI, Mr. ENGLISH of Pennsylvania, Mr. ROGERS of Michigan, Mrs. BIGGERT, and Mr. GOHMERT.
H. Res. 1064: Mr. DOYLE, Mr. MEEKS of New York, Mr. PLATTS, and Mr. REYNOLDS.
H. Res. 1258: Mr. ELLISON.
H. Res. 1268: Ms. WOOLSEY, Mr. MORAN of Virginia, Mr. SHULER, Mr. MCDERMOTT, and Mr. MCCOTTER.
H. Res. 1303: Mr. MORAN of Virginia.
H. Res. 1306: Mr. GARRETT of New Jersey.
H. Res. 1335: Mr. SHAYS and Mr. BISHOP of Georgia.
H. Res. 1345: Mr. GRIJALVA.
H. Res. 1364: Mr. AKIN, Mr. BISHOP of Utah, Mr. MARSHALL and Mr. DENT.
H. Res. 1377: Mr. SHERMAN.
H. Res. 1379: Mr. FATTAH, Ms. CLARKE, Mr. FRANK of Massachusetts, and Ms. MCCOLLUM of Minnesota.
H. Res. 1381: Ms. SCHAKOWSKY, Mr. ROYCE, Mrs. EMERSON, Mr. SHAYS, Mr. REGULA, Mr. CRENSHAW, Mr. WATT, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. PRICE of North Carolina, Mr. ROTHMAN, Mr. CAPUANO, Mr. WEXLER, Mr. WU, Mr. OLVER, Mrs. TAUSCHER, Ms. MATSUI, Mr. BERRY, Ms. HOOLEY, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY of New York, Mr. JOHNSON of Georgia, Ms. CLARKE, Mr. HINCHEY, Mr. PALLONE, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. COSTA, Mr. COSTELLO, Mr. NEAL of Massalhusetts, Mr. HARE, Ms. KAPTUR, Mr. MOLLOHAN, Ms. SCHWARTZ, Mr. BOREN, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Mr. INSLEE, Mrs. LOWEY, Mr. KIRK, Mr. MCDERMOTT, and Ms. SOLIS.
H. Res. 1382: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GILCHREST, Mr. FILNER, Mrs. TAUSCHER, Mr. MORAN of Kansas, Mrs. NAPOLITANO, Mr. HAYES, Mr. LIPINSKI, Mr. BROWN of South Carolina, Mr. CARNEY, Mrs. CAPITO, Mr. COHEN, Mr. POE, Ms. EDWARDS of Maryland, and Mrs. MILLER of Michigan.
H. Res. 1390: Mr. EHLERS, Mr. PUTNAM, Mr. MOORE of Kansas, Mr. WILSON of Ohio, Mr. CARNEY, Mr. HOLDEN, Mr. BOYD of Florida, Mr. BOSWELL, Mr. SHULER, Mr. ARCURI, and Mr. SNYDER.
H. Res. 1392: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FORTENBERRY.
H. Res. 1397: Mr. ELLISON and Mr. ALLEN.
H. Res. 1413: Mr. HARE, Mr. COURTNEY, Mr. PALLONE, Mr. HONDA, Mr. BACA, Mr. HINOJOSA, Mr. SIRES, Mr. VAN HOLLEN, Mr. MCDERMOTT, Ms. SHEA-PORTER, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. LEE, Mr. CLEAVER, Ms. WOOLSEY, Mrs. CHRISTENSEN, Mr. CARSON, Ms. CLARKE, and Ms. KAPTUR.
H. Res. 1414: Mr. SARBANES and Mr. FILNER.
H. Res. 1418: Ms. BALDWIN and Mr. MOORE of Kansas.
H. Res. 1427: Mr. GINGREY, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. BURGESS, Mr. WHITFIELD of Kentucky, Mr. KINGSTON, Mr. CAMPBELL of California, Mr. SENSENBRENNER, Mr. WALSH of New York, and Mr. CULBERSON.
H. Res. 1428: Mr. COOPER, Mr. ENGLISH of Pennsylvania, Ms. BALDWIN, Mr. LAMPSON, Mr. HOLDEN, Mr. TANNER, Mr. PETERSON of Minnesota, and Ms. DELAURO.
H. Res. 1435: Mr. WOLF and Mr. GUTIERREZ.
H. Res. 1436: Mr. SHULER, Mr. ORTIZ, Mr. MOORE of Kansas, Mr. DOYLE, Mr. CARNEY, Mr. MCGOVERN, Mr. TANNER, Mr. WESTMORELAND, Mr. EDWARDS of Texas, Mr. HONDA, Mr. JEFFERSON, Mr. COURTNEY, Mr. JONES of North Carolina, Mr. MCINTYRE, and Mr. KAGEN.
H. Res. 1438: Mr. MARIO DIAZ-BALART of Florida.

EXTENSIONS OF REMARKS

TRIBUTE TO DR. JAMES B. KLIEBENSTEIN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize Dr. James B. Kliebenstein, professor of Agricultural Economics at Iowa State University, on receiving the 2008 Distinguished Teaching Award from the American Agricultural Economics Association. I wish to express my appreciation for Dr. Kliebenstein's dedication and commitment to fostering the educational development and personal growth of Iowa students.

After obtaining a doctorate of Philosophy from University of Illinois-Urbana, Dr. Kliebenstein went on to work for Northwest Missouri State University, the Department of Agricultural Economics and the School of Veterinary Medicine at the University of Wisconsin-Madison, and University of Missouri-Columbia. For the past 22 years, Professor Kliebenstein has contributed his time and talents to improving youths' lives through education and mentoring at Iowa State University.

At Iowa State University, Dr. Kliebenstein currently teaches agriculture business courses and advises undergraduate and graduate students. His excellence in teaching is affirmed by the highly positive feedback from his students. For his Farm Planning and Organization class, Dr. Kliebenstein received a 100% approval rating from all of his students. Professor Kliebenstein also conducts research on agricultural production technologies and the costs and benefits of livestock production.

Dr. Kliebenstein has truly made a lasting impact on students, family, and faculty throughout his illustrious career, and his passion for teaching at Iowa State University is admirable. I consider it an honor to represent Dr. James B. Kliebenstein in the United States Congress, and I wish him the best of luck in future endeavors.

HONORING THE JOINT MANUFACTURING AND TECHNOLOGY CENTER AT ROCK ISLAND ARSENAL

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to thank and congratulate Colonel Craig Cotter and the dedicated working men and women at the Joint Manufacturing and Technology Center located at the Rock Island Arsenal federal campus.

Since 1862 the Rock Island Arsenal has been providing the supplies and equipment American soldiers need to protect this country. Today the Joint Manufacturing and Technology Center (JMTC)—under the command of the Army Materiel Command—continues that proud tradition of meeting the needs of our Armed Forces.

JMTC's technological and manufacturing expertise has been essential to protecting our nation in the 21st Century. At no time was this fact more evident than when insurgents in Iraq began using improvised explosive devices to attack Humvees and other military vehicles. The Army needed an immediate solution and JMTC was the only manufacturing center ready and able to provide it. JMTC used their rapid-response design and manufacturing capacity to produce dozens of "up-armor kits" before final engineering was even complete. In a matter of days the first armor kits were designed, produced, and on their way to Iraq. To date, JMTC has produced thousands of armor kits and is poised to expand their armaments development into new titanium and lightweight composite materials.

JMTC is truly a center of industrial and technological excellence. In 2006 and 2007 they earned the Shingo Prize Public Sector Gold Medallion for the Forward Repair System, making JMTC the Army's only two time winner of this prestigious award. JMTC has also met high work standards with the M119 Towed Howitzer, gunner protection armor kit, shop equipment contact maintenance vehicle, and small arms parts program.

Madam Speaker, the women and men at JMTC are indispensable to our long-term national security. This facility is poised to develop the materials and technologies we will need to protect the United States for decades to come.

HONORING PASTOR DONALD BATTLE OF DIVINE FAITH MINISTRIES INTERNATIONAL

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. SCOTT of Georgia. Madam Speaker, I rise today to honor a spiritual and community leader in my district, Pastor Donald Battle of Divine Faith Ministries International, on the occasion of his 54th birthday.

Pastor Donald E. Battle and his wife of 34 years, Gwen, along with their three adult daughters, TaVondria, Jamie, and Christin, are all leaders of this life-changing body of believers. I am proud that the southern campus of Divine Faith Ministries International, along with Divine Faith's School of Biblical Studies, are both located in my district, the 13th Congressional District of Georgia.

Pastor Battle is a native of Birmingham, Alabama, where he met and married his high school sweetheart, Gwen. He served in the U.S Army six years and served 15 years in Georgia law enforcement as a police detective for the City of Atlanta. Pastor Battle's ministry began in 1990 as Divine Faith Baptist Church with a group of 60 members. Today, Madam Speaker, Divine Faith Ministries International currently serves God with a membership of over 8,000. This explosive growth can be directly traced to the servant leadership of Pastor Battle and his family.

But Pastor Battle does not content himself with service in the church alone. A leader in the community, Pastor Battle has served in the Association of Christian Ministers of Clayton County, and guided the creation of the Clayton County Public Schools' Mentorship Forum. The forum includes business leaders, judicial system leaders, state and local elected officials and pastors who serve to mentor high school students. Pastor Battle also led the call for incorporating the faith community in the Clayton County youth offender program to allow churches to be involved in the juvenile offenders' community service program.

Other examples of Pastor Battle's unshakable commitment to the 13th District and the entire Atlanta area are Divine Faith Ministries International television broadcasts which reach thousands of homes weekly, a day care program—Divine Faith Ministries Christian Academy, and the Divine Faith Ministries School of Biblical Studies.

Again Madam Speaker, I am honored to recognize this great man on his birthday. His presence, his purpose and his commitment to service have blessed not only his family, his friends and his congregation, but undoubtedly the entire world as the effects of his ministry are felt in the hearts of thousands. Thank you for the opportunity to honor Pastor Donald Battle, his family and Divine Faith Ministries International.

HONORING RYAN DANIEL SALMON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize, Ryan Daniel Salmon, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Over the many years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ryan Daniel Salmon for

his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE LIFE AND SERVICE OF THE LATE AUSTIN J. ''SONNY'' SHELTON

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize the life and service of the late Austin J. ''Sonny'' Shelton, who passed away on September 7, 2008, after a long illness. Sonny was 59 years of age. Sonny was a member of the 19th Guam Legislature, from 1987 to 1989, where he served as the chairman of the Committee on Rules, vice chairman of the Committee on Energy, Utilities and Consumer Protection, secretary general to the Asian Pacific Parliamentarian's Union and as a member of the Association of Pacific Island Legislators.

In 1995, Sonny was appointed as the director of the Government of Guam's Department of Parks and Recreation and as the Guam Public Auditor from 1999 to 2000. In 2001 he served as the acting director of the Department of Administration.

After graduating from Father Duenas Memorial High School in 1967, attending the University of Guam and Texas State Technical Institute, Sonny returned to Guam and joined Shelton Music Company, his family's business. He later established AJS Incorporated and expanded his business interests to include other vending machines, amusement devices and real estate.

Sonny Shelton was a civic minded individual who devoted much time to community organizations including the Benevolent and Protective Order of Elks, and the Guam Shrine Club, Aloha Temple. He was a volunteer for the University of Guam's 4–H Summer Youth Fishing Program. He served as president of the Father Duenas Memorial School's Football Booster Club. He was active in his church where he served as a brother of the 2nd Community of the Neo-Catechumenal Way of Nino Perdido Catholic Parish in Asan.

Sonny was an avid fisherman who participated in many deep sea fishing events and his love of outdoor sports extended to off-road racing where he enjoyed success as a driver.

Austin J. ''Sonny'' Shelton was the only child of the late Austin James Shelton, a successful Guam entrepreneur and Amanda Pangelinan Guzman Shelton, a professional nurse. He is survived by his widow, Graciella Shinohara Shelton, his children, and their spouses, Raymond and Melinda Shelton Slattery; Madeleine Shelton, Austin Shelton II, and Amanda Shelton; and his grandchildren Trinidad, Kaya, Mariana, Raymond and Gabryelle. He is dearly missed by his family and friends, and our community extends our sympathy to them.

HONORING COLTON R. ZIRKLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize, Colton R. Zirkle a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Colton has been very active with his troop, participating in many scout activities. Over the many years Colton has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Colton R. Zirkle for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol on Monday, September 15, 2008, and was unable to cast votes on the House floor that evening.

However, had I been present I would have voted yea on H. Res. 1200—Honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families; yea on H. Con. Res. 390—Honoring the 28th Infantry Division for serving and protecting the United States; and yea on H.R. 6889—To extend the authority of the Secretary of Education to ensure continued access to Federal student loans, for 1 year.

RECOGNIZING THE PASSING OF GLADYS CANNON

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. SOLIS. Madam Speaker, I rise today to pay tribute to a dear friend and lifelong Democrat, Gladys Cannon, who passed away on September 8, 2008, at her home in West Covina, California. Gladys was a beloved wife, mother, friend, activist, and community leader who will be missed by her peers and the beloved community she devoted her life to serving. I am proud to have called Gladys my friend and I join her husband Frank and her family in mourning her passing.

Throughout her life, Gladys never failed to become involved in helping her community. She had the heart of an activist and the soul of a fighter and she never failed to fight for progressive values. She was a proud member of the Teamsters Union and an active and ardent Democrat. She worked hard to ensure that working families would have their voices heard. Our community will be forever grateful for Gladys's civic activism and volunteerism.

In addition to being a community activist, Gladys was an avid sports fan who always looked forward to March Madness and rooting for USC, the Los Angeles Lakers, the Los Angeles Dodgers, and the Green Bay Packers. Gladys also loved to travel. Her fondest memories were of cruises to Alaska and trips to England and Ireland. Gladys loved to live life and she always did so with a cunning smile and fighting spirit. Gladys will always be remembered and missed for the special joy she brought us all.

Gladys will be remembered for her lifetime dedication to her community and fighting spirit. She was a heartfelt champion of women and working families. I extend my sympathy to Gladys's family in this difficult time, and especially to her beloved husband Frank Cannon whom she greatly loved. Gladys will be dearly missed.

CONGRATULATING COLBY COLLEGE MUSEUM OF ART

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. MICHAUD. Madam Speaker, I rise today to congratulate the Colby College Museum of Art for being accredited by the American Association of Museums, AAM. Accredited since 1995, and re-accredited recently, the museum joins 10 other museums from Maine and 775 nationwide to receive this honor. Accreditation recognizes the Colby College museum's commitment to public service, professional standards, and excellence in education.

The Colby College Museum of Art is a powerful community presence and leader in communicating the value and importance of art. The museum is more than just a collection of great works of art; it is also an incredible educational resource for the state of Maine. It offers hands-on workshops, morning story times for children and various lectures from faculty at Colby, visiting speakers, and student docents.

The Colby College Museum of Art extends its reach far beyond the Colby College campus, sharing its astounding collection with community members of all ages and providing a place for study for faculty and students. I have no doubt that the museum will continue this mission of service and education well into the future, and congratulate the museum once again on this deserved accreditation by the American Association of Museums.

HONORING ALEXANDER J. EICHSTADT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize, Alexander J. Eichstadt, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1138, and in earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the many years Alexander has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Alexander J. Eichstadt for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO MARY JO SHARPE

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to Mary Jo Sharpe, a shining example of a true lady, in my hometown of Somerset, Kentucky. Sadly, Mary Jo passed away on July 8, 2008, at the age of 76.

Mary Jo and her husband of 58 years, Jim Sharpe, are lifelong residents of Pulaski County, Kentucky. Together, they were one of the most thriving and generous entrepreneurial couples that Southern Kentucky has ever seen. Through hard work during their life together they started and operated numerous successful business ventures. They led a distinguished career in grocery and food retail business, automobile dealerships, marinas, restaurants, and most notably the houseboat industry where Jim and Mary Jo are recognized as the pioneers of the industry.

As successful as Mary Jo and Jim were in their business life, their real sense of pride and love was found in their family. They raised four children and nine grandchildren. Mary Jo, or "Mim" as her grandchildren call her, was a loving wife, mother, grandmother and the rock of the family. She was the heart, soul and guiding light helping to lead her children and grandchildren through the trials and tribulations of life. "Mim" was the eternal optimist always giving encouraging advice and making those around her a better person.

Mary Jo's other great love was for her church, First Baptist Church of Somerset. Jim and Mary Jo were married at First Baptist Church on April 4th, 1950. She was a lifelong member and taught the junior and senior girls Sunday school class. Mary Jo was instrumental in the construction of the new sanctuary for the church and was also the "Happy Birthday Voice" for First Baptist's outreach program.

In addition to raising her family and church duties, Mary Jo found time to be president of the local PTA and contribute in various ways to the educational system throughout her life. She also loved to sing and did so on local radio stations and at numerous weddings and funerals.

Mary Jo Sharpe was a graceful, friendly, caring, patriotic, beautiful woman. She believed that "positive things happen to positive people". Mary Jo was a Christian woman and an angel on earth and she is now basking in the glory of her Savior.

Madam Speaker, I ask my colleagues to join me in honoring the memory of Mary Jo Sharpe. She will be sorely missed, but her legacy and character will continue to live on in the hearts and minds of her loving family and friends.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. JOHNSON of Illinois. Madam Speaker unfortunately last night, September 15, 2008, I was unable to cast my votes on H. Res. 1200, H. Con. Res. 390, and H.R. 6889, and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 589 on suspending the rules and passing H. Res. 1200, honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families, I would have voted "aye."

Had I been present for rollcall No. 590 on suspending the rules and passing H. Con. Res. 390, honoring the 28th Infantry Division for serving and protecting the United States, I would have voted "aye."

Had I been present for rollcall No. 591 on suspending the rules and passing H.R. 6889, to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes, I would have voted "aye."

IN RECOGNIZING OF THE 65TH ANNIVERSARY OF NAVAL AIR STATION WHITING FIELD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. MILLER of Florida. Madam Speaker, I rise to honor the 65th anniversary of Naval Air Station, NAS, Whiting Field. The anniversary was quietly marked by a simple cake-cutting ceremony attended by over 100 northwest Florida dignitaries, Navy and Marine Corps League representatives, military personnel, Government civilians, and other base employees on July 16, 2008. This ceremony celebrated a long-lasting friendship between the base and surrounding community and served to further forge their wonderful relationship for many years to come. A much larger, formal ceremony will be held on October 25, 2008.

According to historian and U.S. Navy Retired CDR Doug Seigfried, the 65-year-old NAS Whiting Field is the busiest field in the Training Command and home to Training Wing Five's three T–34C primary/intermediate maritime prop squadrons, two TH–57B/C Sea Ranger helicopter training squadrons and the helicopter and fixed-wing instructor instructional units. Eighty-three percent of all student Naval aviators conduct a portion of their initial flight training at Whiting, which averages over 350 flights a day.

Construction began on the largest of Pensacola's auxiliary fields in early 1943 and was completed in November. The new field, located 35 miles northeast of Pensacola and 6 miles north of Milton, was planned to incorporate two individual fields about a mile from one another with base facilities located between them. Both Whiting's North and South Fields featured four 6,000-foot runways, a large parking mat and two big red-brick, hangars. Despite the fact that construction was not yet complete and assigned personnel were temporarily living in tents, the field was officially dedicated by RADM George D. Murray, commandant of the Naval Air Training Center, Pensacola, on July 16, 1943. In attendance at the ceremony was the recent widow of Captain Kenneth Whiting, Naval Aviator Number 16, for whom the field was named.

Fifteen days earlier, SNJs (the Navy's version of the North American T–6 Texan) of VN–3A and VN–3B from Chevalier and Saufley Fields had arrived at their new South Field home to inaugurate operations in basic and radio instrument instruction as part of the intermediate phase of the World War II training program. With the two fields comp1eted, VN–8C and its large fleet of SNBs (Navy designated Beech Aircraft TC–45s) arrived at North Field from NAS Corry in November 1943. The squadron moved back to Corry in December 1944 and was replaced by operational training squadron VB4 OTU 4, flying Consolidated PB4Y–I Liberators. With all the multi-engine and basic instrument instruction conducted at the base, a large building was constructed to house the numerous Link trainers and six big Link celestial navigation trainers manned by WAVES (Women Accepted for Volunteer Emergency Service).

After the war, Whiting became a naval air station under control of the new Naval Air Advanced Training Command, Jacksonville, Florida. Based at Whiting from 1946 to almost the end of 1947 were VB–2 and VB–4 advanced training units flying Consolidated PB4Y–2 Privateers and Lockheed PV–2 Venturas; the advanced carrier qualification and Landing Signals Officer training unit flying F6F Hellcats, SB2C Helldivers, TBM Avengers and SNJ–3/5Cs; and two photo training units flying the PB4Y–IP and F6F–5P.

Over the next several years, Whiting survived through reorganization of its missions and promotion of its newer facilities and longer runways. The first jets assigned to the Training Command were sent to Whiting Field in July 1948. From 1951 to 1956 Whiting Field devoted its total efforts to primary instruction. It was during this period that the Training Command introduced new aircraft, consolidated bases and made major syllabus

changes to respond to the Navy's predominantly jet-equipped air wings and squadrons. In addition, in December 1959, the multi-engine training group, METG, the pre-helicopter instrument phase, moved its operations to Whiting from Forrest Sherman NAS Pensacola.

During the 1960s, Whiting concentrated on T–28 basic prop training and in January 1965 began parallel T–28 basic instructional programs due to the increased number of students required to meet the augmented pilot training rate prompted by the Vietnam war. In 1965, the field underwent a major facelift as new living spaces replaced old WW II-era "splintervilles," together with a new training building and upgrades to both fields' runways and ramp areas.

In January 1972, as a result of yet another major reorganization of the Training Command, Whiting Field became the home of Training Air Wing 5. After 30 years of working with fixed-wing aviators, Whiting began rotary-wing activities. In November 1977, the first of the new T–34C Turbo Mentors arrived at Training Air Wing 5 to replace the primary-phase T–34B and the basic-phase T–28. By 1983, the last T–28 had been retired and all three North Field squadrons conducted primary and intermediate prop training. In the 1990s, VT–3's Red Knights were designated as the first joint primary training squadron. The era of joint Navy/USAF flight training had begun.

Madam Speaker, no one can deny the honorable and significant contributions NAS Whiting Field has made since it was dedicated in 1943. On behalf of the United States Congress and a grateful Nation, I wish to thank the men and women on NAS Whiting Field, both past and present, for 65 years of unwavering support of our Nation's defense.

TRIBUTE TO HOWARD DUVALL, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a tremendous public servant, Howard Duvall, Jr. After 21 years of stellar service and visionary leadership, Howard is retiring from the South Carolina Municipal Association. His retirement is a great loss to the cities and towns of South Carolina, but we thank Howard for his dedication for so many years.

Howard Duvall is a product of the small South Carolina town of Cheraw, known to many as the birthplace of music legend Dizzy Gillespie. Howard left Cheraw to pursue an education, earning a B.A. in political science from the Citadel and an M.P.A. from the University of South Carolina. He served his country in the U.S. Air Force for 4 years, and continued his service a a member of the South Carolina Air National Guard for 3 years. Howard returned to Cheraw to work in his family's hardware business, and launched a life of public service soon thereafter. In 1974, Howard was elected a member of the Cheraw Town Council. Six years later, he was elected mayor of his beloved hometown.

In June 1986, Governor Dick Riley tapped Howard to serve as his executive assistant. In 1987, he was appointed to the South Carolina Tax Commission, and later that year, he became the director of Intergovernmental Relations for the South Carolina Municipal Association. This move became Howard's calling for the rest of his career. In 1992, he became the executive director of the Municipal Association, and has remained in that post for the last 16 years.

During this time, Howard's family has been his source of support. He has been married to Allianne Turner since 1965, and the two are the proud parents of two daughters and the grandparents of two.

Madam Speaker, I invite you and my colleagues to join me today in congratulating Howard Duvall for an outstanding career of public service. Howard has demonstrated a strong commitment to the small cities and towns that make South Carolina such a wonderful place to live, work and recreate. His leadership has made our State and Nation a better place, and his daily guidance will be sorely missed. I am proud to call Howard a friend, and I wish him a wonderful retirement and much happiness in his future endeavors.

HONORING ROBERT AMSDEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize, Robert Amsden a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Robert has been very active with his troop, participating in many scout activities. Over the many years Robert has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Robert Amsden for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mrs. MALONEY of New York. Madam Speaker, on September 9, 2008, I missed rollcall votes numbered 567, bill to designate the United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse", 568, a bill to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse"; and 569, the Child Soldiers Accountability Act of 2007.

Had I been present, I would have voted "yea" on rollcall votes 567, 568, and 569.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. REICHERT. Madam Speaker, on September 15, 2008, I missed three rollcall votes. Had I been present, I would have voted "yea" on H. Res. 1200, "yea" on H. Con. Res. 390 and "yea" on H.R. 6889.

COMMEMORATING THE 60TH ANNIVERSARY OF THE ACADEMY OF OUR LADY OF GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. BORDALLO. Madam Speaker, I rise today to congratulate the students, administrators, staff, and alumni of the Academy of Our Lady of Guam (AOLG) as they celebrate their sixtieth anniversary. Founded in September 8, 1948 by Bishop Apollinaris William Baumgartner, OFM Cap. and Sister Inez Underwood, RSM the AOLG is renowned for its college preparatory curriculum and continues as the sole Catholic high school for young women on Guam.

The AOLG is named after the patron saint of Guam, Santa Marian Kamalan, also known as Our Lady of Camarin. The 300 year old statue of Our Lady of Camarin is an icon in Chamorro culture. The AOLG lives the name of Our Lady of Camarin through the school's Christian centered approach to education and through a curriculum focusing on the development of the overall well being of its students.

The AOLG continues to excel in both academics and athletics. Over 90 percent of AOLG graduates pursue post-secondary education, and a growing number are accepted by the leading educational institutions.

More so, the AOLG has produced distinguished alumni in the fields of law, medicine, government, and engineering, as well as leaders in the business community.

I commend the Academy of Our Lady of Guam for its 60 years of continued service and excellence to the people of Guam. I congratulate Academy of Our Lady of Guam President, Sr. Francis Jerome Cruz, R.S.M. and Principal Mary Meeks for their stewardship in the education of Guam's exceptional women. God bless the Academy of Our Lady of Guam and may they enjoy many more years of service to the people of Guam.

CONGRATULATING CARLOS ZAMBRANO ON PITCHING A NO-HITTER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. EMANUEL. Madam Speaker, I rise today to congratulate Carlos Zambrano of the Chicago Cubs on his no-hitter against the Houston Astros on Sunday. In addition to being Zambrano's first no-hitter, it was also the first no-hitter pitched by a Cub since 1972 and only the second in the majors this season. In throwing what some are calling a Zambrano-no, he led the Cubs in a 5–0 victory at Miller Park in Milwaukee.

Perhaps most remarkable about Zambrano's performance on Sunday is the unusual circumstances surrounding the game. Not only had Zambrano missed the last two weeks of games with a sore rotator cuff, but the devastation wrought by Hurricane Ike in Houston also forced Major League Baseball to relocate the game to Milwaukee. The crowd of over 23,000 was comprised of a lot of Cubs fans, and all of us Cubs fans are thankful that the Brewers opened up Miller Park for the occasion, and more importantly, we are thankful that the Astros players, fans and families were able to take their minds off of the storm for a few hours to share baseball history with us.

Carlos Zambrano made his major league debut for the Cubs in 2001 as a 20-year-old and has spent his entire professonal career thus far with my hometown Chicago Cubs. He quickly made his mark as a premier pitcher in the league, earning a spot as a starter in 2003 and becoming the youngest Chicago Cub to pitch in an All-Star Game the next season. He is known not only for his abilities on he mound, but also for his enthusiasm for the game and his prowess with the bat.

On Sunday, Zambrano struck out 10 and walked one and was aided by the stellar defense of his teammates—specifically Derek Lee and Mark DeRosa, who both made great plays to keep the no-hitter alive. But in the end, Zambrano showed that his shoulder was A–OK as he continued to throw pitches upward of 95 miles per hour into the 9th inning, striking out the final batter of the game en route to his 14th victory of the season, putting the Cubs 7½ games up in the National League Central Division going into today's game.

Madam Speaker, on behalf of the Cubs' neighbors in Lakeview and throughout Chicagoland, I congratulate Carlos Zambrano and all of his Chicago Cubs teammates the first Cubs no-hitter in 36 years.

PERSONAL EXPLANATION

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. HODES. Madam Speaker, due to illness that required hospitalization, I missed the following votes. I would have voted as follows:

Rollcall vote 567—S. 2403—A bill to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse''—''yes.''

Rollcall vote 568—S. 2837—A bill to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''—''yes.''

Rollcall vote 569—S. 2135—Child Soldiers Accountability Act—''yes.''

Rollcall vote 570—H. Con. Res. 344—Recognizing that we are facing a lobal food crisis—''yes.''

Rollcall vote 571—H. Res. 937—Expressing the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military servicemembers and their families—''yes.''

Rollcall vote 572—H. Res. 1069—Condemning the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children—''yes.''

Rollcall vote 573—H. Res. 1307—Commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation—''yes.''

Rollcall vote 574—H.R. 6168—Lance Corporal Drew W. Weaver Post Office Building—''yes,''

Rollcall vote 575—H.R. 6630—To prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress—''yes.''

Rollcall vote 576—H. Res. 1419—On Ordering the Previous Question Providing for consideration of H.R. 3667, Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008—''yes.''.

Rollcall vote 577—H. Res. 1419—On Agreeing to the Resolution Providing for consideration of H.R. 3667, Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008—''yes.''

Rollcall vote 578—H.R. 1527, The Rural Veterans Access to Care Act—''yes.''

Rollcall vote 579—S. 2617, The Veterans Compensation Cost-of-Living Adjustment Act of 2008—''yes.''

Rollcall vote 580—H.R. 3667, On Motion that the Committee Rise—''yes.''

Rollcall vote 581—Grijalva of Arizona Amendment to H.R. 3667—''yes.''

Rollcall vote 582—H.R. 3667—Table Appeal of the Ruling of the Chair—''yes.''

Rollcall vote 583—H.R. 3667—On passage of the Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008—''yes.''

Rollcall vote 584—H.R. 4081, The Prevent All Cigarette Trafficking Act of 2007—''yes.''

Rollcall vote 589—H. Res. 1200, Honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families—''yes.''

Rollcall vote 590—H. Con. Res. 390, Honoring the 28th Infantry Division for serving and protecting the United States—''yes.''

Rollcall vote 591—H.R. 6889, To extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes—''yes.''

HONORING STEPHEN LEE DODSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize, Stephen Lee Dodson a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Stephen has been very active with his troop, participating in many scout activities. Over the many years Stephen has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Stephen Lee Dodson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE 10TH ANNIVERSARY OF THE RARE FOUNDATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the RARE Foundation in Troy, Michigan as they celebrate their 10th Anniversary on September 16, 2008. The foundation's work for Michigan's youth has changed lives and inspired future generations of leaders.

The RARE Foundation was founded in 1998 by Gilbert Cox, Jr. with the mission to inspire Michigan's youth to see possibilities through the real-world examples of everyday heroes. RARE highlights the lives and life lessons of everyday people in the workplace who, through extraordinary commitment, integrity, selflessness, and courage, are changing lives and inspiring others. In addition, the foundation provides a forum for these extraordinary individuals to reach out to Michigan's youth and teach, by example, their compelling lessons for life's venture.

Throughout the years, the foundation's programs have engaged young people in the process of discussion, discovery, and writing about everyday heroes in their communities to help them see possibilities and make the connection between fulfilling careers and meaningful lives. They have done so by providing grants for teachers and mentoring programs to reinforce character education and strengthen the basic curriculum at a time of severe program, cutback and budget reductions in our

schools. The foundation has also started an At-Risk Community Outreach program in collaboration with educational, business, community, and mentoring organizations designed to bring certainty of opportunity to urban youth.

At a time when material things have replaced character as the currency for measuring success, the RARE Foundation has stepped in to reinforce the idea strong morals and character are imperative to achievement. In fact, their programs have proven to be so successful that they should serve as a model to be followed by other communities.

Madam Speaker, the RARE Foundation continues to educate and enrich the lives of young people in Michigan. I wish to congratulate them and the many volunteers on their 10th Anniversary and hope for many years of prosperity.

40TH ANNIVERSARY OF THE KENNEDY POLITICAL UNION

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. McGOVERN. Madam Speaker, 40 years ago today a tradition began at the American University in Washington, DC. That tradition, which I am proud to say I was and continue to be a part of, began when Theodore Sorensen became the first speaker at the Kennedy Political Union at American University. I rise today to honor and recognize this institution for both its excellence and longevity.

The Kennedy Political Union was founded to take advantage of American University's Washington, DC location. Since its inception the Kennedy Political Union has been student-run, student-funded, and non-partisan in its commitment to connecting American University students with the most compelling speakers on a wide variety of issues.

Past speakers at the Kennedy Political Union have included Former Soviet Premier Mikhail Gorbachev, His Holiness the 14th Dalai Lama, and Secretaries of State Madeleine Albright and Colin Powell, among hundreds of others who have come to share their views and experiences with thousands of American University students.

As Director for the 1980–81 Kennedy Political Union Lecture Series, I hosted Israeli politician and diplomat Abba Eban; former Attorney General Ramsey Clark; Alger Hiss; U.S. Senators Howard Baker, Strom Thurmond and George McGovern, and others. The experience was a formative one for me, and I to this day have maintained my ties with the Kennedy Political Union and my alma mater.

With today, September 16, 2008 marking the 40th Anniversary of the Kennedy Political Union, I want to congratulate each of the Directors who have promoted the organization's commitment to the expansion of political awareness and engagement. I want to thank the speakers who have made the organization what it is today, many of whom are former or current members of this body. And lastly I want to wish the Kennedy Political Union continued success now and in the future.

HONORING MARGARET MEHRING

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mrs. CAPPS. Madam Speaker, thank you for this opportunity to speak today about my dear friend Margaret Mehring, who passed away on July 3, 2008. Margaret was someone that we all want to—and need to—remember. She was an educator, filmmaker and author. She was a political activist, fighting against the McCarthy era excesses and standing firm for the freedoms we cherish in this country.

She also worked hard to help Native Americans tell their own stories, with her work being expanded to the founding of the Media Training Development Program for Tribal College around the country. She managed political campaigns and even wrote a pamphlet about running grassroots campaigns that I got into the hands of top Democrats in Washington. How many of her lessons are finding their way into this election, I often wonder.

Margaret Mehring was all this and much, much more. She was a friend, a mentor, an always present conscience to many of us in this room. Margaret and I became friends when my late husband Walter was beginning his improbable run for Congress. That was back in 1994. Long before most people even knew who Walter was, Margaret was one of his strongest supporters. She and Walter—and I—connected on a very deep level. She understood the importance of building a community of hope and purpose. But she also knew the value of organizing a community around an idea or, in this case, a person and political movement. Margaret dedicated herself to organizing and turning out the vote for Walter so he would be elected to Congress.

She was someone who really recognized the importance of grassroots organizing, mobilizing a community, and turning out the vote. She was instrumental in galvanizing many of her friends and neighbors to support Walter's, and later my, candidacy. And I will always be deeply grateful to the tireless work she devoted to my campaigns.

But what makes me remember Margaret and miss her was larger than the help she provide Walter and me, as important as that was.

Margaret's work was dedicated as much to strengthening our democratic traditions and our civil society as it was to any one candidate. She was concerned about the vitality of our democracy and the health of our society. Ensuring that we leave this wonderful Earth a better place than we found it was what drove her every day. Clearly Margaret was a valuable member of the Democratic party, but more importantly she was an asset to the Democratic process.

I will miss Margaret dearly, I already do. But I carry with me—every day—the lessons of her commitment to her community, her dedication to making the world a better place. It is a source of strength and a constant inspiration to me. Thank you for letting me offer my thoughts today.

IN TRIBUTE TO JIM KROG

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. CASTOR. Madam Speaker, I rise today in honor of a great Floridian and American, James Byron "Jim" Krog. The State of Florida suffered a great loss on September 4, 2008, when he passed away.

Mr. Krog devoted a large part of his professional career to public service. Krog served as chief of staff for the Honorable Lawton Chiles, Governor of Florida, with a landmark new commitment to children's healthcare. He also worked as a top aide to Governor Reubin Askew. He started in government relations in Tallahassee, which he returned to after working for Governor Chiles. As a founding member of the Florida Association of Professional Lobbyists, he recognized the importance of improving the public image of his profession. Known for being a congenial man with a great sense of humor, Mr. Krog would battle against a political rival in the Capitol and then meet him or her afterwards to laugh it off.

A Tampa native and graduate of the University of South Florida, Mr. Krog made time each semester to return to his alma mater to offer advice and encouragement to students interested in beginning a career in government or politics. After students graduated and came to Tallahassee to start jobs, he would mentor them. Now hundreds of USF students are working in government and public policy. They are a living legacy of his dedication to public service.

Madam Speaker, Jim Krog will be greatly missed by the State of Florida. My thoughts are with his wife, Louella, and his son, Christopher.

IN HONOR OF 2008 HISPANIC HERITAGE MONTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the 2008 Hispanic Heritage Month, as we celebrate the members of this community and their invaluable contributions to the Greater Cleveland Area and to our country. I also rise in honor of Senator Kenneth McClintock, and in recognition of his immeasurable accomplishments as President of the Puerto Rican Senate. Senator McClintock is the keynote speaker at the kick-off ceremony of the 2008 Hispanic Heritage Month in Cleveland, Ohio.

Hispanic Heritage Month celebrates and illuminates the significant contributions that Americans of Hispanic heritage have made in all aspects of American culture. Hispanic Americans have contributed immeasurably to the fields of law, medicine and education, and have shared their diverse and rich culture with us all through fine arts and music. Americans of Hispanic descent have served our country in numerous ways—as elected officials, teachers, musicians, veterans, community activists,

and dedicated employees in virtually every sector of the economy. Their longstanding commitment to social justice and to sharing their diverse culture with friends and neighbors has been an invaluable addition to Cleveland's diverse social fabric.

Madam Speaker and colleagues, please join me in honor and in celebration of this year's Hispanic Heritage Month and in recognition of Senator Kenneth McClintock for his dedication to public service. I am deeply grateful for the outstanding contributions made by Hispanic Americans in my district and around the country.

COMMEMORATING THE 60TH ANNIVERSARY OF FATHER DUENAS MEMORIAL SCHOOL

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Ms. BORDALLO, Madam Speaker, I rise today to congratulate the students, administrators, staff and alumni of Father Duenas Memorial School, FDMS, as they celebrate the school's 60th anniversary. Founded in 1948, by Bishop Apollinaris Baumgartner, OFM Cap., as an institution to prepare young men for the priesthood, FDMS has evolved to a 4 year college preparatory high school rooted in the Catholic faith.

FDMS was named to honor the memory of Father Jesus Baza Duenas, the second Chamorro to be ordained a Catholic priest. Father Duenas was beheaded by Imperial Japanese military forces on July 11, 1944, only 10 days before the liberation of Guam. The school was built in Tai, Mangilao, in the area where Father Duenas and his cousin Edward were executed. The school mascot, a ''friar'', is significant as the school has been managed and staffed over the years by religious orders, namely, the Stigmatines, Capuchins, and Marist Brothers.

FDMS has a strong record of academic excellence and athletic achievement. Many of its alumni have excelled and succeeded in their pursuit of higher education in post secondary institutions, including the military service academies and numerous colleges and universities. From its humble beginnings as a five room seminary, the school had grown in size with more classrooms, science laboratories and the recently opened Phoenix Center that serves as a multipurpose complex housing a gym, an auditorium, weight training room, and additional classrooms. The Phoenix Center is also used as a venue to host other performances and civic events for the island community.

Through the years Father Duenas Memorial School has produced distinguished alumni which include leaders in government and the business community, members of the clergy, servicemen in the United States Armed Services, judges, lawyers, doctors, dentists, and educators. Father Duenas Memorial School's most distinguished graduate is the Metropolitan Archbishop Anthony Sablan Apuron, DD, OFM Cap.

It is the heritage and testament of its students, their parents, administration, faculty staff, and alumni that continue to show the character and success of Father Duenas Memorial School. As the school celebrates its 60 Years of Excellence, I congratulate Archbishop Anthony Apuron, Father Duenas Memorial School Principal, Mr. Willaim Roth, the faculty and staff, and the various orders and laypeople who have educated many of Guam's outstanding young men since October 1, 1948. May Father Duenas Memorial School enjoy many more years of service to our community.

HONORING ANDREW NELSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Andrew Nelson of Smithville, Missouri. Andrew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1360, and earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Andrew Nelson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CHARLOTTE WILLIAMS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KILDEE. Madam Speaker, I rise today to honor Charlotte Williams as she receives the first ''Making Democracy Work'' Award from the Flint Michigan League of Women Voters.

The League will honor Charlotte at an event on Wednesday, September 17th in Flint.

The League of Women Voters gives the ''Making Democracy Work'' Award to a Flint female community leader. Charlotte Williams was chosen to be the first recipient. Charlotte was elected as a Genesee County Commissioner in 1968. She was the first black female elected to the position. She went on to become the first female Chair of the Board. She became active in the National Association of Counties and served on several State and local committees. Her work with the National Association of Counties culminated in being elected president of that body in July 1978, and she served one term. Charlotte also chaired a workshop at a White House Conference on ''Balanced Growth and Economic Development'' and contributed to White House briefings during the terms of four Presidents. She retired from the Board of Commissioners in 1980.

Charlotte is the Vice Chairperson of the Board of Stewards at Quinn Chapel AME Church and has been an active member for 40 years, She has also worked as a Home Counselor in the Mott Foundation program and taught Bishop sewing classes.

Madam Speaker, I ask the House of Representatives to stand and applaud the work of one of the pioneers for political equality, Charlotte Williams. I commend her for her courage, insight, and work to improve the quality of life in Genesee County. May she continue her work for many, many years to come.

IN SYMPATHY FOR THE LOSS OF FORMER KIRKWOOD MAYOR MIKE SWOBODA

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. AKIN. Madam Speaker, I rise today to recognize and honor a man of passion, spirit and service—former Kirkwood Mayor Mike Swoboda, who struggled against incredible odds after tragedy and on September 6, 2008, was released from his suffering and went Home.

Mike Swoboda will be remembered for his innovation in the city of Kirkwood, Missouri, creating ''Mayor for a Day'' program for youths, his endless enthusiasm for all things Kirkwood, and his years of faithful service. He was a man of hope and optimism who loved the people he served. He will be remembered for striving to do great things and as a man of his word.

I want to extend my condolences to the family of Mike Swoboda and echo family and friends in saying ''He will always be remembered.''

IN HONOR OF NICK ''SONNY'' NARDI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Nick ''Sonny'' Nardi, and in appreciation of his outstanding dedication to social justice and workers rights. I, along with the Parma Democratic Party, join in recognizing Sonny for his invaluable leadership in the Democratic Party, as he is being honored as the 2008 Parma Democrat of the Year.

Sonny, a native of the Greater Cleveland area, has a multifaceted history of leadership and social service. He graduated from Parma High School in 1978 and joined the International Brotherhood of Teamsters Local 416 here in Parma in 1981. Since joining Local 416, Sonny has demonstrated his dedication to workers rights in the various leadership roles he has held over the past twenty-seven years. From 1986 to 1989, he was the Trustee and Business Agent. He became Vice President of Local 416 in 1992, a position he held for three years, until becoming Secretary-

Treasurer in 1996. Sonny held the position of Secretary-Treasurer for ten years and just last year, he became Local 416's President and Principal Officer.

His commitment to workers rights and to the local Democratic Party has earned him the honor of being one of only two Super-Delegates of the 1.4 million Teamster membership. From 2003–2006, Sonny served on the Labor Advisory Council for Governor Taft and was also appointed to the RTA Board of Trustees. His experience as a true leader in the local Democratic Party earned him an appointment to the Executive Committee for the Democratic Party in 2006. In 2007, the same year he became Local 416's President and Principal Officer, Sonny was chosen to represent Ohio as a member of the Democratic National Committee.

Madam Speaker and colleagues, please join me in honor of Nick "Sonny" Nardi, and in recognition of his invaluable dedication to workers rights and to the local Democratic Party. May his commitment to social justice serve as an example for all of us to follow.

HONORING CHARLES CASSIDY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Charles Cassidy of Platte City, Missouri. Charles is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1351, and earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many scout activities. Over the many years Charles has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Charles Cassidy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mrs. MALONEY of New York. Madam Speaker, on September 15, 2008, I missed rollcall votes numbered 589, a resolution honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families; 590, a resolution honoring the 28th Infantry Division for serving and protecting the United States; and 591, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

Had I been present, I would have voted "yea" on rollcall votes 589, 590, and 591.

HONORING COMMANDER JOSEPH R. DRINKHOUSE FOR HIS SERVICE IN THE UNITED STATES NAVY RESERVE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. ANDREWS. Madam Speaker, I rise today to honor Commander Joseph R. Drinkhouse for his 40 years of service in the United States Navy Reserve. As he nears his official retirement on January 1, 2009, Commander Drinkhouse deserves respect and appreciation for his long service in the United States Armed Services.

Commander Drinkhouse served the first 12 years of his Navy career as an enlisted intelligence specialist first class. During this time, his responsibilities increased as he served as an intelligence analyst, team leader, group leader, and leading petty officer. In 1980, Commander Drinkhouse received a direct commission as an intelligence officer with the rank of lieutenant, junior grade.

Commander Drinkhouse received full credentials as an officer agent in 1986, while serving in the Naval Investigative Service Reserve Unit 0893. He supervised an investigative team and conducted criminal investigations, including witness and suspect interviews, scene processing, and evidence collection. Commander Drinkhouse was transferred to Reserve Intelligence Area 15 in 1997, where he set up a team of officers and agents to take part in joint task force exercises as counterintelligence scriptors. For his service during this time, Commander Drinkhouse was awarded the prestigious Navy and Marine Corps Commendation Medal from the Secretary of the Navy.

Over the past decade Commander Drinkhouse has completed multiple deployments to Bahrain in the Middle East. In 2001, he provided force protection support to the Naval Criminal Investigative Service Middle East Field Office. Commander Drinkhouse also wrote and headed terrorist based exploitation assessment operations and vulnerability assessments while stationed in Bahrain. These services earned Commander Drinkhouse two additional Navy and Marine Corps Commendation Medals from the Secretary of the Navy. In addition, Commander Drinkhouse provided force protection support at Camp Lejuene in North Carolina.

Over his long career Commander Drinkhouse has won many awards, including the Navy and Marine Corps Commendation Medal with two Gold Stars, the Navy Unit Commendation Ribbon, the Navy Reserve Meritorious Service Medal with two Bronze Stars, the National Defense Service Medal with two Bronze Stars, the Armed Forces Expeditionary Medal with Bronze Star, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Military Outstanding Volunteer Service Medal, and the Navy Expert Rifle Medal and Navy Sharpshooter Pistol Ribbon.

Madam Speaker, Commander Drinkhouse is an excellent role model for young Americans considering serving in the United States Armed Forces. He is an inspiration to service members everywhere, and to all citizens of our great nation. I commend Commander Drinkhouse for his 40 years of service to our country and wish him the best of luck in his future endeavors.

IN HONOR OF GLENN W. KRUEGER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Glenn W. Krueger on the occasion of his retirement, and in recognition of his outstanding commitment to his country, his family, and his community. Glenn is retiring as Fire Chief after 41 years of dedicated service to the city of Brook Park.

Glenn Krueger has an immeasurable track record of community and public service. Prior to becoming a fire fighter in Brook Park, Ohio in 1967, he served in the United States Navy from 1960 to 1963. He was hired as a fire fighter for the city of Brook Park on September 15, 1967. Fire fighters often endure long work hours and dangerous conditions when responding to emergency calls. Fire fighters put their lives on the line everyday to protect and serve the community; and are often the first emergency workers to respond to critical situations. In addition to protecting the public from hazardous situations, many fire fighters like Glenn become certified EMT's in order to provide medical treatment at the scene. Glenn was promoted to Lieutenant in 1973 and served as a certified EMT for 6 years. He was again promoted in 1986, this time as Captain of the Brook Park Fire Department. He would serve in that position for 13 years, until his promotion to Fire Chief 8 years ago.

Glenn and his wife Carol Jaye have been married for 46 years and have resided in the city of Brook for the last 36 years. They have five children; Christi, Tricia, Rebecca, Glenn and Scott; and have six grandchildren; Cory, Alicia, Rob, Leah, Jeremy and Jordan.

Madam Speaker and colleagues, please join me in honor of Glenn W. Krueger, and in recognition of his exceptional leadership and dedication to the city of Brook Park, on the occasion of his retirement as a fire fighter after 41 years of service.

IN RECOGNITION OF THE NATIONAL RENEWABLE COOPERATIVES ORGANIZATION

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. BUTTERFIELD. Madam Speaker, on the day that the House is considering far-reaching legislation that encourages the development of renewable energy please join me in applauding the efforts of the National Renewable Cooperatives Organization (NRCO).

The North Carolina Electric Membership Corporation (NCEMC) recently announced its participation in the efforts of this newly formed national cooperative to help electric cooperatives develop renewable energy resources through projects and infrastructure improvements.

NCEMC is a generation and transmission cooperative that supplies all or part of the energy needs to the state's electric cooperatives. North Carolina's electric cooperatives provide energy to 2.5 million people in 93 of 100 counties, primarily in rural parts of the State. The electric cooperatives own and maintain 95,000 miles of power lines, by far the most of any electric utility in North Carolina.

Generation and transmission cooperatives across the nation are already working to further develop renewable resources and many are purchasing renewable energy credits. NRCO provides expertise and information for participating co-ops and provides the opportunity to match the needs of some cooperatives with the practical potential of others.

It is anticipated that NRCO will work with the North Carolina's electric cooperatives' newly formed renewable company, GreenCo Solutions, Inc., to identify cost-effective projects and opportunities to purchase renewable energy credits that will benefit consumers in the future.

By working closely together and sharing information, these electric cooperatives will able to minimize investment risks and maximize the benefits. This is an important effort with enormous potential to help move America toward energy independence.

Madam Speaker, I ask all my colleagues to join me in applauding the important outstanding collective and collaborative efforts of the North Carolina Electric Membership Corporation and the National Renewable Cooperatives Organization.

IN HONOR OF RON BROWN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Ron Brown, and in recognition of his work for social justice and dedication to the Parma Democratic Party. I, along with the Parma Democratic Party, recognize Ron as the Parma Democrat Volunteer of the Year.

Ron has an immeasurable track record of community and public service in the local Democratic Party and for the city of Parma. He graduated from Valley Forge High School in Parma Heights in 1996 and continued his education at Cuyahoga Community College, where he earned a degree in business administration. His dedication to serving the residents of Parma is demonstrated by his 14 years of public service for the city of Parma. He currently works as a case manager for the Parma Public Housing Department and is always at the forefront of activism on behalf of the citizens of Parma.

Ron earns the award of Parma Democrat Volunteer of the Year for his enthusiasm and commitment to the Parma Democratic Party. For years, Ron has worked diligently with the community on voter registration and has volunteered as a precinct chairman. A familiar face to many in the community, he has gone door-to-door, volunteered at polls and canvassed for all the democratic elected officials in Parma. Ron has been a tremendous volunteer and leader for the local Democratic Party.

Madam Speaker and colleagues, please join me in honor of Ron Brown, and in recognition of his commitment to social justice and public service, as he is named this years Parma Democrat Volunteer of the Year.

TRIBUTE TO PASTOR JUDITH HANLON

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. MCGOVERN. Madam Speaker, I rise today to pay tribute to Pastor Judith Hanlon of the Hadwen Park Church, a United Church of Christ Open and Affirming parish, located in Worcester, Massachusetts. She will be formally ordained on Sunday, September 14, 2008.

Pastor Judith Hanlon has distinguished herself as a passionate champion for equal rights by fighting for social justice in the Worcester community and abroad. Raised in Indiana along with six siblings, she was greatly influenced by her upbringing in the Pentecostal church in which her father was a minister. She has two daughters and raised them as a single mother, a noteworthy inspiration to her parishioners. Her deep faith is complemented by her amazing talent and love of music. For 25 years, Pastor Hanlon directed and accompanied singing groups at the Salem Covenant Church in Worcester, Massachusetts. Playing the piano at age 5 and writing music by the age of 9, her musical talent helps to promote her faith and desire for justice. She has produced two CDs of social justice Christian music. After retiring at the age of 45 from her marketing representative career at Verizon—formerly ATT, Pastor Hanlon then pursued her second calling as a pastor.

Serving as the pastor of the Hadwen Park Church since 2000, she quickly and easily gained the love of her community by welcoming all persons with her witty and devoted personality, her positive attitude, and celebratory style. Pastor Judy is courageous in her work for social justice, articulate, inspiring, and often very funny with her messages of love, faith, and overcoming challenges to find the positive side of life. And she is respectful of all people—even in times of disagreement. She is extremely well known for her commitment to and celebration of diversity. Gracelift is her signature e-mail name; it appropriately depicts Pastor Judy and her work.

Under her leadership, Hadwen Park Church proudly moved to become an Open and Affirming parish to show and tell the world that "all are welcome" at HPC—people of all ethnic and cultural backgrounds, sexual orientation, ages, family make up and physical mobility challenges. She led the way to cast—wide open—the welcoming doors. As a result, the church membership has more than doubled, to the point where the former little white church at the corner of Knox and Clover Streets in Worcester could not accommodate the growing stream of Sunday attendees or committee meetings and events. As such she inspired and believed that the mighty little congregation could achieve a million-dollar capital campaign and expansion project. She was right; the project was successfully completed within a short, and miraculous, 2-year time frame. With the ongoing work of the church, it looks like another expansion is needed for meeting rooms and child care needs, the growing food pantry and more. Staying current with outreach and news, through technology, is important to Pastor Judy; a Web site was created at her suggestion and "A Place of Grace" e-mails are disseminated to hundreds of parishioners and colleagues weekly to promote the important work of the church.

Further, the church family has been active in the fight against HIV/AIDS; provided assistance to Hurricane Katrina and Rita victims through the Hope Shall Bloom Project; organized and inspired youth to do service work in South America and in their community; doubled its food pantry to be able to serve the hungry; and provided assistance to countless people in need from the congregation and in the Greater Worcester area. Pastor Hanlon has also been a tireless advocate for the rights of the GLBT community in her parish, the community and the State. Pastor Judy has been a leader in the effort to promote equal marriage and helped spearhead the "Equal Marriage: The Freedom to Marry Coalition in Massachusetts" initiative. Recently, several immigrants, fleeing from abuse in their country of Jamaica because of their sexual orientation, turned to a safe and welcoming haven with Pastor Judy and Hadwen Park church. As a result, she now helps to lead local efforts to promote human rights for GLBT people in Jamaica. For her work on these issues she was awarded the Safe Homes "People of Courage Award" in 2006.

Madam Speaker, I commend this amazing, grace-filled, and inspiring leader of faith for her dedication to making the Worcester area and our world a better place, and I ask all my colleagues to join me in offering her congratulations on her ordination.

IN RECOGNITION OF THE SONGS OF LIFE INTERNATIONAL CHORAL FESTIVAL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. WILSON of South Carolina. Madam Speaker, Bulgaria is an ally of the United States, and this Congress has recognized the Bulgarian people for preserving and continuing their tradition of ethnic and religious tolerance, Most recently, the House of Representatives passed House Resolution 1383, which recognized the 100th anniversary of the independence of Bulgaria.

Through a grassroots movement organized by Kalin and Sharon Tchonev of Lexington,

South Carolina, the American-Bulgarian partnership continues to strengthen. Kalin and Sharon have founded the Songs of Life International Choral Festival to be held this November 21st through December 1st. The festival will include performances in Plovdiv and Sofia, Bulgaria, as well as Tel Aviv and Jerusalem, Israel. It marks the 65th anniversary of the historic rescue of Bulgaria's Jews during the Holocaust and serves as an opportunity to connect citizens from these nations on cultural, educational, and spiritual levels. Songs of Life will bring together choirs, musicians, educators, and students from around the world.

Just as our sister-city relationships serve to advance friendships and understanding among Americans and Bulgarians, the organizers of this festival hope and believe that it will have as positive an impact on an international level. Not only are the United States and Bulgaria allies, but we share common values and a belief in freedom. The Songs of Life International Choir Festival is a platform to share these values with the rest of the world.

I wish to commend Kalin and Sharon Tchonev for their hard work in strengthening tlhe partnership between the United States and Bulgaria.

IN HONOR OF THE EL HASA TEMPLE #28

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the El Hasa Temple #28 Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, A.E.A.O.N.M.S., on the occasion of their one-hundredth anniversary. The members of El Hasa Temple #28 celebrate this grand anniversary with their 46th annual Potentate Ball. I also rise in honor of El Hasa's current Illustrious Potentate, Andrew D. White, and in recognition of his outstanding leadership and dedication to the community.

El Hasa Temple #28 A.E.A.O.N.M.S. was founded on November 19, 1908, when it obtained its Charter from the Imperial Council. The Charter was delivered to Charles E. Gordon, who became El Hasa's first Illustrious Potentate. On the occasion of El Hasa's one-hundredth anniversary, I also rise in honor of H.H. Franklin, the 25th Illustrious Potentate, F.D. Armstead, the 50th Illustrious Potentate, and LaVon McCall, the 75th Illustrious Potentate. El Hasa is part of an international fraternity built on the values of fellowship, philanthropy and community. During Christmas each year, members of El Hasa Temple #28 distribute Christmas baskets to the economically disadvantaged in the Greater Cleveland Area.

Madam Speaker and colleagues, please join me in honor of El Hasa Temple #28, as they celebrate their one-hundredth anniversary during their annual Potentate Ball, and in recognition of the outstanding community work its members contribute to the Greater Cleveland Area.

RECOGNIZING NEAL SUNDEEN, JOHN ALDECOA AND PAUL GRIFFEN, AMERICAN LEGION DEPARTMENT OF ARIZONA, ADVOCACY FOR THE G.I. BILL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. MITCHELL. Madam Speaker, I rise today to recognize Mr. Neal Sundeen, Mr. John Aldecoa and Mr. Paul Griffen, three individuals from my district whose leadership roles in The American Legion was instrumental in building broad bi-partisan support for the new 21st Century G.I. Bill of Rights. These three men deserve the admiration of their state and nation for their efforts to improve the lives of Veterans. I commend them for their tireless service and sacrifice to this country.

This year, with the passage of the G.I. Bill, 1.5 million post-9/11 military veterans will have access to a college education. This legislation will help fulfill the obligation America has to those with honorable wartime service. As a member of the Veterans Affairs Committee and the Chairman of the Subcommittee on Oversight and Investigations I regard this as the most important piece of veteran's legislation in a generation.

I commend Mr. Sundeen, Mr. Aldecoa and Mr. Griffen for their selfless dedication to the advancement of this legislation. These gentlemen have worked in the State of Arizona, as well in Washington, to make their elected officials fully aware of the importance of this bill.

The grassroots efforts of these three men will help this new generation of returning servicemembers make a more successful transition back to civilian life. This will not only benefit those veterans, it will also provide a tremendous boost to our nation's economy and productivity. The new G.I. Bill keeps our promise to provide better educational opportunities to the men and women who have valiantly protected this country and its liberties.

Madam Speaker, please join me in recognizing these gentlemen for their efforts and their continued dedication to America's veterans.

MR. BRUCE LEETZ AND NORTH COAST DISTRIBUTING

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. VISCLOSKY. Madam Speaker, it is with pleasure that I stand before you today to recognize one of Northwest Indiana's exemplary companies. For nearly seventy years, North Coast Distributing has been a leader in the Northwest Indiana business sector, and while the company has seen much success, it is what they have done to give back to the community that makes them so vital to Northwest Indiana. For the third straight year, North Coast, in conjunction with Ivy Tech Community College of Northwest Indiana, will be providing the community with their "Fall Innovators Cafe" in an effort to share their expertise in operating a successful organization with regional and community leaders. This special event will take place on Thursday, September 25, 2008.

A local, family-owned beer wholesaler since 1939, North Coast Distributing, formerly Valpo Beverages, Incorporated, has become one of the premier distributors in the Midwest. The success they have seen, under the leadership of President and Chief Executive Officer Bruce Leetz, is in large part due to the core values of North Coast: Passion for business, Respect for each other and surroundings, Integrity to demonstrate the highest ethical and moral standards, Commitment to achieve goals, and in Excelling in everything they do. This commitment to excellence has led to many accolades at the local, state, and national levels for North Coast, who in 2007 became the first distributor to win both the Miller and Coors top distributor awards. While the many awards they have received are outstanding enough, North Coast's commitment to corporate responsibility and to their community are the most impressive.

Led by Bruce Leetz, North Coast Distributing has always been committed to promoting responsible consumption and in giving back to the community, as is evidenced by their participation in the upcoming innovative session. A graduate of Valparaiso High School and Ball State University, Bruce has been employed with North Coast for over 45 years. In 1970, Bruce took over as President of the company, and his accomplishments, as well as the success of North Coast, have been astonishing. A true expert and legend in the industry, Bruce has served in many capacities, including: membership on the National Beer Wholesalers Association's Executive Board, as President of the Indiana Beverage Alliance for ten years, and as Chairman of both the Miller and Coors Distributor Councils. Like his company, Bruce has always been an active participant in his community as well, having served on the boards of the Northwest Indiana Forum, the Valparaiso Chamber of Commerce, and the Northwest Indiana Entrepreneurship Academy. He is also a past president of the Porter County United Way and the Valparaiso Rotary Club, and he is a Ruling Elder at the First Presbyterian Church in Valparaiso.

For his service to his community and his commitment his industry, both economically and socially, Bruce has received many accolades throughout the years. To name a few of these, in 2004, Bruce was recognized as a Miller Legend, a lifetime achievement award that is the Miller Brewing Company's highest honor. Also, in 2005, then Governor Frank O'Bannon presented him with the Sagamore of the Wabash award, one of the highest honors awarded by the Governor of the State of Indiana.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in congratulating Bruce Leetz and North Coast Distributing on their success throughout the years and honoring them on their commitment to the people of Northwest Indiana. Bruce and the entire team at North Coast Distributing are to be commended for their dedication to improving Northwest Indiana.

HONORING THE LIFE AND MEMORY OF MRS. BARBARA COLBECK

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor the extraordinary life of Barbara Colbeck upon her passing at the age of 64.

For almost 50 years Barbara dedicated her life to liturgical music and her community. Born and raised in Detroit, Barbara attended Saint Lawrence Grade School and Holy Redeemer High School. There, she would meet and fall in love with her high school sweetheart William. They married, and spent 40 wonderful years together. A resident of Livonia, Barbara began to play piano and organ at St. Lawrence when she was in 7th grade. For 49 years she played at Detroit area Churches. She played liturgical music at St. Simon, St. Jude, was First Organist at St. Colette, and finally served as Music Minister at St. Edith.

On August 17, 2008, Barbara passed away. A beloved mother, grandmother, daughter, and sister, she is survived by her husband William, sons Patrick and Christopher, daughter Cherlyn Sellepack, and grandchildren Michael, John, Carolann, and Julianna. Known by her friends and family for her generosity, her strength, and her smile, Barbara faced cancer with dignity and courage, never losing her faith or friendship for all. St. Edith Church was graced by her music and her smile for 23 years. Barbara Colbeck's music will live on in the memory of those who knew her.

Madam Speaker, Barbara Colbeck is remembered as a musician, cantor, teacher, mentor, and friend. Today, as we bid her farewell, I ask my colleagues to join me in mourning her passing and honoring her lifetime of contribution to our community.

TRIBUTE TO STEPHEN L. LANZA OF THE BUFFALO POLICE DEPARTMENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. HIGGINS. Madam Speaker, I am pleased today to honor the accomplishments of Officer Stephen L. Lanza of the Buffalo Police Department. He is truly one of Buffalo's finest, a loving son, an outstanding dad, a great brother, a wonderful neighbor and a loyal friend and a dedicated police officer.

Throughout Lanza's service as a Police Officer, he exemplified the term ''public servant.'' After being appointed to the Buffalo Police Department in 1985, Lanza spent the next twenty-three years of his life dedicated to the people and city he was sworn to protect. For twelve of those years Steve served as a delegate to the Patrolmen's Benevolent Association and unselfishly volunteered as a delegate to several committees, including the Political Action Committee where he interviewed political candidates assessing who was most committed to public safety and making Western New York a better community.

Our community owes Officer Lanza a debt of gratitude for his tireless dedication to making South Buffalo a finer and safer place to live. He is currently a member of the International Police Association, Region 1, the 901 Social Service Organization West Seneca Chapter, and President of the Italian American Police Association. Lanza also contributes to the Federation of Italian American Societies and as a religious education instructor at Queen of Heaven Roman Catholic Church. He is also an avid political activist and volunteer.

Madam Speaker, I want to thank you for this opportunity to honor Officer Lanza for his dedicated service career on the Buffalo Police Department. I ask my colleagues to please join me in wishing Officer Stephen L. Lanza and his family continued good health and happiness in the years to come.

HONORING BRIAN BLANCH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brian Blanch of Liberty, Missouri. Brian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1134, and earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many scout activities. Over the many years Brian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brian Blanch for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. SHUSTER. Madam Speaker, on rollcall Nos. 589, 590, and 591, I was not present. Had I been present, I would have voted ''yes'' on rollcall No. 589, ''yes'' on rollcall No. 590, and ''yes'' on rollcall No. 591.

TRIBUTE TO DR. JOSEPH E. HEYWARD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to this exceptional public servant and advocate, who has proudly served his community and the State of South Carolina. Dr. Joseph E. Heyward was recently acknowledged for his service and awarded with The Alpha Award of Honor and Merit by the Alpha Phi Alpha Fraternity on July 20, 2008.

This award was given to Dr. Joseph E. Heyward because of his courage, vision, wisdom and independence of thought and action which characterizes the best leadership in American life. He has distinguished himself through his spirituality, profession and culture. This award recognizes contributions he has made through his ideas, ideals and work.

Dr. Joseph E. Heyward is the fourth of five children and the youngest son of John Wayne and Wilhelmena Wright Heyward. He was born in Florence, South Carolina and educated in the public school system, graduating from Wilson Senior High with recognition for his academic excellence and leadership ability.

After High School, Dr. Heyward attended Hampton Institute in Virginia. He received a Bachelor of Science Degree in Mathematics with a minor in Physics in 1963. He continued his education at Morgan State University in Baltimore, Maryland and received a Master of Arts Degree in Mathematics in 1972. He received a Doctor of Education Degree in Student Personnel Administration from the University of South Carolina in 1987. He also studied Physics at Wake Forest University in North Carolina and was awarded an Honorary Doctor of Humanities by Francis Marion University in Florence, South Carolina.

While at Hampton University, Joseph E. Heyward joined Alpha Phi Alpha Fraternity through the Gamma Iota Chapter. He then joined the Delta Kappa Lambda Chapter in Florence after his return from a two-year military tour of duty in Europe. Joseph E. Heyward has been a active member in his local chapter since 1967 and has served as its president, secretary and is currently its treasurer.

In his community and civic involvement, Joseph E. Heyward serves as president of four housing boards of directors, a Rotarian, Wachovia Bank of South Carolina Advisory Committee, South Carolina Genetics Board of Directors, South Carolina Housing Advisory Board, a former member of the South Carolina State Board of Accountancy and former member of the Florence Symphony Board.

Dr. Heyward is a member of Cumberland United Methodist Church in Florence, SC. He serves as the Conference Lay Leader for the South Carolina Conference of the United Methodist Church and chairs the Board of Laity. He has attended the past six General and Jurisdictional Conferences of the United Methodist Church and currently is the Vice Chair of the Southeastern Jurisdictional Association of Annual Conference Lay Leaders. He also served one quadrennial as a member of the General Council on Finance and Administration for the Methodist Church and currently he is the member of the General Board of Pension and Health Benefits for the United Methodist Church and its Executive Committee.

Professionally, Dr. Heyward has taught mathematics and physics on the high school level and served as Assistant Principal and

Principal of a middle school. In 1973 he joined the staff of Francis Marion University and went on to hold the position of Director of the University Center and Area Representative for U.S. Senator Ernest ''Fritz'' Hollings from 1978–1980. In 1980 he was recruited and accepted the position of Assistant Superintendent for instruction for Florence District One. He held that position for three years and in 1983 returned to Francis Marion University as Vice President. As a member of the administration at Francis Marion, Dr. Heyward served as Interim Provost of that university on three separate occasions. He retired from the University in June 2006 as Senior Vice President for Student Affairs.

In addition to the many accomplishments and community involvements listed above, Dr. Heyward is a member of the NAACP, Phi Kappa Phi Honor Society, Omicron Delta Kappa National Leadership Honor Society, and Beta Gamma Sigma Honor Society. He has also held membership in the National Association of Student Personnel Administrators, Southern Association of College Student Affairs, and the South Carolina College Personnel Association.

Dr. Heyward is supported by his wife of 38 years, the former Evelyn Sargent, and their three children, Joseph II, Ryan Christopher and Regina Maria. He has four grandchildren; Joseph E. III, Ryan C, Jaylen C, and Mackenzie A.

Madam Speaker, I ask you and my colleagues to join me in celebrating the achievements of Dr. Joseph E. Heyward and congratulate him on his recent honor. His life is a testament to the results of hard work, dedication and commitment.

HONORING STEVEN SCOTT SWANEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Steven Scott Swaney of Kansas City, Missouri. Steven is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 301, and earning the most prestigious award of Eagle Scout.

Steven has been very active with his troop, participating in many Scout activities. Over the many years Steven has been involved with Scouting, he has earned not only numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Steven Scott Swaney for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TOUCHING THE FACE OF GRACE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. WOLF. Madam Speaker, I would like to call to the attention of the House an article written by my constituent, Mitchell L. Hubbard of Winchester, Virginia, about his son's experience while deployed to Iraq. His son's story should make us all think about our armed forces, as well as the police and first responders, who risk so much to serve us every day.

TOUCHING THE ''FACE OF GRACE'': DO WE HAVE THE ABILITY, OR DESIRE, TO SEE OUR SOLDIERS IN THE SAME WAY?

(By Mitchell L. Hubbard)

Whatever your political take on the war in Iraq, nothing can alter it more than having a loved one in the midst of it. Nor is anyone's current perspective balanced until they hear at least some things from a soldier's point of view.

My wife and I learned these truths when our son—a 2004 Handley graduate—decided to join the Army in 2006. His reasoning was simple: He wasn't comfortable knowing that thousands of others his age were sacrificing their own freedoms to protect his. When he signed up to join those thousands, it changed our perspective as well.

Up to that point, it had always been other peoples' sons and daughters doing the fighting. Now it would be our own child. Naturally, no one wants their child to volunteer to go in harm's way for freedom's sake. It was something of a conviction, though, when my wife and I had to ask ourselves why it shouldn't be our own son in the Middle East, why we should be spared the rituals of anxiety, prayer, hope, and waiting that tens of thousands of other families over here have already endured.

In early June, we flew to Fort Hood, Texas, to see our son deploy for a 15-month tour in Iraq. Again, one's perspective is limited until one attends a deploying ceremony for a unit of soldiers. Spouses, children, parents, siblings, and friends, all crowding a gym, all clinging closely to their treasures-in-uniform, accompanied by flags, prayers, cheers, and tears. Our son had joined a ''Band of Brothers.'' My wife and I had joined the ''Band of Others,'' who would be waiting at home. Both those going, and those left behind, carry the War on Terror in a personal way.

Still, those of us left behind need to see something of what our soldiers see, and not only what is offered us in the news. To that end, here is one story our son, Luke, shared with us by phone, that must be shared with anyone who claims an interest in what our soldiers are doing in the Middle East.

Stationed outside a city on the Tigris River, Luke had accompanied his colonel into town as part of a security team, while the colonel spoke with a local sheik. While standing guard, Luke noticed a woman approaching from behind, and cautiously turned in her direction, his rifle at the ready.

An interpreter told our son it was OK—the woman just wanted to touch a soldier. Still uneasy, Luke stood still while the woman reached out her hand and touched his face, tears in her eyes.

Looking to the interpreter for meaning, our son was told: The woman had simply ''wanted to touch the face of grace.'' It seems this trembling woman, like most of the people in her town, looked upon our soldiers as angels of grace, sent by God to protect her from the violence and oppression her people had come to know up to then. Learning this, our son squeezed and kissed the woman's hand, and she left, weeping.

The ''Face of Grace.'' How many of us, safe at home debating the politics of the War on Terror, have ever seen our soldiers in such a light? How many of us have ever even read such an uplifting newspaper account of our soldiers?

To be sure, our soldiers are not virtuous simply by being soldiers. At home in their ''civvies,'' they are as unangelic as the rest of us. Yet when they voluntarily get into ''full battle rattle'' (as they call their battle gear) in a hot and hostile land, their job is both protective and sacrificial—as angelic a purpose as humans can take on. People like this woman, having suffered years of oppression and fear, have eyes and a heart to see this, and to desire to ''touch the Face of Grace.'' Do we have the ability to see our soldiers in the same way?

And not merely our soldiers: Can we see the ''Face of Grace'' in the police who protect us in every town, day and night? Or in the fire and rescue teams who are soldiers in their own right?

My wife and I obviously pray that our son and his ''Band of Brothers'' will come safely home to their personal ''Band of Others.'' After listening to our son's experience, though, we have added the prayer that Americans in every community will be given the eyes and heart to see the ''Face of Grace'' in all who protect our lives and freedoms—especially in soldiers like our son.

MISSOURI KOREAN WAR MEMORIAL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I recognize the legacy of the Korean war veterans from the state of Missouri on the day of the groundbreaking of the Missouri Korean War Memorial.

Thousands of soldiers fought courageously in the Korean war and now these veterans and their families will finally receive the honor they have deserved for so long. Approximately 900 men and women from Missouri lost their lives to protect the Republic of South Korea between 1950 and 1953.

I would like to thank the Kansas City Parks and Recreation Department for donating the land, as well as the individual donors who made this memorial possible. The memorial will serve as a beautiful site to pay tribute to the veterans of the Korean war and I look forward to 2010 when it is completed.

Madam Speaker, the dedication and sacrifice that these veterans gave in the name of freedom is humbling, and it is an honor to serve these men and women in Congress. I ask my colleagues to join me in honoring a very elite group of veterans from the great state of Missouri, and to congratulate the city of Kansas City on the groundbreaking of the Missouri Korean War Memorial.

THE DAILY 45: CHERYL BOOKER

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. RUSH. Madam Speaker, every day, 45 people, on average, are fatally shot in the United States.

In Buffalo, New York, two people died in separate shootings on September 15. One was 51-year-old Cheryl Booker, who was inside a lounge early Monday morning when she was shot in the upper body.

In the other shooting, a 19-year-old man was hit by gunfire from a car and died at the hospital. His name has not yet been released, but we don't need to know his name. We know that it could have been your loved one, it could have been mine.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. AL GREEN of Texas. Madam Speaker, I was unavoidably detained in my district on Monday, September 15, 2008 because of Hurricane Ike. I missed rollcall votes 589 through 591. Had I been present, I would have voted "aye" on rollcall 589, "aye" on rollcall 590, and "aye" on rollcall 591.

SUPPORTING THE EFFORTS OF AMAVEX AND OTHER VENEZUELANS IN EXILE TO SHOW THE ASSOCIATIONS BETWEEN CHAVEZ AND THE FARC

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. LINCOLN DIAZ-BALART of Florida. I rise today in support of the efforts of AMAVEX, a group of Venezuelan exiles who work, along with more than thirty non-profit organizations, in support of the "Bring Chavez to Justice" campaign. This campaign aims to highlight the troubling associations between Venezuelan dictator Hugo Chavez and the Marxist-terrorist group known as the Revolutionary Armed Forces of Colombia, FARC.

The FARC has been listed as a Foreign Terrorist Organization by the United States government since 2001. Between 1996 and January 2008, the FARC kidnapped 6,877 people including three U.S. citizens who were recently liberated by the valiant efforts of Colombia's government. Mark Gonsalves, an American contractor kidnapped and held by the FARC for more than five years, described his ordeal at the hands of his captors and declared that the FARC are "terrorists with a capital 'T'."

Chavez supports the FARC unashamedly proclaims his admiration for this violent terrorist group. He described the FARC in January 2008 as "a real army." While his praise is sometimes peppered with halfhearted criticisms of the FARC's narco-trafficking, kidnappings, and violence, his actions betray his true intentions. He welcomes the FARC to conduct operations along Venezuela's border with Colombia and does nothing to cooperate with Colombia and the U.S. to combat the terrorist group's drug trafficking within its borders.

The computers and evidence that came from the raid that killed the FARC's second in command, Raul Reyes, also resulted in the discovery of evidence showing FARC-Chavez associations. Seized computer files reveal high level connections between the FARC and senior officials in the Chavez administration. These files, authenticated by INTERPOL, reveal hundreds of millions of dollars in payments from the Venezuelan government to the FARC. And, as recently as June of this year, Colombian officials captured four men, one who was a sergeant in Venezuela's national guard, for transporting 40,000 rounds of AK-47 ammunition to the FARC in Colombia.

It is often said that one can judge a person by the company he keeps. In this context, we should all take note that just last Thursday, while Americans observed the anniversary of the September 11 attacks, Chavez rejected all semblance of solidarity with the U.S. and our battle against terrorism by expelling the U.S. ambassador from Caracas. Chavez chooses the company of terrorists, drug traffickers, kidnappers and murderers, and severs diplomatic ties with the U.S. Chavez is a dictator who harbors terrorists.

Madam Speaker, I rise in support of AMAVEX and the efforts of all Venezuelans to bring the terrorist associations of dictator Hugo Chavez to the world's attention.

TRIBUTE TO CONGRESSMAN MICHAEL MCNULTY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize Congressman MICHAEL MCNULTY on the occasion of his retirement from Congress and also to wish him a happy birthday. For 20 years, MIKE has represented New York in the House of Representatives, now in the 21st District. For nearly 40 years, MIKE has served in public office at the local, state, and national level. This Congress, MIKE announced that he would not seek an 11th term in the House.

MIKE has had an impressive career. He first served as Town Supervisor of Green Island, New York at only 22 years old. He was subsequently elected Mayor of Green Island and then to the New York State Assembly. MIKE was elected to Congress in 1988 and has been known for his honesty and integrity. He has served on a number of important committees, including the Armed Services Committee, the Executive Committee of the Congressional Human Rights Caucus, and the Ways and Means Committee, where he is the Chairman of the Subcommittee on Social Security. He has traveled to all seven continents.

While MIKE's service to his community and nation has been meritorious and incredibly valuable, what I have always admired most about him it the way he has gone about doing his job here in Congress. Among his colleagues, MIKE has often been referred to as "the Quiet Gentleman" due to the manner in which he does business. MIKE has managed to be an effective and fair legislator while treating people with respect and acting with dignity, which is no small feat in Washington. MIKE has always stayed above the fray and shunned the kind of partisan bickering that is far too often associated with the work of Congress.

MIKE is universally admired by his colleagues on both sides of the aisle and has served this body with distinction and I know that I speak for all Members the U.S. House of Representatives when I say that we are honored to have served with him.

I want to join MIKE's wife Nancy, his family, friends, and colleagues in congratulating him today on his impressive career and wishing him well. The United States of America owes a debt of gratitude to MICHAEL MCNULTY for the public service he provided. We will miss him from the New York delegation and from the Congress as a whole. We wish him good luck in his retirement.

INTRODUCTION OF THE DAIRY AND SHEEP H–2A VISA ENHANCEMENT ACT OF 2008 (H.R. 6885)

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. MCHUGH. Madam Speaker, on September 11, 2008, I introduced legislation, the Dairy and Sheep H–2A Visa Enhancement Act of 2008 (H.R. 6885), which is designed to ensure that American dairy farmers and sheep ranchers can legally hire the employees they need. Very simply, it would provide dairy farmers with access to the H–2A visa program and codify longstanding regulatory practices that currently allow sheepherders such access.

As I have previously mentioned, one cannot overstate the importance of the dairy industry to the United States economy. In 2007 alone, nearly 60,000 commercial dairy farmers produced 185 billion pounds of milk worth $35.5 billion. This generated more than $140 billion in economic activity and 1.2 million jobs. In New York's 23rd District, which I have the privilege of representing, dairy is an integral component of the economy, as there are approximately 2,000 dairy farms with some 190,000 milk cows dispersed across the 11 counties that comprise the District. Likewise, in 2007, national retail sales of sheep products were nearly $768 million. These retail receipts supported an additional $1.4 billion in economic activity for a total economic impact of $2.2 billion.

For all of its importance, the dairy industry simply cannot continue to operate at its current capacity, let alone expand, without immigrant workers. Increasingly, the U.S. dairy

workforce is relying upon those born outside of the United States, with some estimates indicating that at least 50 percent of all current labor is now foreign-born. Without access to a stable workforce, many American farms could well go out of business. According to an analysis completed by the Farm Credit Associations of New York, over 445 New York dairy farms are highly vulnerable to this situation. In recent years, I have seen this vulnerability first hand as dozens of constituent dairy farmers have repeatedly shared with me the toll that the uncertainty associated with the status quo is extracting from them.

There is a similar need for year-round sheepherders. Given that the U.S. sheep industry was unable to secure sufflcient domestic labor to herd range livestock beginning decades ago, a regulatory provision was created allowing the industry to utilize the H–2A program to employ foreign sheepherders. This measure has proven to be extremely successful. For more than 60 years, more than one-fourth of the nation's entire sheep flock has been produced by ranchers utilizing sheepherders born outside of the United States.

Unfortunately, due largely to its "temporary or seasonal in nature" employment requirement, dairy farmers are currently unable to utilize the H–2A visa program. Thus, it is imperative that Congress act now to provide American dairy farmers access to this program through enacting the Dairy and Sheep H–2A Visa Enhancement Act of 2008. This measure would codify existing regulatory practices and allow American sheep ranchers to legally hire foreign workers for an initial period of three years and additional terms of three years without requiring intervening periods of absence. It would also allow dairy farmers to hire foreign workers on a similar basis.

Put simply, American dairy farmers need workers now. They can ill afford to wait for Congress to complete its long delayed attempts to enact legislation accomplishing comprehensive immigration reform. Accordingly, I urge my colleagues to work with me to help American dairy farmers and bolster our nation's economy by enacting the Dairy and Sheep H–2A Visa Enhancement Act of 2008.

REMEMBERING LEONARD B. "BUD" DOGGETT, JR.

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. WOLF. Madam Speaker, on August 13, when the Congress was in recess, the Washington, DC, region lost one of its great civic leaders when Leonard B. "Bud" Doggett, Jr., passed away at the age of 87. Bud will be remembered by all for his steadfast dedication to community, especially through "Heroes," the non-profit organization he founded to support the families of law enforcement officers and firefighters killed on the job. His legacy of civic involvement should be an inspiration to all of us. I ask that an editorial in the Washington Post about Bud's life, as well as the obituary about him from the same paper, be inserted in the RECORD. We offer our sympathies to his family.

L.B. DOGGETT JR.; PARKING TYCOON, CIVIC LEADER

(By Adam Bernstein)

L.B. "Bud" Doggett Jr., 87, a publicity-averse D.C. commercial parking magnate who emerged in the 1960s as a major civic leader and a central backstage figure in politics and community development, died Aug. 13 at his home in Washington after a heart attack.

Mr. Doggett was president and chief executive of Doggett Enterprises, the parent corporation of Doggett's Parking, which was founded by his parents in 1926.

It was the city's first private parking company, and the younger Mr. Doggett guided it quietly to greater prominence after taking over in the 1950s. For decades, he was a force in preventing the District from building municipally owned parking garages and challenging private firms, a rarity for a large U.S. city.

Mr. Doggett, who also amassed a large portfolio of real estate interests, was a dominant business figure in the city under the old federally appointed District Commissioners system and during the emergence of elected leaders in the mid-1970s.

He liked to joke privately that he was "Shanty Irish," but he was an effective fundraiser for politicians on Capitol Hill and in what was then known as the District Building as well as a trusted power broker between the political elite in the city and the federal government.

His support was considered crucial to the completion of large ventures, including the John F. Kennedy Center for the Performing Arts and the old Washington Convention Center, heralded as the country's fourth largest after it was built in 1982. It was demolished in 2005.

A key legacy was Mr. Doggett's belief in keeping business in the, city despite the devastating riots of 1968 and later tax increases. He held high offices with what is now the Greater Washington Board of Trade—he served a term as president in 1967—and led many efforts to rejuvenate downtown.

While leading the board, he helped donate thousands of dollars' worth of equipment for training courses in typing and hairdressing as well as sports uniforms and toys for residents of the Valley Green housing complex in Southeast.

Longtime broadcasting executive Andy Ockershausen said Mr. Doggett was "a good negotiator and believed in downtown Washington. He always felt if downtown was thriving, the whole metropolitan area would thrive. He kept his business here, refused to move it out of city."

Leonard Brent Doggett Jr. was born Aug. 25, 1920, in the District and attended Georgetown Preparatory School.

He entered World War II as an Army Air Forces pilot, then transferred to the Army infantry after he was reprimanded for flying under a bridge during training in Texas.

As an infantryman, he received decorations for heroism. They included the Bronze Star for organizing a defense unit as others evacuated wounded soldiers from a besieged French village.

He took over his family's parking business in the 1950s and began a large push into real estate. He bought old rowhouses, which he rented as rooming houses before razing them for parking lots.

He also won federal parking concessions, including lots for the State Department and the Environmental Protection Agency. He later focused on major hotel chains, such as Sheraton and Hilton.

With other parking barons, such as Dominic F. Antonelli Jr. of Parking Management, he forged important business ties to Capitol Hill. They made campaign donations to legislators including Rep. John L. McMillan (D–S.C.), the longtime chairman of the House District Committee, to prevent the creation of a municipal parking authority.

He also was board chairman of several Washington banks and a director of Pepsi-Cola Bottling.

Ockershausen said Mr. Doggett prohibited publicity for his extensive charitable work.

In 1964, Mr. Doggett founded a nonprofit organization, Heroes, that dispenses financial aid to families of law enforcement officers and firefighters killed in the line of duty.

John Tydings, a former Board of Trade president who is involved with Heroes, said Mr. Doggett gave millions of dollars out of his pocket to help 225 law enforcement families in the Washington area.

"He set the bar high for civic leaders," Tydings said.

His wife of 57 years, Gladys Denton Doggett, died in 1999. A son from that marriage, Leonard Doggett Ill, died last year.

Survivors include his wife of eight years, Cherrie Wanner Doggett of Washington; a daughter from his first marriage, Frances Foster of Boca Raton, Fla.; a stepdaughter, Kristine Harrington of Arlington County; a sister, Rose Marie Melby of Gaithersburg; and three grandchildren.

[From the Washington Post, Aug. 16, 2008]

BUD DOGGETT

Leonard B. "Bud" Doggett Jr., the parking lot tycoon and D.C. power broker who always had the best interests of the city at heart, probably wouldn't have liked us writing about him in this space—he shunned publicity. But Mr. Doggett, who died Wednesday at the age of 87, exerted a powerful, mostly unseen and highly beneficial influence on the District during more than half a century. When he became president of what is now the Greater Washington Board of Trade in 1967, most businesses discriminated against minorities; Mr. Doggett urged his colleagues to accept diversity. He spearheaded projects that helped rejuvenate the city's downtown slums. City leaders advancing a worthy cause knew that they could count on Mr. Doggett. He would ask, "Are you sure that's all you need?" and end the conversation by saying, "The check is in the mail." Most recently, Mr. Doggett was a driving force behind the District's impressive Hurricane Katrina relief efforts.

Mr. Doggett's friends say that his concern for the city stemmed from his humble roots. He was born in 1920 and grew up in an Irish tenement in an area near Union Station that immigrants affectionately called "Swamp-poodle." After serving in World War II, he went to work for his parents, who owned a small number of parking lots downtown. Mr. Doggett started out working as a valet, often babysitting jalopies filled with children while their parents took in a show. He eventually took over the parking lot business from his father and expanded aggressively, amassing a lucrative portfolio of real estate.

But Mr. Doggett's most lasting legacy will undoubtedly be Heroes, a nonprofit organization he founded in 1964 that supports families of law enforcement officers and firefighters killed on the job. "As a police officer with four kids of my own, I can't even put into words how important this program is," Patrick Burke, D.C. assistant police chief, told us. Heroes has given millions of dollars to

the families of slain public servants and has helped put hundreds of children through college. Not bad, for a self-described shanty Irishman from Swamppoodle.

THE DAILY 45: CHICAGO POLICE OFFICER KILLS HIMSELF AND DAUGHTER

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. It is with a heavy heart that, today, I offer my condolences to the people of my community as I mourn the senseless loss of life of Chicago Police Officer Dannie Marchan, 29, and his daughter, seven-year-old Alizay. Police report these gun-related deaths as a murder suicide with Officer Marchan alleged to have taken his own life after shooting his two children.

This incident happened yesterday morning and, as of this time, Marchan's 9-year-old son, whose name has not been released, is still fighting for his life with his mother, Officer Marchan's ex-wife, at his side.

This senseless loss of life should not happen to anyone. In an instant that can't be taken back, Officer Marchan handled his stresses with a loaded weapon leaving devastating loss in its wake.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will we say "enough is enough, stop the killing!"

INTRODUCTION OF THE BRUCE VENTO BAN ASBESTOS AND PREVENT MESOTHELIOMA ACT OF 2008

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. GENE GREEN of Texas. Madam Speaker, today marks a milestone for the U.S. House of Representatives in the fight against asbestos-related disease. The Bruce Vento Act is strong and comprehensive legislation to prohibit asbestos-containing products in commerce.

As chairman of the Subcommittee on the Environment and Hazardous Materials Subcommittee, I believe action to eliminate asbestos-containing products from the U.S. economy and prevent asbestos-related disease is long overdue.

We are proud to have the support of the Asbestos Disease Awareness Organization, the Mesothelioma Applied Research Foundation, the AFL–CIO, the American Public Health Association, the Environmental Working Group, and other asbestos organizations.

Since we take this historic step near the end of the 110th Congress, we intend to move the legislation forward next Congress and work with all parties to address their concerns while maintaining public health protection.

We are taking this action because many of our constituents have suffered and passed away due to asbestosis, mesothelioma, lung cancer and other asbestos-related diseases and yet asbestos remains a legal product for many uses. Many workers in the 29th Congressional District of Texas were tragically lost due to their hard work in the shipping and maritime industries.

Many longshoreman, pipefitters, seafarers, and other maritime workers have been exposed to deadly asbestos risks, so Houston is no stranger to the scourge of asbestos, as uncounted families continue to grieve their loss day after day.

In 2000, a highly-valued Member of this House, Congressman Bruce Vento of Minnesota, was tragically lost to mesothelioma. He had made the protection of public health and the environment one of his priorities in Congress, and he represented his district extremely well.

We have worked very closely on this legislation with his successor, Congresswoman BETTY MCCOLLUM, who is equally devoted to the protection of her constituents and the legacy of Congressman Vento. Congresswoman MCCOLLUM's expertise, urgency and constructive attitude should be an inspiration to us all on this issue.

I would also like to recognize my good friends and colleagues on the Energy and Commerce Committee, Congresswoman HILDA SOLIS and Congresswoman LOIS CAPPS for their strong support and valuable contribution to this important legislation. Like many Members, they also represent too many families that have been devastated by asbestos-related disease.

For many years, statistics were inaccurate, but recent medical knowledge reveals that nearly 10,000 people continue to die each year as a result of asbestos-related disease. With such a horrible toll, many Americans may believe that asbestos was already banned.

In fact, EPA attempted to ban asbestos in products in 1989, well after the deadly effects were well-known, but their decision was overturned by the Fifth Circuit Court of Appeals in 1991 in the case Corrosion Proof Fittings v. EPA. This ruling based on the statutory interpretation of the Toxics Substances Control Act and administrative law kept the market for asbestos-containing products alive, while thousands continued to die.

The Bruce Vento Act does not permit asbestos in products sold in the U.S. in any concentration, except for those products that meet certain narrow, justifiable, and unavoidable exceptions and exemptions.

These exceptions apply when asbestos is present in a product due to deposition from ambient air, or from water that meets the Safe Water Drinking Act standard for asbestos. The limited exemptions from the prohibition banning asbestos-containing products take into account public health considerations and apply in specific situations and for certain products, such as aggregate products, like asphalt or concrete, or certain minerals that can be associated with asbestos.

These exemptions are narrowly tailored to reduce asbestos in products to the maximum extent possible. While asbestos is a naturally occurring mineral, it does not enter the stream of commerce without being brought there by economic activity.

As a result, we limit exemptions to situations where very low concentrations of asbestos are unavoidable. However, we continue to recognize that U.S. Environmental Protection Agency experts and others testified before our Committee that there is no known safe level of asbestos and it remains highly toxic even in very low concentrations.

Regarding these narrow exemptions, the legislative language is also quite clear that no exemption from an asbestos ban—either statutory or regulatory—should have any bearing on any litigation on one side or the other.

Our legislation explicitly takes care to not create any new federal causes of action or defenses for plaintiffs or defendants. In the United States, the courthouse doors should always be open to people with valid claims, but our goal is to reduce the need for such claims to be filed in the first place by avoiding asbestos-related injuries and deaths.

To prevent asbestos from entering the stream of commerce, our legislation provides for civil and criminal penalties for selling asbestos containing products consistent with other environmental laws. To be liable for criminal penalties, a violation must be knowing or willful.

As the chairman of the Environment and Hazardous Materials Subcommittee, I intend to work with my colleagues and all parties and move this legislation next year.

HONORING DR. HOWARD KOCH, OHIO'S 2008 OUTSTANDING OLDER WORKER

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. JORDAN of Ohio. Madam Speaker, I am pleased to commend Dr. Howard Koch of Lima, OH, to the House of Representatives as Ohio's 2008 Outstanding Older Worker.

Eighty-four years young, Dr. Koch performed general dentistry for 45 years. After selling his practice, he has continued to perform denture work for the past 12 years. About his life's work, Dr. Koch stated, "Work—it's not really work. I like what I do and when you like what you do, it's not work."

Dr. Koch has many accomplishments to his name from his distinguished career. In the 1960s, he co-chaired a committee to have fluoride added to Lima's water supply. He also made the first mouthguards for area football players. He has served as president of the Northwest Ohio Dental Association.

Though Dr. Koch has enjoyed a wonderful career, he did not always intend to be a dentist. He served as a bombardier during World War II and attained the rank of Second Lieutenant. He originally planned to be a teacher after serving in the military but changed his mind and entered the field of dentistry.

Though he keeps busy with his denture practice, Dr. Koch enjoys spending his free time cooking and baking homemade bread. He also enjoys dabbling in photography. He and his wife Patricia have been married for 63 years.

Madam Speaker, I take great pride today in recognizing Ohio's 2008 Outstanding Older Worker, Dr. Howard Koch.

IN MEMORY OF JOHN F. SEIBERLING

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. UDALL of Colorado. Madam Speaker, like so many of our colleagues I heard with great sorrow of the passing of former Representative John F. Seiberling of Ohio.

While I did not have the opportunity to serve with Mr. Seiberling, I knew of his distinguished career and especially of his being a longtime friend and colleague of my father, both during and after his own service in the House.

My father and John Seiberling not only served at the same time, they worked closely together on many measures that came before what was then the Committee on Interior and Insular Affairs—now known as the Natural Resources Committee.

Examples include the legislation dealing with strip mining, the Surface Mining Control and Reclamation Act, finally signed into law by President Carter after President Ford had vetoed an earlier version, and the Alaska National Interest Lands Conservation Act, ANILCA, also known as the ''Alaska Lands Act,'' which was signed into law on December 2, 1980.

Also, for many years John Seiberling was the voice of historic preservation in the Congress. He authored the legislation that created the Historic Preservation Fund and the 1980 Amendments to the National Historic Preservation Act, and he helped win passage of the first Federal tax credits to preserve historic buildings.

Indeed, both as a private citizen and a public leader, John Seiberling inspired and elevated the stewardship of our Nation's land and its natural and cultural heritage.

At home, he was a leader in saving the historic heritage of Ohio, including his birthplace, Stan Hywet Hall in Akron. And while he was the shepherd of more than 60 park-related bills, he took special pride in writing and achieving the enactment of the Act to protect the Cuyahoga Valley between Akron and Cleveland, Ohio, as a national recreation area, now a national park.

As his hometown paper, the Akron Beacon Journal put it ''John F. Seiberling often explained that in preserving land, we preserve something of ourselves. One generation sends an enduring message to its successors about what it holds dear. Who has forgotten the wisdom of Theodore Roosevelt and others advancing the cause of national parks? In that same way, Mr. Seiberling long will be remembered . . . for his vision in seeking to preserve' 33,000 acres in Northeast Ohio, a vast urban parkland between Akron and Cleveland, and then having the political skills to turn the dream into reality.''

And the same editorial also noted an important point about John Seiberling's character and why he was so effective here in Congress and back home:

Almost anyone who spent time with Mr. Seiberling soon encountered his intelligence and wit. What his legislative colleagues and others appreciated was his modesty and civility, He listened to opposing views, Perhaps that stemmed from his own story, the scion of the family that founded Goodyear becoming a liberal Democrat. His calm, informed and reasoned approach proved most effective in aiding his causes. It meant that when he got his back up (say, his snapping ''Who the hell are you?'' at James Goldsmith, the corporate pirate seeking to consume Goodyear), his passion proved all the more persuasive.

President Clinton later awarded John Seiberling the Presidential Citizens Medal, which is awarded in recognition of U.S. citizens who have performed exemplary deeds of service for our Nation.

In making the award, the President rightly explained that ''An ardent advocate for the environment, John F. Seiberling has demonstrated a profound commitment to America's natural treasures. Championing numerous bills during his 17 years in Congress, including the Alaska Lands Act, John Seiberling safeguarded millions of acres of parks, forests, wildlife refuges, and wilderness areas.'' And, in recognition of John Seiberling's work as a member of the Judiciary Committee, President Clinton went on to say that ''working in a spirit of bipartisanship, he also promoted civil rights and worker rights, always striving to improve the quality of life in America.''

Truer words were never spoken of any Member of Congress—and, once again, the Beacon Journal got it right when its editors wrote ''John Seiberling led an admirable life. He might have been content to become the fine attorney and avid amateur photographer that he was. Instead, he jumped into the political fray and in doing so, provided an example of what it means to pursue the highest standards of public life. That is something very much worth remembering and preserving.''

John Seiberling's example is one we should all remember and try to emulate.

Here is the complete text of the Beacon Journal editorial, from the paper's August 5th edition:

THE SEIBERLING LEGACY.—START WITH THE CUYAHOGA VALLEY NATIONAL PARK, AND THEN CONSIDER THE REMARKABLE POLITICAL SKILLS THAT BROUGHT THE DREAM TO REALITY

John F. Seiberling often explained that in preserving land, we preserve something of ourselves. One generation sends an enduring message to its successors about what it holds dear. Who has forgotten the wisdom of Theodore Roosevelt and others advancing the cause of national parks? In that same way, Mr. Seiberling long will be remembered, following his death over the weekend at age 89, for his vision in seeking to preserve 33,000 acres in Northeast Ohio, a vast urban parkland between Akron and Cleveland, and then having the political skills to turn the dream into reality.

That achievement revealed so much about his public service. In this election season, candidates spend many hours touting their virtues, why their presence at the Statehouse or on Capitol Hill is necessary. Rare is the lawmaker who enhances the quality of community life to the degree of Mr. Seiberling. He was a once-in-a-generation leader.

Look at the Cuyahoga Valley National Park today, three decades after its creation, millions of people each year hiking and riding its pathways, enjoying its meadows, its wetlands and banks of trees, their colors radiant in the fall. Practically all of us boast about the park to friends and family elsewhere, and when they come to visit, they marvel, too.

The park isn't the Grand Canyon or Yellowstone, obviously. Mr. Seiberling knew the Big Country. One of his proudest accomplishments representing the Akron area in the U.S. House for 16 years was his essential role in preserving 54 million acres of wilderness in Alaska. The Cuyahoga Valley park represented an innovation in the concept. Why not do the same in the industrial heartland of the country?

Almost anyone who spent time with Mr. Seiberling soon encountered his intelligence and wit. What his legislative colleagues and others appreciated was his modesty and civility. He listened to opposing views. Perhaps that stemmed from his own story, the scion of the family that founded Goodyear becoming a liberal Democrat. His calm, informed and reasoned approach proved most effective in aiding his causes. It meant that when he got his back up (say, his snapping ''Who the hell are you?'' at James Goldsmith, the corporate pirate seeking to consume Goodyear), his passion proved all the more persuasive.

Most telling, Mr. Seiberling knew who he was, and didn't pretend otherwise. Even as he cut a national profile conserving public lands, he understood his leading role involved representing the city and its surroundings. He brought federal backing to the Akron-Canton airport, the Goodyear Technical Center and other projects critical to the community. He didn't duck confrontations. He felt comfortable in his own skin, and at ease in the face of opposition.

John Seiberling led an admirable life. He might have been content to become the fine attorney and avid amateur photographer that he was. Instead, he jumped into the political fray and in doing so, provided an example of what it means to pursue the highest standards of public life. That is something very much worth remembering and preserving.

CONGRATULATIONS TO UNION TOWNSHIP ON THEIR 200TH ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the U.S. House of Representatives to join me as I rise to congratulate Union Township, New Jersey, on the celebration of its 200th anniversary.

Union Township plays an integral part in Union County and the 10th Congressional District of New Jersey.

Prior to the establishment of Union Township, that region known as Elizabethtown played a fundamental role in the American Revolution. It was the site of the Battle of Connecticut Farms where the British tried to force their way to Hobart Gap but were denied by the strong and resilient spirit of the Continental Forces. This spirit of determination is a testament to the solid foundation on which Union Township rests.

On the 23d day of November in 1808, the State Legislature of New Jersey designated that Connecticut Farms would be separated from Elizabethtown. This new municipality was to be called Union Township.

Since its inception Union Township has been a cultural hub attracting people from all cultures and backgrounds.

Today, the township is comprised of over 50,000 residents and 27 houses of worship. Every year, Union Township holds several parades where people from different cultures can celebrate their heritage through various parades and festivals. The Township will celebrate the occasion with a parade on October 12, 2008.

Union Township is an intermingling of Colonial American history and contemporary suburban living. In 1976 Union Township achieved the honored designation of being named an All-American City. Just this year, Union Township was. chosen by CNN as one of the top 100 places to live in the country.

Union Township again stands out on the national stage because it is home to the world's tallest water sphere. Residents are also proud of their outstanding higher education institution, Kean University, as well as their excellent elementary and secondary school systems.

Madam Speaker, I know my colleagues agree that Union Township and its residents have every right to be proud of the lasting contributions Union Township has made to the State of New Jersey and to the United States of America. I am pleased to congratulate Union Township on its first 200 years and proud to have a significant part of the township in the 10th Congressional District.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 16, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,021 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.'' The phrase in the 14th amendment capsulizes our entire Constitution. It says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 13,021 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is September 16, 2008, 13,021 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

SENATE—*Wednesday, September 17, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

''O God, our help in ages past, our hope for years to come. Our shelter from the stormy blast, and our eternal home. Before the years in order stood, or Earth received her frame, from everlasting, You are God, to endless years the same.'' Isaac Watts, 1719.

Lord, today we praise You for Your justice and the impartiality of Your love and mercy.

Shower our lawmakers with Your matchless favor as You enfold and sustain them with Your gracious love. Lord, quicken their minds to seek Your wisdom and infuse them with the desire to do Your will. Give them decisive guidance in the relationships and responsibilities ahead of us. Speak so clearly to them that their utterances will reflect the tenor and tone of Your truth.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 17, 2008.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the scheduled termination date of this Congress is a week this coming Friday—a week after the day after tomorrow. We have a lot to do. We are going to finish, sometime today, the Defense authorization bill. I am in conference with Senator LEVIN to see if there is something we can work out. If not, this matter will be completed, no matter what anyone does, at 9:30 tonight. The vote tonight is on passage of the bill. It is not 60 votes. We just have to get a simple majority.

I will file cloture on the Coburn package, which has scores of bills in it that have been held up. I had a very good conversation with him yesterday. I will meet with him later today to see if we can work something out and move forward on that without a cloture vote. I hope that can be done. Senator COBURN said he thought it could be. I hope that is, in fact, the case. I will be as reasonable as I can be, and I am hopeful and confident that he will be.

After that—whatever is determined on that—we are going to move to the tax extenders. We need a vehicle to do that. Any of the 99 Senators can object to having a vehicle to do that. We, of course, procedurally, could move to something, but it could take a couple extra days. Of course, everyone should understand that we may have to be working the next week or so with no time off. If we have people who are trying to slow things up, stall things, then we are going to have to use the time that we have to use, procedurally, to get to an instrument. Once we get to that, Senator MCCONNELL and I have an agreement that we are going to try to effectuate where we would vote on paying for all the tax extenders as it relates to renewables. Then we would have a vote on whether we are going to pay for AMT, and then a vote on the package and send that to the House.

Of course, after that, there are other things we need to do. We have an economic recovery package. The House will be sending us that. We have a CR that we have to complete to fund the Government. There is one thing I didn't mention by oversight.

When we finish the tax extenders, we have to do the rest of our energy legislation. That is the bill the House passed last night. We can use that for a vehicle. Everybody is expecting—rightfully so—that there would be a vote on Senator BINGAMAN's alternative, there would be a vote on the Republican alternative, and there would be a vote—if, in fact, they decide to move forward on it—on the Gang of 10's so-called bipartisan legislation. So there is the House-passed bill, the Bingaman bill, the Republican alternative, and the bipartisan bill. All of them include drilling. So people can vote their hearts out on drilling. Someone could actually vote for all four of those.

As I indicated, we have the CR. There are a lot of other things the CR may take care of that we have not finished, including MilCon, VA, and Homeland Security appropriations; and there are people out there who are concerned about things we should do before we leave here, such as LIHEAP. Hopefully, that could be included in either the stimulus package or the CR. Oil prices are not as high as they have been, but fuel oil in the Northeast is expected to be high this winter. We hope to work something out on mental health parity, the Ledbetter issue. We could have another vote on that, if I decide that. We have a lot to do.

This morning, we are going to have a period for morning business for up to 1 hour, as soon as I complete my statement. The majority will control the first 30 minutes. My understanding is that Senator DORGAN is here and available, and he will speak for about 15 minutes. The Republicans will control the last 30 minutes.

Following that, we will resume consideration of S. 3001, the Defense authorization. Yesterday, cloture was invoked on the Defense bill, and I announced at that time I was appreciative of the help we got from the Republicans. All postcloture debate time will expire about 9:30 tonight.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HURRICANE IKE

Mr. MCCONNELL. Mr. President, the impact of Hurricane Ike, as we all know, devastated part of the United States, including my State of Kentucky. This past Sunday, 70-mile-per-hour winds blew through the State, leaving thousands of people with damaged or destroyed property.

I could give my own personal observation about it. My wife and I were out at lunch Sunday when the storm came through. There were very high winds, as I indicated—70-mile-an-hour winds—which we are certainly not accustomed to in Louisville, KY. We drove home and saw that one way into our house was blocked because a tree in our own yard had fallen across the road. We took another route around to try to get into the back of the house, and another tree had fallen across the road. That was replicated across Louisville, KY. The power in my own house is still out—to personalize it—as it is in a huge number of houses in Louisville and northern Kentucky, which is across from Cincinnati. This had a severe impact on a lot of people. The good news is that the hospitals and major facilities do have power.

As many as 170,000 homes are still without power. And schools in several counties remain closed today as the cleanup continues.

State and local officials are working as hard as they can to survey the destruction and get help to anyone who needs it.

I expect the State will soon ask the Federal Government for disaster assistance, which I will strongly support.

THE ECONOMY

Mr. MCCONNELL. Mr. President, families all across America are concerned about their financial security. As Congress, the administration and Federal Reserve consider the appropriate measures to strengthen our capital markets, I believe it is imperative that we do so in a bipartisan manner.

Now more than ever is the time to rise above politics and work together. Our constituents do not want campaign speeches and hyperpartisan accusations—they want security for their home and savings. They want energy security and lower costs for gas and oil. And they want protection from future tax hikes on their income.

Government should be focused on bipartisan efforts to address the fundamental problems in the credit markets and must be cautious in putting taxpayer dollars at risk. And we should work together to help all Americans.

CONSTITUTION DAY

Mr. MCCONNELL. Mr. President, in giving these remarks, I am saluting Senator BYRD.

Just a few short blocks from this Capitol at the National Archives lies an old and yellowing document, encased under heavy glass.

It is the Constitution of the United States, signed on this day in 1787 by 39 brave Americans. They and their countrymen had just fought a war for liberty. And they understood that the highest goal of a government is to preserve and protect that liberty.

The oldest delegate, Benjamin Franklin, was already revered by his colleagues as one of America's greatest statesmen. They wanted to hear his opinion on their work. Franklin told his compatriots in Philadelphia, ''I consent, sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best.''

Over two centuries later, we can say proudly that the system of Government those great men devised is the best—simple in form, elegant in function, and firmly devoted to the preservation of liberty. Amended many times but never abandoned, our Constitution is the oldest still in use today.

We celebrate, every year, the brilliant document our Founders gave us by marking September 17 as Constitution Day. Senator BYRD was the one who suggested that we do that. It is a day for all Americans, but especially schoolchildren, to learn more about the Constitution, to understand how it works, and to appreciate how it has guided our Nation through growth and change.

I want to thank the senior Senator from West Virginia for sponsoring the legislation 4 years ago to mark this day and to celebrate this seminal document. We all know the love Senator BYRD has for American history, and the history of the Senate.

He knows that you cannot truly understand how liberty is preserved in our country without understanding the Constitution. Thank you, Senator BYRD for your efforts.

Constitution Day serves to promote civic awareness. In Kentucky, we take this charge seriously, and through important efforts like the Civic Literacy Initiative of Kentucky and other projects, we are working to increase civic awareness across the Bluegrass State.

So on this day, we recognize the students, teachers, and community leaders in Kentucky and across the Nation who promote and protect the ideals of our glorious Constitution.

And we say a special thanks for our men and women in uniform, who defend it.

More than two centuries ago, the 39 signers of our Constitution gave us a more perfect Union through a document that endures and guides us here today. They understood, as we all must, that above all, Government serves to secure the blessings of liberty for the people of our great Nation.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I applaud my colleague for the statement he made. The Constitution is our guiding document in this great country. There isn't too much emphasis we can place on it. I respect the words of my colleague. I am confident that he speaks for all Senators.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

THE ECONOMY

Mr. DORGAN. Mr. President, it is now Wednesday of a week that began with a 504-point collapse in the stock market on Monday. The American economy, I think most people would understand, is in serious trouble. These are not ordinary times for our country. We have been the economic engine of the world. We have built an economic engine that is unparalleled. It has been an unbelievable economy, and created great jobs. Yet we now run into some very significant problems.

The financial wreckage that has occurred in recent months in this country is almost staggering. Very large investment banks that have been around for a long while are gone. Bear Stearns, Lehman Brothers, Merrill Lynch, venerable old investment firms. Bear Stearns, a 158-year firm, survived the Civil War, the Great Depression, but it could not survive today.

What has happened? What is causing all this? We understand in the months of this year up to $1 trillion of taxpayers' money has been offered in support—loan guarantees and various things—to try to contain the growing financial difficulty in this country.

I am not going to second-guess those who are working day and night trying to figure out how we stem the damage. I don't know the figures. I am not in the engine room to know all of the dials, gauges, and knobs that they are working on to try to figure out how we stem the damage. So I am not going to be critical today of guarantees and takeovers and so on.

I am going to say to the American people that they should not worry about their bank account in an insured bank. I don't think anybody should be concerned or run down and try to take their deposits out of their local banks where their deposits are insured by the FDIC. Those are sound, and those deposits are not in jeopardy.

Even in the middle of a financial storm of the type we are experiencing, I think it is reasonable for the American people, when midnight meetings are proposing tens of billions, $30 billion or $85 billion of taxpayers' money to try to shore up institutions and deal with this spreading problem, to ask the question: How on Earth did this happen, and why did it happen?

There are two reasons, and it is important to talk about them even in the

middle of the storm. One is greed, unbelievable greed; and the second is, in my judgment, deliberate neglect. I will talk about each.

The reason I want to talk about them is because we have to make sure we understand what has caused this problem in order to fix it and to make sure it doesn't happen again. It is not as if this country hasn't seen banks collapse. We saw banks collapse in the 1930s in the Great Depression. Franklin Delano Roosevelt put together the New Deal and put together very specific, very stringent provisions dealing with banking and the safety and soundness of banks. Not just the safety and soundness in numbers but the safety and soundness with respect to perception of that safety and soundness.

They said we learned a lesson in the 1920s, and that lesson is we ought not merge and fuse together inherently risky items such as securities, real estate, insurance, and other things with banking, whose entire existence depends on the perception of safety and soundness.

Glass-Steagall and other legislative provisions were created that separated traditional banking from the more risky enterprises. That existed for many decades until about 9 years ago when the Financial Modernization Act, as it was inappropriately named and led by Senator Gramm from Texas, was passed by the Congress. I was one of eight Senators to vote against it because it repealed the elements of the Glass-Steagall Act and created the opportunities for large financial holding companies to once again fuse and merge together banking with inherently risky enterprises of securities, real estate, and others.

I know they said: No, no, we are building firewalls. The firewalls, it turns out, are not very thick. We learned a lesson and forgot it.

Let me describe what happened. Once all of this happened, at the root in this country that deals with greed, we had investment banks, mortgage brokers, hedge funds, and mortgage banks, all of them up to their neck in cash, barrels full of cash they were making. Let me describe how they were doing it, and most people will understand this wreckage is not a surprise at all.

Here is what they were doing in this country: As the housing bubble was building, caused in part by easy money advertised to people who had bad credit, we saw bad loans put out there in what was called then—the new lexicon—subprime lending. Here is what Countrywide, the largest mortgage banker said:

> Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us . . .

Isn't that unbelievable? Countrywide doesn't exist anymore because it was bought by another firm before it went belly up.

It wasn't just Countrywide. Here is an ad I pulled off the Internet. It was running on television and radio. Millennia Mortgage:

> 12 months, no mortgage payment. That's right. We will give you the money to make your first 12 months' payments if you call in the next 7 days. We pay it for you. Our loan program may reduce your current monthly payments by 50 percent and allow you no payments for the first 12 months.

Isn't that unbelievable? That is nothing compared to these kinds of advertisements, and most of us have heard them.

Zoom Credit, here is what it said:

> Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, a home loan, or a credit card. Even if your credit's in the tank. Zoom Credit's like money in the bank. Zoom Credit specializes in credit repair and debt consolidation, too. Bankruptcy, slow credit, no credit—who cares?

Is this business? No, this is insanity. This is not business. Zoom Credit: Your credit is in the tank, there is money in the bank for you.

On top of that, in addition to putting mortgages out to people who had bad credit, here is what they advertised: You want to get a loan with no documentation so you don't even have to document your income, that is no problem. We will give you a no-doc loan. You don't have to document your loan. We will give you low-doc loan so you do minimum documentation of your income. By the way, you don't have to make any payments the first 12 months, or you can make payments the first 12 months and pay no principal or you can pay no principal and only partial interest. Unbelievable. All of these companies, shame on them. Unbelievable, unfettered greed making money by the barrel, leaving the rest of us with the financial wreckage that occurred.

Here is what happened. They put out all these bad mortgages, called subprime mortgages. They mixed them with good mortgages and securitized them because these days they securitize everything. They discovered these new exotic financial instruments and put them all together like sawdust and sausage, as they used to do, and put bad loans in with good loans. With all these loans, they put in prepayment penalties saying: We are going to stick you with a reset with a much higher interest rate despite the fact we did a teaser rate at the front end. And when the higher interest rate happens 3 months from now, you may not be able to pay it, but it doesn't matter. You can flip your property because you will make money. Home prices are going up.

So they put in prepayment penalties, and the prepayment penalties made these little securities seem like this was a sure thing and big money. The broker got the mortgage, got a big bonus, went to the mortgage companies—Countrywide and others. They securitized them and set them up in a hedge fund and moved them around the world.

Now they sit with these pieces of security, and they don't have the foggiest idea what is in them. All of a sudden, they go belly up. Mr. President, $1 billion, $10 billion, $100 billion, $1 trillion, and the carnage spreads across this country's economy.

Greed, unbelievable greed. This is all about making big money in a manner that defies good business sense, and even more, deliberate neglect by regulators in this town. This is no time for politics, but let me say this. At the start of this administration, regulators came to this town and served notice: It's a business-friendly place. Don't worry, be happy. We don't intend to regulate. One regulator in one agency said: It's a new day here, a new sheriff in town. This is a business-friendly place.

When the regulators decide they are not going to regulate, it is like taking the cop off the beat. Regulators represent the referee or the cop. I have used the referee analogy—a striped shirt and whistle, and they call the fouls. There have been no fouls here. When you have a mortgage company that says: You have bad credit, you have been bankrupt. You can't pay your bills? Come to us. The regulator should say: What are you doing? They say: We want to give you a mortgage that has an unbelievably low rate, 1¼ percent and resets at 10 percent and you don't have to document your loan. We will make the first 12 payments for you. Unbelievable, in my judgment.

Regulators sat by and watched, and it has cost this country $1 trillion as a result of the unfettered greed that moved across this country.

The fact is, Senator MCCAIN recently said the economy is fundamentally sound. It is not. What has happened here is the erosion of economic strength as a result of unbelievable greed with the subprime mortgage that has spread all over the country.

By the way, I mentioned that what took away Financial Modernization Act Glass-Steagall and the protections we put in place was Financial Modernization Act, also known as the Gramm-Leach-Bliley Act. That is Senator Phil Gramm who led the fight here to do that. I didn't vote with him. He is out still advising Senator MCCAIN on the economy.

Again, this is not about politics, but it is about what happened, how it happened, why it happened, and what we ought to do to make sure it doesn't happen again. We need effective regulators who decide they are going to do, in the interest of the American taxpayers, what they should do. We ought to go back and plug the loophole that was opened by Senator Gramm and

others who said: You know what. Let's forget the lessons of the past. Let's let big holding companies gather up big financial enterprises and put them into one big sack, and they will run just fine.

They are not running just fine. They are undermining this country's economic strength.

Mr. President, how much time have I consumed?

The ACTING PRESIDENT pro tempore. The Senator has used 13 minutes.

Mr. DORGAN. Mr. President, I will say again, as I said when I started, this is no ordinary time. Our economy is in peril. We will recover. I hope the kinds of things that are being done by good people who are working 24 hours a day to try to deal with this wreckage will help our economy recover. We are a very strong country, and we have had some people who have undermined this country's economic strength, but I believe we will overcome it. But we won't overcome it unless we understand what happened, how it happened, and why it happened.

I say again, as I said yesterday on the floor of the Senate, this is not some mysterious illness for which we don't have a cure. It is pretty obvious what happened, and it is pretty obvious what we have to do to fix it.

I have been on the floor of the Senate talking for some years about this issue, about the unbelievable amount of leverage and the exotic financial instruments. Does anybody out there know that we have some $40 trillion in notional derivative values of credit default swaps? Most people who have them don't even know what they are. Most people didn't understand what kind of infection existed deep in these securitized issues that were being sold back and forth and everybody making money. They had no idea what was in them that was going to blow up at some point. And it has blown up with a significant force at this point that, so far, has cost the American people, by my calculation, up to $1 trillion.

This ought to be an indelible lesson learned for this institution and for the American people. Greed must be constrained.

The market system is a wonderful system, but you must have a traffic cop on the beat. You must have regulators who regulate. When you begin to take apart things that were protecting this country, such as the Glass-Steagall Act, and promising all kinds of nirvana for tomorrow, when it comes apart, you need to go back and do it over again and do it right.

Mr. President, as I said, these are difficult days, and I want to end as I started. I don't want people who listen to this discussion to believe they should run to the bank and take their deposits out. Insured deposits in American banks are sound, and the American people should understand and not worry about that. That is very important. What we should worry about are the political calculations that led us to take apart the protections, such as Glass-Steagall and others, and second, the unfettered greed that was going on under the noses of regulators who came to this town in 2001 and who decided they didn't have any interest in regulating anything. Those are lessons we need to learn and learn well.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

ENERGY

Mr. TESTER. Mr. President, I first wish to thank the Senator from North Dakota for his comments. I think it is particularly important, as we get the news day after day about what is going on in the financial markets of this country, that we don't panic. The fact is, I think the investments we have in our banks are secure. There is no doubt about that. But the truth is, we have gotten here by an administration that, quite honestly, has not done its job with commonsense oversight, and greed has stepped in. The bottom line is that it is costing the Government a lot of money—$85 billion yesterday—to basically nationalize AIG. So I thank the Senator from North Dakota. I think his comments are on point.

Today, I want to talk about something that has been on our minds for some time and will be on our minds for some time; that is, the cost of energy. It is an incredibly pressing issue, and it is long past due for a commonsense energy policy with short-term and long-term solutions—critically important. America deserves no less, and Americans deserve no less. It is a matter of national and economic security.

Securing our energy future will free America from being held hostage by foreign producers, and quite honestly, most of them don't like us much—countries such as Russia, Venezuela, and Saudi Arabia. Renewable energy projects will generate good new jobs here in America while creating a sustainable energy supply at affordable prices for American consumers.

I have spoken many times on this floor about the need to drill for oil in places that make sense in this country. One of them in particular is a formation called the Bakken formation in eastern Montana. I have called on my colleagues to work together to crack down on oil speculators who artificially drive up the price of oil, and, of course, I have spoken about the need to conserve—the low-hanging fruit, conserve, conserve, conserve—and to invest in alternative and renewable energy for the future to make this country energy independent.

That is why I rise today. In Montana, several alternative energy projects have been held up by the Federal Government. Why? Because of too much redtape. And this administration has cut staff and resources just when we need them the most in the area of renewable energy. That is why I am introducing legislation, along with Senator FEINSTEIN, that will help get renewable energy projects approved faster. The measure will cut through the redtape that slows down too many of these innovative and important projects. My bill will make it easier for folks who are figuring out how to use new technology to solve the energy crisis while also cutting down on the emissions of greenhouse gases. It would also create as many as six renewable energy pilot project offices across the country to coordinate Federal permits for renewable energy projects and transmission lines with State governments.

This legislation is only a part of the puzzle, but it is a very important piece. In the 2005 Energy bill, we created an oil and gas pilot project to speed up onshore gas and oil exploration drilling, and it is working. If we had put the same focus on renewable energy that we have on oil and gas, we would be in a different spot today. And we won't run out of renewables as we will with oil.

I very much appreciate the work many of my colleagues have been doing to develop a bipartisan energy proposal, and I support their work. I call on the Senate to work together to pass commonsense solutions to this energy crisis. We can't put all our eggs in one basket energy-wise. Energy security will take a mix of solutions, and it is not going to happen overnight. But every day we delay is another day we continue to rely on foreign energy.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

THE ECONOMY

Mr. DURBIN. Mr. President, yesterday evening, in room 219 just off the Senate Chamber, there was a historic meeting where Mr. Bernanke, Chairman of the Federal Reserve Board, and Mr. Paulson, Secretary of the Treasury, gathered at a large conference table with the leaders of both the House and the Senate, of both political parties. The information he gave us was serious, and we listened carefully as Mr. Bernanke explained that the Federal Reserve was about to loan $85 billion to the largest insurance company in America—AIG.

Mr. Bernanke spelled out what would happen if AIG failed, which he believed was imminent, absent intervention by the Government; that this insurance company had 180 subsidiaries, a $1 trillion operation, and the impact of its demise would be felt across America and around the world. He explained it

is more than just an insurance company, it is a company that has insured many contracts, and if that insurance failed, it would call into question contractual obligations involving financial institutions and individuals across America.

It was very clear by the end of his explanation that we had few alternatives, few options other than to step in. Although I understand this to be unprecedented, it appears to be one of the few things we can do to stop AIG from collapsing and bringing down a large part of the American economy with it.

This, of course, comes on the heels of announcements earlier in the week that Lehman Brothers was going to fold. I understand a substantial portion of it may be taken over by Barclays, and I think that is a good thing, particularly for the 10,000 employees whose jobs may be preserved. We also heard that Merrill Lynch, one of the traditional giants on Wall Street, had to close down business and accept purchase by the Bank of America. That was a week after Fannie Mae and Freddie Mac, the two giants of the housing industry in America, reached a point where the Federal Government had to take over the responsibility for their future so that the housing market could be stabilized. And it was just a few weeks after that same administration stepped in to take over Bear Stearns.

This sequence of events has caused concern across America and around the world. I believe the response by the administration, at least through the Federal Reserve, is the best of the bad alternatives that were available to it. But it raises some extraordinary questions we have to face, and Congress has to accept the challenge these events present to us. The challenge was expressed by Mr. Bernanke last night when I asked him: What can we do now to avoid further collapses of giant companies and institutions? He said: We have to step back and look at the whole system of regulation.

I think that was a very candid analysis because we know what has happened. The traditional basis for our financial dealings in America has been banks and other credit institutions, which are regulated by the Government. But in recent times, an additional credit world has emerged. It is a dark and shadowy world without the disclosure of these traditional institutions and with little or no regulation. It is that world which is coming down. It turns out that if these institutions are not carefully monitored, if there is not appropriate oversight and accountability, greed overtakes common sense, and that is what has happened. So many of these institutions are failing, and with their failure comes added responsibilities for taxpayers.

It is curious to me that when we reach these disastrous situations, it is the taxpayers—the average family in America—who need to ride to the rescue. It is their tax dollars that are going to keep these institutions afloat for some period of time. They didn't reap the profits of these institutions in their glory days, but now their tax dollars are sustaining the skeletons that are left so that there will at least be some continuity.

I think we need to step back and take an honest look at this and realize we have gone too far when it comes to this notion that we have to ''get Government off our back.'' It turns out there are moments in history and there are situations where individuals, families, and even businesses alone cannot manage this economy. We need to have the American family—we need to have our Government that we have elected and chosen in a position of oversight to stop the excesses. We need to make sure we have agencies with the appropriate statutory authority to ask the right questions, to disclose the right information, and to stop wrongdoing. That has not happened, and that failure has led to the situation we see at this moment.

Senator MCCAIN and his inspiration, former Senator Phil Gramm of Texas, are part of the deregulation school—get Government out of the business of regulation. In fact, Senator MCCAIN prides himself on being a leader when it comes to deregulation. Well, it is that concept of deregulation that has brought us to this moment. We have to have appropriate regulation. I don't want the Government to go too far, but clearly, when the Government steps aside and says: Let 10,000 flowers bloom, let this economy emerge, let's see the miracle of capitalism, sadly, those miracles turn into tragedies, as they did over the last several weeks. We need to make sure we have agencies of Government doing the right thing.

In the darkest economic moment in American history—the Great Depression of the 1920s—it took a new President and a new way of thinking to turn America around and to get the economy back on its feet. That President, Franklin Roosevelt, came in and established Federal agencies that would demand accountability, and in return he said that we will stand behind the banks of America. It is a promise we have kept now for over 75 years.

Of course, there is regulation of financial institutions and there is also a guarantee that your deposits at your bank are going to be protected by the Government—the Federal Deposit Insurance Corporation. That is a good tradeoff. We will provide rescue if we can regulate. But currently we are coming to the rescue of unregulated entities for activities that the Government has had nothing to do with, and that has to change. We have to have accountability across the board in our economy. That is a critical element when it comes to the future. This Congress is not going to do it. The President is ending his term with only a few months left. He is not in a position to suggest major reform legislation in these closing months, and Congress is not in a position to pass it. But we have a responsibility in the new Congress to accept that challenge and to put in appropriate regulation.

The era of Phil Gramm deregulation is an era that has not only declined but fell over the last several weeks. That may have inspired JOHN MCCAIN years ago, but that cannot lead our country in the future. We have to have a much more honest appraisal that if the taxpayer dollars are going to be on the line to rescue these corporations, the Federal Government should have some oversight and demand accountability in the operation of these institutions before it reaches that point.

There is one other element that I think is important which we brought up in the meeting last night. Despite all this conversation about all the turmoil on Wall Street and all of the turmoil in our economy, there seems to be a hands-off attitude when it comes to the Americans facing mortgage foreclosure. What started this economic tumble was the subprime mortgage mess, where financial institutions were derelict in their responsibility, enticing people into mortgage debt way beyond their means, giving them these exotic financing packages which exploded when the ARMs reset, and now many of them are facing foreclosure.

This last August, we hit another record high in foreclosures—304,000 homes in some stage of default and 91,000 families losing their homes, according to RealtyTrac, an online marketer of foreclosed properties. I think this is the rot at the base of the economy, and when I have appealed to my colleagues in the Senate on the Republican side, the Secretary of the Treasury, and even the Chairman of the Federal Reserve, that we need to look at these mortgage foreclosures in a specific way to see how many of these families, if given a reasonable opportunity, could stay in their homes, they have said: No, we don't want to put our hands on that; we have to let the market work its will. Well, we didn't let the market work its will with Bear Stearns. We came to their rescue. We didn't let the market work its will with Fannie Mae and Freddie Mac. We rescued them. We certainly didn't let the market work its will with AIG. We decided that for the good of our economy we had to step in. I believe those were reasonable efforts to stabilize our economy, but helping the families facing foreclosure is also reasonable. Now that our Government is taking over Fannie Mae and Freddie Mac, I think it ought to step in with a new policy when it comes to renegotiating the mortgages of people who are facing foreclosure.

I have had a proposal before the Senate, which was rejected on a largely partisan basis, which basically said that if you go into bankruptcy in foreclosure, the court will have a chance to rewrite the terms of your mortgage to keep you in your home. It is done now for investment property, vacation property, farms and ranches. But it does not apply to your primary residence, and that makes no sense whatsoever. I think the court ought to step back and say this family can make the payments they have made for the last 5 years and ought to be allowed to stay in their home as a result of it rather than foreclose the property. If the property is foreclosed, there are losers in every direction. First, the families are on the street; second, the financial institution; and then the neighborhoods and the community around them will see their property values go down because of the foreclosure.

If we want to staunch the bleeding going on at the base of our economy, it should start with those who are facing foreclosure. If we are coming to the rescue of major institutions, why do we turn our backs on the families facing foreclosure?

One of our colleagues in the meeting yesterday said we have to let the market find the bottom when it comes to foreclosure. We didn't let that happen with respect to giants. We shouldn't let it happen to families who deserve a second chance.

I yield the floor.

Mr. CORNYN. Mr. President, I ask unanimous consent that 20 minutes out of the allotted 30 minutes on this side be allotted to me and the remaining 10 minutes allotted to the Senator from Louisiana, Mr. VITTER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISASTER RELIEF

Mr. CORNYN. Mr. President, yesterday I had the chance, once again, to tour the devastated area in my State of Texas caused by Hurricane Ike, this time with the President of the United States and the Secretary of Health and Human Services, Secretary Mike Levitt, along with David Paulson, the Administrator of the Federal Emergency Management Agency. It had been 2 days before that, on Sunday, that I had done the same thing in southeast Texas, in the Beaumont area, talking to the mayors and county judges in that afflicted part of the State, as well as having been to Galveston. Those two places, particularly Orange County and Galveston County, in the southeast part of our State, took the brunt of Hurricane Ike.

There are a lot of people hurting now in Texas. We have roughly 2 million people without power. Many people have left their homes under evacuation orders and do not know what the condition of their home is and certainly are dying to get back so they can assess where they are—whether they have been wiped out or whether there is something they will be able to rebuild, whether this is something from which they can recover.

At the same time, we know there are people who are in evacuation shelters set up by the Red Cross with FEMA's help, and others, where they are getting the necessities of life—food, water, and shelter. But these are the very same people who are eager to get back to their homes to see whether their houses are still standing, to see whether they can rebuild, as I say, or whether they are going to have to start from scratch.

The emergency response by the State of Texas, primarily the Governor and his team, as well as the leaders at the local level—county judges and the mayors—was about as good as I can imagine it could have been. Unfortunately, because of Hurricane Gustav, when it did not turn out to be as severe as many thought, and millions, literally, had evacuated, I don't think many people believed Ike was going to turn out to be as bad as it turned out to be. So many people hunkered down in place and did not take the advice of the local and State leadership to evacuate. Unfortunately, now they find themselves—roughly 2 million people—without power.

Yesterday, Mayor Thomas, in Galveston, pointed out that the toilets have not flushed since last Friday in Galveston. That not only presents an inconvenience and hardship, but it is also a public health hazard. We have many people who, yesterday, decided to give people a chance to look and leave. In other words, if they were worried about their home, give them a chance to come back on Galveston Island, check it out, and then leave because the air-conditioning, the refrigeration, the basic services provided by power were not available.

Unfortunately, if you saw, as I did, the entry and exit into Galveston Island, it was jammed with people wanting to come back under that look-and-leave policy. But the mayor decided, and I think wisely so, to suspend that because of the logjam.

In the worst of disasters, usually you find the greatest examples of the human spirit, neighbors helping neighbors. Faith-based organizations, for no other cause than serving their very basic mission, are out there making sure people are fed, making sure they are sheltered, doing everything they can to help people rebuild their lives.

We were fortunate in one sense that the storm was not as bad as originally predicted. At one point, there was an estimate that 125,000 homes would be lost; that the surge would reach up to 25 feet; that is, the water being pushed ahead of the storm would actually come all the way up the Houston Ship Channel and cause massive destruction and flooding and possibly loss of human life. While too many people did, in fact, lose their lives, fortunately it was not as bad as it could have been. Texans remember and history reminds us it was just 1900 when Galveston was hit by another hurricane where anywhere between 6,000 and 8,000 people died. Fortunately, the numbers were in the single digits in Texas. That is because of not only the preparation but because of modern building codes which created stronger houses for people who did decide to hunker down, and also because of the search-and-rescue operation conducted by the State and Federal authorities working together to try to get people out who had been trapped, literally, without electricity, without power, without gasoline. We were able to get many people out to safety in the shelters.

I think it is important for the people of this country to know that no matter who you are or where you live, we do have the systems in place both at the local and State level but also the Federal level to be of assistance to you if you need help. Of course, as I mentioned, many people are trapped, really, where they are. Maybe they went to a hotel. Maybe they went to a friend or relative's house.

Yesterday, the President announced the Federal Emergency Management Agency, the Federal Emergency Response Agency, had authorized people to basically stay in the hotel or motel, if that is where they are located, for up to 30 days while the power gets restored and while cleanup is ongoing and maybe downed power lines are removed. That ought to give people some relief, that they are not going to have to look for money they do not have just to be able to pay the bill to stay in place if they are in a hotel or motel for the next 30 days, if they come from the affected counties.

Because of the major disaster declaration that occurred, both public assistance in terms of helping to rebuild the affected areas in the State and also personal assistance is available through FEMA. We tried to announce the first step to the public yesterday. But, obviously, people do not have Internet access when their power is down. They do not have televisions to watch the announcements or maybe even radios to be able to know what to do. But it is important for the public to know, and I think not just in the affected regions, that they need to register with FEMA, the Federal Emergency Management Agency, for personal assistance. That is the first step to getting back to their houses, making sure any damages are appropriately assessed, and making sure the affected people get the help they are entitled to under the law.

I would add, in addition to the Federal Emergency Management Agency's Web site and their 1–800 number, if my constituents will call any one of my offices, either here in Washington, DC, which we kept open 24–7 during the storm, and also any of my regional offices in Tyler, Dallas, Houston, San Antonio, Harlingen, Lubbock, or Austin, we will reach them and get them the help they need and to which they are entitled.

I have heard some rumors from the other side of the Capitol that Speaker PELOSI was talking about moving a stimulus package, a huge additional spending package of roughly $50 billion, and there were going to be some provisions in it for disaster recovery and wild fires and other things.

I would welcome that with this caution: that we not allow politics and the opportunity to use this as a sort of Christmas tree for a bunch of bloated spending that is not necessary to restore people to their homes and to repair the damaged infrastructure; that this not be used as an occasion for politics. To me, the most cynical thing possibly that could happen in Congress is we look past the people in immediate need, and we look for political opportunities to perhaps spend the taxpayers' money on programs that would not otherwise pass because they are somehow bundled up with emergency spending for storm relief.

There is one other thing I learned in this disaster that I think is very important as we look at dealing with our energy crisis generally, with the high price of gasoline, and high price of oil, which, perhaps, is the No. 1 economic concern of the American people today. The gulf coast is indeed a laboratory of energy that supplies the daily needs of our country. When a big hurricane comes in, like this one did, of the 25 refineries—these are the places that actually make gasoline out of oil—representing more than one-quarter of the Nation's refining capacity, 17 of the 25 had to be taken offline because of the storm. In addition, nine different oil pipelines—these are the major oil pipelines that transmit oil from the gulf to various parts of the country—also had to be shut down because of Hurricane Ike. That is going to have an impact on America's oil and gas supply.

Hopefully, the first indications are going to prove to be true, and there were no major environmental spills or problems associated with this hurricane. To me, it was just another reminder of how much Congress needs to remember that we cannot put all of the Nation's energy—or at least 25 percent of it—in one place. It is literally like putting all of our eggs in one basket. As the saying goes, if you put all your eggs in one basket, you better take care of that basket.

The fact is, as we look forward to hopefully removing the moratorium on Outer Continental Shelf drilling and exploration and production of oil and building of refineries at home so we have to depend less on imported energy from the Middle East, that we will remember the lessons of Hurricane Ike and Hurricane Gustav and Hurricane Katrina and Hurricane Rita.

Frankly, I think putting so much of our Nation's energy capacity in an area that is from time to time going to be affected by these natural disasters is something we ought to take note of and do something about. By producing the ability, or at least allowing the ability, for more exploration and development and building of pipelines, building of refineries in other parts of the country and, producing more at home, we, as we use less by conservation measures, can produce more American energy so we are less reliant on imported oil from the Middle East.

There have been a lot of interesting proposals being made. I want to caution my colleagues against some of the proposals that claim to do more about drilling but which in fact create further obstacles to further American oil exploration and drilling. As a matter of fact, one of the initial proposals we saw—I know this was in good faith. I am not questioning the good faith of the proponents. But the effect of it would actually be to raise taxes and diminish domestic oil production and actually limit energy exploration.

It is true, we would go from 85 to roughly 70 percent of the Outer Continental Shelf that would be available for drilling under this proposal, but what we would in effect be doing is putting a 60-vote barrier on going into that other 70 percent in the future. I do not know why, if we are willing to acknowledge the fact that modern drilling technology will allow for the exploration and production of oil in one place, such as the Outer Continental Shelf, why we would restrict it in other places on the Outer Continental Shelf, or developing the oil shale out West or perhaps even in the Arctic National Wildlife Refuge—in a 2,000-acre piece of frozen tundra in the middle of a 19 million-acre wildlife refuge—something that can be developed, I believe, in an environmentally responsible way.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 6 minutes remaining.

DEFENSE AUTHORIZATION

Mr. CORNYN. I thank the Chair.

I want to move to another topic and say I am pleased that an amendment which I have offered that will protect military voting rights has been apparently accepted as a part of the managers' package on the Defense authorization bill.

This is a provision which I offered last week and we had been unsuccessful getting a vote on that. But I am pleased that through negotiations in a bipartisan effort between the bill managers, Senator LEVIN, chairman of the Armed Services Committee, and Senator WARNER, the former chairman, who is the minority bill manager, that has been accepted as part of the managers' package.

The fact is, according to statistics compiled by the U.S. Election Assistance Commission, only 992,000 of the 6 million eligible military and overseas voters were able to request an absentee ballot for the 2006 election, and only 330,000 of those ballots were filled out and actually reached election officials.

That means, in other words, that only 5.5 percent of eligible military and overseas voters were able to fill out a ballot and mail it in and have it counted. To me that is a scandalous statistic, one I am glad that this body, in a bipartisan fashion, is going to respond to and say ''no more.''

We are going to deal with this issue in a way that makes sure that the ballot of those who are fighting, deployed in very dangerous places, is going to count as much as our ballots here in the continental United States.

CONSTITUTION DAY 2008

Mr. CORNYN. I have some remarks, this being Constitution Day, that I want to make in closing. It was 221 years ago today when the delegates of the Constitutional Convention in Philadelphia completed their work; 39 of them signed it and gave us the very Government we have come to know, we have come to love, and, sometimes, there are those who say they have come to loathe it.

But today, we celebrate the very fact that we live in a country where people have the freedom of speech, that we have our political rights to petition Government, where Government's power is acknowledged to come from the governed, ''we the People'' as Lincoln said, ''Government of the people, by the people and for the people.'' It is not the decision of a small group of people here in Washington, DC that somehow has to be fed to us like castor oil and we have to take it. This literally is a government of the people representing all 300 million of us who live in this country that was created that day by that Constitution.

Mr. President, it was on this day, September 17, 1787, that the delegates to the Constitutional Convention in Philadelphia completed their work. Thirty-nine of them signed the U.S. Constitution, setting up the government system that we have come to know, love, and sometimes loathe.

As Senators, we have sworn an oath to protect and defend the Constitution of the United States. This is a duty and a responsibility that does not discriminate based on our party ideology. Still,

it is our mutual love for and defense of the Constitution that often provokes our most vigorous debates in this chamber. This spirited debate is vital to liberty and the continued survival of our Nation.

If you read Madison's notes from the Constitutional Convention, you will see that the delegates themselves engaged in a lively debate about how to best implement the principles of liberty, equality, and justice established in the Declaration of Independence. Years later, during the jubilee celebration of the Constitution, John Quincy Adams said, ''The Declaration of Independence and the Constitution of the United States are parts of one consistent whole, founded upon one and the same theory of government.''

With population growth, increasing diversity, agricultural and economic development and massive technological advancement, our Nation has changed tremendously in the 221 years since the Constitution was signed. Yet, despite these changes, there remains a fundamental consistency in human nature.

James Madison expressed it best in the Federalist Papers, Number 51: ''If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.''

You see, we are indebted to the Founding Fathers for their wisdom and foresight. They understood that human nature would be unlikely to change, and that 18th century and contemporary American policymakers would be pressured to promote policy solutions that may not serve the public interest.

According to Madison, ''Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. . . . These must be chiefly, if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administrations.''

Madison was concerned about the effect of special interest groups on the policy process. In Federalist 10 he wrote, ''The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. . . .''

''So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government.''

In a pure democracy, Madison argues, ''A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. . . . Such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.''

Since it is impossible to force everyone to share the same opinion and intensity of opinion, Madison seeks to control the effects of factions by creating a republican form of government.

''The two great points of difference between a democracy and a republic are,'' he writes, ''First, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended''.

''The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people''.

Madison was skeptical that elected representatives would always act in the public interest. ''Enlightened statesmen will not always be at the helm,'' he wrote in Federalist 10.

Today, we have only to see the parade of huge spending bills that find their way to the floor to know that it is a herculean task to whet, much less control the appetites of the hundreds of organized interest groups who want their piece of the federal pie made with tax dollars collected from hard working American families.

The entitlement mentality of many of these organized groups, many of which cannot lay claim to a substantial number of members, has pressured an all too receptive Congress to grow the size of government, increase spending to new heights, while we ignore insolvency of large entitlement programs like Medicare and Social Security, and hope that our children and grandchildren will bail us out for our bad decisions.

In their wisdom, the Founding Fathers wrote a Constitution that establishes a system of separate institutions that share policymaking and political power. This was a clear effort to control the effects of factions and to guard against despotic rulers.

The public elections established by the Constitution encourage the electorate to select their representatives wisely.

For those of us privileged to be elected by the people, we have a sworn obligation to protect and defend the Constitution and to show ourselves worthy of this great trust.

On any given day, not just anniversary dates like today, it is something we ought to think more about.

I see my colleague from Louisiana here. I am going to yield the rest of our time that we have in morning business to him.

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) The Senator from Louisiana is recognized.

ENERGY

Mr. VITTER. Mr. President, I stand to join with all other Senators, in fact, to join with all the American people, in offering our strong support for all of

the hurricane victims Senator CORNYN talked about.

In fact, there is enormous devastation, enormous loss and continuing suffering in those parts of the country, particularly in southeast Texas, hit hard by Ike, following right on the heels of Hurricane Gustav. Our hearts go out to all of those folks. Our best wishes, our prayers are with them and our intent and focus here in Congress to meet their basic needs, their key needs, is here as well.

Representing Louisiana, of course, I have spent most of the last 3 weeks touring Louisiana and looking at hurricane damage there. Of course we were first hit by Hurricane Gustav, which had enormous winds, caused major power outages, significant wind damage in many parts of the State. And then right on the heels of that came Hurricane Ike. While Hurricane Ike slammed into southeast Texas, it pushed floodwaters in the Gulf all through coastal Louisiana, from the western edge at the Texas border all the way to the eastern edge, Plaquemines Parish, where Louisiana meets Mississippi.

We are still struggling with those challenges. But again, I want to acknowledge the even greater suffering, the even greater devastation that others face from Hurricane Ike, particularly folks in Galveston and southeast Texas. Our hearts and prayers go out to them and our commitment to help in every reasonable way possible goes out to them as well. I trust Congress will act on that key priority as those folks face a true moment of crisis and extreme need.

As we act in that regard in the next couple of weeks, I also hope we notice something Senator CORNYN mentioned, that part of our country, the gulf coast, the Gulf of Mexico, particularly the western gulf, is enormously vital in terms of meeting our nation's energy needs. We are proud to offer that service to the Nation. We have a long, storied tradition in terms of that. We are very proud of that tradition. We want it to continue. But, quite frankly, we do not want to continue to be the only part of the country that meets our Nation's energy needs right here at home. We need to expand that activity. We need to bring that same activity to other parts of the country, diversify, if you will, have more activity and more places so we are not so singularly vulnerable to gulf hurricanes and storms as we are now, as we have lived through with the experiences of Katrina and then Rita, and now Gustav and now Ike.

So as this Congress responds to the immediate needs of hurricane victims in southeast Texas in the gulf coast, including Louisiana, I hope we also continue to focus and start acting on energy, and what remains a top priority for all of America.

I know there is a great rush to get out of here for the elections. I know the leadership is pushing to adjourn for the elections as early as the end of next week. But before we do that, we need to address the Nation's business. We need to pass immediate relief for suffering hurricane victims, and we need to act, not just talk, not just debate, certainly not fight or finger-point, but act on energy. Even in that limited time period, I believe we can do all of those things in a substantial way.

With regard to developing an aggressive national energy plan, I have four key priorities, and all of those priorities, I believe, are absolutely achievable, even in that very tight timeframe.

No. 1, we must lift the current moratorium on offshore oil and gas production. The American people have spoken in a clear and resounding way. They think that current moratorium is crazy. They think we are nuts to take 85 percent or more of our domestic energy resources off the table, not allow energy companies and producers to access or touch them.

The way you change that is lifting the current moratorium under Federal law. Now, as we all know, that does not take action by Congress, it simply takes inaction by Congress. We need to make sure that that moratorium, which expires on its own October 1, is not renewed.

I urge all of my colleagues, Democratic and Republican, to listen to the clear, crystal clear, clarion call of the American people: Do not extend that moratorium. We cannot put that moratorium in any continuing law such as a continuing resolution. We must lift that moratorium and allow the American people to access their own energy resources right here at home.

No. 2, I think we should match aggressive action in that regard with aggressive action with regard to new forms of energy, including renewables. And the most significant, quickest thing we can do with regard to that is pass the major tax incentives that virtually all of us support with regard to new technology, new forms of energy, renewables.

As we all know, that robust package of tax incentives is a major component of the so-called tax extenders bill. We need to come together around a bipartisan version of that tax package, including those important incentives for new technology and renewable energy and pass that into law.

Again, even in this very tight timeframe in which we operate, we can do that. We must do that. We must act for the American people.

Third, I believe we should pass revenue sharing for offshore production to create an incentive for more States to get into that business. As we lift the moratorium, as we open up all of our offshore to potential energy production, we should give participating States an incentive. And that powerful incentive would be royalty sharing, revenue sharing, so they get 37.5 percent of the royalties produced from offshore production.

We set that policy, we set that precedent 2 years ago, with regard to new production in the Gulf of Mexico. We should expand that precedent. We should expand that policy as we allow and encourage offshore production in all parts of the country: the western gulf, the east coast, the west coast, and elsewhere.

Finally, let me end with a fourth key point. My fourth key priority is something that is very important. It is not something we should do, it is something we should not do. If we are serious about domestic energy production, if we are serious about energy independence, getting away from our reliance on foreign sources, we should not raise taxes on domestic energy production.

The first rule of economics is that if you want more of something, you do not tax it. Because when you tax something, you get less of it, not more. I urge my colleagues, Democrats and Republicans, not to increase taxes in a significant way on domestic energy production. We want more domestic energy production, we do not want less. So it is simple economics that we do not tax what we want more of in a more onerous way because that will produce less of it.

This is not an economics theory, this is history and practice. This is our experience. President Jimmy Carter passed a windfall profits tax during his tenure as President. What did that produce? It produced exactly what one might expect, less domestic production, less energy.

The proposals that are being floated now with regard to section 199 and other energy tax provisions are a windfall profits tax by another name. They will have precisely the same effect. They will drive down domestic energy production when we want to drive it up. They will discourage activity at home in the energy sector when we want to encourage and expand it. It simply does not make any sense.

So I urge us not just to talk, not just to debate, certainly not to argue and finger-point and play partisan politics. I urge us to act. I urge us to come together in a bipartisan, responsible way and act as the American people want us to act.

They support hurricane victims in East Texas and elsewhere who are devastated by these storms, and we should support those victims too through concrete, responsible action. The American people support energy independence. They support doing more for ourselves right here in this country with regard to energy. We should reflect

their wisdom and act in that regard as well.

Specifically with regard to the four points I mentioned, No. 1, we must ensure that the current moratorium on offshore production is lifted, that it is not renewed. All we have to do there is let the moratorium expire and not renew it.

No. 2, we need to encourage new technology, renewables, through a robust set of tax incentives in the tax bill. We need to pass that and do it now. We need to act.

No. 3, we must create an incentive for more States to get into the business of offshore oil and gas production through revenue sharing. We must expand that policy which we started 2 years ago in new production in the gulf.

No. 4, the last thing we should do if we want to increase domestic energy production is tax it at higher and higher rates. Let us not pass a new windfall profits tax by another name. Let us not discourage the domestic energy sector and discourage domestic energy production, when we all profess that we want to do the opposite.

I will be fighting for these four key priorities. We can accomplish all of them in the next 10 days. Let us show the American people we do get it, that we are responsible, that we can come together and work together, and that we can act in positive ways for their benefit.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I want to bring to the attention of the Senate a little known fact, as the clock continues to tick for us to take up drilling legislation off the Outer Continental Shelf, in particular, the proposal that has been cast by the so-called Gang of 10 as a compromise, which is looking at a comprehensive approach, which I applaud, that includes revenues. But it also includes tax incentives for alternative fuels and so forth.

The part the two Senators from Florida extremely object to is the fact of intruding in the military mission, the only testing and training area that is the largest for our U.S. Department of Defense, and all other agencies, including for classified and black programs that go on for testing and evaluation in this training range.

But what is particularly egregious is that in opening up all of that area that is now closed pursuant to the statute we passed 2 years ago, the 2006 statute—that we closed all of that area to drilling because of the military—in the opening of that area, and in the so-called giving of revenue to the adjacent State—in this case Florida—well, lo and behold, all the revenue allocated to the State does not go to the State of Florida, even though it is the waters of the Gulf of Mexico off of the State of Florida.

What happens in the complicated formula that is there is that 10 percent of all the revenues from the leasing of Federal lands for oil and gas production goes to each State on the gulf. That would include Texas, Louisiana, Mississippi, and Alabama. In other words, the revenue does not go to the State of Florida, even though it is off the coast of Florida. Forty percent of that State revenue due to the State would go to the other States instead of Florida.

That is simply not fair. When I explain that to Senators, they are surprised, and in some cases aghast, because common sense would tell you it is not fair. That is another reason this Senator has put his foot down that we are not going to let Florida, nor the Department of Defense, be the sacrificial lamb for some kind of proposal so people can say we are drilling out there.

I want to drill. I want to drill offshore. But I want to drill where it makes sense. The formula that has been concocted certainly does not make sense.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE IKE

Mrs. HUTCHISON. Mr. President, I rise today to speak about the devastation inflicted by Hurricane Ike. It is the worst hurricane to hit Texas in almost 50 years and probably the fourth costliest hurricane of all time.

Last week, when Hurricane Ike entered the Gulf of Mexico and started moving toward Texas, State, local, and Federal officials came together and moved into action. We had reason to fear the worst. In the year 1900, the island of Galveston was destroyed by a hurricane that claimed over 6,000 lives, the deadliest natural disaster in U.S. history. I was born on Galveston Island. I was raised in Galveston County. When I was growing up, I heard stories about 1900. There have been books written about that hurricane of 1900. And we also faced on a yearly basis hurricane warnings. Of course, some of them hit.

While preparing for this storm, the people of Texas had fresh memories from Hurricane Rita, another violent hurricane that came ashore around Sabine Pass in 2005. While Hurricane Rita only caused seven direct fatalities, the evacuation and recovery efforts along the gulf coast were not without difficulties, and for that reason, everyone who could possibly be helpful in this wanted to improve the emergency preparedness in advance of the next storm.

So in the days leading up to Hurricane Ike, Texas was prepared. Over 1 million Texans successfully evacuated from their homes. However, when the skies cleared on Saturday afternoon, it was clear that Hurricane Ike had caused an appalling amount of property damage. From the early estimates, the cost of Hurricane Ike could reach almost $30 billion. Forty-nine people are now confirmed dead. That number will surely rise. Thousands are homeless. Many communities remain under water and are completely inaccessible due to the significant amount of debris. Yesterday, 2.2 million Texans still lacked electricity. Emergency workers are struggling to distribute food, water, and ice. Offshore oil platforms are damaged and many refineries are without electricity. So it is likely that before the region's oil and gas industry return to capacity, we will see some shortages in gasoline and, therefore, some higher prices.

Gulf refineries and ports are the source of 50 percent of the fuel and crude used in the eastern half of the United States. Disruption of that infrastructure underscores the urgent need for us to expand refinery capacity. Indeed, we need to expand our entire energy supply so that America's economy is never undermined by acts of nature or foreign adversaries.

On Sunday, I joined with Senator JOHN CORNYN, my colleague, and the Secretary of Homeland Security, Michael Chertoff, and many members of our congressional delegation to survey the hardest-hit regions. We came to listen to the concerns raised by the mayors and the county judges, after we had been on the telephone with them for the 4 days before, trying to determine that people were as prepared as they could be in an instance such as this and, of course, we wanted to try to correct any concerns that had been raised. Some were raised. I will say that the mayors of our cities and the county judges have done a terrific job of representing their constituents at the

local level. I met with Mayor Bill White of Houston, Mayor Lyda Ann Thomas from Galveston, Harris County Judge Ed Emmett, I talked on the phone with the mayor of Port Arthur, Beaumont, the county judge of Orange County, trying to help in every way we could from the Federal level.

Yesterday, I joined with the members of the Texas delegation who were here. Many were still in Houston touring with the President to see the damage and determine what more could be done. I talked to Senator LANDRIEU and Senator VITTER yesterday about their concerns about Hurricane Ike which hit them very hard. We all know Louisiana has suffered so much in the last few years with Hurricanes Katrina and Rita. Texas joined them in suffering from the evacuees in Katrina and then Rita, and now we have Ike. We jointly must have the support of all of our colleagues in Congress to help our constituents. We are working together—our Texas delegation, our Louisiana delegation—to have a supplemental appropriation so that FEMA will be fully funded to address the concerns.

The Corps of Engineers will have repairs to make throughout the gulf coast. There are shelters that are going to be needed for families who have nothing to go back to. As I passed over Bolivar Peninsula and I saw what used to be a wonderful group of homes on stilts, today they are stilts. The homes are completely gone—completely gone—as if there was never anything there but sticks. It was amazing to me because I have been there so many times and seen these communities. So we are going to come together and we are going to help the people who have been afflicted.

I wish to speak for a moment about the people of Texas. We are known, I guess, around the country for being a hearty bunch and usually a happy bunch and always resilient. We have a great spirit in Texas. I never have seen it any more so than right now. Colleagues in Galveston and Bolivar Peninsula, Port Arthur, Beaumont, Orange, Harris County, Houston, many are down because they have not been able to get back in to see their homes. On Galveston Island the health conditions are so bad that they are not letting people come back on the island, so people have not even seen their homes. They are very frustrated.

But the generous spirit of Texans is surrounding those who are afflicted. The spirit, the pride, the resilience is there. I have seen our citizens do everything they can on a personal level. One of my regional directors of Harris County, Jason Fuller, has 12 Texans living with him right now, including three new dogs and a cat. He is doing his part on a personal level. He is also going out to the shelters and representing our constituents and trying to make sure that the points of distribution are open, things he can do. Some communities that don't have power organized block parties and they are having barbeques and cookouts because they have no electricity in their homes. Local churches, the Baptist Men, the Second Baptist Church in Houston has an incredible outpouring. The local churches are providing staff support. Volunteers are distributing the water and ice and food to surrounding communities. There are so many good things happening. Neighbors are coming together to help neighbors.

I wish to ask my colleagues to help us. Because we do have an emergency disaster bill coming through for many areas of the Midwest that have suffered from previous disasters, I am going to ask, along with my colleague JOHN CORNYN and my colleagues MARY LANDRIEU and DAVID VITTER that we be included in this. We don't have the exact assessments yet, but we know it is going to be big. We know we have given for Katrina. We have given to other disasters. What we ask is to be treated in the same way so we can recover and get our economies going again, get our jobs going again, get our schools open, which are not yet done in many parts of our State, so that we can recover, clean up, and begin contributing again to the economy as we have done so much in the past.

I thank my colleagues for listening. My heart goes out to my constituents who are suffering right now in Texas. I am going to stay in constant contact with them. I wish to say particularly how much I appreciate our Secretary of Homeland Security who has so many responsibilities, who has already been to Texas and Louisiana once, who is going back today as we speak, and will be there to try to solve any problems that have arisen. As well prepared as we were, there were things that had not been done. Some lack of coordination has occurred. He is going down there personally to try to fix that. We appreciate that very much and we want to work with him hand in hand to assure that our communities get up and going and that my beloved Galveston Island will once again be able to bring in tourists because of its beauty and its historic value, its ports and its beautiful beaches. I am going to work tirelessly to make sure that happens, along with all of the other areas of our coast that have been damaged.

Thank you, Mr. President, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. REID. Mr. President, last night, just a short ways off the Senate Chamber, I met with Chairman Bernanke, Secretary Paulson, and others. The meeting came at the request of the administration. These two men expressed their views on the deepening economic turmoil and laid out a plan that has now been reported in the media this morning.

AIG, arguably the largest insurance company in the world, was in the process of going bankrupt. The deadline was 8 o'clock last night. The board of directors met to see if they would accept the offer made by the Federal Government to attempt to save parts of the company. Obviously, the meeting ended with the board of directors approving the bailout. The Secretary and the Chairman promised to provide more details of their plans in the near future, which I believe must address the broader underlying structural issues in the financial markets.

I just completed a press conference with a number of other Senators, and the press was asking question after question: What is the Senate going to do? The answer is very clear: This is a multitrillion dollar problem which has been ongoing for a long time. We are going to have to get some committee hearings underway, which is why we are not going to adjourn. We will be in pro forma session so committees can still meet, though we won't have any activities here on the floor as relates to these markets.

Secretary Paulson has said this will have to take place in the next administration because there is so much to be determined in the direction we need to go. They gave every impression, these two good men, that they are attempting to do the best they can to understand America's financial institutions and the problems with them. But the good intentions of these two decent men cannot escape the reality that the Bush administration's willful neglect of oversight and an overzealous embrace of big business are directly responsible for the crisis we now face.

The most important job of our country is to safeguard the American people from physical and financial harm. This was the role of the great Franklin Roosevelt. That is the role of any President. But it seems this President has focused only on protecting us from physical harm. The financial harm needs to be part of the duties of the President. When it comes to the financial sector, this means ensuring that institutions do not impose systematic risks on the entire system because of the ripple effect that can have on our economy.

Democrats and Republicans who have served before our current President have all understood that providing oversight—oversight of everything but also of our financial sector—is not

somehow anticapitalistic. Just the opposite—it helps capitalism flourish. But that all changed with George Bush and DICK CHENEY. When they came to power, there was no more oversight. They are such devout followers of the top-down, big-business-first, Herbert Hoover approach to the economy that they see any oversight as a threat to their greed. They put cronies and ideologues in charge of the most critical agencies, including the Justice Department. Alberto Gonzales is the poster child of that, hiring people who only graduated from certain select religious universities. I repeat, they put cronies and ideologues in charge of our most critical regulatory agencies, who ensured that special interests would always come before the common good. They refused to exercise their regulatory authority over the mortgage industry, allowing massive fraud and widespread predatory lending.

Now, what is predatory lending? Look it up in the dictionary. I did. It is the practice of preying on borrowers with deceptive, dishonest loan offers. This paved the way for the largest mortgage crisis in American history—a bigger crisis than during the Great Depression. And the reason for that is the great work done by President Roosevelt and the New Deal and the work done by President Johnson with the great things he did so people could buy homes. So of course more people own homes now than then. Republicans, though, continued to ignore the problem long after the extent of the plundering and pillaging of the mortgage market became widely known.

I have a friend, Mr. President. I have known him a long time. We did work together. His name is Joe Alioto, Jr. His father was a famous lawyer and mayor of San Francisco. In my estimation, Joe Alioto, Jr., is one of the most legal scholars and the finest antitrust lawyer in the country—doing plaintiffs work, not defense work. He has done some great things to help our society. He is so concerned about what has happened these past 8 years. The Justice Department has not touched these economic conspiracies going on. They have ignored it. It has to change.

Mr. President, talking about regulation, remember last Christmas? It started around this time, a couple weeks from now. What were people concerned about? Kids getting sick and dying from toys. Why? Because 80 percent of our toys are manufactured in other places, most of them in China.

We discovered, during that period of time, that the Bush administration, in their zealousness to do away with regulation—they hate oversight so much that the Consumer Product Safety Commission had literally one man in a cubbyhole, a windowless cubbyhole, in charge of testing every toy in America for the safety of our children. Our children were not protected by a team of engineers or by consumer experts but by a single employee who could do little more than to drop a toy from his desk on the floor to see if it would break. And that is the truth.

The financial turmoil we are now seeing is a direct outcome of the irresponsible Bush-Cheney approach to governing—which, by the way, JOHN MCCAIN has supported every step of the way. As he said day before yesterday: The fundamentals of this economy are strong.

There is a cartoon today running in the Las Vegas Sun newspaper. The cartoon is by syndicated columnist Mike Smith. You see all his cartoons in all the newspapers and magazines in the country. It shows a ship in the ocean. Three-quarters of it is underwater, but the caption is: The hull is fundamentally strong.

This administration's fervor to favor big business has crippled the very big companies they sought to strengthen, and now the American consumer is the one hurt the most. When the history books are written, they will show that while Bush and CHENEY were giving away the keys to the castle to big business, Democrats in Congress were trying to restore fiscal sanity.

In 2000, Senator Paul Sarbanes of Maryland, a senior Democrat on the Banking Committee and one of America's all-time great Senators, introduced the Predatory Lending Consumer Protection Act to restrict abusive lending practices. The same year, Senator SCHUMER introduced the Predatory Lending Consumer Protection Act. In 2002, Senator Sarbanes reintroduced his bill.

When we came with the rewrite of the bankruptcy law, Senator DURBIN offered an amendment to say, if you have predatory lending practices you cannot recover that matter in Bankruptcy Court. That was defeated by the Republicans by one vote.

In 2004, Senator Sarbanes and the current chairman of the Banking Committee, Senator DODD, called on the Federal Reserve to take action on alternative mortgages. Senator DODD called them a ''nightmare'' for low-income Americans—4 years ago.

In 2005, the House of Representatives passed bipartisan legislation to reform the regulation of government-sponsored enterprises such as Fannie Mae and Freddie Mac. After passing the House 331 to 90, the Democratic minority in the Senate tried to pass it but were blocked by the White House and Senate Republicans. This was one of the many Republicans have put out.

Representative Mike Oxley, one-time chairman of the House Banking Committee and a devout Republican, brought this legislation to the White House. As he put it, these are his words, the administration gave the legislation the ''one-finger salute.''

In February 2008 Senate Democrats introduced the Foreclosure Prevention Act, which was blocked by Senate Republicans after a veto threat from the White House. This is one of the Republicans' 94 filibusters in the last 20 months.

In June 2008 the White House threatened to veto the Federal Housing Finance Regulatory Reform Act, which would have improved oversight of Fannie and Freddie. The reason for the veto threat is here. This is what they said—they didn't want to help communities struggling with foreclosed properties. That is what I said, not what they said, but that is what it boiled down to. They wanted the market to take care of it.

If the President had signed that bill this past June, we perhaps could have saved billions—I won't say ''perhaps.'' We would have saved billions we will now have to spend to bail out Fannie and Freddie. In every one of these instances, Democrats saw the storm clouds gathering and attempted to pass legislation that could have steered our course away from the crisis we now face. But every time the White House and Senate Republicans chose to continue along their irresponsible path. Think about how irresponsible this is.

Even this year, with the housing market fully in turmoil and crisis, Republicans broke all Senate records by filibustering the housing bill—not once, not twice, not three times, not four times, not five times, not six times—seven times. Every day the Republicans blocked us from finally passing housing legislation at least 9,000 Americans went into foreclosure. People in Pennsylvania, people in Maryland, all over this great country, went into foreclosure. During the Republicans' seven-time filibusters more than 160,000 homes went into foreclosure.

When Republicans had a chance to help, they wanted the status quo. One thing has happened here the last few weeks. Republicans can no longer have the status quo. That is gone. They tried for almost 8 years to maintain the status quo, and it is not going to be the status quo anymore. After 8 years of a failed approach, President Bush is ready to leave office and have the financial nightmare given to the next President. President Bush's preferred candidate is a disciple of the Bush-Cheney school of economics. If there is any doubt about it, just look to the man JOHN MCCAIN hired to tell him what to say on this economy, former Senator Phil Gramm.

This is the same Phil Gramm who pushed through legislation that allowed firms such as Enron to avoid regulation and destroy the life savings of its employees and now allows Wall Street traders today to bid up the price of oil without oversight, leaving us the bill to pay—and some bill it is to pay.

An eminent economist at the University of Texas, James Galbraith, said

Gramm was ''the most aggressive advocate of every predatory and rapacious element the financial sector has. . . . He's a sorcerer's apprentice of instability and disaster in the financial system.''

Warren Buffett, one of the richest men in the world, called the result of Gramm's legislation ''weapons of mass destruction.''

I don't know about you, but after all that has gone on in the financial sector, the last person I want whispering in the ear of the next President of the United States is the chief architect and No. 1 cheerleader for the elimination of responsible oversight.

My office received a call: I don't know if you should say anything about Senator Gramm because there was something called the Gramm-Leach-Bliley Act that said one holding company could own more than one financial services company. They said you better look how you voted.

I voted against that bill. I remember very clearly. I was the person handling this floor during that period of time for Senator Daschle. I voted against that bill. We took that matter to conference, and we improved the bill in conference. The main issue at that time, for we Democrats, was they were red-lining people. The banks would just red-line places. They wouldn't make loans outside of a certain area.

It happened in Pennsylvania. The Presiding Officer is aware of that. We spent a lot of time trying to change that. Did we get everything we wanted? No, we didn't. But it came back from conference, and it passed by an overwhelming vote. I voted against the bill. But the main point of that legislation is that it still allowed regulation. It didn't say the regulators could no longer regulate. The problem is regulators, during that period of time, had been asleep at the switch. They have not enforced what is on the books, and that should be the focus: that MCCAIN's philosophy and Bush's philosophy are the same.

I am going to continue talking about the fact this man, JOHN MCCAIN, is taking a lot of advice from a person who eminent economists and business people say has been a disaster for our economy.

After 8 years of this failed approach, we have what we have. On Monday, with one major investment bank headed for bankruptcy, another sold at a bargain price to avoid the same fate, tens of thousands of people losing their jobs, and one of the largest insurance companies teetering, JOHN MCCAIN declared that the fundamentals of the economy are strong.

The straight talk express is really in bad shape. This vehicle has fenders ripped off of it. There are very few seats left inside it. It hit another big wall on Monday, hit another big wall on Tuesday, and today it hit another big wall. The wall today is that JOHN MCCAIN said today—this just came out in the Associated Press—he said today the reason for all this stuff is lack of good regulation.

How in the world could the straight talk express say that? I think that is one reason I am not sure the straight talk express is even running after the last three collisions. It is in very bad shape. But yesterday even JOHN MCCAIN finally acknowledged what everyone else already knew. I guess he no longer thought the fundamentals of the economy were great, as he said a day or so before that. What he said is the economy is broken. That is some switch, isn't it—from being sound fundamentally to broken? But who does MCCAIN think broke it? Was it George Bush, DICK CHENEY, Phil Gramm, MCCAIN's own Republican Congress?

The economy is not going to turn around overnight. We can't snap our fingers or pass a bill and expect the problems to be solved instantly. We were told that last night by Chairman Bernanke and Secretary Paulson. This whole situation is not going to be easy. It is going to take bipartisan cooperation. I know for certain we are not going to fix our economy with a candidate who only yesterday woke up and realized there is a problem.

Last month, 606,000 jobs were lost. I don't know how many will be lost this month. I know Hewlett-Packard gave it a good start by laying off 25,000 people yesterday. I don't know how many people lost their jobs with Lehman Brothers. I don't know how many people are going to lose their jobs with AIG.

I would like for once this administration to come to me with a problem that they would like to help us work on to help the middle class. They come to us all the time to bail out that big company or that big company or that big company or this big conglomerate. But where are they for emergency meetings to help people who can't afford gas or health insurance or can't afford to keep their kids in college?

We are paying record prices for gas, groceries, health care. That didn't happen yesterday. Millions of families are losing their homes to foreclosure or seeing their home equity disappear. That didn't happen yesterday.

Monday's MCCAIN said our economy is strong. Tuesday's MCCAIN said our economy is broken. Wednesday's MCCAIN said it is because of lack of regulation. Try to figure that out. This is the straight talk express which is broken and in bad shape, and he can't find passengers anymore.

Perhaps today's MCCAIN will explain how a candidate who spent 30 years in Washington siding with Wall Street over Main Street, who changed his view on the economy 180 degrees in 24 hours—I think he is running into himself—is prepared to lead us on the road to economic recovery? I don't think he is.

The extraordinary economic challenges we now face demand leadership and a new approach. The Senate will continue to listen intently to any proposal the administration offers, but we know the real change we need will come only when we have a President who will act as a guardian for the American people—not only their physical protection but their fiscal protection—rather than as a guarantor for the titans of Wall Street.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank the majority leader for his comments. I agree completely with him that the circumstances have reached a point that we need to change direction, and we need leadership that will move us from the policies of the past to deal with the economic problems that we currently confront.

Mr. President, I ask unanimous consent I can proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, the problems we have been talking about on Main Street America have reached Wall Street. I have taken the opportunity to speak on the floor on several occasions about the fact that the problems homeowners were facing in losing their homes in foreclosure were not just the problems of those particular homeowners, that it affects each and every one of us, that it was a housing crisis in America that would affect our entire economy. I talked about the fact that we have an obligation to try to do something to help.

Foreclosure rates are now at historically high levels. In August of this year, there were over 300,000 foreclosures in America. In my own State of Maryland, we have had over 3,000 foreclosures each and every month. Maryland is normally a quiet State. Homeowners are wondering whether they are going to be able to hold on to their homes. Homeowners have suffered from a significant reduction in property values. All homeowners have suffered through this. When there is a foreclosure in a neighborhood, it affects every house in that community.

The real estate industry is suffering through declining home sales. We know the numbers are dramatically lower. We know what that means as far as the economy is concerned. Housing starts are at their 17-year low.

We know the impact these economic conditions are having on middle-income families. Their wages have been stagnant—in fact, in real terms, have fallen—and yet their needs have increased; the high cost of energy, the high cost of health care, the cost of trying to afford a college education for their children, even affording their

food budget. So we know middle-income families are hurting. We know Main Street is hurting.

But now we see that these problems have gone to Wall Street. We learned a few months ago about Bear Stearns and that the Government had to come to the rescue of Bear Stearns in order to make sure the jitters on Wall Street would be contained. That was followed by the Government coming in and standing behind Freddie Mac and Fannie Mae, putting tens of billions of dollars of U.S. Government potential expenditures at risk. This past week, we saw that Lehman Brothers, an entity that had survived the stock market crash of 1929, went bankrupt. Merrill Lynch was sold at a bargain-basement price. AIG now has Government involvement. This past Monday, the stock market fell by over 500 points—the Dow Jones average—which is the largest single drop since the terrorist attacks of September 2001. The taxpayers are being asked to stand behind these financial institutions. Individuals who depended upon their investments for retirement or for savings have seen a large part of that evaporate.

The administration says the economy is basically sound. JOHN MCCAIN says the fundamentals of our economy are strong. Well, it is the economic policies of this administration that have made it much more vulnerable. It was the former Secretary of HUD, Alphonso Jackson, who said, ''Let's take a hands-off approach.'' The lack of Federal regulation and the lack of this administration's oversight of the financial institutions in our country have certainly led to where we are today.

Our economy is much more vulnerable because of the economic policies of this administration. Let me give you a few examples.

We have seen that during the past 8 years this administration has taken an economy with large budget surpluses to an economy with large budget deficits. This administration took a national debt that was a little over $5 trillion and we are now approaching $10 trillion. They took a surplus of a couple of hundred billion dollars a year and turned it into a deficit of over $400 billion a year. They have grown the trade deficit to over $700 billion a year, costing us jobs here in America. They have had a policy that yielded to the oil companies this oil dependency where we are not energy independent, so gasoline prices approach $4 a gallon. The health care system has seen 6 million more Americans lose their health insurance and become uninsured as a result of the administration's policies. And the unemployment rate that was a little over 4 percent has grown to over 6 percent.

Now, Congress has taken some steps in order to try to deal with this. Quite frankly, we could have taken those steps a little faster if it were not for the Republican filibusters. But we need to do a lot more. We have taken steps to try to help families save their homes. Yes, I think we should be doing more. I was listening to the assistant majority leader talking about ways we could do that through changes in the bankruptcy laws. I think we need to do that. There are things we can do to help homeowners save their homes.

We can certainly do more to help families deal with the consequences of this economy, whether it is the high cost of energy and air-conditioning their homes or, in the winter, heating their homes or whether there are other areas we can help those who are suffering through this economy.

I hope our colleagues will not filibuster those opportunities so we can help those who have lost their jobs. I think we have a responsibility. That is what Government should be doing. The economy is not producing the jobs they need. They cannot find jobs through no fault of their own; it is the economic problems. That is where Government can help.

We could certainly have the right regulatory and oversight system to deal with what is happening with our financial institutions.

But we need to get back to basics. We need to get back to fiscal responsibility. You cannot cut taxes, go to war, and not pay for the war or pay for the tax cuts and get these huge deficits and expect our economy to be strong. Fiscal responsibility starts with balancing the budget, by recognizing that tax cuts have to be paid for and this war spending has to be paid for. Quite frankly, I believe the right course is to get our troops out of Iraq and save those dollars.

We have to help deal with a trade policy, a trade policy that will give American workers a level playing field so they can compete. They can compete with any country in the world, with their workforce, if it is a level playing field. But we need an administration that is going to fight for environmental and labor standards so that we have that level playing field and that will eliminate the tax breaks we give in our own code for companies that take their jobs overseas. That makes no sense at all. We need to fight for those changes.

We need an energy policy that will make this country truly independent. We need to do that not just for our economy—and we know the cost of energy and what has happened because of countries halfway around the world changing their production, and it affects the price here in America. It affects our economy. But we have to do it for our own security so we do not have to go to war because we are in danger of losing oil. We have to do it for our environment because global climate change is real. We can accomplish all three of those goals by energy independence and help our economy.

But we are not going to achieve it through drilling. I know there are a lot of people here who want to drill. We have 3 percent of the world's reserves; we use 25 percent of the world's oil. You are not going to get energy independence through drilling. Yes, we support drilling where it can be done in a sensible way because we need the oil, certainly in the short term, but we need to develop alternative and renewable energy sources. That makes the most sense for this country. That is what we have to do. We have to use less energy.

We can become energy independent if we set our minds to do it. I hope we will take this as the last wake-up call and at least enact policies that will truly make us energy independent. We are going to have a chance to do that later this week—at least move in that direction—and I hope my colleagues will join me in supporting that legislative effort.

We have to take on the health care system. It is too costly in America. We spend too much money on health care. We do not have the results to indicate that. It is a national disgrace that we have 47 million without health insurance in America. And each of us is paying for it. We are paying for it through higher taxes and through higher premium costs. It is time that every American has access to affordable, quality health care, and that means we have to deal with the 47 million who are uninsured. They need to have insurance.

We need to deal with preventative health care. It saves a lot of money to make sure people are able to get the test and lab work necessary to have early intervention into diseases.

It makes sense for us to take on the pharmaceutical manufacturers. Why are we paying three times what the consumers of the industrialized world are paying for the same medicines that are manufactured here? Our taxpayers are paying for that. And those of us who pay our bills are also paying more for pharmaceuticals than we should.

In short, we have to get back to basics. We have to get back to basics. We need to change the economic policies of this administration, get back to fiscal responsibility, get back to energy independence, and get back to health care reform.

Let's do the things that will make this Nation competitive. And if we do, our economy will not be as vulnerable as it is today. That is why what started as a mortgage problem grew into a housing crisis, grew into an economic problem for working families, and now it is affecting Wall Street. It does not make any difference whether you are an employee or employer, company or worker, you are being hurt badly by the economic policies of this administration.

It is time for us to work together, Democrats and Republicans. This is not a partisan issue. It should not be a partisan issue. Energy independence should not be a partisan issue. Health care reform should not be a partisan issue. Balancing the budget should not be a partisan issue. So let's work together, Democrats and Republicans. Let's help those who are looking to their Government in this time of need to be there to help them. Let's do the right thing for the people who need our help. But then let's rebuild our economy so we are never as vulnerable as we are today, so that we have the economic basis to be able to deal with the normal cycles in the economy without so many families losing their homes and so many families being wiped out on their savings. We can do this if we work together. I urge my colleagues to do this.

EXTENSION OF MORNING BUSINESS

Mr. CARDIN. On behalf of the majority leader, I ask unanimous consent that the period for morning business be extended to 2:15 p.m. today, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

THE ECONOMY

Mr. DEMINT. Mr. President, my colleague has made a case for more Government intervention into the problems on Wall Street and in our economy, basically blaming the free markets for our failures.

I would like to make it clear what I think most Americans already know, which is that many of the problems we are having today, particularly the problems with AIG, the failures on Wall Street, the mortgage industry, actually go back not to greed in the private market but political greed—the problems that were created when this Congress and this Government set up Fannie Mae and Freddie Mac as government-sponsored enterprises with the implied and now very explicit backing of the American people. It provided so much cheap credit to the market, securities that were bought and sold by many companies. AIG is in trouble because of these bad mortgages that basically originated with Fannie Mae and Freddie Mac.

My point is that the problems we are having are caused by the wrong kind of Government intervention. This is not a failure of free enterprise; this is a failure of Government solutions and the lack of Government oversight into enterprises such as Fannie Mae and Freddie Mac that were started.

Now, in a situation where we already have debt as a nation, we are borrowing excessively and our economy is slowing down. We are in a situation where we have to continue to spend money to bail out these companies because of bad Government decisions decades ago. A lot of money is being spent and a lot is being wasted by this Congress.

We have had a debate over the last 2 years about wasteful spending and earmarks. There has been a lot of talk about creating more transparency and stopping this wasteful spending. We had an ethics bill that passed with a lot of fanfare where we talked about making these earmarks more transparent, putting them in the bills themselves so that the American people could see what we are spending, and that if we were going to have a ''bridge to nowhere,'' at least the American people knew we were spending that money.

We have talked about this for the past 2 years, and even the President has recognized that so much of this earmarking has resulted in wasteful spending in transportation, and especially in the military, that he has issued an Executive order that has made it clear that when we produce a bill, such as the Defense authorization bill, and then, as an aside, we produce what we call report language, with oftentimes thousands of earmarks, politically directed spending all over the country—few that the military asked for, most they did not.

A lot of these are meritorious projects. The fact is, if we want to look up the bill itself, the text, and search for different types of spending, it is not available because it is not in the bill itself. For many years in the Senate and the Congress as a whole we have produced spending and authorization bills and then did the report language on the side with hidden earmarks that people didn't know were there. The President said in his Executive order that when we send a bill over with report language on the side, he is going to direct his agencies not to honor these earmarks unless they are meritorious, unless they agree with the mission of the agency and the purpose of the legislation. It doesn't mean these are all taken out and lost, which is what has been presented on the Senate floor today. What it means is they have scrutiny; that the administration, if it sees wasteful projects, does not feel obligated to spend the money, which is a good thing.

In this Defense authorization bill, some Senators, my Democratic colleagues, have decided they want to go around the Executive order. They want all of these earmarks to have the force of law, which means whether they are meritorious or not the administration has to honor them. The way they have done this, which sets us back years as far as earmark reform in the Senate, is they have put a little section in this bill that references all of these earmarks and in effect makes them law. What I have offered is an amendment. I asked to have one amendment on this bill. There is a tradition in the Senate that Senators are allowed to offer an amendment. I have been waiting a week to offer the amendment. It strikes that section that tries to secretly attach all of the earmarks to the actual law. It is a simple amendment of three words: ''Strike section 1002.'' It does not eliminate all of the earmarks, but it gives the administration the right they should have not to spend money on projects in this green book that are not needed by the military or to defend this country and that the military considers wasteful. We should not allow Members of the Senate to pretend to have reformed the earmark process, to pretend to have a more ethical process, when, in fact, what they have done is the most unethical thing we have ever done with earmarks: to try to make something secret actually have the force of law with a little section written here.

My amendment would change that and put it back to the way it has been for years. I ask my colleagues not to go backwards as far as earmark reform, not to defy what the American people have told us increasingly about wasteful spending at a time of an economic downturn, a time of war, a time of heavy debt, when we have 5 billion dollars' worth of earmarks in this little green book that Americans won't see, and we can't bring it up, as we talked about in the ethics reform bill, in a searchable format where people can find all this wasteful spending. It is hidden, and it is not right.

I encourage my colleagues to appeal to the majority leader to give me this amendment so that we can at least have a vote. I encourage all colleagues to vote for it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTION DAY

Mr. BYRD. Mr. President, I think that September 17 should be honored equally with the Fourth of July. Both dates mark bedrock, fundamentally important events in the life of our country. Most Americans know that July 4, 1776, marks the signing of the Declaration of Independence, but far fewer could say what is so important about September 17.

I am sure that you are not scratching your head over this date, but perhaps

some who are listening are doing just that. September 17—does it mark the end of the American Revolution? Was it the date of George Washington's inauguration? Did Christopher Columbus spot land or the passengers of the Mayflower disembark on this date? The answer to all of the above is no. Those are important historical events, to be sure, but none of those dates reaches out to touch the daily lives in as many ways as September 17.

On September 17, 1787, the U.S. Constitution was signed. Our great national experiment in representative democracy began nearly 2 years later with the approval and entry into force of the Constitution on March 4, 1789, after New Hampshire became the ninth State to ratify it. September 17, 1787, however, marks the ''miracle in Philadelphia'' when the Constitutional Convention gave birth to its masterpiece.

We all know that the Declaration of Independence describes in soaring oratory the grand goals for the new Republic, chief among them the ''life, liberty and the pursuit of happiness'' that most people recognize. It is also full of more specific examples of things the Founders could no longer tolerate, such as taxation without representation, having British troops quartered in private homes, and lack of access to fair trials. In the Constitution, the Founders created the structures of government to implement both the grand visions of a free republic and to prevent the abuses of government they had suffered under British rule and outlined in the Declaration. As a result, the Constitution generally makes for less compelling reading material than the Declaration of Independence. It is not full of stirring prose, but rather, it is like an assembly and repair manual, straightforward and commonsense. Yet it supports the framework for freedom and justice. Its words, and those of its amendments, are as critically important to every American as instructions on how to operate a lifeboat are to the passengers of a storm-tossed ship.

The Constitutional Convention that met in Philadelphia managed to build an entire government in just seven articles and a preamble. One article for the legislative branch, one for the executive branch, one for the judicial branch, one for the States, one for the amendment process, one to define Federal power, and one to set forth the requirements for ratification—the Constitution is shorter than many instruction manuals for new cars, even if you add the 27 amendments. Yet, for over 200 years, the Constitution and the Government it created have overcome the challenges of insurrection, war, depression, growth, and technologies that could never have been anticipated by the Founding Fathers.

This fall and winter, Americans will again witness their Constitution in action. We will elect a new President and many new Members of the House and Senate as well. Through the processes outlined in the Constitution and honed through years of practice, the Nation will peacefully transition to a new government. It seems routine to us, but the peaceful transition of government is a precious thing. Our system of checks and balances is a precious thing.

On September 17, I hope that all Americans who love our country and cherish our flag will take just a few minutes to read and think about our remarkable Constitution. Keep it close to your heart, as I do.

Mr. President, I ask unanimous consent to have printed in the RECORD a Washington Post article entitled ''Cheney Shielded Bush From Crisis.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post Sept. 15, 2008]

CHENEY SHIELDED BUSH FROM CRISIS

(By Barton Gellman)

Vice President Cheney convened a meeting in the Situation Room at 3 p.m. on Wednesday, March 10, 2004, with just one day left before the warrantless domestic surveillance program was set to expire. Around him were National Security Agency Director Michael V. Hayden, White House counsel Alberto R. Gonzales and the Gang of Eight—the four ranking members of the House and the Senate, and the chairmen and vice chairmen of the intelligence committees.

Even now, three months into a legal rebellion at the Justice Department, President Bush was nowhere in the picture. He was stumping in the battleground state of Ohio, talking up the economy.

With a nod from Cheney, Hayden walked through the program's vital mission. Gonzales said top lawyers at the NSA and Justice had green-lighted the program from the beginning. Now Attorney General John D. Ashcroft was in the hospital, and James B. Comey, Ashcroft's deputy, refused to certify that the surveillance was legal.

That was misleading at best. Cheney and Gonzales knew that Comey spoke for Ashcroft as well. They also knew, but chose not to mention, that Jack L. Goldsmith, chief of the Office of Legal Counsel at Justice, had been warning of major legal problems for months.

More than three years later, Gonzales would testify that there was ''consensus in the room'' from the lawmakers, ''who said, 'Despite the recommendation of the deputy attorney general, go forward with these very important intelligence activities.' '' By this account—disputed by participants from both parties—four Democrats and four Republicans counseled Cheney to press on with a program that Justice called illegal.

In fact, Cheney asked the lawmakers a question that came close to answering itself. Could the House and Senate amend surveillance laws without raising suspicions that a new program had been launched? The obvious reply became a new rationale for keeping Congress out.

The Bush administration had no interest in changing the law, according to U.S. District Judge Royce C. Lamberth, chief of the federal government's special surveillance court when the warrantless eavesdropping began.

''We could have gone to Congress, hat in hand, the judicial branch and the executive together, and gotten any statutory change we wanted in those days, I felt like,'' he said in an interview. ''But they wanted to demonstrate that the president's power was supreme.''

* * * * *

Late that Wednesday afternoon, Bush returned from Cleveland. In early evening, the phone rang at the makeshift FBI command center at George Washington University Medical Center, where Ashcroft remained in intensive care. According to two officials who saw the FBI logs, the president was on the line. Bush told the ailing Cabinet chief to expect a visit from Gonzales and White House Chief of Staff Andrew H. Card Jr.

A Senate hearing in 2007 described some of what happened next. But much of the story remained untold.

Alerted by Ashcroft's chief of staff, Comey, Goldsmith and FBI Director Robert S. Mueller III raced toward the hospital, abandoning double-parked vehicles and running up a stairwell as fast as their legs could pump.

Comey reached Ashcroft's bedside first. Goldsmith and his colleague Patrick F. Philbin were close behind. Now came Card and Gonzales, holding an envelope. If Comey would not sign the papers, maybe Ashcroft would.

The showdown with the vice president the day before had been excruciating, the pressure ''so great it could crush you like a grape,'' Comey said. This was worse.

Was Comey going to sit there and watch a barely conscious man make his mark? On an order that he believed, and knew Ashcroft believed, to be unlawful?

Unexpectedly, Ashcroft roused himself. Previous accounts have said he backed his deputy. He did far more than that. Ashcroft told the president's men he never should have certified the program in the first place.

''You drew the circle so tight I couldn't get the advice that I needed,'' Ashcroft said, according to Comey. He knew things now, the attorney general said, that he should have been told before. Spent, he sank back in his bed.

Mueller arrived just after Card and Gonzales departed. He shared a private moment with Ashcroft, bending over to hear the man's voice.

''Bob, I'm struggling,'' Ashcroft said.

''In every man's life there comes a time when the good Lord tests him,'' Mueller replied. ''You have passed your test tonight.''

* * * * *

Goldsmith was out the door. He telephoned Ed Whelan, his deputy, who was at home bathing his children.

''You've got to get into the office now,'' Goldsmith said. ''Please draft a resignation letter for me. I can't tell you why.''

All hell was breaking loose at Justice. Lawyers streamed back from the suburbs, converging on the fourth-floor conference room. Most of them were not cleared to hear the details, but a decision began to coalesce: If Comey quit, none of them were staying.

At the FBI, they called Mueller ''Bobby Three Sticks,'' playfully tweaking the Roman numerals in his fancy Philadelphia name. Late that evening, word began to spread. It wasn't only Comey. Bobby Three Sticks was getting ready to turn in his badge.

Justice had filled its top ranks with political loyalists. They hoped to see Bush reelected. Had anyone explained to the president what was at stake?

Whelan pulled out his BlackBerry. He fired off a message to White House staff secretary

Brett Kavanaugh, a friend whose position gave him direct access to Bush.

''I knew zilch about what the matter was, but I did know that lots of senior DOJ folks were on the verge of resigning,'' Whelan said in an e-mail, declining to discuss the subject further. ''I thought it important to make sure that the president was aware of that situation so that he could factor it in as he saw fit.''

Kavanaugh had no more idea than Whelan, but he passed word to Card.

The timing was opportune. Just about then, around 11 p.m., Comey responded to an angry summons from the president's chief of staff. Whatever Card was planning to say, he had calmed down suddenly.

What was all this he heard, Card asked, about quitting?

''I don't think people should try to get their way by threatening resignations,'' Comey replied. ''If they find themselves in a position where they're not comfortable continuing, then they should resign.''

''He obviously got the gist of what I was saying,'' Comey recalled.

It was close to midnight when Comey got home, long past the president's bedtime. Bush had yet to learn that his government was coming apart.

* * * * *

Trouble was spreading. The FBI's general counsel, Valerie E. Caproni, and her CIA counterpart, Scott W. Mueller, told colleagues they would leave if the president reauthorized the program over Justice Department objections.

Assistant Attorney General Christopher A. Wray, who ran Justice's criminal division, stopped Comey in a hallway.

''Look, I don't know what's going on, but before you guys all pull the rip cords, please give me a heads-up so I can jump with you,'' he said.

James A. Baker, the counselor for intelligence, thought hard about jumping, too. Early on, he got wind of the warrantless eavesdropping and forced the White House to disclose it to Lamberth. Later, Baker told Lamberth's successor that he could not vouch that the Bush administration was honoring its promise to keep the chief surveillance judge fully informed.

''I was determined to stay there and fight for what I thought was right,'' Baker said in an interview, declining to say what the fight was about, on or off the record. He had obligations, he said, to the lawyers who worked for him in the Office of Intelligence Policy and Review. ''If it had come to this, if people were willing to go to the mat and tolerate the attorney general and deputy attorney general resigning, that's pretty serious. God knows what else they would have come up with.''

* * * * *

At the White House on Thursday morning, the president moved in a bubble so tight that hardly any air was getting in. It was March 11, decision day. If Bush reauthorized the program, he would have no signature from the attorney general. By now that was nowhere near the president's biggest problem.

Many of the people Bush trusted most were out of the picture. Karl Rove was not cleared for the program. Neither was Dan Bartlett or Karen Hughes.

National security adviser Condoleezza Rice had the clearance, but Cheney did not invite her to the meetings that mattered.

Bush gave a speech to evangelicals that morning and left the White House for an after-lunch fundraiser in New York. In whatever time he took to weigh his options, the president had only Cheney, Card and Gonzales to advise him.

The vice president knew exactly where he stood, unswerving in his commitment to keep the program just as it was. Gonzales later told two confidants that he had broken with David S. Addington, Cheney's lawyer, urging Bush to find common ground with Justice. Card, too, told colleagues that he had urged restraint.

''My job was to communicate with the president about the peripheral vision, not just the tunnel vision of the moment,'' he said, deflecting questions about the details.

Did peripheral vision mean a broader view of the consequences?

''Yes,'' Card replied. ''It was like—I don't want to limit it to this particular matter, but that's part of a chief of staff's job. A lot of people who work in the White House have tunnel vision, and not an awful lot of people have peripheral vision. And I think the chief of staff is one of the people who should have peripheral vision.''

Card didn't really need the corner of his eye to see a disaster at hand. Even so, Bush didn't know what his subordinates knew that Thursday morning.

Cheney, Addington, Card and Gonzales had plenty of data. Card had heard the news directly from Comey the night before. On Thursday, the FBI director delivered much the same warning.

For Cheney, it didn't matter much whether one official or 10 or 20 took a walk. Maybe they were bluffing, maybe not. The principle was the same: Do what has to be done.

''The president of the United States is the chief law enforcement officer—that was the Cheney view,'' said Bartlett, Bush's counselor, who was later briefed into the program and the events of the day. ''You can't let resignations deter you if you're doing what's right.''

Cheney and Addington ''were ready to go to the mat,'' he said, and the vice president's position boiled down to this: '''That's why we're leaders, that's why we're here. Take the political hit. You've got to do it.'''

* * * * *

Addington opened the code-word-classified file on his computer. He had a presidential directive to rewrite.

It has been widely reported that Bush executed the March 11 order with a blank space over the attorney general's signature line. That is not correct. For reasons both symbolic and practical, the vice president's lawyer could not tolerate an empty spot where a mutinous subordinate should have signed. Addington typed a substitute signature line: ''Alberto R. Gonzales.''

What Addington wrote for Bush that day was more transcendent than that. He drew up new language in which the president relied on his own authority to certify the program as lawful. Bush expressly overrode the Justice Department and any act of Congress or judicial decision that purported to constrain his power as commander in chief. Only Richard M. Nixon, in an interview after leaving the White House in disgrace, claimed authority so nearly unlimited.

The specter of future prosecutions hung over the program, now that Justice had ruled it illegal.

''Pardon was in the air,'' said one of the lawyers involved.

It was possible to construct a case, he said, in which those who planned and carried out the program were engaged in a criminal conspiracy. That would be tendentious, this lawyer believed, but with a change of government it could not be ruled out.

''I'm sure when we leave office we're all going to be hauled up before congressional committees and grand juries,'' Addington told one colleague in disgust.

* * * * *

Bush signed the directive before leaving for New York around lunchtime on Thursday, March 11, 2004.

Comey got word a couple of hours later. He sat down and typed a letter.

''Over the last two weeks . . . I and the Department of Justice have been asked to be part of something that is fundamentally wrong,'' he wrote. ''As we have struggled over these last days to do the right thing, I have never been prouder of the Department of Justice or of the Attorney General. Sadly, although I believe this has been one of the institution's finest hours, we have been unable to right that wrong. . . . Therefore, with a heavy heart and undiminished love of my country and my Department, I resign as Deputy Attorney General of the United States, effective immediately.''

David Ayres, Ashcroft's chief of staff, pleaded with Comey to wait a few days. He was certain that Ashcroft would want to quit alongside him. Comey agreed to hold his letter through the weekend.

Bush was not a man to second-guess himself. By Friday morning, he would need new facts to save him. Somebody, finally, would have to tell him something.

It was Rice, largely in the dark herself, who threw the president a lifeline. She had a few minutes alone with him, shortly before 7:30 a.m., on the day after he renewed the surveillance order. She told Bush about Comey's agitated approach, the day before, to Frances Fragos Townsend, the deputy national security adviser for combating terrorism. This was no way to keep a secret.

''It was a compartmented issue,'' Rice recalled in an interview. ''Obviously, there was a security issue here and not just a legal one, because you didn't want this sort of bumping around.''

Rice made a suggestion.

Comey is ''a reasonable guy,'' she told the president. ''You really need to make sure that you are hearing these folks out.''

An hour later, Comey and Robert Mueller arrived at the White House for the regular 8:30 terrorism briefing. They had a lot to cover: Bombs aboard commuter trains in Madrid had killed 191 people.

Both men told aides that this would be their last day in government. There would be no door-slamming, but the president had made his choice and they had made theirs.

Bush stood as the meeting ended, crossing behind Cheney's chair. Comey moved in the opposite direction, on his way out. He had nearly reached the grandfather clock at the door, two witnesses said, when the president said, ''Jim, can I talk to you for a minute?''

Bush nodded toward the private dining room a few steps from his desk, the one he shared with Cheney once a week. This time the vice president was not invited.

''I'll wait for you downstairs,'' Mueller told Comey.

* * * * *

By now, around 9:15 Friday morning, Bush knew enough to be nervous about what the acting attorney general might do. That did not mean he planned to reverse himself. One high-ranking adviser said there was still an ''optimism that maybe you can finesse your way through this.''

Afterward, in conversations with aides, the two men described the meeting in similar terms.

''You don't look well,'' Bush began.

Oldest trick in the book. Establish dominance, put the other guy off his game.

''Well, I feel okay.''

''I'm worried about you. You look burdened.''

''I am, Mr. President. I feel like there's a tremendous burden on me.''

''Let me lift that burden from your shoulders,'' Bush said. ''Let me be the one who makes the decision here.''

''Mr. President, I would love to be able to do that.''

Bush's tone grew crisp.

''I decide what the law is for the executive branch,'' he said.

''That's absolutely true, sir, you do. But I decide what the Department of Justice can certify to and can't certify to, and despite my absolute best efforts, I simply cannot in the circumstances.''

Comey had majored in religion, William and Mary Class of 1982. He might have made a connection with Bush if he had quoted a verse from Scripture. The line that came to him belonged to a 16th-century theologian who defied an emperor.

''As Martin Luther said, 'Here I stand; I can do no other,' '' Comey said. ''I've got to tell you, Mr. President, that's where I am.''

Now Bush said something that floored Comey.

''I just wish that you weren't raising this at the last minute.''

The last minute! He didn't know.

The president kept talking. Not the way it's supposed to work, popping up with news like this. The day before a deadline?

Wednesday. He didn't know until Wednesday. No wonder he sent Card and Gonzales to the hospital.

''Oh, Mr. President, if you've been told that, you have been very poorly served by your advisers,'' Comey said. ''We have been telling them for months we have a huge problem here.''

''Give me six weeks,'' Bush asked. One more renewal.

''I can't do that,'' Comey said. ''You do say what the law is in the executive branch, I believe that. And people's job, if they're going to stay in the executive branch, is to follow that. But I can't agree, and I'm just sorry.''

If they're going to stay.

Comey was edging toward a breach of his rule against resignation threats.

This man just needs to know what's about to happen.

''I think you should know that Director Mueller is going to resign today,'' Comey said.

Bush raised his eyebrows. He shifted in his chair. He could not hide it, or did not try. He was gobsmacked.

''Thank you very much for telling me that,'' he said.

Comey hurried down to Mueller, who sat in the foyer outside the Situation Room. A Secret Service agent followed close behind. The president would like to see you, the agent told Mueller.

Comey pulled out his BlackBerry and sent a note to six colleagues at 9:27 a.m.

''The president just took me into his private office for a 15 minute one on one talk,'' he wrote. ''Told him he was being misled and poorly served. We had a very full and frank exchange. Don't know that either of us can see a way out. . . . Told him Mueller was about to resign. He just pulled Bob into his office.''

The FBI director was no more tractable than Comey. This was a rule-of-law question, he told the president, and the answer was in the Justice Department. The FBI could not participate in operations that Justice held to be in breach of criminal law. If those were his orders, he would respectfully take his leave.

And there it was, unfinessable. Bush was out of running room, all the way out. He had only just figured out that the brink was near, and now he stood upon it.

Not 24 hours earlier, the president had signed his name to an in-your-face rejection of the attorney general's ruling on the law. Now he had two bad choices. March on, with all the consequences. Or retreat.

The president stepped back from the precipice. He gave Mueller a message for Comey.

''Tell Jim to do what Justice thinks needs to be done,'' he said.

Seven days later, Bush amended his March 11 directive. The legal certification belonged again to the attorney general. The surveillance program stopped doing some things, and it did other things differently. Much of the operation remained in place. Not all of it.

* * * * *

Because Bush did not walk off the cliff, and because so much of the story was suppressed, an extraordinary moment in presidential history passed unrecognized.

''I mean, it would be damn near unprecedented for the top echelon of your Justice Department to resign over a position you've taken,'' Bartlett said.

There might be one precedent, he allowed. He did not want to spell it out.

''Not a good one,'' he said.

During the Watergate scandal, the attorney general and deputy attorney general resigned, refusing to carry out Richard Nixon's order to fire the special prosecutor. Nixon lost his top two Justice officials, and that was called the Saturday Night Massacre.

Bush had come within minutes of losing his FBI director and at least the top five layers at Justice. What would they call that? Suicide, maybe?

''You don't have to be the smartest guy to figure out that [mass resignations] would be pretty much the most devastating thing that could happen to your administration,'' said Mark Corallo, Ashcroft's communications director and, during Bush's first race for the White House, chief spokesman for the Republican National Committee. ''The rush to hearings on the Hill, both in the House and Senate, would be unbelievable. The media frenzy that would have ensued would have been unlike anything we've ever seen. That's when you're getting into Watergate territory.''

Long after departing as chief of staff, Card held fast to the proposition that whatever happened was nobody's business, and no big deal anyway.

''I think you're writing about something that's irrelevant,'' Card said. ''Voyeurism.''

Because?

''Nobody resigned over this,'' he said. It all boiled down to trash talk: '' 'Oh, I was gonna swing at the pitch but it was too high.' ''

That seems unlikely to stand as history's verdict. In the fourth year of his presidency, a man who claimed the final word was forced by subordinates to comply with their ruling on the law. Ashcroft, Comey, Goldsmith, Philbin—believers, one and all, in the ''unitary executive branch''—obliged the commander in chief to stand down. For the first time, a president claimed in writing that he alone could say what the law was. A rebellion, in direct response, became so potent a threat that Bush reversed himself in a day.

''This is the first time when the president of the United States really wanted something in wartime, and tried to overrule the Department of Justice, and the law held,'' said Goldsmith, after studying similar conflicts under Abraham Lincoln and Franklin D. Roosevelt.

In the aftermath, the White House senior staff asked questions. Was the president getting timely information and advice? Had he relinquished too much control to Cheney?

Bush, aides said, learned something he would not forget. Cheney was the nearest thing to an anti-politician in elected office. Bush could not afford to be like that. In his second term, his second chance, the president would take greater care to consult his own instincts.

''Cheney was not afraid of giving pure, kind of principled advice,'' Bartlett said. ''He thinks from a policy standpoint, and I think he does this out of pure intentions. He thinks of the national security interest or the prerogatives of the executive. The president has other considerations he has to take into account. The political fallout of certain reactions—he's just going to calculate different than Cheney does.''

''He grew accustomed to that,'' Bartlett said.

Mr. BYRD. Mr. President, I yield the floor.

I thank all Senators.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I wish to say a few words in thanking Senator BYRD, not only for his years of illustrious service to the American people but for reminding us about the importance of the Constitution. It is incredible that year after year he has come up here—and perhaps more than any other Member of the Congress—to instruct the American people about that great document and to urge people—children, old people, people from all over this country—to once again study what the Constitution is about.

I would hope, as a result of Senator BYRD's efforts, classrooms all over this country—our young people—will understand the importance of the Constitution.

So I say to Senator BYRD, thank you so much for your service in that regard.

Mr. BYRD. I thank the Senator.

Mr. SANDERS. Mr. President, as we observe Constitution Day today, we do not have to look very far to be reminded why it is important for us to reflect on the 221st birthday of the Constitution, which was signed by the Framers in Philadelphia on this date in 1787. I think the reason why it is so important to take a hard look at the Constitution today is because of what has happened over the last 8 years, because in many respects we have had a President who did not do as Senator BYRD urged us to do: Study the Constitution.

We all know that international terrorism is a very serious issue. We take it terribly seriously, and all of us are pledged to do everything we can to protect the American people from international terrorism. However, many of us believe we can do it within the context of the United States Constitution and the separation of powers——

Mr. BYRD. Yes.

Mr. SANDERS. Brought forth in that Constitution.

Unfortunately, over the last 8 years under the Bush administration, we have seen a tragic effort on the part of the executive branch to impose on the people of this country a vision of government where, instead of three coequal branches of government as laid out by our Constitution—the executive, the legislative, and the judicial branches—we have moved toward one dominant branch, that of the executive ruling under the theory of the unitary executive.

Mr. BYRD. King.

Mr. SANDERS. In my view, that is not what the Constitution of our great country is about, nor is it what the Framers wanted it to be. The theory of unitary executive states that since the Constitution inherently gives the President the power to do all kinds of things—especially within the military and defense context beyond what is detailed in article II, then the President essentially can make up whatever he wants to justify for this or that action. In other words, he can say: We are threatened by international terrorism and I, as the President of the United States, can do anything I want to fight international terrorism. I don't have to worry about separation of powers. I don't have to worry about the laws of the land. I don't have to worry about the Constitution. I am the President. In my judgment, I can do what I want. I think the Senator from West Virginia would agree with me, that that is not what the Constitution of this country is about.

Mr. BYRD. That is right.

Mr. SANDERS. And that, unfortunately, we have a President who does not understand that.

In the last 8 years, sadly, we have seen a steady erosion of the fundamental rights and balance of power laid out in the Constitution and in our Bill of Rights. We have seen the President, the Vice President, and the administration carry out an unprecedented number of programs that insult our constitutional system and erode our standing around the world——

Mr. BYRD. Yes.

Mr. SANDERS. Because our Nation was founded as a nation of laws, not of individuals.

Mr. BYRD. Right.

Mr. SANDERS. Let me list a few of the programs. I will not go on for too long, but I want the American people to get a glimpse of what has, in fact, gone on in the last 8 years under a President who neither understands the Constitution nor respects the Constitution. Let me enumerate some of those provisions:

Passage of the original PATRIOT Act and the PATRIOT Act Reauthorization.

Illegal and expanded use of national security letters by the FBI.

The NSA's warrantless wiretap program.

Using Presidential signing statements to ignore the intent of Congress's laws.

Mr. BYRD. Yes.

Mr. SANDERS. We have a President who says: Well, it is an interesting law. I will pick and choose which of the provisions I want to implement. That is not what the Constitution says. If you don't like the law, veto it.

Mr. BYRD. Yes.

Mr. SANDERS. But you cannot pick and choose. That is clearly not what the Constitution had in mind.

Furthermore, we have seen profiling of citizens engaged in constitutionally protected free speech and peaceful assembly. My view is, if you are an American, you have a right to protest, you have a right to engage in the political process without worrying that somebody is spying on you.

Mr. BYRD. Yes.

Mr. SANDERS. We have seen in recent years data mining of personal records.

We have seen, of course, the Abu Ghraib prison scandal.

We have seen a broad interpretation of congressional resolutions regarding use of military force as justification for unauthorized surveillance and other actions.

Mr. BYRD. Yes.

Mr. SANDERS. We have seen extraordinary renditions of detainees to countries that allow torture.

We have seen getting rid of the right of detainees to file habeas corpus petitions.

We have seen the condoning of the use of torture.

We have seen political firings of U.S. Attorneys.

We have seen destruction of CIA tapes.

The list goes on and on and on. Those are just some of the insults to the Constitution that we have seen over the last 8 years.

Mr. BYRD. Yes.

Mr. SANDERS. Mr. President, I also wish to take a few moments to highlight one of the more egregious examples of this abuse which was recently chronicled by the Washington Post.

Mr. BYRD. Yes. Please do.

Mr. SANDERS. This article describes the unprecedented use of executive authority which trampled on the rule of law and, in the process, Americans' basic civil liberties. Specifically, the article focuses on how a small group of people in the White House—the President, the Vice President, the Vice President's Chief of Staff, and a few others—decided through their own twisted interpretation of the Constitution that with the President's say-so alone, they had the power to perform warrantless surveillance on innocent Americans known as the NSA warrantless wiretapping program. They created a program almost completely outside of the authority of our laws based on the principle that because the President of the United States is the Commander in Chief, and it is his job to protect the country, anything they think of that protects this country—anything that fights terrorism—is justified under the Constitution. That, in my view, is dead wrong.

Mr. BYRD. Shame.

Mr. SANDERS. This view of the Constitution and the balance of power in our Government should make all Americans, no matter what political persuasion—and I do want to say there are a number of conservatives all over this country—and every honest conservative should be appalled by the constitutional abuse that has taken place by President Bush. No matter what your point of view is, you should be concerned, but especially for those citizens in our country who consider themselves conservatives and wish to limit the role of government.

I ask the Senator from West Virginia: How often have we heard conservatives talk about a limited role in government and then go out and say: Oh, the government can do anything they want; forget the Constitution.

Mr. BYRD. Yes, how often?

Mr. SANDERS. I think that is absolutely hypocritical.

Mr. BYRD. Yes.

Mr. SANDERS. Even more amazingly, when a few members of the Department of Justice—the top law enforcement agency of our Government—including then-Attorney General John Ashcroft, FBI Director Robert Mueller, and Acting Attorney General James Comey, who learned of the program and refused to renew the program unless it was redrafted to fall within the confines of U.S. surveillance law, the President and his aides attempted to completely bypass these critics and decide that the President, and the President alone, could decide what is lawful or unlawful.

Mr. BYRD. Oh, my, my.

Mr. SANDERS. During a debate about who had the final word on the warrantless wiretapping program, the Washington Post quotes President Bush as saying: ''I decide what the law is for the executive branch.''

Mr. BYRD. Oh, my God.

Mr. SANDERS. I concur.

The President does not decide the law. It is the people of this country through the Congress who decide the law, and the President, as every other American citizen, obeys the law.

Mr. BYRD. Right.

Mr. SANDERS. When we lose that understanding, we lose what our Constitution is about, we lose the essence of what the United States of America is about. Thankfully, thankfully—let's give credit where credit is due—by threatening their mass resignation, the top leaders of the Justice Department forced the President to revise his and the Vice President's legal justification for this wiretap program, making it only a bit less objectionable.

While I am opposed to the wiretapping program in its current form due to the fact that it does not have an adequate check on the power to monitor the conversations of innocent Americans, I do respect—and I hope we all respect—those individuals at the Department of Justice who, during this time in 2003 and 2004, stood up for the basic aspects of our legal system.

Mr. BYRD. Yes.

Mr. SANDERS. Mr. President, I ask unanimous consent that a copy of the Washington Post articles written by Barton Gellman and published on September 14 and 15 of this year be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SANDERS. Mr. President, I am not the only person with these concerns about the balance of power between the branches of Government. An August poll conducted by the Associated Press and the National Constitution Center found that:

> Two-thirds of Americans oppose altering the balance of power among the three branches of government to strengthen the presidency, even when they thought that doing so would improve the economy or national security.

Mr. BYRD. Amen.

Mr. SANDERS. This is not a partisan issue, no matter what administration, no matter what party. I am quite confident that whether it is a Democratic President or a Republican President, Senator BYRD will be there raising exactly the same issues.

Mr. BYRD. Yes.

Mr. SANDERS. Because he understands—and I hope all of us understand—that the Constitution is far deeper than partisan politics or who happens to sit in the White House in this or that year.

Mr. BYRD. Yes.

Mr. SANDERS. The secret creation of the warrantless wiretapping program outside the confines of law is only one example of a number of the ways the Constitution has been abused over the last 8 years.

I conclude by again congratulating Senator BYRD. Because the work he is doing here of trying to make sure that people from Maine to California study our Constitution—something that is not happening enough in our schools—

Mr. BYRD. Right.

Mr. SANDERS. People should understand the Constitution and understand that the Constitution has laid out an extraordinary framework from the first day of this country. It is an extraordinary document, perhaps the greatest document ever written in the Western World.

Mr. BYRD. Yes, it is.

Mr. SANDERS. We should be enormously proud. What we have to do regardless of our political views is we have to stand and defend and fight for the integrity of that Constitution.

So I thank Senator BYRD so much for what he has done in that regard to protect our constitutional rights.

With that, Mr. President, I yield the floor.

Mr. BYRD. And I thank Senator SANDERS.

EXHIBIT 1

[From the Washington Post, Sept. 14, 2008]

CONFLICT OVER SPYING LED WHITE HOUSE TO BRINK

(By Barton Gellman)

A burst of ferocity stunned the room into silence. No other word for it: The vice president's attorney was shouting.

''The president doesn't want this! You are not going to see the opinions. You are out . . . of . . . your . . . lane!''

Five government lawyers had gathered around a small conference table in the Justice Department command center. Four were expected. David S. Addington, counsel to Vice President Cheney, got wind of the meeting and invited himself.

If Addington smelled revolt, he was not far wrong. Unwelcome questions about warrantless domestic surveillance had begun to find their voice.

Cheney and his counsel would struggle for months to quash the legal insurgency. By the time President Bush became aware of it, his No. 2 had stoked dissent into flat-out rebellion. The president would face a dilemma, and the presidency itself a historic test. Cheney would come close to leading them off a cliff, man and office both.

On this second Monday in December 2003, Addington's targets were a pair of would-be auditors from the National Security Agency. He had displeasure to spare for their Justice Department hosts.

Perfect example, right here. A couple of NSA bureaucrats breeze in and ask for the most sensitive documents in the building. And Justice wants to tell them, Help yourselves? This was going to be a very short meeting.

Joel Brenner and Vito Potenza, the two men wilting under Addington's wrath, had driven 26 miles from Fort Meade, the NSA's eavesdropping headquarters in Maryland. They were conducting a review of their agency's two-year-old special surveillance operation. They already knew the really secret stuff: The NSA and other services had been unleashed to turn their machinery inward, collecting signals intelligence inside the United States. What the two men didn't know was why the Bush administration believed the program was legal.

It was an awkward question. Potenza, the NSA's acting general counsel, and Brenner, its inspector general, were supposed to be the ones who kept their agency on the straight and narrow. That's what Cheney and their boss, Lt. Gen. Michael V. Hayden, told doubters among the very few people who knew what was going on. Cheney, who chaired briefings for select members of Congress, said repeatedly that the NSA's top law and ethics officers—career public servants—approved and supervised the surveillance program.

That was not exactly true, not without one of those silent asterisks that secretly flip a sentence on its tail. Every 45 days, after Justice Department review, Bush renewed his military order for warrantless eavesdropping. Brenner and Potenza told Hayden that the agency was entitled to rely on those orders. The United States was at war with al-Qaeda, intelligence-gathering is inherent in war, and the Constitution appoints the president commander in chief.

But they had not been asked to give their own written assessments of the legality of domestic espionage. They based their answer in part on the attorney general's certification of the ''form and legality'' of the president's orders. Yet neither man had been allowed to see the program's codeword-classified legal analyses, which were prepared by John C. Yoo, Addington's close ally in the Justice Department's Office of Legal Counsel. Now they wanted to read Yoo's opinions for themselves.

''This is none of your business!'' Addington exploded.

He was massive in his swivel chair, taut and still, potential energy amping up the menace. Addington's pugnacity was not an act. Nothing mattered more, as the vice president and his lawyer saw the world, than these new surveillance tools. Bush had made a decision. Debate could only blow the secret, slow down vital work, or call the president's constitutional prerogatives into question.

The NSA lawyers returned to their car empty-handed.

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The command center of ''the president's program,'' as Addington usually called it, was not in the White House. Its controlling documents, which gave strategic direction to the nation's largest spy agency, lived in a vault across an alley from the West Wing—in the Eisenhower Executive Office Building, on the east side of the second floor, where the vice president headquartered his staff.

The vault was in EEOB 268, Addington's office. Cheney's lawyer held the documents, physical and electronic, because he was the one who wrote them. New forms of domestic espionage were created and developed over time in presidential authorizations that Addington typed on a Tempest-shielded computer across from his desk.

It is unlikely that the history of U.S. intelligence includes another operation conceived and supervised by the office of the vice president. White House Chief of Staff Andrew H. Card Jr. had ''no idea,'' he said, that the presidential orders were held in a vice presidential safe. An authoritative source said the staff secretariat, which kept a comprehensive inventory of presidential papers, classified and unclassified, possessed no record of these.

In an interview, Card said the Executive Office of the President, a formal term that encompassed Bush's staff but not Cheney's, followed strict procedures for handling and securing presidential papers.

''If there were exceptions to that, I'm not aware of them,'' he said. ''If these documents weren't stored the right way or put in the right places or maintained by the right people, I'm not aware of it.''

Asked why Addington would write presidential directives, Card said, ''David Addington is a very competent lawyer.'' After a moment he added, ''I would consider him a drafter, not the drafter. I'm sure there were a lot of smart people who were involved in helping to look at the language and the law.''

Not many, it turned out. Though the president had the formal say over who was ''read in'' to the domestic surveillance program, Addington controlled the list in practice, according to three officials with personal knowledge. White House counsel Alberto R. Gonzales was aware of the program, but was not a careful student of the complex legal questions it raised. In its first 18 months, the only other lawyer who reviewed the program was John Yoo.

By the time the NSA auditors came calling, a new man, Jack L. Goldsmith, was chief of the Justice Department's Office of Legal Counsel. Soon after he arrived on Oct. 6, 2003, the vice president's lawyer invited him to EEOB 268. Addington pulled out a folder with classification markings that Goldsmith had never seen.

''David Addington was doing all the legal work. All the important documents were kept in his safe,'' Goldsmith recalled. ''He was the one who first briefed me.''

Goldsmith's new assignment gave him final word in the executive branch on what was legal and what was not. Addington had cleared him for the post—''the biggest presence in the room,'' Goldsmith said, during a job interview ostensibly run by Gonzales.

Goldsmith did not have the looks of a guy who posed a threat to the Bush administration's alpha lawyer. A mild-mannered law professor from the University of Chicago, he was rumpled and self-conscious, easy to underestimate. On first impression, he gave off a misleading aura of softness. Goldsmith had lettered in football, baseball and soccer at the Pine Crest School in Fort Lauderdale, Fla., spending his formative years with a mob-connected Teamster who married his mother. He was not a bare-knuckled brawler in Addington's mold, but Goldsmith arrived at Justice with no less confidence and strength of will.

Addington's behavior with the NSA auditors was ''a wake-up call for me,'' Goldsmith said. Cheney and Addington, he came to believe, were gaming the system, using secrecy and intimidation to prevent potential dissenters from conducting an independent review.

''They were geniuses at this,'' Goldsmith said. ''They could divide up all these problems in the bureaucracy, ask different people to decide things in their lanes, control the facts they gave them, and then put the answers together to get the result they want.''

Dec. 9, 2003, the day of the visit from Brenner and Potenza, was the beginning of the end of that strategy. The years of easy victory were winding down for Cheney and his staff.

* * * * *

Goldsmith began a top-to-bottom review of the domestic surveillance program, taking up the work begun by a lawyer named Patrick F. Philbin after John Yoo left the department. Like Yoo and Goldsmith, Philbin had walked the stations of the conservative legal establishment: Federalist Society, a clerkship with U.S. Circuit Judge Laurence H. Silberman, another with Supreme Court Justice Clarence Thomas.

The more questions they asked, the less Goldsmith and Philbin liked the answers. Parts of the program fell easily within the constitutional powers of the commander in chief. Others looked dicier.

The two lawyers worked at the intersection of three complex systems: telecommunications, spy technology, and the statutory regimes that governed surveillance. After a few weeks, Goldsmith said, he decided the program ''was the biggest legal mess I'd seen in my life.''

He asked for permission to read in Attorney General John D. Ashcroft's new deputy, James B. Comey. As always, he found Addington waiting with Gonzales in the White House counsel's corner office, one floor up from the chief of staff. They sat in parallel wing chairs, much as Bush and Cheney did in the Oval Office.

''The attorney general and I think the deputy attorney general should be read in,'' Goldsmith said.

Addington replied first.

''Forget it,'' he said.

''The president insists on strict limitations on access to the program,'' Gonzales agreed.

Weeks passed. Goldsmith kept asking. Addington kept saying no.

''He always invoked the president, not the vice president,'' Goldsmith said.

Comey was not exactly Mr. Popular at 1600 Pennsylvania Ave. He had arrived at Justice as a 6–foot–8 golden boy, smooth and polished, with top chops as a federal terrorism prosecutor in Northern Virginia and New York City. Then came Dec. 30, 2003. Comey did something unforgivable: He appointed an independent counsel to investigate the leak of Valerie Plame's identity as a clandestine CIA officer, a move that would bring no end of grief for Cheney.

In late January, Goldsmith and Addington cut a deal. Comey would get his read-in. Goldsmith would get off the fence about the program, giving his definitive answer by the March 11 deadline.

''You're the head of the Office of Legal Counsel, and if you say we cannot do this thing legally, we'll shut it off,'' Addington told him.

Feel free to tell the president that his most important intelligence operation has to stop.

Your call, Jack.

Goldsmith wanted to fix the thing, not stop it. He and Philbin traveled again and again to Fort Meade, each time delving deeper. They were in and out of Gonzales's office, looking for adjustments in the program that would bring it into compliance with the law. The issues were complex and remain classified. Addington bent on nothing, swatting back every idea. Gonzales listened placidly, sipping Diet Cokes from his little refrigerator, encouraging the antagonists to keep things civil.

There would be no easy out, no middle ground. Addington made clear that he did not believe for a moment that Justice would pull the plug.

* * * * *

Mike Hayden and Vito Potenza drove down from NSA headquarters after lunch on Feb. 19, 2004, to give Jim Comey his first briefing on the program. In the Justice Department's vault-like SCIF, a sensitive compartmented information facility, Hayden got Comey's attention fast.

''I'm so glad you're getting read in, because now I won't be alone at the table when John Kerry is elected president,'' the NSA director said.

The witness table, Hayden meant. Congressional hearing, investigation of some kind. Nothing good. Kerry had the Democratic nomination just about locked up and was leading Bush in national polls. Hardly anyone in the intelligence field believed the next administration would climb as far out on a legal limb as this one had.

''Hayden was all dog-and-pony, and this is probably what happened to those poor folks in Congress, too,'' Comey told his chief of staff after the briefing. ''You think for a second, 'Wow, that's great,' and then if you try actually to explain it back to yourself, you don't get it. You scratch your head afterward and you think, 'What the hell did that guy just tell me?' ''

The NSA chief insisted on limiting surveillance to e-mails, phone calls and faxes in which one party was overseas, deflecting arguments from Cheney and Addington that he could just as well collect communications inside the United States.

That was one reason Hayden hated when reporters referred to ''domestic surveillance.'' He made his point with a folksy analogy: He had taken ''literally hundreds of domestic flights,'' he said, and never ''landed in Waziristan.'' That sounded good. But the surveillance statutes said a warrant was required if either end of the conversation was in U.S. territory. The American side of the program—the domestic surveillance—was its distinguishing feature.

By the end of February, Goldsmith and Philbin had reached their conclusion: Parts of the surveillance operation had no support in law. Comey was so disturbed that he drove to Langley one evening to compare notes with Scott W. Muller, the general counsel at the CIA. Muller ''got it immediately,'' agreeing with the Goldsmith-Philbin analysis, Comey said.

''At the end of the day, I concluded something I didn't ever think I would conclude, and that is that Pat Philbin and Jack Goldsmith understood this activity much better than Michael Hayden did,'' he said.

On Thursday, March 4, Comey brought the findings to Ashcroft, conferring for an hour one-on-one. Three senior Justice Department officials said in interviews that Ashcroft gave his full backing. He was not going to sign the next presidential order—due in one week, March 11—unless the White House agreed to a list of required changes.

* * * * *

A few hours later, Ashcroft was reviewing notes for a news conference in Alexandria when his color changed and he sat down heavily. An aide, Mark Corallo, ducked out and returned to find the attorney general laid out on his back. By nightfall, Ashcroft was taken to George Washington University Medical Center in severe pain, suffering acute gallstone pancreatitis. Comey became acting attorney general on Friday.

The next day—Saturday, March 6, five days before the March 11 deadline—Goldsmith brought the Justice Department verdict to the White House. He told Gonzales and Addington for the first time that Justice would not certify the program.

A long silence fell. It lasted three full days.

Gonzales phoned Goldsmith at home before sunrise on Tuesday, March 9, with two days left before the program expired. Obviously there was bad chemistry with Addington. Why not come in and talk, he asked, just the two of us?

Goldsmith arrived at the White House in morning twilight. Alone in his office, Gonzales begged the OLC chief to reconsider. Gonzales tried to dispute Goldsmith's analysis, but he was in over his head. At least let us have more time, he said. Goldsmith said he couldn't do that.

The time had come for the vice president to step in. Proxies were not getting the job

done. Cheney was going to have to take hold of this thing himself.

Even now, after months of debate, Cheney did not enlist the president. Bush was across the river in Arlington, commending the winners of the Malcolm Baldrige awards for quality improvement in private industry. Campaign season had come already, and the president was doing a lot of that kind of thing. That week he had a fundraiser in Dallas, a ''Bush-Cheney 2004 event'' in Santa Clara, Calif., and a meet-and-greet at a rodeo in Houston.

Soon after hearing what had happened between Goldsmith and Gonzales, the vice president asked Andy Card to set up a meeting at noon with Mike Hayden, FBI Director Robert S. Mueller III, and John McLaughlin from the CIA (substituting for his boss, George J. Tenet). Cheney spoke to them in Card's office, the door closed.

Four hours later, at 4 p.m., the same cast reconvened. This time the Justice contingent was invited. Comey, Goldsmith and Philbin found the titans of the intelligence establishment lined up, a bunch of grave-faced analysts behind them for added mass. The spy chiefs brought no lawyers. The law was not the point. This meeting, described by officials with access to two sets of contemporaneous notes, was about telling Justice to set its qualms aside.

The staging had been arranged for maximum impact. Cheney sat at the head of Card's rectangular table, pivoting left to face the acting attorney general. The two men were close enough to touch. Card sat grimly at Cheney's right, directly across from Comey. There was plenty of eye contact all around.

This program, Cheney said, was vital. Turning it off would leave us blind. Hayden, the NSA chief, pitched in: Even if the program had yet to produce blockbuster results, it was the only real hope of discovering sleeper agents before they could act.

''How can you possibly be reversing course on something of this importance after all this time?'' Cheney asked.

Comey held his ground. The program had to operate within the law. The Justice Department knew a lot more now than it had before, and Ashcroft and Comey had reached this decision together.

''I will accept for purposes of discussion that it is as valuable as you say it is,'' Comey said. ''That only makes this more painful. It doesn't change the analysis. If I can't find a lawful basis for something, your telling me you really, really need to do it doesn't help me.''

''Others see it differently,'' Cheney said.

There was only one of those, really. John Yoo had been out of the picture for nearly a year. It was all Addington.

''The analysis is flawed, in fact facially flawed,'' Comey said. ''No lawyer reading that could reasonably rely on it.''

Gonzales said nothing. Addington stood by the window, over Cheney's shoulder. He had heard a bellyful.

''Well, I'm a lawyer and I did,'' Addington said, glaring at Comey.

''No good lawyer,'' Comey said.

In for a dime, in for a dollar.

Addington started disputing the particulars. Now he was on Jack Goldsmith's turf. From across the room the head of the Office of Legal Counsel jumped in. And right there in front of the big guys, the two of them bickered in the snarly tones of a couple who knew all of each other's lines.

* * * * *

As the sun went down on Tuesday, March 9, the president of the United States had yet to learn that his Justice Department was heading off the rails. A train wreck was coming, but Cheney wanted to handle it. Neither Card nor Gonzales was in the habit of telling him no.

''I don't think it would be appropriate for the president to be engaged in the to-and-fro until it is, you know, penultimate,'' Card said in a recent interview. ''I guess the definition of 'penultimate' could vary from four steps to three steps to two steps to one step. That's why you have White House counsel and people who do the legal work.''

Participants in the afternoon meeting, including some of Cheney's recruits, left the room shaken. Mueller worked for the attorney general, and the FBI's central mission was to ''uphold and enforce the criminal laws of the United States.'' Hayden's neck, and his agency, were on the line. The NSA director believed in the program, believed he was doing the right thing. But keep on going when the Justice Department said no?

Early the next morning—Wednesday, March 10, with 24 hours to deadline—Hayden was back in the White House. One colleague saw him conferring in worried whispers with Homeland Security adviser John A. Gordon, a mentor and fellow Air Force general, much the senior of the two. They huddled in the West Wing lobby, Hayden on a love seat and Gordon in a chair.

Jim Comey was in the White House that morning, too, arriving early for the president's regular 8:30 terrorism brief. He had heard nothing since the discouraging meeting the day before.

Comey found Frances Fragos Townsend, an old friend, waiting just outside the Oval Office, standing by the appointment secretary's desk. She was Bush's deputy national security adviser for combating terrorism. Comey had known her since their days as New York mob prosecutors in the 1980s. Since then, Townsend had run the Justice Department's intelligence office. She lived and breathed surveillance law.

Comey took a chance. He pulled her back out to the hallway between the Roosevelt Room and the Cabinet Room.

''If I say a word, would you tell me whether you recognize it?'' he asked quietly.

He did. She didn't. The program's classified code name left her blank. Comey tried to talk around the subject.

''I think this is something I am not a part of,'' Townsend said. ''I can't have this conversation.'' Like John Gordon and deputy national security adviser Steven J. Hadley and Homeland Security Secretary Tom Ridge, she was out of the loop.

Oh, God, Comey remembers thinking. They've held this so tight. Even Fran Townsend. The president's counterterrorism adviser is not read in? Comey towered over his diminutive friend. He chose his words carefully.

''I need to know,'' he said, ''whether your boss recognizes that word, and whether she's read in on a particular program. Because we had a meeting here yesterday on that topic that I would have expected her to be at.''

He meant national security adviser Condoleezza Rice. Comey was hoping for an ally, or maybe rescue.

''I felt very alone, with some justification,'' Comey recalled. ''The attorney general is in intensive care. There's a train coming down the tracks that's about to run me and my career and the Department of Justice over. I was exploring every way to get off the tracks I could.''

Townsend had a pretty good guess about what was on Comey's mind. Cheney had kept her out of the loop, but it was hard to hide a warrantless domestic surveillance program completely from the president's chief terrorism adviser.

''I'm not the right person to talk to,'' she told her friend, her voice close to a whisper. Comey ought to go see Rice.

''I'm going to tell her you've got concerns,'' Townsend said.

Comey's concerns no longer interested Cheney. The vice president had tried to back him down. That didn't work.

Only one day remained before the surveillance program expired. Time for Cheney to take the fight somewhere else.

Mr. REED. Mr. President, today we celebrate the 221st anniversary of the signing of the Constitution of the United States, the longest-living written constitution in history and the very foundation of our democracy. I thank Senator BYRD for his tireless commitment to the Constitution and to ensuring its recognition every year on Constitution Day, which he established in 2004.

Our Constitution serves as a testament to the brilliance of the Founding Fathers, who sought to create a document that would ensure that political power was derived from the people and that their rights would never be infringed upon. The Framers worked diligently over the summer of 1787 to forge a document that has persisted for more than two centuries. The Framers rightly understood that it would take hard work and compromise to establish a solid foundation for a new government that aspired to protect the liberty of all its people. A remarkably brief document, containing only seven articles, the Constitution limits the power of the government, maximizes the freedom of the people, and provides for the common good.

Although my home State of Rhode Island did not send delegates to the Constitutional Convention in 1787, the effects of this small State on the formation of the Constitution are still felt today.

Roger Williams, whose statue stands just outside this Chamber, founded what would become the State of Rhode Island in 1636 after he was exiled from the Massachusetts Bay Colony. A theologian, he founded Providence Plantation on the principles of separation of church and state and religious freedom.

One hundred fifty-one years later, the Framers enshrined these same principles in the Bill of Rights. Williams and the Framers recognized that religious freedom is a natural right that had to be afforded to all people. Indeed, this freedom is one of the defining freedoms of our democracy.

I would again like to thank Senator BYRD for his dedication to honoring our Constitution and the achievements of our Founding Fathers. His devotion to this document enriches our understanding of its importance and reminds

us of its essential role in our democracy. He has taken up the call to protect and defend the Constitution by ensuring that its central place in American history is not forgotten. I join him in asking all Americans to honor our great national charter today and every day.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. KENNEDY. Mr. President, today we celebrate Constitution Day, the 221st birthday of the founding document of our country. Now, more than ever, it is time to reaffirm our commitment to defending the liberties guaranteed by the Constitution, and to recognize that strengthening civic education is an important part of this commitment. ''Democracy must be reborn in every generation, and education is its midwife,'' wrote John Dewey. In fact, civic education was the original mission of American public education.

Sadly, students today know too little about the civil liberties established in the Constitution that define our American way of life. On the most recent national civics assessment in 2006, only 20 percent of eighth grade students scored at or above the proficient level. Less than one-third could identify the purpose of the Constitution. Less than a fifth of high school seniors could explain how citizen participation strengthens democracy. Gaps in understanding like these translate later in life to reduced voter turnout, decreased civic engagement and community service, and a weaker sense of national identity.

As a result of legislation enacted in 2005, more students across the country are receiving instruction on the Constitution, civics, and American history in their schools today. To become responsible citizens, students need to know that the Constitution is not about the 39 men who signed it. It is a vital document that shapes events today and in the future. Instilling an understanding of the American ideals of liberty, justice, equality, and civic responsibility should be a central task in every school, every day.

It should encourage the type of civic-mindedness displayed by the actions of community-based organizations and private citizens who rushed to aid victims of Hurricane Katrina and the September 11 terrorist attacks. The long-term health of our democracy and America's standing in the world depend on our own understanding of our past.

In the reauthorization of the No Child Left Behind Act next year, we can strengthen our commitment to history and civics education, and encourage them to be integrated into all subject areas, extracurricular activities, and service-based learning.

Our Nation's Founders understood that education was critical to the strength of our democracy. As James Madison said to Thomas Jefferson after the Constitution was written, ''Educate and inform the whole mass of the people . . . They are the only sure reliance for the preservation of our liberty.''

As we commemorate the anniversary of the ratification of the Constitution, those words are especially timely, because they remind us that their work alone cannot sustain American democracy. Our democracy depends heavily on enlightened and engaged citizens, and high-quality civic education is the best way to ensure that its fundamental principles will continue to guide America for the next 221 years, as we and future generations do our best ''to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.'' May it always be so.●

Mr. SANDERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

CONTINUATION OF MORNING BUSINESS

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate continue in a period of morning business with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISSILE DEFENSE

Mr. SESSIONS. Madam President, it is easy for us to fall into the trap and the habit of believing the United States and our friends around the world are immune from the aggressive actions of hostile nations. Since the Cold War has ended, I think we have come to think that conflicts between industrialized nations are an historic relic. I believe one writer who has since admitted he was in error wrote a book called ''The End of History.'' But we are not beyond history. We are not immune from the threats that have apparently always been out there in the world. And I wish it were not so, but I am afraid it is. I believe the world clearly remains a dangerous and unpredictable place. Significant and serious threats exist. North Korea and Iran, for example, seek nuclear capabilities despite all kinds of efforts by the rest of the world to convince them to the contrary. They continue to invest heavily in the development of long-range missiles that could cause us great harm. Russia's recent actions in Georgia remind us that country, which we once hoped was on a path to greater integration into the global world community, might again be seeking to restore old Soviet ideas of dominance throughout their neighbors and in Eastern Europe, all of which should serve as a motivation to move ahead with the necessary capabilities to defend ourselves and our allies from missile attack, in particular. If a government, by way of the skills, knowledge, and technical achievements of its citizens, has the ability to protect itself from a known threat, does it not have a moral obligation to do so?

I remember once former Secretary of State Henry Kissinger saying:

> I never heard of a nation whose policy it is to keep itself vulnerable to attack.

Why would we want to allow ourselves to remain vulnerable to a potential missile attack from North Korea or Iran? Well, we do not. We have been working for some time now to develop a defense system to block any such missile attack. Although it is highly technical and complex, we have made tremendous progress, and we now know we have a system that fundamentally works and we are continuing to advance it every year.

We cannot do this alone, however. We have our friends in Europe. We asked them for assistance in developing a third site there. In fact, perhaps one of the threats we face would be from a missile launch from Iran. The Iranians are continually working on advanced missiles. I believe they are also openly moving forward to develop nuclear capabilities. If they were to launch such an attack against the United States, it would pass over Europe. So Europe would be an important site for us in protecting the United States.

Indeed, the importance of recent decisions, therefore, taken by the Governments of Poland and the Czech Republic to base missile defense assets on their territory to protect our NATO allies and the United States against long-range ballistic missile threats is very important. The United States has been negotiating with the Czech Republic and Poland since early 2007 to base a missile-tracking radar and 10 long-range interceptors—just 10, but importantly 10—in those countries. I am pleased to note that those agreements were signed between the United

States and the Government of the Czech Republic on July 8 of this year and with the Government of Poland on August 20 of this year. Ratification of these agreements by the allied parliaments in those counties is expected this fall. These deployments are intended to provide protection for the United States and most of Europe against long-range ballistic missiles such as those that might be launched by Iran.

The strategic objective of extending missile defense protection to our allies is to enhance the ability of the alliance to more effectively deter aggression and counter the growing threat posed by Iran. These deployments would send a strong message to our allies and adversaries alike that the NATO alliance will not be intimidated or blackmailed by any missile threat.

You have leaders of Europe, NATO, and the United States, and if some country threatens that they will launch a missile, and we have only 1 or 2—OK, maybe 10—but if we have the ability to knock those down, that alters the strategic threat capability significantly and allows the President of the United States or any European nation to say: We are prepared to defeat your missile attack. We will not be blackmailed. We will not alter our policies that we believe are in our national interests as a result of such threats.

So the planned deployments in Poland and the Czech Republic are supported by the NATO alliance. Some of our Members have wanted that. They have said that they would feel better about going forward if the alliance itself spoke on this, and so we have obtained that now. The system to be deployed will be fully integrated into NATO's ongoing plans to provide defense against shorter range ballistic missile threats.

The April 3, 2008, NATO Bucharest Summit Declaration notes:

> Ballistic missile proliferation poses an increasing threat to allies' forces, territories and populations.

They went on to say:

> We therefore recognize the substantial contribution to the protection of allies from long-range ballistic missile to be provided by the planned deployment of European-based U.S. missile defense assets.

In May, the Senate Armed Services Committee, of which I am a member and its bill is on the floor today, reported out of the committee, I am proud to say, a bill which authorizes fully the administration's $712 million request for the Polish and Czech missile defense sites. I am proud that our committee did that. It was the right thing. It is important now that the appropriators recognize the critical importance of following through with adequate funding for these sites. Events of the past month reinforce the decision by the Armed Services Committee to recommend full funding. Not only does Iran persist in defying international calls to end its nuclear program, Iran continues to test space launch vehicles and ballistic missiles of increasing range, while also conducting military exercises in the gulf with operational ballistic missiles.

We should not take lightly the courageous action taken by the Governments of the Czech Republic and Poland to agree to establish a missile defense site on their territory, for by supporting the defense of NATO in this manner, and the defense of the United States, these countries have earned the ire of their big neighbor on the east, Russia.

In an effort to exert pressure on our allies to not do this, in February of 2008 Prime Minister Putin of Russia stated that:

> If it is deployed, we will have to react appropriately. In that case, we will probably be forced to target some of our missiles at the objects threatening us.

Let's take a moment to analyze that language. What threat is it to Russia, let me ask, that an independent, sovereign nation would agree to have a defensive missile system deployed on their territory—not a hostile missile system, not a nuclear weapon missile system, a missile system designed to protect their own country and other countries from a potential threat? What possible threat is that to Russia? Zero. Of course, we know Russia has hundreds and hundreds of nuclear-armed missiles. The 10 silos and missiles we would propose to place in Poland would have no ability whatsoever to resist a massive Russian attack, God forbid they would ever launch.

So I would suggest something more is at stake here, and I think it is something that the Poles and the Czechs and the Georgians and the Ukrainians and the Estonians and the Latvians and the Lithuanians understand full well, and that is that Putin desires to reestablish hegemony over the former Soviet satellites. They think they have a right to tell Poland whether to undertake a military partnership with the United States. They have no right whatsoever to do so. Poland is glad to be rid of them. They are glad to be out from under the Soviet boot. They have no intention whatsoever of allowing themselves to fall back under their dominance. They have values that are close to our values. They want to be part of our heritage and the Western heritage.

Just days after the Czech Republic signed the radar basing agreement with the United States, Russia reduced its oil shipments to the Czech Republic without providing any explanation. Boom. The oil shipments have since been restored, but threats continue.

Despite increasingly bellicose threats by Russia to cut off energy supplies and to target Poland and the Czech Republic with military means, these allied Governments have maintained their freedom, their independence, their sovereignty, and their courage, and have stood fast with the United Sates and NATO. So the very least this Senate could do would be to recognize the importance of these decisions, to express our full and strong support for what these nations have done on behalf of themselves and the Atlantic alliance and affirm that with the support of legislation that would move forward with the third site.

In closing, I would share with my colleagues the words of Mirek Topolanek, the Czech Prime Minister. The Czech Republic and Poland are such wonderful countries. They are so proud to be free and independent. They are some of our best allies in the world.

The Prime Minister placed this issue in the proper context, when he stated:

> The moral challenge is clear and simple. If we are not willing to accept, in the interest of the defense of the Euro-Atlantic area, such a trifle as the elements of a missile defense system, then how shall we be able to face more difficult challenges that may come?

Isn't that a great statement? That is the right context.

I hope this part of the bill will remain intact. I am confident it will. I hope our appropriators will find the money necessary to move forward rapidly to complete the development of these systems. Indeed, our NATO allies and the United States are certain to face more difficult challenges in the days ahead, as Iran and other nations continue to develop weapons of mass destruction and the ballistic missile capability to deliver them. As the crisis in the Caucasus suggests, there may be even greater challenges ahead. By supporting the European missile defense initiative, we extend missile defense capabilities to our allies while bolstering the defense of the United States homeland. In so doing, we strengthen our partnership and our collective security. We send a strong message to potential adversaries that this alliance will take such actions as necessary to ensure its security against threats that may occur.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent to speak in morning business for whatever time I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, allow me to echo strong agreement with my colleague from Alabama. We both serve on the Armed Services Committee. It is our hope and belief that we will be able to get a bill tonight. There are a lot of amendments that we would have liked to have had time to add. Senator SESSIONS talked about the successes we have had in the Czech Republic and in Poland. It is absolutely

necessary. This is a life-threatening situation. I believe we are in pretty good shape there. I had several programs that are going to be included in this bill expanding the training and equipment. Sections 1206, 1207, and 1208 are significant. Those are things we can do in the field in these countries where we are in a position to train and equip these people, which is certainly to our advantage. Expanding what used to be called the CERP, the Commanders Emergency Response Program—they changed the name. I can never keep up with these things. But instead of having it only apply to Iraq and Afghanistan, it now applies to other areas also. It gives the commanders in the field a chance to respond immediately rather than go through all the bureaucratic redtape of correcting problems back in Washington.

With the IMET program, which is a program whereby we bring in officers and train them in our facilities in the United States, it used to be that until they signed an article, we would not allow them to be trained in the United States. The assumption was that somehow we were doing them a favor by training them. The reverse is true. They want to come to the United States to train because they know we have the best training. If we refuse to do it, countries such as China will welcome them with open arms. One of the interesting things is, once officers are trained in this country, they develop an allegiance that stays.

A lot of these things are in the bill that are good. I am delighted, because I understand we will be voting on it very soon.

AFRICA

Mr. INHOFE. Madam President, the main reason I wanted to come to the floor today is another resolution we hope we will be able to get passed before we leave having to do with Darfur. I have had the habit of bringing attention to situations and conflicts in places around the world that get little attention. However, in the case of Darfur, it has had all the attention. When people ask, what are the problems with Africa, they always talk about Darfur. So while they have received all of the attention, there hasn't been any kind of action that has followed. It is distressing that the situation in Darfur has received so much press and generated so much attention, with documentaries and advocacy campaigns and waves of public support, but it has not spurred the international community to more action.

We have been saddened and horrified at the pictures we have seen and the stories we have heard about the genocide in Darfur that has unfolded since 2003. At least 300,000 people have died, and 2½ million have been forced from their homes at the hands of violent militias called the jingaweit who have been encouraged and supported by the Khartoum Government, President Bashir. One of the things that is interesting about this is, we recall the tragic genocide that took place in the middle 1990s in Rwanda. People are now aware of that and wondering why we couldn't have done something about it earlier to prevent it. They have now killed about a third the number of people of the genocide that took place in Rwanda, and President Kagame is doing such a great job there. But where were we when we could have helped President Kagame and prevented the genocide from taking place?

It is now up to a third that many in Darfur. So we can do something and do something now to avoid it. Last week we received news that Sudan's central government is launching land and air attacks in Darfur, with many dead and injured. Last month, in August, the Sudanese military and police opened fire on Darfur refugee camps, killing 31 people and injuring a lot of others. The United Nations/African Union hybrid peacekeeping force assessed the incident and concluded that Sudan used an excessive, disproportionate use of lethal force. For the United Nations to come up with that, it has to be bad. They also concluded that the refugees were only carrying sticks and knives and spears while the Sudanese forces were armed with guns. Khartoum insisted that they were searching the camp for drugs and weapons.

In July, The Hague, the International Criminal Court, began the process of indicting President Bashir on 10 charges, including three counts of genocide, five crimes against humanity, two of murder, and masterminding the campaign to annihilate the tribes in Darfur. A senior U.S. official said recently that he expects the ICC, the International Criminal Court, to issue an arrest warrant in the next month—long overdue, I might add. Bashir, who no doubt is beginning to feel the political ground shifting beneath him, continues to resort to more intimidation and violence. One major factor in the ongoing violence in Darfur can be traced to the continued violations of the U.N. arms embargo on Sudan. China is Khartoum's major source of weapons used in Darfur. China has embarked on a new form of colonialism in Africa, grabbing as many natural resources as it possibly can while disregarding the effect on the people. I wish more Members were familiar with Africa and the history of Africa. There are so many books written about that, one of them addressing the Belgium situation there in the early years. They came in, raped the country, took all the natural resources, and left the people there to die. We should be aware that that is exactly what China is doing right now.

Beijing has declared 2006 the year of Africa. It shows no signs of slowing down in spreading its influence to claim resources. Currently, China's national petroleum company is pumping roughly 500,000 barrels a day from wells in southern Sudan. Keep in mind, China is our biggest competitor for oil and gas around the world. Obviously, we are dependent upon foreign countries, many of them not too friendly to us, for our ability to even fight a war. That is another issue and one we will address. But China is right in the middle of this one, making it more difficult for us. In order to assure continued access to the oil, China has provided weapons to Khartoum and taken a very passive stance toward the government's brutal treatment of the people of Darfur.

Last year Amnesty International reported that both China and Russia had broken the arms embargo by supplying Sudan with attack helicopters, bombers, and weapons. On July 12, the British Broadcasting Corporation reported they had evidence that the Chinese Government provided training and equipment to Bashir's government. In February, the report said that China was training pilots to fly Chinese Fantan aircraft jets on missions from the airfield in southern Darfur. This is a direct violation of the U.N. arms embargo which covers training, not just the supply of weapons, equipment, and military vehicles. The BBC also investigated weapons that China sold to Sudan in 2005 and found postembargoed trucks that carried antiaircraft guns. This news, although not a surprise, comes at a time when Khartoum is using force against refugees with the very planes and weapons that China is supplying.

China is not the only problem there. Russia is actually a problem also. Russia is to blame for violating the arms embargo. During the last couple of weeks of attacks, Darfur rebels stated that the government used four helicopter gunships and two Russian-made Antonov airplanes. Russia's continued disregard for crimes perpetrated by the Khartoum Government in Darfur and the selling of arms to carry out such violence against the people of Darfur is inexcusable and needs to be stopped immediately.

I hasten to say there are many other problems I have come to the floor and talked about over the last 12 years in Africa. Darfur is one that has captivated everyone's attention. But I assure my colleagues, there are problems in other areas. Right now, as we all know, China is currently Zimbabwe's largest investor and President Mugabe has destroyed the economy in Zimbabwe. We can all remember when they were considered to be the breadbasket of all of Africa. It is amazing that Zimbabwe is able to buy military articles such as their recent purchase

from China that included $240 million in fighter jets, in light of their dying economy. When I say ''dying economy,'' they don't even talk anymore about the value of their currency because their currency has no value. So the only ones eating in Zimbabwe, the area that used to be the breadbasket of all of Africa, are the ones who are subsistence farmers, able to grow what they and their families can eat.

In 2005, I gave a series of speeches detailing why I believe China to be a threat to our national security. From what we have talked about today, we know China is also a threat to other countries' national security. I challenge my African friends to be wary of current and future Chinese involvement in their countries. It seems that much of the power-sharing agreement in Zimbabwe has been reached with Mugabe remaining as President and opposition leader Tsvangirai taking over the day-to-day running of the Government as Prime Minister. I hope it works out, but I am not optimistic that it will.

We have a problem there. We have a country that had been the breadbasket of sub-Saharan Africa and is now unable to provide anything.

As to other threats in Africa, I have been quite distressed for some time that as we get the squeeze in the Middle East and al-Qaida and the various terrorist elements down through the Horn of Africa, but we have finally made a good decision in this country to assist Africa in building five African brigades, located north, south, east, west, and central. This is going to be necessary for them to take care of the problems. As to other problems in Africa, it has been 30 years now since western Sahara was kicked out of their homeland, and they have been out in the desolate areas now for more than 30 years. It is shocking to me that we don't do anything to help them get repatriated and sent back to their proper areas.

In northern Uganda, on several of my trips there, I have become familiar with what President Museveni has been trying to do for a long period. Frankly, President Museveni has been doing a great job. He was a warrior before he became President of Uganda. But the problem in Uganda is every bit as bad as it is in Darfur, and it is a problem everybody knows about, though it is totally different. We have a guy up there named Joseph Kony, who heads the Lord's Resistance Army. You have heard about the Children's Army and how he goes and trains these little kids, these little boys who are 12 to 13 and 14 years old, how to use automatic weapons. They have to go back to their villages and murder both their parents and all of their family. If they do not do it, they mutilate them. They cut their ears off.

I have been up in the northen part of Uganda and have been able to see it. What have we been able to do about that? Very little. He is still loose. Just recently they put him on the list of global terrorists for the United States, but that did not really resolve anything major. So we have that problem. And we have Joseph Kony, who is still to this day killing and mutilating little kids.

I guess I am a little sensitive to that. We had a great experience in my family. We found a little girl in Ethiopia when she was 3 days old, and her health was not very good. As we might expect in Addis Ababa, in Ethiopia, there is a great need for nurseries and health care for kids, but the health care just isn't there.

I remember looking at this little girl. As the weeks went by and she started developing—escaping death time and time again—she finally grew up and she became a very attractive little girl. I have said on this Senate floor several times that my wife and I have been married 49 years, and we have 20 kids and grandkids. Well, this little girl shown in this picture is one of them now because my daughter Molly, who had nothing but boys, wanted to have a girl, so she adopted this little girl, Zegita Marie, and she has turned out to be an outstanding little girl.

So there are these problems. One of the problems with adopting in Africa is that culturally some countries do not approve of adopting. They think the village should be able to take care of the children who become orphans. The problem with that is, with such things that are taking place right now in Darfur, with such things that have taken place in Rwanda, the villages cannot absorb the killing and mutilating of a million people in a short period of time. That is what has happened in Rwanda.

So I am glad several Members of this body, including MARY LANDRIEU from Louisiana, have been interested in helping with the adoption of some of these kids so that other children like my little granddaughter are not left there to die in a country in sub-Sahara Africa but can find a loving family.

Anyway, right now, the subject is Darfur. The subject is Darfur because what is going on there right now is kind of in the early stages of what we witnessed taking place in Rwanda. That genocide can be stopped, and it can only be stopped by us along with anyone else in the international community who cares enough to save lives in sub-Sahara Africa. Certainly, the southern part of Darfur is a crisis right now that needs to be dealt with.

So I would ask my colleagues to join Senator BILL NELSON of Florida and me in asking for the adoption of a resolution that should take place today. It is one that is going to establish a specific position for the United States of America. The resolution is S. Res. 660, which we have submitted this week. It condemns the ongoing sales of arms to belligerents in Sudan and calls for both an end to such sales and an expansion of the U.N. embargo on arms sales to Sudan.

As Russia and China provide Khartoum with more weapons and materials, they continue to fuel the conflict and violence and drive a peaceful solution further away from reality.

Countries that want to do business in Africa, or anywhere for that matter, must be held accountable for their behavior. One of the things I have observed in Africa, no matter what country you go into—if it is an oil-rich country—anything that is new and shiny, whether it is a bridge, whether it is a colosseum, a sports arena, it is always built by China. So they have the inside track, and it is going to be up to us to join together to stop that type of mutilation of the population in countries such as northern Uganda and the Sudan.

So I urge the adoption of this resolution today and hope it will become a reality so we have a new position for the United States of America to save little girls like this one in countries that are involved in genocide.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent to speak as in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. DORGAN. Mr. President, today the stock market is down over 400 points. Yesterday it was pretty mixed. The day before it was down over 500 points. It is pretty clear that, judging by what is happening on Wall Street and judging what is happening to the economy—the news this morning on the front page of the paper: Loan guarantee offered to one of the largest insurance companies of America; the bankruptcy of an institution, Lehman Brothers, which has been around since the late 1800s; it survived the Civil War and the Great Depression—all these together demonstrate a very serious problem for this country's economy. This economy is in some peril, and I think we should not underestimate the difficulties that face it.

Our Treasury Secretary and the head of the Federal Reserve Board are taking midnight action, working 24 hours

a day, apparently, convening meetings here and there, but they share something in common with us. None of us have ever been here before. No one quite understands where we are and what we do to deal with this very serious economic challenge to our country.

This is a great country. It is the only country like it on this planet. It has a very strong economy and has had for a long while. It has lifted a lot of people out of poverty and dramatically expanded the middle class. It has provided opportunity over the last century that has been almost unparalleled. Yet we now face some very difficult times, and it requires all of us to think together and work together to put together some plans to deal with this issue and this challenge. However, you cannot fix a problem you have not diagnosed.

I wish to talk a little about what got us here and a bit about what I think we ought to do about it. Two things: a subprime mortgage scandal decimated part of the foundation of this country's economy. I wish to talk about what it means. It sounds like a foreign language: Subprime loan scandal. Then, at the same time this economy was weakening because of an unbelievable subprime loan scandal, the price of oil was going up like a Roman candle, up to $147 a barrel. It has come down some now; back up I think $4 or $5 a barrel today. But that had a huge impact on this economy as well. In some ways, these problems have the same roots: Unbridled speculation, regulators who didn't regulate, those who were supposed to regulate were willing to be willfully blind.

Let me talk about these things for a moment. Let me talk first about the situation with the price of oil. I held a hearing yesterday for almost 3 hours on the subject of speculation that I believe drove the price of oil to $147 a barrel. At a time when our economy was reeling from the subprime scandal, running oil up to $147 a barrel was a huge burden and had a huge impact in weakening this economy. I am somebody who believes it was speculation that drove this up, right under the nose of regulators who didn't care about regulating.

Let me tell my colleagues what happened yesterday. We have had all kinds of testimony about this. One of the witnesses who was at the Energy Committee yesterday was from J.P. Morgan, a venerable investment bank in this country, and Lawrence Eagles delivered testimony yesterday from J.P. Morgan. He is the head of commodity research, and here is what Mr. Eagles said:

> We believe that high energy prices are fundamentally the result of supply and demand. We fundamentally believe that high energy prices are a result of supply and demand, not excessive speculation.

This from a man from the J.P. Morgan company, the global head of commodity research. But an e-mail we obtained today that was sent late last evening to the clients of J.P. Morgan by a Michael Zimbalist, who is the global chief investment officer for J.P. Morgan—the same company—said this—what we have been saying:

> There was an enormous amount of speculation pent up in energy markets; example, an eight-fold increase in bank OTC oil derivatives exposure in the last three years and it wasn't just the supply-demand equation. Oil will rise again and we need solutions to energy supplies, but $140 in July 2008 was ridiculous.

Let me say that again. An executive with J.P. Morgan testified yesterday before our committee and said: We believe high energy prices are the result of supply and demand, not excessive speculation.

Last evening, an e-mail was sent from J.P. Morgan by their global chief investment officer and it says what we have been saying: There was an enormous amount of speculation pent up in energy markets.

I am trying to understand—and this is not to focus just on this company—J.P. Morgan. They testified they were an investment bank. We have had meetings with a lot of interest about this subject of excess speculation. I am trying to understand whether we are getting the straight story from people. What was the straight story here, the man they sent to testify or one of the top folks in J.P. Morgan who sent an e-mail to clients last evening? They directly contradict each other.

We have a whole lot of folks who are making a living these days saying: Well, the price of oil went to $147 a barrel because of supply and demand, and I say to them: It doubled in a year. From July to July, the price of oil doubled. I defy anyone to tell me what happened to supply and demand in that year that justified the doubling of the price of oil. There isn't anyone in this Chamber and there is no one who has testified before my committees who can make that case. Why? Because the case is not valid. It isn't valid.

I have sent a letter to Mr. Jamie Dimon, the chief executive officer of J.P. Morgan, asking him to reconcile this. The company was willing to testify and they were one of the witnesses yesterday. I invited witnesses who had made the case that speculation was a significant part of this problem, of the runup of oil; others had invited those who believed that speculation was not. This testimony from J.P. Morgan was part of testimony invited by those who believe there is not a speculative component. But we have a right as a committee, it seems to me, to understand how does this happen. The company sends a representative to tell us there is no speculation and then sends an e-mail to clients the same day and says speculation is a significant part.

The reason I mention this is oil is a part of what is happening in this country today with our economy. The runup in the price of oil significantly weakened this economy. I am expecting a response from J.P. Morgan to try to tell me why the contradiction. Who is talking straight here? When do we get straight answers? If we are going to fix what is wrong, we have to know what happened and what caused it.

Now, I mentioned the subprime loan scandal. The subprime loan scandal. I described what I thought was going to happen 9 years ago on the floor of the Senate. We had a bill that came to us from Senator Gramm called Gramm-Leach-Bliley. Senator Gramm spent a career here trying to get rid of all regulation: Deregulate. Deregulate, he claimed. Financial modernization, he called it. The Financial Modernization Act. That was a fancy way of saying: Let's take apart the protections that existed after the banks failed in the 1930s and the Great Depression, let's take apart the protections we put in place to make sure it didn't happen again. We put in place the Glass-Steagall Act that said you have to keep separate banks and real estate and securities. Why? Because real estate and securities can be very speculative, and banks need to stay away from speculation. It needs to not only be safe and sound, it needs people to think they are safe and sound.

So what was put in place in the 1930s—the Glass-Steagall Act and other provisions to separate inherently risky enterprises from banking—worked for a long time. Then to the floor of the Senate comes the Financial Modernization Act in 1999. I voted against it. Let me read what I said on the floor on May 6, 1999, on the floor of the Senate:

> This bill will also, in my judgment, raise the likelihood of future massive taxpayer bailouts. It will fuel the consolidation and mergers in the banking and financial industry at the expense of customers, farm businesses, family farmers, and others. In some instances I think it inappropriately limits the ability of the banking and thrift regulators from monitoring activities between such institutions and their insurance or securities subsidiaries, raising significant safety and soundness consumer protection concerns.

Let me say that again: This bill will also, in my judgment, raise the likelihood of future massive taxpayer bailouts.

No, I am not a soothsayer. I didn't have a crystal ball. But I knew if you don't have good regulation and you are going to create the homogenization of big financial industries and put banking and everything together, even if you claim you are going to build firewalls, I knew exactly what was going to happen.

On November 4, 1999, on the conference report—I was one of eight Senators to vote against it—I said:

> Fusing together the idea of banking—which requires not just the safety and soundness to be successful but the perception of

safety and soundness—with other inherently risky speculative activities is, in my judgment, unwise.

Then I said:

We will, in 10 years' time, look back and say we should not have done that because we forgot the lessons of the past.

Those are my statements from 1999. It is now 9 years later, not 10. What we see are massive bailouts, massive taxpayer bailouts, and the lessons we apparently forgot. I voted against all of that. The fact is they sold it. They sold it like medicine from the back of a wagon in the old West, snake oil, solve everything. Allow all these big institutions to get married; fall in love, get married and become bigger and do a little of everything. That way you get one-stop shopping. Go ahead and buy your securities, buy your insurance, buy your real estate, and then make a deposit, if you will, and maybe get a check book if you want to still write some checks if you don't want to do it electronically; just one-stop shopping at all of your financial institutions and there will be no problem.

Guess what happened. In 2001, we had regulators come to town, hired by a new President, who said: You know what. It is a new day. Regulation is a four-letter word and we think four-letter words are dirty and we don't intend to regulate. Yes, we are going to get paid. We are going to run these regulatory agencies, but we don't intend to do anything. We intend to take an 8-year sleep, and they did. They dozed off immediately and they have not yet awakened.

We had a regulator at one of the very important agencies say: In fact, there is a new sheriff in town and this is a new business-friendly environment. We now see what that means. Willful blindness by people we paid to regulate, who came to town hostile to the basic notion of regulation.

Now, they saw what I saw. I have a tiny little television set, and so in the morning when I shave and brush my teeth, I have that television set on and I hear the advertisements on television. Countrywide, the biggest mortgage bank in America, here is what they said:

Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us.

What they were saying, essentially, is: Hey, are you a bad risk? Give us a call if you want a mortgage. Do you need a loan? This is the biggest mortgage bank in the country saying: If you can't pay your bills, for gosh sakes, call us. We want to give you a loan.

It wasn't just Countrywide. Here is a company called Millennium Mortgage and here is what they said. This was seductive. They said: Twelve months, no mortgage payment. That is right. We will give you the money to make your first 12 payments if you call in 7 days. We pay it for you. Our loan program may reduce your current monthly payment by as much as 50 percent and allow you no payments for the first 12 months. That is a pretty good deal. We will make your first 12 months payments. Of course, they will put that on the back of the loan and it will incur interest and you will end up paying a lot more.

This is Zoom Credit. You all saw these advertisements:

Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, a home loan, or a credit card.

It says:

If your credit is in the tank, Zoom Credit is like money in the bank.

Zoom Credit specializes in credit repair and debt consolidation, too. Bankruptcy, slow credit, no credit—who cares.

These were the advertisements being run on television and on the radio across the country by the shysters trying to place bad mortgages out there that people could not make payments on, and then they run the paper up through securities, hedge funds, and investment banks, run them all over the world. Then it goes sour and people cannot make payments, and you have all these bad loans out there and things collapse. It is called the subprime loan scandal, and here is the origin: companies that said: If you have bad credit or you cannot make your payments, come to us, we will give you a loan.

So you start with the first baby step of bad business practices—because everybody was making money. The folks who were selling the loans, cold-calling people, were making big bonuses; and the mortgage banks, such as Zoom and Countrywide—the biggest—were making lots of money slicing these mortgages, the subprime mortgages, up into securities, securitizing them all.

By the way, they also said this: If you have bad credit and cannot make your payments and have been bankrupt, you know something, we also have no-doc loans. That means you don't ever have to document your income. They said: We will give you a loan, and you don't have to make the first 12 months of payments—we will make them for you—and you don't have to document your income. You could do that if you have been bankrupt and have been unable to pay your bills. Isn't that unbelievable? Guess what. They were all over the country like hogs in a corn crib snorting and making money, hauling it to the bank, saying: We are making big money by putting out bad paper.

Then what happens? All of a sudden, these mortgages, which in most cases had a 3-year reset of interest rates and were offered with teaser rates—sometimes 1 percent or 1.25 percent—these mortgages, 3 years later, had the interest rates reset, and they were now paying 10 percent. And then deep in the mortgage was the provision of a prepayment penalty so that you could not prepay the mortgage even though you were now stuck at 10 percent and could not pay the bill. These companies and the brokers said that it didn't matter; just line this up, and between now and 3 years, you can flip the property; the housing bubble is going up and you are going to make money anyway. And then the whole thing collapses.

So hedge funds are making money hand over fist, and investment banks are buying securities that are loaded, like sausage packed with sawdust, with good mortgages and bad mortgages, and things go sour, and all of a sudden, in these big, homogenized financial institutions, you have massive timebombs exploding inside their balance sheets. Then, guess what. We wake up and discover that Bear Stearns cannot make it and Lehman Brothers is going belly-up. They bail out Bear Stearns by allowing somebody else to buy them with $30 billion from the Federal Reserve Board, securitized by, in many cases, bad securities. This morning, the papers said $85 billion. It is pretty unbelievable what is going on. It all starts here.

Now, did somebody see this? Did somebody watch television in the morning or read the newspaper or listen to the radio and hear the advertisements about the seductive new mortgages you could get and how the brokers and bankers and all these folks are making all this money? If the American people didn't see it, should the regulators have seen it? Weren't there people in this town whom we paid to regulate? How about Alan Greenspan, who is now treating us with a book and appearances on the Sunday shows and giving us a current diagnosis? Where was Mr. Greenspan when this was happening? What happened at the Fed that persuaded them not to interrupt essentially bad business that would injure the foundation of this country's economy, or the many other regulatory agencies where people at the head of them decided to be willfully blind and do nothing?

If ever there were a time for the people of this country to question whether the term ''regulation'' is a four-letter word, it is now. I believe the free market is a wonderful thing. I used to teach economics. I believe the free market is one of the best allocators of goods and services known to mankind. I also know it needs effective regulation—a regulator—because occasionally it becomes perverted. Occasionally, it is broken by certain interests.

As I said earlier, I wish I had been wrong when I said, on the floor of the Senate on May 16, 1999, in opposing the Financial Modernization Act, which took apart the basic protections we had and that we had learned were needed from the bank failures of the 1930s:

This bill will also, in my judgment, raise the likelihood of future massive taxpayer

bailouts. It will fuel the consolidation and mergers in the banking and financial services industry at the expense of customers, farm businesses, family farmers, and others. . . .

Fusing together the idea of banking . . . with other inherently risky speculative activity is, in my judgment, unwise.

That is what I said 9 years ago. I wish I had been wrong, but I was not.

We come now to this intersection with the American economy in peril. I know we have people at the Fed and at the Treasury Department working full time to try to put this back together. Again, I say you cannot fix something if you don't know what went wrong. It is why I describe two things today—one, the unbelievable bubble of speculation that moved oil to $147 a barrel, which put an enormous burden on this country's economy at exactly the time when we could not afford it, as the economy was already suffering the unbelievable effects of the subprime loan scandal. Now we have seen an almost perfect economic storm.

One doesn't have to be an economist to understand what is happening now in this economy. But it seems to me that all Americans are hoping all of us pull together to find ways to put this country back on track, insist that regulators finally begin to regulate on behalf of the interests of the American people—insist that Congress do what it needs to do, and there are a number of things we need to do to set this right.

It is not with joy that I come to the floor of the Senate describing the conditions that, in my judgment, have caused the most significant economic collapse we have seen in a long time. But we must face the truth, and the truth is that we have been through a very difficult period and we need our Government to behave in a way that stands up to protect the interests of all Americans, not just a few. I am going to have more to say tomorrow about this subject.

I ask unanimous consent to have printed in the RECORD a letter that I had referred to that I have written to the head of J.P. Morgan, as well as an attachment with that letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 17, 2008.

Mr. JAMIE DIMON,
Chief Executive Officer, Chairman of the Board, JPMorgan Chase & Co., Inc., New York, NY.

DEAR MR. DIMON: I am the Chairman of the Energy Subcommittee of the Senate Committee on Energy and Natural Resources. I convened a hearing of the Subcommittee yesterday, which focused on speculative investments in the energy futures markets. I am troubled that the testimony delivered by Lawrence Eagles, Global Head of Commodity Research for your company, appears to be contradicted by an internal JPMorgan email that my staff has obtained, dated the same day.

At the hearing, Mr. Eagles said, ''we believe that high energy prices are fundamentally the result of supply and demand.'' Additionally, the written testimony which was submitted on behalf of JPMorgan by Blythe Masters said, ''we fundamentally believe that high energy prices are a result of supply and demand, not excessive speculation.''

But, an email we obtained that was sent late last night by Michael Cembalest, identified as JPMorgan's Global Chief Investment Officer, directly contradicts the testimony by Mr. Eagles and Ms. Masters. In his email (a copy of which is attached), Mr. Cembalest stated, in part: ''what we've been saying: there was an enormous amount of speculation pent up in energy markets (e.g., an 8-fold increase in bank OTC oil derivative exposure in the last 3 years), and it wasn't just the supply-demand equation. Oil will rise again, and we need solutions to energy supplies, but $140 in July 2008 was ridiculous.''

It appears that JPMorgan is telling Congress and the public that the run up in oil prices is solely due to supply and demand, while at the very same time it is telling its clients that an ''enormous amount of speculation'' is running the prices up.

Please explain why JPMorgan testified before Congress that the high oil prices are only due to supply and demand when your experts clearly acknowledge privately that it was speculation, not market fundamentals, that sent oil prices skyrocketing. As you know, this is a matter of enormous public interest and concern. Americans across our country are hurting as run-away prices have permeated our entire economy and devastated family budgets.

It is critical that we have honest and accurate information as we debate solutions to this energy crisis. As Chairman of the Subcommittee that held the hearing yesterday, I am requesting that you send me all documents in the possession, custody or control of JPMorgan Chase during the last 12 months relating or referring to the role of speculation on oil prices. Given that the Congress is currently debating and will be voting on these matters imminently, please provide these documents to us on a rolling basis beginning as soon as possible with all such documents provided by one week from today. Also, due to the limited amount of time available to us before voting will occur, please ensure that the most relevant documents are provided first.

I appreciate your willingness to do this promptly to ensure that the public and Congress receive full, accurate, honest and complete information from those who testify before it.

I appreciate your timely response. If you have any questions, please contact Dennis Kelleher, my Chief Counsel, or Ben Klein, my Legislative Director.

Sincerely,

BYRON L. DORGAN,
U.S. Senator.

E-mail sent last night by the Global Chief investment Officer for all of J.P. Morgan (see bold section below).

EYE ON THE MARKET, SEPTEMBER 16, 2008, 11-SOMETHING P.M.

Update: The U.S. government took another unprecedented step in this odd year and provided a bridge loan to AIG in exchange for 80% ownership in the company.

''SWF: Sovereign Wealth Fed''. Say this for the U.S. Federal Reserve: they're reinforcing their historical independence from the legislative branch. On a day during which Senators McCain, Obama, Dodd and Shelby all came out publicly against a bailout of AIG, the Fed did it anyway. That's not entirely unprecedented; President Clinton tried to pass the 1994 Mexican Stabilization Act through Congress, couldn't, and then figured out a way to get the Exchange Stabilization Fund done without legislative approval. But what is unprecedented, at least for the Fed, is equity ownership. The United States now has its own Sovereign Wealth Fund, with Fannie Mae, Freddie Mac and AIG as its inaugural investments. Is this a backdoor alternative to privatizing social security?

First, a brief bit of background, AIG is an insurance company with roughly $100 billion in capital and $1 trillion in assets. They have an insurance operation that's been around for almost 100 years, and which has deep experience in life, property & casualty, personal, specialty and D&O insurance (indemnifications related to mistakes by directors and officers). AIG set up a capital markets subsidiary, AIGFP, which effectively provides re-insurance on $440 billion in securities and other derivatives when you cut through all the industry jargon. AIG allowed this subsidiary to grow to be half the company's assets, a decision which in hindsight borders on the bizarre. Within this business unit, there are concentrated problems with a specific $80 billion portfolio of multi-sector CDOs linked to residential mortgages. They've taken $25 billion in losses so far on this exposure, with more expected by Moody's in Q3. While vintage years and terms/conditions differ, AIG's CDO exposure relative to shareholder equity was much larger than other big CDO holders such as UBS and Citigroup.

AIG's problem is that rating agency downgrades of AIGFP force collateral to be posted. Such a clause essentially transforms their exposure from an insurance policy that only requires payout when losses are realized, to a policy which requires payout depending on how markets price similar exposures. And right now, mortgage-backed derivatives are the leprosy of the financial markets, with prices arguably below fair value (a). However, for valuation and capitalization purposes, insurance regulators, accountants and rating agencies (no irony intended) are not interested in anyone's estimate of fair value right now. Instead, they're relying on the last marginal price that anyone happens to sell at, with the most desperate seller setting the price. If only property taxes worked that way; everyone would get tax certiorari relief based on the neighborhood's worst foreclosure sales.

I will leave it to others to describe the calamitous (or not) outcomes that the Fed decided to avoid. It would be speculation, although today's news of the oldest money market fund in the country (with $60 billion at its peak) ''breaking the buck'' was possibly a small example (b). What the Fed gets in return for saving AIG: a 2-year loan at Libor plus 8.5%, plus an 80% ownership interest in the company. I know a lot of private equity and mezzanine funds that would love to have gotten a deal like that, but they didn't have enough capital. And that was the problem: AIG is so big that the numbers involved were too large for banks and other private sector entities to contemplate, particularly within 48 hours. AIG's former chairman stated that equity investors did not have to be wiped out, but there was only one entity left that was big and adroit enough to offer the terms and capital needed to forestall a possible bankruptcy (c), and it was the U.S. government. While I think the U.S. government made a good investment for taxpayers, the Pandora's box is going to be quite a challenge.

We're not going to rush out and buy equities on the view that the world's problems are over, or that the Fed will bail anything else out. The economic news, drowned out by corporate events over the last two weeks, is still pretty bad. This week's charts from our investment meeting (state tax receipts, small business optimism, the U.S. manpower employment survey, the Baltic Freight index, retail sales, Eurozone industrial production, hotel occupancy rates and just about everything related to growth or construction in China) all look the same: plummeting. There's also the minor issue that the Fed is running out of money for these bailout/investment exercises (d). But with the decline in commodity prices, inflation forecasts are tumbling, rendering stagflation risks much lower. While we're at it, the Peak Oil crowd promoting crude oil call options struck at $200 should concede what we've been saying: there was an enormous amount of speculation pent up in energy markets (e.g., an 8-fold increase in bank OTC oil derivative exposure in the last 3 years), and it wasn't just the supply-demand equation. Oil will rise again, and we need solutions to energy supplies, but $140 in July 2008 was ridiculous.

We are making some regional shifts in portfolios (from Europe to the U.S.) given a slower global economy, the prevalence of much higher levels of government and corporate debt in Europe, and more rapidly slowing European earnings estimates. We are also holding onto our cash balances, and are investing newly funded accounts slowly. But we are not, as we reiterated last week, positioning for Armageddon, which the Fed might have just averted with its actions this week.

Notes:

(a) AIG released a report on August 7 with their CDO stress-testing. The assumptions look conservative to me: 80%–90% of subprime loans expected to default, with 20%–30% recoveries upon foreclosure. Assumptions on prime loans were not much better: 60% expected to default, with recoveries of 65% upon foreclosure. AIG computed its fair value stress-testing loss on the CDO portfolio at around $10 billion, compared to the $25 billion in losses they've taken so far. This suggests that one of 3 things are true: (i) the non-transparent process through which AIG applied the stress-testing assumptions were too generous and underestimate the loss, (ii) secondary market prices driving the actual marks are too low, or (iii) the markets are right and the assumptions above are still not catastrophic enough. These outcomes are not mutually exclusive, but you could drive a truck through the difference between the stress-testing case and losses realized so far. Call me crazy but I think it's mostly (ii).

(b) That's what happens when a money market fund does not provide a dollar back for each dollar invested. A very rare occurrence which only happened once, in 1994.

(c) As far as we can tell, the Fed's investment does not constitute an ''event of default'' the way the GSE conservatorship did.

(d) For monetary policy geeks only: the AIG deal reduces the amount of unencumbered Treasury bonds held by the Fed under $200 billion. From the March 12, 2008 Eye on the Market: ''Something is nagging at me. Over the long run, I hope the Fed hasn't misjudged something. It's not that the Primary Dealer Credit Facility, is inflationary. For every dealer that comes to the Fed, the Fed sells assets to raise cash to lend, so their monetary targets are unchanged. But Fed assets are not unlimited: existing facilities already reduce some of the Fed's $700 billion in assets. In the highly unlikely event that the Fed's assets were exhausted, they'd have to start the printing press. We need to hope they haven't prematurely pledged assets to dealers that are normally reserved to stabilize banks during a potentially painful economic downturn.''

CDO = Collateralized Debt Obligation.

GSE = Government Sponsored Enterprise.

MICHAEL CEMBALEST,
Global Chief Investment Officer,
J.P. Morgan.

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The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Iowa is recognized.

AMERICA'S SENIOR CITIZENS AND TAXES

Mr. GRASSLEY. Madam President, I come to the Senate today to talk about an important segment of our Nation's population, America's senior citizens.

Our senior population has seen a very rapid growth in the 20th century. As of the year 2000, there were about 35 million people who were 65 years of age or older. Compare this with 3.5 million people at the beginning of the 20th century. Today, about 37 million people are 65 years or older. This amounts to about 12, 13 percent of our total population.

In 2011, the first baby boomers turn 65. This will mark the beginning of an explosion in our senior population. By 2030, the senior population will be twice as large, growing from 35 million to 70 million.

You may ask why I am citing these numbers. My Senate colleagues may think I am setting the stage for a lengthy discussion about our entitlement programs—Social Security and Medicare. While the impending entitlement crisis does require my attention, along with the attention of every Member of Congress—and very soon—I wish to discuss another issue that is at the center of this year's political debate, and that is that mean word ''taxes''—yes, taxes on our senior citizens. I wish to explain to my Senate colleagues and my friends in the media how seniors are taxed under current law. I also would like to talk about how the Republican and the Democratic Presidential candidates' tax plans will affect our senior citizens.

With a significant increase in our older population looming, those who are currently 65 and older—and those who will be turning 65 over the next 2 decades—should pay close attention to the tax changes that will be faced under a Republican administration and Senator MCCAIN or a Democratic administration and Senator OBAMA as President. People should not only be wary of campaign promises, they must also understand the flaws in the various tax proposals being offered the voters this election season. Change may result in higher taxes.

I wish to start by picking up from a speech I gave back in July. That speech featured Rip Van Winkle. I have a picture of Rip Van Winkle up here on a chart. In that speech, I explained how a charismatic, likable, articulate, young Governor from Arkansas barnstormed across America in 1992 as the Democratic Presidential candidate. That candidate—now former President Bill Clinton—had a battle cry: ''putting people first'' and ''middle-class taxpayer fairness.'' It sounds familiar, doesn't it?

Another familiar tune is what candidate Clinton was saying in that same year, 1992. He said, if elected, ''the only people who will pay more income taxes are those living in households making more than $200,000 per year.''

If elected, the junior Senator from Illinois, the Democratic candidate, says that he will only raise taxes on families earning $250,000 or more.

But once candidate Clinton was sworn in as President Clinton, that campaign promise was quickly discarded. In 1993, President Bill Clinton and a Democratic Congress enacted the largest tax increase in history. Those are not my words. I will quote the great chairman of the Finance Committee at that time, New York Senator Patrick Moynihan, who termed it ''the

largest tax increase in the history of public finance in the United States or anywhere else in the world.'' And much to the voters' surprise, the tax increase of 1993 was on people who earned more than $20,000, not just those earning more than $200,000, as candidate Clinton had said in that campaign.

So the moral of this story is that candidate Clinton, who promised middle-class tax relief, raised taxes on the hard-working middle-class taxpayers once he became President Clinton. This was obviously change that you could not believe in.

The reason I told that story was to tell this story back then. Not only did President Clinton raise taxes on the middle class, he raised taxes on seniors.

That is why I am speaking to my colleagues about the impact of tax proposals on senior citizens that are an issue in this election. That is right, taxes were raised on seniors.

What was this tax increase on seniors back in 1993? It was an added tax on Social Security benefits. Let me take a moment to explain how this tax currently works.

Prior to the 1993 tax increase, married seniors with incomes less than $32,000 did not pay taxes on their Social Security benefits. For single seniors, those with less than $25,000 paid no taxes on their Social Security benefits. However, single seniors with incomes over $25,000 and married seniors with incomes over $32,000 paid income tax on only 50 percent, or maybe for the people paying it, it was on the whole 50 percent of their Social Security benefits. The revenue raised from this tax is directed into the Social Security trust fund.

These rules remain in place today, but under the 1993 tax increase that President Clinton signed, senior citizens with incomes over $34,000 and married seniors with incomes over $44,000 were required to pay income tax on not 50 percent of their Social Security benefits but 85 percent of their Social Security benefits. So this so-called tier 2 Social Security tax is still part of our tax laws. The revenue generated from the tier 2 tax is directed to the Medicare trust fund.

Let me pause for a moment to show how many seniors actually pay tier 1, that is 50 percent, and tier 2, the additional 35 percent. We can see on this chart a number for 1994 and a number for 2005. In 1994, when the tier 2 tax became effective, almost 6 million seniors paid income tax on their Social Security benefits. This includes singles and married seniors.

Compare this with 2005, the most recent year we have accurate data from the IRS. Around 12 million seniors paid the tier 1 and the tier 2 Social Security tax. So you can bet your bottom dollar that seniors with incomes of less than $200,000 were surprised when they woke up to the fact that the tax increase of 1993 hit them.

Why were they surprised? Candidate Clinton assured them their taxes would not go up. Not only did their taxes go up, they had to give back a significant portion of their Social Security benefits to the Government, benefits that they worked a lifetime to receive.

Will America's seniors and the middle class, for that matter, wake up to higher taxes after the 2008 election? That is the key for my being here, to look at the tax debate going on in this election season for the Presidency. Will American seniors and the middle class, for that matter, have to wake up to higher taxes after the 2008 election?

Much like Rip van Winkle woke up to a different, changed world, will Senator OBAMA's change be something seniors can believe in? Could history repeat itself?

I wish now to explain how the 2001 and 2003 bipartisan tax relief benefits American seniors. The reason I call them the bipartisan tax relief bills is because it had bipartisan support, unlike the rhetoric of the campaign which is always referring to the Bush tax cuts.

If these were the Bush tax cuts, they would have been a heck of a lot bigger tax cuts than the bipartisan tax relief that is now the law of the land.

I wish to specifically focus on the reason for the 2003 tax relief because in 2003, Congress reduced the top tax rate on capital gains from 20 percent down to 15 percent. Congress also tied dividend income to the capital gains tax rate instead of the taxpayers' marginal tax rate. That is, of course, the same 15 percent as for capital gains.

For low-income taxpayers, the tax rate on capital gains and dividends is currently zero. How does a lower capital gains and dividend income tax rate benefit our senior citizens who have contributed so much to this country? Census Bureau statistics show that about 23 percent of the taxpayers claiming dividend income are senior citizens; in other words, 65 or over. A nonpartisan research group, the Tax Foundation, shows that nearly 26 percent of all taxpayers claiming capital gains are seniors 65 or over. So a considerable number of seniors rely on investment income as a cornerstone of their overall income.

The Democratic leadership may file on to this floor and tell you that the majority of seniors' income is locked away in retirement plans and IRAs and because of this, they don't need the favorable tax relief of capital gains and dividend income. I have news for anybody. First, as I pointed out, a large number of seniors rely on a stable flow of income that dividends provide. Add seniors' reliance on capital gains and you see that any reduction in investment income through higher taxes will hurt our hard-working senior citizens.

Let me show my Democratic colleagues and friends in the media the tax savings that seniors currently enjoy due to lower tax rates. As we can see on the chart, seniors with incomes under $50,000 earning dividend income see the biggest tax savings. Their tax liability is 17 percent less than it would be if the favorable tax relief expired. This portion of the chart also illustrates how much more seniors rely on this favorable tax treatment than taxpayers of all ages. For all other taxpayers, their tax liability is 7.6 percent less, as we can see from the chart, the first bar.

Let's look at seniors claiming capital gains. Same chart, as we can see. Seniors with incomes under $50,000 pay about 13 percent less in taxes than they would without the favorable tax relief in the 2003 capital gains law. That is a significant chunk of change for our hard-working seniors or, if they are retired, for having worked hard throughout their life.

So we can see my Democratic friends don't have a leg to stand on. They come out here—we have seen them and heard them—like the big bad wolf and huff and puff about how seniors do not benefit from the 15-percent capital gains and dividend income tax rate. But the facts, as I presented them, are clear, and we get this information from foundations and study groups. Seniors rely on capital gains and dividend income to maintain their standard of living and pay their medical expenses. Seniors benefit significantly from the favorable tax treatment on capital gains and dividend income, especially low-income seniors.

The moral of this story is that lower tax rates on investment income means these seniors can keep more of their earnings to pay for life's necessities. Taking these tax benefits away from seniors by raising capital gains and dividends, these are people who will be hurt because they most typically live off of a fixed income and their standard of living would be severely impacted.

My Democratic colleagues in Congress actually want to take away the 2003 tax relief for seniors. For example, in March of this year, this body took a very important vote. I, along with my Senate colleagues, voted on an amendment to the budget that would have allowed the 15-percent capital gains and dividend income tax rates to be extended beyond their sunset period of 2010. Every Democrat voted no. If the Democrats get their way, this favorable tax treatment will go away for seniors, raise taxes on seniors, and lower the standard of living of seniors. I voted to extend the 15-percent capital gains and dividend income tax rate.

The senior Senator from Arizona voted yes. Interestingly, the junior Senator from Illinois voted no. My friend's vote is interesting because the junior Senator from Illinois is now

barnstorming across America campaigning to be President, much as President Clinton did. On the stump, the Democratic candidate has stated he does not want the 15-percent capital gains and dividend income tax rates to go away, at least for families earning less than $250,000 a year. Let me repeat, the junior Senator from Illinois, whose word is his bond, voted with this budget vote last spring to allow the 15-percent capital gains and dividend income tax rates to expire, but now he is saying he wants this tax relief to stick around.

To a degree, I am glad for that change of heart, but the more I think about it, the more I wonder whether the junior Senator from Illinois will stick to this campaign promise if elected because he might find himself in a position like Candidate Clinton who failed to stick to his campaign promise when he became President not to tax the middle class. So maybe my Democratic friend will be the big bad wolf after all. Huff and puff and let the 15-percent capital gains and dividend income tax rate expire. I am not sure if a President OBAMA will be living in such a brick house. His house may be made of straw and his campaign promise of extending the 15-percent capital gains and dividend income tax rate for families earning less than $250,000 may be blown down.

Former President Clinton's promise was blown down, and we saw the biggest tax increase in history. That is what Senator Moynihan, chairman of the committee at that time, said. I don't want history to repeat itself.

Let's focus on how seniors would be affected under a Republican or a Democratic administration. Let me start with a Republican administration because Senator MCCAIN's tax plan is straightforward. That is, the Senator from Arizona would continue the current 15-percent capital gains and dividend income tax rates beyond its sunsetting. He would also continue the tax rate of zero percent for low-income taxpayers. Yes, it is a very simple tax plan.

The PRESIDING OFFICER. The Senator has used 10 minutes. We are under a time agreement.

Mr. GRASSLEY. I ask permission to continue. I was told I would have until 10 after 6, and I will be done before 10 after 6.

Ms. LANDRIEU. Madam President, may I inquire of the Senator, another 5 or 10 minutes?

Mr. GRASSLEY. Let's say 7 minutes, and if I am not done in 7 minutes, I will quit.

Ms. LANDRIEU. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, seniors under the tax plan proposed by the senior Senator from Arizona would continue to benefit from lower tax rates. This would allow seniors to maintain their current standard of living. These taxpayers will be able to age with dignity.

The Democratic Presidential candidate's tax plan for seniors is much more complicated. But first let's keep it simple. Although the junior Senator from Illinois voted to allow the 15-percent capital gains and dividend income tax rates to expire, he is now saying he wants to keep this favorable tax treatment for families earning less than $250,000.

It seems the Senator from Illinois thinks the bipartisan tax relief is good and should continue for most taxpayers. However, his Democratic colleagues in the House and Senate don't seem to think so. After all, they voted to allow the 15-percent capital gains and dividend income tax rate to expire in that vote we had this spring.

I ask, if Senator OBAMA is elected on November 4, will he be able to convince his Democratic colleagues to continue this favorable tax treatment? President Clinton was unable to stop a Democratic Congress from increasing taxes in 1993. And I wouldn't want history to repeat itself.

I also want to spend some time discussing a proposal my friend from Illinois has discussed on the campaign trail. Senator OBAMA has proposed to exempt seniors with incomes less than $50,000 from income taxes. This sounds pretty good. I mean, for 2007, the median income for people 65 and over was close to $28,000. But if you take a closer look, there are a number of flaws.

These are not my words. The Tax Policy Center, a nonpartisan think tank that has received notoriety for analyzing the tax plans of Senator MCCAIN and Senator OBAMA, states that ''the proposal is poorly designed.'' They also say the proposal ''creates inequities between older and younger workers with the same income.'' The AARP, the powerful senior lobby, hasn't even highlighted the proposal in communications with its membership.

But I wish to highlight this proposal and expose its flaws because I don't want our seniors to believe in a campaign promise that can't be delivered.

First, the $50,000 exemption amount would not be indexed. This means it would erode over time, becoming less and less valuable to seniors.

Second, the $50,000 threshold is a cliff. That means a senior earning $1 over $50,000 won't qualify for the exemption and that senior might stop working to make sure they do not go over that cliff.

Third, the $50,000 exemption amount applies to both single and married taxpayers. This produces a marriage penalty that is unfair to married seniors.

Finally, this proposal exempting seniors making less than $50,000 from paying income taxes would add to the Social Security and Medicare deficits. This may not be such a big deal for seniors, but it is a big deal for those of us here in Congress who have to find solutions to the shortcomings of Medicare and Social Security.

Let me tell my colleagues, and of course the media, how this proposal would add to the Social Security and Medicare deficits. As I discussed earlier, our current tax laws require seniors with incomes over $250,000 and $32,000 to pay income taxes on their Social Security benefits. According to preliminary data released by the IRS, close to 14 million seniors paid income tax on their Social Security benefits in 2006. This is because many seniors continue to work. Or they retire, but earn interest income, capital gains dividends, or rental income. Even half of their Social Security benefits are taken into account for purposes of determining whether a taxpayer must pay income taxes on their Social Security benefits.

Now, there are many seniors who are earning less than $50,000 but more than $25,000 and $32,000. Currently, the income taxes these seniors pay on their Social Security benefits go directly to Social Security and Medicare. This means if these seniors are exempt from taxes, less tax revenue flows into the Social Security and Medicare. The trustees of these funds are already projecting that the Medicare trust fund will run out of money in 2019 and that the Social Security trust fund will follow in 2041.

The Senator from Illinois may say he will make up for this revenue loss by raising payroll taxes on families earning more than $250,000 a year, but his campaign has recently stated that any increase in the payroll taxes on these workers would be phased in over 10 years. This means the revenue Senator OBAMA was relying on to make up the revenue loss that would result from the seniors' tax exemption won't be there. I am not sure about you, but making a campaign promise that will balloon the Social Security and Medicare deficits is not good judgment, especially when baby boomers are on the verge of turning 65.

Now, I have saved the best for last, and I want to say it loud and clear so my friends in the media and our Nation's seniors can hear it: Seniors will see their taxes go down under Senator MCCAIN's plan, especially married seniors. Low- and middle-income seniors who are married will be taxed less than under the Democratic tax plan. Senior citizens will also enjoy tax relief under the McCain tax plan.

The Senator from Arizona is doing the right thing in reducing the corporate tax rates. After all, our Nation has the second highest corporate tax rate in the world. That causes companies to move their operations overseas. Both Senator OBAMA and Senator

MCCAIN have alluded to the competitive problem our corporations face because of high tax rates. There is an added benefit to reducing corporate rates. The answer is: a tax cut for middle-class seniors. Well, the incidence of the reduction of corporate tax rates falls on capital. The Congressional Budget Office tells me that the burden of the corporate tax falls on capital, and so does the Tax Policy Center.

So because seniors hold investments in corporations—as evidenced by the fact that almost a quarter of all Americans claiming dividends are seniors—they will see the benefits of lowering corporate tax rates. This means they will see their taxes go down if the corporate tax rate is reduced. Married seniors in particular will see their taxes go down more than under the tax plan of the Senator from Illinois, and in some cases the senior taxes would go up under the Democratic tax plan.

The Tax Policy Center has indicated that low-income seniors, those earning up to $32,000, would see their taxes go up by close to $150 under OBAMA's tax plan. Contrast this with Senator MCCAIN's plan, where these same low-income seniors would see tax cuts of over $150.

The Senator from Illinois may not believe me. After all, he has promised no new taxes for families earning less than $250,000, and that these taxpayers would receive a tax cut. But here on this chart, it is in black and white. According to the Tax Policy Center, seniors with a total income up to approximately $24,500 and $32,000 would see a tax cut of $186 and $154 respectively. That is under the McCain plan. Under the Obama plan, these same seniors would see their taxes go up by $157 and $131 respectively. That is a tax increase. And if your income is around $83,000, you will see a tax increase of $364 under OBAMA. Compare that to a $431 tax cut under the McCain plan.

Let's look at single seniors. If you are a single senior with a total income around $21,000, you will see your taxes go up $118 under Senator OBAMA's tax plan and they will go down $140 under Senator MCCAIN.

So I ask the Senator from Illinois whether he would like to revise and extend his remarks. He says no new taxes and tax cuts for people making less than $250,000. But as we can see here, that is not true. And the tax increase is on one of the most vulnerable segments of our society: our seniors.

I would like factcheck.org to post the Tax Policy Center's numbers on their Web site, and I want seniors in Pennsylvania, Florida, Ohio, Missouri, and my home State of Iowa to read this and study it. Don't buy a pig in a poke. Be wary of a unified government. We need to make sure that we install in the Presidency people who are going to keep tax rates low on seniors.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I understand we have up to 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

STORM DISASTERS

Ms. LANDRIEU. Madam President, before I begin speaking about the disaster occurring in Louisiana and in parts of Texas, and refer briefly to some of the other disasters that have struck, I wish to respond briefly to some of the remarks the Senator from Iowa made.

We don't have time for a debate, and I respect my friend on the other side a great deal, but had the Democrats followed the Republican leadership in trying to privatize Social Security, many seniors would be in a very difficult situation right now, as you know. The Republican Party has for years tried to privatize Social Security. What a terrible situation we would be in had we allowed that to happen. But we and some others, a few on their side, stopped it from happening. I can hardly tell you what the situation would be for our seniors, whether they are on the poor end of our economic scale, the middle end, or the higher end, with Bear Stearns and Lehman Brothers and others that are now collapsing.

So I know we will have a great deal of debate about which economic policy is the best, and I know the Senator rattled off quite a few numbers regarding Social Security, but I couldn't help myself as I was standing here thinking: Thank goodness we didn't privatize Social Security. Because whatever situation he has outlined, it would be a thousand percent worse for our seniors today. So I thank the junior Senator from Illinois from stopping that from happening, along with myself and many others.

I came to the floor today, however, to speak about the disasters unfolding in Louisiana and Texas and other parts of our country. I know as this Congress gets ready to adjourn, we have done some significant work over the last couple of months, and we have more work to do, we do need to get on an energy debate for this Nation, and I am hoping something can be worked out there. We also, of course, have a continuing resolution to discuss. But this is only one of several pictures I am going to show of the results of a terrible storm that crashed into the southern part of the United States last week.

Hurricane Ike hit the gulf coast with a ferocious force of winds and tidal surges on September 13. Hurricane Gustav hit us on September 1, and Tropical Storm Fay, while it entered in Florida, or hit our country in Florida, actually did a tremendous amount of damage to other parts of the United States, not only the States along the gulf coast. There was some terrible interior flooding in Arkansas and even up here in this region. As a result, we have homeowners like this.

These photos were sent to us by American Press, from the Lake Charles American Press, and I thank them. This is the parish of Calcasieu, which is right outside the Texas border. So you have the counties, of course, of Houston and Galveston and Beaumont, but right on the other side of that border are Calcasieu Parish and Cameron Parish.

Let's see some of the extension of the damage in these other pictures. This is in a city. This is not in a low-lying area. This is not on a beach. There is not a beach anywhere around here. We have had tidal surges from Ike much higher than I think many people realize.

This is a picture of the eastern part of Louisiana. You all have seen this picture before, and I know you are going to accuse me of actually bringing out an old picture from an old storm. I feel as though I am in Groundhog Day here. But this is actually taken from last week. This is America's energy port. This is Port Fourchon, where 30 percent of the offshore oil and gas from the gulf comes. Port Fourchon. You can't see Port Fourchon, because it is completely underwater.

I feel I am going through the repeat of a movie. We had Katrina, we had Rita, and now we have Fay, we have Gustav, and we have Ike. And while Ike did hit directly into Galveston—and please let me begin by saying that my heart goes out to the people of Galveston and Beaumont and the millions of people right now who still in Texas do not have electricity. We in Louisiana most certainly understand the difficulties from a storm of that nature. But I would be remiss if I didn't come to the floor this afternoon and say that this storm hit more than the Texas coast. It walloped us as well.

This is another part, from southeast Louisiana, I believe. This is Port Fourchon. This is right on the coast. We can understand this happens when storms occur. This is not in the middle of a city. This is not inland. This is right on the coast. But as I have come down to say so many times, when is America going to wake up and realize that these are where our pipelines are? These are where our refineries are. By the nature of pipelines and refineries and ports, they have to be near a coast. They cannot be inland. We need to do a much better job of protecting these communities.

This is in the Houma-Terrebonne area, which is much farther inland. We had some of the worst flooding in Terrebonne Parish, which is really in the southeastern part of the State. Remember, the hurricane really hit Texas, but the hurricane was so big; it

was over 600 miles wide. While it was not a category 4 or 5, it was a massive storm that really flooded parts of Mississippi, almost all of south Louisiana, and Texas.

I see my colleague, the chairman of the committee, coming to the floor. I will at this point yield for just a few moments, as I think they have come to some agreement.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

UNANIMOUS CONSENT REQUEST—S. 3001

Mr. LEVIN. Madam President, let me first thank our dear friend from Louisiana for allowing this interruption. It is a very important presentation.

In a moment, I am going to propound a unanimous consent request. Before doing that, there has been a lot of inquiry as to whether a managers' package is included in this. It is not. It has been unable to be cleared on the other side, so it is not included in this unanimous consent request, so that everybody understands it.

I now ask unanimous consent that at 6:30 p.m., morning business be closed; that after the bill is reported, all postcloture time be yielded back, the first and second-degree amendment be withdrawn, the bill then be read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, it then be in order for the Senate to consider, en bloc, the following calendar items: Nos. 733, 734, and 735; that all after the enacting clause of each bill be stricken and the following divisions of S. 3001, as passed by the Senate, be inserted as follows: Division A, S. 3002; Division B, S. 3003; Division C, S. 3004; that these bills be read a third time, passed, and the motions to reconsider be laid on the table, en bloc; further, that the considering of these items appear separately in the RECORD.

Further—and this is what I am going to call the second half of this unanimous consent request—the Senate then proceed to the consideration of Calendar No. 758, H.R. 5658, the House companion, that all after the enacting clause be stricken and the text of S. 3001, as amended and passed by the Senate, be inserted in lieu thereof; the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the title amendment which is at the desk be considered and agreed to; that upon passage of H.R. 5658, as amended, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, the Chair be authorized to appoint conferees without further intervening action or debate, and that no points of order be considered waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, reserving the right to object, and I shall object, but before doing so, finally, I would like to say to my colleague and Senators on both sides of the aisle, under the leadership of yourself, Mr. Chairman, and to some extent my participation as the acting ranking member and certainly the members of our committee and staff—we have all worked very diligently to achieve a bill. The particular request my distinguished colleague has put to the Senate, to which I shall object, really refers to those items we were unable to reconcile procedurally in the course of some several days of deliberation beginning, perhaps, as early as last Thursday. We were here Friday. We were here Monday and Tuesday. We were unable to achieve the reconciliation. There were objections, I say absolutely candidly and frankly and factually, on both sides. So it is not as if one side has weighed down the other, in my judgment. It has been the inability to reconcile differences between the Senators. I have been here 30 years. I have seen it happen before. It will happen many years after I leave.

At this time, I point out that the cloud seems dark, but the silver lining is that a group of us, 61 in number, voted for cloture. That enabled us to be here at this moment, and there will be a bill at some point in time. There will be an armed services bill by the Senate. I hope it will be favorably acted upon by a majority.

At this time, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Madam President, let me first thank my dear friend from Virginia. He is accurate in his statements about differences not being able to be resolved in terms of a number of amendments which we had hoped to get to votes. My statement referred only to a managers' package on which we had cleared about 100 amendments. That is the one I made reference to before.

UNANIMOUS CONSENT AGREEMENT—S. 3001

Mr. LEVIN. Given that objection to our going to conference, I now ask unanimous consent that at 6:30 p.m., morning business be closed; that after the bill is reported, all postcloture time be yielded back, the first- and second-degree amendment be withdrawn, the bill be then read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, it then be in order for the Senate to consider en bloc the following calendar items: Nos. 733, 734, and 735; that all after the enacting clause of each bill be stricken and the following divisions of S. 3001 as passed by the Senate be inserted as follows: Division A, S. 3002; Division B, S. 3003; and Division C, S. 3004; that these bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; further, that the consideration of these items appear separately in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, I join in making that request. There is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I will again thank my friend for all of his efforts on this bill. He has been, as always, a highly constructive force. We could not even be this far without his great support. I am indebted to him and the Senate is indebted to him, I hope, and the Nation again is indebted to Senator WARNER.

Again, I thank our good friend from Louisiana. We have interrupted her for a little longer than I promised.

Mr. WARNER. Madam President, if I might just add, I thank my distinguished colleague and friend for the 30 years we have been together. I am certain this institution will carry on just as well without me—and perhaps even a little bit better. But I have enjoyed our working together these many years. I stop to think, you and I having been here the same number of years, we have served with 273 different Senators in that period of time. I have enjoyed it. I don't know of any relationship, either professional or even simply friendship, that I have enjoyed and profited from more than working with you, Senator. I wish you well as you carry on with this committee.

Madam President, I do want to thank the staff of the Senate Armed Services Committee. I have here with me Michael Kostiw, William Caniano, David Morriss, David Collins, Sandy Luff of my personal staff, Marie Dickinson, Paul Hutton, Gergory Kiley, Lucian Niemeyer, Christopher Paul, Lynn Rusten, Robert Soofer, Diana Tabler, and Richard Walsh.

I know my staff would want me to say—and I say it—we have enjoyed working with the majority staff.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

STORM DISASTERS

Ms. LANDRIEU. I see several other colleagues are here on the floor to speak, maybe on this subject or another, so I will say I will reserve for myself another 5 minutes and be finished with my remarks.

I was speaking about the hurricane damage throughout really the southern part of the United States. I do not have the figures from Florida or from Mississippi or Alabama, but we are turning in our figures from Louisiana. Again, I remind my colleagues and the Nation, Fay hit the gulf coast; it hit Florida but devastated parts of the gulf coast and many interior parts of the southeastern part of the United States, with

heavy rains and flooding on August 18. Then we had Hurricane Gustav on September 1, which slammed into Louisiana and did a tremendous amount of wind damage to parishes such as Point Coupee and Rapides and Avoyelles Parish—parishes about which you don't hear very much because they are not coastal parishes, but the wind damage was very substantial, all the way up to the northern parts of Louisiana. Much like Katrina, it affected the northern parts of Mississippi, although it was a great flooding event down South. These storms are getting very big and very powerful. Then, of course, Hurricane Ike hitting again the Texas coast, right into Galveston, right up the Houston Ship Channel, doing terrible devastation to our friends in Texas. But again the flooding was substantial along the coastal States.

Let me just put up this chart you have seen before. These are the pipelines that support America's energy coast. This is Louisiana's coast. This is Mississippi's coast. This is the Mobile Bay and, of course, the panhandle of Florida. This is the Texas coast. These two storms, Gustav and Ike, hit right here in this region, in the center part of America's energy coast, and wreaked havoc in terms of flooding and wind damage. Again, that has gone up through Louisiana and to other parts of the coastal States.

This is just another example from Lake Charles of the water damage in communities tucked well in from the coast. This is wind damage in that same area that can show you some of the wind damage our people are experiencing.

Because my time is short, I ask unanimous consent to have printed in the RECORD a letter from the Governor of Louisiana outlining some of our priorities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
Baton Rouge, September 13, 2008.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol
Washington, DC.
Hon. JOHN BOEHNER,
House Minority Leader, U.S. Capitol,
Washington, DC.
Hon. HARRY REID,
Senate Majority Leader, U.S. Capitol,
Washington, DC.
Hon. MITCH MCCONNELL
Senate Minority Leader, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI, LEADER REID, LEADER BOEHNER, AND LEADER MCCONNELL: For nearly two weeks, hundreds of thousands of Louisiana residents have been without power, clean water, and other necessities. Millions of Louisianians were forced to evacuate their homes before Hurricane Gustav struck, and many have still been unable to return. The stress placed on communities, from a lack of electricity hampering people's ability to work and provide for their family, to being split up from loved ones, to a variety of other difficulties, has been enormous.

The economic impact has also been significant. With various bills to increase our domestic energy production under consideration, we strongly urge you to consider additional measures to ensure the resiliency of the nation's top producer of safe, secure domestic energy. Louisiana produces 22.2 percent of domestic crude oil and 10.5 percent of natural gas in the United States. As evidenced in recent spikes in fuel prices, our nation is vulnerable to disruption to Louisiana's energy production. In addition to energy production, an estimated 25 percent of North America's seafood is produced off of Louisiana's coasts. These industries along with other essential Louisiana economic drivers were critically impaired due to the destruction caused by Hurricane Gustav.

On September 1, 2008, Hurricane Gustav made landfall on Louisiana's coast with strong 110 mph winds following a northwest path into central Louisiana, causing widespread physical damage, power outages, and/or flooding across the vast majority of parishes in Louisiana. The storm caused a power outage that left two-thirds of the state's commercial and residential facilities without electricity. Estimates suggest Hurricane Gustav's economic losses total $7–15 billion including $4.5–10 billion in total property damage and $2.5–5.0 billion in lost economic activity. Thousands of employees were displaced and roughly 97,000 employers in Louisiana (80 percent of total employers in the state) suffered business interruption economic losses. Many of these are small businesses still struggling to recover from Hurricanes Katrina and Rita. Louisiana, still recovering from the 2005 hurricanes and facing further damages from Hurricane Ike, requests assistance in upcoming stimulus legislation or other legislative vehicles in Congress.

1. DESIGNATE 100% FEDERAL COST SHARE ON ALL FEMA CATEGORIES OF ASSISTANCE

The state has requested a 100% federal cost share on Individual Assistance to include Other Needs Assistance (ONA) and all other individual assistance programs, and Public Assistance categories A through G, to include Direct Federal Assistance. As you may recall, Congress provided for this assistance for Hurricanes Katrina and Rita. Many communities impacted by these storms are still recovering and do not have a restored tax base, and thus need this relief. In addition, we would like to work with you to evaluate FEMA regulatory policies that improve evacuation and reentry assistance. The threat of Gustav forced the evacuation of nearly two million Louisiana residents. The State was forced to evacuate 30,000 critical transportation-need residents, including 10,400 medical evacuations, which is the largest medical evacuation in U.S. history. The state was also left with 1.5 million cubic yards of debris from Hurricane Gustav along federal and state highways.

2. INFRASTRUCTURE REPAIR AND COASTAL RESTORATION

Coastal Louisiana is home to 1.2 million people and helps provide nearly 30 percent of the energy consumed in the United States. Hurricane Gustav interrupted access to these energy resources and infrastructure. Additionally, these storms caused significant damage to the communities in this coastal region and miles of coastal lands and wetlands. The state is requesting funding to repair and improve protection to the 100-year standard in south Louisiana. This would include the resources necessary to complete federally-authorized work in the Greater New Orleans area, Lafourche, Terrebonne, and to expedite delayed protection improvements in St. Mary parish and studies for southwest Louisiana. In addition, we request funds for the construction of federally-authorized coastal restoration projects designed to restore coastal lands lost as a result of hurricanes. It is critical that we provide comprehensive flood and hurricane protection, including both coastal restoration and levee protection, for Louisiana's entire coast.

Preliminary cost estimates for the repair of FHWA-eligible roads and bridges sustained as a result of Hurricane Gustav total $160 million. Federal-aid highway damage estimates exceed $125 million. While funding to address these damages is authorized under current law, the backlog associated with these needs may prevent the restoration or threaten the integrity of this critical infrastructure. A Presidential waiver of the $100 million limit on FHWA Emergency Relief funding is requested along with a special appropriation from the General Fund to the FHWA Emergency Relief program for Louisiana and other states facing disaster-related damages. Further, Congress should provide emergency funds to the Corps of Engineers for dredging the critical navigation channels that were impacted by the hurricane. The Mississippi River, Atchafalaya River, Calcasieu Ship Channel and other critical waterways are vital to the country's energy supply and maritime commerce affecting nearly every state.

While the majority of public infrastructure repairs will be covered by FEMA programs, it is known from experience with the 2005 storms that there will be certain costs of repair deemed ineligible for FEMA funding. The state requests $100 million in Community Development Block Grants to develop a fund to cover the full repair of key infrastructure and public facilities.

3. AGRICULTURE AND FISHERIES DISASTER ASSISTANCE

Louisiana is one of the top domestic producers of sugarcane within the United States, and second in both rice production and international rice exports. Hurricane Gustav crippled all segments of agriculture throughout Louisiana. Many Louisiana producers sustained uninsured losses and will not be eligible for Supplemental Revenue Assistance Payments as currently structured. The hurricane has also caused catastrophic flooding and widespread wind damage for the state's cattle industry, which is still recovering from losing over 20,000 cattle from the 2005 storms. In addition, Louisiana's seafood industry accounts for more than 25 percent of the catch in the nation. Funds are needed to help offset the loss of this product, increased production costs and damage to storage and fishing facilities.

4. ECONOMIC RECOVERY

Hurricane Gustav severely impacted our state's overall economy and many small businesses through widespread physical damage, power outages, and/or short-term population displacement across the vast majority of the state. Based on preliminary estimates, Hurricane Gustav's economic impact totals $7–15 billion. Moreover, many small businesses wounded by Hurricane Gustav had not yet recovered from damage previously inflicted by Hurricanes Katrina and Rita in 2005.

The state proposes implementing a comprehensive business recovery plan that addresses immediate and near-term working capital needs and accelerates economic development during the recovery period and

beyond. Suggested recovery options include: business recovery bridge loans, an extension of existing GO Zone bonus depreciation deadlines, an additional allocation of Gulf Opportunity Zone bonds targeted at parishes impacted by Gustav, and technical assistance for impacted small businesses. Similar assistance was provided after Hurricanes Katrina and Rita to help small businesses and their employees et back on their feet.

5. EMERGENCY PREPAREDNESS AND READINESS

Every critical disaster demonstrates gaps in the existing system of preparedness, and identifies areas of critical needs to improve the response to future storms. Local governments have prioritized (1) prisoner transportation and evacuation planning, (2) watercraft accessibility, (3) enhanced fixed and mobile generator support, and (4) communications as critical elements to enhancing disaster preparedness. In addition, the state is requesting $100 million for law enforcement equipment and infrastructure repairs that will support both preparedness and recovery functions. Similar assistance was provided after Hurricanes Katrina and Rita.

6. HEALTHCARE AND SOCIAL SERVICES DISASTER ASSISTANCE

The Louisiana Hospital Association estimates that the total financial and operational impact of Hurricane Gustav on Louisiana's hospitals is as much as $302 million. The hospitals, many of which were still struggling with post-Katrina and Rita losses, have sustained reported losses of net revenue, and have incurred costs for incremental salary and labor, sheltering and evacuation, facility damage and debris removal, and other non-ordinary costs attributable to the storm. An adjustment of the Medicare Wage Index to address the higher cost of providing services after 2005 and 2008 hurricanes would provide significant relief and allow these institutions to continue administering critical medical services.

Additionally, the hospitals are requesting funding for hazard mitigation and remediation for hardening of facilities and upgrading of generator capabilities. It became apparent during the event that many hospitals could not maintain optimally safe environments with the current capacity of their generator systems. We are also deeply concerned about the lack of generator capacity in our state's nursing homes. Finally, the State of Louisiana is requesting $50 million in SSBG funding to provide for mental health treatment, primary care medical services, and repair of damaged foster homes.

These priorities are among the many challenges still facing our state as we recover from Hurricane Gustav and do not represent an exhaustive list of recovery needs, especially as we still assess damages caused by Hurricane Ike. It is with great hope for the future of the people of Louisiana that we request this assistance and also request that it be included in the upcoming stimulus legislation or any other legislative spending vehicle. Lieutenant Governor Mitch Landrieu and Commissioner of Agriculture Mike Strain will be in Washington to discuss these important recovery needs with you and your staff.

Sincerely,

GOVERNOR BOBBY JINDAL,
State of Louisiana.
LT. GOVERNOR MITCH LANDRIEU,
State of Louisiana.
COMMISSIONER OF AGRICULTURE MIKE STRAIN,
State of Louisiana.

Ms. LANDRIEU. I have a number of the press accounts, and I will just read for the RECORD the headlines that are pouring into my office each day from newspapers around the State. This one:

Ike badly damages Rita-ruined region. Hurricane Ike's receding storm waters on Monday revealed a footprint of damage across coastal southwest Louisiana too similar and too soon after Hurricane Rita of 2005.

Storm report: Vermilion Parish sees tough road ahead.

Again, a Parish hard hit just 3 years ago.

Cameron Parish: ''Still too much water.''

These headlines are streaming into my office.

St. Mary Parish: Cypremort Point residents digging out of mud.

Barataria to pick up pieces.

St. John, St. Charles dig out, clean up.

16,000 people at Blackham Coliseum—

waiting for help and assistance.

Gustav, Ike set record for power outages in Louisiana.

Finally, as my time draws near:

Storm update: Gustav's damage to Louisiana crops estimated at hundreds of millions of dollars.

I wish to say on behalf of my friend from Texas, we have some headlines we received in Louisiana about Galveston and about the billions in storm damage to our neighbors in Texas, because we have a situation that I hope our Congress will respond to before we leave here, some agricultural damage and storm damage for the Gulf Coast States, and also to reach back and pick up some of that damage we did not address in the Midwest floods.

I thank my colleagues for their understanding. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

DEFENSE AUTHORIZATION

Mr. DODD. Madam President, I know the Senator from Michigan is maybe doing so, but as I understand it, there was objection raised to the consideration of a managers' amendment regarding, I guess, 100 amendments. One of those amendments is a proposal of Senator SHELBY and I, along with a unanimous vote of our Banking Committee, after lengthy discussion. It was the Iran sanctions proposal, which took a lot of work and effort to put together.

This was a comprehensive package, widely endorsed across the country by organizations to give us the kind of leverage necessary for us to bring Iran to the negotiating table diplomatically to reduce the threat that their potential nuclear arsenal poses to us, our allies, the State of Israel and others.

I appreciate the fact that the managers of this bill had included this amendment in their managers' package. It would be a great travesty, in my view, for us to leave here having the other body having adopted similar language. This is the one opportunity for this body to embrace an economic sanctions proposal which would give us tremendous leverage in our efforts to bring Iran to that table.

To lose that opportunity would be a serious loss of opportunity for this country. So, again, my dear friend from Virginia was here. Therefore, on behalf of those of us on the committee, unanimously, the Dodd-Shelby Iran sanctions divestment nonproliferation amendment to the DOD authorization bill, I ask unanimous consent that notwithstanding any agreement with respect to S. 3001, it be in order for the Senate to consider amendment No. 5572 and that the amendment be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, and I will object, I wish to advise the Senator that the vote to take place right now is on final passage. It has been agreed to by unanimous consent. Prior thereto, the distinguished chairman raised the question of the package to which you refer.

I, personally, approved of putting in the amendment. It had been my hope, I say it is now no longer my hope, my disappointment, that that could not be achieved along with about 100 other amendments from both sides of the aisle.

So at this time I have to object and ask the Chair for regular order for the vote.

The PRESIDING OFFICER. Objection is heard.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid amendment No. 5290, to change the enactment date.

Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.

Mr. CARDIN. Madam President, I rise today in support of the fiscal year 2009 Defense Authorization Act, a critical piece of legislation that honors the

men and women who are so honorably serving in the Armed Forces and that provides our military with the tools it needs to keep our country safe.

I am most proud of the investments this legislation makes in our military's most important resource—the men and women who serve in uniform. Recognizing the strain multiple deployments and difficult economic times has placed on our troops and their families, this bill increases military pay by 3.9 percent.

This bill goes further to make sure that we keep our military strong at a time when two wars have overstretched and overstressed our troops. The bill allows us to grow our military. By increasing the end strength of the Army, Marine Corps, Air National Guard, and Army Reserve, we can reduce the stress on our troops caused by multiple and extended deployments. And we can be sure we have the troops we need to meet future challenges in an ever more uncertain world.

This bill continues bonuses and incentives that reward our military men and women and encourage them to continue their service. It provides new incentives to military psychologists and nursing students to address the ongoing shortages in these critical areas. The legislation prohibits the Administration's proposed increase in TRICARE fees for retirees and reservists.

While medical treatment for wounded soldiers has improved dramatically over the course of the wars in Iraq and Afghanistan, too often that care is just too hard to access. I believe that managing paperwork and scheduling appointments in a timely and efficient manner is just as much a part of quality medical care as the treatment provided by medics and surgeons.

Last year this Congress acted aggressively to address the red tape that kept our wounded warriors from their doctors and counselors. The Wounded Warrior Act allowed the Department of Defense to address the substandard living conditions, poor outpatient care and bureaucratic roadblocks faced by injured soldiers at Walter Reed and around the country.

One month ago, I visited a soldier transition unit at Ft. Meade, MD. I saw firsthand how hard our wounded warriors are working to recover from their often devastating injuries. I saw a Department of Defense that has recommitted itself to making sure our wounded warriors and their families get the care and support they need and deserve. This bill requires that the Secretaries of Defense and Veterans Affairs continue the Senior Oversight Committee that oversees implementation of wounded warrior initiatives. This high level leadership is critical if we are going to continue to improve the quality of care we provide our troops.

Investments in growing the force as well as in providing fair pay and good benefits are smart investments in our military's most valuable resource. Our military is only as strong as the skilled and dedicated men and women who serve.

Even with all the important provisions in this bill, I think it can be even better. It's been 60 years since President Harry S. Truman ended racial segregation in the military. In the intervening years, military leaders have come to believe that maintaining a highly qualified, diverse military—from the enlisted ranks to the four-star generals and admirals—is essential to the military's ability to provide for our national security. A military that clearly reflects equal opportunity for everyone is critical, not only for morale, but also for readiness. Just look at the increasingly diverse enemies we confront and the divergent environments into which we send our troops.

But despite future projections of minority growth in the United States, a recent senior-level Department of Defense projection found virtually no prospect for reaching adequate representation of minorities or women in the higher military ranks in the next decade. I am proud that increasing the racial/ethnic and gender diversity of our military leadership has become a strategic priority for the Department of Defense. The Department commissioned the Rand Corporation to make recommendations for how it could improve.

Issued in 2008, the Rand Corporation's report, titled Planning for Diversity, found that the Department of Defense remains ill prepared to retain and promote minorities and women to leadership positions. Specifically, the Department is still without a uniform definition of diversity as well as a department-wide plan to guide, support, and streamline diversity efforts. On the heels of the 60th anniversary of integration of the Armed Forces, we can and must do better.

I filed an amendment to the fiscal year 2009 Defense Authorization Act that would jump start the creation of a strategic plan for achieving this departmental priority: ensuring diversity at all levels of the military. My amendment would create a high-level task force to study the current state of diversity at all levels of the Armed Forces and make recommendations for improvement. The task force would consist of senior members of the Armed Forces as well as individuals with expertise in cultivating and managing diversity in private or non-profit organizations. The task force would develop the first department-wide definition of diversity, evaluate existing policies for encouraging diversity in and outside the military, and make recommendations for future action for increasing diversity at all levels and in all areas of the military departments.

The amendment builds on a provision included in the House Defense Authorization bill and incorporates comments by the Department of Defense. The Department stated in formal comments that it ''welcome[s] the assistance that would come from the work proposed by the legislation.''

I am grateful to my colleagues in the Congressional Black Caucus, especially Congressman ELIJAH E. CUMMINGS, Congresswoman DIANE E. WATSON, Congressman HANK JOHNSON, and Congressman KENDRICK B. MEEK who have worked so hard on this issue and on this provision. I am very disappointed today that the amendment could neither receive a vote nor be included in the bill by unanimous agreement. I hope that as the managers of this bill work to finalize the fiscal year 2009 Defense Authorization Act, they will consider the language I have proposed to increase diversity at all levels of the Armed Forces.

Mr. President, in closing, I commend my colleagues Chairman LEVIN, Senator WARNER, and all the other members of the Armed Services Committee for their hard work to craft and pass this bill. I look forward to casting my vote to support it. I also want to take a moment to congratulate Senator WARNER for his work on countless other critical pieces of legislation in years past. I will miss his wise counsel on issues of national and regional importance, I will miss his good humor, and I will miss his grace. I wish him only the best in retirement.

Mrs. HUTCHISON. Madam President, I rise today to speak about the 2009 Defense authorization bill. I will vote in favor of this legislation primarily because I support pay raises for our troops, but I have some very serious concerns about how this bill came to the floor.

This $612.5 billion measure will authorize spending for national security programs in the Defense and Energy departments. That includes $70 billion to fight the war on terror in Iraq and Afghanistan, and a 3.9 percent pay raise for military personnel. I proudly support those appropriations.

In the last year and a half, we have made incredible progress in our war against the terrorists, and in building a sustainable democracy in the heart of the Arab world. Since General Petraeus became the U.S. Senior Commander in Iraq. al-Qaida has been swept from its former strongholds in Anbar province and Baghdad. Roadside bomb attacks and fatalities in Iraq have fallen by nearly 90 percent. The Iraqis—through organizations such as ''The Sons of Iraq''—are taking more responsibility for their security.

General Petraeus recently left his position as Commanding General in Iraq to become the Commander of U.S. Central Command. The task of leading U.S. forces in Iraq now rests in the capable hands of GEN Ray Odierno. I

commend General Odierno on his promotion, and on behalf of all America, I wish him success in completing the ''surge strategy.''

We must resist calls for premature withdrawal from Iraq and maintain our presence there until victory is secure. Today's appropriations bill gives us the resources to continue that mission. However, the U.S. Senate has a long history of allowing members of both the majority and the minority to offer amendments, debate changes, and ensure that the concerns and ideas of every Senator are addressed. Traditionally a majority of Senators will decide an issue after bipartisan deliberation. But in this case, the Senate majority leader decided the issue with no input from the minority.

The 110th Congress has experienced a record number of cloture votes—due in no small part to the tactics employed by the majority. The methods by which this bill came to the floor are not in the best long-term interests of the Senate. They are not in the best interests of the American people. The citizens of our country deserve better.

I am glad that our brave service members will have the armaments and equipment they need, and that our veterans will have the health care and other benefits they deserve.

Once again, I will vote for this legislation because the risk to our soldiers and veterans is too great. Time simply ran out. But we should all be concerned by the manner in which this bill was presented.

Mr. BYRD. Madam President, I regret that again this year I must vote against the National Defense Authorization Act. I support many of the provisions in this bill, which authorizes the activities of the Department of Defense, including important research, development and procurement funding to improve our Armed Forces and the operations and maintenance funding necessary to ensure the smooth running of the military services over the coming year. I support these activities, which not only benefit those servicemembers currently serving overseas in Afghanistan and Iraq, but also help build a strong and effective military for the future. I applaud the fine work of Senator LEVIN and Senator WARNER and the staff of the Committee on Armed Services for their efforts in putting together a bill that is, in most ways, a good piece of legislation.

However, S. 3001 also provides authorization for the funding of continued operations in Iraq at levels requested by the Bush administration and without any provision to either transition the military mission in Iraq or to bring our troops home. In my view, providing this funding without conditions, without strings attached, is unacceptable.

In my view, the Congress should not continue to write blank checks for the prosecution of this apparently endless war in Iraq. In effect, this bill also provides a congressional authorization to fund the continuation of President Bush's policy in Iraq into 2009, without any strings attached. Amendments filed that would have limited the mission of U.S. forces in Iraq were not even considered during debate on the bill. That is truly unfortunate.

Continuing to prosecute this war at the current rate is straining our military to the breaking point. Many units and individuals are enduring their third and fourth rotations to Iraq, and because no limits have been placed on the mission or force levels, there is no end in sight, despite efforts to declare the surge a success in bringing stability to Iraq. More and more military analysts are warning that the U.S. Armed Forces are at risk for becoming a ''hollow force,'' as happened after the Vietnam conflict, putting our entire Nation at greater risk.

Our military commanders in Afghanistan are urgently requesting additional and substantial numbers of troops to counter the rising violence there, but there are few troops to spare for them. As a result, we risk losing whatever gains have been made there, in the actual central front of the war on terror and the hunt for Osama bin Laden and the al-Qaida organization. We must win that fight, there, or face more attacks like the one that took place today against the U.S. embassy in Yemen.

I support our troops and I will not let them to lack for anything needed to do their job or to keep them safe. But I cannot countenance leaving them in Iraq forever, with no limits placed on their mission and no assurances by our commander in Iraq that this war is making the United States any safer.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back, the pending amendments are withdrawn, and the clerk will read the title of the bill for the third time.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LEVIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a significant second.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

My KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—88

Akaka	Dorgan	Mikulski
Alexander	Durbin	Murkowski
Barrasso	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Grassley	Pryor
Bingaman	Gregg	Reed
Bond	Hagel	Reid
Boxer	Harkin	Roberts
Brown	Hatch	Rockefeller
Brownback	Hutchison	Salazar
Bunning	Inhofe	Schumer
Burr	Inouye	Sessions
Cantwell	Isakson	Shelby
Cardin	Johnson	Smith
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Clinton	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Voinovich
Corker	Lieberman	Warner
Cornyn	Lincoln	Webb
Craig	Lugar	Whitehouse
Crapo	Martinez	Wicker
Dodd	McCaskill	Wyden
Dole	McConnell	
Domenici	Menendez	

NAYS—8

Allard	DeMint	Sanders
Byrd	Feingold	Vitter
Coburn	Graham	

NOT VOTING—4

Biden	McCain
Kennedy	Obama

The bill (S. 3001), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. NELSON of Florida. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The bill (S. 3002) to authorize appropriations for fiscal year 2009 for the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended, as follows:

(The bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2009

The bill (S. 3003) to authorize appropriations for fiscal year 2009 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended, as follows:

(The bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2009

The bill (S. 3004) to authorize appropriations for fiscal year 2009 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. NELSON of Florida. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, this bill is the 47th consecutive national defense authorization bill that has come out of the committee and been brought to the Senate floor for debate and passage. Every year since 1961, the Senate has met the challenge, overcome obstacles, and negotiated ourselves to the point of final passage. Because of the vital importance of this bill to the men and women of our Armed Forces and to the Nation, this was a bill that was worth fighting for for passage. It is part of the rich tradition of the Senate. We all can be proud of that tradition.

It is also part of our custom to thank our staffs and Members. For some this sounds routine, but it never should be.

My thanks go to the ranking member, Senator MCCAIN. His leadership helped forge this bill through the committee.

I next acknowledge our former chairman particularly, Senator WARNER, because of everything he did to make this bill possible and to get to the point where we are today. Working within arm's reach of JOHN WARNER for the past 29 years has truly been one of the highlights, if not the highlight, of my Senate career. He is truly a good friend, not just to me and my wife Barbara but also to this institution and to the Nation. He has stood watch over national defense for almost three decades, with unwavering dedication. Before that, he stood watch because of his being Secretary of the Navy. Because of his being in the Navy, the Marines, he is truly a profile in courage. Next year, we promise we will pick up his banner. We will carry on in his honor, just as he has always done for the Nation.

I thank our majority leader, Senator REID, and his floor staff and give them a special word of thanks for giving us the time to get this bill to the Senate and through the Senate.

To our committee members, thanks for your great work on a bipartisan basis the entire year. This bill could not have gotten to this point, with all of our problems, all the bumps in the road—and there are many that lie ahead—but we could not have gotten to this point without the bipartisan support of the Armed Services Committee and our staff.

We have one-quarter of the Senate on our committee. We have worked together in committee, and our differences on this bill did not divide us, as we reported the bill by unanimous vote.

To Charlie Armstrong in the Office of the Senate Legislative Counsel, thank you for drafting about 300 amendments. We wish more of them could have been adopted, but, nonetheless, they had to be drafted, and we had to do what we do, which is to do everything we can to get Members' amendments passed.

To our committee staff members, thank you. That is about all we can say. You have earned our thanks and the recognition of the Senate for the time and dedication you have shown on this legislation. Rick DeBobes, who is our staff director, and Mike Kostiw, who is our Republican staff director, and their talented staffs worked amazingly hard.

We have a lot of work ahead of us to get to the point where we can pass a bill in the next couple of weeks. We have a huge amount of work. I hate to tell them that, but they know it. They also know, I hope, how appreciated they are. They work 24/7, and they work magic, and they always seem to believe that sleep is overrated. It is not. I hope they can get some in the next few days. So thank you to our staff. They deserve tremendous recognition for their professionalism. As an expression of the gratitude of the members of our committee, I ask unanimous consent that the names of the members of our staff be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF OF THE COMMITTEE ON ARMED SERVICES

Richard D. DeBobes, Staff Director; Michael V. Kostiw, Republican Staff Director; June M. Borawski, Printing and Documents Clerk; Leah C. Brewer, Nominations and Hearings Clerk; Joseph M. Bryan, Professional Staff Member; William M. Caniano, Professional Staff Member; Jonathan D. Clark, Counsel; Ilona R. Cohen, Counsel; David G. Collins, Research Assistant; Christine E. Cowart, Chief Clerk; Madelyn R. Creedon, Counsel; Kevin A. Cronin, Staff Assistant; Marie F. Dickinson, Administrative Assistant for the Minority; Gabriella Eisen, Counsel; Richard W. Fieldhouse, Professional Staff Member; Creighton Greene, Professional Staff Member; Gary J. Howard, Systems Administrator; Paul C. Hutton IV, Professional Staff Member; Mark R. Jacobson, Professional Staff Member; Gregory T. Kiley, Professional Staff Member; Jessica L. Kingston, Staff Assistant; Michael J. Kuiken, Professional Staff Member; Mary J. Kyle, Legislative Clerk.

Christine G. Lang, Receptionist; Gerald J. Leeling, Counsel; Peter K. Levine, General Counsel; Thomas K. McConnell, Professional Staff Member; Michael J. McCord, Professional Staff Member; William G. P. Monahan, Counsel; David M. Morriss, Minority Counsel; Lucian L. Niemeyer, Professional Staff Member; Michael J. Noblet, Professional Staff Member; Ali Z. Pasha, Staff Assistant; Christopher J. Paul, Professional Staff Member; Cindy Pearson, Assistant Chief Clerk and Security Manager; John H. Quirk V, Security Clerk; Lynn F. Rusten, Professional Staff Member; Brian F. Sebold, Staff Assistant; Arun A. Seraphin, Professional Staff Member; Travis E. Smith, Special Assistant; Robert M. Soofer, Professional Staff Member; William K. Sutey, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Mary Louise Wagner, Professional Staff Member; Richard F. Walsh, Minority Counsel; Breon N. Wells, Staff Assistant.

Mr. LEVIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

ADVANCING AMERICA'S PRIORITIES ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 894, S. 3297, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 894, S. 3297, the Advancing America's Priorities Act.

Harry Reid, Max Baucus, Sherrod Brown, Thomas R. Carper, Robert Menendez, Sheldon Whitehouse, Richard Durbin, Ron Wyden, Jon Tester, Patrick J. Leahy, Charles E. Schumer, Dianne Feinstein, Claire McCaskill, Ken Salazar, Benjamin L. Cardin, Daniel K. Inouye, Christopher J. Dodd.

Mr. REID. Mr. President, I now withdraw that motion.

The PRESIDING OFFICER. The motion is withdrawn.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 767, H.R. 6049, and I believe there is a cloture motion at the desk that the clerk will report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Max Baucus, Sherrod Brown, Thomas R. Carper, Robert Menendez, Sheldon Whitehouse, Richard Durbin, Ron Wyden, Jon Tester, Robert P. Casey, Jr., Patrick J. Leahy, Charles E. Schumer, Dianne Feinstein, Claire McCaskill, Ken Salazar, Benjamin L. Cardin, Daniel K. Inouye, Christopher J. Dodd.

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. BROWN. Mr. President, since I took office last year, I have held more than 115 roundtables in nearly all of Ohio's 88 counties—from Ashtabula to Cincinnati, from Bryan the Gallipolis—as I bring together 15 or 20 people from a community and listen to them talk about their hopes and their dreams and what we can do together to make Ohio a better place and to move this country forward. But more than anything else, as I listen to people in communities such as Bucyrus and Mansfield and Wauseon, I hear about widespread economic anxiety and a betrayed middle class.

Ohioans have understood that for years, especially in the first 6 years of the Bush administration, this government allowed the drug companies to write the Medicare laws, allowed the oil industry to dictate energy policy, had allowed Wall Street to push through job-killing trade agreements through the House and the Senate.

They feel the middle class was betrayed by our Government. I hear from Ohioans worried about record high gas prices, worried about food prices, worried about good-paying jobs continuing to move overseas, worried about health insurance that costs more and covers less.

Some of these worries can be blamed in part on our current recession, but that misses the larger point. For the last 7 years, the labor force workers have worked harder and harder, leading to huge gains in productivity. The productivity of workers in our economy has gone up like this. Yet CEOs' salaries and bonuses went through the roof while middle class Americans' wages stagnated and more families slipped below the poverty line. Again, productivity has gone up like this, meaning workers are creating more wealth for their employers, but wages have been stagnant for 80 or 90 percent of the workforce.

In other words, as workers have produced more, as workers have been more productive, as workers have made more money for their bosses, if you will, they simply have not shared in the wealth they created. They are not getting raises. They are paying more for health insurance, they are seeing their pensions begin to disintegrate, as they are making more and more money for their employer.

At the same time, while China manipulated its currency and ignored labor and environmental standards, corporations took the bait and abandoned American communities. While hedge fund managers irresponsibly leveraged real estate holdings, millions of Americans lost their homes to foreclosures. In other words, while Wall Street enjoyed an inflated stock market and a so-called economic expansion, most Americans actually became worse off.

In the last few weeks, we know things have gotten worse. The Government has been forced to seize Fannie Mae and Freddie Mac. Lehman Brothers, an institution on Wall Street for 150 years, filed for bankruptcy on Monday. It is also reported that for the 8th straight month, our Nation has lost jobs. The national unemployment rate is now 6.1 percent—a 5-year high. We know what happened to AIG today.

Mr. President, 9.4 million Americans are officially unemployed, 2.2 million more than a year ago—tens of thousands in my State of Ohio. In fact, you have to go back more than 15 years, to December 1992, to find a time when more Americans were forced to rely on the Government for their income.

In my State of Ohio, middle class workers are facing even more bad news. DHL, the cargo express carrier, has announced that more than 8,000 workers at Wilmington Air Park, the largest privately owned airport in the United States, will lose their jobs. Norwalk Furniture halted operations earlier this month, sending 500 employees home. General Motors is closing its plant in Moraine, a decision that will cost 1,200 Ohioans their livelihoods.

Do you know what. The worst part is this: The administration is proud of this record. They are proud of the free trade agreements that have protected corporate interests, that have eliminated good-paying manufacturing jobs, that have brought unsafe food, drugs, and toys into American homes. They are proud of these free trade agreements, and they want more of them.

They are proud of the tax cuts that went overwhelmingly to the wealthy and ignored the plight of the middle class. We know what that has meant. It has meant budget deficits as far as the eye can see. It has meant more money for the wealthiest people in this society, paid for by the middle class, and paid for by our children and our grandchildren of the future. Yet they are proud of these tax cuts that go overwhelmingly to the rich. The administration is proud of the financial deregulation that allowed greed on Wall Street to run amok.

These days, Republicans respond to critics by saying: Things aren't so bad. JOHN MCCAIN, our colleague from Arizona, said: The foundations of the economy are strong. Former Senator Phil Gramm, the mentor of Senator MCCAIN, the chief economic adviser to Senator MCCAIN, said: The recession is in our heads. It is a mental recession, he said.

I guess if you think things are going well, you advocate for more of the same, which is why Republicans continue to push for more tax cuts for corporations that outsource jobs overseas, pushing more energy policies that enrich oil companies and reinforce our dependence on foreign oil, pushing for more subsidies for private HMOs participating in Medicare, pushing more antiunion policies that undercut workers' power to bargain collectively and join the middle class, pushing for more hypocrisy that says we can afford to spend $10 billion a month in Iraq; we just cannot find the money to help uninsured children in Columbus or Zanesville or Dayton or Chillicothe or Springfield or Xenia.

In fact, since we had our last vote, about an hour ago, we have spent some $19 million on the war in Iraq. In the last hour, we have spent about $19 million on the war in Iraq. Think what that could do for health care, for education, for rebuilding our infrastructure in Lima and in Portsmouth and in Chillicothe. Perhaps most troubling of all, Republicans are still, unbelievably enough, pushing for the privatization of Social Security. Can my colleagues imagine—Senator SANDERS and I were talking about this a moment ago—if 3 years ago, when George Bush, DICK CHENEY, and JOHN MCCAIN were fighting to privatize Social Security, and people in this institution, including Leader REID and Senator SANDERS, when he was in the House of Representatives, and many of us fought against that privatization of Social Security—can my colleagues imagine if that had passed in early 2005? If the President

and Senator MCCAIN had had their way on the privatization of Social Security, can my colleagues imagine what this week would look like? Can my colleagues imagine, if 50 million retired Americans had had their entire life savings locked up in the stock market—can my colleagues imagine 50 million Americans opening their Social Security records, their mailing they get from Social Security and looking at what happened to their private accounts; money they had put in the stock market because George Bush and JOHN MCCAIN insisted on this risky scheme to privatize Social Security? Can my colleagues imagine what that would do to seniors in our society? Can my colleagues imagine what that would do to their future—if you are 65 and already on Social Security, if you are 50 and your mother is on Social Security, if you are about to join the ranks of Social Security? Can my colleagues imagine what one would think with food prices going up, with gas prices going up and all of a sudden, because you have these John McCain-George Bush privatized Social Security accounts, can my colleagues imagine what would be happening to their lives this week and the weeks ahead?

Despite 7 years of this tired thinking and of the wrong-headed economic policies that betray our middle class, American workers are standing strong and continuing to fight for a better future.

At my roundtables—as I mentioned, I have done some 1,500 roundtables in most of Ohio's 88 counties, in Cambridge and in Steubenville and in Defiance and in Miami County, all over—I still hear the hope and determination that defines this great Nation. I hear from community leaders. I hear from entrepreneurs with exciting plans for the future. What is happening with the incubator in Youngstown? What is happening with small business in Delaware? I hear about what people in Mansfield, my hometown, are doing to fight back. I hear from small business owners who are continuing to do the right thing. I hear from their loyal workers who take pride in their work and are valued by their employers. They tell us we need a government that similarly values loyalty and work ethic.

For too long, those in power have simply turned their back on American workers. They have ignored their needs and their dreams—the dreams of the middle class. They have instead catered to the wealthiest Americans. We know that a strong middle class builds a prosperous society and is the engine that makes this country go. But it doesn't have to be the way we have seen in the last few years where this Government in Washington—that allowed the drug companies to write the Medicare law; that allowed the oil industry to write energy policy; that allows Wall Street to push through job-killing trade agreements—all of this betrayal of the middle class from George Bush to DICK CHENEY to JOHN MCCAIN, to far too many of my colleagues in this body and down the hall in the House of Representatives—people have had enough of this betrayal of the middle class. It doesn't have to be that way. The sooner we change direction, the sooner our economic woes will be behind us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, let me begin by concurring with Senator BROWN. He raised a very important issue, and that is: In the midst of a major economic crisis, when people today—especially senior citizens on fixed incomes—are wondering about how they are going to heat their homes, how they are going to purchase the food they need—I wonder about 3 years ago, had we listened to President Bush, if we had listened to JOHN MCCAIN, if we had listened to the Republican leadership and we had privatized Social Security—can one begin to imagine the anxiety that would be existing all over this country in terms of senior citizens wondering what kind of retirement they would have, what kind of funding would be there for their remaining years? So thank goodness we did not follow the advice of President Bush and JOHN MCCAIN and the Republican leadership; thank goodness we kept Social Security strong.

Yesterday I came to the floor to discuss the interconnection of the two great crises that are currently facing our country. The first, of course, is the financial crisis—the collapse of major Wall Street firms—and secondly is the very serious problem of high and volatile energy prices, whether it is $3.70 for a gallon of gas to put in your car, or whether it is very high oil prices this coming winter to heat your home. Both of these problems clearly are having a major impact on middle-income families from one end of this country to the other.

In terms of the financial crisis, the American people are finding it harder and harder to get a mortgage or a home equity line of credit. They are seeing the equity in their homes going down, and they are seeing the values of their savings, including their 401(k) savings, plummeting. What anxiety is existing all over this country. People have put money into their 401(k), the stock market is going down rapidly, and people are wondering what is going to take place for their economic future.

In terms of the energy crisis, the American people have been forced to pay tens of billions of dollars more in inflated energy prices because of the outrageous price levels caused by speculation occurring in unregulated energy markets. We have heard testimony from energy economists who are telling us that between 25 percent to 50 percent of the cost of a barrel of oil today has nothing to do with supply and demand, it has nothing to do with marketplace fundamentals; it has to do with speculation on the part of financial institutions that are driving oil prices higher, and now, by the way, with that money coming out of oil futures, driving prices down, creating a lot of volatility.

I laid out yesterday the connection between those two crises. Both of these crises are tied to the same extreme economic ideology—an ideology which says the Government should play no role—or a minimum role—in protecting consumers; that we should put all of our trust in the honesty and the integrity of the heads of large multinational corporations.

I should mention that both of these crises are also tied to the work of one former Member of the U.S. Senate, and that is the former chairman of the Senate Banking Committee, Phil Gramm of Texas. To a significant degree, a lot of what we are experiencing today is related to the disastrous changes to Federal law that deregulated both the energy industry and the financial industry, and that effort was led by former Senator Gramm.

To recap, as chairman of the Senate Banking Committee in 1999, then-Senator Phil Gramm, spearheaded legislation that bears his name, and that is the so-called Gramm-Leach-Bliley bill that broke down critical regulatory safeguards that the Government put in place after the Great Depression to prevent exactly what we are experiencing today. Having laid the groundwork for our crisis in the financial sector, the very next year, amazingly enough, Senator Gramm is credited with slipping legislation into a largely unrelated bill that deregulated the electronic energy market. Shockingly, when he slipped this measure into the law, a measure we now know as the Enron loophole, Senator Gramm's wife, Wendy Gramm, had recently been on the board of directors of—you guessed it—the Enron Corporation.

This deregulation of the energy markets has allowed speculators to drive up the price of a barrel of oil to as high as $147 and, as I mentioned earlier, there are many economists who believe the volatility and the high price of oil today is not supply and demand primarily, but it is because of speculation on the part of financial institutions and hedge funds.

Now, as bad as things were yesterday, last night they got even worse. Last night, the Bush administration nationalized the world's largest insurance

company: AIG. The Bush administration claimed it had to put $85 billion of taxpayer money at risk because AIG's collapse would have brought down perhaps our entire economy—the entire economy of this country—and had a major impact on the entire world's economy. Let me ask the same question about AIG today that I asked yesterday about the energy and financial crises this country is facing, and that is: Is this bad luck? Why is this happening? We need to understand that, because the risks are enormous and the amount of money we are dealing with—trillions and trillions and trillions of dollars—is literally beyond comprehension. I think very few people can understand the scope and the magnitude of what we are dealing with.

Well, it turns out the AIG situation is closely tied to the same rightwing economic ideology that has been pushing us toward economic disaster, and the responsibility for AIG's near collapse lies, again, with that same philosophy which has been led by former Senator Phil Gramm.

As a very recent online article from Time magazine explains, AIG's traditional insurance business seems to be doing well in what they have been doing for many years. They are, in fact, making money. But what AIG got involved in was more than the traditional insurance business. They got involved in risky derivative schemes that about three people in the world understand called credit default swaps, or CDS's that allow big companies to guarantee each other's risky lending practices. This is extremely complicated stuff—a long way away from where we were 10 or 15 years ago.

Now in order to give the American people a full understanding of the risks posed by these unregulated credit default swaps—unregulated credit default swaps—I wish to read a short September 15 article by Professor Peter Cohen, a graduate of the Wharton School, that deals with the full scope of the problem we face and the role that Senator Gramm had in its creation. I apologize to anybody who is listening. What is following is technical, it is a bit boring, but when we are dealing with trillions of dollars, I think it is important that we try to understand this. This is what Professor Cohen writes:

> Lurking in the background of this weekend's collapse of two of Wall Street's biggest names is a $62 trillion segment of the $450 trillion market for derivatives that grew huge thanks to John McCain's chief economic advisor, Phil ''Americans are Whiners'' Gramm.

Let me just go through these numbers again, because these numbers are so huge. When the Presiding Officer and I represent our State, we fight for a few million dollars here and a few million dollars there, and that makes a lot of difference to the people of Colorado or the people of Vermont. What we are dealing with is so incomprehensible: It is a $62 trillion segment of the $450 trillion market for derivatives. Who can even understand what that means? A $450 trillion market, what does that mean?

Now, all of this occurred, all of this deregulated activity, of which the Government plays no role, took place because in December of 2000, Senator Gramm snuck in—snuck in—a 262-page amendment. That is what goes on around here. We can sneak in 262-page amendments to a government reauthorization bill that created what is now the $62 trillion market for credit default swaps, or CDS's.

Continuing to quote:

> I realize it is painful to read about yet another Wall Street acronym, but this is important because it will help us understand why the global financial markets are collapsing. CDSs are like insurance policies for bondholders. In exchange for a premium, the bondholders get insurance in case the bondholder can't pay. . . . In the case of the 1.4 trillion dollars' worth of Fannie Mae and Freddie Mac bonds, the Government's nationalization last Sunday triggered the CDSs on those bonds. The people who received the CDS premiums are now obligated to deliver those bonds to the ones who paid the premiums.

Professor Cohen continues:

> Gramm's 262-page amendment, dubbed ''The Commodity Futures Modernization Act''—

We have heard that term—

> ''The Commodity Futures Modernization Act,'' according to the Texas Observer, freed financial institutions from oversight of their CDS transactions.

That is the important thing, they became deregulated. The Government no longer was able to see what was going on.

> ''Prior to its passage, they say, banks underwrote mortgages and were responsible for the risks involved.''

You went to a bank, you got a mortgage, the bank took responsibility, they lost money, they made money, that was the transaction.

> ''Now, through the use of CDSs—which in theory insure the banks against bad debts—those risks are passed along to insurance companies and other investors,'' wrote the Texas Observer.

Still, in Professor Cohen's article:

> How does this relate to Lehman's bankruptcy? ''CDSs were a key factor in encouraging lenders to feel they could make loans without knowing the risks or whether the loan would be paid back.''

When you and I were younger, Mr. President, banks knew the people to whom they made loans. They didn't give a loan to somebody they knew would not be able to pay it back. But that is no longer the case.

> ''The Commodity Futures Modernization Act freed them of Federal oversight . . . '' And it was due to these CDSs that Wall Street held an emergency session yesterday to try to minimize the damage of Lehman's CDSs and other derivatives. Unfortunately, the session did not produce much, thanks to the built-in lack of knowledge of the risks in these transactions that Gramm's legislation ensured. You are going to be reading more and more about CDSs over the months ahead.

Professor Cohen continues:

> It will become as familiar as the phrase subprime mortgage—

Which, unfortunately, many of us now are familiar with—

> was in the year 2007. Unfortunately—

Get this, this is quite amazing—

> there were ''only'' $1.3 trillion worth of subprime mortgages and the CDS market is 48 times bigger than that.

Forty-eight times bigger than the subprime market—

> and more than four times bigger than the U.S. GDP. And since nobody has ever had to deal with this volume of CDS unwindings, it is impossible to calculate how much they will cost.

In other words, what has happened as a result of Senator Gramm's legislation is, unbelievable amounts of money have been traded, accumulated without anybody really knowing what is going on. Now we are left trying to pick up the remains of those problems.

Professor Cohen's article is compelling because it tells us how huge this crisis is and why we have every reason to fear that AIG may well be just the first of many companies involved in risky investments that the American people will have to bail out.

The time for hand wringing is over. This Congress needs to put an end to the radical deregulation that was pushed by Senator Phil Gramm and many other Republicans, and there were Democrats who went along with that as well. We need to put the safety walls back up in the financial services sector. We need to regulate the electronic energy markets. We need to end the use of unregulated credit default swaps. In other words, what we need to do once again is have the U.S. Government play an important role in protecting the people of this country against the greed of large corporate interests.

Unfortunately, the response from the administration and Wall Street is not to do that but to push for further consolidation in the financial services sector. Here is just an amazing thing. The argument we are hearing over and over again is that AIG was too big to fail, and what we are now creating are institutions that are even larger than AIG. And 10 years from now, when these institutions are threatened with collapse, there will be people coming up saying: Oh my goodness, we can't allow those to fail; we have to bail those out as well.

This country can no longer afford companies that are too big to fail. If a company is so large that its failure would cause systemic harm to our economy, if it is too big to fail, then it is too big to exist. If it is too big to

fail, it is too big to exist. We need, as a Congress, to assess which companies fall in this category. Bank of America is certainly one of them. Those companies need to be broken apart. We cannot have companies so huge that if they go under they take the world economy with them.

Then once we break them up, if a company wants to act in a risky manner, if they want to take risks in order to make some quick bucks, that is OK. If they want to take the risk and they want to lose money, that is OK. The American people should not have to, and would not be under those circumstances, be left to pick up the pieces.

Finally, in terms of dealing with this unfolding disaster, we need to make sure working Americans, the middle class, do not foot the bill. If the economic calamity requires a Federal bailout, it should be paid for by those people who actually benefited from the reckless behavior of people empowered by the extreme economic views of Senator Gramm, President Bush, Senator MCCAIN, and many others.

In other words, the point I am making is that in the last 10 years, many of these people have made billions and billions of dollars. It is unfair to simply ask the middle-class working families who are trying to figure out how they are going to pay their fuel bills, how they are going to send their kids to college, to bail out these large institutions from which many people made huge amounts of profits.

We don't talk about this too often, but today the wealthiest one-tenth of 1 percent earns more income than the bottom 50 percent. The top 1 percent owns more wealth than the bottom 90 percent. And the wealthiest 400 Americans in this country have not only seen their incomes double, their net worth has increased by $640 billion since George W. Bush has been in office.

Can you believe that? Four hundred families, four hundred people, less than the Congress, have seen a $640 billion increase in their wealth since President Bush has been in office. And, amazingly, these 400 families are now worth over $1.5 trillion—400 families. On average, they earn over $214 million a year.

As a result of President Bush's policies, amazingly enough, their tax rates have been cut almost in half to only 18 percent on average. Amazingly, the wealthiest 400 Americans pay a lower tax rate than most police officers, teachers, firefighters, and nurses. So if you are one of the very wealthiest people in this country, if you are earning $214 million a year on average, you pay a lower tax rate than somebody who is a police officer, a teacher, a firefighter, or a nurse.

That may make sense to somebody; it does not make sense to me. What does it say about us as a nation when the middle class pays a greater percentage of their income in taxes than the wealthiest 400 Americans?

It is this very small segment of our population that has made out like bandits—frankly, some of them are bandits—during the Bush administration. We have to recognize that when we talk about who is going to pay for the bailouts.

In my view, we need an emergency surtax on those at the very top in order to pay for any losses the Federal Government suffers as a result of efforts to shore up the economy. It should not be hard-working people who are trying to figure out how they are going to keep their families economically above water, people who are working longer hours for lower wages, people who have lost their health care, people who cannot afford to pay their fuel bills this winter. Those are not the people who should be asked to pay for this bailout. If there is a bailout that has to be paid for, it should be the people, the segment of society that has benefited from Bush's economic and tax policies over the last 8 years.

Before I complete my remarks, I would like to step back for a minute and examine this current crisis in the context of whom our Government represents.

What does it say about an administration that is prepared to put $85 billion at risk to bail out AIG but fights tooth and nail against dealing with the economic crises facing working families in this country? Mr. President, $85 billion at risk for AIG, some $30 billion for Bear Stearns, perhaps trillions for Fannie Mae and Freddie Mac. For those folks there seems to be an endless supply of money. Don't the American people deserve a Government that views their economic needs as being as important as the health of large corporations and Wall Street executives?

Since President Bush has been in office, nearly 6 million Americans have slipped out of the middle class and into poverty. What was the administration's response? Was there a bailout for those people who lost good-paying jobs and are now working for significantly lower wages? Did President Bush come and say we have to protect those kids in a society which has the highest rate of childhood poverty of any major country? Are we going to bail out those families? I didn't hear that from the White House.

Over 7 million Americans have lost their health insurance. More than 4 million Americans have lost their pensions. Over 3 million manufacturing jobs have been lost. Total consumer debt has more than doubled since President Bush has been in office. Median income for working-age Americans has gone down by over $2,000 after inflation. Where has the Bush administration been in bailing out those families? Where has the Bush administration been in saying we are going to provide health care to all Americans? I didn't hear them come forward.

But when it is AIG, when it is Bear Stearns, my goodness, how quickly they respond. If you are a CEO of a large insurance company, they are there for you. But if you are a working mother whose kid does not have any health insurance: I am sorry, we can't afford to take care of you.

I can go on and on about the priorities established by this administration. The American people should know this President wanted to cut emergency food assistance for nearly a half million seniors, mothers, and children. He wanted to cut job training for 161,000 people and cut childcare assistance for 200,000 children. There is not enough money to take care of those people. I guess they don't make a whole lot of campaign contributions.

The President wanted to raise fees on veterans getting health care, which we, of course, stopped. He fought giving 3 million children access to health care. He wanted to cut $1 billion from rural housing when we have a major housing crisis in rural America.

No money for children who don't have any health insurance, no money for people living in dilapidated housing, no money available for veterans health care. We can't do that. But if you are AIG, if you are a large corporation, this Government is there for you.

These people, working families, seniors, veterans, the unemployed—their problems do not warrant, apparently, an urgent response from the President. But big insurance companies, big investment houses, companies that get engaged in risky subprime lending and credit swaps, my, my, how quickly we respond to them.

The American people deserve better. We need to reject the failed economic policies and priorities of George W. Bush and JOHN MCCAIN. Americans need a Government that is not going to let the rich and large corporations loop our economy. Americans need a Government that will put regulatory firewalls back up in the financial sector and end the use of unregulated credit swaps. Americans need a Government that is going to prevent speculators from robbing them at the gas pump. Americans need a government that breaks up companies that are too big to fail. Americans need a government that is going to view their problems as seriously as they view the problems of corporate America. Our job is to give the American people that kind of government.

Mr. President, I yield the floor.

PHILIP CLAPP

Mr. BINGAMAN. Mr. President, I wish to speak very briefly to express my sadness on the death of Philip Clapp, who was the president and chief

executive officer of the National Environmental Trust, from its founding in 1994 until it merged with the Pew Charitable Trusts this year, and who served as the deputy managing director of the Environmental Group of the Pew Charitable Trusts.

There are few of us in the Senate who have not had contact with Philip and seen the effectiveness of his advocacy on environmental and energy issues. He formerly served on Tim Wirth's staff when Tim served as a colleague of ours in the House of Representatives.

Under his guidance, the National Environmental Trust was one of the major nongovernmental organizations that contributed to international summits and agreements on climate change-related issues.

I wish to express my condolences to his family and to his many colleagues here and abroad who will greatly miss him and his leadership on these issues.

LEGAL DRINKING AGE

Mr. BARRASSO. Mr. President, the debate over the legal drinking age has continued for decades.

As a physician and surgeon, I have repeatedly dealt firsthand with the traumatic results of underage drinking.

Recently, a number of college presidents from across the country signed a public statement petitioning that the current legal drinking age be lowered to age 18.

I believe changing this law would pose a danger to our youth and communities.

Wyoming's First Lady, Nancy Freudenthal, wrote an important editorial addressing drinking on college campuses. It was printed in the Wyoming Tribune Eagle and the Casper Star Tribune. I believe Mrs. Freudenthal presents a compelling argument for keeping the minimum drinking age at 21.

I ask unanimous consent to have the editorial to which I referred printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOWERING THE DRINKING AGE IS NOT A GOOD IDEA

(By Nancy Freudenthal)

When the leaders of our nation's institutions of higher learning have something to say, we naturally assume that it will be well-reasoned, responsible and grounded in factual evidence. That is why it was disappointing to see more than 100 college presidents and chancellors have signed on to what is now being called the Amethyst Initiative, which seeks to lower the legal drinking age from 21 to 18 because, as its proponents claim, ''Twenty-one is not working.''

I am very pleased the University of Wyoming has not signed on to this initiative, and in fact is addressing drinking on campus on many fronts, including ''education, training, enforcement and changing the environment around alcohol use,'' according to Dean of Students Dave Cozzens.

By viewing this issue through the narrow lens of alcohol-related problems on campus, these college presidents are ignoring the broader societal implications of throwing in the towel on the health and well-being of our young people.

The Amethyst Initiative's solution for reducing binge drinking and preventing underage drinking is to make alcohol more readily available to young people, which will only exacerbate the public health concern of underage drinking.

We believe that such an approach is irresponsible and would lead to more of the tragic consequences associated with underage alcohol use documented in the U.S. Surgeon General's 2007 Call to Action to Prevent and Reduce Underage Drinking.

Teen deaths and injuries, traffic accidents, physical assaults and other violent acts, risky sexual behavior, and school failure, among other potentially lifelong consequences, would increase as a result.

Lowering the drinking age also runs counter to scientific research that shows underage drinking can affect brain development, which we now know continues into the mid-to late twenties. Scientific evidence further shows that underage drinking is related to future alcohol dependence and other substance abuse.

Approximately 96 percent of alcohol-dependent adults started drinking before the age of 21.

For the past 20 plus years, so many have worked tirelessly and diligently to keep our youth and our communities safe and healthy by reducing the prevalence of alcohol use among those under 21, with the current legal drinking age limit a large part of our success.

Although we are under no illusion that problems persist, we must continue to confront them head on, vigilantly and responsibly, and resist easy efforts to turn back the clock and undo years of steady progress.

Seventy-eight percent of Americans oppose lowering the drinking age from 21 to 18, so the public gets the message.

We recognize that colleges have a tremendous problem with binge drinking.

Young people are drinking more aggressively than ever before. The solution is really about changing the culture of alcohol consumption. In many respects, we have achieved this change in culture for youth tobacco use. We must now change the culture as it relates to underage drinking.

The bottom line is children who are connected to family, community and society are less prone to drink alcohol.

It's just a shame that some college administrators didn't do their homework, and our children are the ones who would pay the price.

When children drink, America loses.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through the e-mail address set up for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The increased energy costs have had a profound effect on my ability to meet the needs of myself and my family. My oldest son broke his leg in June 2007. It was a life-threatening break, he is not healing properly and will continue to be unable to work for another six months at a minimum. The family was evicted from their home and are struggling to survive. They receive food stamps and medical assistance, but nothing else. Fortunately I have a trailer house, which they were able to move in to. I currently pay their electricity and transportation to and from medical appointments, getting groceries, etc. not to mention extracurricular activities for the children, as well as my own utilities and gasoline. I have paid nearly $500 per month during the winter months for our electricity and am still paying over $300 each month. My job requires me to travel daily, and I average 500 miles per week in mileage. With the excessive costs of gasoline and electricity, I am currently working 45–50 hours each week and still falling behind on my bills. I do not have credit card debt, but have a student loan I cannot pay and one other small loan. My only other debts consist of a house payment, car payment, and property taxes. I am at risk of losing my house in a year because I cannot pay the taxes. My ex-husband is threatening to take the property away because I cannot afford to pay him $100 per month to finish buying him out. I will be 51 this month and am not in the best of health—but I do what I have to in order to provide for myself and my family. I take medication but am not able to get my prescription filled because I owe the doctor $44 and he will not call in a new script until he is paid. That payment to the doctor is one tank of gas—that is all—and I could die, or worse have a stroke, without my medication. Something needs to change, and soon.

BARBARA, *South Central Idaho.*

I received your email asking for Idahoans' stories related to the increase in gas prices, and I appreciate that these prices are affecting everyone and that you are working to fight them. Further, I support that you fought the Warner-Lieberman bill, though probably not for the reasons that you did. However, I am writing to ask that you do, in fact, seriously consider Representative Ed Markey's new bill, ''Investing in Climate Action Policy Act.'' While I admit that I am unsure of the impact that this bill will have on gas prices, I seriously believe that we must begin to enact bills that combat climate change. Being from Idaho, I am sure that we both appreciate the outdoors and how beautiful places like the Sawtooths and the Frank Church Wilderness are. However, I feel that the beauty that we are currently able to find here is threatened by global warming, and I entreat you to do something

about it. Representative Markey's bill is a good start.

You asked about the priorities that Congress should set in resolving the oil crisis, with ''increasing domestic oil production'' at the top of your list. However, I do not believe that this is a reasonable option. The U.S. hit peak oil years ago, there simply is not that much more to get out of here. Also, when you think of domestic oil, please think of ANWR. Imagine if, instead of in ANWR, oil was found in the Sawtooths. Could you really, in good faith, support taking oil out of the Sawtooths?

Instead, I believe that one of the options you suggested is by far the best. There should be incentives for conservation of oil. Ultimately, the incentive will be more money in your pocket, because quite honestly, I believe the oil prices will keep going up until it becomes too expensive for people to use so freely and they begin to conserve it in order to save money. However, a good short term idea would be to set up incentives and to invest in alternative fuels. Ultimately, we will run out of oil and I only hope that when that time comes we are prepared for it, and prepared to switch entirely to renewable energy sources.

Thank you for your time.

Sincerely,

SAMANTHA, *Boise.*

I am married, with three young kids, ages 9, 7, and 5. I am a detective for the Ada County Sheriff's Office, and I make just over $60,000 a year. My wife works part-time out of our house as a Pampered Chef consultant, and probably makes about $10–15,000 per year, after taxes and deductions.

We have a strict cash budget, and have no debt except for our house. We own a 7-year-old Dodge Durango, and a 14-year-old Chevy Camaro, both gas guzzlers. We are actually in a pretty good financial position, and are blessed.

We currently budget $100 every two weeks for fuel. This increased from about $60 recently. Part of the increase was because we sold our Toyota Corolla (good gas mileage), and got our Camaro (not so good). However, I would blame most of the increase on the rising gas prices. (We sold the Corolla because it was our last debt that we wanted to pay off, and start over debt free.)

We are able to survive on this $100 because we have reduced our driving dramatically. We put a lot more thought into our daily errands, etc. We have been riding our bicycles as much as possible, but only for short distances because of our young kids.

Unfortunately, all of this ''thinking'' about our driving limits our freedom. I have not felt this limited by fuel costs since I was in high school, and barely had a couple bucks to put in my gas tank. This past weekend I took my boys camping. I wanted to go to a favorite place I went to as a kid, but it is four hours away. Because of gas prices, I was not able to do that, and settled on CJ Strike Reservoir, which must be similar to ANWR, a mosquito paradise, so we left a day early after my son got bit 31 times.

We regular citizens are frustrated at the lack of action by our Congress. I am not an economist, but I believe the very statement by our government that we are going to begin using our own natural resources for energy, would potentially reduce gas prices. I realize that the liberals in Congress are the problem. In Idaho, we are blessed by some pretty good representatives.

I appreciate all you can do for our families.

Take care, and God Bless.

MATT, *Meridian.*

You have got to be kidding!! Only $50 more per month? My fuel bills have doubled in the last year and you only think they have gone up $50? What world are you living in? The fact of the matter is, for a farmer in Idaho, our fuel bills have nearly doubled. My fuel bill to deliver my fish has gone from $800 per week to over $1500 per week.

To answer your question, I believe the CEO from Shell when he said to the Senate, the real cost of oil should be between $35 and $60 per barrel—all costs over and above that amount are because of government.

You do not listen, you do not know, and you pretend to care. (There are many issues that have come before Congress that have not taken the public's best interests to heart, and have caused us more expense and trouble. Among those issues are the Public Employees investment funds, domestic oil drilling, Chinese allowed to drill right off our own coast when we cannot, NAFTA, nuclear power support, devaluation of the dollar, terrorists given rights by the Supreme Court.)

(Given my frustration with Congress, you can imagine how I feel about your last statement, ''together we can spur some real action?'' The only thing that seems to happen is the Congress spends more money and expends a lot of hot air.)

It ought to be interesting when fuel gets to $6.

I doubt anyone on your staff will read this; you certainly will not, but have a nice day anyway.

DON, *Buhl.*

I, being a retired person on a fixed income, [find] it is very hard to get by. The prices are up for most everything because of delivery costs. I will be 70 years old this summer and I have no choice but to go cut, split and stack firewood so I can afford to heat my home next winter. The government should have been doing something about it two years ago and not waited until folks are ready to revolt countrywide.

OPEC sells oil for $136.00 a barrel.

OPEC nations buy U.S. grain at $7.00 a bushel.

Solution: Sell grain for $136.00 a bushel.

Cannot afford it, tough! Eat your oil!

Ought to go well with a nice thick grilled filet of camel (steak).

Unsigned.

Since you asked for our energy stories I will submit this one. My wife and I own three vehicles, a 2000 Buick, a 1992 Ford Bronco and a 2006 Suzuki motorcycle (an on-off road type). I ride my bike everywhere I can and my wife takes the car. I scrape the frost off my bike seat some mornings because, for every trip I take the Bronco to work, I can take the bike three times. We have to drive and it takes 30 gallons to fill the Bronco. At $3.94 a gallon, it really adds up. I rode my bike into December last year and broke it out in March this year. If the roads were bare and there was not a threat of snow, I rode it. I remember the 1980s when the speed limit was lowered to 55 mph to conserve fuel so that is what I do now again. If it helped then, I hope it will help now. This is not a noble plan to conserve energy; it is a trial to spend so much on fuel and I can cut costs this way.

Maybe you can explain why our ''friends'' who supply us the oil need to gouge us so badly. Maybe $120.00 for a barrel of wheat would make the point in all export sales going to oil producing nations. And speaking of the high price of gas, do we export wheat and other food grains cheaper than we can buy it here at home? Are our shortages caused by or aided by sales to export markets? If so, that is wrong! We need to take care of American needs first. I really do not mind sharing what I have with my neighbors but I'll feed my kids first.

Thanks for listening,

MARK.

I do appreciate your concern about gas prices for those in Idaho. I lived in Idaho last year when I signed up for your newsletters, I now live in Washington, Tri Cities, where we pay approximately 25 cents more per gallon than most do in Idaho. I am writing because my daughter lives in Sandpoint where gas prices are about the same as here. She has a disabled daughter that requires my daughter to take her to Spokane, Washington, about 70 miles one way. Due to the increase in gas prices, she has had to miss some of her doctor's appointments.

I believe that we have enough domestic oil to keep this country going for at least enough years to allow us to develop an alternative energy source. So I do not understand why that we are paying such high prices, except that the Big Oil Companies are making a fortune off the American People that can hardly afford to feed their families now due to the increase in cost. Also from what I can see, the prices are going to continue to rise and run our economy into the ground due to the greed of the Big Oil.

Put a windfall profit tax on them and they will rethink what they are doing. We cannot afford to keep paying higher prices for gas, which is increasing the cost of everything that is delivered by truck. Our economy is in a downward spiral and, if Congress does not stop it, then there will be no economy left in a couple of years.

ARNOLD, *West Richland, Washington.*

As a United States citizen and fellow Idahoan, I feel the need to share my financial pain with you about what it is like to pay for high fuel (gasoline, diesel) prices. Like anyone with an automobile, I pay more at the pump to the tune of around $50-$100 more per month. I think this pales in comparison to how much more I am paying for any commodity sold through any retail outlet. Nearly everything in the good old U.S.A. travels down our highways, and the extra costs of these goods is eating away at any disposable income I might have had for, let us say, dinner out one night, a night at the movies, etc. My income did not see this exponential rise to help combat the higher cost of living. Therefore I spend less on other things, which in turn, does not help my local economy. Multiply my woes by the hundreds of thousands like me, or worse off than myself, and we will continue to see our economy in decline.

As for a fix, I will give my opinion on this as well. Why is an energy source like crude oil any different from electricity and natural gas? Am I going out on a limb by saying, although my heating and cooling bills have gone up, they haven't quadrupled in the last eight years. Why? Well as you know the government does not allow the companies that sell us power or natural gas to just raise prices whenever they feel like it. Should not we treat big oil companies the same way? What is the difference between the need for one source of power and another?

The U.S. economy is so incredibly dependent on petroleum products, I think it is irresponsible of our government officials to not step in and provide some long term relief for

the U.S. consumer/citizen. Step it up and take control of this situation before we all are made to suffer through a multi-year recession.

Thank you for your time.

TOM, *Lewiston*.

Thank you for your e-letter of this date. In the Big Lost River Valley, mass transit will not be efficient, but neighbors can be increasingly efficient. We and our neighbors are beginning a neighborhood plan whereby we coordinate medical, pharmacy, dental, shopping and other errands, mostly to Idaho Falls, nearly 90 miles distant, to reduce individual gasoline purchases. By previewing times and schedules, we can accomplish numerous tasks in the destination city with fewer vehicles/travel. My neighbors and I agree substantially with the points made in your e-letter: aggressively promote increased domestic production and refining of gas and oil products, nuclear power/electricity production and electric and hydrogen power for automobiles. The unintended consequences of the ethanol program will lead us to proper caution about alternative fuels. Thank you for your good works.

Most respectfully,

DAVID, *Darlington*.

I think the current U.S. government may be on the way to causing civil war!!! You hear it on the streets, how [angry] people are getting at [the inaction. The environmentalists seem to hold undue influence over decisions and legislation from Congress. I do not believe that global warming is a threat. Both political parties have not been able to address the public's concerns about energy, and the federal government just keeps spending more and more taxpayer dollars.]

Drill here, drill now.

Secure the border.

DWAYNE.

My husband and I are seniors; we are in our 70s. We are not suffering as much from the high gas prices as our grandchildren are. Our youngest grandson is 17, and we have grandchildren who are 26. Boise wages are not the greatest, so it is really putting a dent in their budgets when gas prices are so high. I have wanted a decent transit (bus) system in Boise and Ada County forever. We have lived in Boise since June 1970. I came from Portland, Oregon. That is a city that can be very proud of their transit system. The buses run day and night, seven days a week.

I do not know why Boise has to be so slow with progress. A good bus system would be invaluable now. There has to be a transfer system so you can get where you need to go. I wish some of the ''powers that be in Boise'' would go to Portland and study their bus (transit) system.

I have a sister who lives in Salem, Oregon, the state capital, and they have a wonderful bus system also. Boise is a state capital and our bus system is tragic. Look at the gas that could be saved if people could ride buses and could depend on buses. A street car system downtown is not going to help very many people! I do drive, and I drive a large car. I never go downtown, but if there was a good bus system that I could use, I would bus downtown a lot. I live out by 5 Mile and Victory and where I live there are no buses.

Sincerely,

SALLY.

This probably does not fit your agenda, but actually, gasoline prices have been a lot worse. I paid a much higher percentage of my income when I was stationed overseas. The Energy Information Administration says we were reaching much deeper into our pockets to pay for gasoline in 1980 than last year. The real difference is that today's money buys less value. So, the best way the government can keep gasoline affordable is to stop creating inflation. The next thing you could do is require automobile makers to deliver cars that get better mileage. USA cars need to be more competitive.

JIM.

ADDITIONAL STATEMENTS

BROOKLYN-GUERNSEY-MALCOM COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Brooklyn-Guernsey-Malcom Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Brooklyn-Guernsey-Malcom Community School District received a Harkin Grant totaling $435,824 which was used to help renovate the high school. The district also received three fire safety grants totaling $95,800 to upgrade the fire alarm system and make other improvements. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Brooklyn-Guernsey-Malcom Community School District. In particular, I would like to recognize the leadership of the board of education—president Beverly Rens, Bob Parker, Travis Solem, Arlene Ford, Kyle Montgomery, Ed Kline, Larry Pendarvis and former board members Gaynell Conner and LaVerne Kriegel. I would also like to recognize superintendent Brad Hohensee, former superintendent Terry McLeod and high school principal Rick Radcliffe.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Brooklyn-Guernsey-Malcom Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.•

CENTRAL CLINTON COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Central Clinton Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Central Clinton Community School District received a 2000 Harkin grant totaling $259,750 which it used to help build an addition for pre-kindergarten and kindergarten programs at Ekstrand Elementary. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent new schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Central Clinton Community School District. In particular, I would like to recognize the leadership of the board of education—Dr. Kurt Rickard, Dennis Campbell, Jim Irwin, Bill Turnis and Christy Kunz and former board members Jim Hand, Lois Black, Donna Bark, and Theresa Kelly. I would also like to recognize superintendent Dan Peterson, former superintendent Dr. Dan Roe and Mary Reuter, editor of the Dewitt Observer.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Central Clinton Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

CLARKSVILLE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Clarksville Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Clarksville Community School District received a 2002 Harkin grant totaling $139,500 which it used to help renovate classrooms in the elementary school. The district also received two fire safety grants totaling $50,000 to install smoke and heat detectors, emergency lighting, electromagnetic devices and to make other improvements throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Clarksville Community School District. In particular, I would like to recognize the leadership of the board of education—Kurt Wedeking, Sharon Markussen, Chris Fenneman, Joyce Freese and Chris Backer and former board members Paul Leerhoff, Dave Bolin, Pat Mennenga, Kim Bergman, Joe Wedeking and Dale Harris. I would also like to recognize superintendent Bob Longmuir, former superintendent Randall Nichols, former junior/high school principal Bob Satthoff, elementary principal Linda Johnson, board secretary Shellee Bartlett and former board secretary Diane Renning, StruXture Architecture and Prairie Construction.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Clarksville Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

CLINTON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Clinton Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Clinton Community School District received a 2002 Harkin grant totaling $1 million which it used to help build a new elementary school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a $100,000 fire safety grant for repairs at Washington Middle School.

Excellent new schools like Jefferson do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Clinton Community School District. In particular, I would like to recognize the leadership of the board of education—James Tuisl, Dave Frett, Thea

Engelson, Joani Kittoe, Wendy Krajnovich, Stephen Teney and Mercia Wolfe and former board members Bruce Ingram, James Bruhn, Dr. Donald Flory, Debra Olsen, Les Shields, Alma Mariano, Brian Angwin and Jennifer Graf. I would also like to recognize superintendent Dr. Richard Basden, former superintendent Dr. Randall Clegg, business manager Gayle Isaac, plant services director Gregg Cornilsen, Jefferson principal Bonnie Freitag and former Jefferson principal Michelle Pearson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Clinton Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

DUBUQUE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Dubuque Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire-safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Dubuque Community School District received a 2002 Harkin grant totaling $260,000 which it used to help install elevators at Fulton Elementary and Bryant Elementary. The district also received three fire safety grants totaling $654,089 to make fire alarm improvements at Dubuque Senior High School, Hempstead High School and Jefferson Junior High School and to make safety improvements at Washington Junior High School. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Dubuque Community School District. In particular, I would like to recognize the leadership of the board of education president Larry Loeppke, vice president Donna Bauerly, Mike Brannon, George Davis, Otto Krueger, Adam Menning and David Patton, and former board members Parker Bauer, Michelle Covey, Eldon Herrig, Steve Hodge, Jay Schiesl, Ed Zaccaro, Karen Behr, Doug Horstmann, Tonya Thul-Theis, Tom Barton, Cammie Dean and Ted Strieber. I would also like to recognize superintendent John Burgart, former superintendent Dr. Jane Petrek, former executive director of business services Joseph Link, former manager of building and grounds Robert S. White, Sr., former Jefferson Principal Duane Frick, former Washington principal Art Roling, former senior high principal Larry Mitchell, former Hempstead principal David Olson, former Bryant principal Lesley Stephens and former Fulton principal Roy Hansen.

As we mark the tenth anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Dubuque Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

EMMETSBURG COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Emmetsburg Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Emmetsburg Community School District received a 2001 Harkin grant totaling $133,333 which was used to help build an addition on an elementary school. The district has also received $110,085 since 2000 in fire safety grants which have been used to improve the fire safety doors, alarms and smoke detectors in all their buildings. The federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Emmetsburg Community School District. In particular, I would like to recognize the leadership of the board of education Karla Anderson, Dave Van Oosbree, Kent Egland, Don Hagen, Steve Pelzer, Linda Tienter and Laurie Oppenheimer and former board members Gary Kauffman, Dean Gunderson, Mary Cooper, Mike Brown, David Kassel, Kris Ausborn and Steve Nelson. I would also like to recognize superintendent John Joynt and former superintendent Paul Tedesco.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Emmetsburg Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

MAPLE VALLEY COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Maple Valley Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Maple Valley Community School District received 2002 and 2003 Harkin grants totaling $690,000 which it used to help renovate the high school into a new elementary school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received six fire safety grants totaling $148,300 to install fire safety doors and update wiring and fire detection systems across the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Maple Valley Community School District. In particular, I would like to recognize the leadership of the board of education—Kathy Dirksen, Ed Maier, Joanne Maynard, Dale Wimmer, and Tammy Flanigan, as well as former board member Tracy Hesse. I would also like to recognize superintendent Steve Oberg, fire marshall Amy Fratzke, grant writer Linda Steele, Heath Opfer of Radec Construction, and site architect Mike Berg of DLR Group.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Maple Valley Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

SHELDON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Sheldon Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Sheldon Community School District received a 2001 Harkin grant totaling $500,000 which was used to help build a new middle school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received two fire safty grants totaling $75,000 to improve their alarms, smoke detectors and fire safety doors. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Sheldon Community School District. In particular, I would like to recognize the leadership of the board of education Dan Van Gorp, Gary Ihnen, Kecia Hickman, Glen Goedken and Harlan Bousema and former board members Linda Porter, John Boender and Tom Whorley. I would also like to recognize superintendent Robin Spears, middle school principal Cindy Barwick and Gene Den Hartog.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Sheldon Community School District.

There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

SPENCER COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Spencer Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Spencer Community School District received a 2003 Harkin grant totaling $500,000 which it used to help build a science classroom addition to the high school and remodel family and consumer science classrooms. The district also received two fire safety grants totaling $200,000 for a new fire alarm system at the high school and other improvements in schools throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Spencer Community School District. In particular, I would like to recognize the leadership of the board of education—Edward Ver Steeg, Barb Van Wyk, Dean Mechler, Dave Schlichtemeier and Les Zobrist and former board members Ross Brockshus, Randy Van Dyke, Sue Harman and Scott De Geest. I would also like to recognize superintendent Greg Ebeling, former superintendent Glen Lohman, assistant superintendent Kathy Elliott, former high school principal Mike Healy and grant writer Mary Maly.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Spencer Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

VINTON-SHELLSBURG COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Vinton-Shellsburg Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Vinton-Shellsburg Community School District received a 2005 Harkin grant totaling $400,000 to renovate two schools. The grant enabled the school district to build a new commons area and to add an elevator at the building in Shellsburg. The district also made renovations, installed air-conditioning and built additional classrooms and restrooms at Tilford Elementary School.

This project was part of a comprehensive multimillion dollar plan to provide the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. The United 4 Kids campaign committee worked tirelessly to pass a $15.1 million bond issue to build a new high school and make improvements throughout the district.

Excellent new schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Vinton-Shellsburg Community School District. In particular, I would like to recognize John Anderson for his involvement with the United 4 Kids committee and generously donating 35 acres for the new high school. I would also like to recognize the leadership of the board of education—Brad Allyn, Patrick Lyons, Kathy Tranel, Gerald Horst, Jo Sainbury, Todd Wiley and Tim Bird as well as superintendent Randy Braden, high school principal Jay Pedersen, Shellsburg principal Shelly Petersen and Tilford principal Jim Murray.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Vinton-Shellsburg Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

TRIBUTE TO SKIP CARAY

● Mr. ISAKSON. Mr. President, today I mourn the passing and pay tribute to a great Georgian. Broadcaster Skip Caray passed away in his suburban Atlanta home on August 3, 2008, leaving a tremendous void in the hearts of Atlanta Braves fans nationwide.

After years of calling basketball and hockey games in St. Louis and Atlanta, Skip Caray began broadcasting for the Braves in 1976. Baseball was in his blood, and while their styles were different, Skip brought the same warmth and humor to his calls as his famous father, Harry, delivered to the Chicago Cubs for years. Skip Caray passed his love for the game on to his sons, Chip and Josh, both of whom found careers in the same profession as their father.

As a broadcaster for TBS, Skip Caray's voice was not only familiar to baseball fans in the South, but millions around the country. Whether it was the many years that the Braves spent in the depths of their division or the 14 consecutive seasons at the top, Caray provided the voice of a friend who shared the same passion for ''America's Team'' that the fans did. No Braves fan will ever forget Skip urging Sid Bream around third base and into the World Series in 1992 or his elation as the Braves won it all in 1995.

In 2004, Caray was elected to the Atlanta Braves Hall of Fame. At his induction, his mentor, Ernie Johnson, Sr., said that Caray ''had a bigger heart than anyone can imagine.'' Skip Caray will be sorely missed and will remain in Atlanta Braves fans' hearts forever.●

HONORING CONGDON'S DOUGHNUTS

● Ms. SNOWE. Mr. President, as our Nation and our world become increasingly complex and fast paced, it may seem easy to lose track of the simple but essential ties that bind us to those in our communities. It is with pleasure that I recognize a small family business from my home State of Maine that has succeeded in ushering a timeless classic into the modern world. Congdon's Doughnuts in Wells has been a York County institution for well over 50 years, providing tasty treats and community support for generations of locals and tourists.

For the early riser among us, few indulgences are more appealing than a sticky sweet doughnut and a fresh-brewed cup of coffee. Congdon's Doughnuts has provided just that to thousands of customers as it has churned out up to 10,000 homemade doughnuts a day for three generations. Founded in 1945, and located at its current site since 1955, the company has undergone many of the trials and tribulations that often challenge America's small businesses. Yet through the hard work and unwavering dedication of the Congdon family and their employees, the business has transformed itself from a small wholesale doughnut operation to a three-meal-a-day restaurant and bakery. Under present managers Gary Leech, son of Eleanor Congdon, and his wife Diane Leech, Congdon's also added a convenient drive-thru in 2002 for those on the go. The firm has been so successful that this past March, the Best Independent Restaurants Association awarded Congdon's Doughnuts its highest level of recognition, the prestigious Best Family Restaurant Platinum Plate Award.

While known for providing plentiful options for breakfast, lunch, and dinner, the centerpiece of the Congdon enterprise remains its timeless and highly acclaimed doughnuts. With dozens of tempting and delicious varieties of the traditional breakfast morsels, from cinnamon and coconut to chocolate honey and apple fritter, Congdon's has something to satisfy any doughnut eater and has garnered acclaim both locally and nationally. Indeed, Portland Magazine, a regional publication, has placed Congdon's doughnuts on its list of ''101 of Maine's Guiltiest Guilty Pleasures,'' and in 2007 Congdon's was included on the Doughnut Honor Roll of seriouseats.com, the Web site of famed food critic Ed Levin.

While Congdon's has long been involved in local charitable and community efforts, for the last 2 years it has institutionalized the commitment to its neighbors by joining other local businesses to host weekly benefit barbeques. Every Wednesday in July and August, community members come together for fun-filled tropical-themed parties. Ticket sales for these popular events have raised money for local and national charities and organizations including the American Heart Association, Southern Maine Parent Awareness, and Trolley for Togus, which provides transportation for York County veterans to Maine's VA hospital. Additionally, last December Congdon's offered its guests holiday cards to sign for our Nation's soldiers, and then sent over 500 of them to men and women serving in Iraq.

Congdon's Doughnuts exemplifies the best qualities of being both a prosperous business and a caring neighbor. It is with great pride that I congratulate Condgon's on its decades of successes and I wish them the best of luck for the future as they continue to reach new heights as a purveyor of delectable treats and old-fashioned American cuisine.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:24 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker signed the following enrolled bill:

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

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 2:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1485. An act for the relief of Esther Karinge.

H.R. 2760. An act for the relief of Shigeru Yamada.

H.R. 5030. An act for the relief of Corina de Chalup Turcinovic.

H. R. 5243. An act for the relief of Kumi Iizuka-Barcena.

At 6:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 996. An act to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.

S 3406. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2608) to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.

At 6:35 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2339. An act to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

At 7:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6064. An act to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7582. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Area Navigation (RNAV) and Miscellaneous Amendments'' ((RIN2120-AH77)(Docket No. FAA-2002-14002)) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7583. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Legal Descriptions of Multiple Federal Airways in the Vicinity of Farmington, NM'' ((RIN2120-AA66)(Docket No. 08-ANM-2)) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7584. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Implementing the Maintenance Provisions of Bilateral Agreements'' ((RIN2120-AI19)(Docket No. FAA-2004-17483)) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7585. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Recording of Major Repairs and Major Alterations'' (RIN2120-AJ11) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7586. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Implementing the Maintenance Provisions of Bilateral Agreements'' ((RIN2120-AI19)(Docket no. FAA-2004-17483)) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7587. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Fees for Certification Services and Approvals Performed Outside the United States'' ((RIN2120-AI77)(Docket No. FAA-2007-27043)) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7588. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Phillipsburg, KS'' ((RIN2120-AA66)(Docket No. 06-ACE-13)) received on August 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7589. A communication from the Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report entitled ''Report to Congress: Minerals Management Service Royalty In Kind Operation Program'' for Fiscal Year 2007; to the Committee on Energy and Natural Resources.

EC–7590. A communication from the Chairman, Federal Regulatory Commission, transmitting, pursuant to law, the Commission's annual report, covering the fiscal year from October 1, 2006, through September 30, 2007; to the Committee on Energy and Natural Resources.

EC–7591. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Update to Congress On the Russian Surplus Fissile Materials Disposition Program''; to the Committee on Energy and Natural Resources.

EC–7592. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''North Dakota Regulatory Program'' (ND-050-FOR) received on September 8, 2008; to the Committee on Energy and Natural Resources.

EC–7593. A communication from the Commissioner of the Social Security Administration, transmitting the report of a proposed bill to make amendments to the Old-Age, Survivors, and Disability Insurance program and the Supplemental Security Income program; to the Committee on Finance.

EC–7594. A communication from the Commissioner of the Social Security Administration, transmitting the report of a proposed bill to make program and administrative improvements to the Old-Age, Survivors, and Disability program, the Supplemental Security Income program, and the Special Benefits for Certain World War II Veterans program; to the Committee on Finance.

EC–7595. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Economic Stimulus Act of 2008 Business Incentives'' (Rev. Proc. 2008-54) received on September 8, 2008; to the Committee on Finance.

EC–7596. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Forchlorfenuron; Permanent and Time-Limited Pesticide Tolerances'' (FRL-8375-4) received on August 18, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7597. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt; Removal of Regulated Areas in Texas'' (Docket No. APHIS-2007-0157) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7598. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish'' ((RIN0579-AC74)(Docket No. APHIS-2007-0038)) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7599. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Specialty Crop Block Grant Program—Farm Bill; Notice of Request for Approval of a New Information Collection'' ((RIN0581-AC88)(Docket No. AMS-FV-08-0057)) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7600. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendment of General Regulations for Fruit, Vegetable, and Nut Marketing Agreements and Marketing Orders; Addition of Supplemental Rules of Practice for Amendatory Formal Rulemaking Proceedings'' (Docket No. AMS-FV-08-0061) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7601. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Domestic Dates Produced or Packed in Riverside County, California; Decreased Assessment Rate'' (Docket No. AMS-FV-08-0056) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7602. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California; Decreased Assessment Rate'' (Docket No. AMS-FV-08-0060) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7603. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendment of General Regulations for Federal Milk Marketing Agreements and Marketing Orders; Addition of Supplemental Rules of Practice for Amendatory Formal Rulemaking Proceedings'' (Docket No. DA-08-04) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7604. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Fluid Milk Processor Promotion Program'' (Docket No. DA-07-05) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7605. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Northeast and Other Marketing Areas; Delay of Effective Date'' (Docket No. AMS-DA-07-0026) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7606. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Direct Single Family Housing Loans and Grants (7 CFR Part 3550)'' (RIN0575-AC69) received on September 8, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7607. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraflufen-ethyl; Time-Limited Pesticide Tolerances'' (FRL No. 8377-6) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7608. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebuconazole; Pesticide Tolerances'' (FRL No. 8376-7) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7609. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Uniconazole-P; Pesticide Tolerances'' (FRL No. 8376-6) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7610. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fludioxonil; Pesticide Tolerances'' (FRL

No. 8379-9) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7611. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorantraniliprole; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8378-2) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7612. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazox; Pesticide Tolerances'' (FRL No. 8378-8) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7613. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Linuron; Pesticide Tolerance for Emergency Exemptions'' (FRL No. 8379-6) received on September 2, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7614. A communication from the Acting Administrator, General Services Administration, transmitting, a report of an additional prospectus relative to the General Services Administration's Fiscal Year 2009 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC–7615. A communication from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting the report of a draft bill entitled ''Expand, Protect, and Conserve our Nation's Water Resources Act''; to the Committee on Environment and Public Works.

EC–7616. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Small Entity Compliance Guide to Renovate Right: EPA's Lead-Based Paint Renovation, Repair, and Painting Program; Notice of Availability'' received on September 9, 2008; to the Committee on Environment and Public Works.

EC–7617. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Priorities List, Final Rule'' (FRL No. 8710-8) received on September 2, 2008; to the Committee on Environment and Public Works.

EC–7618. A communication from the Chief, Listing of Endangered Species Branch, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Bay Checkerspot Butterfly (Euphydryas editha bayensis)'' (RIN1018-AV24) received on September 8, 2008; to the Committee on Environment and Public Works.

EC–7619. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulagation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Nashville/Davidson County Portion'' (FRL No. 8705-3) received on August 18, 2008; to the Committee on Environment and Public Works.

EC–7620. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Chapter 117 and Emission Inventories for the Dallas/Fort Worth 8-Hour Ozone Nonattainment Area'' (FRL No. 8704-8) received on August 18, 2008; to the Committee on Environment and Public Works.

EC–7621. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Plans; North Carolina: Miscellaneous Revisions'' (FRL No. 8706-4) received on August 18, 2008; to the Committee on Environment and Public Works.

EC–7622. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Residues of Quaternary Ammonium Compounds, N-Alkyl (C12-18) dimethyl benzyl ammonium chloride on Food Contact Surfaces; Exemption from the Requirement of a Tolerance'' (FRL No. 8376-9) received on August 18, 2008; to the Committee on Environment and Public Works.

EC–7623. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of the Federal Water Quality Standards Use Designations for Soda Creek and Portions of Canyon Creek, South Fork Coeur d'Alene River, and Blackfoot River in Idaho'' (FRL No. 8706-7) received on August 18, 2008; to the Committee on Environment and Public Works.

EC–7624. A communication from the Chief, Listing of Endangered Species Branch, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Acanthomintha ilicifolia (San Diego thornmint)'' (RIN1018-AU86) received on September 16, 2008; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3341. A bill to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999 (Rept. No. 110–468).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2907. A bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes (Rept. No. 110–469).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN:

S. 3503. A bill to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SALAZAR:

S. 3504. A bill to provide technical corrections to the Technology Administration Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. ISAKSON):

S. 3505. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Finance.

By Mr. REID (for Mr. OBAMA):

S. 3506. A bill to amend the Internal Revenue Code of 1986 to increase the credit for purchase of vehicles fueled by natural gas or liquefied natural gas and to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize the Clean School Bus Program of the Environmental Protection Agency; to the Committee on Finance.

By Mr. REED (for himself, Mr. KENNEDY, Mr. BAUCUS, Ms. STABENOW, Mrs. BOXER, Mr. OBAMA, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. BROWN, Mr. DURBIN, Mr. LEVIN, Mr. ROCKEFELLER, Mr. KERRY, Mr. BIDEN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. HARKIN, and Mr. DODD):

S. 3507. A bill to provide for additional emergency unemployment compensation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL:

S. 3508. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. CARDIN):

S. 3509. A bill to address the ongoing humanitarian crisis in Iraq and potential security breakdown resulting from the mass displacement of Iraqis inside Iraq and as refugees into neighboring countries; to the Committee on Foreign Relations.

By Mr. BUNNING:

S. 3510. A bill to prohibit the Board of Governors of the Federal Reserve System from making funds available at a discount rate to private individuals, partnerships, and corporations; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON (for herself, Mrs. FEINSTEIN, Mr. BENNETT, Mr. DODD, Mr. HAGEL, Mr. SCHUMER, and Mr. ALEXANDER):

S. 3511. A bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. BINGAMAN, and Mr. KOHL):

S. 3512. A bill to require the Secretary of Health and Human Services to remove social security account numbers from Medicare identification cards and communications provided to Medicare beneficiaries in order to protect Medicare beneficiaries from identity theft; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mrs. BOXER):

S. 3513. A bill to direct the Administrator of the Environmental Protection Agency to

revise regulations relating to lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 663. A resolution expressing concern over the current Federal policy that allows the exportation of toxic electronic waste to developing nations, and expressing the sense of the Senate that the United States should join other developed nations and ban the exportation of toxic electronic waste to developing nations; to the Committee on Environment and Public Works.

By Mrs. DOLE:

S. Res. 664. A resolution celebrating the centennial of Union Station in Washington, District of Colombia; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 215

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 215, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 505

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 625

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from California (Mrs. BOXER), the Senator from Michigan (Mr. LEVIN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States Merchant Marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1232

At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1738

At the request of Mr. REID, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Indiana (Mr. LUGAR), the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. DODD) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1981

At the request of Mr. REED, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1981, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2619

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2641

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2641, a bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 2668

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2776

At the request of Ms. CANTWELL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2776, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 2919

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2919, a bill to promote the accurate transmission of network traffic identification information.

S. 3200

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3200, a bill to develop capacity and infrastructure for mentoring programs.

S. 3246

At the request of Mr. CARDIN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 3246, a bill to amend the

Internal Revenue Code of 1986 to allow the Secretary of the Treasury to set the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction.

S. 3331

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3331, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 3344

At the request of Mr. COBURN, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Florida (Mr. MARTINEZ) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3344, a bill to defend against child exploitation and child pornography through improved Internet Crimes Against Children task forces and enhanced tools to block illegal images, and to eliminate the unwarranted release of convicted sex offenders.

S. 3356

At the request of Mr. CHAMBLISS, the names of the Senator from New York (Mrs. CLINTON), the Senator from Delaware (Mr. CARPER), the Senator from Virginia (Mr. WEBB), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

At the request of Mr. ISAKSON, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Minnesota (Mr. COLEMAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Idaho (Mr. CRAPO), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mr. MARTINEZ), the Senator from Alabama (Mr. SESSIONS), the Senator from Louisiana (Mr. VITTER), the Senator from Delaware (Mr. BIDEN), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 3356, supra.

S. 3367

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3367, a bill to amend title XVIII of the Social Security Act to revise the timeframe for recognition of certain designations in certifying rural health clinics under the Medicare program.

S. 3421

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 3421, a bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate for charitable purposes to the standard mileage rate established by the Secretary of the Treasury for business purposes.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3471

At the request of Mr. DEMINT, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 3471, a bill to prohibit government-sponsored enterprises from making lobbying expenditures, political contributions, or other certain contributions.

S. 3483

At the request of Mr. ENSIGN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3483, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 3484

At the request of Mr. SPECTER, the names of the Senator from California (Mrs. BOXER), the Senator from Montana (Mr. TESTER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3484, a bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

S. 3489

At the request of Mrs. CLINTON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3489, a bill to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

S. 3498

At the request of Mr. VOINOVICH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3498, a bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line.

S. RES. 616

At the request of Mrs. LINCOLN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. Res. 616, a resolution reducing maternal mortality both at home and abroad.

S. RES. 660

At the request of Mr. NELSON of Florida, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 660, a resolution condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan.

S. RES. 661

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 661, a resolution supporting the goals and ideals of National Spina Bifida Awareness Month.

S. RES. 662

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. Res. 662, a resolution raising the awareness of the need for crime prevention in communities across the country and designating the week of October 2, 2008, through October 4, 2008, as ''Celebrate Safe Communities'' week.

AMENDMENT NO. 5269

At the request of Mr. CORKER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 5269 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5302

At the request of Mr. NELSON of Florida, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 5302 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5330

At the request of Mr. CORNYN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAIG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. THUNE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 5330 intended to be proposed to S. 3001, an original bill

to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5339

At the request of Mr. ALEXANDER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 5339 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5363

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 5363 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5374

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 5374 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5406

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 5406 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5509

At the request of Mr. BAYH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 5509 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5517

At the request of Mr. BAYH, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 5517 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5519

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 5519 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5520

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 5520 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5538

At the request of Mr. CORKER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 5538 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5542

At the request of Mrs. CLINTON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 5542 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5567

At the request of Mr. REID, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 5567 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5572

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 5572 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5592

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 5592 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5596

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 5596 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5601

At the request of Mr. REID, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 5601 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5602

At the request of Mr. REID, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 5602 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year

2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5608

At the request of Mr. CORNYN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAIG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. THUNE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 5608 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. ISAKSON):

S. 3505. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I join my colleague, Senator LINCOLN of Arkansas, to introduce the Medicare Home Infusion Coverage Act, which will help us improve care and reduce costs. Today we know that the average Medicare beneficiary must shoulder nearly half their health care costs. At the same time Medicare faces serious fiscal challenges. Currently, the Part A, hospital, Trust Fund faces insolvency in 2019, when expenditures will exceed projected contributions and require additional taxpayer support to maintain the care our seniors and so many disabled Americans require.

There is another way, and that is to reform care delivery to emphasize high quality, lower cost care. Today the many serious conditions—including some cancers and drug-resistant infections—require the use of infusion therapy. Such treatment involves the administration of medication directly into the bloodstream via a needle or catheter. Specialized equipment, supplies, and professional services (such as sterile drug compounding, care coordination, and patient education and monitoring) are part of such therapy. The course of infusion treatment often lasts for several hours per day over a six-to-eight week period.

The unfortunate fact is that Medicare patients requiring infusion therapy must either bear that cost themselves, or endure hospitalization in order to receive coverage. Though Medicare pays for infusion drugs, it does not pay for the services, equipment, and supplies necessary to safely provide infusion therapy in the home. Not surprisingly, even though home infusion therapy may cost as little as $100 a day, too few seniors can bear that cost.

The result is that patients are hospitalized needlessly, driving costs of treatment as much as 10–20 times higher than treatment in the home. That is wasteful to Medicare and may even place the patient at risk. That is because unnecessary hospitalization places individuals at risk of acquiring a health care-acquired infection—one which is frequently drug resistant and can be life-threatening.

Private health plans have long understood that home infusion therapy is not only less costly, but safer as well. Thus private coverage for home infusion therapy is common. Private plans also recognize that patients benefit from avoiding hospitalization. At home they have familiar, comfortable surroundings, and family conveniently at hand—no small concerns when fighting a serious illness.

It is clear we must change the status quo, and achieve safer, most cost-effective treatment. By extending coverage of infusion therapy to the home, we will correct this unintended and unnecessary gap in Medicare coverage.

I hope my colleagues will join us in support of this legislation so we may further the goals of improving patient safety and reducing our escalating health care costs.

By Mr. REED (for himself, Mr. KENNEDY, Mr. BAUCUS, Ms. STABENOW, Mrs. BOXER, Mr. OBAMA, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. BROWN, Mr. DURBIN, Mr. LEVIN, Mr. ROCKEFELLER, Mr. KERRY, Mr. BIDEN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. HARKIN, and Mr. DODD):

S. 3507. A bill to provide for additional emergency unemployment compensation; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3507

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unemployment Compensation Extension Act of 2008''.

SEC. 2. ADDITIONAL FIRST-TIER BENEFITS.

Section 4002(b)(1) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in subparagraph (A), by striking ''50'' and inserting ''80''; and

(2) in subparagraph (B), by striking ''13'' and inserting ''20''.

SEC. 3. SECOND-TIER BENEFITS.

Section 4002 of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended by adding at the end the following:

''(c) SPECIAL RULE.—

''(1) IN GENERAL.—If, at the time that the amount established in an individual's account under subsection (b)(1) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be augmented by an amount equal to the lesser of—

''(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law, or

''(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

''(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

''(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

''(i) were applied by substituting '4' for '5' each place it appears; and

''(ii) did not include the requirement under paragraph (1)(A) thereof; or

''(C) such a period would then be in effect for such State under such Act if—

''(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

''(ii) such section 203(f)—

''(I) were applied by substituting '6.0' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.''.

SEC. 4. PHASEOUT PROVISIONS.

Section 4007(b) of the Supplemental Appropriations Act, 2008 (26 U.S.C. 3304 note) is amended—

(1) in paragraph (1), by striking ''paragraph (2),'' and inserting ''paragraphs (2) and (3),''; and

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

''(2) NO AUGMENTATION AFTER MARCH 31, 2009.—If the amount established in an individual's account under subsection (b)(1) is exhausted after March 31, 2009, then section 4002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

''(3) TERMINATION.—No compensation under this title shall be payable for any week beginning after November 27, 2009.''.

SEC. 5. TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.

With respect to weeks of unemployment beginning after the date of enactment of this Act and ending on or before December 8, 2009, subparagraph (B) of section 204(a)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall not apply.

SEC. 6. EFFECTIVE DATE.

The amendments made by sections 2, 3, and 4 shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008.

By Mr. KOHL:

S. 3508. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. KOHL. Mr. President, today I am doing my part to end the growing crisis of high school dropouts. I am introducing the Fast Track to College Act, a bill to increase high school graduation rates and improve access to college through the expansion of dual enrollment programs and early college high schools. Such programs allow young people to earn up to 2 years of college credit, including an associate's degree, while also earning their high school diploma.

As we work to reauthorize the No Child Left Behind Act, we must find solutions to the growing dropout crisis facing our Nation's high schools and provide opportunities for young people to pursue higher education. Recent reports have illustrated the enormous challenge: the national graduation rate is only 70 percent and is significantly lower in many large urban school districts. For example, my home State of Wisconsin has a relatively high graduation rate of 86 percent, but that rate drops to only 46 percent in the urban schools in Milwaukee. Such an achievement gap cannot continue.

For America to remain a leader in today's increasingly global economy, we must ensure that all young people obtain not only a high school diploma, but a postsecondary education as well. High dropout rates and low college attendance rates hurt individuals, families, and society. Young people who drop out of high school are at increased risk for unemployment and incarceration, and they are more likely to depend on public assistance for healthcare, housing and other basic needs. Conversely, adults with a bachelor's degree will earn two thirds more than a high school graduate over the course of their working lives and are much less likely to experience unemployment or rely on social programs.

For these reasons, I ask my colleagues to support this bill, which provides competitive grant funding for dual enrollment programs that allow low-income students to earn college credit and a high school diploma at the same time. The Gates Foundation has been funding and evaluating such programs for several years now, and they have found that these programs work. Students can be motivated by a challenging curriculum and the tangible rewards of achievement, including free college credit and exposure to career opportunities. These programs have shown incredible promise as a tool for increasing attendance, graduation, and college enrollment rates, particularly among low-income high school students. Dual enrollment puts students on the fast track to college and increases the odds that they will not only graduate, but go on to continue their education and secure higher-paying jobs.

Specifically, this bill authorizes $100,000,000 for competitive 6-year grants to schools, with priority given to schools that serve low-income students. The funding will help defray the costs of tuition, textbooks, transportation, and other associated costs for students in early college high school and other dual enrollment programs. The bill also includes an evaluation component so we can measure the program's effectiveness.

I believe this investment in our schools will help solve the dropout crisis and secure America's future by ensuring that all young people can compete in today's global economy. Further, I believe that all children, regardless of income or other factors, deserve equal opportunities to fulfill their potential, and it is both morally and fiscally responsible for this Congress to invest in high-quality educational programs that help them reach that potential.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3508

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fast Track to College Act of 2008''.

SEC. 2. PURPOSE.

The purpose of this Act is to increase high school graduation rates and the percentage of students who complete a recognized postsecondary credential by the age of 26, including among low-income students and students from other populations underrepresented in higher education.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) DUAL ENROLLMENT PROGRAM.—The term ''dual enrollment program'' means an academic program through which a high school student is able simultaneously to earn credit toward a high school diploma and a postsecondary degree or certificate.

(2) EARLY COLLEGE HIGH SCHOOL.—The term ''early college high school'' means a high school that provides a course of study that enables a student to earn a high school diploma and either an associate's degree or one to two years of college credit toward a postsecondary degree or credential.

(3) EDUCATIONAL SERVICE AGENCY.—The term ''educational service agency'' means an educational service agency as defined by section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means a local educational agency, which may be an educational service agency, in a collaborative partnership with an institution of higher education. Such partnership also may include other entities, such as a nonprofit organization with experience in youth development.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' means an institution of higher education as defined by section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(6) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' means a local educational agency as defined by section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) EARLY COLLEGE HIGH SCHOOLS.—To support early college high schools under this Act, there are authorized to be appropriated $50,000,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2014.

(b) OTHER DUAL ENROLLMENT PROGRAMS.—To support other dual enrollment programs under this Act, there are authorized to be appropriated $50,000,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2014.

(c) FUNDS RESERVED.—The Secretary shall reserve 3 percent of funds appropriated pursuant to subsection (b) for grants to States under section 9.

SEC. 5. AUTHORIZED PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to award six-year grants to eligible entities seeking to establish a new or support an existing early college high school or other dual enrollment program.

(b) GRANT AMOUNT.—A grant under this Act shall not exceed $2,000,000.

(c) MATCHING REQUIREMENT.—

(1) IN GENERAL.—An eligible entity shall contribute matching funds toward the costs of the early college high school or other dual enrollment program to be supported under this Act, of which not less than half shall be from non-Federal sources, which funds shall represent not less than the following:

(A) 20 percent of the grant amount received in each of the first and second years of the grant.

(B) 30 percent in each of the third and fourth years.

(C) 40 percent in the fifth year.

(D) 50 percent in the sixth year.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—The Secretary shall allow an eligible entity to satisfy the requirement of this subsection through in-kind contributions.

(d) SUPPLEMENT, NOT SUPPLANT.—An eligible entity shall use a grant received under this Act only to supplement funds that would, in the absence of such grant, be made available from non-Federal funds for support of the activities described in the eligible entity's application under section 7, and not to supplant such funds.

(e) PRIORITY.—In awarding grants under this Act, the Secretary shall give priority to applicants—

(1) that propose to establish or support an early college high school or other dual enrollment program that will serve a student population of which 40 percent or more are students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)); and

(2) from States that provide assistance to early college high schools or other dual enrollment programs, such as assistance to defray the costs of higher education, such as tuition, fees, and textbooks.

(f) GEOGRAPHIC DISTRIBUTION.—The Secretary shall, to the maximum extent practicable, ensure that grantees are from a representative cross-section of urban, suburban, and rural areas.

SEC. 6. USES OF FUNDS.

(a) MANDATORY ACTIVITIES.—An eligible entity shall use grant funds received under section 5 to support the activities described in its application, including for the following:

(1) PLANNING YEAR.—In the case of a new early college high school or dual enrollment program, during the first year of the grant—

(A) hiring a principal and staff, as appropriate;

(B) designing the curriculum and sequence of courses in collaboration with at a minimum, teachers from the local educational agency and faculty from the partner institution of higher education;

(C) educating parents and the community about the school;

(D) recruiting students;

(E) liaison activities among partners in the eligible entity; and

(F) coordinating secondary and postsecondary support services, academic calendars, and transportation.

(2) IMPLEMENTATION PERIOD.—During the remainder of the grant period—

(A) academic and social support services, including counseling;

(B) student recruitment and community education and engagement;

(C) professional development, including joint professional development for secondary school and faculty from the institution of higher education; and

(D) school design and planning team activities, including curriculum development.

(b) ALLOWABLE ACTIVITIES.—An eligible entity may also use grant funds received under this Act to otherwise support the activities described in its application, including—

(1) purchasing textbooks and equipment that support academic programs;

(2) learning opportunities for students that complement classroom experiences, such as internships, career-based capstone projects, and opportunities provided under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.);

(3) transportation;

(4) planning time for high school and college educators to collaborate; and

(5) data collection, sharing, reporting, and evaluation.

SEC. 7. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 5, an eligible entity shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary determines to be appropriate.

(b) CONTENTS OF APPLICATION.—At a minimum, the application described in subsection (a) shall include a description of—

(1) the early college high school's or other dual enrollment program's budget;

(2) each partner in the eligible entity and its experience with early college high schools or other dual enrollment programs, key personnel from each partner and their responsibilities for the early college high school or dual enrollment program, and how the eligible entity will work with secondary and postsecondary teachers, other public and private entities, community-based organizations, businesses, and labor organizations to ensure that students will be prepared to succeed in postsecondary education and employment, which may include the development of an advisory board;

(3) how the eligible entity will target and recruit at-risk youth, including those at risk of dropping out of school, first generation college students, and students from populations described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(4) a system of student supports for students in the early college high school or other dual enrollment program, including small group activities, tutoring, literacy and numeracy skill development in all academic disciplines, parental outreach, extended learning time, and college readiness activities, such as early college academic seminars and counseling;

(5) in the case of an early college high school, how a graduation and career plan will be developed, consistent with State graduation requirements, for each student and reviewed each semester;

(6) how parents or guardians of dually enrolled students will be informed of the students' academic performance and progress and, subject to paragraph (5), involved in the development of the students' career and graduation plan;

(7) coordination activities between the institution of higher education and the local educational agency, including regarding academic calendars, provision of student services, curriculum development, and professional development;

(8) how the eligible entity will ensure that teachers in the early college high school or other dual enrollment program receive appropriate professional development and other supports, including to enable the teachers to help English-language learners, students with disabilities, and students from diverse cultural backgrounds to succeed;

(9) learning opportunities for students that complement classroom experiences, such as internships, career-based capstone projects, and opportunities provided under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.);

(10) a plan to ensure that postsecondary credits earned will be transferable to, at a minimum, public institutions of higher education within the State, consistent with existing statewide articulation agreement;

(11) student assessments and other measurements of student achievement that will be used, including benchmarks for student achievement;

(12) outreach programs to provide elementary and secondary school students, especially those in middle grades, and their parents, teachers, school counselors, and principals information about and academic preparation for the early college high school or other dual enrollment program;

(13) how the eligible entity will help students meet eligibility criteria for postsecondary courses; and

(14) how the eligible entity will sustain the early college high school or other dual enrollment program after the grant expires.

(c) ASSURANCES.—An eligible entity's application under subsection (a) shall include assurances that—

(1) in the case of an early college high school, the majority of courses offered, including of postsecondary courses, will be offered at facilities of the institution of higher education;

(2) students will not be required to pay tuition or fees for postsecondary courses;

(3) postsecondary credits earned will be transcribed upon completion of the requisite coursework; and

(4) faculty teaching postsecondary courses meet the normal standards for faculty established by the institution of higher education.

(d) WAIVER.—The Secretary may waive the requirement of subsection (c)(1) upon a showing that it is impractical to apply due to geographic considerations.

SEC. 8. PEER REVIEW.

(a) PEER REVIEW OF APPLICATIONS.—The Secretary shall establish peer review panels to review applications submitted pursuant to section 7 and to advise the Secretary regarding such applications.

(b) COMPOSITION OF PEER REVIEW PANELS.—The Secretary shall ensure that each peer review panel is not comprised wholly of full-time officers or employees of the Federal Government and includes, at a minimum—

(1) experts in the establishment and administration of early college high schools or other dual enrollment programs from the high school and college perspective;

(2) faculty at institutions of higher education and secondary school teachers with expertise in dual enrollment; and

(3) experts in the education of at-risk students.

SEC. 9. GRANTS TO STATES.

(a) IN GENERAL.—The Secretary is authorized to award six-year grants to State agencies responsible for secondary or postsecondary education for efforts to support or establish statewide dual enrollment programs.

(b) APPLICATION.—To receive a grant under this section, a State agency shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary determines to be appropriate.

(c) CONTENTS OF APPLICATION.—At a minimum, the application described in subsection (b) shall include—

(1) how the State will create outreach programs to ensure that middle and high school students and their families are aware of dual enrollment programs in the State;

(2) how the State will provide technical assistance to local dual enrollment programs as appropriate;

(3) how the State will ensure the quality of State and local dual enrollment programs; and

(4) such other information as the Secretary determines to be appropriate.

(d) STATE ACTIVITIES.—A State receiving a grant under this section shall use such funds for—

(1) planning and implementing a statewide strategy for expanding access to dual enrollment programs for students who are underrepresented in higher education; and

(2) providing technical assistance to local dual enrollment programs.

SEC. 10. REPORTING AND OVERSIGHT.

(a) REPORTING BY GRANTEES.—

(1) IN GENERAL.—The Secretary shall establish uniform guidelines for all grantees under section 5, and uniform guidelines for all grantees under section 9, concerning information such grantees annually shall report to the Secretary to demonstrate a grantee's progress toward achieving the goals of this Act.

(2) CONTENTS OF REPORT.—At a minimum, the report described in paragraph (1) shall include, for eligible entities receiving funds under section 5, for each category of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)):

(A) The number of students.

(B) The percentage of students scoring advanced, proficient, basic, and below basic on the assessments described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(C) The performance of students on other assessments or measurements of achievement.

(D) The number of secondary school credits earned.

(E) The number of postsecondary credits earned.

(F) Attendance rate.

(G) Graduation rate.

(H) Placement in postsecondary education or advanced training, in military service, and in employment.

(b) REPORTING BY THE SECRETARY.—The Secretary annually shall compile and analyze the information described in subsection (a) and report it to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives, which report shall include identification of best practices for achieving the goals of this Act.

(c) MONITORING VISITS.—The Secretary's designee shall visit each grantee at least once for the purpose of helping the grantee achieve the goals of this Act and to monitor the grantee's progress toward achieving such goals.

(d) NATIONAL EVALUATION.—Within six months of the appropriation of funds for this Act, the Secretary shall enter into a contract with an independent organization to perform an evaluation of the grants awarded under this Act. Such evaluation shall apply rigorous procedures to obtain valid and reliable data concerning participants' outcomes by social and academic characteristics and monitor the progress of students from high school to and through postsecondary education.

(e) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to eligible entities concerning best practices in early college high schools and dual enrollment programs and shall disseminate such best practices among eligible entities and State and local educational agencies.

SEC. 11. RULES OF CONSTRUCTION.

(a) EMPLOYEES.—Nothing in this Act shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies (including schools) or institutions of higher education under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

(b) GRADUATION RATE.—A student who graduates from an early college high school supported under this Act in the standard number of years for graduation described in the eligible entity's application shall be considered to have graduated on time for purposes of section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).

By Mr. BUNNING:

S. 3510. A bill to prohibit the Board of Governors of the Federal Reserve System from making funds available at a discount rate to private individuals, partnerships, and corporations; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BUNNING. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3510

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

SECTION 1. REPEAL OF DISCOUNT AUTHORITY FOR PRIVATE FIRMS.

Section 13 of the Federal Reserve Act (12 U.S.C. 343) is amended by striking the third undesignated paragraph (relating to discounts for individuals, partnerships, and corporations).

By Mr. DURBIN (for himself, Mr. BINGAMAN, and Mr. KOHL):

S. 3512. A bill to require the Secretary of Health and Human Services to remove social security account numbers from Medicare identification cards and communications provided to Medicare beneficiaries in order to protect Medicare beneficiaries from identity theft; to the Committee on Finance.

Mr. DURBIN. Mr. President, today I am introducing legislation with Senator BINGAMAN and Senator KOHL to remove Social Security numbers from Medicare identification cards.

Government agencies and private businesses have begun to recognize the danger of displaying Social Security numbers. A person's Social Security number can unlock a treasure trove of personal and financial information.

If your Social Security number falls into the wrong hands, you are at risk of becoming a victim of identify theft and fraud. In 2006, the Federal Trade Commission reported that more than 8 million Americans were victims of identity theft in the prior year.

Thirty-one states have enacted laws that limit how public and private entities use and display Social Security numbers. Social Security numbers are being removed from driver's licenses, and most private health insurance cards no longer display your Social Security number.

Federal agencies are taking steps to reduce the threat of identify theft. Last year, the Office of Management and Budget called on federal agencies to establish plans to eliminate unnecessary collection and use of Social Security numbers and to explore alternatives to Social Security numbers.

The Department of Veterans Affairs no longer displays Social Security numbers on new veteran identification cards. And the Office of Personnel Management has directed health insurers participating in the Federal Employees Health Benefit Program to eliminate Social Security numbers from insurance cards.

Unfortunately, the Centers for Medicare and Medicaid Services is lagging behind other agencies.

The same Social Security number that the Social Security Administration believes is so sensitive that it should not be carried in your wallet is found on the Medicare cards that 44 million beneficiaries carry with them at all times to access health care services. CMS expressly instructs Medicare beneficiaries to carry their Medicare card in their wallet or purse as proof of insurance, making their Social Security numbers readily available to any thief.

In 2005, I offered an amendment to the fiscal year 2006 Labor-HHS-Education appropriations bill to require CMS to report to Congress on what steps would be necessary for them to remove Social Security numbers from Medicare cards.

CMS issued the report in 2006, but it has not yet begun to remove Social Security numbers from Medicare cards.

Earlier this year, the Inspector General of the Social Security Administration took CMS to task for its inaction. The Inspector General's report confirmed that displaying Social Security numbers on Medicare cards places millions of people at risk for identity theft and concluded that ''immediate action is needed to address this significant vulnerability.''

The bill that I am introducing today, the Social Security Number Protection Act of 2008, establishes a reasonable timetable for CMS to begin removing Social Security numbers from Medicare cards and a date certain by which CMS would be required to complete the process.

Not later than three years after enactment, CMS would be prohibited from displaying Social Security numbers on newly issued Medicare cards. CMS would be prohibited from displaying the number on existing cards no later than five years after enactment.

In addition to Medicare cards, the bill would prohibit CMS from displaying Social Security numbers on all written and electronic communications to Medicare beneficiaries, beginning no later than three years of enactment, except in cases where their display is essential for the operation of the Medicare program.

Removing Social Security numbers from Medicare cards and communications to Medicare beneficiaries is long overdue. Medicare beneficiaries should not be placed at greater risk of identity theft than people with private health insurance. If other federal agencies can remove Social Security numbers, so can CMS.

I am pleased that Consumers Union, the Medicare Rights Center, and the Center for Medicare Advocacy have endorsed this bill.

This is an issue we should all be able to unite behind. I urge my colleagues to cosponsor this important legislation and work with me to enact it next year. Medicare beneficiaries deserve to be protected from criminals who seek

to steal their identities in order to defraud them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3512

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Social Security Number Protection Act of 2008''.

SEC. 2. REQUIRING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO PROHIBIT THE DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE IDENTIFICATION CARDS AND COMMUNICATIONS PROVIDED TO MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and begin to implement procedures to eliminate the unnecessary collection, use, and display of social security account numbers of Medicare beneficiaries.

(b) MEDICARE CARDS AND COMMUNICATIONS PROVIDED TO BENEFICIARIES.—

(1) CARDS.—

(A) NEW CARDS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall ensure that each newly issued Medicare identification card meets the requirements described in subparagraph (C).

(B) REPLACEMENT OF EXISTING CARDS.—Not later than 5 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall ensure that all Medicare beneficiaries have been issued a Medicare identification card that meets the requirements of subparagraph (C).

(C) REQUIREMENTS.—The requirements described in this subparagraph are, with respect to a Medicare identification card, that the card does not display or electronically store (in an unencrypted format) a Medicare beneficiary's social security account number.

(2) COMMUNICATIONS PROVIDED TO BENEFICIARIES.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall prohibit the display of a Medicare beneficiary's social security account number on written or electronic communication provided to the beneficiary unless the Secretary determines that inclusion of social security account numbers on such communications is essential for the operation of the Medicare program.

(c) MEDICARE BENEFICIARY DEFINED.—In this section, the term ''Medicare beneficiary'' means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title.

(d) CONFORMING REFERENCE IN THE SOCIAL SECURITY ACT.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

''(x) For provisions relating to requiring the Secretary of Health and Human Services to prohibit the display of social security account numbers on Medicare identification cards and communications provided to Medicare beneficiaries, see section 2 of the Social Security Number Protection Act of 2008.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 663—EXPRESSING CONCERN OVER THE CURRENT FEDERAL POLICY THAT ALLOWS THE EXPORTATION OF TOXIC ELECTRONIC WASTE TO DEVELOPING NATIONS, AND EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD JOIN OTHER DEVELOPED NATIONS AND BAN THE EXPORTATION OF TOXIC ELECTRONIC WASTE TO DEVELOPING NATIONS

Mr. BROWN submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 663

Whereas toxic electronic waste is generated from discarded televisions and computer monitors, computers and peripherals, audio and video equipment, wireless devices, fax and copy machines, video game consoles, and other electronic appliances and products;

Whereas televisions with cathode ray tubes (CRTs) contain between 4 and 15 pounds of lead, a toxic substance known to cause brain damage in children;

Whereas many laptops, flat panel monitors, and televisions contain fluorescent lamps that contain mercury, a dangerous neurotoxin;

Whereas many electronic products contain toxic chemicals such as lead, mercury, beryllium, cadmium, chromium, and brominated flame retardants;

Whereas approximately 2,630,000 tons of used or unwanted electronics were discarded in the United States in 2005, according to the Environmental Protection Agency (EPA);

Whereas approximately 330,000 tons of electronic waste were collected and diverted from landfills for reuse or recycling in 2005, according to the EPA;

Whereas an estimated 50 percent to 80 percent of electronic waste collected for reuse or recycling is exported to countries such as China, India, Ghana, Nigeria, Pakistan, and Thailand, according to the Department of Commerce;

Whereas approximately 131,500 tons of lead-containing CRTs were exported in 2005, representing 75 percent of the CRTs supposedly collected for recycling, according to the EPA;

Whereas Congress has required the Nation's broadcasters to convert from analog to digital broadcasting on February 17, 2009, a move which will render millions of analog CRT televisions obsolete for broadcasting and likely to be discarded;

Whereas exported electronic waste is often crudely scrapped and dismantled under conditions that are dangerous for human health and the environment in developing countries, according to eyewitness reports by the Basel Action Network and several media outlets including National Geographic Magazine;

Whereas toxic lead from exported electronic waste has returned to the United States as a public health threat in children's jewelry made in China, according to a study by Ashland University, reported by the Wall Street Journal;

Whereas the Consumer Product Safety Commission (CPSC) has issued multiple recall notices for jewelry and toys for children made in China that contained dangerous levels of lead;

Whereas 32 nations, including the member States of the European Union, have banned the export of toxic electronic waste to developing countries;

Whereas several major information technology and consumer electronics manufacturers have corporate policies that prohibit the export of toxic electronic waste to developing nations;

Whereas the Resource Conservation and Recovery Act of 1976, as amended, prohibits the export of hazardous waste from the United States to other nations unless the EPA obtains prior written permission from the other nation's competent authority; and

Whereas the EPA has determined that much electronic waste is excluded or exempted from the definitions of ''waste'' and ''hazardous waste'' under the Resource Conservation and Recovery Act of 1976, leading to the largely unrestricted export of toxic electronic waste to developing nations: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its concern over the current Federal policy that allows the exportation of toxic electronic waste to developing nations; and

(2) supports joining other developed nations and banning the export of toxic electronic waste to developing nations.

SENATE RESOLUTION 664—CELEBRATING THE CENTENNIAL OF UNION STATION IN WASHINGTON, DISTRICT OF COLUMBIA

Mrs. DOLE submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 664

Whereas, on February 28, 1903, President Theodore Roosevelt signed into law the act entitled ''An Act to provide a union railroad station in the District of Columbia, and for other purposes'', and Daniel Burnham, a noted architect from Chicago, Illinois, was chosen to design the building;

Whereas, on October 27, 1907, Union Station officially opened at 6:50 a.m. when the Baltimore and Ohio Pittsburgh Express pulled in to the station;

Whereas the building was ultimately completed in 1908;

Whereas, in 1924, 5,000 cheering fans met the victorious Washington Nationals at Union Station after they defeated the Boston Red Sox to capture the American League pennant;

Whereas, in 1951, President Harry Truman dedicated the Presidential Suite at Union Station as a ''home away from home'' for members of the Armed Services;

Whereas, in 1968, in preparation for the bicentennial of the United States, the decision was made to transform the building into a National Visitor Center;

Whereas Congress then passed the Union Station Redevelopment Act of 1981 (Public Law 97–125; 95 Stat. 1667) to return Union Station to its original use as a transportation center;

Whereas, in 1983, the Union Station Redevelopment Corporation was created to oversee the development of the station into an operating railroad station, to restore the architectural and historical elements of the structure, to explore collaboration with the private sector in the commercial development of the station, and to withdraw the Federal Government from active management of the station;

Whereas the renovation and restoration of Union Station began on August 13, 1986, with the ringing of an old train bell;

Whereas the restoration of Union Station was the largest public-private restoration project accomplished in the United States;

Whereas the restoration took 2 years and the grand reopening was held on September 29, 1988;

Whereas, in 2008, Union Station includes more than 210,000 square feet of retail space, including 50,000 square feet of restaurant space;

Whereas Union Station is the corporate headquarters for Amtrak and contains 200,000 square feet of Amtrak passenger and baggage facilities;

Whereas 32,000,000 people visit Union Station annually; and

Whereas Union Station is the most visited tourist destination in Washington, District of Columbia: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the centennial of Union Station in Washington, District of Columbia;

(2) applauds the efforts of the people who worked to preserve this national treasure; and

(3) encourages the people of the United States to continue to visit and learn about Union Station and its storied history.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5618. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5619. Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5620. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5621. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5622. Mr. WYDEN (for himself, Mr. COLEMAN, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5623. Mr. INHOFE (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 5583 submitted by Mr. TESTER (for himself and Mr. KYL) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5624. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5625. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5626. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 5498 submitted by Mr. NELSON of Florida and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5627. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5628. Mr. JOHNSON (for himself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 5519 submitted by Mr. JOHNSON (for himself, Mr. THUNE, and Ms. STABENOW) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5629. Mrs. CLINTON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5630. Mr. SANDERS (for Mr. FEINGOLD) proposed an amendment to the resolution S. Res. 643, calling for greater dialogue between the Dalai Lama and the Government of China regarding rights for the people of Tibet, and for other purposes.

TEXT OF AMENDMENTS

SA 5618. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. REPORT ON MILITARY FAMILY AUTISM SUPPORT CENTERS.

(a) REPORT REQUIRED.—Not later than February 1, 2009, the Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasability and advisability of establishing one or more military family autism support centers beginning in fiscal year 2010.

(b) PURPOSES.—For purposes of the report required by subsection (a), the proposed purposes of the centers described in that subsection are as follows:

(1) To provide diagnostic services and therapy to children of military families diagnosed with autism spectrum disorder and related disorders.

(2) To provide support services to the families of military dependent children diagnosed with autism.

(3) To train therapists to provide treatment to autistic children, with special emphasis placed on training the spouses of members of the Armed Forces to provide such treatment.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the feasability of designating the Marine Corps or other Military Department as the lead agent in the establishment and operation of centers described in subsection (a).

(2) An assessment of the feasability of establishing one of the centers on the East Coast of the United States and one on the West Coast of the United States.

(3) A description of the proposed capabilities of the centers, including the following:

(A) The number of therapists that could be trained at such centers each year.

(B) The number of children who could receive diagnosis and therapy at such centers each year.

(C) The average number of hours per week that therapy could be provided at such centers.

(D) The nature of therapy that could be provided at such centers.

(E) The anticipated contribution of such centers to military readiness and retention.

(F) The efficacy of such centers in meeting the needs of military families with children with a diagnosis of autism.

(4) A description of the resources required for such centers.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any center established for the purposes specified in subsection (b) should be located in a geographic area in which military families from all the Armed Forces could conveniently access the services available through such centers;

(2) in discharging its purposes under subsection (b), each center should utilize in the diagnosis and treatment of children of military families with autism medical, educational, and developmental therapies that have been successfully used to treat autistic children; and

(3) for purposes of assisting in the training of therapists under this section, the Secretary of Defense should, in consultation with the Secretary of Labor, consider the feasability and advisability of establishing a tuition assistance program to facilitate the participation of military spouses in such training.

SA 5619. Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

SEC. 1233. REPORT ON THE SECURITY SITUATION IN THE CAUCASUS.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the chairs and ranking minority members of the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives a report in classified and unclassified form on the defense requirements of the Republic of Georgia.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description of the security situation in the Caucasus following the recent conflict between the Russian Federation and the Republic of Georgia, including a description of

any Russian forces that continue to occupy internationally recognized Georgian territory;

(2) an assessment of—

(A) the damage sustained by the armed forces of Georgia in the recent conflict with the Russian Federation; and

(B) the state of civilian-military relations in the Republic of Georgia;

(3) an analysis of the defense requirements of the Republic of Georgia following the conflict with the Russian Federation;

(4) detailed recommendations on how the Republic of Georgia may improve its capability for self-defense and more effectively control its territorial waters and air space; and

(5) an assessment of the areas where the Republic of Georgia would require the assistance of the United States and other countries to improve its defense capabilities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress—

(A) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization (NATO) to include qualified candidates;

(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership; and

(C) urges NATO member states not to impose national caveats restricting the use of forces they commit to NATO operations.

(2) the expansion of NATO contributes to the continued effectiveness and relevance of the organization;

(3) Georgia and Ukraine have made important progress in the areas of defense and democratic and human rights reform;

(4) a stronger, deeper relationship among the Government of Georgia, the Government of Ukraine, and NATO will be mutually beneficial to those countries and to NATO member states;

(5) the United States should take the lead and encourage other member states of NATO to support the awarding of a Membership Action Plan to Georgia and Ukraine;

(6) the United States Government should provide assistance to help rebuild infrastructure in Georgia and continue to develop its security partnership with the Government of the Republic of Georgia by providing security assistance to the armed forces of Georgia, as appropriate;

(7) the United States should work with fellow NATO member states to address the security concerns of newly joined members;

(8) the United States should expand efforts to promote the development of democratic institutions, the rule of law, and political parties in the independent states of the former Soviet Union; and

(9) the United States should work with its allies to ensure secure, reliable energy transit routes in Central Asia, the Caucasus, and Eastern Europe.

SA 5620. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection A of title XXVIII, add the following:

SEC. 2814. MODIFICATION OF AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO LIMIT ENCROACHMENT.

(a) REPEAL OF APPLICABILITY OF AUTHORITY TO EXCHANGES FOR MILITARY CONSTRUCTION PROJECTS, MILITARY FAMILY HOUSING, AND MILITARY UNACCOMPANIED HOUSING.—Section 2869 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking ''military construction project or'';

(2) in subsection (b), by striking ''military construction,'' each place it appears and inserting ''land,''; and

(3) in subsection (d)(2)(A)—

(A) by striking ''military construction project,'' both places it appears in clauses (ii) and (iii); and

(B) by striking ''military family housing, or military unaccompanied housing'' both places it appears in clauses (ii) and (iii).

(b) REPEAL OF LIMITATION ON APPLICABILITY OF AUTHORITY TO EXCESS NON-BRAC PROPERTY.—Such section is further amended—

(1) in subsection (a), by striking paragraph (3); and

(2) in subsection (e)(2), by striking ''the period specified in paragraph (3) of subsection (a)'' and inserting ''the period beginning on October 17, 2006, and ending on September 30, 2008,''.

(c) REPEAL OF PILOT PROGRAM.—Such section is further amended by striking subsection (c).

(d) REPEAL OF REQUIREMENTS RELATING TO REPORTS.—Such section is further amended by striking subsection (f).

(e) REPEAL OF AUTHORITY TO ACQUIRE HOUSING.—Subsection (a)(1) of such section is further amended—

(1) by striking ''for the real property—'' and all that follows through ''to carry out'' in subparagraph (A) and inserting ''for the real property to carry out'';

(2) by striking ''operations; or'' and inserting ''operations.''; and

(3) by striking subparagraph (B).

(f) LIMITATION ON USE AT MILITARY INSTALLATIONS CLOSED UNDER BASE CLOSURE LAW.—Such section is further amended by inserting after subsection (b) the following new subsection:

''(c) LIMITATION ON USE AT MILITARY INSTALLATIONS CLOSED UNDER BASE CLOSURE LAW.—The authority under subsection (a)(2)(A) to convey real property located at a closed or realigned military installation may only be used to the extent a conveyance is consistent with an approved redevelopment plan for such installation.''.

(g) SUNSET.—Such section is further amended by inserting after subsection (e) the following new subsection:

''(f) SUNSET.—The authority to enter into agreements under this section shall expire on September 30, 2013.''.

(h) ADDITIONAL CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2869. Conveyance of property at military installations to support military housing or limit encroachment''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

''2869. Conveyance of property at military installations to support military housing or limit encroachment.''.

SA 5621. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, the following:

SEC. 133. PROCUREMENT PROGRAMS FOR CRUISERS AND DESTROYERS.

(a) CONTINGENT REQUIREMENT FOR REPORT ON MODIFICATION OF SHIPBUILDING PROGRAMS.—If as part of the future-years defense program submitted to Congress in 2009 under section 221 of title 10, United States Code, the Secretary of the Navy modifies the shipbuilding program for cruisers or the shipbuilding program for destroyers for the Navy, the Secretary shall submit to Congress with such future-years defense program the following:

(1) An acquisition strategy for cruisers and destroyers that has been approved by the Department of Defense.

(2) The results of reviews by the Joint Requirements Oversight Council for an Acquisition Category I program that supports the need for the modified acquisition strategy.

(3) A verification by an independent review panel convened by the Secretary of Defense that, in evaluating the modification of the shipbuilding program concerned, the Secretary of the Navy considered each of the following:

(A) Modeling and simulation, including wargaming conclusions regarding combat effectiveness.

(B) Assessments of platform operational availability.

(C) Cost savings or penalties from changed vessel manning levels to accomplish missions.

(4) An intelligence analysis reflecting the coordinated assessment of the Defense Intelligence Agency supporting changes to the mix of platforms in the shipbuilding program concerned compared with the 2009 shipbuilding program for the vessels concerned in order to address future threats.

(5) The differences in cost and schedule arising from the need to accommodate new sensors and weapons to counter the future threats referred to in paragraph (4) in comparison with the cost and schedule arising from the need to accommodate sensors and weapons as contemplated by the 2009 shipbuilding program for the vessels concerned.

(6) A verification by the commanders of the combatant commands that the modified shipbuilding program for the vessels concerned would be preferable to the current shipbuilding program for the vessels concerned in meeting their future mission requirements.

(7) A joint review by the Navy and the Missile Defense Agency setting forth additional requirements for investment in Aegis ballistic missile defense (BMD) systems if the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code), requests funding for such investment in amounts above the amounts specified in the future-years defense program submitted to Congress in 2008 in the budget of the President for fiscal year 2009 (as so submitted).

(b) TECHNOLOGY ROADMAP FOR NEXT GENERATION CRUISER AND FLEET MODERNIZATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall develop a plan to incorporate into the Next Generation Cruiser (CG(X)) program and the Fleet Modernization program the following:

(A) Applicable technologies developed for combat systems for each of the following:

(i) The DDG–1000 Zumwalt class destroyer.

(ii) Aegis destroyers and cruisers.

(iii) Aegis ballistic missile defense.

(iv) Ship self-defense systems.

(B) Integrated electric propulsion technologies.

(2) SCOPE OF PLAN.—The plan required by paragraph (1) shall include sufficient detail for systems and subsystems to ensure that the plan—

(A) avoids redundant development for common functions; and

(B) reflects implementation of Navy plans for achieving an open architecture for all surface combat systems.

SA 5622. Mr. WYDEN (for himself, Mr. COLEMAN, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.—The number of days of benefits providable to a member or former member of the Armed Forces under this section may not exceed 40 days of benefits.

(e) FORM OF PAYMENT.—The paid benefits providable under subsection (b) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SA 5623. Mr. INHOFE (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 5583 submitted by Mr. TESTER (for himself and Mr. KYL) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 237. AIR-LAUNCHED BALLISTIC MISSILE DEFENSE CONCEPTS.

Of the amount authorized to be appropriated by section 210(4) for Research, Development, Test, and Evaluation, Defense-wide activities and available for Ballistic Missile Defense (PE 0603175C), $15,000,000 may be available for Air-Launched Ballistic Missile Defense Concepts, including the Net-Centric Airborne Defense Element (NCADE) and the Air-Launched Hit-to-Kill (ALHTK) technology programs currently underway.

SA 5624. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1067. SENSE OF SENATE ON ACCESS OF VETERANS SERVICE ORGANIZATIONS TO MILITARY FACILITIES FOR COUNSELING AND SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) each commander of a military installation should ensure the use of available space and equipment at military installations, as required by section 2670(c) of title 10, United States Code, by representatives of qualified veterans service organizations, including those authorized to function on military installations under that section;

(2) the commander of each facility or location at which access is provided under section 2670(c) of such title should endeavor to provide private space in which a member of the Armed Forces may receive counseling and services as available from veterans service organizations;

(3) the Secretary of Defense should widely disseminate information regarding the existence and availability of the Wounded Warrior Resource Center as required by section 1616 of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C. 1071 note) to members of the Armed Forces and their dependents; and

(4) the Wounded Warrior Center should provide legal assistance referral information where appropriate, as required elsewhere in this Act, especially to those members of the Armed Forces for whom a medical evaluation board or a physical evaluation board has been initiated and their family members.

(b) QUALIFIED VETERANS SERVICE ORGANIZATIONS DEFINED.—In this section, the term ''qualified veterans service organization'' means an organization that is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

SA 5625. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF NATIONAL SECURITY INTERESTS FROM OIL AND GAS LEASING IN CERTAIN AREAS.

(a) AREAS.—This section applies to—

(1) any area in the Gulf of Mexico that is east of the Military Mission Line (as defined in section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432));

(2) the area that is also known as the ''Joint Gulf Range Complex'' or the ''Gulf of Mexico Range''; and

(3) any military or national security agency operations, training, or testing area that is used by a military or national security agency of the United States.

(b) PREREQUISITE.—Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any permit for oil and gas leasing or extraction in an area described in subsection (a) unless and until the President certifies (after receiving advice from the Secretary of Defense, the Secretary of the Navy, the Secretary of the Air Force, and the head of each appropriate national security agency of the United States) that in balancing the national security interests of the United States—

(1) the advantages of oil or gas extraction in the area; outweigh

(2) the military and national security missions being conducted in the area.

SA 5626. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 5498 submitted by Mr. NELSON of Florida and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PROTECTION OF NATIONAL SECURITY INTERESTS FROM OIL AND GAS LEASING IN CERTAIN AREAS.

(a) AREAS.—This section applies to—

(1) any area in the Gulf of Mexico that is east of the Military Mission Line (as defined in section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432));

(2) the area that is also known as the ''Joint Gulf Range Complex'' or the ''Gulf of Mexico Range''; and

(3) any military or national security agency operations, training, or testing area that is used by a military or national security agency of the United States.

(b) PREREQUISITE.—Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any permit for oil and gas leasing or extraction in an area described in subsection (a) unless and until the President certifies (after receiving advice from the Secretary of Defense, the Secretary of the Navy, the Secretary of the Air Force, and the head of each appropriate national security agency of the United States) that in balancing the national security interests of the United States—

(1) the advantages of oil or gas extraction in the area; outweigh

(2) the military and national security missions being conducted in the area.

SA 5627. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1233. ADDITIONAL ELEMENTS ON COUNTER-NARCOTICS ACTIVITIES IN BI-ANNUAL REPORTS ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) RECURRING ELEMENTS.—Section 1230(c)(4) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 387) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) An assessment of the coordination between United States and NATO ISAF military forces on the one hand and the Government of Afghanistan on the other hand to better coordinate and de-conflict operations relating to or in support of the counter-narcotics activities of the national and provincial governments of Afghanistan and of other departments and agencies of the United States and other member countries of NATO ISAF.''.

(b) ADDITIONAL ELEMENT IN FIRST REPORT AFTER ENACTMENT.—The first report under section 1230 of the National Defense Authorization Act for Fiscal Year 2008, as amended by subsection (a), that is submitted after the date of the enactment of this Act shall, in addition to any other matters required by such section (as so amended), also identify which offices in the military headquarters of United States and the North Atlantic Treaty Organization International Security Assistance Force in Afghanistan are responsible for coordinating counter-narcotics operations in Afghanistan.

SA 5628. Mr. JOHNSON (for himself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 5519 submitted by Mr. JOHNSON (for himself, Mr. THUNE, and Ms. STABENOW) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 20, strike ''subsection.''.'' and insert ''subsection.

''(4) MAXIMUM AMOUNT FOR CONSOLIDATED SCHOOL DISTRICTS.—Notwithstanding any other provision of this section, a local educational agency that is formed at any time after September 30, 2003, by the consolidation of 2 or more former school districts, of which at least 1 former district was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, shall not be eligible under this section for an amount that is more than the total of the maximum amount calculated under paragraphs (2) and (3) of subsection (b) for each former eligible district of the local educational agency for such fiscal year.''.

SA 5629. Mrs. CLINTON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 342, between lines 10 and 11, insert the following:

SEC. 1208. SUPPORT FOR AN IRAQ OIL TRUST.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) the people of Iraq should benefit directly from a share of the revenues generated by the hydrocarbon resources of their country; and

(2) the United States Government should present a plan and provide capacity and economic assistance for the implementation of an Iraq oil trust.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the future of Iraq's oil reserves remains at the heart of political reconciliation in Iraq;

(2) ensuring that individual Iraqis benefit directly from hydrocarbon revenues is critical to promoting reconciliation and facilitating sustainable stability in Iraq;

(3) the development and implementation of an oil trust could provide significant benefits to Iraq and its citizens, including by—

(A) helping to demonstrate the values at the heart of democratic governance by giving Iraqi citizens a direct stake in the responsible and transparent management of the hydrocarbon resources of Iraq and the use and distribution of hydrocarbon revenues;

(B) helping to diffuse the degree and concentration of control of the revenues generated from hydrocarbon resources, thereby reducing the opportunity for and magnitude of corruption;

(C) facilitating ''bottom-up'' private sector development, which will be critical to Iraq's future prosperity and economic diversity, by putting revenues from the oil resources of Iraq directly in the hands of its citizens;

(D) helping to alleviate the incentive for smuggling or sabotage by providing individual citizens a direct stake in the amount of Iraqi oil that is legally produced and sold;

(E) contributing to sustainable security by providing individuals monetary-resource alternatives to cooperating with militias, extremists, and other extra-legal entities;

(F) providing additional income directly to individual citizens, thereby stimulating entrepreneurship and reducing the reliance on the ability of the central and provincial governments to deliver basic services and execute their budgets; and

(G) serving as a model for revenue distribution to other resource-rich countries in the Middle East; and

(4) the United States should provide assistance to Iraq for implementation of an oil trust.

(c) CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall certify to the appropriate congressional committees that representatives of the United States Government have presented to Government of Iraq representatives an oil trust plan that includes—

(1) background on oil trusts, including those currently used by sovereign nations or territories and states within nations;

(2) options for different types of oil trusts that could be implemented in Iraq; and

(3) a discussion on the steps necessary to implement an oil trust.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term

''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 5630. Mr. SANDERS (for Mr. FEINGOLD) proposed an amendment to the resolution S. Res. 643, calling for greater dialogue between the Dalai Lama and the Government of China regarding rights for the people of Tibet, and for other purposes; as follows:

Strike the fifteenth and sixteenth whereas clauses of the preamble.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, September 17, 2008, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, September 17, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 17, 2008, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''401(k) Fee Disclosure: Helping Workers Save for Retirement'' on Wednesday, September 17, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 17, 2008, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Oversight of the Federal Bureau of Investigation'' on Wednesday, September 17, 2008, at 9:30 a.m., in room SH–216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, September 17, 2008. The Committee will meet in 418 Russell Senate Office Building, beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CARDIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, September 17, 2008 from 10:30 a.m.–12:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING AUTHORITY OF SECRETARY OF EDUCATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6889, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6889) to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SANDERS. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6889) was ordered to a third reading, was read the third time, and passed.

CALLING FOR GREATER DIALOGUE BETWEEN THE DALAI LAMA AND CHINA

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 643 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 643) calling for greater dialogue between the Dalai Lama and the government of China regarding rights for the people of Tibet, and other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANDERS. Mr. President, I further ask unanimous consent that the resolution be agreed to, the amendment which is at the desk be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 643) was agreed to.

The amendment (No. 5630) was agreed to, as follows:

(Purpose: To amend the preamble)

Strike the fifteenth and sixteenth whereas clauses of the preamble.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 643

Whereas, on April 25, 2008, China's official news agency Xinhua expressed the willingness of the Government of China to meet with envoys of the Dalai Lama;

Whereas, on May 4, 2008, Special Envoy of His Holiness the Dalai Lama Lodi Gyari and Envoy Kelsang Gyaltsen met with Chinese Executive Vice Minister Zhu Weiqun and Executive Vice Minister Sithar for one day of talks, in which the Government of China alleged that the Dalai Lama instigated the March 2008 unrest in autonomous Tibetan areas of China, and was sabotaging the Olympic Games;

Whereas Hu Jintao, General Secretary of the Communist Party of China, released a statement after this meeting saying that his Government of China was committed to a ''serious'' dialogue with the Dalai Lama;

Whereas, at the United States-European Union (EU) Summit on June 10, 2008, the United States and the European Union issued a joint statement welcoming the decision by the Government of China to hold talks with representatives of the Dalai Lama, and urged ''both parties to move forward with a substantive, constructive and results-oriented dialogue at an early date'';

Whereas the Envoys of His Holiness the Dalai Lama's Kelsang Gyaltsen and Lodi Gyari visited Beijing from June 30 to July 3, 2008, to conduct the seventh round of the Tibetan-Chinese dialogue;

Whereas, during these talks, the Government of China issued a new set of demands, including that the Dalai Lama prove that he does not support Tibetan independence or disruption of the Olympic Games in Beijing;

Whereas the Dalai Lama has stated multiple times he does not favor the independence of Tibet and is instead seeking negotiations to address the legitimate grievances of,

and provide genuine autonomy for, the Tibetan people within the People's Republic of China, and is committed to non-violence;

Whereas the Dalai Lama has repeatedly and publicly declared his support for the Olympic Games in China, as well as his intention to attend the opening ceremony, if invited;

Whereas, at the conclusion of the July round of talks, officials of the Government of China did not accept a proposal by the representatives of the Dalai Lama to agree to a joint statement supporting a continuation of the dialogue process;

Whereas Special Envoy Lodi Gyari said on July 5, 2008, that the talks with the Government of China, called for by the international community, were ''disappointing and difficult'';

Whereas, in contrast to the opinion of Special Envoy Lodi Gyari, President George W. Bush said on July 6, 2008, that ''it looks like there's some progress, at least in the talks with the Dalai Lama'';

Whereas officials of the Government of China subsequently stated that the talks with the Dalai Lama's envoys are only about the Dalai Lama's personal future, rather than about the future of Tibet;

Whereas the Office of the Dalai Lama on July 17, 2008, restated its position that the talks are about ''the future of 6,000,000 Tibetans in Tibet and not His Holiness the Dalai Lama'';

Whereas, on July 11, 2008, the European Parliament adopted a resolution that ''welcomes the resumption of contacts, after the events of March 2008 in Lhasa, between the representatives of the Dalai Lama and the Chinese authorities'' and ''encourages the two parties to intensify these contacts so as to establish the bases for mutual trust, without which it will be impossible to arrive at a mutually acceptable political solution'';

Whereas China's People's Armed Police troops have been sent to monasteries in Tibetan areas to give monks ''relevant information'' about the Olympics, and Chinese authorities have stepped up ''patriotic education'' campaigns designed to conform the religious practices of Tibetan Buddhists to Communist Party rules, including forcing monks and nuns to denounce the Dalai Lama: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Dalai Lama or his representatives and the Government of the People's Republic of China to begin earnest negotiations, without preconditions, to provide for a mutually agreeable solution that addresses the legitimate grievances of, and provides genuine autonomy for, the Tibetan people;

(2) urges that the talks in October 2008 between the Government of China and the Dalai Lama should focus on the welfare, cultural, political, and religious autonomy of the Tibetan people, and not on the person of the Dalai Lama;

(3) affirms that the human rights of Tibetans and their right to practice religion free of government regulation is not an internal matter of any one country;

(4) urges the President to take a more personal and engaged interest in the successful conclusion of these negotiations, both unilaterally and in coordination with United States allies; and

(5) calls on the United States Government to press the Government of China—

(A) to respect freedom of speech and freedom of association, as required by international law and as enshrined in the Constitution of China and to release those who have committed no crime other than peaceful protest; and

(B) to end the ''patriotic education'' campaign against lay and clerical Tibetans and allow Tibetans to practice their religion freely.

ORDERS FOR THURSDAY, SEPTEMBER 18, 2008

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, Thursday, September 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; further, that the mandatory quorum under rule XXII be waived with respect to the motions to proceed to S. 3297 and H.R. 6049.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 7:46 p.m, recessed until Thursday, September 18, 2008, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, September 17, 2008*

The House met at 10 a.m.

Rev. Danny Davis, Mount Hermon Baptist Church, Danville, Virginia, offered the following prayer:

Loving God, You have shown us what is good, and that is ''to act justly, to love mercy, and to walk humbly with our God.''

Help us, Your servants, to do exactly that, to be instruments of both justice and mercy, exercising those virtues in humility. Your word requires it. Our Nation needs it.

Forgive us when we have failed to do that. For therein not only have we failed ourselves, we have failed You as well.

Today, fresh and anew, we ask that those twin rivers of justice and mercy might roll down from on high. Let them saturate this Chamber, permeating every mind, flooding every heart, cleansing every motive, and springing forth in every action. And then let them flow forth from this place, nourishing our land, refreshing its citizens, and bringing glory to the God who placed in us such a sacred trust.

In Jesus' name, amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Ms. RICHARDSON led the Pledge of Allegiance as follows:

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

WELCOMING REV. DANNY DAVIS

The SPEAKER. Without objection, the gentlewoman from Virginia (Mrs. DRAKE) is recognized for 1 minute.

There was no objection.

Mrs. DRAKE. Thank you, Madam Speaker.

I am proud to recognize and welcome Dr. Danny Davis, the senior pastor at Mount Hermon Baptist Church in Danville, Virginia. He is accompanied today by his wife of 30 years, Sandy.

Dr. Davis was born in Tennessee and grew up in Williamsburg, Kentucky. Having served in the ministry since 1985, he has pastored churches in Kentucky, North Carolina, Florida and Virginia. Not only does Dr. Davis have a heart for service in his local community but also for ministry through missions at home and abroad. He has been involved in multiple mission trips to Tanzania, Russia, Honduras, the Northern Cheyenne Reservation in Montana, the United Kingdom, Greece and even Communist Cuba.

Dr. Davis' only son, Jordan, has served as a member of my staff for the past 3 years. Jordan's hard work and dedication have helped me to better serve my constituents. I know I have Dr. Davis to thank for having instilled in his son the same values he displays in his ministry as well as the importance of service to others and his country.

I want to thank Dr. Davis for being here today and offering today's prayer and I wish him continued success in his ministry.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

REPUBLICANS TO BLAME FOR ENERGY CRISIS

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

Ms. RICHARDSON. Madam Speaker, 3 years ago, Republicans passed an energy plan that they said would lower prices at the pump, drive economic growth and job creation and promote energy independence. I ask you, America, did it work? The answer is no.

Now we look 3 years later and the price of gas has gone up 59 percent, the economy is tanking and we've lost 600,000 jobs this year alone. The Republicans are saying they know how to solve the problem. Well, they had control of Washington for 6 years and the results are clear—the mission is not accomplished and everyone is feeling the effect of their failure today.

Democrats have been working hard to reverse the Republican failed policies of the past. Yesterday we passed a comprehensive energy package that will lower prices at the pump, expand domestic drilling off the Outer Continental Shelf, expand renewable energy sources, end subsidies for Big Oil and create good-paying jobs for Americans here.

I would like to know why Republicans did not solve the energy crisis. Yesterday Democrats continued a new direction and took action to solve the energy crisis.

WELCOMING REV. DANNY DAVIS

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

Mr. GOODE. Mr. Speaker, I too want to say welcome to Dr. Danny Davis for delivering the opening prayer this morning. His son works in the office of Congresswoman THELMA DRAKE. But his church, Mount Hermon Baptist Church, is located in the Fifth District of Virginia. His predecessor, Dr. Don Davidson, in the last Congress delivered an opening prayer. And Mount Hermon Baptist Church served as the host church for the memorial services of my predecessor in Congress, the late Dan Daniel, 20 years ago.

In closing, Mr. Speaker, I would like to say that the measure passed yesterday for the Commonwealth of Virginia was a hoax and a sham. It provides no funds for the Commonwealth, for its offshore natural gas and its offshore crude oil. I have talked with members of the General Assembly. They will be very reluctant to adopt any drill policy when they are not treated the same as Texas, Louisiana, Mississippi and Alabama. We need to be fair to encourage drilling.

FLAGS OVER MANTECA, CALIFORNIA

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

Mr. MCNERNEY. Mr. Speaker, I rise today to commemorate the dedication of so many volunteers who eight times a year line the streets of Manteca, California, with 2,400 flags in a stunning display of patriotism. Flags Over Manteca began after September 11 to recognize those who lost their lives on that day and all Americans who have sacrificed in service to our country.

Each morning on days of remembrance during the year, volunteers and service groups place flags along eight miles of Manteca's main roads to celebrate our country's heroes. Coordinating it all is the Manteca Chamber of Commerce and volunteer Les Thomas

who arrives early to ensure that everyone knows what to do. He is there at the end of the day to receive all 2,400 flags and carefully pack them away until the next holiday.

The event has become so meaningful that volunteers arrive at 4:30 in the morning to have the privilege of placing flags in honor of those who will not be forgotten.

Today I commend all those who make Flags Over Manteca work. I hope it continues to memorialize the sacrifices of our Nation's heroes.

A MISSED OPPORTUNITY

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

Mr. WITTMAN of Virginia. Mr. Speaker, yesterday we had a great opportunity to put forward a bipartisan approach to solve this Nation's energy problems. Unfortunately, we didn't do that. We had a bill that arrived at the last minute to us with very little time to look over and no attempt to make sure that it included the best ideas on how to solve this Nation's energy problems.

That opportunity was bypassed, and what we ended up with was a very narrowly banded bill that will not address this Nation's energy problems.

That is reprehensible. We need to make sure that we have that opportunity. We have a bill that passed out of here yesterday that has already been said by Democrats in the Senate that it's dead on arrival and that it's going to be vetoed by the President.

Why didn't this body take the opportunity to make sure that we adopted an energy policy that was going to be in the best long-term interest to this Nation, that had a chance of passing and that had a chance of making a difference in the gas prices of our men and women out there that their families have to deal with each and every day? That is reprehensible. We had a great opportunity yesterday that we missed, that we did not take advantage of, Mr. Speaker, and I tell you this Nation will suffer for it.

□ 1015

DEMOCRATS WANT TO JUMP START THIS ECONOMY BY PASSING A NEW ECONOMIC RECOVERY PLAN

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

Mr. BRALEY of Iowa. Mr. Speaker, the crisis on Wall Street impacts Americans across the country. In the coming days, House Democrats will continue our efforts to revive the economy and end the free for all on Wall Street and restore confidence on Main Street.

Democrats have restored the kind of oversight that was missing under President Bush and the Republican Congress. The GOP decision to turn a blind eye to financial markets helped pave the way for the financial crisis that has brought down home values across the country and has significantly weakened our economy. Democrats have and will continue to do things differently.

This month, Democrats will work to enact a second economic recovery package that will help Americans who have lost their jobs or who are barely making ends meet, and they will create good-paying jobs. That's what we need in our flood-ravaged communities in Iowa.

Mr. Speaker, these Bush-McCain economic policies have put America in an economic hole. This month, Republicans will again have a clear choice. Stand with the Bush-McCain plan for more of the same or take action to aid families who are struggling.

HOUSE CONCURRENT RESOLUTION 417

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

Mr. McCOTTER. I've long thought that civics should be taught as earnestly as possible in our schools.

Yesterday, we saw the spectacle of a Democratic House sham energy bill being passed out of here and lauded as if the problem had been solved. The problem is no one had consulted with the Democratic Senate, which had declared it dead on arrival.

Now, for a bill to become law, it must pass both Chambers and be signed by the President of the United States. Only in that way can meaningful American energy security and independence be secured. That is why I have introduced House Concurrent Resolution 417 that says that it is the sense of this Congress that we will not adjourn until meaningful energy legislation has been passed into law to help the American people through this difficult time.

Now, again, I have to do this because there seem to be some who think that simply passing a sham energy bill for political cover out of this body is going to help any American struggling at the pump. It will not. Let them put your money where their mouth is and stay here until they get the job done.

IMMIGRATION REFORM

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

Mr. BACA. Mr. Speaker, I'm here on behalf of immigrant families who otherwise would not have a voice. There are those who insist that undocumented immigrants have broken the law, that they are criminals, but what image do you get when you hear that someone is a criminal? Your image is of a murderer, of a thief, of a drug dealer, of someone who intensely wants to hurt another person.

These families who are wrongly called ''criminals'' come to the United States without the intent to hurt anyone. Yet there are anti-immigrant attacks that continue to say otherwise. What happened to the Ten Commandments? to love thy neighbor?

There are those who say that these families should play by the rules. The rules now are to form a line and to wait many years and to pay a huge fine, but the reality is the immigration process is so complicated that some of us would have a difficult time getting through it. We need comprehensive immigration reform to address the 12 to 14 million people in the United States to play by the rules and to also fix this broken system.

I urge my colleagues to support comprehensive immigration.

UNFAIR AND UNBALANCED TRADE DEALS

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

Mr. KAGEN. Mr. Speaker, in Wisconsin and throughout the Nation, manufacturing has been the backbone of our economy and of our communities, but during the past decade, we've seen many of our jobs being shipped overseas, not because we are not hardworking and not because we are not producing high-quality products but, rather, because of unfair and unbalanced trade deals.

The free enterprise system depends upon working Americans having a competitive workforce and productive employees. These are vital to the success of every business be it large or small.

Congress will soon vote on an economic stimulus package that contains $500 million for worker and job training assistance. Included in that legislation is a piece that I had the opportunity to write, entitled the ''Incumbent Worker Development Act.'' This legislation will guarantee that States and Federal Governments work together to train our workers.

This is not a time for ideology. This is a time for action, and I encourage all of us to vote for this stimulus package.

REPUBLICANS CLAIM THEY WANT ALL OF THE ABOVE BUT HAVE DONE NOTHING TO LOWER GAS PRICES

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

Mr. SIRES. Mr. Speaker, both Democrats and Republicans have been talking about high gas prices for months. At first, Republicans said we just needed to drill, drill, drill, but then they joined us in saying that a more comprehensive, all-of-the-above proposal was in order. It turns out it was just all talk.

Democrats have been trying to reverse the failed Bush policies of the past, but Republicans keep saying no. We proposed legislation to crack down on price gouging and to curb excess speculation. Republicans said no. We proposed lowering gas prices immediately by tapping the Strategic Petroleum Reserve. Republicans said no. We proposed legislation that would force Big Oil to drill on 68 million acres of land to increase oil production here at home. Republicans again said no.

Yesterday, we passed an all-of-the-above energy package to bring down prices and to invest in America's energy future, but again, Republicans voted no.

Mr. Speaker, it seems like Republicans don't actually want to resolve the crisis. They just want to talk about the crisis.

REPUBLICANS ARE STILL JUST TALKING

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

Mr. ALTMIRE. Mr. Speaker, for 6 years, the Republicans had control of Congress and of the White House, and for 6 years, the American people waited for them to do something to end our dependence on foreign oil, but despite their constant cry of ''drill, baby, drill,'' the Republicans didn't act on this issue when they had control, and 2 years ago, the American people voted for new leadership in Congress.

Well, yesterday, that new leadership—the Democrats in this House—answered the call by passing a landmark energy bill that triples the available territory for offshore drilling. Let me repeat that. The bill we passed yesterday triples the amount of territory in the Outer Continental Shelf that is available for drilling.

Predictably, many in the minority demonstrated by their votes that they're more interested in having a political issue for the coming election than they are in actually solving the problem. While Democrats have taken decisive action by passing a comprehensive energy bill that includes an unprecedented expansion of offshore drilling, Republicans, as you will hear today, are still just talking.

MCCAIN'S ASSESSMENT OF THE ECONOMY SHOWS THAT HE REALLY IS NOT AN EXPERT ON THE ECONOMY

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

Mr. COURTNEY. Mr. Speaker, in December, Senator MCCAIN admitted that he is not an economic expert when he stated ''The issue of economics is not something I've understood as well as I should.'' He went on to say, though, that he had Alan Greenspan's book. Well, clearly, Senator MCCAIN should listen to Greenspan, who called this week's financial news a once-in-a-century type of financial crisis. Unfortunately, Senator MCCAIN was not listening because his response to the catastrophic economic events of this week was ''the fundamentals of our economy are strong,'' and he called for the oldest, lamest Washington trick in the book—the creation of a study commission.

We don't need a commission to know that 600,000 Americans have lost their jobs in the last year, that the median income for working Americans has fallen over $2,000 a year over the last 8 years. Those are not strong fundamentals.

Mr. Speaker, at a time when every economic expert agrees that our economy is in crisis, we need someone in the White House who is ready and willing to act now to fix it, and clearly, that person is not Senator MCCAIN.

IT IS TIME FOR A CHANGE IN THE POLICIES OF THIS NATION

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

Mr. PERLMUTTER. Mr. Speaker, this country was really founded upon sacrifice, investment and opportunity for all, but over the last few years, we've seen the focus being on the wealthiest 1 percent in America to the exclusion of the rest of us, and that House of cards has come tumbling down on Wall Street over the last couple of weeks with the failures of the biggest corporations in America.

The policies of this administration not to regulate and the policies to only borrow and spend are causing this country turmoil, and the hardworking people in the middle are going to have to pick up the pieces. It is time for renewal. It is time for a change. The policies of the Democrats and of BARACK OBAMA are going to change the direction of this Nation and make it stronger and make it the Nation that it can be.

THE TROUBLED STATE OF THE AMERICAN ECONOMY

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

Mr. HALL of New York. Mr. Speaker, the last few days have clearly demonstrated that the troubled state that our economy is in is more serious than we thought. The Bush administration's mismanagement of the American economy has officially caused a housing crisis to snowball and jeopardize the entire economy.

Lehman Brothers and Merrill Lynch, established companies that survived the Great Depression, have declared bankruptcy or have been sold off to survive. Both companies employ thousands of people from my district, the 19th District of New York, and no one seems to know what will happen to these workers or to their families.

But it's not just Wall Street suffering. Wages have stagnated; expenses continue to rise. American families can no longer afford to buy necessities, much less to invest in the future.

Mr. Speaker, when President Bush took office 8 years ago, he inherited a flourishing economy and a record budget surplus. Now, as he leaves office 8 years later with 8 years of misrule and a lack of oversight, those days are clearly gone.

I hope we make the right choice for our next President and elect BARACK OBAMA, who will understand how to deal with the complexities of our economic situation.

PASSING A COMPREHENSIVE ENERGY BILL

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

Mr. WELCH of Vermont. Mr. Speaker, yesterday, the House of Representatives passed a comprehensive energy bill, regrettably with almost undivided Republican opposition. That was disappointing because we had a chance to work together. In fact, this bill incorporated two things—one, a recognition that we need to continue getting the supply of oil to make it from here to there, but second, we needed a sustainable revenue source to invest in R&D and to invest in implementing alternative energy projects. The energy plan of the Republicans, cooked up by Vice President CHENEY in secret, has been very good for the American oil companies, not for the American consumers.

So far this year, oil companies in a down economy have raked in $44 billion in profits. That's seven times the amount of profits Big Oil brought in when President Bush was first sworn into office.

What has the energy plan done that the President pursues or that our colleagues on the other side pursue? $4 gasoline. It's costing $2,500 more to heat your homes.

Mr. President, it's time for us to work together and to get our colleagues in the Senate to pass that bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will address his remarks to the Chair.

NATIONAL CAPITAL SECURITY AND SAFETY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1434 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 6842.

□ 1028

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism, with Mr. ALTMIRE (Acting Chairman) in the chair.

The Clerk read the title of the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first and foremost, I think it is imperative that we understand that the security and safety of our Nation's capitol should be of vital importance to all Americans, not simply the residents of the District of Columbia.

My dear colleague and District of Columbia Representative, Congresswoman ELEANOR HOLMES NORTON along with Congressman HENRY WAXMAN of California, drafted comprehensive and sensible firearm legislation which the Childers/Souder amendment not only eviscerates but allows residents and federal officials to places in immense danger.

CHILDERS/SOUDER AMENDMENT

The Childers/Souder Amendment in the Nature of a Substitute completely destroys the sensible Norton/Waxman Home Rule bill.

The dangerous consequences include:

No gun registration to let the police know who has guns and to trace guns used in crimes.

No regulation of guns, only a bare federal statute resulting in one of the most permissive gun laws in the Nation—post 9/11.

No age limit for possession of guns, including military-style weapons.

Permits a person who is voluntarily committed to a mental institution to own a gun the day after he gets out.

Federal law forbids a person to cross State lines to purchase a gun and bring it back, but this makes an exception uniquely for District residents to cross State lines to purchase guns and bring them back from Maryland and Virginia.

Requires a "gun show loophole," which avoids background checks in the nation's capital, i.e., District of Columbia residents can purchase weapons from private individuals and at gun shows without background checks.

DISTRICT OF COLUMBIA

The District of Columbia (the District) is a local self-governing jurisdiction and the seat of the United States Government, with unique Federal responsibilities. It is here that the President, the Vice President, and many cabinet and other Federal officials reside.

Unregulated firearms in the capital would preclude the ability of the District Metropolitan Police Department to track guns through registration and otherwise help ensure that guns do not endanger Federal officials and employees, visiting dignitaries, and other individuals.

REVISION OF DISTRICT OF COLUMBIA FIREARMS LAWS AND DISTRICT OF COLUMBIA V. HELLER

The revised firearm legislation requires the District within 6 months after enactment, to revise its laws governing the possession and use of firearms as necessary to comply with the decision of the Supreme Court in District of Columbia v. Heller. It also amends the Firearms Control Regulations Act of 1975 by adding a new section requiring the Mayor and the Council of the District to ensure that the District's firearms laws are consistent with Heller.

In Heller, the Supreme Court ruled in a 5–4 decision that the Second Amendment to the Constitution protects an individual's right to possess a firearm, irrespective of service in a militia, and to use that arm for traditionally lawful purposes such as self-defense within the home.

The decision in Heller affirmed the holding in Parker v. District of Columbia, wherein the Court of Appeals for the District of Columbia declared three provisions of the District's Firearms Control Regulation Act to be unconstitutional: D.C. Code §7–2502.02, which generally barred the registration of handguns; §22–4504, which prohibited carrying a pistol without a license, insofar as that provision would prevent a registrant from moving a gun from one room to another within his or her home; and §7–2507.02, which required that all lawfully owned firearms be kept unloaded and disassembled or bound by a trigger lock or similar device.

Addressing the holding in Parker, the Supreme Court noted that the District's approach "totally bans handgun possession in the home." The Court then declared that the inherent right of self-defense is central to the Second Amendment right, and that the District's handgun ban amounted to a prohibition of an entire class of arms that has been overwhelmingly utilized by American society for that purpose.

The Court also struck down as unconstitutional the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock, as such a requirement "makes it impossible for citizens to use arms for the core lawful purpose of self-defense."

FIREARMS AND YOUTH

Right here in America according to the Harvard Injury Control Research Center, Harvard School of Public Health approximately 2,500 black youth (aged 15–24) die annually from gun homicide, 950 Hispanic youths and 600 white youth. For gun suicides, it's about 1,600 white youths annually, 300 black youths and 200 Hispanic youths.

Between 20 percent and 50 percent of children in the United States are touched by violence, either as victims or, even more commonly, as witnesses. And sadly for every child killed by a gun, four are injured according to the national estimates of nonfatal firearm-related injuries by the Journal of the American Medical Association.

TEXAS

In the U.S., the leading cause of death for African-Americans ages 15–24 and 25–34 is homicide, with the overwhelming majority (90 percent and 87 percent, respectively) committed with firearms. Homicide is the second leading cause of death for African-Americans ages 10–14, with firearm-related deaths accounting for 70 percent of these deaths.

Every day in Texas someone dies or is severely injured as a result of gun violence. Texans die from suicide, accidents, and crime. In 2004, 2,342 people died from firearm-related injuries in Texas. We hear about these deaths every day: depressed teenagers and spouses taking their own lives, children finding a loaded gun at a friend's house, gun related crime, etc. We hear about it so often; we have become numb to it and feel nothing can be done.

FIREARMS

While we speak of dignitaries, members of Congress, and the executive—the fact is that it is our children that are most at risk. We cannot allow a vague interpretation of the Second Amendment to put our children at risk and move guns on our streets.

It is our young African-American and Hispanic men who are frequently caught up in this system. Among youth ages 15–24, firearms rank as the leading cause of death for African-Americans and the second leading cause of death for whites and Hispanic youth. With over 5,049 federally licensed firearms dealers and pawnbrokers in Texas alone, how many more guns on our streets do we need?

CONCLUSION

Mr. Chairman I urge my colleagues to think about the safe of our children. Is there not already enough violence? For all the firearms in Afghanistan and Iraq is it helping them? Do more guns on our streets make them safer? I think we all know the answer is a resounding "no." I am not asking that we remove all firearms from the hands of every responsible and law-abiding American, but I ask that we support sensible and comprehensive firearm legislation such as the Norton/Waxman approach.

The Acting CHAIRMAN. When the Committee of the Whole rose on Tuesday, September 16, 2008, a request for a recorded vote on the amendment printed in House Report 110–852 by the gentleman from Mississippi (Mr. CHILDERS) had been postponed.

AMENDMENT OFFERED BY MR. CHILDERS

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, the unfinished

business is the request for a recorded vote on the amendment printed in House Report 110–852 by the gentleman from Mississippi (Mr. CHILDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHILDERS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Second Amendment Enforcement Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled ''An Act to prohibit the killing of wild birds and wild animals in the District of Columbia'', approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: ''Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person.''.

SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

''(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.''.

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4501(c), D.C. Official Code) is amended to read as follows:

''(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975.''.

SEC. 5. REPEAL REGISTRATION REQUIREMENT.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking ''any firearm, unless'' and all that follows through paragraph (3) and inserting the following: ''any firearm described in subsection (c).''.

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

''(c) A firearm described in this subsection is any of the following:

''(1) A sawed-off shotgun.

''(2) A machine gun.

''(3) A short-barreled rifle.''.

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by striking ''Registration requirements'' and inserting ''Firearm Possession''.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7–2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7–2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''the District;'' and all that follows and inserting the following: ''the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act.''; and

(B) in subsection (b), by striking ''which are unregisterable under section 202'' and inserting ''which are prohibited under section 201''.

(4) Section 402 (sec. 7–2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''Any person eligible to register a firearm'' and all that follows through ''such business,'' and inserting the following: ''Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,''; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

''(1) The applicant's name;''.

(5) Section 403(b) (sec. 7–2504.03(b), D.C. Official Code) is amended by striking ''registration certificate'' and inserting ''dealer's license''.

(6) Section 404(a)(3) (sec. 7–2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking ''registration certificate number (if any) of the firearm,'';

(B) in subparagraph (B)(iv), by striking ''holding the registration certificate'' and inserting ''from whom it was received for repair'';

(C) in subparagraph (C)(i), by striking ''and registration certificate number (if any) of the firearm'';

(D) in subparagraph (C)(ii), by striking ''registration certificate number or''; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7–2504.06(c), D.C. Official Code) is amended to read as follows:

''(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

''(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

''(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory.''.

(8) Section 407(b) (sec. 7–2504.07(b), D.C. Official Code) is amended by striking ''would not be eligible'' and all that follows and inserting ''is prohibited from possessing or receiving a firearm under Federal or District law.''.

(9) Section 502 (sec. 7–2505.02, D.C. Official Code) is amended—

(A) by amending subsection (a) to read as follows:

''(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.'';

(B) by amending subsection (c) to read as follows:

''(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.'';

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7–2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''any registration certificate or'' and inserting ''a''; and

(B) in subsection (b), by striking ''registration certificate,''.

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7–2531.01(2)(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking ''or ignoring proof of the purchaser's residence in the District of Columbia''; and

(2) in subparagraph (B), by striking ''registration and''.

SEC. 6. REPEAL HANDGUN AMMUNITION BAN.

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is amended by striking ''is the holder of the valid registration certificate for'' and inserting ''owns''.

SEC. 7. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

SEC. 8. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking ''that:'' and all that follows through ''(1)A'' and inserting ''that a''; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. 9. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking ''a pistol,'' and inserting the following: ''except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,''; and

(2) by striking ''except that:'' and all that follows through ''(2) If the violation'' and inserting ''except that if the violation''.

(b) CONFORMING AMENDMENT.—Section 5 of such Act (47 Stat. 651; sec. 22–4505, D.C. Official Code) is amended—

(1) by striking ''pistol'' each place it appears and inserting ''firearm''; and

(2) by striking ''pistols'' each place it appears and inserting ''firearms''.

SEC. 10. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after ''other than a State in which the licensee's place of business is located'' the following: '', or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia,''.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 160, answered ''present'' 1, not voting 17, as follows:

[Roll No. 600]

AYES—260

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Cardoza
Carney
Carter
Cazayoux
Chabot
Chandler
Childers
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Drake
Duncan
Edwards (TX)
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hobson
Hodes
Holden
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kind
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nunes
Oberstar
Ortiz
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—160

Ackerman
Andrews
Baldwin
Bean
Becerra
Berkley
Berman
Blumenauer
Bordallo
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson
Castle
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards (MD)
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meeks (NY)
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler
Napolitano
Neal (MA)
Norton
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Price (NC)
Ramstad
Rangel
Richardson
Rothman
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Speier
Stark
Sutton
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—17

Bachmann
Bishop (NY)
Brady (TX)
Cantor
Christensen
Cubin
Dreier
Ehlers
Fortuño
Hoekstra
Hulshof
Lampson
Larson (CT)
Neugebauer
Peterson (PA)
Pitts
Regula

□ 1058

Messrs. GEORGE MILLER of California, FILNER, RANGEL, COHEN, ACKERMAN, EMANUEL, SHAYS, RUSH, Ms. SOLIS, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Ms. McCOLLUM of Minnesota, Messrs. FATTAH, CONYERS, ROTHMAN, BECERRA and Ms. KAPTUR changed their vote from ''aye'' to ''no.''

Messrs. SMITH of Nebraska, COLE of Oklahoma, Ms. GINNY BROWN-WAITE of Florida, Messrs. KINGSTON, ABERCROMBIE, and Ms. PRYCE of Ohio changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. BACHMANN. Mr. Chairman, today I was unexpectedly detained and unable to vote on the Childers Amendment in the Nature of a Substitute to H.R. 6842, the National Capital Security and Safety Act (Roll No. 600.) Had I been present I would have voted "aye."

Mrs. BLACKBURN. Mr. Chairman, I rise in support of H.R. 6842, The Second Amendment Enforcement Act. Earlier this year, the Supreme Court rightly overturned the unconstitutional gun ban enforced by the District of Columbia.

The Court recognized what Tennesseans have always known, that the second amendment applies to individuals, and that all law-

abiding Americans have an inherent right to self-defense. The ruling was a victory for freedom and constitutional rights.

Sadly, the District of Columbia has chosen to turn a blind eye to the court and the constitution by re-legislating the gun ban piece by piece. DC has legislated that guns must be trigger locked or disassembled in the home, rendering it nearly impossible for law-abiding citizens from purchasing guns in the District.

When the court overturned the ban, I breathed a sigh of relief for the young women on my staff who are now able to appropriately defend themselves. Imagine my surprise when the District dictated that those same staffers store their guns in pieces or with trigger locks until an ''immediate'' threat presents itself. Have you ever heard of anything so ridiculous? When a threat is immediate, you don't have time to find a key or put together a gun!

I stand for the right of all Americans to defend themselves and in support of H.R. 6842, which will make the policy of the District of Columbia consistent with the ruling of the court and the clear intent of the Constitution.

Mr. UDALL of Colorado. Mr. Chairman, the Constitution gives Congress the ultimate legislative responsibility for the District of Columbia.

However, through enactment of the DC Home Rule Act Congress has authorized the residents of the District to elect a Mayor and City Council to be responsible for the day-to-day exercise of that authority.

I respect the intent of home rule because I think residents of Washington, DC—like residents of Colorado—should be able to govern themselves so far as consistent with the ability of the Federal Government to function.

And I think this principle of home rule for DC is made all the more important because the residents of the District are not fully represented here in Congress.

So, I have some hesitation supporting legislation that would in effect shape policies for the District of Columbia without the involvement of its elected officials.

However, I am supporting H.R. 6842 today because any flaws in its approach can be corrected as the legislative process continues and because I think it is needed in order to send a strong message to the District government to move promptly to revise its laws to reflect the recent decision of the Supreme Court in the case of DC v. Heller and thus to assure that the second amendment rights of the District's residents are not infringed.

That is the purpose of this legislation—one that I support, because complying with our oath to support and defend the Constitution is the first duty of all Members of Congress.

Mr. BLUMENAUER. Mr. Chairman, the Childers amendment to the National Capital Security and Safety Act is deeply flawed. We continue to treat the residents of the District of Columbia as members of a colony, hampering their ability to govern themselves. We ought not to have Congress be the State legislature or city council for 580,000 people.

For the tens of thousands of Oregonians who visit our Nation's capital each year, traveling with their children to experience America's history and culture, and as someone who lives in DC for 30 percent of the year and has worked with victims of gun violence, this legislation is neither comforting nor sound policy. The imposition on local government would throw out all locally approved gun safety measures, including handgun registration and the semiautomatic ban, and even go as far as removing all age restrictions on gun purchase, permitting a 6-year-old to purchase a deadly weapon.

It is best for Congress not to do the National Rifle Association's bidding, forcing DC to be their showcase for eliminating all boundaries of gun safety. I urge my colleagues to respect home rule and common sense.

Mr. CARDOZA. Mr. Chairman, I rise in full support of the recent passage of the amended version of H.R. 6842, the National Capitol Security and Safety Act. This legislation will finally bring the District of Columbia into compliance with the Second Amendment rights guaranteed by the United States Constitution.

On June 26, 2008, the United States Supreme Court correctly struck down a 32-year-old ban on handgun possession and ownership in the District of Columbia in District of Columbia v. Heller. This handgun ban required that all firearms within the city boundaries be registered, all owners be licensed, and prohibited the registration of handguns after September 24, 1976, making it one of the strictest in the country.

The District Council responded to the Heller decision with a temporary, emergency law that made some advances in returning gun rights to District residents but, unfortunately, retained a number of discriminatory obstacles to handgun possession. H.R. 6842, as amended, will revise the District of Columbia code to remove these unnecessary and unconstitutional hurdles to gun ownership. Among other things, the legislation will amend the registration requirements so that they do not apply to handguns, remove arbitrary limits on ammunition and repeal some criminal penalties for carrying unlicensed handguns. In total, H.R. 6842 will allow residents of the District to finally exercise their right to bear arms in a responsible manner, without unnecessary government regulation.

Throughout my tenure in Congress, I have consistently co-sponsored legislation to end the DC handgun ban and to expand and preserve Second Amendment rights within the District. While I certainly appreciate the desire to consider rates of violent crime when crafting gun control legislation, our country is based on the premise that enforcement of our fundamental rights cannot be haphazard. Those rights, especially those clearly enumerated in the Bill of Rights, must not be dismissed or diluted.

As a hunter and lifelong gun rights advocate, I applaud the passage of the amended version of H.R. 6842 and I look forward to Senate action on this measure.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal Government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's Capital from crime and terrorism, pursuant to House Resolution 1434, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SOUDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 152, answered ''present'' 1, not voting 14, as follows:

[Roll No. 601]

AYES—266

Abercrombie	Burton (IN)	Duncan
Aderholt	Buyer	Edwards (TX)
Akin	Calvert	Ellsworth
Alexander	Camp (MI)	Emerson
Allen	Campbell (CA)	English (PA)
Altmire	Cannon	Etheridge
Arcuri	Capito	Everett
Baca	Cardoza	Fallin
Bachmann	Carnahan	Feeney
Bachus	Carney	Ferguson
Baird	Carter	Flake
Barrett (SC)	Cazayoux	Forbes
Barrow	Chabot	Fortenberry
Bartlett (MD)	Chandler	Fossella
Barton (TX)	Childers	Foster
Berry	Coble	Foxx
Biggert	Cole (OK)	Franks (AZ)
Bilbray	Conaway	Frelinghuysen
Bilirakis	Cooper	Gallegly
Bishop (GA)	Costa	Garrett (NJ)
Bishop (UT)	Costello	Gerlach
Blackburn	Cramer	Giffords
Blunt	Crenshaw	Gillibrand
Boehner	Cuellar	Gingrey
Bonner	Culberson	Gohmert
Bono Mack	Davis (AL)	Goode
Boozman	Davis (KY)	Goodlatte
Boren	Davis, David	Gordon
Boswell	Davis, Lincoln	Granger
Boucher	Davis, Tom	Graves
Boustany	Deal (GA)	Green, Gene
Boyd (FL)	DeFazio	Hall (TX)
Boyda (KS)	Dent	Hastings (WA)
Broun (GA)	Diaz-Balart, L.	Hayes
Brown (SC)	Diaz-Balart, M.	Heller
Brown-Waite, Ginny	Dingell	Hensarling
Buchanan	Donnelly	Herger
Burgess	Doolittle	Herseth Sandlin
	Drake	Higgins

Hill
Hinchey
Hobson
Hodes
Holden
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kind
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nunes
Oberstar
Ortiz
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—152

Ackerman
Andrews
Baldwin
Bean
Becerra
Berkley
Berman
Blumenauer
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carson
Castle
Castor
Clarke
Clay
Clyburn
Cohen
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards (MD)
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meeks (NY)
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Price (NC)
Ramstad
Rangel
Richardson
Rothman
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Speier
Stark
Sutton
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—14

Bishop (NY)
Brady (TX)
Cantor
Cleaver
Cubin
Dreier
Ehlers
Hoekstra
Hulshof
King (IA)
Lampson
Neugebauer
Pitts
Regula

□ 1116

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

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to restore Second Amendment rights in the District of Columbia.''.

A motion to reconsider was laid on the table.

Stated against:

Mr. SIRES. Mr. Speaker, when I voted on final passage of H.R. 6842, the Second Amendment Enforcement Act, I incorrectly voted aye. I meant to vote no on final passage of that bill.

Mr. ETHERIDGE. Mr. Chairman, earlier today, the House took sequential votes on an amendment to and final passage of the National Capital Security and Safety Act, H.R. 6842. On roll number 601 when I cast my vote on final passage an "aye" vote was recorded when a "no" vote should have been recorded.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, (Mr. Chairman), on rollcall No. 600 and 601, I missed these votes due to illness (influenza). Had I been present, I would have voted "aye" on both.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

ADA AMENDMENTS ACT OF 2008

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3406) to restore the intent and protections of the Americans with Disabilities Act of 1990.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3406

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ADA Amendments Act of 2008''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act ''provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities'' and provide broad coverage;

(2) in enacting the ADA, Congress recognized that physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(3) while Congress expected that the definition of disability under the ADA would be interpreted consistently with how courts had applied the definition of a handicapped individual under the Rehabilitation Act of 1973, that expectation has not been fulfilled;

(4) the holdings of the Supreme Court in Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999) and its companion cases have narrowed the broad scope of protection intended to be afforded by the ADA, thus eliminating protection for many individuals whom Congress intended to protect;

(5) the holding of the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002) further narrowed the broad scope of protection intended to be afforded by the ADA;

(6) as a result of these Supreme Court cases, lower courts have incorrectly found in individual cases that people with a range of substantially limiting impairments are not people with disabilities;

(7) in particular, the Supreme Court, in the case of Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), interpreted the term ''substantially limits'' to require a greater degree of limitation than was intended by Congress; and

(8) Congress finds that the current Equal Employment Opportunity Commission ADA regulations defining the term ''substantially limits'' as ''significantly restricted'' are inconsistent with congressional intent, by expressing too high a standard.

(b) PURPOSES.—The purposes of this Act are—

(1) to carry out the ADA's objectives of providing ''a clear and comprehensive national mandate for the elimination of discrimination'' and ''clear, strong, consistent, enforceable standards addressing discrimination'' by reinstating a broad scope of protection to be available under the ADA;

(2) to reject the requirement enunciated by the Supreme Court in Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999) and its companion cases that whether an impairment substantially limits a major life activity is to be determined with reference to the ameliorative effects of mitigating measures;

(3) to reject the Supreme Court's reasoning in Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999) with regard to coverage under the third prong of the definition of disability and to reinstate the reasoning of the Supreme Court in School Board of Nassau County v. Arline, 480 U.S. 273 (1987) which set forth a

broad view of the third prong of the definition of handicap under the Rehabilitation Act of 1973;

(4) to reject the standards enunciated by the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that the terms ''substantially'' and ''major'' in the definition of disability under the ADA ''need to be interpreted strictly to create a demanding standard for qualifying as disabled,'' and that to be substantially limited in performing a major life activity under the ADA ''an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives'';

(5) to convey congressional intent that the standard created by the Supreme Court in the case of Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002) for ''substantially limits'', and applied by lower courts in numerous decisions, has created an inappropriately high level of limitation necessary to obtain coverage under the ADA, to convey that it is the intent of Congress that the primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations, and to convey that the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis; and

(6) to express Congress' expectation that the Equal Employment Opportunity Commission will revise that portion of its current regulations that defines the term ''substantially limits'' as ''significantly restricted'' to be consistent with this Act, including the amendments made by this Act.

SEC. 3. CODIFIED FINDINGS.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;'';

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

SEC. 4. DISABILITY DEFINED AND RULES OF CONSTRUCTION.

(a) DEFINITION OF DISABILITY.—Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended to read as follows:

''SEC. 3. DEFINITION OF DISABILITY.

''As used in this Act:

''(1) DISABILITY.—The term 'disability' means, with respect to an individual—

''(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

''(B) a record of such an impairment; or

''(C) being regarded as having such an impairment (as described in paragraph (3)).

''(2) MAJOR LIFE ACTIVITIES.—

''(A) IN GENERAL.—For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

''(B) MAJOR BODILY FUNCTIONS.—For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

''(3) REGARDED AS HAVING SUCH AN IMPAIRMENT.—For purposes of paragraph (1)(C):

''(A) An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

''(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

''(4) RULES OF CONSTRUCTION REGARDING THE DEFINITION OF DISABILITY.—The definition of 'disability' in paragraph (1) shall be construed in accordance with the following:

''(A) The definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.

''(B) The term 'substantially limits' shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

''(C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

''(D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

''(E)(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—

''(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

''(II) use of assistive technology;

''(III) reasonable accommodations or auxiliary aids or services; or

''(IV) learned behavioral or adaptive neurological modifications.

''(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

''(iii) As used in this subparagraph—

''(I) the term 'ordinary eyeglasses or contact lenses' means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

''(II) the term 'low-vision devices' means devices that magnify, enhance, or otherwise augment a visual image.''.

(b) CONFORMING AMENDMENT.—The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) is further amended by adding after section 3 the following:

''SEC. 4. ADDITIONAL DEFINITIONS.

''As used in this Act:

''(1) AUXILIARY AIDS AND SERVICES.—The term 'auxiliary aids and services' includes—

''(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

''(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

''(C) acquisition or modification of equipment or devices; and

''(D) other similar services and actions.

''(2) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.''.

(c) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents contained in section 1(b) of the Americans with Disabilities Act of 1990 is amended by striking the item relating to section 3 and inserting the following items:

''Sec. 3. Definition of disability.

''Sec. 4. Additional definitions.''.

SEC. 5. DISCRIMINATION ON THE BASIS OF DISABILITY.

(a) ON THE BASIS OF DISABILITY.—Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (a), by striking ''with a disability because of the disability of such individual'' and inserting ''on the basis of disability''; and

(2) in subsection (b) in the matter preceding paragraph (1), by striking ''discriminate'' and inserting ''discriminate against a qualified individual on the basis of disability''.

(b) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Section 103 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following new subsection:

''(c) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Notwithstanding section 3(4)(E)(ii), a covered entity shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)) is amended—

(A) in the paragraph heading, by striking ''WITH A DISABILITY''; and

(B) by striking ''with a disability'' after ''individual'' both places it appears.

(2) Section 104(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12114(a)) is amended by striking ''the term 'qualified individual with a disability' shall'' and inserting ''a qualified individual with a disability shall''.

SEC. 6. RULES OF CONSTRUCTION.

(a) Title V of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201 et seq.) is amended—

(1) by adding at the end of section 501 the following:

''(e) BENEFITS UNDER STATE WORKER'S COMPENSATION LAWS.—Nothing in this Act alters the standards for determining eligibility for benefits under State worker's compensation laws or under State and Federal disability benefit programs.

''(f) FUNDAMENTAL ALTERATION.—Nothing in this Act alters the provision of section

302(b)(2)(A)(ii), specifying that reasonable modifications in policies, practices, or procedures shall be required, unless an entity can demonstrate that making such modifications in policies, practices, or procedures, including academic requirements in postsecondary education, would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations involved.

''(g) CLAIMS OF NO DISABILITY.—Nothing in this Act shall provide the basis for a claim by an individual without a disability that the individual was subject to discrimination because of the individual's lack of disability.

''(h) REASONABLE ACCOMMODATIONS AND MODIFICATIONS.—A covered entity under title I, a public entity under title II, and any person who owns, leases (or leases to), or operates a place of public accommodation under title III, need not provide a reasonable accommodation or a reasonable modification to policies, practices, or procedures to an individual who meets the definition of disability in section 3(1) solely under subparagraph (C) of such section.'';

(2) by redesignating section 506 through 514 as sections 507 through 515, respectively, and adding after section 505 the following:

''SEC. 506. RULE OF CONSTRUCTION REGARDING REGULATORY AUTHORITY.

''The authority to issue regulations granted to the Equal Employment Opportunity Commission, the Attorney General, and the Secretary of Transportation under this Act includes the authority to issue regulations implementing the definitions of disability in section 3 (including rules of construction) and the definitions in section 4, consistent with the ADA Amendments Act of 2008.''; and

(3) in section 511 (as redesignated by paragraph (2)) (42 U.S.C. 12211), in subsection (c), by striking ''511(b)(3)'' and inserting ''512(b)(3)''.

(b) The table of contents contained in section 1(b) of the Americans with Disabilities Act of 1990 is amended by redesignating the items relating to sections 506 through 514 as the items relating to sections 507 through 515, respectively, and by inserting after the item relating to section 505 the following new item:

''Sec. 506. Rule of construction regarding regulatory authority.''.

SEC. 7. CONFORMING AMENDMENTS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (9)(B), by striking ''a physical'' and all that follows through ''major life activities'', and inserting ''the meaning given it in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)''; and

(2) in paragraph (20)(B), by striking ''any person who'' and all that follows through the period at the end, and inserting ''any person who has a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).''.

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on January 1, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 20 minutes

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

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent for 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on S. 3406 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of final passage of S. 3406, the Americans with Disabilities Amendments Act of 2008.

Since 1990, the Americans with Disabilities Act has provided protection from discrimination for millions of productive, hardworking Americans so that they may fully participate in our Nation's schools, communities and workplace. Among other rights, the law guaranteed that workers with disabilities would be judged on their merits and not on an employer's prejudice.

But since the ADA's enactment, several Supreme Court rulings have dramatically reduced the number of individuals with disabilities who are protected from discrimination under the law. Workers like Carey McClure, an electrician with muscular dystrophy who testified before our committee in January, have not been hired or passed over for promotion by an employer regarding them as too disabled to do the job. Yet when these workers seek justice for this discrimination, the courts rule that they are not disabled enough to be protected by the Americans with Disabilities Act. This is a terrible catch-22 that Congress will change with the passage of this bill today.

S. 3406, like H.R. 3195 passed in June, remedies this catch-22 situation in several ways by reversing flawed court decisions to restore the original congressional intent of the Americans with Disabilities Act. Workers with disabilities who have been discriminated against will no longer be denied their civil rights as a result of these erroneous court decisions.

To do this, S. 3406 reestablishes the scope of protection of the Americans with Disabilities Act to be generous and inclusive. The bill restores the proper focus on whether discrimination occurred rather than on whether or not an individual's impairment qualifies as a disability.

S. 3406 ensures that individuals who reduce the impact of their impairments through means such as hearing aids, medications, or learned behavioral modifications will be considered in their unmitigated state.

For people with epilepsy, diabetes and other conditions who have successfully managed their disability, this means the end of the catch-22 situation that Carey McClure and so many others have encountered when attempting to seek justice.

For our returning war veterans with disabilities, S. 3406 will ensure that the transition to civilian life will not include another battle here at home, a battle against discrimination on the basis of disability.

And students with physical and mental impairments will have access to the accommodations and modifications they need to successfully pursue an education.

Much of the language contained in S. 3406 is identical to the House-passed H.R. 3195. This includes provisions concerning mitigating measures, episodic conditions, major life activities, treatment of claims under the ''regarded as'' prong, regulatory authority for the definition of disability, and the conforming amendments to section 504 of the Rehabilitation Act.

We expect the courts and agencies to apply this less demanding standard when interpreting ''substantially limits.'' S. 3406 directs the courts and the agencies to interpret the term consistent with the findings and purposes of the ADA Amendments Act.

We intend that the ADA Amendments Act will reduce the depth of analysis related to the severity of the limitation of the impairment and return the focus to where it should be: the question of whether or not discrimination, based upon the disability, actually occurred.

This legislation has broad support: Democrats and Republicans; employers, civil rights groups, and advocates for individuals with disabilities. I'm pleased that we were able to work together to get to this point.

In particular, I'd like to thank the members of the Employer and Disability Alliance, including the Leadership Conference on Civil Rights, the Epilepsy Foundation, the American Association of People with Disabilities, the U.S. Chamber of Commerce, the National Association of Manufacturers, and the Society for Human Resource Management for all of their hard work and long hours of negotiations with each other and with our staff.

Of course, much credit is due to Majority Leader STENY HOYER and Congressman JIM SENSENBRENNER for their leadership and tenacity in the House; and Senator HARKIN, Senator KENNEDY, Senator HATCH for their skill in moving this legislation through the Senate with unanimous support.

It is time to restore the original intent of the ADA and ensure that the tens of millions of Americans with disabilities who want to work, attend school, and fully participate in our communities will have the chance to do so.

I look forward to the passage of this legislation and encourage my colleagues to support it.

I reserve the balance of my time.

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

I am pleased to rise in support of ADA Amendments Act of 2008, a bill we

first approved earlier this year. The bill we passed was the product of good-faith negotiation and careful compromise, and I appreciate that the framework of our bill has been maintained.

At the same time, our counterparts on the other side of the Capitol were able to further refine and improve the legislation. Thanks to that effort, the bill before us today represents an important step forward for Americans with disabilities and the employers that benefit from their many contributions.

The Americans with Disabilities Act was enacted in 1990 with broad bipartisan support. Among the bill's most important purposes was to protect individuals with disabilities from discrimination in the workplace.

By many measures, the law has been a huge success. I firmly believe that the employer community has taken the ADA to heart, with businesses adopting policies specifically aimed at providing meaningful opportunities to individuals with disabilities.

However, despite the law's many success stories, it is clear today that for some, the ADA is failing to live up to its promise.

In the years since its enactment, court cases and legal interpretations have left some individuals outside the scope of the act's protections. Some individuals the law was clearly intended to protect have been deemed ''not disabled enough,'' an interpretation we all agree needs correcting.

In response, however, proposals were put forward to massively expand the law's protections to cover virtually all Americans. This is an equally dangerous proposition.

Our task with this legislation was to focus relief where it is needed, while still maintaining the delicate balance embodied in the original ADA.

In the months since this bill was first introduced and moved through the House, I am pleased to say that we were able to do exactly that.

Mr. Speaker, this is a good bill, and the time to enact it is now. It ensures that meaningful relief will be extended to those most in need, while the ADA's careful balance is maintained as fully as possible.

Once again, I want to thank my colleagues on both sides of the aisle for honoring our shared commitment to work together on this issue that has the potential to touch the lives of millions of Americans.

I would especially like to recognize Majority Leader HOYER, Representative SENSENBRENNER, and Chairman MILLER for their leadership and commitment to enactment of these important bipartisan reforms. I also want to thank the many stakeholders, especially the ones that Chairman MILLER mentioned in his remarks, who were involved in this process for their efforts.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a member of the Judiciary Committee, which also had jurisdiction over this legislation and was very helpful in its passage.

Mr. NADLER. I thank the gentleman.

I thank the distinguished majority leader and the gentleman from Wisconsin (Mr. SENSENBRENNER). Under their leadership, the House passed the ADA Amendments Act in June by an overwhelming vote of 402–17.

The Senate, under the leadership of Senators HARKIN and HATCH, has taken up our bipartisan call to restore the promise of the ADA and has passed a nearly identical bill, S. 3406.

Like the House bill, S. 3406 overturns Supreme Court decisions that have narrowed the scope of protection under the ADA. These decisions have created a catch-22, in which an individual who is able to lessen the adverse impact of an impairment by use of a mitigating measure like medicine or a hearing aid can be fired from a job or otherwise face discrimination on the basis of that impairment and yet not be considered sufficiently disabled to be protected by the ADA. Congress never intended such an absurd result.

Like the House bill, S. 3406 cures this problem by prohibiting courts from considering ''mitigating measures''—things like medicine, prosthetic devices, hearing aids, or the body's own compensation and ability to adapt—when determining whether an individual is disabled. On this important point, S. 3406 retains the exact same language as H.R. 3195.

S. 3406 also retains the House language on the treatment of episodic conditions, major life activities, claims brought under the ''regarded as'' prong of the definition, regulatory authority, and conforming the definition contained in section 504 of the Rehabilitation Act so that entities covered by the ADA and Rehabilitation Act operate under a consistent standard.

While the approach taken in the two bills is somewhat different, congressional intent and the result achieved by both bills is the same.

Both bills make clear that the courts and Federal agencies have set the standard for qualifying as disabled under the ADA too high. Both bills reject court and agency interpretation of the term ''substantially limits'' as ''preventing'' or ''significantly restricting'' the ability to perform a major life activity. Both bills require the courts and Federal agencies to set a less demanding standard by interpreting the term ''substantially limits'' more generously to ensure broad coverage for the wide range of individuals with disabilities.

For that reason, I support and urge all of you to join me in supporting S. 3406. These changes are long overdue. Countless Americans with disabilities have already been deprived of the opportunity to prove that they have been victims of discrimination, that they are qualified for a job, or that a reasonable accommodation would afford them an opportunity to participate fully at work and in community life.

It is our sincere hope that, with less fighting over who is or is not disabled, we will finally be able to focus on the important questions: Is an individual qualified? And might a reasonable accommodation afford that person the same opportunities that his or her neighbors enjoy? Our Nation simply cannot afford to squander the talents and contributions of our people based on antiquated misconceptions about people with disabilities.

I urge my colleagues to join me in voting for passage of S. 3406 and restoring the ADA to its rightful place among this Nation's great civil rights laws.

I thank the gentleman again.

Mr. Speaker, I rise in support of S. 3406, the "ADA Amendments Act of 2008."

I thank the distinguished Majority Leader, the gentleman from Maryland, and the gentleman from Wisconsin, Mr. SENSENBRENNER. Under their leadership, the House passed the ADA Amendments Act (H.R. 3195) in June by an overwhelming vote of 402–17.

The Senate, under the leadership of Senators HARKIN and HATCH, has taken up our bipartisan call to restore the promise of the ADA and has passed a nearly identical bill, S. 3406.

Like the House bill, S. 3406 overturns Supreme Court decisions that have narrowed the scope of protection under the ADA. These decisions have created a Catch-22, in which an individual who is able to lessen the adverse impact of an impairment by use of a mitigating measure like medicine or a hearing aid can be fired from a job or otherwise face discrimination on the basis of that impairment and yet not be considered sufficiently disabled to be protected by the ADA. Congress never intended such an absurd result.

Like the House bill, S. 3406 cures this problem by prohibiting courts from considering "mitigating measures"—things like medicine, prosthetic devices, hearings aids, or the body's own compensation and ability to adapt—when determining whether an individual is disabled. On this important point, S. 3406 retains the exact same language as H.R. 3195.

S. 3406 also retains the House language on the treatment of episodic conditions, major life activities, claims brought under the "regarded as" prong of the definition, regulatory authority, and conforming the definition contained in Section 504 of the Rehabilitation Act so that entities covered by the ADA and Rehabilitation Act operate under a consistent standard.

Over the past two Congresses, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the Committee on the Judiciary has studied these issues extensively, holding multiple hearings and meetings with stakeholders in the disability and business

communities. Our colleagues in the House Committee on Education and Labor have done the same. The findings and insights that we presented in the committee reports accompanying H.R. 3195 reflect our understanding and intent regarding the language shared by H.R. 3195 and S. 3406 and should guide courts and Federal agencies when interpreting and applying these aspects of the amended definition of disability.

While the language of the House and Senate bills is identical in most respects, the bills differ in how they address the term ''substantially limits'' in the ADA's definition of disability. But while the approach taken in the bills is different, congressional intent and the result achieved by both bills is the same.

Both bills make clear that the courts and Federal agencies have set the standard for qualifying as disabled under the ADA too high. Both bills reject court and agency interpretation of the term ''substantially limits'' as ''preventing'' or ''significantly restricting'' the ability to perform a major life activity. Both bills require the courts and federal agencies to set a less demanding standard by interpreting the term ''substantially limits'' more generously to ensure broad coverage for the wide range of individuals with disabilities.

In H.R. 3195, we achieved these goals by redefining the term ''substantially limits'' to mean ''materially restricts.'' Thus, to show a ''substantial''—meaning ''material'' rather than ''significant'' limitation—an individual need show only an important or noticeable limit on the ability to perform a major life activity. This is not an onerous burden.

As explained in the Senate statement of managers, they chose an alternate route to achieve the same result. Rather than redefining the term ''substantially limits,'' the Senate left this language intact but, through findings and purposes and a statutory rule of construction, rejected court and agency interpretation of this term as meaning ''prevents'' or ''significantly restricts.'' Like our bill, S. 3406 directs the courts and Federal agencies to set a lower standard that provides broad coverage. As explained in the Senate Statement of Managers, their bill—like ours—ensures that the burden of showing that an impairment limits one's ability to perform common activities is not onerous.

Thus, while the approach taken is different, the intent—and the standard established by both bills—is identical. As such, the guidance provided in House reports regarding application of this less burdensome standard for showing a ''substantial'' limitation remains valid and relevant, with the exception of our use of a ''spectrum'' of severity to describe a relative level of limitation. With regard to the ''spectrum,'' we accept concerns expressed by Senator KENNEDY that this could be construed as keeping the standard inappropriately high, and reject the usefulness of this approach.

Like H.R. 3195, the lower standard demanded by S. 3406 will provide broad coverage, consistent with how courts had approached cases under the Rehabilitation Act prior to enactment of the ADA, where individuals with a wide range of physical and mental impairments such as epilepsy, diabetes, multiple sclerosis and intellectual and developmental disabilities qualified for protection, even where a mitigating measure might lessen the impact of their impairment. In most of these cases, defendants and the courts simply accepted that a plaintiff was a member of the protected class and moved on to the merits of the case. Congress expected and intended the same thing when it passed the ADA in 1990, and we are again attempting to make this crystal clear. As stated in S. 3406, the focus should be on whether discrimination has occurred and ''the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis.''

Under the lower standard for qualifying as disabled, for example, an individual who is disqualified from his or her job of choice because of an impairment should be considered substantially limited in the major life activity of working. Previously, in providing guidance on what the term ''substantially limits'' means with respect to the major life activity of working, the Equal Employment Opportunity Commission indicated that ''the inability to perform a single, particular job'' was not a ''substantial'' (i.e., ''significant'') enough limitation. S. 3406 states that interpreting ''substantial'' to require a ''significant'' limitation sets too high a standard and that we expect the EEOC to redefine this portion of its regulations. Naturally, this change will require reconsideration of the meaning of ''substantial'' limitation in the major life activity of working, as well as other major life activities.

The courts and Federal agencies also will be called upon to interpret our changes to the third, ''regarded as'' prong of the definition. These changes are identical in S. 3406 and H.R. 3195. As we made clear in our committee reports, an individual meets the requirement of being ''regarded as having such an impairment'' if the individual shows that a prohibited action was taken based on an actual or perceived impairment, regardless of whether this impairment limits (or is perceived to limit) performance of a major life activity. Thus, an individual with an actual or perceived impairment who is disqualified from a job, program, or service and who alleges that the disqualification was based on the actual or perceived impairment is a member of the protected class and then entitled to prove that the adverse action violated the ADA.

In clarifying the scope of protection under the third, ''regarded as'' prong of the definition, we also clarified that reasonable accommodation need not be provided for those individuals who qualify for coverage only because they have been ''regarded as'' disabled. We, and the Senate, expressed our confidence that individuals who need accommodations will receive them because, with reduction in the burden of showing a ''substantial limitation,'' those individuals also qualify for coverage under prongs 1 or 2 (where accommodation still is required). Of course, our clarification here does not shield qualification standards, tests, or other selection criteria from challenge by an individual who is disqualified based on such standard, test, or criteria. As is currently required under the ADA, any standard, test, or other selection criteria that results in disqualification of an individual because of an impairment can be challenged by that individual and must be shown to be job-related and consistent with business necessity or necessary for the program or service in question.

The changes made by S. 3406 are long overdue. Countless Americans with disabilities have already been deprived of the opportunity to prove that they have been victims of discrimination, that they are qualified for a job, or that a reasonable accommodation would afford them an opportunity to participate fully at work and in community life.

Like our bill, S. 3406 ensures that individuals like Mary Ann Pimental—a mother and nurse who died from breast cancer a few months after the courts told her that her cancer was too temporary and short-lived to qualify her for protection from job discrimination under the ADA—are covered by the law when they need it. S. 3406 also ensures vital protections for our returning veterans. Thousands of our brave men and women in uniform are returning home with serious injuries, including the loss of limbs, head trauma, and a variety of other life-altering injuries. These veterans have faced great risk and sacrificed much in service of their country and should return home knowing that they are protected from discrimination.

It is our sincere hope that, with less battling over who is or is not disabled, we will finally be able to focus on the important questions—is an individual qualified? And might a reasonable accommodation afford that person the same opportunities that his or her neighbors enjoy? Our Nation simply cannot afford to squander the talents and contributions of our people based on antiquated misconceptions about people with disabilities.

I urge my colleagues to join me in voting for passage of S. 3406 and restoring the ADA to its rightful place among this Nation's great civil rights laws.

Mr. MCKEON. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), who has done so much to bring this bill to this point.

Mr. SENSENBRENNER. Mr. Speaker, in 1990, a bipartisan Congress took significant steps to break down the physical and societal barriers that for far too long kept disabled Americans from fully participating in the American Dream. Today, the House takes the final step towards righting the wrongs that courts have made in their interpretation of this landmark law.

□ 1130

It has been a long road to finally reach this point.

As chairman of the House Judiciary Committee last Congress, I first introduced this bill with House Majority Leader STENY HOYER. Although the Judiciary Committee held a hearing on the bill in 2006, it was too late in the legislative session to move it but that bill marked our intent and promise to tackle the issue in the 110th Congress.

Last year on the ADA's anniversary, Leader HOYER and I introduced the bill again. The purpose of this legislation is to resolve the intent of Congress to cover a broad group of individuals with disabilities under the ADA and to eliminate the problem of courts focusing too heavily on whether individuals

are covered by the law rather than on whether discrimination occurred. We worked with advocates from the disability community and business interests over the past year to craft a balanced bill with bipartisan support.

President Ronald Reagan once said, ''There is no limit to what you want to accomplish if you don't care who gets the credit.'' That statement rings true about negotiations with this bill. Interest groups that did not see eye-to-eye at the outset worked diligently over many months. After intense discussions, they came to a compromise that both sides could support.

The bill we pass today will restore the full meaning of equal protection under the law and all of the promises that our Nation has to offer. As Members are well aware by now, the Supreme Court has slowly chipped away at the broad protections of the ADA and has created a new set of barriers for disabled Americans. The Court's rulings currently exclude millions of disabled Americans from the ADA's protection—the very citizens that Congress expressly sought to include within the scope of the Act in 1990.

The impact of these decisions is such that disabled Americans can be discriminated against by their employer because of their conditions but are not considered disabled enough by our Federal courts to invoke the protections of the ADA. This is unacceptable. Today's vote will enable disabled Americans utilizing the ADA to focus on the discrimination that they have experienced rather than having to first prove that they fall within the scope of the ADA's protection.

Finally, I would like to pay tribute to my wife, Cheryl. As the chairman of the board of the American Association of People With Disabilities, she has been dogged in her advocacy of this legislation and has presented real life situations on why this bill ought to pass. Without her efforts, a lot of the progress that has been made would not have occurred, and I salute her for that.

The ADA has been one of the most effective civil rights laws passed by Congress. I encourage my colleagues to vote in favor of the ADA Amendments Act.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. SENSENBRENNER. I am out of time.

Mr. GEORGE MILLER of California. I will yield you 30 seconds.

If I might, I just want to recognize the tenacity of Mr. SENSENBRENNER in pushing for this legislation, and I wanted to do it while he was in the well and also to recognize the contribution of your wife, Cheryl, who has talked to all of us about this and has been so determined that this bill pass in this Congress. I think without that energy, I'm not sure we would have gotten here today. But certainly what you and Mr. HOYER have done in the House has been absolutely outstanding, and I want you to know how much I appreciate Cheryl's involvement, also.

Mr. SENSENBRENNER. I thank the gentleman for yielding, and the gentleman is absolutely right.

Mr. GEORGE MILLER of California. I yield to the gentleman from California (Mr. STARK) for the purposes of engaging in a colloquy.

Mr. STARK. I thank the gentleman for yielding.

I am pleased that this bill, S. 3406, will sustain the rights and remedies available to individuals with disabilities, including individuals with learning disabilities just as in the measure passed by the House, H.R. 3195.

Would the Chairman agree that the measure before us rejects the assumption that an individual who has performed well academically cannot be substantially limited in activities such as learning reading, writing, thinking, or speaking?

Mr. GEORGE MILLER of California. Yes, I would.

As chairman of the Education and Labor Committee, I agree that both H.R. 3195 and S. 3406 reject the holding that academic success is inconsistent with the finding that an individual is substantially limited in such major life activities. As such, we reject the findings in Price v. National Board of Medical Examiners, Gonzalez v. National Board of Medical Examiners, and Wong v. Regents of University of California.

Mr. STARK. I thank the Chairman.

Specific learning disabilities, such as dyslexia, are neurologically based impairments that substantially limit the way these individuals perform major life activities, like reading or learning, or the time it takes to perform such activities often referred to as the condition, manner, or duration.

This legislation will reestablish coverage for these individuals by ensuring that the definition of this ability is broadly construed and the determination does not consider the use of mitigating measures.

Given this, would the chairman agree that these amendments support the finding in Bartlett v. New York State Board of Law Examiners in which the court held that in determining whether the plaintiff was substantially limited with respect to reading, Bartlett's ability to ''self-accommodate'' should not be taken into consideration when determining whether she was protected by the ADA?

Mr. GEORGE MILLER of California. Yes, I would.

As we stated in the committee report on H.R. 3195, the committee supports the finding in Bartlett. Our report explains that ''an individual with an impairment that substantially limits a major life activity should not be penalized when seeking protection under the ADA simply because he or she managed their own adaptive strategies or received informal or undocumented accommodations that have the effect of lessening the deleterious impacts of their disability.''

Mr. STARK. I want to thank the chairman. It is indeed our full intention to ensure that the civil rights law retains its focus on protecting individuals with disabilities and not the interests of entities that may need to address their practices in accordance with the ADA.

I look forward to working with the chairman to continue to protect individuals with specific learning disabilities to ensure that unnecessary barriers are not being erected in their path.

I want to thank the chairman, the distinguished ranking member, our colleague from Wisconsin, and the majority leader for their work on this landmark legislation.

Mr. GEORGE MILLER of California. I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I am happy to yield now 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. I thank the gentleman.

Mr. MILLER, thank you for the good work on this. I'm planning, as many of us are, to be highly supportive of it.

I just want to bring to the attention of the Chamber an article that was in USA Today, September 4. We're talking about disabilities here and the disabilities act, and also remind people, as a teacher of government and history of 4 years, the process of how a bill becomes a law.

We had a vote last night that passed a bill. It has not yet become law. In essence, we still have done nothing to ease the energy crisis, and this article highlights ''Gas Prices Confine Sick People.'' Some have to cut back on traveling, treatment, such as dialysis or chemotherapy. The picture here is a visit to a Lou Gehrig's, ALS, clinic; and one of the quotes is saying, ''People are going to depend on us more because their friends and families can't afford to transport them in their cars.''

When we've been fighting so hard for an energy policy and energy debate, many times I would come to the floor to say energy is a variable in everything that we do in our society. It's a variable in the cost of doing the job here as we use power to generate electricity, air-conditioning, and, of course, communications. It's a part of the educational environment as we find schools having to adjust transportation schedules on diesel fuel. It is a critical portion of how we can meet the needs of the disabled.

And one of the places they point out here is in Sacramento, the disabled individuals can't get services because they can't afford to drive to reach the services. Again, this is not me. This is

USA Today on 4 September. Pretty big article.

We have to move a bill that the President will sign. We have to have a comprehensive policy that brings in all the above. I personally like coal. I personally like renewable fuels. I personally like nuclear power. I personally like oil shale, and I like oil sands. I like wind. I like solar.

If we do not have a comprehensive energy policy that helps stabilize and bring costs down, we can pass all the pieces of legislation we want to in the world but the disabled are still going to be harmed, especially in areas that I represent, which is rural southern Illinois, where to get a job, get health care, you have to drive a long distance.

Mr. GEORGE MILLER of California. I yield myself 30 seconds to say I think the House addressed many of the concerns, Mr. SHIMKUS, yesterday in the legislation, the comprehensive energy legislation that we passed that deals with the issues of lowering costs to consumers and taxpayers and increasing the energy resources of the United States.

I would also say if we don't pass this piece of legislation, they won't have any jobs to drive to because they continue to get discriminated against.

With that, I would like to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS. Mr. Speaker, I rise in strong support of this legislation. I would like to add my voice in congratulations to Mr. HOYER, Mr. SENSENBRENNER, Chairman MILLER, and Mr. MCKEON for their outstanding cooperation in this regard.

Today is Constitution Day. Over 200 years ago, the Constitution of our country was ratified. As majestic a document as it is, it has been an imperfect delivery and realization of that document because, over time, people have been left out of its benefits and privileges. Throughout our history, people with a disability have been among those left out of the many privileges of governments and economy in our country.

In 1990, the Congress, under the first President Bush, took a major step forward in remedying that injustice and discrimination. But sadly, since 1990, erroneous court decisions have stripped persons with a disability of the rights that they thought they had under that 1990 law.

Today we are working together to remedy that problem and fix it. This is a victory for common sense and for merit over ignorance and obliviousness. More importantly, it's a victory for human beings who will be very profoundly helped by this law.

There was a man who got a job with a major retail corporation in this country, and he's diabetic. When he first started work, his supervisor understood that for this worker to be productive, he needed a special lunch break in the middle of his work day so he could deal with his blood sugar needs and stay healthy and be productive.

So the man gets a new supervisor. The new supervisor comes in and doesn't understand that need, doesn't permit the lunch break, and the man's unable to do his work. So he files suit under the Americans with Disabilities Act, and the court says he doesn't win the case because he's not disabled. Diabetes is not enough of a disability to remedy this person's concern.

Now that's just wrong. And the other body understands it, both parties in this body understand it, the American people understand it.

What we have done in this Act is to restore the commonsense, meaningful definition of what ''disability'' means, not so that people with disabilities get special privileges, but so they get the same rights and opportunities that everybody else is guaranteed in this country under the law.

Again, I congratulate Mr. HOYER and Mr. SENSENBRENNER, in particular, for working together and bringing together a broad coalition behind this bill. And on this Constitution Day, the House will set a mark in history and continue the progress so that people who work with a disability can achieve and thrive and succeed in our country and in our economy.

I would urge both Republicans and Democrats to vote ''yes'' on this very substantial piece of legislation.

Mr. MCKEON. Mr. Speaker, I reserve my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I now yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

□ 1145

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of S. 3406, the Senate-approved ADA Amendments Act of 2008. Passage of this bill will clear the way for the President's signature and finally renew our promise to the American people that discrimination in any form will never be tolerated.

I would like to thank my good friend, Majority Leader STENY HOYER, who has been a real leader and champion on behalf of the disabilities community. I would also like to express my appreciation to Chairman MILLER for his continued leadership on this critical issue, as well as Congressman JIM SENSENBRENNER. This has truly been a bipartisan effort.

The ADA was groundbreaking civil rights legislation. And as someone who has lived with the challenges of a disability both before and after the ADA's enactment in 1990, I have experienced firsthand the profound changes that this law has effected within our society.

The bill before us today reaffirms the protections of the ADA and upholds the ideals of equality and opportunity on which this country was founded. In July, we celebrated the 18th anniversary of the ADA. It was a day to reflect on our past accomplishments, our current challenges, and future opportunities. I can think of no better way to honor the spirit of this landmark bill and the spirit of all those who fought for its passage than by passing the ADA Amendments Act and restoring Congress' intent to ensure the ADA's broad protections.

Mr. Speaker, people with disabilities represent a tremendously valuable, and yet in many ways untapped, resource in this country. By fostering an environment of inclusion and empowerment, we can provide the means for every individual to fulfill his or her God-given potential.

The ADA Amendments Act will help us realize this important goal. I strongly urge my colleagues to support the passage of this bill and send it to the President for his signature. Again, I thank all those who were part of making this day possible, particularly, again, our majority leader, STENY HOYER, for his great leadership.

Mr. MCKEON. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from California has 11 minutes. The gentleman from California has 3½ minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland, the majority leader, Mr. HOYER. And as he's taking the well, I just wanted to again acknowledge what all of our colleagues have acknowledged and so many people in the disabilities community have acknowledged and known for a long time, his champion of this act. And he has done it year after year after year. He has tended to it, he has watched after it, he has argued about it, and he has encouraged many of us to get involved in these amendments. And these are crucial amendments so that the original intent and the purpose and the opportunities provided by this act are realized. He and Mr. SENSENBRENNER did a magnificent job of shepherding this.

Many people don't know this who haven't been involved, but the negotiations around this legislation were sort of 24–7 for the last year, with a very diverse group of people, all of whom wanted to see the act amended and improved, and finally came together under the leadership of Mr. HOYER. And that's why we're here today. And that's why the Senate and the House are going to pass this and we're going to have a ceremony with the President signing these amendments. Thank you very much.

Mr. HOYER. I thank the chairman for his remarks. And I thank Mr. MCKEON for his leadership and willingness to work together on a difficult issue.

I certainly want to acknowledge and thank my friend JIM SENSENBRENNER, Congressman SENSENBRENNER, who has been chairman of the committee, the Judiciary Committee, who has been a leader in this Congress, and his wife, Cheryl. Cheryl, like the young man we just saw speak, Congressman JIM LANGEVIN, has shown great courage, but also has shown that disability is not disabling; that we ought to look at the ability people have, what they can do, not what they can't do. All of us can't do certain things. I urge people to look at what people can do. And that's what this bill was about in 1990. That's what this bill is about today.

And I am very pleased to be here to speak on behalf of this bill. I think this bill may well pass unanimously, and the public might conclude, therefore, that this was not contentious and difficult, it was both—not contentious in terms of enabling those with disabilities to be fully included in our society, but how to do that; how to do that in the context of making sure that the business community could live with this, that the disabilities community could live with this, and that we did, in fact, accomplish the objectives that we intended.

I want to thank as well the Chamber of Commerce, the National Association of Manufacturers and other business groups who came together with the disabilities community with a common objective. Randy Johnson worked on behalf of the Chamber of Commerce. And Randy Johnson, at a press conference that was held when the Senate passed this bill just a few days ago, said that he was a staffer here in 1988 and '89 and '90 when we passed the Americans with Disabilities Act. And he made the observation that—he sat on the floor, he worked with the leadership on the Republican side and the Democratic side, worked particularly with my friend, Steve Bartlett, Congressman Steve Bartlett from Texas, who was intimately involved in fashioning and working out the compromises necessary to overwhelmingly pass the ADA in 1990. And he said it was clear then that the intent of Congress had been misconstrued by the Supreme Court—this is Randy Johnson, Republican staffer, leader now in the Chamber of Commerce of the United States who helped fashion this bill. And this bill really says, yes, we agree with that in a bipartisan way. The Supreme Court misinterpreted what our intent was. And our intent was to be inclusive.

Civil rights bills are intended to be interpreted broadly. Why? Because we want to make sure that every American has the benefits that America has to offer, the opportunities that America has to offer, and to empower them to help America be a better country, to bring their talents and their skills and their motivation to bear in the public and private sectors.

I want to thank as well Nancy Zirkin, Andy Imperato, my—as I call him my lawyer, Chai Feldblum, who has worked so hard on this for now 20-plus years. It's been 18 years since we passed the ADA, but as Mr. MILLER knows, it's been 20-plus years—25 years really—that we've been working on getting to this point.

I also want to thank Mike Peterson of H.R. Policy and Jerry Gillespie of the National Association of Manufacturers.

There are so many people that I could spend the next 5 or 10 minutes mentioning just name after name after name who made this happen. I won't do that, not to diminish them in any way, but to say that this is the result of the efforts of many—not of me, but of many; not of Mr. MILLER alone or the ranking member alone or Mr. SENSENBRENNER, but many dedicated to this cause.

We are here to build on the accomplishments of the landmark Disabilities Act of 1990. We wouldn't be here at all, however, without the hard work, frankly, of a very close friend of mine, former Member of Congress, Tony Coelho. Tony Coelho had a vision. Tony Coelho suffers from epilepsy. There is nobody who knows Tony Coelho that thinks he is not able to do anything, everything, and all things. Tony Coelho empowered all of us to think larger, to understand how to bring about real change for those with disabilities.

Tony Coelho, an epileptic, was asked to leave the seminary because he had epilepsy because the church concluded he really couldn't do the job. It was the church's loss and our gain. He made a tremendous contribution to this institution. But much more importantly, in the last some 20 years that he has not been a Member of this institution he continued to make an extraordinary contribution, not just to those with disabilities, but to our society, in expanding our consciousness and inclusion.

And I mention his name, but I also want to thank my friend, Steve Bartlett. Steve Bartlett, Congressman, then the Mayor of Dallas, now in the private sector, but engaged in the eighties and nineties and engaged in the passage of this bill today, was extraordinarily helpful to us. In 1990, the original ADA was the product of the vision of so many.

I also want to thank my former staffer, Melissa Schulman, who worked indefatigably as we passed the ADA in 1990.

When the first President Bush signed the Americans with Disabilities Act 18 years ago, America became the world's leader on this central test of human rights. The ADA was a project in keeping with our oldest principles and founding ideals. As President Bush the first, as I call him, put it at the signing ceremony, and I quote, ''Today's legislation,'' he said, ''brings us closer to that day when no Americans will ever again be deprived of their basic guarantee of life, liberty and the pursuit of happiness.''

Thanks to the ADA, that day became closer on July 26, 1990. Thanks to the passage of this bill today and the signatures Mr. MILLER indicated next week, and the expected signatures of the President, with hopefully the first President Bush present, tens of millions of Americans with disabilities will now enjoy even fuller rights, and the rights that we intended them to enjoy when we passed the ADA—the right to use the same streets, theaters, restrooms or offices, the right to prove themselves in the workplace, to succeed on their talent and drive alone.

We've accomplished much in terms of public accommodations, in terms of reasonable accommodations. I was sitting there with Michele Stockwell, my policy director, as we watched JIM LANGEVIN give his speech. What a wonderful accommodation he has in that chair that stands up. Weren't all of you impressed when he said, ''I rise to support this legislation?'' ''I rise.'' And he does rise. Why? Because he has a reasonable accommodation which, notwithstanding the failure of his legs to work the way he would like them to work, his chair reasonably accommodates and has him rise to speak to this body as a testimony to the consciousness of having been raised to make sure that a person like JIM LANGEVIN—of great ability, of great ability, not disability, but of great ability—can come here, having been shot at the age of 16 inadvertently, by accident, disabled, graduated from high school, graduated from college, elected to the Rhode Island House, elected to Secretary of State of his State, and now a Member of this body. What a testimony to making sure that we made sure JIM LANGEVIN could get through the door; we made sure JIM LANGEVIN could get the kind of education he wanted and have access to that education. What a testimony to what this Congress has done, but more importantly, what so many courageous people with a disability have shown us all, that a disability is not disabling. It may rob us of a single or maybe even multiple ways that some people do things, but not of all things.

Sadly, as a result of the Supreme Court's decision, we have yet to live up to our promise fully. That's what we're trying to do today. We've made progress on access, we've made progress on listening devices, a lot of progress. One of the places we haven't made the progress we wanted to was

employment. So many people want to work, want to be self-sufficient, want to be enterprising, want to have the self-respect of earning their own way, but have been shut out. And the Supreme Court didn't help us. That's what this bill is about.

Over the last 18 years, the Court has chipped away at that promise and at Congress' clear original intent. We said we wanted broad coverage for people with disabilities and people regarded as disabled. Important phrase, ''regarded as disabled.'' What the Supreme Court really said, well, if you can make sure that your disability does not disable you. Tony Coelho takes medicine for his epilepsy, and so he functions. And if you saw him, you would say he's functioning fine. But if I said, but I won't hire you, Tony, because you have epilepsy, the Court said that was okay. Nobody on this floor believed that was the case. If he was discriminated against because he had a disability but could do the job, we said that's wrong. The Court did not agree with us, and we're now changing that and making sure that our intent will be lived out.

We never expected that the people with disabilities who work to mitigate their conditions would have their efforts held against them, but the courts did exactly that. Those narrow rulings, which will be changed by this legislation, have closed the door of opportunity for millions of Americans. We're here today to bring those millions of our fellow citizens back to where they belong—where we want them, where we need them, under the protection of the ADA.

By voting for final passage of the ADA Amendment Act, we ensure that the definition of disability will henceforth be construed broadly and fairly. We make it clear that those who manage to mitigate their disabilities can still be subject to discrimination; we know that intuitively and practically. This legislation says we know it legislatively. And we recognize that those regarded as having a disability are equally at risk and deserve to be equally protected.

□ 1200

This bill, which was approved by the Senate last week unanimously, has come so close to a signature thanks to the tireless work of the members of the disability community, leaders from both parties and business groups, a coalition as broad and deep as the one that created the original ADA.

I want to recognize the cosponsor of this bill, as I said earlier, JIM SENSENBRENNER, tireless in his advocacy, and his wife, Cheryl. I want to thank my good friend Tony Coelho. As I said at a press conference last week, I have served in the Congress for 28 years. There will be a time when I will retire. And I will look back on my career. And one of the proudest achievements I will have is the work that I have done at Tony's insistence and request on behalf of the Americans with Disabilities Act and those who are challenged by being shut out of our society.

Finally, it is my honor to dedicate this bill to a pioneering disability advocate and an inspiration behind the ADA. He is listening to us. He died some years ago. His name was Justin Dart. Justin Dart, like JIM LANGEVIN, was in a wheelchair. It didn't disable him. Indeed, it empowered him. It empowered him to educate all of us. It empowered him to educate those with disabilities as to what they could do and accomplish by their efforts to join together, to educate us and to educate the country. His bride, Yoshiko Dart, carries on that torch.

When Justin Dart spoke last that I heard him at the White House, he said I may not be with you for a long time. But I want you to keep on keeping on. Justin, that is what we do today.

Mr. MCKEON. Mr. Speaker, I yield myself the balance of the time.

I commend the leader for his eloquence and for the great work that he has done on this bill; likewise Mr. SENSENBRENNER, Mr. MILLER, Mr. LANGEVIN, and all those who have worked so hard for bringing forth this bill and for bringing it to this point.

Back in June, I had the privilege to join advocates for Americans with disabilities and many of the Congressional leaders who made that bill possible at a rally in support of this bill. At that time, we made it clear that we needed to get a bill to the President for his signature this year. This is a bill that cannot wait another year. That is why I'm so pleased to be standing here preparing to give final approval to this important legislation.

Once again I want to recognize Chairman MILLER, the leaders of the Judiciary, Transportation and Infrastructure, Energy and Commerce Committees and the members of leadership on both sides of the aisle for shepherding this bill through the process and insisting on an open, inclusive process. This bill is better for it. I also want to recognize the members of my staff who worked hard on this legislation, Jim Paretti, Ken Serafin and Ed Gilroy from my staff helped to make this bill a reality. This is a bill that fulfills our goal of providing strong, balanced and workable protections to ensure that individuals with disabilities can participate more fully in the workforce and in our society.

Mr. Speaker, there are some other comments I would like to make at this time. I think this bill has been a marvelous example of how Congress can work together. It's one that we've worked on now for a number of years. In the last Congress, Chairman SENSENBRENNER introduced this bill. It was introduced in many committees. Many hearings were held. Markups were held. It carried over into this Congress. Under a change of leadership it moved forward. Again, hearings were held. Markups were held. It was passed through the body here in the House. It went to the other side. The other body took this bill up, passed it through regular order and improved the bill. And we find it now back before us in the concluding weeks of this Congress. All of us have worked together to make it a good product that will help the individuals with disabilities that it's meant to help. And I think it makes me proud to be a part of this body to have been able to participate in this process.

Last night we participated in a process that made me not so proud of this body. I understand political process. I understand that we have an election coming up. And I understand that there are times when politics rises above policy. But it still disappointed me to see a bill presented Monday night, no bipartisanship, no hearings, no regular process. Right up here above us it says, ''Let us develop the resources of our land, call forth its powers, build up its institutions.'' It's a direction that we're supposed to be operating under.

This bill was brought up Monday night to address a very, very important issue in our country. We are dependent upon other countries for resources to run our energy, to run this country. It puts us in a very difficult position. It's an issue that is equally as important I think as this bill that we are working on here right now. If it had been addressed in the same way, if we had been able to work together the way we've worked on this bill, I think the country would have been much better served. As it is, we are left with a political statement, a bill that everybody in this body knows is going nowhere, that will do nothing to actually solve the problem of energy, something that will be pushed into the next Congress. Hopefully at that point we can sit down and as adults, as Americans, as leaders that have been elected by the people we serve to come here and work through a good process to really solve a problem that is very, very important to our constituents and to our Nation and to our growth in a time of very serious issues confronting our country. It's my hope that we will be able to do that. I'm saddened by what happened yesterday. But as I said, I understand the process. I understand we're facing an election.

Having said that, seeing this body work at its best and I think at very, very far from its best, I do urge passage of the ADA Amendments Act.

I yield back the balance of my time.

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

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman is recognized for 1½ minutes.

Mr. GEORGE MILLER of California. I fully understand the deep disappointment on behalf of the Republican Members, not all, but those who did not vote for the legislation last night to create a comprehensive energy policy for the future of this Nation. They were intent upon killing it. They fell short. They fell short because it was a bipartisan bill. A number of their Members crossed the aisle to vote for the legislation because they recognize this was about taking us to a new energy future, a future that no longer continued year after year after year, as we have under Republican control, increased dependence upon international oil from nations that are hostile to us in so many ways, of nations who inflate our economy in so many ways.

This legislation will make available billions of barrels of oil that is from the Minerals Management leasing, the administration of oil on the Outer Continental Shelf, more billions of barrels of oil in Alaska, in the National Petroleum Reserve that holds probably more oil than the OCS, that can be opened under legislation. And the royalties that are due this Nation will be put into a trust fund to create the research and the development of renewable and alternative energy resources that are so important if in fact we are going to break our dependence on foreign oil and on fossil fuels as a bedrock of the energy policy of this Nation. It is also going to stop the royalty holidays that oil companies who are making the largest record earnings in history are doing.

With that, I would like to return to the matter at hand and to thank the ranking member from across the aisle, Mr. MCKEON, for all his work. I want to thank again Mr. HOYER and Mr. SENSENBRENNER. I certainly want to thank the staffs of this committee, on our side Sharon Lewis who demonstrated great leadership on this issue, Jody Calemine, Brian Kennedy, Chris Brown, our intern Tom Webb; on their side Jim Paretti, Ed Gilroy and Ken Sarafin; and Mr. HOYER's staff, Michelle Stockwell and Keith Aboshar; and on the Judiciary staff Heather Sawyer and David Lockman. And I failed to mention the Bazelon Center and the Human Resources Policy Association.

Mr. HOYER. Madam Speaker, Mr. SENSENBRENNER and I submit the following regarding S. 3406:

For over a decade, courts have narrowed the scope of the ADA and have thereby excluded many individuals whom Congress intended to cover under the law. The unfortunate impact of too narrow an interpretation has been to erode the promise of the ADA.

With the passage of the ADA Amendments Act (ADAAA) today, we ensure that the ADA's promise for people with disabilities will be finally fulfilled. Our expectation is that this law will afford people with disabilities the freedom to participate in our community, free from discrimination and its segregating effects, that we sought to achieve with the original ADA.

The House of Representatives passed the ADA Amendments Act, H.R. 3195, on June 25, 2008, by an overwhelming vote of 402–17. The purpose of this legislation was to restore the intent of Congress to cover a broad group of individuals with disabilities under the ADA and to eliminate the problem of courts focusing too heavily on whether individuals were covered by the law rather than on whether discrimination occurred.

That commitment has now been echoed by passage in the Senate of the ADA Amendments Act, S. 3406, by unanimous consent. We welcome the opportunity to pass today the version of the ADA Amendments Act passed by the Senate, here in the chamber where it began its journey on July 26th, 2007.

We are particularly pleased with the alliance of business and disability representatives who came together to work with us on this bill and support its passage throughout both houses of Congress. Last January, we personally encouraged these groups to work together to reach an agreement that would work well for both people with disabilities and for entities covered under the law. We are pleased that they have been able to do so throughout this bill's legislative process.

H.R. 3195, the ADA Amendments Act passed by the House, and S. 3406, the ADA Amendments Act passed by the Senate, are identical in most important respects.

Both H.R. 3195 and S. 3406 contain identical language concerning mitigating measures, episodic conditions, major life activities including major bodily functions, treatment of claims under the ''regarded as'' prong, ensuring regulatory authority over the definition of disability, and conforming Section 504 of the Rehabilitation Act to be consistent with the changes made by the ADAAA.

Hence, the Report of the House Committee on Education and Labor and the Report of the House Committee on the Judiciary, as well as our Joint Statement introduced into the CONGRESSIONAL RECORD on June 25, 2008, continue to accurately convey our intent with regard to the bill we are passing today.

While the intent is the same, as discussed more fully below, S. 3406 takes a slightly different approach than H.R. 3195. Consequently, we want to make it clear that where the House Committee Reports and our joint statement used the term ''materially restricts'' to establish points in various examples, those examples should be read to convey the same points, and the term ''materially restricts'' should be understood to refer to the less demanding standard for the term ''substantially limits'' prescribed by both H.R. 3195 and S. 3406. For example, the statement in the House Education and Labor Report that ''the Committee expects that a plaintiff such as Littleton could provide evidence of material restriction in the major life activities of thinking, learning, communicating and interacting with others'' should be understood to mean that the Committee expects that a plaintiff such as Littleton could provide evidence of substantial limitation in thinking, communicating and interacting with others. (See *Littleton* v. *Wal-Mart Stores, Inc.*, 231 Fed. Appx. 874 (11th Cir. 2007)).

The key difference between the two bills is that S. 3406 uses a different means to achieve the same goal that we achieved with H.R. 3195. As we explain below, we are comfortable accepting this approach.

In H.R. 3195, we achieved this goal by redefining the term ''substantially limits'' to mean ''materially restricts'' in order to indicate to the courts that they had incorrectly interpreted the term ''substantially limits'' in Toyota Motor Mfg. of Kentucky, Inc. v. Williams, and to convey to the courts our expectation that they would apply a less demanding standard of severity than had been applied by the Supreme Court.

Our colleagues in the Senate, however, were uncomfortable with creating a new term in the statute. Hence, they achieved the same goal through a different means.

Instead of redefining the term ''substantially limits,'' S. 3406 states that such term ''shall be interpreted consistently with the findings and purposes'' of the ADA Amendments Act. This is a textual provision that will legally guide the agencies and courts in properly interpreting the term ''substantially limits.'' With regard to the findings and purposes that the textual provision requires the agencies and court to use, S. 3406 incorporates all of the findings and purposes of H.R. 3195, including statements that Congress intended for the ADA to provide broad coverage and that this legislation rejects the Supreme Court's decisions in Sutton and Williams that inappropriately narrowed the scope of protection of the ADA.

In order to explain how it intended the definition of ''substantially limits'' to be interpreted, the Senate added findings which highlighted the fact that the Williams decision placed a too high threshold on the definition of substantially limits and that the EEOC's interpretative regulations were similarly drafted or interpreted to create a burden not contemplated by the Congress. Consistent with these findings, the Senate added two purposes which directed the EEOC to amend its regulations to reflect the purposes of the ADA as amended by the ADAAA and which noted that the thrust of ADA inquiry should be directed to the compliance obligations of the covered entities rather than the scope of the disability experienced by the individual asserting coverage under the Act.

While we believe that the approach we adopted in H.R. 3195 would have been workable for the courts—i.e., providing a new definition of ''substantially limits'' in order to convey to courts our intention that they should apply a lower standard of severity than they previously had—we accept the considered judgment of our colleagues in the Senate that their approach achieves the same end, but in a manner more suitable to their interests.

S. 3406 also modifies the rule of construction that we had placed in H.R. 3195. Under the Senate's construction, the definition of disability ''shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.'' We understand that this provision will have the same meaning as the rule of construction that we had included in H.R. 3195, but with a clarification that the courts may not interpret the definition of disability in a manner inconsistent with the terms of the ADA. That, of course, is true.

In addition, the changes made by S. 3406 will send an important signal to the courts. We expect that courts interpreting the ADA after these amendments are enacted will not demand such an extensive analysis over whether a person's physical or mental impairment constitutes a disability. Our goal throughout this process has been to simplify that analysis.

With the passage of the ADA Amendments Act today, we finally fulfill our promise to tear down the barriers of ignorance and misinterpretation that make up an unpardonable ''wall of exclusion'' against people with disabilities. See George H. W. Bush, Remarks on Signing the Americans with Disabilities Act of 1990 (July 26, 1990).

We are grateful to the individuals and advocates who have worked tirelessly to ensure the civil rights and inclusion of people with disabilities in every aspect of life. This includes work during various stages of the bill to bring it to a successful conclusion.

A large group of individuals worked closely with us as we developed the second ADA Restoration Act that was introduced on July 26, 2007:

Tony Coelho, Immediate Past Board Chair of the Epilepsy Foundation and Former U.S. Representative; Cheryl Sensenbrenner, Board Chair of the American Association of People with Disabilities (AAPD); Andy Imparato, AAPD; Sandy Finucane, Epilepsy Foundation and her lawyers at the Georgetown Federal Legislation and Administrative Clinic: Heather Sawyer, Kevin Barry and Chai Feldblum; Jennifer Mathis, Bazelon Center for Mental Health Law; Abby Bownas and Shereen Arent, American Diabetes Association (ADA); Curt Decker and Ken Shiotani, National Disability Rights Network (NDRN); Arlene Mayerson and Marilyn Golden, Disability Rights Education and Defense Fund (DREDF); Claudia Center, Legal Aid Society of CA; Janna Starr, Paul Marchand and Erika Hagensen of The Arc/UCP Public Policy Collaboration; Denise Rozell, Easter Seals; Lee Page, Paralyzed Veterans Association; Bobby Silverstein, Center for the Study and Advancement of Disability Policy, and John Lancaster, National Council on Independent Living (NCIL).

In January 2008, we urged representatives from both communities to sit down with each other and to understand each other's needs and concerns. We appreciate the leadership role displayed in these conversations by the following individuals on behalf of the disability community: Sandy Finucane, Epilepsy Foundation; Professor Chai Feldblum, Georgetown Law; Andy Imparato, AAPD; Jennifer Mathis, Bazelon Center for Mental Health Law; Curt Decker, NDRN; John Lancaster, NCIL.

We appreciate the leadership role displayed in these conversations by the following individuals on behalf of the business community: Randy Johnson and Michael Eastman, U.S. Chamber of Commerce; Mike Peterson, HR Policy Association; Jeri Gillespie, National Association of Manufacturers; Mike Aitken and Mike Layman, Society for Human Resource Management.

We appreciate the intensive work done by the core legal team in these discussions, led by Professor Chai Feldblum and Jennifer Mathis for the disability negotiators, ably assisted by Kevin Barry, Jim Flug, John Muller and Emily Benfer, and led by Mike Eastman, Lawrence Lorber, Proskauer Rose, LLP, and Mike Peterson.

We benefited greatly from the fact that former colleagues in both Congress and the Administration lent their support to this effort, including former U.S. Representative Steve Bartlett, former U.S. Representative Tony Coelho, former Senator Robert Dole, and former Attorney General Richard Thornburgh.

We appreciate the personal leadership role taken by Nancy Zirkin and Lisa Bornstein of the Leadership Conference in Civil Rights in making this a priority for the civil rights community.

Finally, at the risk of leaving out some individuals, we want to recognize some of the additional countless individuals who helped with educating Members of Congress, doing important coalition and media work, and providing legal input on the bill as it progressed through Congress, from its first stages through the final vote today: Anne Sommers, AAPD; Angela Ostrom, Donna Meltzer, Hans Friedhoff, Ken Lowenberg, Kimberli Meadows, and Lisa Boylan, Epilepsy Foundation; Day Al Mohamed, American Psychological Association; Deb Cotter, NCIL; Joan Magagna and Ron Hager, NDRN; Mistique Cano, Maggie Kao and Robyn Kurland, Leadership Conference for Civil Rights; Peggy Hathaway and Jim Wiseman, United Spinal Association; Annie Acosta, The Arc/UCP Disability Policy Collaboration; Lewis Bossing, Bazelon Center for Mental Health Law; John Kemp, U.S. International Council on Disabilities; Bebe Anderson, Lambda Legal Defense Fund; Robert Burgdorf, UDC law professor; Rosaline Crawford, National Association of the Deaf (NAD); Mark Richert, American Foundation for the Blind; Eric Bridges, American Council for the Blind; Jessica Butler, Council of Parent Attorneys and Advocates; Michael Collins, Julie Carroll and Jeff Rosen, NCD; Steve Bennett, UCP, Lise Hamlin, Hard of Hearing Association of America; Laura Kaloi, National Center for Learning Disabilities; Donna Lenhoff and Gary Phelan, National Employment Lawyers Association (NELA); Darrin Brown and Evelyn Morton, AARP; Dan Kohrman, AARP Foundation and NELA; Katy Beh Neas, Easter Seals; Andrew Sperling, National Alliance on Mental Illness; Toby Olson, Washington State Governor's Committee on Disability Issues and Employment; Myrna Mandlawitz, Learning Disabilities Association; Ari Ne'eman, Autistic Self Advocacy Network; Shawn O'Neail, National Multiple Sclerosis Society; Laura Owens; APSE: The Network on Employment; Cindy Smith, CHADD; Jim Ward, ADA Watch/National Council on Disability Rights; Nathan Vafaie, National Health Council; David Webbert, Johnson & Webbert; Joanne Lin, Michelle Richardson, and Deborah Vagins, ACLU Washington Legislative Office; Lynne Landsberg and Kate Bigam, Religious Action Center of Reform Judaism, Amy Rosen, United Jewish Communities; Elissa Froman, National Council of Jewish Women; Jayne Mardock, National Kidney Foundation; Jack Clark and Mark Freedman, U.S. Chamber of Commerce; Tim Bartl, HR Policy Association; Recardo Gibson, SHRM; Bo Bryant, McDonald's; Keith Smith, Ryan Modlin and Bob Shepler, National Association of Manufacturers; Ty Kelley, Food Marketing Institute; and Jason Straczewski, International Franchise Association.

Regardless of the work done by advocates, however, it is ultimately we in Congress who must get the job done. We applaud the commitment of Congressman George Miller, Chair, and Congressman Buck McKeon, Ranking Member, Committee on Education and Labor; Congressman John Conyers, Chair, and Congressman Lamar Smith, Ranking Member, Committee on Judiciary; Congressman Jerry Nadler, Chair, and Congressman Trent Franks, Ranking Member, Subcommittee on the Constitution, Civil Rights, and Civil Liberties; Congressman John Dingell, Chair, and Congressman Joe Barton, Ranking Member, Committee on Energy and Commerce; Congressman James Oberstar, Chair, and Congressman John Mica, Ranking Member, Committee on Transportation and Infrastructure for bringing this bill successfully through their committees. We applaud our 400 colleagues who voted with us to pass the ADA Amendments Act this past June and we applaud the Senate that unanimously passed the ADA Amendments Act last week.

And, of course, there is no way we could have done all the work that we did on this bill without the dedicated assistance of our staff and the staff of the committees. So, we would particularly like to thank Michele Stockwell, Keith Abouchar, Michael Lenn, Sharon Lewis, Heather Sawyer, Mark Zuckerman, Jim Paretti, Ed Gilroy, Brian Kennedy, Paul Taylor, David Lachmann, Alex, Nock, Thomas Webb, Jody Calemine, Tico Almeida, Chris Brown, and Ken Serafin.

What really matters, when all is said and done, is the work done by people with disabilities every day across this great nation. The passage of the ADA Amendments Act today is intended to ensure that they receive the simple, basic opportunity to participate fully in all aspects of society. We are grateful to have played a role in helping to make that happen,

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of S. 3406, the ADA Amendments Act of 2008. This bipartisan legislation, which will restore the original intent of the Americans with Disabilities Act, ADA, is long overdue.

The passage of the ADA in 1990 helped millions of Americans with disabilities succeed in life and the workplace by making essential services that most Americans take for granted more accessible to individuals with disabilities. It was truly a landmark civil rights law to ensure that people with disabilities have protection from discrimination in the same manner as individuals are protected from discrimination on the basis of race, gender, national origin, religion, or age.

In recent years, the Federal courts have erroneously eroded the protections for individuals under the ADA, which has created a new set of barriers for those with disabilities. This bill rejects the courts' narrow interpretation of the definition of disability, and makes it absolutely clear that the ADA is intended to provide broad coverage to protect anyone who faces discrimination on the basis of disability. It strikes a careful balance between the needs of individuals with disabilities and realities confronted by employers.

Madam Speaker, the Congress is taking an important step towards restoring the original intent of the ADA. By doing so, we will help ensure that Americans with disabilities can lead independent and self-sufficient lives. I urge my colleagues to support this much-needed legislation.

Mr. COURTNEY. Madam Speaker, I rise in strong support of the Americans With Disabilities Act Amendments Act of 2008 (ADAAA), S. 3406. I want to commend Majority Leader HOYER and Chairman MILLER for moving this bill so quickly after Senate passage late last week.

As the Education and Labor Committee said in its report on H.R. 3195, this bill provides "an important step towards restoring the original intent of Congress. The scope of protection under the ADA was intended to be broad and inclusive. Unfortunately, the courts have narrowed the interpretation of disability and found that a large number of people with substantially limiting impairments are not to be considered people with disabilities."

Unfortunately, the ADA has been misinterpreted by the courts resulting in a narrow view of those eligible to receive certain reasonable accommodations including individuals with

learning disabilities. Historically, certain individuals with learning disabilities seeking accommodations in higher education—including high stakes exams—have seen their access to testing accommodations severely undercut by testing companies not willing to consider and support that learning disabilities are neurologically based, lifelong disabilities that may exist in students with high academic achievement because the individual has been able to cope and mitigate the negative impact while simultaneously being substantially limited in one or more major life activities.

Too many individuals with documented learning disabilities, including dyslexia, are denied access to easily administered and often low-cost accommodations that would make the critical difference in allowing them to demonstrate their knowledge. These amendments to the ADA do not provide any special treatment, but rather, ensure that each individual with a learning disability has every opportunity to apply for and receive a reasonable accommodation so he/she can move forward in his/her chosen educational and career paths.

This bill continues to reinforce what we stated in our bipartisan committee report, that ''the determination of whether an impairment substantially limits a major life activity is to be made on an individualized basis.'' There should be no attempt to discriminate against a class of individuals based on any one disability. For example, people with dyslexia are diagnosed based on an unexpected difficulty in reading. This requires a careful analysis of the method and manner in which this impairment substantially limits an individual's ability to read, which may mean a difference in the duration, condition or manner of reading—for example, taking more time—but may not result in a less capable reader.

Together, we can ensure that the ADA is accurately interpreted to provide access to accommodations for those that have appropriately documented disabilities. By supporting and fostering the academic potential for these individuals, we reap the benefits when talented, ambitious and creative individuals are able to fulfill their education dreams and contribute in a meaningful way to our society.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of S. 3406, the ''ADA Restoration Act of 2007.'' I wholeheartedly support this bill and urge my colleagues to support it also. The changes embodied by this Act, that restore the with Disabilities Act of 1990 (''ADA'') to its original purpose, are long overdue.

S. 3406, the ''ADA Restoration Act of 2007,'' amends the definition of ''disability'' in the ADA in response to the Supreme Court's narrow interpretation of the definition, which has made it extremely difficult for individuals with serious health conditions—epilepsy, diabetes, cancer, muscular dystrophy, multiple sclerosis and severe intellectual impairments—to prove that they qualify for protection under the ADA. The Supreme Court has narrowed the definition in two ways: (1) by ruling that mitigating measures that help control an impairment like medicine, hearing aids, or any other treatment must be considered in determining whether an impairment is disabling enough to qualify as a disability; and (2) by ruling that the elements of the definition must be interpreted ''strictly to create a demanding standard for qualifying as disabled.'' The Court's treatment of the ADA is at odds with judicial treatment of other civil rights statutes, which usually are interpreted broadly to achieve their remedial purposes. It is also inconsistent with Congress's intent.

The Committee will consider a substitute that represents the consensus view of disability rights groups and the business community. That substitute restores Congressional intent by, among other things:

Disallowing consideration of mitigating measures other than corrective lenses (ordinary eyeglasses or contacts) when determining whether an impairment is sufficiently limiting to qualify as a disability;

Maintaining the requirement that an individual qualifying as disabled under the first of the three-prong definition of ''disability'' show that an impairment ''substantially limits'' a major life activity but defining ''substantially limits'' as a less burdensome ''materially restricts'';

Clarifying that anyone who is discriminated against because of an impairment, whether or not the impairment limits the performance of any major life activities, has been ''regarded as'' disabled and is entitled to the ADA's protection.

BACKGROUND ON LEGISLATION

Eighteen years ago, President George H.W. Bush, with overwhelming bipartisan support from the Congress, signed into law the ADA. The Act was intended to provide a ''clear and comprehensive mandate,'' with ''strong, consistent, enforceable standards,'' for eliminating disability-based discrimination. Through this broad mandate, Congress sought to protect anyone who is treated less favorably because of a current, past, or perceived disability. Congress did not intend for the courts to seize on the definition of disability as a means of excluding individuals with serious health conditions from protection, yet this is exactly what has happened. A legislative action is now needed to restore congressional intent and ensure broad protection against disability-based discrimination.

COURT RULINGS HAVE NARROWED ADA PROTECTION, RESULTING IN THE EXCLUSION OF INDIVIDUALS THAT CONGRESS CLEARLY INTENDED TO PROTECT.

Through a series of decisions interpreting the ADA's definition of ''disability,'' however, the Supreme Court has narrowed the ADA in ways never intended by Congress. First, in three cases decided on the same day, the Supreme Court ruled that the determination of ''disability'' under the first prong of the definition—i.e., whether an individual has a substantially limiting impairment—should be made after considering whether mitigating measures had reduced the impact of the impairment. In all three cases, the undisputed reason for the adverse action was the employee's medical condition, yet all three employers argued—and the Supreme Court agreed—that the plaintiffs were not protected by the ADA because their impairments, when considered in a mitigated state, were not limiting enough to qualify as disabilities under the ADA.

Three years later, the Supreme Court revisited the definition of ''disability'' in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams. In that case, the plaintiff alleged that her employer discriminated against her by failing to accommodate her disabilities, which included carpal tunnel syndrome, myotendonitis, and thoracic outlet compression. While her employer previously had adjusted her job duties, making it possible for her to perform well despite these conditions, Williams was not able to resume certain job duties when requested by Toyota and ultimately lost her job. She challenged the termination, also alleging that Toyota's refusal to continue accommodating her violated the ADA. Looking to the definition of ''disability,'' the Court noted that an individual ''must initially prove that he or she has a physical or mental impairment,'' and then demonstrate that the impairment ''substantially limits'' a ''major life activity.'' Identifying the critical questions to be whether a limitation is ''substantial'' and whether a life activity is ''major,'' the court stated that ''these terms need to be interpreted strictly to create a demanding standard for qualifying as disabled.'' The Court then concluded that ''substantial'' requires a showing that an individual has an impairment ''that prevents or severely restricts the individual, and 'major' life activities requires a showing that the individual is restricted from performing tasks that are 'of central importance to most people's daily lives.' ''

In the wake of these rulings, disabilities that had been covered under the Rehabilitation Act and that Congress intended to include under the ADA—serious health conditions like epilepsy, diabetes, cancer, cerebral palsy, multiple sclerosis—have been excluded. Either, the courts say, the person is not impaired enough to substantially limit a major life activity, or the impairment substantially limits something—like liver function—that the courts do not consider a major life activity. Courts even deny protection when the employer admits that it took adverse action based on the individual's impairment, allowing employers to take the position that an employee is too disabled to do a job but not disabled enough to be protected by the law.

On October 4, 2007, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a legislative hearing on S. 3406, the ''ADA Restoration Act of 2007.'' Witnesses at the hearing included Majority Leader STENY H. HOYER (D–MD); Cheryl Sensenbrenner, Chair, American Association of People with Disabilities; Stephen C. Orr, pharmacist and plaintiff in Orr v. Wal-Mart Stores, Inc.; Michael C. Collins, Executive Director, National Council on Disability; Lawrence Z. Lorber, U.S. Chamber of Commerce; and Chai R. Feldblum, Professor, Georgetown University Law Center.

The hearing provided an opportunity for the Constitution Subcommittee to examine how the Supreme Court's decisions regarding the definition of ''disability'' have affected ADA protection for individuals with disabilities and to consider the need for legislative action. Representative HOYER, one of the lead sponsors of the original act and, along with Representative SENSENBRENNER, lead House cosponsor of the ADA Restoration Act, explained the need to respond to court decisions ''that have sharply restricted the class of people who can invoke protection under the law and [reinstate] the original congressional intent when the ADA passed.'' Explaining

Congress's choice to adopt the definition of ''disability'' from the Rehabilitation Act because it had been interpreted generously by the courts, Representative HOYER testified that Congress had never anticipated or intended that the courts would interpret that definition so narrowly:

[W]e could not have fathomed that people with diabetes, epilepsy, heart conditions, cancer, mental illnesses and other disabilities would have their ADA claims denied because they would be considered too functional to meet the definition of disabled. Nor could we have fathomed a situation where the individual may be considered too disabled by an employer to get a job, but not disabled enough by the courts to be protected by the ADA from discrimination. What a contradictory position that would have been for Congress to take.

Representative HOYER, joined by all of the witnesses except Mr. Lorber, urged Congress to respond by passing H.R. 3195, the House companion, to amend the definition of ''disability.'' Mr. Lorber, appearing on behalf of the Chamber of Commerce, opposed H.R. 3195 as an overly broad response to court decisions that accurately reflected statutory language and congressional intent.

Since the subcommittee's hearing, several changes have been made to the bill, which are reflected in the substitute that will likely be considered by the committee. The substitute, described section-by-section below, represents the consensus of the disability rights and business groups and is supported by, among others, the Chamber of Commerce.

Importantly, Section 4 of the bill amends the definition of ''disability'' and provides standards for applying the amended definition. While retaining the requirement that a disability ''substantially limits'' a ''major'' life activity under prongs 1 and 2 of the definition of disability, section 4 redefines ''substantially limits'' as ''materially restricts'' to indicate a less stringent standard. Thus, while the limitation imposed by an impairment must be important, it need not rise to the level of preventing or severely restricting the performance of major life activities in order to qualify as a disability. Section 4 provides an illustrative list of life activities that should be considered ''major,'' and clarifies that an individual has been ''regarded as'' disabled and is entitled to protection under the ADA if discriminated against because of an impairment, whether or not the impairment limits the performance of any major life activities. Section 4 requires broad construction of the definition and prohibits consideration of mitigating measures (with the exception of ordinary glasses or contact lenses) in determining whether an impairment substantially limits a major life activity.

I support this bill, and I urge my colleagues to support it also.

Ms. BALDWIN. Madam Speaker, I rise in support of S. 3406, the Americans with Disabilities Act (ADA) Amendments Act.

This vital legislation restores the civil rights protections that Congress intended for people with disabilities in passing the ADA in 1990. In the years since passage of the ADA, courts—including the U.S. Supreme Court—have narrowed the protective reach of this law, undermining Congress' intent. It is flatly unacceptable that Americans who experienced disability-based discrimination have been denied protection of the ADA and barred from challenging discriminatory conduct. This bill is an important and necessary remedy, and I'm grateful to our champions in the House, Mr. HOYER and Mr. SENSENBRENNER, as well as Senator HARKIN and others who shepherded the ADA Amendments Act through the Senate.

Importantly, the ADA Amendments Act addresses the restrictive interpretation of what it means to have a ''disability'' and therefore be protected against disability discrimination. In Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, the Supreme Court ruled that the definition of disability must be read ''strictly to create a demanding standard for qualifying as disabled'' and, to meet the definition, an individual must have an impairment that ''prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives.''

Due to that and other narrow court interpretations, people with HIV who have been fired, not hired, or suffered other adverse employment actions have been denied the protections of the ADA. Although the ADA clearly intended to protect people living with HIV from being discriminated against based on having HIV, many have had their lawsuits derailed by disputes over whether they meet a narrowly interpreted definition of the term ''disability.'' For people living with HIV, all too often whether or not they could proceed with their discrimination claim has turned on the court's view of evidence as to their child-bearing ability and intentions: highly personal, intimate matters that are completely unrelated to the discrimination they experienced.

The ADA Amendments Act remedies the courts' misinterpretation of the ADA by explicitly stating that the definition of ''disability'' must be interpreted broadly to achieve the ADA's remedial purposes, by clarifying the definition of ''disability'' through examples of ''major life activities,'' and by providing that the determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures. Of significance for people living with HIV, among the listed examples of ''major life activities'' are ''functions of the immune system,'' as well as ''reproductive functions.'' Under these new provisions, many individuals who were incorrectly denied coverage under the ADA will now be protected from discrimination. Some examples follow:

Rubin Cruz Carrillo was fired from his job as a flight attendant 1 day after he told his employer that he had been diagnosed with HIV and asked to speak with his supervisors about this under ''strict confidentiality.'' Because he was fired immediately after disclosing his HIV status, Rubin believed that the airline terminated him because of his disability and filed suit under the ADA. To show that his HIV infection ''substantially limits'' a ''major life activity,'' Rubin explained that he decided not to have children because of the risk of infecting his female partner or their resulting child through unprotected sexual intercourse. The trial judge discounted his testimony, saying that Rubin was ''not an expert in the medical field of immunology or reproduction.'' The court concluded that Rubin had not established that he had a ''disability'' because he failed to introduce medical evidence that HIV substantially limits a man's ability to reproduce. Therefore, the court ruled Rubin was not entitled to the protections of the ADA.

In contrast, another judge on the same Federal district court found that a female with HIV was entitled to ADA protection. Yesenia Rodriguez alleged that she was discharged from an assignment because she had HIV. The court found that she was ''disabled'' under the meaning of the ADA, based on her testimony that she decided not to have more children due to the possibility of transmitting HIV to her child if she did.

Other courts have granted summary judgment for employers (dismissing discrimination claims) on the grounds that the employee with HIV did not establish that his HIV was a ''disability.'' For example, Fabio Gutwaks'' discrimination claim was dismissed after the court concluded that he had failed to establish that he was substantially limited in the major life activity of reproduction because he testified that he did not currently, or previously, desire to father children. Similarly, Albenjamin Blanks' claim was dismissed after he testified that he and his wife had decided not to have any more children long before the discriminatory conduct occurred and that his wife had undergone a procedure to prevent her from having any more children.

The ADA was meant to prohibit discrimination against people with disabilities. Yet, many people with HIV have been denied coverage under the ADA and therefore left without any legal recourse against discrimination. Under the ADA Amendments Act, these men and women will all be assured legal protection for discrimination based on their HIV status, irrespective of their child-bearing intentions or lack of expert testimony about HIV's impact on child-bearing.

By passing the ADA Amendments Act, we reaffirm the right for American workers—including any American living with HIV—to be judged based upon their skills, talents, loyalty, character, integrity and work ethic. I am pleased to support this bill to ensure that all Americans have a fair opportunity to work.

Mr. GEORGE MILLER of California. Madam Speaker, I rise today in strong support of final passage of S. 3406, the ADA Amendments Act of 2008.

Since 1990, the Americans with Disabilities Act has provided protection from discrimination for millions of productive, hard-working Americans so that they may fully participate in our Nation's schools, communities and workplaces.

Among other rights, the law guaranteed that workers with disabilities would be judged on their merits and not on an employer's prejudice.

But since the ADA's enactment, several Supreme Court rulings have dramatically reduced the number of individuals with disabilities who are protected from discrimination under the law.

Workers like Carey McClure, an electrician with muscular dystrophy who testified before our committee in January, have been determined by an employer be ''too disabled'' to do a job, yet courts have said that these individuals are not disabled enough. This is the terrible ''catch-22'' that Congress will change with passage of this bill.

S. 3406, like H.R. 3195 passed in June, remedies this situation in several ways by reversing flawed court decisions to restore the original congressional intent of the ADA. Workers with disabilities who have been discriminated against will no longer be denied their civil rights as a result of these erroneous court decisions.

We expect that individuals will find it much easier to meet the determination of disability under the amended ADA.

In order to achieve the remedial purpose of the ADA as a civil rights law, S. 3406 re-establishes the scope of protection to be generous and inclusive. The bill returns the proper emphasis to whether discrimination occurred rather than on whether an individual's impairment qualifies as a disability.

S. 3406 ensures that individuals who reduce the impact of their impairments through means such as hearing aids, medications, or learned behavioral modifications will be considered in their unmitigated state.

For people with epilepsy, or diabetes, or other conditions who have successfully managed a disability, this means the end of the ''catch-22'' that Carey McClure and so many others have encountered when seeking justice.

For our returning war veterans with disabilities, S. 3406 will ensure their transition back to civilian life will not include another battle here at home—a battle against discrimination on the basis of disability.

And students with physical or mental impairments will have access to the accommodations and modifications they need to successfully pursue an education.

Much of the language contained in S. 3406 is identical to the House-passed H.R. 3195. This includes provisions concerning mitigating measures, episodic conditions, major life activities, treatment of claims under the ''regarded as'' prong, regulatory authority for the definition of disability, and the conforming amendments to Section 504 of the Rehabilitation Act.

In the House Committee Reports on H.R. 3195, we clarify that an individual who is ''regarded as having such an impairment'' under the third prong of the definition is not subject to the functional test (i.e., required to establish that the perceived or actual impairment substantially limits a major life activity) set forth in the first prong. Thus, an individual with an actual or perceived impairment who is disqualified from a job, program, or service and alleges that the adverse action was based upon his or her impairment is covered by the ADA as a member of the protected class, and therefore entitled to bring a claim.

In clarifying the scope of protection under the third prong of the definition, we also established that reasonable accommodations or modifications do not need to be provided for those individuals who qualify for coverage only because they have been ''regarded as'' having a disability. We are confident, as is the Senate, that individuals who need accommodations or modifications will receive them because those individuals will now qualify for coverage under the first or second prongs (under the less demanding interpretation of ''substantial limitation'') when accommodations or modifications are still required. Our clarification regarding the provision of modifications here does not shield qualification standards, tests, or other selection criteria from challenge by an individual who is disqualified based on such standard, test, or criteria. As is currently required under the ADA, any standard, test, or other selection criteria that results in disqualification of an individual because of an impairment can be challenged by that individual and must be shown to be job-related and consistent with business necessity or necessary for the program or service in question.

Other small differences in the findings and purposes in S. 3406, as well as the rule of construction related to the broad coverage of the act, correspond to similar language in H.R. 3195 and support the objectives as described in the House Committee Education and Labor Report.

As such, our committee report continues to reflect the intent of the legislation and should be regarded as a valid interpretation, with one exception—the definition of ''materially restricts.''

This difference between the two bills resides in the attempt to correct the current interpretation of ''substantially limits.''

The EEOC regulations define the term ''substantially limits'' as ''unable to perform'' or ''significantly restricted.'' In the Toyota case (Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002)), the Supreme Court interpreted ''substantially limits'' to mean ''prevents or severely restricts.''

Both the House and the Senate clearly expect the courts and the agencies to apply a less demanding standard when interpreting ''substantially limits,'' even though the two chambers took divergent, but not inconsistent, approaches.

S. 3406 rejects both of these definitions as too demanding and too narrow, and directs the courts and the agencies to interpret the term ''substantially limits'' consistently with the findings and purposes of the ADA Amendments Act.

H.R. 3195 defines ''substantially limits'' to mean ''materially restricts.'' While the committee believed inclusion of this language would send a strong signal that ''while the limitation imposed by an impairment must be important, it need not rise to the level of severely restricting or significantly restricting the ability to perform a major life activity'' (House Committee on Education and Labor Report 110–730 part 1, at 9), our colleagues in the Senate disagreed.

In his statement, Senator KENNEDY notes that the term ''materially restricts,'' and the House committee report's references to a spectrum or range of severity ''set an inappropriately high standard for the determination of whether an individual is substantially limited in a major life activity and pose the risk of confusing the threshold determination of who is covered by the act.'' (154 Cong. Rec. S8355 (daily ed September 11, 2008)). This was certainly not our intention.

We also agree with the Senate managers that ''such terms encourage the courts to engage in an inappropriate level of scrutiny as to the severity of an impairment when determining whether an individual has a disability.'' (Senate Statement of Managers to Accompany S. 3406, Endnote 14.) We intend that the ADA Amendments will have the opposite effect, by reducing the depth of analysis related to the severity of the limitation of the impairment and returning the focus to the question of discrimination.

S. 3406 also includes a restatement of current law related to fundamental alterations in order to assure institutions of higher education that the ADA Amendments Act does not change the principle that entities need not make modifications to policies, practices or procedures that would fundamentally alter the nature of programs or services, as is true under current law.

For example, a university would not be expected to eliminate academic requirements essential to the instruction being pursued by a student, although the school may be required to make modifications in order to enable students with disabilities to meet those academic requirements. Current regulations provide that ''Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.'' (Senate Statement of Managers to Accompany S. 3406, Endnote 14)

Educational, testing, certification and licensing entities covered by the ADA also maintain discretion to establish appropriate and reasonable documentation requirements related to the determination of disability, as is true under current law. In June 2008, the Department of Justice offered that ''a testing entity should accept without further inquiry documentation provided by a qualified professional who has made an individualized assessment of the applicant. Appropriate documentation may include a letter from a qualified professional or evidence of a prior diagnosis, accommodation, or classification, such as eligibility for a special education program.'' (Examinations and Courses, 73 Federal Register 34539 (June 17, 2008))

Once an individual has established that he or she experiences (or has a record of) a physical or mental impairment that substantially limits a major life activity, such individual is entitled to reasonable and appropriate modifications in policies, practices or procedures so long as the modifications in question do not fundamentally alter the nature of the program or service.

We expect that the less demanding standard applied to the definition of disability will allow students and licensure candidates with documented disabilities to more readily access appropriate accommodations on examinations when needed.

Last, we must remember that the ADA definition of disability applies also to our public elementary and secondary schools. We believe that most schools currently operate in a manner consistent with the original congressional intent of Section 504 of the Rehabilitation Act and the ADA and should be minimally affected by the change in definition. We do not anticipate a need for extensive changes to the current regulations and published guidance provided by the Office of Civil Rights at the Department of Education.

This legislation has broad support: Democrats and Republicans, employers, civil rights

groups, and advocates for individuals with disabilities. I'm pleased we were able to work together to get to this point.

In particular, I would like to thank the members of the Employer and Disability Alliance, including the Leadership Conference on Civil Rights, the Epilepsy Foundation, the American Association of People with Disabilities, the Bazelon Center for Mental Health Law, the U.S. Chamber of Commerce, HR Policy Association, the National Association of Manufacturers, and the Society for Human Resource Management for their hard work and long hours of negotiation with each other and with our staff.

Of course, much credit is due to Majority Leader HOYER and Congressman SENSENBRENNER for their leadership and tenacity in the House; and Senator HARKIN, Senator KENNEDY and Senator HATCH for their skill in moving this legislation through the Senate with unanimous support.

It is time to restore the original intent of the ADA and ensure that the tens of millions of Americans with disabilities who want to work, attend school, and fully participate in our communities will have the chance to do so.

I look forward to passage of this legislation.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the Senate bill, S. 3406.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SSI EXTENSION FOR ELDERLY AND DISABLED REFUGEES ACT

Mr. MCDERMOTT. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2608) to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''SSI Extension for Elderly and Disabled Refugees Act''.

SEC. 2. SSI EXTENSIONS FOR HUMANITARIAN IMMIGRANTS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

''(M) SSI EXTENSIONS THROUGH FISCAL YEAR 2011.—

''(i) TWO-YEAR EXTENSION FOR CERTAIN ALIENS AND VICTIMS OF TRAFFICKING.—

''(I) IN GENERAL.—Subject to clause (ii), with respect to eligibility for benefits under subparagraph (A) for the specified Federal program described in paragraph (3)(A) of qualified aliens (as defined in section 431(b)) and victims of trafficking in persons (as defined in section 107(b)(1)(C) of division A of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) or as granted status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act), the 7-year period described in subparagraph (A) shall be deemed to be a 9-year period during fiscal years 2009 through 2011 in the case of such a qualified alien or victim of trafficking who furnishes to the Commissioner of Social Security the declaration required under subclause (IV) (if applicable) and is described in subclause (III).

''(II) ALIENS AND VICTIMS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—Subject to clause (ii), beginning on the date of the enactment of the SSI Extension for Elderly and Disabled Refugees Act, any qualified alien (as defined in section 431(b)) or victim of trafficking in persons (as defined in section 107(b)(1)(C) of division A of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) or as granted status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act) rendered ineligible for the specified Federal program described in paragraph (3)(A) during the period beginning on August 22, 1996, and ending on September 30, 2008, solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this clause, if such qualified alien or victim of trafficking meets all other eligibility factors under title XVI of the Social Security Act, furnishes to the Commissioner of Social Security the declaration required under subclause (IV) (if applicable), and is described in subclause (III).

''(III) ALIENS AND VICTIMS DESCRIBED.—For purposes of subclauses (I) and (II), a qualified alien or victim of trafficking described in this subclause is an alien or victim who—

''(aa) has been a lawful permanent resident for less than 6 years and such status has not been abandoned, rescinded under section 246 of the Immigration and Nationality Act, or terminated through removal proceedings under section 240 of the Immigration and Nationality Act, and the Commissioner of Social Security has verified such status, through procedures established in consultation with the Secretary of Homeland Security;

''(bb) has filed an application, within 4 years from the date the alien or victim began receiving supplemental security income benefits, to become a lawful permanent resident with the Secretary of Homeland Security, and the Commissioner of Social Security has verified, through procedures established in consultation with such Secretary, that such application is pending;

''(cc) has been granted the status of Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96–422), for purposes of the specified Federal program described in paragraph (3)(A);

''(dd) has had his or her deportation withheld by the Secretary of Homeland Security under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of division C of Public Law 104–208), or whose removal is withheld under section 241(b)(3) of such Act;

''(ee) has not attained age 18; or

''(ff) has attained age 70.

''(IV) DECLARATION REQUIRED.—

''(aa) IN GENERAL.—For purposes of subclauses (I) and (II), the declaration required under this subclause of a qualified alien or victim of trafficking described in either such subclause is a declaration under penalty of perjury stating that the alien or victim has made a good faith effort to pursue United States citizenship, as determined by the Secretary of Homeland Security. The Commissioner of Social Security shall develop criteria as needed, in consultation with the Secretary of Homeland Security, for consideration of such declarations.

''(bb) EXCEPTION FOR CHILDREN.—A qualified alien or victim of trafficking described in subclause (I) or (II) who has not attained age 18 shall not be required to furnish to the Commissioner of Social Security a declaration described in item (aa) as a condition of being eligible for the specified Federal program described in paragraph (3)(A) for an additional 2-year period in accordance with this clause.

''(V) PAYMENT OF BENEFITS TO ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—Benefits paid to a qualified alien or victim described in subclause (II) shall be paid prospectively over the duration of the qualified alien's or victim's renewed eligibility.

''(ii) SPECIAL RULE IN CASE OF PENDING OR APPROVED NATURALIZATION APPLICATION.—With respect to eligibility for benefits for the specified program described in paragraph (3)(A), paragraph (1) shall not apply during fiscal years 2009 through 2011 to an alien described in one of clauses (i) through (v) of subparagraph (A) or a victim of trafficking in persons (as defined in section 107(b)(1)(C) of division A of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) or as granted status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act), if such alien or victim (including any such alien or victim rendered ineligible for the specified Federal program described in paragraph (3)(A) during the period beginning on August 22, 1996, and ending on September 30, 2008, solely by reason of the termination of the 7-year period described in subparagraph (A)) has filed an application for naturalization that is pending before the Secretary of Homeland Security or a United States district court based on section 336(b) of the Immigration and Nationality Act, or has been approved for naturalization but not yet sworn in as a United States citizen, and the Commissioner of Social Security has verified, through procedures established in consultation with the Secretary of Homeland Security, that such application is pending or has been approved.''.

SEC. 3. COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.

(a) IN GENERAL.—Section 6402 of the Internal Revenue Code (relating to authority to make credits or refunds) is amended by redesignating subsections (f) through (k) as subsections (g) through (l), respectively, and by inserting after subsection (e) the following new subsection:

''(f) COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.—

''(1) IN GENERAL.—Upon receiving notice from any State that a named person owes a covered unemployment compensation debt to such State, the Secretary shall, under such conditions as may be prescribed by the Secretary—

''(A) reduce the amount of any overpayment payable to such person by the amount of such covered unemployment compensation debt;

''(B) pay the amount by which such overpayment is reduced under subparagraph (A) to such State and notify such State of such person's name, taxpayer identification number, address, and the amount collected; and

''(C) notify the person making such overpayment that the overpayment has been reduced by an amount necessary to satisfy a covered unemployment compensation debt.

If an offset is made pursuant to a joint return, the notice under subparagraph (C) shall include information related to the rights of a spouse of a person subject to such an offset.

''(2) PRIORITIES FOR OFFSET.—Any overpayment by a person shall be reduced pursuant to this subsection—

''(A) after such overpayment is reduced pursuant to—

''(i) subsection (a) with respect to any liability for any internal revenue tax on the part of the person who made the overpayment;

''(ii) subsection (c) with respect to past-due support; and

''(iii) subsection (d) with respect to any past-due, legally enforceable debt owed to a Federal agency; and

''(B) before such overpayment is credited to the future liability for any Federal internal revenue tax of such person pursuant to subsection (b).

If the Secretary receives notice from a State or States of more than one debt subject to paragraph (1) or subsection (e) that is owed by a person to such State or States, any overpayment by such person shall be applied against such debts in the order in which such debts accrued.

''(3) OFFSET PERMITTED ONLY AGAINST RESIDENTS OF STATE SEEKING OFFSET.—Paragraph (1) shall apply to an overpayment by any person for a taxable year only if the address shown on the Federal return for such taxable year of the overpayment is an address within the State seeking the offset.

''(4) NOTICE; CONSIDERATION OF EVIDENCE.—No State may take action under this subsection until such State—

''(A) notifies by certified mail with return receipt the person owing the covered unemployment compensation debt that the State proposes to take action pursuant to this section;

''(B) provides such person at least 60 days to present evidence that all or part of such liability is not legally enforceable or due to fraud;

''(C) considers any evidence presented by such person and determines that an amount of such debt is legally enforceable and due to fraud; and

''(D) satisfies such other conditions as the Secretary may prescribe to ensure that the determination made under subparagraph (C) is valid and that the State has made reasonable efforts to obtain payment of such covered unemployment compensation debt.

''(5) COVERED UNEMPLOYMENT COMPENSATION DEBT.—For purposes of this subsection, the term 'covered unemployment compensation debt' means—

''(A) a past-due debt for erroneous payment of unemployment compensation due to fraud which has become final under the law of a State certified by the Secretary of Labor pursuant to section 3304 and which remains uncollected for not more than 10 years;

''(B) contributions due to the unemployment fund of a State for which the State has determined the person to be liable due to fraud and which remain uncollected for not more than 10 years; and

''(C) any penalties and interest assessed on such debt.

''(6) REGULATIONS.—

''(A) IN GENERAL.—The Secretary may issue regulations prescribing the time and manner in which States must submit notices of covered unemployment compensation debt and the necessary information that must be contained in or accompany such notices. The regulations may specify the minimum amount of debt to which the reduction procedure established by paragraph (1) may be applied.

''(B) FEE PAYABLE TO SECRETARY.—The regulations may require States to pay a fee to the Secretary, which may be deducted from amounts collected, to reimburse the Secretary for the cost of applying such procedure. Any fee paid to the Secretary pursuant to the preceding sentence shall be used to reimburse appropriations which bore all or part of the cost of applying such procedure.

''(C) SUBMISSION OF NOTICES THROUGH SECRETARY OF LABOR.—The regulations may include a requirement that States submit notices of covered unemployment compensation debt to the Secretary via the Secretary of Labor in accordance with procedures established by the Secretary of Labor. Such procedures may require States to pay a fee to the Secretary of Labor to reimburse the Secretary of Labor for the costs of applying this subsection. Any such fee shall be established in consultation with the Secretary of the Treasury. Any fee paid to the Secretary of Labor may be deducted from amounts collected and shall be used to reimburse the appropriation account which bore all or part of the cost of applying this subsection.

''(7) ERRONEOUS PAYMENT TO STATE.—Any State receiving notice from the Secretary that an erroneous payment has been made to such State under paragraph (1) shall pay promptly to the Secretary, in accordance with such regulations as the Secretary may prescribe, an amount equal to the amount of such erroneous payment (without regard to whether any other amounts payable to such State under such paragraph have been paid to such State).

''(8) TERMINATION.—This section shall not apply to refunds payable after the date which is 10 years after the date of the enactment of this subsection.''.

(b) DISCLOSURE OF CERTAIN INFORMATION TO STATES REQUESTING REFUND OFFSETS FOR LEGALLY ENFORCEABLE STATE UNEMPLOYMENT COMPENSATION DEBT RESULTING FROM FRAUD.—

(1) GENERAL RULE.—Paragraph (3) of section 6103(a) of such Code is amended by inserting ''(10),'' after ''(6),''.

(2) DISCLOSURE TO DEPARTMENT OF LABOR AND ITS AGENT.—Paragraph (10) of section 6103(l) of such Code is amended—

(A) by striking ''(c), (d), or (e)'' each place it appears in the heading and text and inserting ''(c), (d), (e), or (f)'',

(B) in subparagraph (A) by inserting '', to officers and employees of the Department of Labor for purposes of facilitating the exchange of data in connection with a request made under subsection (f)(5) of section 6402,'' after ''section 6402'', and

(C) in subparagraph (B)—

(i) by inserting ''(i)'' after ''(B)''; and

(ii) by adding at the end the following:

''(ii) Notwithstanding clause (i), return information disclosed to officers and employees of the Department of Labor may be accessed by agents who maintain and provide technological support to the Department of Labor's Interstate Connection Network (ICON) solely for the purpose of providing such maintenance and support.''.

(3) SAFEGUARDS.—Paragraph (4) of section 6103(p) of such Code is amended—

(A) in the matter preceding subparagraph (A), by striking ''(l)(16),'' and inserting ''(l)(10), (16),'';

(B) in subparagraph (F)(i), by striking ''(l)(16),'' and inserting ''(l)(10), (16),''; and

(C) in the matter following subparagraph (F)(iii)—

(i) in each of the first two places it appears, by striking ''(l)(16),'' and inserting ''(l)(10), (16),'';

(ii) by inserting ''(10),'' after ''paragraph (6)(A),''; and

(iii) in each of the last two places it appears, by striking ''(l)(16)'' and inserting ''(l)(10) or (16)''.

(c) EXPENDITURES FROM STATE FUND.—Section 3304(a)(4) of such Code is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by inserting ''and'' after the semicolon; and

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

''(G) with respect to amounts of covered unemployment compensation debt (as defined in section 6402(f)(4)) collected under section 6402(f)—

''(i) amounts may be deducted to pay any fees authorized under such section; and

''(ii) the penalties and interest described in section 6402(f)(4)(B) may be transferred to the appropriate State fund into which the State would have deposited such amounts had the person owing the debt paid such amounts directly to the State;''.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 6402 of such Code is amended by striking ''(c), (d), and (e),'' and inserting ''(c), (d), (e), and (f)''.

(2) Paragraph (2) of section 6402(d) of such Code is amended by striking ''and before such overpayment is reduced pursuant to subsection (e)'' and inserting ''and before such overpayment is reduced pursuant to subsections (e) and (f)''.

(3) Paragraph (3) of section 6402(e) of such Code is amended in the last sentence by inserting ''or subsection (f)'' after ''paragraph (1)''.

(4) Subsection (g) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking ''(c), (d), or (e)'' and inserting ''(c), (d), (e), or (f)''.

(5) Subsection (i) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking ''subsection (c) or (e)'' and inserting ''subsection (c), (e), or (f)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to refunds payable under section 6402 of the Internal Revenue Code of 1986 on or after the date of enactment of this Act.

Amend the title so as to read: ''An Act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I think the torch of the Statue of Liberty might just be burning a little brighter today because we are soon going to send to the President a bill that helps the most vulnerable on our shores, refugees coming to America fleeing persecution, injustice,

torture and even the threat of death. They are Jews from the former Soviet Union, Kurds from Iraq, Hmong fighters from Vietnam and other oppressed peoples from around the globe.

Refugees often flee their home countries with little more than their clothes on their backs. When they are disabled or elderly, employment can be difficult, which means they face almost complete destitution without assistance. Our Nation's program that is designed to help low-income elderly and disabled individuals, the Supplemental Security Income program, or SSI, now terminates assistance to these refugees after they have been in the United States for 7 years. This cutoff was designed with the expectation that refugees would become citizens within this time frame and would then be eligible for continued benefits. However, a series of obstacles make that transition to citizenship difficult within the 7-year limit of SSI benefits. First, a refugee must live in the United States for at least 5 years before they are even eligible to submit an application for citizenship. A refugee must then confront a lengthy application process which takes up to 3 to 4 years. Backlogs in processing citizenship applications have been caused by a variety of issues, including protracted background checks put in place after the September 11 terrorist attacks.

There are other barriers to citizenship, such as the continuing impact of a recent annual cap on the number of asylees who may become legal permanent residents, a status which asylees must maintain for 4 years before they submit an application for citizenship.

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Also, many disabled and elderly refugees encounter difficulties navigating the application process, which includes both an English language test and a U.S. civics test.

We passed bipartisan legislation a year ago in the House to extend SSI benefits for refugees and other humanitarian immigrants. The legislation before us today is that same bill sent back to us with an amendment by the Senate. The most significant modification by the Senate was to require all refugees to sign an affidavit that they are making a good faith effort to become U.S. citizens.

This bill, H.R. 2608, would generally extend SSI benefits for an additional 2 years for disabled and elderly refugees, asylees and other qualified humanitarian immigrants, including those whose benefits have expired in the past. Benefits could be extended for an additional time for those awaiting a decision on the pending application for citizenship. These policies would be in effect through 2011 and would restore SSI benefits for roughly 20,000 refugees.

The legislation completely offsets the cost of this SSI extension for refugees with a provision that would reduce Federal tax refunds to recover fraudulent unemployment insurance payments. This Federal tax revenue offset authority already exists to collect unpaid child support, unpaid State taxes and debts owed to Federal agencies.

Before pursuing a tax offset, a State would be required to notify the individual and provide them with at least 60 days to contest the amount being recovered. By catching and reducing fraud in the unemployment insurance system, this provision not only offsets the cost of SSI extension for refugees, but it also would reduce unemployment taxes on employers. The Joint Committee on Taxation estimates the legislation will cut payroll taxes by $315 million over the next 10 years.

Madam Speaker, refugees come to this country fleeing persecution. They reside in our country legally, and those eligible for SSI are disabled, elderly or both. This legislation extends a modest benefit to help them provide for their most basic essentials. The bill will not add one dime to the Federal deficit, and it will even provide a tax cut. This combination has generated very broad support for the measure, which passed the House unanimously last year and did likewise in the Senate last month. Additionally, the Bush administration has proposed the same policies in the President's budget.

I would like to expressly thank my colleague, Mr. WELLER, the ranking member, for working with me to forge this bipartisan bill. Today's action is the last step needed to provide a helping hand to those who need it most.

I reserve the balance of my time.

Mr. WELLER of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in July of 2007, H.R. 2608, bipartisan legislation, the SSI Extension for Elderly and Disabled Refugees Act, passed the House by unanimous voice vote. In early August, just over a month ago, the Senate finally passed an amended version of the bill by unanimous consent, and we are here today acting to accept the amended bill.

This bipartisan legislation increases the amount of time certain low income, disabled and aged immigrants can receive Supplemental Security Income benefits. Currently these individuals are eligible for these benefits during their first 7 years in the United States. This legislation would extend that period to 9 years, or even longer if the individual has a pending application for citizenship.

These individuals arrived and remain in the United States legally and also arrived for humanitarian reasons. They have fled persecution and suffering in their own countries, and include refugees, asylees, Cuban-Haitian entrants, Hmong tribesmen who fought on the side of the United States, victims of communist dictatorships and victims of trafficking from around the world. This legislation provides them additional eligibility to ensure that a lengthy citizenship application process does not inadvertently cause an elderly or disabled refugee to lose access to SSI benefits.

Because this expanded eligibility for low income, disabled and aged immigrants will be extended only through fiscal year 2011, a future Congress will need to review whether these provisions are working as intended and need to be extended. That future Congress can and should question whether refugees and others, who are playing by the rules and who apply for citizenship, have adequate and sufficient time to go through that process without losing access to SSI benefits.

To cover the cost of these additional benefits, the bill would reduce Federal income tax refunds to better recover unemployment benefit overpayments resulting from fraud. Tax refund offsets already occur for delinquent child support payments and certain other debts owed to the Federal Government. This change simply allows the current process to work in recovering certain unemployment benefit overpayments.

In addition to improving program integrity, this change will more than pay for the added SSI benefits provided by the bill, according to the Congressional Budget Office.

The Ways and Means Committee, and in particular the Income Security and Family Support Subcommittee on which I serve as ranking member, has long been active in developing legislation to combat fraud and abuse in unemployment and other benefits. I am pleased to see us continuing that effort with this legislation.

For example, in 2004, under the leadership of former Chairman WALLY HERGER, we passed a law to stop the illegal manipulation of State unemployment taxes. We also allowed State unemployment benefit programs to use current data on new hires to help prevent benefit overpayments.

This legislation builds on those efforts, and I am proud to support it. Even if it is not needed as a pay-for, this good government provision merits passage on its own.

This legislation is supported by a wide range of faith-based and other community groups, such as the Hebrew Immigrant Aid Society, Lutheran Social Services and Catholic Charities.

I would also like to recognize the efforts of my Ways and Means colleague, Representative PHIL ENGLISH of Pennsylvania, who has worked diligently to extend SSI benefits to this vulnerable immigrant group, including by introducing legislation to do so.

I urge all Members to join me in supporting this legislation today.

I reserve the balance of my time.

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

Mr. WELLER of Illinois. Madam Speaker, it is my privilege to yield 1 minute to the distinguished Republican leader of the House, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague for yielding, and I rise to support the bill that we are working on to extend SSI benefits to really a vulnerable group.

But I also rise to express my disappointment in the opportunity that we had last night to pass a bipartisan energy bill that would in fact do all of the above. I am concerned that the bill that did pass last night will do none of the above in terms of moving us toward more energy security.

Frankly, I don't think that the bill that passed last night has any chance of moving in the United States Senate. I do believe if we were to pass the bipartisan Abercrombie-Peterson bill, that it was very likely the Senate could take the bill up and move it quickly, a bill that would create a million new jobs, that would lower gas prices and lower energy prices. But that didn't happen.

But I rise today to say we are not going away. There is an awful lot of talk moving around here that later on this week we may have to take up a stimulus bill, a lot of well-intentioned, well-meaning money, taxpayer money that we would be sending around the country.

I can't think of any better stimulus bill than to pass a bipartisan energy bill that would in fact create 1 million new jobs, would in fact lower gas prices, lower energy prices, help our manufacturers all around the country, and a bill that the American people desperately want.

While gas prices came down temporarily, we saw them shoot up in the midst of the hurricane because there is no additional supply. There is no relief valve, and if anybody sneezes around the world in the energy market, what happens? Our gas prices go up. And while oil prices were coming down in the short-term, we all know how vulnerable we are. So taking a real honest step toward preserving America's energy security I think is critically necessary.

If we really want to help the American people, help create jobs in our country, why not pass a bipartisan bill that will in fact do that.

Mr. McDERMOTT. I continue to reserve my time.

Mr. WELLER of Illinois. Madam Speaker, I include for the RECORD a letter signed by a large number of organizations throughout the country in support of the legislation that we have before the House today.

JUNE 28, 2007.

DEAR REPRESENTATIVE, Representing a diverse cross-section of organizations from across the country, we write to you today to ask that you support H.R.2608—the ''SSI Extension for Elderly and Disabled Refugees Act.'' This bipartisan bill is a critical lifeline to thousands of elderly and disabled refugees who are about to lose, or have already lost, their Supplemental Security Income (SSI) benefits due to the arbitrary seven-year time limit to which their eligibility is limited.

This bill, introduced by Representatives Jim McDermott (D–7th WA) and Jerry Weller (R–11th IL), Chair and Ranking Member, respectively, of the Ways & Means Subcommittee on Income Security and Family Support, will provide a two-year extension of SSI eligibility for elderly and disabled refugees, as well as a provision to cover those who lost benefits prior to enactment of the legislation. The bill will also ensure that refugees who are making efforts to become citizens, but are caught up in the processing backlogs through no fault of their own, are given additional time to naturalize. H.R.2608 will provide vital relief to thousands of refugees who have already fallen into extreme destitution.

The number of people who are losing their life-sustaining SSI benefits, in large part due to delays in the immigration system beyond their control, is climbing. The Social Security Administration currently projects that 50,000 elderly and disabled refugees will face extreme hardship and destitution by 2012 due to the suspension of their SSI benefits. These individuals fled persecution or torture in countries such as Iran, Russia, Iraq, Vietnam and Somalia, and now are too elderly or disabled to support themselves.

As more and more people begin to reach the end of their seven-year eligibility period, the human impact of this restrictive time limit has become increasingly dire and all the more intolerable. Some will lose health insurance as well, because SSI and Medicaid eligibility are typically linked. Among those who have already lost SSI benefits is a Jewish elderly couple from the former Soviet Union; the husband is deaf and the wife suffers from heart disease. However, this restriction does not affect only the elderly, as illustrated by the case of a 16 year-old Iranian boy with mental retardation, autism, seizures, and severe macrocephaly who lost his SSI benefits and Medicaid health insurance due to the seven-year time limit. These are only but two of the thousands of heartbreaking stories that we will continue to be confronted with unless Congress acts now to lengthen the insufficient eligibility period for this extremely vulnerable population.

The crisis is already upon us. Each and every month, elderly and disabled refugees are losing their lifeline of support. With the exception of West Virginia, no state is left untouched by this arbitrary time limit. Some 4,500 people will lose their SSI benefits in fiscal year 2007 alone. This bill enjoys bipartisan support, builds on similar proposals in recent Bush Administration budgets, and contains a savings provision that will cover the modest cost of the extension. Given the urgency of the situation and the life-threatening consequences that these individuals face, we strongly urge you to support the passage of H.R.2608 this year. We are hopeful that Congress will act quickly and decisively to prevent the unnecessary hardship that this already-victimized population stands to suffer. Thank you for your consideration.

Respectfully,

NATIONAL

American Academy of HIV; American Association of Homes and Services for the Aging; American Association of Jews from the Former USSR, Inc; American Association of People with Disabilities; American Federation of State, County and Municipal Employees; American Friends Service Committee; American Jewish Committee; American Network of Community Options and Resources; American Occupational Therapy Association; Americans for Democratic Action, Inc.; Asian American Justice Center; Asian Americans for Equality; Association of Jewish Family & Children's Agencies (AJFCA); Boat People SOS; Break the Chain Campaign; Campaign for Working Families; Catholic Charities USA; Center for Civil Justice; Disability Navigators Inc.

EESA-Eastern European Service Agency; Gay Men's Health Crisis; Hispanic Coalition; HIV Medicine Association; HIVictorious, Inc.; Hmong National Development, Inc.; Immigrant and Refugee Rights Program, Washington Lawyers' Committee for Civil Rights and Urban Affairs; Institute for Peace and Justice; Institute for Social and Economic Development (ISED); International AIDS Empowerment; International District Housing Alliance; International Rescue Committee; International Service Center; Jewish Council for Public Affairs; Jubilee Campaign USA Inc.; Justice, Peace & Integrity of Creation Office of the Wheaton Franciscans; Living Room, Inc.; Lutheran Immigration and Refugee Service (LIRS); Lutheran Services in America; 9 to 5, National Association of Working Women.

National Advocacy Center of the Sisters of the Good Shepherd; National Asian Pacific Center on Aging; National Coalition for Asian Pacific American Community Development; National Council of Jewish Women; National Council on Aging; National Immigration Forum; National Immigration Law Center; National Korean American Service & Education Consortium (NAKASEC); National Law Center on Homelessness & Poverty; National Priorities Project; National Senior Citizens Law Center; National Women's Law Center; NETWORK: A National Catholic Social Justice Lobby; New Sudan Generation; Northwest Health Law Advocates; Northwest Immigrant Rights Project; Progressive Jewish Alliance; Religious Action Center of Reform Judaism; RESULTS.

Sargent Shriver National Center on Poverty Law; Sisters of Mercy of the Americas; Southeast Asia Resource Action Center (SEARAC); The AIDS Institute; The Arc of the United States; The Coalition on Human Needs; The Leadership Conference of Women Religious; The National Asian Pacific American Women's Forum; The Women's Commission for Refugee Women and Children; The Workmen's Circle/Arbeter Ring; U.S. Committee for Refugees and Immigrants; Unitarian Universalist Association of Congregations; United Cerebral Palsy; United Jewish Communities; United Methodist Church, General Board of Church and Society; USAction; Wider Opportunities for Women; Women of Reform Judaism; Women of Reform Judaism; World Relief; YWCA USA.

LOCAL/STATE/REGIONAL

Alabama

Collat Jewish Family Services—Birmingham, Alabama.

Alaska

Alaska Center for Public Policy; Refugee Assistance & Immigration Services (RAIS)—Alaska;

Arizona

Area Agency on Aging, Region One-Phoenix, AZ; Arizona Advocacy Network; Jewish Family & Children's Service—Tucson, Arizona; Pima Council on Aging—Tucson, AZ;

Protecting Arizona's Family Coalition; United Way of Tucson and Southern Arizona.

Arkansas

Holy Angels Convent—Arkansas; St. Augustine Catholic Church, North Little Rock, AR; St. Augustine Center for Children, Inc., North Little Rock, AR.

California

9to5 Bay Area; 9to5 Los Angeles; ACLU of Southern California; Asian Law Alliance—San Jose, CA; Asian Law Caucus—Northern California; Asian Pacific American Legal Center of Southern California; Bay Area Immigrant Rights Coalition (BAIRC)—Oakland, CA; Bet Tzedek Legal Services—Los Angeles County; California Church IMPACT; California Immigrant Policy Center; Catholic Charities of Los Angeles, Inc; Center for Gender and Refugee Studies—San Francisco, CA; City of Los Angeles Human Relations Commission—Los Angeles, CA; *D*is*A*bled *S*tudent *U*nion at Pacific School of Religion—Berkeley, CA; Ethiopian Community Services, Inc.—California; Fresno Stonewall Democrats—Fresno, CA; Gray Panthers California; HomeBase—San Francisco, CA; International Rescue Committee—San Diego Regional Resettlement Office; Jewish Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties; Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties; Jewish Family and Children's Services of the East Bay—Berkley, California; Jewish Family Service of San Diego—California; Korean Resource Center, Los Angeles, CA; L.A. Gay & Lesbian Center— CA; Mental Health Advocacy Services, Inc.—Los Angeles; Palo Alto Association of Veterans of World War II, California; Progressive Jewish Alliance—California; Protection and Advocacy, Inc.—Sacramento, CA; Sacramento Mutual Housing Association, CA; San Diego Hunger Coalition—CA; San Francisco Bay Area Darfur Coalition—CA; Service Employees International Union Local 1021—Northern California; SIREN, Services, Immigrant Rights and Education Network—San Jose, CA; St. Mary's Center—Oakland, CA; St. Paul's Episcopal Church—San Rafael, CA; The International Institute of the Bay Area—CA; The Workmen's Circle/Arbeter Ring—Southern California District; Western Center on Law and Poverty—Los Angeles & Sacramento, CA.

Colorado

9to5 Colorado; Coloradans For Immigrant Rights, a project of the American Friends Service Committee; Colorado Progressive Coalition; RESULTS of Aurora, Colorado; Rocky Mountain Survivors Center—Denver, CO.

Connecticut

Catholic Charities, Diocese of Norwich, Inc—CT; Collaborative Center for Justice, Inc.—Hartford, CT; Connecticut Citizen Action Group; Connecticut Legal Services; International Institute of CT, Inc.—Bridgeport, CT; Jewish Family Services—Danbury, CT; People of Faith CT—West Hartford, CT; Regional Network of Programs Inc./Prospect House—Bridgeport, CT.

Florida

Catholic Charities Legal Services—Archdiocese of Miami, Inc.; Catholic Charities of Central Florida; Center for Independent Living of South Florida, Inc—Miami-Dade County, Florida; Florida Alliance Pro-Legalization; Florida Consumer Action Network; Florida Fiscal Policy Project—Miami, Florida; Florida Immigrant Advocacy Center; Gulfcoast Legal Services, Inc—FL; Hispanic American Council, Florida Alliance Pro-Legalization; Jewish Family Service Inc. of Broward County—Plantation, Florida; Jewish Federation of South Palm Beach County—FL; Legal Aid Society of the Orange County Bar Association, Orlando, Florida; Refugee Immigration Project, Jacksonville (FL) Area Legal Aid; St. Johns County Legal Aid—St. Augustine, FL; The Legal Aid Society of Palm Beach County, Inc; Youth Co-Op, Inc—Florida.

Georgia

Atlanta 9to5; Georgia Rural Urban Summit—Decatur, GA; Good Shepherd Services of Atlanta; Gwinnett Ministries Network—Gwinnett County, Georgia; Refugee Family Services—Stone Mountain, Georgia; Women Watch Afrika, Inc, Decatur, GA.

Hawaii

Na Loio—Immigrant Rights and Public Interest Legal Center—Honolulu, Hawaii.

Idaho

Agency for New Americans—Boise, Idaho; Idaho Office for Refugees; United Vision for Idaho.

Illinois

Citizen Action/Illinois; Commission on Religion & Race—Naperville IL; Grace United Methodist Church—Naperville IL; Heartland Alliance for Human Needs & Human Rights (Midwest region); Hebrew Immigrant Aid Society Chicago; Illinois Coalition for Immigrant and Refugee Rights; Jewish Federation of Metropolitan Chicago; Korean American Resource & Cultural Center, Chicago, IL; Project IRENE—Illinois; Protestants for the Common Good, Chicago, IL.

Indiana

CICOA Aging & In-Home Solutions, Indianapolis, IN.

Iowa

Iowa Citizen Action Network.

Kentucky

College Democrats of America—Morehead State University Chapter; Jewish Family & Vocational Service (Louisville, Kentucky); The Community Relations Council of the Jewish Community Federation of Louisville.

Louisiana

LA Harm Reduction Coalition—Louisiana.

Maine

Catholic Charities Maine Refugee & Immigration Services—Portland, ME; Immigrant Legal Advocacy Project, Portland, Maine; Legal Services for the Elderly—Scarborough, Maine; Maine Equal Justice Partners; Maine People's Alliance; Oganization to Win Economic Rights—Portland, Maine; The Jewish Federation of Greater Portland; Waterville Area Bridges for Peace and Justice—Waterville and surrounding communities.

Maryland

Jewish Family Services—Baltimore, Maryland; Maryland Association of Jews from the Former USSR; Maryland Vietnamese Mutual Association; Progressive Maryland; Public Justice Center—Baltimore MD; The Senior Connection of Montgomery County—Silver Spring, MD.

Massachusetts

Community Legal Services And Counseling Center in Cambridge, MA; Disability Law Center, Inc.—Boston, MA; First Congregational Church of Reading- Reading, MA; International Rescue Committee Boston Office; JALSA—the Jewish Alliance for Law and Social Action—Boston; Jewish Community Housing for the Elderly—Boston, MA; Jewish Community Relations Council of Greater Boston; Medical-Legal Partnership for Children Boston Medical Center; Strongest Link AIDS Services—Essex County, MA; Massachusetts Association of Jewish Federations.

Michigan

ACCESS (Arab Community Center for Economic and Social Services—Dearborn; Jewish Family Service—Detroit, Michigan; Jewish Family Services—Ann Arbor, Michigan; Michigan Citizen Action; Oakland County Welfare Rights Organization—Pontiac, MI; The IHM Justice, Peace and Sustainability Office, Michigan.

Minnesota

Jewish Community Action, St. Paul, MN; Lutheran Social Service of Minnesota; Mid-Minnesota Legal Assistance; National Council of Jewish Women—Minnetonka, MN; Vietnamese Social Services of Minnesota.

Missouri

Bi-Lingual International Assistant Services—St. Louis, MO; Catholic Charities Archdiocese of St. Louis; Jewish Vocational Service/Center for New Americans—Kansas City, MO; Missouri Association for Social Welfare; Missouri Budget Project—St. Louis, MO; Missouri Progressive Vote Coalition; Sisters of St. Joseph of Carondelet and Associates—Missouri; St. Louis Jewish Community Relations Council—St. Louis, MO.

Montana

Montana People's Action.

New Hampshire

New Hampshire Citizens Alliance.

New Jersey

Community FoodBank of New Jersey; Congregation Brothers of Israel—Long Branch, New Jersey; International Institute of New Jersey; International Institute of New Jersey; Jewish Federation of Monmouth County—NJ; Lutheran Office of Governmental Ministry in New Jersey; Migration and Refugee Services of the Diocese of Trenton—Trenton, NJ; New Jersey Citizen Action; Temple Shalom—Aberdeen, NJ; The Human Concerns/Social Justice Committee of St. Anselm's Church—Wayside, NJ; The Jewish Community Relations Council of the Jewish Federation of Southern New Jersey; The Workmen's Circle/Arbeter Ring, New Jersey Region; UJA Federation of Northern New Jersey.

New Mexico

Community Action New Mexico; Domestic Unity—New Mexico; Empowering Our Communities in New Mexico—Bernalillo, NM; New Mexico Center on Law and Poverty—Albuquerque, NM; New Mexico PACE; Open Hands—Sante Fe, NM; State of New Mexico's Human Services Department.

New York

Bellevue/NYU Program for Survivors of Torture—New York, NY; Bukharian Jewish Center, New York; Cathedral Emergency Services—Syracuse, NY; Center for Independence of the Disabled—New York; Citizen Action of New York; Claire Heureuse Community Center, Inc—New York; Coalition of Behavioral Health Agencies, Inc—New York; Community Healthcare Network—New York City; Community HIV AIDS Mobilization Project—CHAMP, New York; Disabled in Action of Greater Syracuse, New York; Empire Justice Center, New York; Episcopal Migration Ministries—NYC; Federation of Protestant Welfare Agencies—New York City; JBFCS, Manhattan North Community Counseling Center; Jewish Board of Family and Children's Services—New York, NY; Jewish

Community Council of the Rockaway Peninsula—Far Rockaway, NY; Jewish Family Services ofNENY (Albany, New York); Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc.; Metro New York Health Care For All Campaign. Metropolitan Council on Jewish Poverty—NY; New York Association on Independent Living, Inc; New York City Department for the Aging; New York Disaster Interfaith Services; New York Immigration Coalition; Society of Jesus, New York Province—Albany, NY; Syracuse Habitat for Humanity, Inc—NY; The Central Queens Y&YWHA, Forest Hills, New York; The International Institute of Buffalo, NY; The Rockland Immigration Coalition—NY; UJA—Federation of New York; US Committee for Refugees and Immigrants Albany Feild Office—NY; West Side Campaign Against Hunger—New York; YKASEC—Empowering the Korean American Community, Flushing, NY.

North Carolina

Episcopal Migration Ministries—eastern North Carolina; North Carolina Refugee Health Coordinator.

North Dakota

NDPeople.org—North Dakota.

Ohio

Catholic Charities Health and Human Services of the Diocese of Cleveland; Greater Dayton Vietnamese Association—Greater Dayton, Ohio area; Jewish Family Service Association of Cleveland; Jewish Family Service of Toledo, Inc.—Toledo, Ohio; Jewish Family Services—Columbus, Ohio; Jewish Family Services—Youngstown, Ohio; Jewish Federation of Greater Dayton Jewish Community Relations Council—Dayton, Ohio; Lutheran Metropolitan Ministry—Cleveland, Ohio; Ohio Jewish Communities Refugee & Immigration Services—Columbus, OH.

Oklahoma

YWCA Multicultural Center—Tulsa, OK.

Oregon

Asian Pacific American Community Support and Service Association (APACSA)—Portland, OR; Community Action Directors of Oregon (CADO); Disability Navigators Inc—Oregon; Immigrant & Refugee Community Organization (IRCO)—Portland, Oregon; Interfaith Action for Justice—Bend, Oregon; Klamath Lake Community Action Services—Klamath Falls, OR; Oregon Action; Peaceful Place—Oregon; The Advocacy Coalition for Seniors and People with Disabilities—OR; The Human Services Coalition of Oregon.

Pennsylvania

HIAS and Council Migration Service of Philadelphia; JCCs of Greater Philadelphia (Philadelphia, Pennsylvania); JEVS Human Services—Philadelphia; JEVS Social Services (Philadelphia, Pennsylvania); Jewish Family and Children's Services (Philadelphia, Pennsylvania); Jewish Family Service of Greater Wilkes-Barre (Wilkes-Barre, Pennsylvania); Jewish Federation of Greater Philadelphia (Philadelphia, Pennsylvania); Maternity Care Coalition—Philadelphia, PA; Mount St Joseph—St Elizabeth, PA; National Council of Jewish Women--PA; New World Association—Philadelphia, PA; Pennsylvania Refugee Resettlement Program; St. Johns Lutheran Church—Lewistown, PA; YWCA Philadelphia.

Rhode Island

National Association of Social Workers—Rhode Island Chapter; Rhode Island Ocean State Action.

South Carolina

Columbia Jewish Federation/Jewish Family Service—Columbia, SC; Jewish Family Service (Columbia, South Carolina).

South Dakota

Systematic Theology and Christian Heritage—Sioux Falls, SD.

Tennessee

Jewish Family Service of Nashville and Middle Tennessee; Tennessee Citizen Action.

Texas

Catholic Charities Diocese of Ft. Worth, Inc.; Jewish Family and Children's Service (San Antonio, Texas); Jewish Family Service (Houston, Texas); Refugio Del Rio Grande, Inc—San Benito, TX; South Texas Food Bank; Texas Conference United Methodist Church Board of Church & Society.

Utah

Jewish Family Service of Salt Lake; Learning Loft—Salt Lake Valley, Utah; Utah Community Action Partnership Association; Utah Housing Coalition.

Vermont

Central Vermont Community Action Council; Vermont Refugee Resettlement Program; VT Affordable Housing Coalition.

Virginia

Bay Aging—Urbanna, VA; Center for Multicultural Services—Falls Church, VA; Disabled Action Committee—Virginia; Potomac Legal Aid Society—Virginia; Rappahannock Area Agency on Aging, Inc.—Fredericksburg, VA; Union Theological Seminary and Presbyterian School for Christian Education—Richmond, VA.

Washington

Asian Counseling & Referral Service—Seattle, WA; Catholic Community Services of Western Washington; Jewish Family Service of Seattle (Seattle, Washington); Jewish Federation of Greater Seattle (Seattle, Washington); Solid Ground—Seattle, WA; South Sound Outreach Services—Tacoma, Washington; Washington Community Action Network; Washington Senior Citizens' Lobby—Olympia, WA.

Washington DC

Whitman-Walker Clinic—Washington, DC.

West Virginia

West Virginia Citizen Action Group.

Wisconsin

9to5 Poverty Network Initiative (Wisconsin); Citizen Action of Wisconsin; Milwaukee Association of Russian-speaking Jews; Milwaukee Jewish Council for Community Relations; UMOS, Inc—Milwaukee, WI; Wisconsin Jewish Conference.

I yield 3 minutes to my friend, the distinguished gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Madam Speaker, I too join with our leader and all in the Chamber in support of this legislation. I actually have great respect for the ranking member here. We have had our fights, but I know he is a man of sincerity.

We are on the floor just to highlight the other challenges faced by those people who we are trying to help. SSI payments do not go far enough when we are under a regime of high energy prices, and, as I talked about in the last bill from this article here, gas prices confine sick people.

Again, as a former high school teacher on how a bill becomes a law, we should not be dancing in the well of the floor on the passage of a bill, nor should we be disappointed, those of us, with the outcome. The process still goes forward. Hopefully there will be a conference.

Hopefully there will be changes and we bring more supply to this energy debate. Because if we don't bring on more supply, and in my aspect coal-to-liquid technologies, the tar sands from Canada, we get a real bill that addresses where the oil is off the California coast, which is 50 miles less, not 50 miles out, and then we take those royalties to move into renewables, clean solar, wind, all of the above, we are going to have to continue to revisit all these spending regimes on social services based upon high energy costs.

So we come down here respectfully with the matter of the bill. It is needed. It is supported. We are all going to vote yes. But also to highlight the fact that there is much more to be done on the energy debate. And I am not one that says we are going to drive prices down to $1.50 a gallon. I never make those proclamations. What I would like to see is stabilization, instead of the swings that we will see.

I would also like to see us not be held captive to Mother Nature by having all our main assets in hurricane alley versus disbursed around the country, and in my case the coal-to-liquid refinery aspects, which would be very, very helpful.

This article says, ''Gas prices confine sick people. Some have to cut back on traveling, treatment such as dialysis, or chemotherapy.'' If that is what not having an energy plan that can be signed into law is doing to our most needful, then we have not done the right thing.

Mr. MCDERMOTT. I continue to reserve my time.

Mr. WELLER of Illinois. Madam Speaker, it is my privilege to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I thank the gentleman from Illinois for yielding, and I do rise in support of H.R. 2608. But I wanted to take the opportunity, Madam Speaker, to talk about energy.

Obviously this is the main issue I think on the minds of most Americans today, and it has led, these high energy prices and dependency on foreign oil that we have been burdened by for lo these many years, since back when we knew this back in the seventies when we had a similar crisis and failed to do anything about it, and it has caused this economy, it is almost like a domino effect in my opinion, Madam Speaker, when you look at the high price of everything, the unemployment rate going up, what has happened on Wall Street, the meltdown in the subprime market.

So we felt and I think most of my colleagues would agree on both sides of

the aisle that the energy crisis is our number one concern as we move into the fall elections and congressional elections. Obviously this is a Presidential year.

□ 1230

So my disappointment yesterday, when Speaker PELOSI, returning from the August recess, we, as you know, many on the Republican side, we invited our Democratic colleagues to join us, came back to Washington on a number of days. I think a total of 134 participated, some of us several times.

We had lots of folks down here sitting in the seats because a Member could bring people on the floor, even though the C–SPAN cameras were off, microphones were off, the lights were dim, and we had some in the gallery as well, and talked about this issue. We just couldn't wait for the rest of our colleagues to get back so we could do something.

This motion to recommit with instructions last night, the Abercrombie-Peterson bill, I think, had 39 Democratic cosponsors, many, many, Republicans, and I think it was a very, very good piece of legislation that did not include ANWR. It carved out ANWR, realizing that was something we agreed to disagree on, and leave that out of the legislation.

But the most important part of the Peterson-Abercrombie bill that differed from what the majority party, as you know, brought to us for a final vote that did pass, it has no incentive whatsoever for the States to allow drilling off of their shores for the billions of gallons of petroleum and millions of cubic feet of natural gas, because they are sitting there thinking, well, gosh, on the gulf coast, Alabama, Texas and Louisiana are getting those royalties and putting them to good use, and we need that.

My State of Georgia, right now, we have 135 miles of shoreline, the great State of Georgia, and we are $1.5 billion short in this revenue year, this fiscal year. I am sure Georgia would be one of the very first to get in line if we had that included. I am disappointed.

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

Mr. WELLER of Illinois. Madam Speaker, I am happy to yield the gentleman 1 additional minute.

Mr. GINGREY. I don't know what is going to happen in the Senate today or tomorrow, but hopefully we can get a bill passed through the Senate that has more, more in it than the draft language that wasn't actually in bill form that came out in the Senate 5 or 6 weeks ago with a group of 10, now up to a group of 20.

It's still not too late for this Congress, House and Senate, to do something for the American people. I urge us to do that in a bipartisan way.

Look, let's do the right thing, and I think the election outcomes will take care of themselves. The good people that need to be here will come back, and the ones that don't, won't. Let's just do the right thing for the American people.

Mr. WELLER of Illinois. Madam Speaker, we have no additional speakers, so I would be happy to briefly close.

H.R. 2608 is bipartisan legislation. It's legislation designed to help those who need help. As my chairman noted, those who, frankly, benefit from this legislation have been victims of tyranny. Those who fought on the wrong side and, in many cases, they fought on the side of the United States and were forced to flee their country, they're elderly, they're disabled, and, frankly, they're people that came here legally.

So I want to ask my colleagues to do exactly what we did when we voted on this legislation before, to vote with strong, unanimous, bipartisan support of this important legislation.

I also want to thank my chairman for working in a bipartisan way to move this important legislation to the floor, to work with our colleagues in the Senate and the past legislation, which will become law with this vote today.

Madam Speaker, I urge bipartisan support for this legislation. I thank my chairman for the opportunity to work with him on this important legislation.

I yield back the balance of my time.

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

This bill allows Members to accomplish three objectives with a single vote, help needy refugees, cut taxes and reduce the Federal deficit. That's a trifecta that should draw support from every Member of the House.

But I want to conclude, really, with a story about one of the witnesses who came before our subcommittee. His came was K'Keng, and he fought alongside American forces during the Vietnam War. In fact, he was recruited and trained by our own special forces.

After the U.S. pulled out of Vietnam, he was imprisoned for 6 years as a political prisoner, after which he ultimately made his transfer to the United States as a refugee. He tried working, but the wounds he had suffered during the war made that difficult.

Based on his disability, and the fact that he had almost no source of income, he began receiving supplemental security income, or SSI benefits. For those benefits, he had those benefits, but they were terminated when he reached the 7-year limit on SSI for refugees.

There are thousands of other refugees who have taken different paths to get here, but their basic story is the same. They fled persecution, they now reside legally in the United States, they are disabled or elderly, and they need our help.

This bill will provide them just the assistance, without raising the Federal deficit by a single dime. In fact, the anti-fraud provisions in this bill reduce the debt by nearly $100 million and cut taxes by over $300 million.

I urge all Members to support this bipartisan legislation, to help the needy, cut taxes and reduce our debt.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2608.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008

Mr. McDERMOTT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6893) to amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6893

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fostering Connections to Success and Increasing Adoptions Act of 2008''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CONNECTING AND SUPPORTING RELATIVE CAREGIVERS

Sec. 101. Kinship guardianship assistance payments for children.
Sec. 102. Family connection grants.
Sec. 103. Notification of relatives.
Sec. 104. Licensing standards for relatives.
Sec. 105. Authority for comparisons and disclosures of information in the Federal Parent Locator Service for child welfare, foster care, and adoption assistance program purposes.

TITLE II—IMPROVING OUTCOMES FOR CHILDREN IN FOSTER CARE

Sec. 201. State option for children in foster care, and certain children in an adoptive or guardianship placement, after attaining age 18.
Sec. 202. Transition plan for children aging out of foster care.
Sec. 203. Short-term training for child welfare agencies, relative guardians, and court personnel.

Sec. 204. Educational stability.
Sec. 205. Health oversight and coordination plan.
Sec. 206. Sibling placement.
TITLE III—TRIBAL FOSTER CARE AND ADOPTION ACCESS
Sec. 301. Equitable access for foster care and adoption services for Indian children in tribal areas.
Sec. 302. Technical assistance and implementation.
TITLE IV—IMPROVEMENT OF INCENTIVES FOR ADOPTION
Sec. 401. Adoption incentives program.
Sec. 402. Promotion of adoption of children with special needs.
Sec. 403. Information on adoption tax credit.
TITLE V—CLARIFICATION OF UNIFORM DEFINITION OF CHILD AND OTHER PROVISIONS
Sec. 501. Clarification of uniform definition of child.
Sec. 502. Investment of operating cash.
Sec. 503. No Federal funding to unlawfully present individuals.
TITLE VI—EFFECTIVE DATE
Sec. 601. Effective date.

TITLE I—CONNECTING AND SUPPORTING RELATIVE CAREGIVERS

SEC. 101. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR CHILDREN.

(a) STATE PLAN OPTION.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ''and'' at the end of paragraph (26);

(2) by striking the period at the end of paragraph (27) and inserting ''; and''; and

(3) by adding at the end the following:

''(28) at the option of the State, provides for the State to enter into kinship guardianship assistance agreements to provide kinship guardianship assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of the children for whom they have cared as foster parents and for whom they have committed to care on a permanent basis, as provided in section 473(d).''.

(b) IN GENERAL.—Section 473 of such Act (42 U.S.C. 673) is amended by adding at the end the following:

''(d) KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR CHILDREN.—

''(1) KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT.—

''(A) IN GENERAL.—In order to receive payments under section 474(a)(5), a State shall—

''(i) negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian of a child who meets the requirements of this paragraph; and

''(ii) provide the prospective relative guardian with a copy of the agreement.

''(B) MINIMUM REQUIREMENTS.—The agreement shall specify, at a minimum—

''(i) the amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement, and the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child;

''(ii) the additional services and assistance that the child and relative guardian will be eligible for under the agreement;

''(iii) the procedure by which the relative guardian may apply for additional services as needed; and

''(iv) subject to subparagraph (D), that the State will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed $2,000.

''(C) INTERSTATE APPLICABILITY.—The agreement shall provide that the agreement shall remain in effect without regard to the State residency of the relative guardian.

''(D) NO EFFECT ON FEDERAL REIMBURSEMENT.—Nothing in subparagraph (B)(iv) shall be construed as affecting the ability of the State to obtain reimbursement from the Federal Government for costs described in that subparagraph.

''(2) LIMITATIONS ON AMOUNT OF KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT.—A kinship guardianship assistance payment on behalf of a child shall not exceed the foster care maintenance payment which would have been paid on behalf of the child if the child had remained in a foster family home.

''(3) CHILD'S ELIGIBILITY FOR A KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT.—

''(A) IN GENERAL.—A child is eligible for a kinship guardianship assistance payment under this subsection if the State agency determines the following:

''(i) The child has been—

''(I) removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and

''(II) eligible for foster care maintenance payments under section 472 while residing for at least 6 consecutive months in the home of the prospective relative guardian.

''(ii) Being returned home or adopted are not appropriate permanency options for the child.

''(iii) The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child.

''(iv) With respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement.

''(B) TREATMENT OF SIBLINGS.—With respect to a child described in subparagraph (A) whose sibling or siblings are not so described—

''(i) the child and any sibling of the child may be placed in the same kinship guardianship arrangement, in accordance with section 471(a)(31), if the State agency and the relative agree on the appropriateness of the arrangement for the siblings; and

''(ii) kinship guardianship assistance payments may be paid on behalf of each sibling so placed.''.

(c) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS.—Section 473(a)(2) of such Act (42 U.S.C. 673(a)(2)) is amended by adding at the end the following:

''(D) In determining the eligibility for adoption assistance payments of a child in a legal guardianship arrangement described in section 471(a)(28), the placement of the child with the relative guardian involved and any kinship guardianship assistance payments made on behalf of the child shall be considered never to have been made.''.

(2) STATE PLAN REQUIREMENT.—

(A) IN GENERAL.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)) is amended—

(i) by adding ''and'' at the end of subparagraph (C); and

(ii) by adding at the end the following:

''(D) provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), on any relative guardian, and for checks described in subparagraph (C) of this paragraph on any relative guardian and any other adult living in the home of any relative guardian, before the relative guardian may receive kinship guardianship assistance payments on behalf of the child under the State plan under this part;''.

(B) REDESIGNATION OF NEW PROVISION AFTER AMENDMENT MADE BY PRIOR LAW TAKES EFFECT.—

(i) IN GENERAL.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(I) in subparagraph (D), by striking ''(C)'' and inserting ''(B)''; and

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

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect immediately after the amendments made by section 152 of Public Law 109–248 take effect.

(3) PAYMENTS TO STATES.—Section 474(a) of such Act (42 U.S.C. 674(a)) is amended—

(A) by striking the period at the end and inserting ''; plus''; and

(B) by adding at the end the following:

''(5) an amount equal to the percentage by which the expenditures referred to in paragraph (2) of this subsection are reimbursed of the total amount expended during such quarter as kinship guardianship assistance payments under section 473(d) pursuant to kinship guardianship assistance agreements.''.

(4) CASE PLAN REQUIREMENTS.—Section 475(1) of such Act (42 U.S.C. 675(1)) is amended by adding at the end the following:

''(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under section 473(d), a description of—

''(i) the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;

''(ii) the reasons for any separation of siblings during placement;

''(iii) the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;

''(iv) the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;

''(v) the efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefor; and

''(vi) the efforts made by the State agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.''.

(5) SECTION HEADING AMENDMENT.—The section heading for section 473 of such Act (42 U.S.C. 673) is amended by inserting ''AND GUARDIANSHIP'' after ''ADOPTION''.

(d) CONTINUED SERVICES UNDER WAIVER.—Section 474 of such Act (42 U.S.C. 674) is amended by adding at the end the following:

''(g) For purposes of this part, after the termination of a demonstration project relating to guardianship conducted by a State under section 1130, the expenditures of the State for the provision, to children who, as of September 30, 2008, were receiving assistance or services under the project, of the same assistance and services under the same terms and conditions that applied during the conduct of the project, are deemed to be expenditures under the State plan approved under this part.''.

(e) ELIGIBILITY FOR INDEPENDENT LIVING SERVICES AND EDUCATION AND TRAINING VOUCHERS FOR CHILDREN WHO EXIT FOSTER CARE FOR RELATIVE GUARDIANSHIP OR ADOPTION AFTER AGE 16.—

(1) INDEPENDENT LIVING SERVICES.—Section 477(a) of such Act (42 U.S.C. 677(a)) is amended—

(A) by striking ''and'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(C) by adding at the end the following:

''(7) to provide the services referred to in this subsection to children who, after attaining 16 years of age, have left foster care for kinship guardianship or adoption.''.

(2) EDUCATION AND TRAINING VOUCHERS.—Section 477(i)(2) of such Act (42 U.S.C. 677(i)(2)) is amended by striking ''adopted from foster care after attaining age 16'' and inserting ''who, after attaining 16 years of age, are adopted from, or enter kinship guardianship from, foster care''.

(f) CATEGORICAL ELIGIBILITY FOR MEDICAID.—Section 473(b)(3) of such Act (42 U.S.C. 673(b)(3)) is amended—

(1) in subparagraph (A)(ii), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period and inserting '', or''; and

(3) by adding at the end the following:

''(C) with respect to whom kinship guardianship assistance payments are being made pursuant to subsection (d).''.

SEC. 102. FAMILY CONNECTION GRANTS.

(a) IN GENERAL.—Part B of title IV of the Social Security Act (42 U.S.C. 620–629i) is amended by inserting after section 426 the following:

''SEC. 427. FAMILY CONNECTION GRANTS.

''(a) IN GENERAL.—The Secretary of Health and Human Services may make matching grants to State, local, or tribal child welfare agencies, and private nonprofit organizations that have experience in working with foster children or children in kinship care arrangements, for the purpose of helping children who are in, or at risk of entering, foster care reconnect with family members through the implementation of—

''(1) a kinship navigator program to assist kinship caregivers in learning about, finding, and using programs and services to meet the needs of the children they are raising and their own needs, and to promote effective partnerships among public and private agencies to ensure kinship caregiver families are served, which program—

''(A) shall be coordinated with other State or local agencies that promote service coordination or provide information and referral services, including the entities that provide 2–1–1 or 3–1–1 information systems where available, to avoid duplication or fragmentation of services to kinship care families;

''(B) shall be planned and operated in consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant government agencies, and relevant community-based or faith-based organizations;

''(C) shall establish information and referral systems that link (via toll-free access) kinship caregivers, kinship support group facilitators, and kinship service providers to—

''(i) each other;

''(ii) eligibility and enrollment information for Federal, State, and local benefits;

''(iii) relevant training to assist kinship caregivers in caregiving and in obtaining benefits and services; and

''(iv) relevant legal assistance and help in obtaining legal services;

''(D) shall provide outreach to kinship care families, including by establishing, distributing, and updating a kinship care website, or other relevant guides or outreach materials;

''(E) shall promote partnerships between public and private agencies, including schools, community based or faith-based organizations, and relevant government agencies, to increase their knowledge of the needs of kinship care families to promote better services for those families;

''(F) may establish and support a kinship care ombudsman with authority to intervene and help kinship caregivers access services; and

''(G) may support any other activities designed to assist kinship caregivers in obtaining benefits and services to improve their caregiving;

''(2) intensive family-finding efforts that utilize search technology to find biological family members for children in the child welfare system, and once identified, work to reestablish relationships and explore ways to find a permanent family placement for the children;

''(3) family group decision-making meetings for children in the child welfare system, that—

''(A) enable families to make decisions and develop plans that nurture children and protect them from abuse and neglect, and

''(B) when appropriate, shall address domestic violence issues in a safe manner and facilitate connecting children exposed to domestic violence to appropriate services, including reconnection with the abused parent when appropriate; or

''(4) residential family treatment programs that—

''(A) enable parents and their children to live in a safe environment for a period of not less than 6 months; and

''(B) provide, on-site or by referral, substance abuse treatment services, children's early intervention services, family counseling, medical, and mental health services, nursery and pre-school, and other services that are designed to provide comprehensive treatment that supports the family.

''(b) APPLICATIONS.—An entity desiring to receive a matching grant under this section shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of how the grant will be used to implement 1 or more of the activities described in subsection (a);

''(2) a description of the types of children and families to be served, including how the children and families will be identified and recruited, and an initial projection of the number of children and families to be served;

''(3) if the entity is a private organization—

''(A) documentation of support from the relevant local or State child welfare agency; or

''(B) a description of how the organization plans to coordinate its services and activities with those offered by the relevant local or State child welfare agency; and

''(4) an assurance that the entity will cooperate fully with any evaluation provided for by the Secretary under this section.

''(c) LIMITATIONS.—

''(1) GRANT DURATION.—The Secretary may award a grant under this section for a period of not less than 1 year and not more than 3 years.

''(2) NUMBER OF NEW GRANTEES PER YEAR.—The Secretary may not award a grant under this section to more than 30 new grantees each fiscal year.

''(d) FEDERAL CONTRIBUTION.—The amount of a grant payment to be made to a grantee under this section during each year in the grant period shall be the following percentage of the total expenditures proposed to be made by the grantee in the application approved by the Secretary under this section:

''(1) 75 percent, if the payment is for the 1st or 2nd year of the grant period.

''(2) 50 percent, if the payment is for the 3rd year of the grant period.

''(e) FORM OF GRANTEE CONTRIBUTION.—A grantee under this section may provide not more than 50 percent of the amount which the grantee is required to expend to carry out the activities for which a grant is awarded under this section in kind, fairly evaluated, including plant, equipment, or services.

''(f) USE OF GRANT.—A grantee under this section shall use the grant in accordance with the approved application for the grant.

''(g) RESERVATIONS OF FUNDS.—

''(1) KINSHIP NAVIGATOR PROGRAMS.—The Secretary shall reserve $5,000,000 of the funds made available under subsection (h) for each fiscal year for grants to implement kinship navigator programs described in subsection (a)(1).

''(2) EVALUATION.—The Secretary shall reserve 3 percent of the funds made available under subsection (h) for each fiscal year for the conduct of a rigorous evaluation of the activities funded with grants under this section.

''(3) TECHNICAL ASSISTANCE.—The Secretary may reserve 2 percent of the funds made available under subsection (h) for each fiscal year to provide technical assistance to recipients of grants under this section.

''(h) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary for purposes of making grants under this section $15,000,000 for each of fiscal years 2009 through 2013.''.

(b) CONFORMING AMENDMENT.—Section 425 of such Act (42 U.S.C. 625) is amended by inserting ''(other than sections 426, 427, and 429)'' after ''this subpart''.

(c) RENAMING OF PROGRAM.—The subpart heading for subpart 1 of part B of title IV of such Act is amended to read as follows:

''Subpart 1—Stephanie Tubbs Jones Child Welfare Services Program''.

SEC. 103. NOTIFICATION OF RELATIVES.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 101(a) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting ''; and''; and

(3) by adding at the end the following:

''(29) provides that, within 30 days after the removal of a child from the custody of the parent or parents of the child, the State shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence, that—

''(A) specifies that the child has been or is being removed from the custody of the parent or parents of the child;

''(B) explains the options the relative has under Federal, State, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;

''(C) describes the requirements under paragraph (10) of this subsection to become a foster family home and the additional services and supports that are available for children placed in such a home; and

''(D) if the State has elected the option to make kinship guardianship assistance payments under paragraph (28) of this subsection, describes how the relative guardian of the child may subsequently enter into an agreement with the State under section 473(d) to receive the payments.''.

SEC. 104. LICENSING STANDARDS FOR RELATIVES.

(a) STATE PLAN AMENDMENT.—Section 471(a)(10) of the Social Security Act (42 U.S.C. 671(a)(10)) is amended—

(1) by striking ''and provides'' and inserting ''provides''; and

(2) by inserting before the semicolon the following: '', and provides that a waiver of any such standard may be made only on a case-by-case basis for non-safety standards (as determined by the State) in relative foster family homes for specific children in care''.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that includes the following:

(1) Nationally and for each State, the number and percentage of children in foster care placed in licensed relative foster family homes and the number and percentage of such children placed in unlicensed relative foster family homes.

(2) The frequency with which States grant case-by-case waivers of non-safety licensing standards for relative foster family homes.

(3) The types of non-safety licensing standards waived.

(4) An assessment of how such case-by-case waivers of non-safety licensing standards have affected children in foster care, including their safety, permanency, and well-being.

(5) A review of any reasons why relative foster family homes may not be able to be licensed, despite State authority to grant such case-by-case waivers of non-safety licensing standards.

(6) Recommendations for administrative or legislative actions that may increase the percentage of relative foster family homes that are licensed while ensuring the safety of children in foster care and improving their permanence and well-being.

SEC. 105. AUTHORITY FOR COMPARISONS AND DISCLOSURES OF INFORMATION IN THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE, FOSTER CARE, AND ADOPTION ASSISTANCE PROGRAM PURPOSES.

Section 453(j)(3) of the Social Security Act (42 U.S.C. 653(j)) is amended, in the matter preceding subparagraph (A), by inserting '', part B, or part E'' after ''this part''.

TITLE II—IMPROVING OUTCOMES FOR CHILDREN IN FOSTER CARE

SEC. 201. STATE OPTION FOR CHILDREN IN FOSTER CARE, AND CERTAIN CHILDREN IN AN ADOPTIVE OR GUARDIANSHIP PLACEMENT, AFTER ATTAINING AGE 18.

(a) DEFINITION OF CHILD.—Section 475 of the Social Security Act (42 U.S.C. 675) is amended by adding at the end the following:

''(8)(A) Subject to subparagraph (B), the term 'child' means an individual who has not attained 18 years of age.

''(B) At the option of a State, the term shall include an individual—

''(i)(I) who is in foster care under the responsibility of the State;

''(II) with respect to whom an adoption assistance agreement is in effect under section 473 if the child had attained 16 years of age before the agreement became effective; or

''(III) with respect to whom a kinship guardianship assistance agreement is in effect under section 473(d) if the child had attained 16 years of age before the agreement became effective;

''(ii) who has attained 18 years of age;

''(iii) who has not attained 19, 20, or 21 years of age, as the State may elect; and

''(iv) who is—

''(I) completing secondary education or a program leading to an equivalent credential;

''(II) enrolled in an institution which provides post-secondary or vocational education;

''(III) participating in a program or activity designed to promote, or remove barriers to, employment;

''(IV) employed for at least 80 hours per month; or

''(V) incapable of doing any of the activities described in subclauses (I) through (IV) due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.''.

(b) CONFORMING AMENDMENT TO DEFINITION OF CHILD-CARE INSTITUTION.—Section 472(c)(2) of such Act (42 U.S.C. 672(c)(2)) is amended by inserting ''except, in the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations,'' before ''but''.

(c) CONFORMING AMENDMENTS TO AGE LIMITS APPLICABLE TO CHILDREN ELIGIBLE FOR ADOPTION ASSISTANCE OR KINSHIP GUARDIANSHIP ASSISTANCE.—Section 473(a)(4) of such Act (42 U.S.C. 673(a)(4)) is amended to read as follows:

''(4)(A) Notwithstanding any other provision of this section, a payment may not be made pursuant to this section to parents or relative guardians with respect to a child—

''(i) who has attained—

''(I) 18 years of age, or such greater age as the State may elect under section 475(8)(B)(iii); or

''(II) 21 years of age, if the State determines that the child has a mental or physical handicap which warrants the continuation of assistance;

''(ii) who has not attained 18 years of age, if the State determines that the parents or relative guardians, as the case may be, are no longer legally responsible for the support of the child; or

''(iii) if the State determines that the child is no longer receiving any support from the parents or relative guardians, as the case may be.

''(B) Parents or relative guardians who have been receiving adoption assistance payments or kinship guardianship assistance payments under this section shall keep the State or local agency administering the program under this section informed of circumstances which would, pursuant to this subsection, make them ineligible for the payments, or eligible for the payments in a different amount.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 202. TRANSITION PLAN FOR CHILDREN AGING OUT OF FOSTER CARE.

Section 475(5) of the Social Security Act (42 U.S.C. 675) is amended—

(1) in subparagraph (F)(ii), by striking ''and'' at the end;

(2) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(H) during the 90-day period immediately prior to the date on which the child will attain 18 years of age, or such greater age as the State may elect under paragraph (8)(B)(iii), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under section 477, a caseworker on the staff of the State agency, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect.''.

SEC. 203. SHORT-TERM TRAINING FOR CHILD WELFARE AGENCIES, RELATIVE GUARDIANS, AND COURT PERSONNEL.

(a) IN GENERAL.—Section 474(a)(3)(B) of the Social Security Act (42 U.S.C. 674(a)(3)(B)) is amended—

(1) by inserting ''or relative guardians'' after ''adoptive parents'';

(2) by striking ''and the members'' and inserting '', the members'';

(3) by inserting '', or State-licensed or State-approved child welfare agencies providing services,'' after ''providing care'';

(4) by striking ''foster and adopted'' the 1st place it appears;

(5) by inserting ''and members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, or other court-appointed special advocates representing children in proceedings of such courts,'' after ''part,'';

(6) by inserting ''guardians,'' before ''staff members,'';

(7) by striking ''and institutions'' and inserting ''institutions, attorneys, and advocates''; and

(8) by inserting ''and children living with relative guardians'' after ''foster and adopted children'' the 2nd place it appears.

(b) PHASE-IN.—With respect to an expenditure described in section 474(a)(3)(B) of the Social Security Act by reason of an amendment made by subsection (a) of this section, in lieu of the percentage set forth in such section 474(a)(3)(B), the percentage that shall apply is—

(1) 55 percent, if the expenditure is made in fiscal year 2009;

(2) 60 percent, if the expenditure is made in fiscal year 2010;

(3) 65 percent, if the expenditure is made in fiscal year 2011; or

(4) 70 percent, if the expenditure is made in fiscal year 2012.

SEC. 204. EDUCATIONAL STABILITY.

(a) IN GENERAL.—Section 475 of the Social Security Act (42 U.S.C. 675), as amended by section 101(c)(4) of this Act, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking clause (iv) and redesignating clauses (v) through (viii) as clauses (iv) through (vii), respectively; and

(B) by adding at the end the following:

''(G) A plan for ensuring the educational stability of the child while in foster care, including—

''(i) assurances that the placement of the child in foster care takes into account the appropriateness of the current educational

setting and the proximity to the school in which the child is enrolled at the time of placement; and

''(ii)(I) an assurance that the State agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

''(II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.''; and

(2) in the 1st sentence of paragraph (4)(A)—

(A) by striking ''and reasonable'' and inserting ''reasonable''; and

(B) by inserting '', and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement'' before the period.

(b) EDUCATIONAL ATTENDANCE REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a) and 103 of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (28);

(2) by striking the period at the end of paragraph (29) and inserting ''; and''; and

(3) by adding at the end the following:

''(30) provides assurances that each child who has attained the minimum age for compulsory school attendance under State law and with respect to whom there is eligibility for a payment under the State plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term 'elementary or secondary school student' means, with respect to a child, that the child is—

''(A) enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located;

''(B) instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located;

''(C) in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or

''(D) incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child.''.

SEC. 205. HEALTH OVERSIGHT AND COORDINATION PLAN.

Section 422(b)(15) of the Social Security Act (42 U.S.C. 622(b)(15)) is amended to read as follows:

''(15)(A) provides that the State will develop, in coordination and collaboration with the State agency referred to in paragraph (1) and the State agency responsible for administering the State plan approved under title XIX, and in consultation with pediatricians, other experts in health care, and experts in and recipients of child welfare services, a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement, which shall ensure a coordinated strategy to identify and respond to the health care needs of children in foster care placements, including mental health and dental health needs, and shall include an outline of—

''(i) a schedule for initial and follow-up health screenings that meet reasonable standards of medical practice;

''(ii) how health needs identified through screenings will be monitored and treated;

''(iii) how medical information for children in care will be updated and appropriately shared, which may include the development and implementation of an electronic health record;

''(iv) steps to ensure continuity of health care services, which may include the establishment of a medical home for every child in care;

''(v) the oversight of prescription medicines; and

''(vi) how the State actively consults with and involves physicians or other appropriate medical or non-medical professionals in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for the children; and

''(B) subparagraph (A) shall not be construed to reduce or limit the responsibility of the State agency responsible for administering the State plan approved under title XIX to administer and provide care and services for children with respect to whom services are provided under the State plan developed pursuant to this subpart;''.

SEC. 206. SIBLING PLACEMENT.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a), 103, and 204(b) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (29);

(2) by striking the period at the end of paragraph (30) and inserting ''; and''; and

(3) by adding at the end the following:

''(31) provides that reasonable efforts shall be made—

''(A) to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and

''(B) in the case of siblings removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless that State documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.''.

TITLE III—TRIBAL FOSTER CARE AND ADOPTION ACCESS

SEC. 301. EQUITABLE ACCESS FOR FOSTER CARE AND ADOPTION SERVICES FOR INDIAN CHILDREN IN TRIBAL AREAS.

(a) AUTHORITY FOR DIRECT PAYMENT OF FEDERAL TITLE IV–E FUNDS FOR PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—

(1) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

''SEC. 479B. PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.

''(a) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGANIZATIONS.—In this section, the terms 'Indian tribe' and 'tribal organization' have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(b) AUTHORITY.—Except as otherwise provided in this section, this part shall apply in the same manner as this part applies to a State to an Indian tribe, tribal organization, or tribal consortium that elects to operate a program under this part and has a plan approved by the Secretary under section 471 in accordance with this section.

''(c) PLAN REQUIREMENTS.—

''(1) IN GENERAL.—An Indian tribe, tribal organization, or tribal consortium that elects to operate a program under this part shall include with its plan submitted under section 471 the following:

''(A) FINANCIAL MANAGEMENT.—Evidence demonstrating that the tribe, organization, or consortium has not had any uncorrected significant or material audit exceptions under Federal grants or contracts that directly relate to the administration of social services for the 3-year period prior to the date on which the plan is submitted.

''(B) SERVICE AREAS AND POPULATIONS.—For purposes of complying with section 471(a)(3), a description of the service area or areas and populations to be served under the plan and an assurance that the plan shall be in effect in all service area or areas and for all populations served by the tribe, organization, or consortium.

''(C) ELIGIBILITY.—

''(i) IN GENERAL.—Subject to clause (ii) of this subparagraph, an assurance that the plan will provide—

''(I) foster care maintenance payments under section 472 only on behalf of children who satisfy the eligibility requirements of section 472(a);

''(II) adoption assistance payments under section 473 pursuant to adoption assistance agreements only on behalf of children who satisfy the eligibility requirements for such payments under that section; and

''(III) at the option of the tribe, organization, or consortium, kinship guardianship assistance payments in accordance with section 473(d) only on behalf of children who meet the requirements of section 473(d)(3).

''(ii) SATISFACTION OF FOSTER CARE ELIGIBILITY REQUIREMENTS.—For purposes of determining whether a child whose placement and care are the responsibility of an Indian tribe, tribal organization, or tribal consortium with a plan approved under section 471 in accordance with this section satisfies the requirements of section 472(a), the following shall apply:

''(I) USE OF AFFIDAVITS, ETC.—Only with respect to the first 12 months for which such plan is in effect, the requirement in paragraph (1) of section 472(a) shall not be interpreted so as to prohibit the use of affidavits or nunc pro tunc orders as verification documents in support of the reasonable efforts and contrary to the welfare of the child judicial determinations required under that paragraph.

''(II) AFDC ELIGIBILITY REQUIREMENT.—The State plan approved under section 402 (as in effect on July 16, 1996) of the State in which the child resides at the time of removal from the home shall apply to the determination of whether the child satisfies section 472(a)(3).

''(D) OPTION TO CLAIM IN-KIND EXPENDITURES FROM THIRD-PARTY SOURCES FOR NON-FEDERAL SHARE OF ADMINISTRATIVE AND TRAINING COSTS DURING INITIAL IMPLEMENTATION PERIOD.—Only for fiscal year quarters beginning after September 30, 2009, and before October 1, 2014, a list of the in-kind expenditures (which shall be fairly evaluated, and may include plants, equipment, administration, or services) and the third-party sources of such expenditures that the tribe, organization, or consortium may claim as part of the non-Federal share of administrative or training expenditures attributable to such quarters for purposes of receiving payments under section 474(a)(3). The Secretary shall permit a tribe, organization, or consortium to claim in-kind expenditures from third party sources for such purposes during such quarters subject to the following:

''(i) NO EFFECT ON AUTHORITY FOR TRIBES, ORGANIZATIONS, OR CONSORTIA TO CLAIM EXPENDITURES OR INDIRECT COSTS TO THE SAME EXTENT AS STATES.—Nothing in this subparagraph shall be construed as preventing a tribe, organization, or consortium from claiming any expenditures or indirect costs for purposes of receiving payments under section 474(a) that a State with a plan approved under section 471(a) could claim for such purposes.

''(ii) FISCAL YEAR 2010 OR 2011.—

''(I) EXPENDITURES OTHER THAN FOR TRAINING.—With respect to amounts expended during a fiscal year quarter beginning after September 30, 2009, and before October 1, 2011, for which the tribe, organization, or consortium is eligible for payments under subparagraph (C), (D), or (E) of section 474(a)(3), not more than 25 percent of such amounts may consist of in-kind expenditures from third-party sources specified in the list required under this subparagraph to be submitted with the plan.

''(II) TRAINING EXPENDITURES.—With respect to amounts expended during a fiscal year quarter beginning after September 30, 2009, and before October 1, 2011, for which the tribe, organization, or consortium is eligible for payments under subparagraph (A) or (B) of section 474(a)(3), not more than 12 percent of such amounts may consist of in-kind expenditures from third-party sources that are specified in such list and described in subclause (III).

''(III) SOURCES DESCRIBED.—For purposes of subclause (II), the sources described in this subclause are the following:

''(aa) A State or local government.

''(bb) An Indian tribe, tribal organization, or tribal consortium other than the tribe, organization, or consortium submitting the plan.

''(cc) A public institution of higher education.

''(dd) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)).

''(ee) A private charitable organization.

''(iii) FISCAL YEAR 2012, 2013, OR 2014.—

''(I) IN GENERAL.—Except as provided in subclause (II) of this clause and clause (v) of this subparagraph, with respect to amounts expended during any fiscal year quarter beginning after September 30, 2011, and before October 1, 2014, for which the tribe, organization, or consortium is eligible for payments under any subparagraph of section 474(a)(3) of this Act, the only in-kind expenditures from third-party sources that may be claimed by the tribe, organization, or consortium for purposes of determining the non-Federal share of such expenditures (without regard to whether the expenditures are specified on the list required under this subparagraph to be submitted with the plan) are in-kind expenditures that are specified in regulations promulgated by the Secretary under section 301(e)(2) of the Fostering Connections to Success and Increasing Adoptions Act of 2008 and are from an applicable third-party source specified in such regulations, and do not exceed the applicable percentage for claiming such in-kind expenditures specified in the regulations.

''(II) TRANSITION PERIOD FOR EARLY APPROVED TRIBES, ORGANIZATIONS, OR CONSORTIA.—Subject to clause (v), if the tribe, organization, or consortium is an early approved tribe, organization, or consortium (as defined in subclause (III) of this clause), the Secretary shall not require the tribe, organization, or consortium to comply with such regulations before October 1, 2013. Until the earlier of the date such tribe, organization, or consortium comes into compliance with such regulations or October 1, 2013, the limitations on the claiming of in-kind expenditures from third-party sources under clause (ii) shall continue to apply to such tribe, organization, or consortium (without regard to fiscal limitation) for purposes of determining the non-Federal share of amounts expended by the tribe, organization, or consortium during any fiscal year quarter that begins after September 30, 2011, and before such date of compliance or October 1, 2013, whichever is earlier.

''(III) DEFINITION OF EARLY APPROVED TRIBE, ORGANIZATION, OR CONSORTIUM.—For purposes of subclause (II) of this clause, the term 'early approved tribe, organization, or consortium' means an Indian tribe, tribal organization, or tribal consortium that had a plan approved under section 471 in accordance with this section for any quarter of fiscal year 2010 or 2011.

''(iv) FISCAL YEAR 2015 AND THEREAFTER.—Subject to clause (v) of this subparagraph, with respect to amounts expended during any fiscal year quarter beginning after September 30, 2014, for which the tribe, organization, or consortium is eligible for payments under any subparagraph of section 474(a)(3) of this Act, in-kind expenditures from third-party sources may be claimed for purposes of determining the non-Federal share of expenditures under any subparagraph of such section 474(a)(3) only in accordance with the regulations promulgated by the Secretary under section 301(e)(2) of the Fostering Connections to Success and Increasing Adoptions Act of 2008.

''(v) CONTINGENCY RULE.—If, at the time expenditures are made for a fiscal year quarter beginning after September 30, 2011, and before October 1, 2014, for which a tribe, organization, or consortium may receive payments for under section 474(a)(3) of this Act, no regulations required to be promulgated under section 301(e)(2) of the Fostering Connections to Success and Increasing Adoptions Act of 2008 are in effect, and no legislation has been enacted specifying otherwise—

''(I) in the case of any quarter of fiscal year 2012, 2013, or 2014, the limitations on claiming in-kind expenditures from third-party sources under clause (ii) of this subparagraph shall apply (without regard to fiscal limitation) for purposes of determining the non-Federal share of such expenditures; and

''(II) in the case of any quarter of fiscal year 2015 or any fiscal year thereafter, no tribe, organization, or consortium may claim in-kind expenditures from third-party sources for purposes of determining the non-Federal share of such expenditures if a State with a plan approved under section 471(a) of this Act could not claim in-kind expenditures from third-party sources for such purposes.

''(2) CLARIFICATION OF TRIBAL AUTHORITY TO ESTABLISH STANDARDS FOR TRIBAL FOSTER FAMILY HOMES AND TRIBAL CHILD CARE INSTITUTIONS.—For purposes of complying with section 471(a)(10), an Indian tribe, tribal organization, or tribal consortium shall establish and maintain a tribal authority or authorities which shall be responsible for establishing and maintaining tribal standards for tribal foster family homes and tribal child care institutions.

''(3) CONSORTIUM.—The participating Indian tribes or tribal organizations of a tribal consortium may develop and submit a single plan under section 471 that meets the requirements of this section.

''(d) DETERMINATION OF FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR FOSTER CARE MAINTENANCE AND ADOPTION ASSISTANCE PAYMENTS.—

''(1) PER CAPITA INCOME.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe, a tribal organization, or a tribal consortium under paragraphs (1), (2), and (5) of section 474(a), the calculation of the per capita income of the Indian tribe, tribal organization, or tribal consortium shall be based upon the service population of the Indian tribe, tribal organization, or tribal consortium, except that in no case shall an Indian tribe, a tribal organization, or a tribal consortium receive less than the Federal medical assistance percentage for any State in which the tribe, organization, or consortium is located.

''(2) CONSIDERATION OF OTHER INFORMATION.—Before making a calculation under paragraph (1), the Secretary shall consider any information submitted by an Indian tribe, a tribal organization, or a tribal consortium that the Indian tribe, tribal organization, or tribal consortium considers relevant to making the calculation of the per capita income of the Indian tribe, tribal organization, or tribal consortium.

''(e) NONAPPLICATION TO COOPERATIVE AGREEMENTS AND CONTRACTS.—Any cooperative agreement or contract entered into between an Indian tribe, a tribal organization, or a tribal consortium and a State for the administration or payment of funds under this part that is in effect as of the date of enactment of this section shall remain in full force and effect, subject to the right of either party to the agreement or contract to revoke or modify the agreement or contract pursuant to the terms of the agreement or contract. Nothing in this section shall be construed as affecting the authority for an Indian tribe, a tribal organization, or a tribal consortium and a State to enter into a cooperative agreement or contract for the administration or payment of funds under this part.

''(f) JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.—Except as provided in section 477(j), subsection (b) of this section shall not apply with respect to the John H. Chafee Foster Care Independence Program established under section 477 (or with respect to payments made under section 474(a)(4) or grants made under section 474(e)).

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the application of section 472(h) to a child on whose behalf payments are paid under section 472, or the application of section 473(b) to a child on whose behalf payments are made under section 473 pursuant to an adoption assistance agreement or a kinship guardianship assistance agreement, by an Indian tribe, tribal organization, or tribal consortium that elects to operate a foster care and adoption assistance program in accordance with this section.''.

(2) CONFORMING AMENDMENTS.—Section 472(a)(2)(B) of such Act (42 U.S.C. 672(a)(2)(B)) is amended—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii), by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(iii) an Indian tribe or a tribal organization (as defined in section 479B(a)) or a tribal consortium that has a plan approved under section 471 in accordance with section 479B; and''.

(b) AUTHORITY TO RECEIVE PORTION OF STATE ALLOTMENT AS PART OF AN AGREEMENT

TO OPERATE THE JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.—Section 477 of such Act (42 U.S.C. 677) is amended by adding at the end the following:

''(j) AUTHORITY FOR AN INDIAN TRIBE, TRIBAL ORGANIZATION, OR TRIBAL CONSORTIUM TO RECEIVE AN ALLOTMENT.—

''(1) IN GENERAL.—An Indian tribe, tribal organization, or tribal consortium with a plan approved under section 479B, or which is receiving funding to provide foster care under this part pursuant to a cooperative agreement or contract with a State, may apply for an allotment out of any funds authorized by paragraph (1) or (2) (or both) of subsection (h) of this section.

''(2) APPLICATION.—A tribe, organization, or consortium desiring an allotment under paragraph (1) of this subsection shall submit an application to the Secretary to directly receive such allotment that includes a plan which—

''(A) satisfies such requirements of paragraphs (2) and (3) of subsection (b) as the Secretary determines are appropriate;

''(B) contains a description of the tribe's, organization's, or consortium's consultation process regarding the programs to be carried out under the plan with each State for which a portion of an allotment under subsection (c) would be redirected to the tribe, organization, or consortium; and

''(C) contains an explanation of the results of such consultation, particularly with respect to—

''(i) determining the eligibility for benefits and services of Indian children to be served under the programs to be carried out under the plan; and

''(ii) the process for consulting with the State in order to ensure the continuity of benefits and services for such children who will transition from receiving benefits and services under programs carried out under a State plan under subsection (b)(2) to receiving benefits and services under programs carried out under a plan under this subsection.

''(3) PAYMENTS.—The Secretary shall pay an Indian tribe, tribal organization, or tribal consortium with an application and plan approved under this subsection from the allotment determined for the tribe, organization, or consortium under paragraph (4) of this subsection in the same manner as is provided in section 474(a)(4) (and, where requested, and if funds are appropriated, section 474(e)) with respect to a State, or in such other manner as is determined appropriate by the Secretary, except that in no case shall an Indian tribe, a tribal organization, or a tribal consortium receive a lesser proportion of such funds than a State is authorized to receive under those sections.

''(4) ALLOTMENT.—From the amounts allotted to a State under subsection (c) of this section for a fiscal year, the Secretary shall allot to each Indian tribe, tribal organization, or tribal consortium with an application and plan approved under this subsection for that fiscal year an amount equal to the tribal foster care ratio determined under paragraph (5) of this subsection for the tribe, organization, or consortium multiplied by the allotment amount of the State within which the tribe, organization, or consortium is located. The allotment determined under this paragraph is deemed to be a part of the allotment determined under section 477(c) for the State in which the Indian tribe, tribal organization, or tribal consortium is located.

''(5) TRIBAL FOSTER CARE RATIO.—For purposes of paragraph (4), the tribal foster care ratio means, with respect to an Indian tribe, tribal organization, or tribal consortium, the ratio of—

''(A) the number of children in foster care under the responsibility of the Indian tribe, tribal organization, or tribal consortium (either directly or under supervision of the State), in the most recent fiscal year for which the information is available; to

''(B) the sum of—

''(i) the total number of children in foster care under the responsibility of the State within which the Indian tribe, tribal organization, or tribal consortium is located; and

''(ii) the total number of children in foster care under the responsibility of all Indian tribes, tribal organizations, or tribal consortia in the State (either directly or under supervision of the State) that have a plan approved under this subsection.''.

(c) STATE AND TRIBAL COOPERATION.—

(1) STATE PLAN REQUIREMENT TO NEGOTIATE IN GOOD FAITH.—

(A) IN GENERAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a), 103, 204(b), and 206 of this Act, is amended—

(i) by striking ''and'' at the end of paragraph (30);

(ii) by striking the period at the end of paragraph (31) and inserting ''; and''; and

(iii) by adding at the end the following:

''(32) provides that the State will negotiate in good faith with any Indian tribe, tribal organization or tribal consortium in the State that requests to develop an agreement with the State to administer all or part of the program under this part on behalf of Indian children who are under the authority of the tribe, organization, or consortium, including foster care maintenance payments on behalf of children who are placed in State or tribally licensed foster family homes, adoption assistance payments, and, if the State has elected to provide such payments, kinship guardianship assistance payments under section 473(d), and tribal access to resources for administration, training, and data collection under this part.''.

(B) CHAFEE PROGRAM CONFORMING AMENDMENT.—Section 477(b)(3)(G) of such Act (42 U.S.C. 677(b)(3)(G)) is amended—

(i) by striking ''and that'' and inserting ''that''; and

(ii) by striking the period at the end and inserting ''; and that the State will negotiate in good faith with any Indian tribe, tribal organization, or tribal consortium in the State that does not receive an allotment under subsection (j)(4) for a fiscal year and that requests to develop an agreement with the State to administer, supervise, or oversee the programs to be carried out under the plan with respect to the Indian children who are eligible for such programs and who are under the authority of the tribe, organization, or consortium and to receive from the State an appropriate portion of the State allotment under subsection (c) for the cost of such administration, supervision, or oversight.''.

(2) APPLICATION OF TRIBAL FEDERAL MATCHING RATE TO COOPERATIVE AGREEMENTS OR CONTRACTS BETWEEN STATE OR TRIBES.—Paragraphs (1) and (2) of section 474(a) of such Act (42 U.S.C. 674(a)) are each amended by inserting ''(or, with respect to such payments made during such quarter under a cooperative agreement or contract entered into by the State and an Indian tribe, tribal organization, or tribal consortium for the administration or payment of funds under this part, an amount equal to the Federal medical assistance percentage that would apply under section 479B(d) (in this paragraph referred to as the 'tribal FMAP') if such Indian tribe, tribal organization, or tribal consortium made such payments under a program operated under that section, unless the tribal FMAP is less than the Federal medical assistance percentage that applies to the State)'' before the semicolon.

(d) RULES OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as—

(1) authorization to terminate funding on behalf of any Indian child receiving foster care maintenance payments or adoption assistance payments on the date of enactment of this Act and for which the State receives Federal matching payments under paragraph (1) or (2) of section 474(a) of the Social Security Act (42 U.S.C. 674(a)), regardless of whether a cooperative agreement or contract between the State and an Indian tribe, tribal organization, or tribal consortium is in effect on such date or an Indian tribe, tribal organization, or tribal consortium elects subsequent to such date to operate a program under section 479B of such Act (as added by subsection (a) of this section); or

(2) affecting the responsibility of a State—

(A) as part of the plan approved under section 471 of the Social Security Act (42 U.S.C. 671), to provide foster care maintenance payments, adoption assistance payments, and if the State elects, kinship guardianship assistance payments, for Indian children who are eligible for such payments and who are not otherwise being served by an Indian tribe, tribal organization, or tribal consortium pursuant to a program under such section 479B of such Act or a cooperative agreement or contract entered into between an Indian tribe, a tribal organization, or a tribal consortium and a State for the administration or payment of funds under part E of title IV of such Act; or

(B) as part of the plan approved under section 477 of such Act (42 U.S.C. 677) to administer, supervise, or oversee programs carried out under that plan on behalf of Indian children who are eligible for such programs if such children are not otherwise being served by an Indian tribe, tribal organization, or tribal consortium pursuant to an approved plan under section 477(j) of such Act or a cooperative agreement or contract entered into under section 477(b)(3)(G) of such Act.

(e) REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, not later than 1 year after the date of enactment of this section, the Secretary of Health and Human Services, in consultation with Indian tribes, tribal organizations, tribal consortia, and affected States, shall promulgate interim final regulations to carry out this section and the amendments made by this section. Such regulations shall include procedures to ensure that a transfer of responsibility for the placement and care of a child under a State plan approved under section 471 of the Social Security Act to a tribal plan approved under section 471 of such Act in accordance with section 479B of such Act (as added by subsection (a)(1) of this section) or to an Indian tribe, a tribal organization, or a tribal consortium that has entered into a cooperative agreement or contract with a State for the administration or payment of funds under part E of title IV of such Act does not affect the eligibility of, provision of services for, or the making of payments on behalf of, such children under part E of title IV of such Act, or the eligibility of such children for medical assistance under title XIX of such Act.

(2) IN-KIND EXPENDITURES FROM THIRD-PARTY SOURCES FOR PURPOSES OF DETERMINING NON-FEDERAL SHARE OF ADMINISTRATIVE AND TRAINING EXPENDITURES.—

(A) IN GENERAL.—Subject to subparagraph (B) of this paragraph, not later than September 30, 2011, the Secretary of Health and Human Services, in consultation with Indian tribes, tribal organizations, and tribal consortia, shall promulgate interim final regulations specifying the types of in-kind expenditures, including plants, equipment, administration, and services, and the third-party sources for such in-kind expenditures which may be claimed by tribes, organizations, and consortia with plans approved under section 471 of the Social Security Act in accordance with section 479B of such Act, up to such percentages as the Secretary, in such consultation shall specify in such regulations, for purposes of determining the non-Federal share of administrative and training expenditures for which the tribes, organizations, and consortia may receive payments for under any subparagraph of section 474(a)(3) of such Act.

(B) EFFECTIVE DATE.—In no event shall the regulations required to be promulgated under subparagraph (A) take effect prior to October 1, 2011.

(C) SENSE OF THE CONGRESS.—It is the sense of the Congress that if the Secretary of Health and Human Services fails to publish in the Federal Register the regulations required under subparagraph (A) of this paragraph, the Congress should enact legislation specifying the types of in-kind expenditures and the third-party sources for such in-kind expenditures which may be claimed by tribes, organizations, and consortia with plans approved under section 471 of the Social Security Act in accordance with section 479B of such Act, up to specific percentages, for purposes of determining the non-Federal share of administrative and training expenditures for which the tribes, organizations, and consortia may receive payments for under any subparagraph of section 474(a)(3) of such Act.

(f) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on October 1, 2009, without regard to whether the regulations required under subsection (e)(1) have been promulgated by such date.

SEC. 302. TECHNICAL ASSISTANCE AND IMPLEMENTATION.

Section 476 of the Social Security Act (42 U.S.C. 676) is amended by adding at the end the following:

''(c) TECHNICAL ASSISTANCE AND IMPLEMENTATION SERVICES FOR TRIBAL PROGRAMS.—

''(1) AUTHORITY.—The Secretary shall provide technical assistance and implementation services that are dedicated to improving services and permanency outcomes for Indian children and their families through the provision of assistance described in paragraph (2).

''(2) ASSISTANCE PROVIDED.—

''(A) IN GENERAL.—The technical assistance and implementation services shall be to—

''(i) provide information, advice, educational materials, and technical assistance to Indian tribes and tribal organizations with respect to the types of services, administrative functions, data collection, program management, and reporting that are required under State plans under part B and this part;

''(ii) assist and provide technical assistance to—

''(I) Indian tribes, tribal organizations, and tribal consortia seeking to operate a program under part B or under this part through direct application to the Secretary under section 479B; and

''(II) Indian tribes, tribal organizations, tribal consortia, and States seeking to develop cooperative agreements to provide for payments under this part or satisfy the requirements of section 422(b)(9), 471(a)(32), or 477(b)(3)(G); and

''(iii) subject to subparagraph (B), make one-time grants, to tribes, tribal organizations, or tribal consortia that are seeking to develop, and intend, not later than 24 months after receiving such a grant to submit to the Secretary a plan under section 471 to implement a program under this part as authorized by section 479B, that shall—

''(I) not exceed $300,000; and

''(II) be used for the cost of developing a plan under section 471 to carry out a program under section 479B, including costs related to development of necessary data collection systems, a cost allocation plan, agency and tribal court procedures necessary to meet the case review system requirements under section 475(5), or any other costs attributable to meeting any other requirement necessary for approval of such a plan under this part.

''(B) GRANT CONDITION.—

''(i) IN GENERAL.—As a condition of being paid a grant under subparagraph (A)(iii), a tribe, tribal organization, or tribal consortium shall agree to repay the total amount of the grant awarded if the tribe, tribal organization, or tribal consortium fails to submit to the Secretary a plan under section 471 to carry out a program under section 479B by the end of the 24-month period described in that subparagraph.

''(ii) EXCEPTION.—The Secretary shall waive the requirement to repay a grant imposed by clause (i) if the Secretary determines that a tribe's, tribal organization's, or tribal consortium's failure to submit a plan within such period was the result of circumstances beyond the control of the tribe, tribal organization, or tribal consortium.

''(C) IMPLEMENTATION AUTHORITY.—The Secretary may provide the technical assistance and implementation services described in subparagraph (A) either directly or through a grant or contract with public or private organizations knowledgeable and experienced in the field of Indian tribal affairs and child welfare.

''(3) APPROPRIATION.—There is appropriated to the Secretary, out of any money in the Treasury of the United States not otherwise appropriated, $3,000,000 for fiscal year 2009 and each fiscal year thereafter to carry out this subsection.''.

TITLE IV—IMPROVEMENT OF INCENTIVES FOR ADOPTION

SEC. 401. ADOPTION INCENTIVES PROGRAM.

(a) 5-YEAR EXTENSION.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)(4), by striking ''in the case of fiscal years 2001 through 2007,'';

(2) in subsection (b)(5), by striking ''1998 through 2007'' and inserting ''2008 through 2012'';

(3) in subsection (c)(2), by striking ''each of fiscal years 2002 through 2007'' and inserting ''a fiscal year''; and

(4) in each of subsections (h)(1)(D), and (h)(2), by striking ''2008'' and inserting ''2013''.

(b) UPDATING OF FISCAL YEAR USED IN DETERMINING BASE NUMBERS OF ADOPTIONS.—Section 473A(g) of such Act (42 U.S.C. 673b(g)) is amended—

(1) in paragraph (3), by striking ''means'' and all that follows and inserting ''means, with respect to any fiscal year, the number of foster child adoptions in the State in fiscal year 2007.'';

(2) in paragraph (4)—

(A) by inserting ''that are not older child adoptions'' before ''for a State''; and

(B) by striking ''means'' and all that follows and inserting ''means, with respect to any fiscal year, the number of special needs adoptions that are not older child adoptions in the State in fiscal year 2007.''; and

(3) in paragraph (5), by striking ''means'' and all that follows and inserting ''means, with respect to any fiscal year, the number of older child adoptions in the State in fiscal year 2007.''.

(c) INCREASE IN INCENTIVE PAYMENTS FOR SPECIAL NEEDS ADOPTIONS AND OLDER CHILD ADOPTIONS.—Section 473A(d)(1) of such Act (42 U.S.C. 673b(d)(1)) is amended—

(1) in subparagraph (B), by striking ''$2,000'' and inserting ''$4,000''; and

(2) in subparagraph (C), by striking ''$4,000'' and inserting ''$8,000''.

(d) 24-MONTH AVAILABILITY OF PAYMENTS TO STATES.—Section 473A(e) of such Act (42 U.S.C. 673b(e)) is amended—

(1) in the heading, by striking ''2-YEAR'' and inserting ''24-MONTH''; and

(2) by striking ''through the end of the succeeding fiscal year'' and inserting ''for the 24-month period beginning with the month in which the payments are made''.

(e) ADDITIONAL INCENTIVE PAYMENT FOR EXCEEDING THE HIGHEST EVER FOSTER CHILD ADOPTION RATE.—

(1) IN GENERAL.—Section 473A(d) of such Act (42 U.S.C. 673b(d)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(B) in paragraph (2), by striking ''this section'' each place it appears and inserting ''paragraph (1)''; and

(C) by adding at the end the following:

''(3) INCREASED INCENTIVE PAYMENT FOR EXCEEDING THE HIGHEST EVER FOSTER CHILD ADOPTION RATE.—

''(A) IN GENERAL.—If—

''(i) for fiscal year 2009 or any fiscal year thereafter the total amount of adoption incentive payments payable under paragraph (1) of this subsection are less than the amount appropriated under subsection (h) for the fiscal year; and

''(ii) a State's foster child adoption rate for that fiscal year exceeds the highest ever foster child adoption rate determined for the State,

then the adoption incentive payment otherwise determined under paragraph (1) of this subsection for the State shall be increased, subject to subparagraph (C) of this paragraph, by the amount determined for the State under subparagraph (B) of this paragraph.

''(B) AMOUNT OF INCREASE.—For purposes of subparagraph (A), the amount determined under this subparagraph with respect to a State and a fiscal year is the amount equal to the product of—

''(i) $1,000; and

''(ii) the excess of—

''(I) the number of foster child adoptions in the State in the fiscal year; over

''(II) the product (rounded to the nearest whole number) of—

''(aa) the highest ever foster child adoption rate determined for the State; and

''(bb) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year.

''(C) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—For any fiscal year, if the total amount of increases in adoption incentive payments otherwise payable under this paragraph for a fiscal year exceeds the amount available for such increases for the fiscal year, the amount of the increase payable to each State under this paragraph for the fiscal year shall be—

''(i) the amount of the increase that would otherwise be payable to the State under this paragraph for the fiscal year; multiplied by

''(ii) the percentage represented by the amount so available for the fiscal year, divided by the total amount of increases otherwise payable under this paragraph for the fiscal year.''.

(2) DEFINITIONS.—Section 473A(g) of such Act (42 U.S.C. 673b(g)) is amended by adding at the end the following:

''(7) HIGHEST EVER FOSTER CHILD ADOPTION RATE.—The term 'highest ever foster child adoption rate' means, with respect to any fiscal year, the highest foster child adoption rate determined for any fiscal year in the period that begins with fiscal year 2002 and ends with the preceding fiscal year.

''(8) FOSTER CHILD ADOPTION RATE.—The term 'foster child adoption rate' means, with respect to a State and a fiscal year, the percentage determined by dividing—

''(A) the number of foster child adoptions finalized in the State during the fiscal year; by

''(B) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year.''.

(3) CONFORMING AMENDMENTS.—

(A) STATE ELIGIBILITY.—Section 473A(b)(2) of such Act (42 U.S.C. 673b(b)(2)) is amended—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(C) the State's foster child adoption rate for the fiscal year exceeds the highest ever foster child adoption rate determined for the State;''.

(B) DATA.—Section 473A(c)(2) of such Act (42 U.S.C. 673b(c)(2)), as amended by subsection (a)(3) of this section, is amended by inserting ''and the foster child adoption rate for the State for the fiscal year,'' after ''during a fiscal year,''.

SEC. 402. PROMOTION OF ADOPTION OF CHILDREN WITH SPECIAL NEEDS.

Section 473 of the Social Security Act (42 U.S.C. 673), as amended by section 101(b) of this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by redesignating items (aa) and (bb) of clause (i)(I) as subitems (AA) and (BB), respectively;

(II) in subitem (BB) of clause (i)(I) (as so redesignated), by striking ''item (aa) of this subclause'' and inserting ''subitem (AA) of this item'';

(III) by redesignating subclauses (I) through (III) of clause (i) as items (aa) through (cc), respectively;

(IV) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(V) by realigning the margins of the items, subclauses, and clauses redesignated by subclauses (I) through (IV) accordingly;

(VI) by striking ''if the child—'' and inserting ''if—

''(i) in the case of a child who is not an applicable child for the fiscal year (as defined in subsection (e)), the child—'';

(VII) in subclause (II) of clause (i) (as so redesignated)—

(aa) by striking ''(c)'' and inserting ''(c)(1)''; and

(bb) by striking the period at the end and inserting ''; or''; and

(VIII) by adding at the end the following:

''(ii) in the case of a child who is an applicable child for the fiscal year (as so defined), the child—

''(I)(aa) at the time of initiation of adoption proceedings was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to—

''(AA) an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or

''(BB) a voluntary placement agreement or voluntary relinquishment;

''(bb) meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; or

''(cc) was residing in a foster family home or child care institution with the child's minor parent, and the child's minor parent was in such foster family home or child care institution pursuant to—

''(AA) an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or

''(BB) a voluntary placement agreement or voluntary relinquishment; and

''(II) has been determined by the State, pursuant to subsection (c)(2), to be a child with special needs.''; and

(ii) in subparagraph (C)—

(I) by redesignating subclauses (I) and (II) of clause (iii) as items (aa) and (bb), respectively;

(II) by redesignating subclauses (I) and (II) of clause (iv) as items (aa) and (bb), respectively;

(III) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively;

(IV) by realigning the margins of the subclauses and clauses redesignated by subclauses (I) through (III) accordingly;

(V) by striking ''if the child—'' and inserting ''if—

''(i) in the case of a child who is not an applicable child for the fiscal year (as defined in subsection (e)), the child—'';

(VI) in clause (i)(I) (as so redesignated), by striking ''(A)(ii)'' and inserting ''(A)(i)(II)'';

(VII) in clause (i)(IV) (as so redesignated)—

(aa) in the matter preceding item (aa), by striking ''(A)'' and inserting ''(A)(i)''; and

(bb) by striking the period at the end and inserting ''; or''; and

(VIII) by adding at the end the following:

''(ii) in the case of a child who is an applicable child for the fiscal year (as so defined), the child meets the requirements of subparagraph (A)(ii)(II), is determined eligible for adoption assistance payments under this part with respect to a prior adoption (or who would have been determined eligible for such payments had the Adoption and Safe Families Act of 1997 been in effect at the time that such determination would have been made), and is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died.''; and

(B) by adding at the end the following:

''(7)(A) Notwithstanding any other provision of this subsection, no payment may be made to parents with respect to any applicable child for a fiscal year that—

''(i) would be considered a child with special needs under subsection (c)(2);

''(ii) is not a citizen or resident of the United States; and

''(iii) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

''(B) Subparagraph (A) shall not be construed as prohibiting payments under this part for an applicable child described in subparagraph (A) that is placed in foster care subsequent to the failure, as determined by the State, of the initial adoption of the child by the parents described in subparagraph (A).

''(8) A State shall spend an amount equal to the amount of savings (if any) in State expenditures under this part resulting from the application of paragraph (2)(A)(ii) to all applicable children for a fiscal year to provide to children or families any service (including post-adoption services) that may be provided under this part or part B.'';

(2) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning the margins accordingly;

(B) by striking ''this section, a child shall not be considered a child with special needs unless'' and inserting ''this section—

''(1) in the case of a child who is not an applicable child for a fiscal year, the child shall not be considered a child with special needs unless''; and

(C) in paragraph (1)(B), as so redesignated, by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(2) in the case of a child who is an applicable child for a fiscal year, the child shall not be considered a child with special needs unless—

''(A) the State has determined, pursuant to a criterion or criteria established by the State, that the child cannot or should not be returned to the home of his parents;

''(B)(i) the State has determined that there exists with respect to the child a specific factor or condition (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under title XIX; or

''(ii) the child meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; and

''(C) the State has determined that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of the parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under title XIX.''; and

(3) by adding at the end the following:

''(e) APPLICABLE CHILD DEFINED.—

''(1) ON THE BASIS OF AGE.—

''(A) IN GENERAL.—Subject to paragraphs (2) and (3), in this section, the term 'applicable child' means a child for whom an adoption assistance agreement is entered into under this section during any fiscal year described in subparagraph (B) if the child attained the applicable age for that fiscal year before the end of that fiscal year.

''(B) APPLICABLE AGE.—For purposes of subparagraph (A), the applicable age for a fiscal year is as follows:

''In the case of fiscal year:	The applicable age is:
2010	16
2011	14
2012	12
2013	10
2014	8
2015	6
2016	4
2017	2
2018 or thereafter	any age.

''(2) EXCEPTION FOR DURATION IN CARE.—Notwithstanding paragraph (1) of this subsection, beginning with fiscal year 2010, such term shall include a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section if the child—

''(A) has been in foster care under the responsibility of the State for at least 60 consecutive months; and

''(B) meets the requirements of subsection (a)(2)(A)(ii).

''(3) EXCEPTION FOR MEMBER OF A SIBLING GROUP.—Notwithstanding paragraphs (1) and (2) of this subsection, beginning with fiscal year 2010, such term shall include a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section without regard to whether the child is described in paragraph (2)(A) of this subsection if the child—

''(A) is a sibling of a child who is an applicable child for the fiscal year under paragraph (1) or (2) of this subsection;

''(B) is to be placed in the same adoption placement as an applicable child for the fiscal year who is their sibling; and

''(C) meets the requirements of subsection (a)(2)(A)(ii).''.

SEC. 403. INFORMATION ON ADOPTION TAX CREDIT.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a), 103, 204(b), 206, and 301(c)(1)(A) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (31);

(2) by striking the period at the end of paragraph (32) and inserting ''; and''; and

(3) by adding at the end the following:

''(33) provides that the State will inform any individual who is adopting, or whom the State is made aware is considering adopting, a child who is in foster care under the responsibility of the State of the potential eligibility of the individual for a Federal tax credit under section 23 of the Internal Revenue Code of 1986.''.

TITLE V—CLARIFICATION OF UNIFORM DEFINITION OF CHILD AND OTHER PROVISIONS

SEC. 501. CLARIFICATION OF UNIFORM DEFINITION OF CHILD.

(a) CHILD MUST BE YOUNGER THAN CLAIMANT.—Section 152(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting ''is younger than the taxpayer claiming such individual as a qualifying child and'' after ''such individual''.

(b) CHILD MUST BE UNMARRIED.—Section 152(c)(1) of such Code is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) who has not filed a joint return (other than only for a claim of refund) with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.''.

(c) RESTRICT QUALIFYING CHILD TAX BENEFITS TO CHILD'S PARENT.—

(1) CHILD TAX CREDIT.—Section 24(a) of such Code is amended by inserting ''for which the taxpayer is allowed a deduction under section 151'' after ''of the taxpayer''.

(2) PERSONS OTHER THAN PARENTS CLAIMING QUALIFYING CHILD.—

(A) IN GENERAL.—Section 152(c)(4) of such Code is amended by adding at the end the following new subparagraph:

''(C) NO PARENT CLAIMING QUALIFYING CHILD.—If the parents of an individual may claim such individual as a qualifying child but no parent so claims the individual, such individual may be claimed as the qualifying child of another taxpayer but only if the adjusted gross income of such taxpayer is higher than the highest adjusted gross income of any parent of the individual.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 152(c)(4)(A) of such Code is amended by striking ''Except'' through ''2 or more taxpayers'' and inserting ''Except as provided in subparagraphs (B) and (C), if (but for this paragraph) an individual may be claimed as a qualifying child by 2 or more taxpayers''.

(ii) The heading for section 152(c)(4) of such Code is amended by striking ''CLAIMING'' and inserting ''WHO CAN CLAIM THE SAME''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 502. INVESTMENT OF OPERATING CASH.

Section 323 of title 31, United States Code, is amended to read as follows:

''§ 323. Investment of operating cash

''(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

''(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

''(2) obligations of the United States Government; and

''(3) repurchase agreements with parties acceptable to the Secretary.

''(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

''(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

''(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary's consideration of risks associated with investments and the actions taken to manage such risks.

''(2) For purposes of paragraph (1), the term 'appropriate committees' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.''.

SEC. 503. NO FEDERAL FUNDING TO UNLAWFULLY PRESENT INDIVIDUALS.

Nothing in this Act shall be construed to alter prohibitions on Federal payments to individuals who are unlawfully present in the United States.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, each amendment made by this Act to part B or E of title IV of the Social Security Act shall take effect on the date of the enactment of this Act, and shall apply to payments under the part amended for quarters beginning on or after the effective date of the amendment.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan approved under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that ends after the 1-year period beginning with the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

Mr. MCDERMOTT. Madam Speaker, I yield myself such time as I might consume.

Children in foster care are sometimes called our forgotten children. We are here to banish that thought forever. We are here to provide children in foster care the same things that all children need, family, support and an equal chance to succeed.

With that goal in mind, the House unanimously passed legislation in June to improve the Nation's child welfare system. The bill we are considering today is a modified version of that legislation, and it reflects an agreement with Senators BAUCUS, GRASSLEY and ROCKEFELLER, who have been working on similar legislation.

This agreement maintains all the critical provisions in the House-passed bill, such as helping grandparents and other relatives who want to permanently care for children in foster care and extending assistance to thousands of children who now age out of foster care every year on their 18th birthday.

In addition, the legislation now includes a provision that will begin to

make sure that all special needs children are eligible for adoption assistance, not just those who come from a family that is eligible for a welfare program that no longer exists.

When a child is removed from his or her home because of abuse or neglect, government, on behalf of society, becomes legally responsible for that child. All of us, therefore, act as parents to children in foster care. But for too many foster care children, we fail to fully live up to our parental responsibilities.

We fail to provide them with permanent homes. We fail to meet their health and education needs, and we fail to help them find their way in the world.

Perhaps the most obvious example of our failure is when foster children are literally pushed out into the streets when they are 18 years old. No parent I know abandons their children at age 18, and yet that is what our Federal policy for foster care does.

It says to kids to have been abused or neglected, who have been removed from their homes, or who have been placed many times in multiple foster homes that we expect more of them than we would expect of anyone else, including our own children. We displace them from their homes and from any meaningful financial support, and tell them, make it on your own, you are on your own.

Another example is our failure and the inconsistent effort to help foster children stay connected to their families. We have a system that tells grandparents that they will be denied any assistance if they become legal guardians for a foster child. This is contrary to the growing base of research illustrating that children do better living with relative guardians than they do living in traditional foster care.

Additionally, siblings are too often split apart at the time of placement. Just when a foster child most needs their brother or sister, they are sometimes separated from them.

Ensuring school stability is yet another area where we too often come up short. Not enough is done to ensure children can stay in their current schools when they are placed in foster care. We rob them of the one place where they may actually feel secure.

We also hear too many stories about foster children not receiving adequate health services, especially for mental health. Furthermore, we have a special duty to ensure the prescription medications foster children are receiving are effective and appropriate, instead of quick and easy.

Finally, we don't provide adequate assistance for Native American children who are removed from their homes and then cared for in the tribal communities.

The Fostering Connections to Success and Increasing Adoptions Act would provide new supports and protections to address many of the concerns I just outlined. The legislation would allow States to extend foster care up to the age of 21, giving young men and women more time to get an education and become truly self-sufficient.

Recognizing that many grandparents and other relatives want to provide loving, permanent homes for children in foster care, this bill would provide Federal payments to relatives who become legal guardians of children for whom they have cared as foster parents. It also requires improved efforts to keep siblings together when they are removed from their homes.

The measure would require increased oversight on health care needs of foster children, focusing on the assessment, the treatment of health conditions, continuity of care, and monitoring the use of prescription drugs. There is also renewed attention paid to ensuring educational stability for children in foster care, including avoiding frequent school changes.

Additionally, this bill gives tribes equal and fair access to Federal resources dedicated to keeping vulnerable children safe. For the first time, a tribal child welfare program would directly receive Federal foster care funding.

The legislation would also provide new resources to ensure all child welfare workers have equal access to training, which ultimately results in better care for children.

This bill extends and improves incentives for States that increase the number of children adopted out of the foster care system. To ensure that we are adequately helping all families adopting special needs children out of the foster care system, the bill will phase out a requirement that an adopted child's birth parents be eligible for welfare under outdated rules from a program that no longer exists.

The legislation includes two provisions that save money and thereby ensures that the bill is completely budget neutral. The first provision would clarify the uniform definition of a child for tax purposes to ensure that the earned income tax credit and other tax benefits are being provided to the families for which the benefits were intended.

The second provision would allow the Treasury Department to improve its management of the government's short-term operating cash. This language, which has been recommended by the GAO and proposed by the administration, would permit investment of cash in a broader number of institutions, thereby reducing the current concentration of risk and increasing the rate of return.

I want to thank, again, my ranking member, JERRY WELLER, who is going to leave us. He has been a real partner in striving to work for and improve the lives of children in the foster care system. His efforts will be missed when he leaves Congress at the end of this session, but enacting this bill will surely send him out on a high note.

Before I yield to Mr. WELLER, I would like to talk about another Member of Congress who is not with us today.

The passing of Stephanie Tubbs Jones was a great shock to all of us who worked with her. We were always impressed by her tireless energy and her infectious smile.

Stephanie was a true champion for vulnerable families and children. In fact, her first legislative achievement in Congress was a bill designed to improve training opportunities for caseworkers in the child welfare system.

□ 1245

In recognition of Representative Tubbs Jones' efforts to help vulnerable kids, this bill names the primary source of Federal funding for the Social Security Act for Child Protective Services after her, as well as making several improvements to the program.

The Stephanie Tubbs Jones Child Welfare Services Program will help at-risk children for many years and decades to come, just as she did during her life.

In conclusion, this bill does not address every challenge confronting children in the welfare system, but will take a major step toward correcting many of the system's shortcomings. I only wish Jerry was going to be here to work with me while we put a bigger bill through next year.

This legislation is bipartisan, budget neutral, and good for kids; therefore, it deserves the support of every Member of the House, as it did when it passed unanimously some months ago.

I reserve the balance of my time.

Mr. WELLER of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am proud to rise in support of H.R. 6893, the Fostering Connections to Success and Increasing Adoptions Act, legislation I am proud to cosponsor with my chairman, Mr. MCDERMOTT.

This bipartisan, bicameral House-Senate agreement extends the Adoptions Incentives program, which has earned due praise for increasing adoptions from the Nation's foster care system. It improves the program by raising financial incentives for adopting older children who are the hardest to adopt, among other changes. That program expires in 2 weeks, so passage of this legislation is both necessary and timely.

But this bill does much, much more. It expands the eligibility of special needs children for Federal adoption assistance, promoting the adoption of thousands more children out of the foster care system in the coming years. Along the way, it places a priority on older children, children in foster care

the longest, and sibling groups who are the hardest to find adoptive families.

The bill also promotes stronger family ties in caring for children removed from their own parents due to abuse and neglect, and expects States to do more to locate adult relatives like grandparents or aunts and uncles who can step in to care for such children. And by permitting child welfare agencies access to information from the child support program, the bill helps provide tools to help with that process.

It allows States to provide Federal payments to help those adults care for children. And it helps those adults obtain other assistance to ensure kids in their care can thrive. Instead of busting the budget, these pro-family changes actually save money by cutting expensive foster care administrative costs, while most importantly, improving the outcomes for kids in need of a loving home.

The bill also responds to concerns that too many youth today are ''emancipated'' from foster care at age 18 and end up on the streets, in jail, or worse. It offers more help for these older foster youth, providing for their care through age 21 as a State option. But like any responsible parent would expect, it requires able-bodied young people over age 18 to work, stay in school, or participate in training to receive the additional help. Like successful welfare reform policies of the 1990s, it conditions assistance on youths engaging in positive behavior.

The same goes for foster and adoptive youth under age 18. For the first time, they would have to stay in school for their foster parents to receive Federal financial assistance. That may be tough love, but it is far more loving than subsidizing high school dropouts as taxpayers often do today for a shocking share of young people in foster care.

I am honored that this legislation includes two provisions I have worked for years to pass and which will benefit children in foster care. First, it ensures equal access to foster care assistance for Native American children, allowing tribes to operate programs just like the States do today.

Second, it provides that all child welfare workers, whether employed by public or not-for-profit agencies, have access to the same resources for training so they can provide the best service to families and most of all children in foster care.

Madam Speaker, this legislation is good for children and for families. It is good for communities, and it is good for taxpayers. It is fully paid for, including by reducing unnecessary foster care administrative costs and by incorporating antifraud reforms proposed by the administration, amongst other savings. It is bipartisan, and includes the best of legislation developed by the House and Senate to better protect and support children. I urge all Members to support this excellent piece of legislation.

Madam Speaker, as this is the final major legislative activity in the subcommittee on which I serve as ranking member, I would like to thank the hardworking staff who have made this legislation possible. On the Ways and Means Committee Republican staff, I would especially like to thank Matt Weidinger, Margo Smith, and Brian Newell, who have helped me as ranking member of the Income Security Subcommittee.

Last, but not least, I would also like to thank Jack Dusik, who has handled much of my Ways and Means Committee activities for over 5 years. Jack has been a tireless servant of the American people and a great asset to me in representing the 11th Congressional District, and I wish him well as he moves onward.

Finally, Madam Speaker, I would like to extend my gratitude to my friend, Chairman MCDERMOTT, for his friendship over my years in Congress. It has been a real pleasure working with him as a strong partner in fighting for America's disadvantaged youth on the Income Security and Family Support Subcommittee.

Madam Speaker, I urge bipartisan support for this important bipartisan legislation.

I reserve the balance of my time.

Mr. MCDERMOTT. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Madam Speaker, I point out that this subcommittee stands as proxy parents for half a million children in this country who spend time in foster care each year. So I would like to thank Grandpa MCDERMOTT and Grandpa WELLER on behalf of these 500,000 children whose lives are being improved, and Grandma TAUSCHER, for helping see that these children's lives are improved.

I was lucky enough to have Cherita Jones, a former foster youth, as an intern in my office earlier this year. Cherita worked hard and was lucky to live with a caring foster family. She is now out working as an advocate for foster children. I am proud that we are taking this step here today.

This bill does, in fact, continue foster children's care beyond age 18, and it further allows relatives, grandparents, to participate in supporting the foster children and allows them in many cases to live in loving homes rather than group homes and less permanent settings.

I hope we can continue to work together to improve their lives, and I look forward to working with Chairman MCDERMOTT to protect the Social Security benefits of foster children and make sure that these resources are used for the benefit of these children and not as a funding source for general revenue to many States. I urge the adoption of the bill.

Mr. WELLER of Illinois. Madam Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, today is a good day for the more than 4½ million grandparents in this Nation who are raising over 6 million children. Today is a good day for the 80,000 grandparents in Illinois who are raising their young grandchildren, and the 36,500 who are living with kinship caregivers. These families have told Members of Congress for years that they needed more support and that the system wasn't working for many children, and especially for African American kids.

Today we can tell them that we heard you and we are doing something about it. I commend Chairman MCDERMOTT, Ranking Member WELLER, as well as Senators CLINTON, SNOWE, GRASSLEY, BAUCUS and ROCKEFELLER for their commitment to reforming foster care.

I rise in strong, unwavering, and resolute support for H.R. 6893. This compromise between the House and Senate advances child welfare in many areas. In particular, it recognizes that guardianship is an important path to permanency for tens of thousands of children in foster care.

In August 2007, the GAO confirmed something that my congressional district and the foster care community has known for years—that African American children are overrepresented in the foster care system, and that subsidized guardianship is a key Federal policy that can help thousands of children into permanent, loving homes.

I thank Chairman MCDERMOTT and Ranking Member WELLER for including many of the provisions supporting kinship caregivers that I have championed for years. Specifically, the bill includes four core elements of my bill, H.R. 2188, the Kinship Caregiver Support Act, which I introduced with Representative TIM JOHNSON and which Senators CLINTON and SNOWE championed in the Senate.

It allows States to use Federal funds to support family caregivers raising relatives in the foster care systems.

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

Mr. MCDERMOTT. I yield the gentleman an additional minute.

Mr. DAVIS of Illinois. It provides funding to establish kinship navigator programs; it requires notification of relatives when a child enters foster care; it extends eligibility for independent living services and education training vouchers for youth who exit foster care after age 16; and it allows States to waive nonsafety-related elements of the licensing requirements that may not apply to families.

In addition, I am very happy that the bill ensures that families that currently receive subsidized guardianship under the current Federal waiver program will be eligible under the new program. This provision protects over 6,000 children in Illinois, as well as the thousands of children in other States who benefit from the waiver program.

So again, Madam Speaker, I want to commend Chairman MCDERMOTT and Ranking Member WELLER, and I also want to congratulate my colleague, Mr. WELLER, as he prepares to leave Congress after a stellar career, and I thank Chairman MCDERMOTT for acknowledging the work of Stephanie Tubbs Jones. This is an excellent bill, and I urge its passage.

Mr. WELLER of Illinois. Madam Speaker, I want to commend my friend and colleague from Illinois (Mr. DAVIS) for his efforts on behalf of families and his contribution to this bipartisan legislation.

Madam Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I want to thank my colleague from Illinois.

I think what we need to be doing here today is continuing to alert the American people to what is not happening in terms of dealing with the energy situation in the United States.

Last night, House Democrats rejected any efforts on behalf of the Republicans to pass bipartisan energy legislation. They rejected our efforts to do that and they rammed through a sham, hoax, illusory, no-energy bill that falls way short of the all-of-the-above solution that the American people are demanding.

The bill passed by a vote of 236–189, and that should tell the American people how much opposition there was to this no-energy bill.

Even Democrats have indicated that this was the wrong bill. Senator MARY LANDRIEU has said that the bill is going to be dead on arrival in the Senate. So we know this was simply a vote, as has been publicized in Congressional Quarterly and other publications here in Washington, that was simply a cover for Democrats who are running for reelection.

Representative GENE GREEN said, ''I do not believe our bill goes far enough to address America's energy needs.''

Even they admit that what was done last night did not respond to the needs of the American people. We are going to continue to discuss this on this floor and even after the Congress adjourns. We also should point out that from the first of August until the end of December, this Democrat-controlled Congress plans to work 14 days. While Americans are facing the highest energy prices they have ever faced in this country, the Democrat-controlled Congress plans to be in session and work for 14 days in a 5-month period of time. That is shameless. That is unacceptable.

We need to be helping the American people by bringing down the price of gasoline. We can do that. Republicans have a bill that will do that. We even would support the bipartisan bill that we introduced last night, but that isn't good enough. All they want is a cover for their Members to go back home and say we voted to drill for more energy.

□ 1300

That's not true. By not revenue sharing, they're stealing money from the States who would opt in to do this.

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

Mr. WELLER of Illinois. Madam Speaker, I have no additional speakers, so I will close for our side.

As the chairman and I have both stated, this is bipartisan, bicameral legislation, broadly supported. I would note I have a number of letters of support. I would like to insert into the RECORD at this point, Madam Speaker, a letter from the National Conference of State Legislatures, a letter from the Conference of Chief Justices, the Conference of State Court Administrators, as well as a letter signed by 581 national, State and local organizations from every State in the Union in support of this bipartisan, bicameral legislation designed to help kids, particularly those who need adoption.

SEPTEMBER 15, 2008.

Hon. HARRY REID,
Majority Leader,
528 Hart Senate Office Building, Washington, DC.
Hon. NANCY PELOSI,
Office of the Speaker,
H–232, U.S. Capitol, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader
61–A Russell Senate Office Building, Washington, DC.
Hon. JOHN BOEHNER,
Republican Leader,
Office of the House,
H–204, U.S. Capitol, Washington, DC.

DEAR MAJORITY LEADER REID, SPEAKER PELOSI, MINORITY LEADER MCCONNELL, AND REPUBLICAN LEADER BOEHNER: We are writing to urge you to take necessary steps to ensure passage this month of important improvements in supports for children and youth in foster care, including new opportunities for permanent families through adoption and relative guardianship and other assistance for older youth transitioning from foster care. The House unanimously passed the Fostering Connections to Success Act in June and the Senate Finance Committee approved a similar bill last week. Today, the relevant committees announced agreement on H.R. 6893 that reconciles the House and Senate bills. As 581 national and state and local organizations from every state that advocate for the children and youth who will benefit from these improvements, we want to ensure that H.R. 6893, the Fostering Connections to Success and Increasing Adoptions Act of 2008, will be passed during this session of Congress.

The Act has bipartisan support and is fully paid for. Its important improvements will help hundreds of thousands of children and youth in foster care by:

Extending and increasing incentives for adoption, particularly incentives for the adoption of children with special needs and older youth in foster care and making many more children with special needs eligible for federal adoption assistance.

Allowing states to offer, for the first time with federal assistance, guardianship payments for children who are in foster care but who have grandparents or other relative guardians who want to care for them permanently outside of foster care.

Making it easier for immediate relatives to step in to raise children when their parents cannot by requiring notification of relatives when children are removed from their parents and grants to link caregivers with the services their children need.

Offering important protections and supports for American Indian children in foster care, by allowing tribes, for the first time, the same direct access to federal foster care, adoption assistance and relative guardianship funding that states have.

Increasing opportunities for success for older youth in foster care as they transition into adult life by allowing them to receive federal foster care payments beyond the age of 18.

Improving educational opportunities for children and youth in foster care, which will also increase their opportunities for later success.

Promoting the health care of children and youth in foster care.

Expanding training opportunities for relative guardians, staff in private agencies and the courts, and attorneys and others representing children.

These reforms encompass many of the critical improvements that former foster youth, adoptive parents, relative caregivers, and others have been requesting of Congress for years. We commend you for your leadership and commitment to addressing the needs of our nation's most vulnerable children and youth. The organizations below support timely enactment of these important improvements for children and youth in foster care.

Respectfully yours,

Adopt America Network, Alliance for Children and Families, American Academy for Child and Adolescent Psychiatry, American Academy of Adoption Attorneys, American Academy of Pediatrics, American Association of Children's Residential Centers, American Humane Association, American Professional Society on the Abuse of Children, American Psychological Association, The Arc of the U.S., Association on American Indian Affairs.

Bazelon Center for Mental Health Law, Black Administrators in Child Welfare, Inc., Catholic Charities USA, Center for Law and Social Policy, Child Welfare League of America, Childhelp, Inc., Children Awaiting Parents, Children's Action Network, Children's Defense Fund, Children's Rights.

Coalition of Labor Union Women, Coalition on Human Needs, Community Action Partnership, Council for Health and Human Service Ministries United Church of Christ, Dave Thomas Foundation for Adoption, Docs for Tots, Family Violence Prevention Fund, First Focus, First Star, Foster Care Alumni of America.

Foster Family-based Treatment Association, FosterClub, GrandFamilies of America, Grandfamilies Teens, Generations United, Holt International, Jewish Labor Committee, Juvenile Law Center, The Kids are Waiting: Fix Foster Care Now Campaign, Kidsave, Lutheran Services in America.

Mental Health America, National Advocacy Center for the Sisters of the Good Shepherd, National African-American Drug Policy Coalition, Inc., National Alliance to End

Homelessness, National Association of Black Social Workers, National Association for Children's Behavioral Health, National Association of Counsel for Children, National Association of County Human Services Administrators, National Association of Counties, National Association for the Education of Homeless Children and Youth.

National Association of Social Workers, National CASA Association, National Center on Domestic and Sexual Violence, National Center on Housing and Child Welfare, National Child Abuse Coalition, National Children's Alliance, National Collaboration for Youth, National Committee of Grandparents for Children's Rights, National Council for Adoption, National Council of Jewish Women.

National Foster Care Coalition, National Foster Parent Association, National Indian Child Welfare Association, National Network for Youth, National Policy Partnership for Children of the Incarcerated, National Relative Caregiver Consultants, National Resource Center for Youth Services, Native American Children's Alliance, NETWORK, A National Catholic Social Justice Lobby, North American Council on Adoptable Children.

Orphan Foundation, Pre-K Now, Prevent Child Abuse America, The Rebecca Project for Human Rights, Religious Coalition for Reproductive Choice, Service Employees International Union (SEIU), Specialized Alternatives for Families and Youth of America, Teaching-Family Association, United Cerebral Palsy, United Church of Christ Justice and Witness Ministries.

United Neighborhood Centers of America, United Way of America, USAction, Voice for Adoption, Voices for America's Children, Youth Law Center, Zero to Three.

CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS
Government Relations Office, Arlington, Virginia, September 15, 2008.

Hon. HARRY REID,
Majority Leader, Hart Senate Office Building, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, Russell Senate Office Building, Washington, DC.
Hon. NANCY PELOSI,
Office of the Speaker, Office of the House, U.S. Capitol, Washington, DC.
Hon. JOHN BOEHNER,
Republican Leader, U.S. Capitol, Washington, DC.

DEAR SENATORS REID AND MCCONNELL AND REPRESENTATIVES PELOSI AND BOEHNER: On behalf of the Conference of Chief Justices and the Conference of State Court Administrators, we are writing to urge you to take necessary steps to ensure passage this month of important improvements in support of children and youth in foster care, including new opportunities for permanent families through adoption and relative guardianship and other assistance for older youth transitioning from foster care. As you know, the House passed the Fostering Connections to Success Act (HR 6307) in June and the Senate provisions are moving toward final passage.

Both HR 6307 and the Senate provisions have bipartisan support and are fully paid for. Both proposals also include the following important improvements that will help hundreds of thousands of children in foster care by:

Extending and increasing incentives for adoption, particularly incentives for the adoption of children with special needs and older youth in foster care;

Allowing states to offer for the first time federal assistance for guardianship payments for children who are in foster care, but who have grandparents or other relative guardians who want to care for them permanently outside of foster care;

Making it easier for relatives to step in to raise children when their parents cannot by requiring notification of relatives when children are removed from their parents and providing grants to link caregivers with the services their children need;

Offering important protections and supports for American Indian children in foster care, by allowing tribes, for the first time, the same direct access to federal foster care, adoption assistance, and relative guardianship funding that states have;

Increasing opportunities for success for older youth in foster care as they transition into adult life by allowing them to continue to receive federal foster care payments beyond the age of 18; and

Improving educational opportunities for children and youth in foster care, which will also increase their opportunities for later success.

All of these reforms encompass many of the critical improvements that hundreds of former foster youth, adoptive parents, relative caregivers, and others have been requesting of Congress. We commend you for your leadership and commitment to addressing the needs of our nation's most vulnerable children and youth. On behalf of state courts, we support timely enactment of these important improvements for children and youth in foster care.

Sincerely yours,

MARGARET H. MARSHALL,
President, Conference of Chief Justices.
STEPHANIE J. COLE,
President, Conference of State Court Administrators.

NATIONAL CONFERENCE OF STATE LEGISLATURES,

Re H.R. 6893

September 15, 2008

Hon. NANCY PELOSI,
Office of the Speaker,
H–232, U.S. Capitol, Washington, DC.
Hon. JOHN BOEHNER,
Office of the House Republican Leader,
H–204, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: The National Conference of State Legislatures (NCSL) supports the bicameral, bipartisan Fostering Connections to Success and Increasing Adoptions Act of 2008, HR 6893. State legislators know the importance of finding permanency for children in the child welfare system, whether through adoption or relative guardianship, and the need to help youth preparing to transition from foster care in their states and communities. We appreciate that Congress is taking action on these issues.

This important legislation extends and increases incentives for adoption, particularly incentives for the adoption of children with special needs and older youth in foster care. State legislators have long supported the concept that grandparents, or other immediate family members, who are caring for children who cannot safely remain with their parents as foster parents, should be given priority for such custody and placement over placement in a foster home with a non-relative. Additionally, subsidized guardianship with relatives may be an appropriate permanency option for children who cannot safely return home. Many states have moved forward on their own, so we applaud the fact that this bill makes federal funds available for this option and for support services for caretaker relatives. Positive features of the bill include a program to help kinship care givers navigate their way through the social services system and codification of variations in licensing that would allow more children to be placed safely with relatives when they do need to be placed in foster care.

In addition, the legislation increases resources available to children aging out of foster care to help them successfully transition into adult life. NCSL's Child Welfare policy has long called for expansion of federal financial participation for states that choose to provide assistance to youth age 18–21 who are preparing to transition from foster care to self-sufficiency.

These improvements encompass many of the critical changes to federal adoption and child welfare policy that state legislators have called upon Congress to enact. Reauthorization of the adoption incentives program will provide critical resources and reward state efforts to find permanence for children in the child welfare system. We commend the House and Senate for its leadership and commitment to addressing the needs of our nation's most vulnerable children and youth. Thank you for moving this legislation forward so that Congress can complete work on a child welfare measure this year.

Sincerely,

Representative RUTH KAGI,
Washington Chair, NCSL Human Services and Welfare Committee

Madam Speaker, I also note that of the 581 national, State and local organizations, and of course they represent every State of the Union that are in support of this important legislation, that a number of them are from the State that I represent, the State of Illinois, including the Baby Fold, which is an organization headquartered in Normal, Illinois in the district that I represent. The Allendale Association, the Child Care Association of Illinois, Children's Home and Aid, Community Action Partnership of Lake County, Latino Consortium, Methodist Youth Services Northwestern University Settlement Association, Project IRENE, SOS Children's Village of Illinois, UCAN, Voices for Illinois Children, and the Youth Outreach Services are examples of organizations in the State that I represent, which demonstrate broad support for this bipartisan, bicameral legislation designed to help children who need help.

I particularly want to point out that, as we worked to develop this legislation, it's very clear, as I had the privilege of working with my chairman, Mr. MCDERMOTT, as well as Chairman BAUCUS and Ranking Member GRASSLEY in the Senate, that we shared a common commitment, and that is that we wanted to put together a package legislation that not only deserved bipartisan support but that responded to the needs, particularly of children in foster care, children that need help and need

the opportunity to find a loving family. I found that by all of us working together in a bipartisan way, we produced this bipartisan, bicameral legislation which is now before us.

With the vote of the House today and the action of the Senate later, this legislation is going to become law. I really want to commend Chairman BAUCUS and Chairman MCDERMOTT for their leadership, as well as Ranking Member GRASSLEY, for the leadership of everyone involved, because the commitment we had from day one was producing legislation that would receive a majority of support in the House and Senate and become law, because we truly want to help children.

So the bottom line is pretty simple, and that is, I urge my colleagues in the House to join us with strong bipartisan support and send this legislation to the President; legislation that provides incentives to encourage families to adopt children in need of a loving home; legislation designed to ensure that child care workers receive the resources they need so they're fully trained to help children in our foster care system, whether they work for a not-for-profit organization or for a government agency; and also legislation to ensure that the first Americans receive the same opportunity to access Federal funds for foster care as those of us who came later, and so that the provision which allows tribes to receive these funds, rather than having to go begging to the States, becomes law with this legislation.

This is good legislation. It's bipartisan legislation. This legislation was put together with the right spirit. I do want to thank my chairman again for the partnership we've had on this legislation as well as many other initiatives. It's nice to show that when we all work together in a bipartisan way, we can get things done.

Clearly this legislation, I think, is a great example of what happens when you set aside partisan politics and work together for the good of our Nation, particularly in this case children who are in need of a loving home.

Madam Speaker, I urge bipartisan support.

I yield back the balance of my time.

Mr. MCDERMOTT. Madam Speaker, I think we are having a discussion today about the tale of two bills, actually. The bill that we have before us here today is really landmark legislation, and as Mr. WELLER has said, it is the product of bipartisanship here in the House and actually, bicameral.

I talked to Senator GRASSLEY; we talked about various aspects of the bill so that there was open communication on this issue. And what we've produced from that is landmark legislation that is a significant step forward for children, for foster children, probably the biggest step in more than 10 years. And I think when the Congress works together for the common good, things get done in a very positive way.

Children are America's future, and today we're making an investment in that future, and in our own. We all want our children to be connected to their family, and this bill expects the same for foster children. We want our children to feel like they are in a loving, permanent home, and this legislation expects no less for foster kids. We want our kids to go to a school and have decent medical care, and again, we've done that in this bill, or we've begun the process. Finally, we want our children to have the best chance to succeed in life, a desire that did not end on their 18th birthday. This bill shares in that hope for kids.

This bill says to foster kids, you're not forgotten. There is a future and the future begins today. I want to encourage all my colleagues to support this bill.

Chairmen get the unique opportunity of kind of borrowing a lot of ideas from other people. I took some from DANNY DAVIS and some from Stephanie Tubbs Jones and some from Mr. WELLER, and we put a bill together.

Even chairmen shouldn't get all the credit, because staff people like Nick Gwynn and Sonya Nesbit and Sean Hughes on our side have played a major part in talking our way through this bill.

In contrast, we have the energy bill which was brought out here and we continue to hear people talk about as though there was no hope of working with the Senate.

Now if the Republicans in the Senate would like to work with the Democrats, I think we can put a bill together. We did it on child welfare. Certainly we ought to be able to do it on something as important as energy.

But to write off legislation and say, oh, the only bill that could pass out of here is the only one that could pass through the Senate, that's simply not respecting the legislative process. The Republicans in the Senate really have to make a choice. They either support American taxpayers and consumers and talk about new energy jobs, or they do what the big oil companies want. That's a very simple choice.

I think that it's unfortunate if we in this House give up and say, well, the Senate won't come to their senses; they won't do anything reasonable on energy. They did reasonable things on child welfare because they cared about this country's kids. I think, in the Senate, they care about this country's welfare, and they're going to do something reasonable on energy.

So all this talk about only the House can produce a perfect bill to be rubber-stamped by the Senate, it didn't work in child welfare. They had to make their changes. We will see some changes in that Senate bill, if they're thinking about the common good, and not about election on the 4th of November. If it's all about elections, we won't get a bill on energy out of the Senate. But if there is a desire to deal with the common good for this country, then we will look at the comprehensive bill that was put together over here. And actually some Republicans voted for it. Now that shows it can be bipartisan, even in the House, on a very contentious issue. I think that the fact that it's over in the Senate bodes well. We have a whole week yet for them to come to their senses and send us a bill back.

Ms. BERKLEY. Madam Speaker, I rise today in support of H.R. 6893, the Fostering Connections to Success and Increasing Adoptions Act.

The provisions of this bill will increase the tools available to states to help children in foster care have stable placements and easier transitions into adult life.

This legislation allows states to continue foster care assistance for kids up the age of 21, authorizes federal assistance to relatives assuming legal guardianship of children for whom they have cared as foster parents, and extends and improves the Adoption Incentives Program, among other things.

While much more remains to be done to ensure the safety and well being of our nation's foster children, I support this legislation as a common sense and much needed first step in the right direction, and I hope that Nevada and other states will take advantage of the new tools made available to them.

I urge my colleagues to support this legislation time.

Mr. LEWIS of Georgia. Madam Speaker, I rise today to urge all of my colleagues to support H.R. 6893, the Fostering Connections to Success Act and Increasing Adoptions Act.

I applaud the Gentleman from Washington (Mr. MCDERMOTT) and the Gentleman from Illinois (Mr. WELLER) for working with our Senate colleagues in crafting this legislation. I am proud to serve on the Ways and Means Income Security and Family Support Subcommittee under their leadership.

Today, more than half a million children are living in foster care. H.R. 6893 addresses many of the key problems that plague the foster care system. This bill includes much needed educational stability requirements and new oversight for children's health care. H.R. 6893 also includes key adoption incentives that help create permanent, safe, loving families for all children. Of particular importance to my constituents in Georgia are the improvements to kinship guardian care and to services for youth aging out of foster care included in this bill.

I am proud to be a cosponsor of this important legislation; it is an important step in the right direction. We must pass H.R. 6893 in both the House and Senate before the end of this Congress. Then we must collaborate on more comprehensive improvements to the child welfare system in the 111th Congress.

Madam Speaker, in my home state, there are thousands of young people in foster care. Young people in foster care have not chosen this life. For a variety of reasons beyond their control, foster care children are uprooted from

all that they know and rely on us for help. We must answer their call. As Members of Congress, citizens, and as parents, we must open our hearts and offer our hands and resources to serve these young people.

I ask my colleagues to join me in doing so by supporting H.R. 6893. We would do no less for our own children.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 6893, The Fostering Connections to Success and Increasing Adoptions Act, introduced by my distinguished colleague, Representative McDERMOTT. This important legislation encourage a safe and successful adoptions which will strengthen our social system and provide quality foster homes for orphaned children across the United States.

QUOTE

''Investing in children is not a national luxury or a national choice. It's a national necessity. If the foundation of your house is crumbling, you don't say you can't afford to fix it while you're building astronomically expensive fences to protect it from outside enemies. The issue is not are we going to pay—it's are we going to pay now, up front, or are we going to pay a whole lot more later on.'' Marian Wright Edelman

GENERAL

The fundamental purpose of adoption is to serve the best interests of children. It does so by providing loving, responsible, and legally permanent parents when their biological parents cannot or will not parent them. Serving the best interests of children should be paramount in deciding all issues of adoption policy and practice. Adoption is healthy, satisfying, and good for children, not an enduring challenge to identity and wholeness. People who are adopted as infants grow up as healthy and productive as people raised in their biological families. The vast majority of foster children make the transition into their adoptive families and grow up very successfully.

In the 1990s, there are approximately 120,000 adoptions of children each year. This number has remained fairly constant in the 1990s, and is still relatively proportionate to population size in the U.S. Adopted children do as well as or better than their non-adopted counterparts, according to a 1994 study by the Search Institute, a Minneapolis-based public policy research organization providing leadership, knowledge and resources to promote healthy children, youth and communities. As these statistics show adoption is a vital part of our society. The large number of families that took children into their homes and hearts do a great service for the children of our nation.

This bill will improve the compensation for foster parents and increase the amount of federal assistance they receive. These assistance stipulations include:

Federal reimbursement to States choosing to provide assistance to grandparents and other relatives who become legal foster parents.

Federal assistance for foster children up to the age of 21.

Improved health care for every foster child, including a plan for educational stability.

Federal Funding for training to cover private child welfare workers and court personnel.

An improved Adoption Incentives Program.

MINORITIES

There are currently 510,000 children in foster care, and 129,000 children are waiting to be adopted. 61 percent of these children waiting to be adopted are of a minority background. Within the Children's Services Division, 71 percent of the adoptions are of Caucasian children. This bill will ensure that parents and children involved with adoption will have ample resources available if needed. In turn, this will encourage domestic adoptions that will help every ethnicity of orphaned children throughout the United States.

CONCLUSION

I firmly believe that we must pass this legislation in order to support adoption in our country. Adoption benefits this entire country; as domestic children are provided with nourishing homes, that will enable them a more positive environment. This bill will allow foster parents and foster children the compensation and care that they deserve.

By passing this legislation, we will provide the necessary means for more adoptions to take place in this country where we are built on strong families and strong people. We must do what we can to assist those whose hearts are kind and ambitions are sincere. I urge my colleagues to support this; I know together we can provide the necessary support for the families and adopted children of the United States. Thank you, Madam Speaker, I yield the remainder of my time.

Mr. TIAHRT. Madam Speaker, I rise today to express my support for adoption. Specifically, I rise to express my support for two bills we are considering on the floor today—the Fostering Connections to Success and Increased Adoptions Act, and the resolution Recognizing National Adoption Day and National Adoption Month.

It is no secret that I am pro-life. Life begins at conception, and I believe that we should do everything within our power to encourage and facilitate mothers to carry their child to term. It is my hope and prayer that every child will be wanted and loved by his or her parent. But I am not so naïve as to think that this is always the case. Tragically, there are situations where the mother and/or father cannot care for their baby. Perhaps the mother is still in school, and too young to responsibly raise the child. Perhaps she is unmarried, and does not have the means to provide for her baby. There are a myriad of reasons. But while there are some in this great nation who would suggest these, and other extenuating circumstances are exactly why abortion needs to remain legal, I instead believe that they are exactly the reason adoption needs greater national attention.

Over the years that I have had the privilege of serving the people of the 4th District of Kansas here in Washington, I have worked with many of my colleagues on both sides of the aisle to pass legislation that protects the sanctity of life, for those born, and those still in the womb. An important aspect of that effort, however, is caring for the child after it is born. Unfortunately, this is an area that is often overlooked. It is my hope that legislation before us today, H.R. 6893 and H. Res. 1432, will help remedy this problem.

The Fostering Connections to Success and Increased Adoptions Act takes great steps to assist both children and adoptive parents. It provides financial assistance for relatives of children in foster care that agree to become permanent guardians. And it includes educational stability as a factor when establishing a child's case plans. Provisions like these help to establish a sense of consistency in the life of a child that is all too often lacking that. It also reauthorizes the Adoption Incentives Program, which can make the possibility of adopting more feasible for some families.

Madam Speaker, the choice to adopt a child is not one to be made without great consideration. There are risks and challenges involved with such a decision. We in Congress should show them our support and encouragement for them when they do decide to adopt. One way for us to do that is through H. Res. 1432. I encourage my colleagues to join me in voting for these bills, and let's show our support for adoption, and the children and families involved in it.

Mr. McDERMOTT. I yield back the balance of my time and encourage everyone to vote for this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, H.R. 6893.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. McDERMOTT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1432) supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1432

Whereas there are nearly 500,000 children in the foster care system in the United States, approximately 130,000 of whom are waiting for families to adopt them;

Whereas nearly 54 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is more than 2 years;

Whereas, for many foster children, the wait for a permanent, adoptive, ''forever'' family in which they are loved, nurtured, comforted, and protected seems endless;

Whereas the number of youth who ''age out'' of the foster care system by reaching adulthood without being placed in a permanent home has increased by more than 58

percent since 1998, as nearly 27,000 foster youth ''aged out'' of foster care during 2007;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas, while 3 in 10 people in the United States have considered adoption, a majority of them have misconceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of people in the United States believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children in the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of people in the United States believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care, and financial support in the form of an adoption assistance subsidy is available to adoptive families of eligible children adopted from foster care and continues after the adoption is finalized until the child is 18, so that income will not be a barrier to becoming a parent to a foster child who needs to belong to a family;

Whereas significant tax credits are available to families who adopt children with special needs;

Whereas the Department of Health and Human Services, Administration for Children and Families, in a partnership with the Ad Council, supports a national recruitment campaign for adoptive parents;

Whereas the Collaboration to AdoptUsKids features a photolisting Website for waiting foster children and prospective adoptive families at www.adoptuskids.org, and in Spanish at www.adopte1.org;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, 20,000 children have joined forever families during National Adoption Day;

Whereas in 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico;

Whereas National Adoption Month celebrates the gift of adoption, recognizing the adoptive and foster families who share their hearts and homes with children in need, and raises awareness of the need for families for the many waiting children, particularly older children and teens, children of color, members of sibling groups, and children with physical and emotional challenges; and

Whereas November 2008 is National Adoption Month, and November 15, 2008, is National Adoption Day, and activities and information about both are available at www.childwelfare.gov/adoption/nam/activities.cfm: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child in foster care deserves a permanent and loving family;

(3) recognizes the significant commitment of taxpayers to support adoption, including the $1,900,000,000 provided to support adoption through the Title IV-E Adoption Assistance program, as well as the assistance provided through the Title IV-E Foster Care program to 130,000 children waiting for adoptive families, among other important programs; and

(4) encourages the citizens of the United States to consider adoption of children in foster care who are waiting for a permanent, loving family.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. MCDERMOTT. Madam Speaker, I would yield such time as he may consume to the gentleman from Nevada (Mr. PORTER), the resolution's chief sponsor.

GENERAL LEAVE

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

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

There was no objection.

Mr. PORTER. Madam Speaker, I am here today as an honored Member of the United States Congress, and I appreciate, Madam Speaker, your leadership and that of our chairman and our ranking member on an issue I think is very important to every family in this great country, but most important for those families that are trying to adopt a child or those in foster care.

Today, we're recognizing National Adoption Day, which is November 15, 2008. It's for continued awareness of adoption and foster issues.

Madam Speaker, can you imagine that there are children today sitting in a living room somewhere across America, possibly watching television, maybe reading a book or playing cards with their friends or another sibling. But imagine if you're that child and a car pulls up in front of your house, and out of it comes one or two individuals that come and knock at your door and tell you that you have to move. You may have been there for a week. You may have been there for a month. You may have been there for a year with this particular foster family. Imagine the pain of that child, realizing that two strangers are coming to the door to take them to another place to reside.

□ 1315

Now, most children in our country are blessed they don't face that particular challenge. Again, can you imagine if that same child then is removed from that home and moved to another home, without even a medical record, they may have to have additional inoculation, they may not have their glasses, they may not have all their personal belongings.

Madam Speaker, this is why we are recognizing Adoption Day and recognizing foster families across the country, because of the important role that they play in the well-being of our children.

Currently, there are 500,000 children in the foster care system around the United States, and there's 130,000 children just waiting for adoption. At firsthand knowledge, in the State of Nevada, we have about 4,000 children a year that enter into the foster care system, and last year, many of those children were blessed to find a home; 444 children were adopted.

I have a family that I recognize this week. The Congressional Coalition on Adoption has provided for us as Members to recognize individuals for their help in fostering homes and creating adoptions, and that's Scott and Kathleen Greenberg of Las Vegas, Nevada. They are proud parents of a 15-month-old son, Evan.

They, of course, found it rewarding but also challenging because it took close to 5 years for this loving family to be able to adopt a child. They started in Tennessee. They then worked through Georgia, through different adoption agencies. They now are working through Nevada, but it took 5 years, and each time they had to start over. They had challenges of arranged adoptions; they had challenges of the public system.

Madam Speaker, the reason we're here today is to encourage families to adopt these children, to be patient, but also, the legislation, with the leadership of our chairman and our ranking member, should make it easier now for families like the Greenbergs to adopt children.

In Nevada, I've worked closely with the foster care program, and I think, like most of us, our children keep coming back no matter what age, but for foster kids, at the age of 18, as they move on from the foster care system, many of them do not have a home to come back to. So in the Nevada legislature we passed legislation to create a program for foster children between the ages of 18 and 21, and we created a fund to help these children with education, with training, with housing, with health care. It's funded through a copying of documents in the county of Clark, and we're raising about $1 million a year right now to help these children in transition.

Madam Speaker, I'm here today to ask not only for our colleagues to support this legislation, but in our own districts across the country, remind these moms and dads and these individuals that want to adopt children that we want to make it as easy and safe and a wonderful experience that it can be, and that's why we're recognizing this program today.

My great appreciation goes out to Scott and Kathleen Greenberg as the proud parents and to all those other families in Nevada that are part of the foster program, to all the professionals across the country that are working hard to make sure that our children have safe homes.

Today, I ask for your support and that of the rest of this body in supporting our resolution which recognizes National Adoption Day for November 15, 2008.

Mr. WELLER of Illinois. Madam Speaker, taking the lead of my chairman, I will close on this important resolution, but before I move to that, I have two speakers on our side who want to address this resolution which has been authored by my friend JON PORTER of Nevada, who's a strong advocate for adoption and foster children, while serving on the Ways and Means Committee, and I commend him for taking the lead on the National Adoption Month resolution that's before us.

With that, Madam Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I thank the gentleman from Illinois for yielding.

As a proud member of the Congressional Coalition on Adoption, I rise in strong support of H. Res. 1432. This important resolution recognizes the goals and ideals of National Adoption Day and National Adoption Month by promoting and raising national awareness of adoption and children in foster care, as my colleague from Nevada was just explaining. I commend him, the gentleman from Nevada (Mr. PORTER), for working in a bipartisan matter to bring this important resolution to the floor, a resolution that celebrates the children and the families involved in adoption, as well as the current programs and efforts designed to promote adoption.

As was said by my colleague in Illinois, I was an OB/GYN physician for nearly 30 years before coming to the Congress back in 2003, and I am especially passionate, Madam Speaker, about protecting children and their right to life by encouraging adoption.

Madam Speaker, adoption brings joy to many loving families who cannot have children of their own or who simply wish to welcome even more children into their homes and into their hearts. Both National Adoption Day and National Adoption Month, which will be recognized on November 15 and, indeed, throughout the entire month of November, raise awareness nationally for the more than 129,000 children who are currently in foster care and looking, almost begging, for those permanent homes.

I wholeheartedly believe that raising awareness for adoption, as this resolution does so well, will help place more children in those loving homes. However, I believe that we should spend more than just 1 day, or even 1 month, during the year raising awareness on this issue. Both children and parents greatly benefit from adoption, and I want to applaud all individuals in my home State of Georgia and across this country who work so tirelessly to bring joy to these families who sometimes have very little joy.

Madam Speaker, I want to urge all my colleagues, and I'm sure they will, to support H. Res. 1432.

Mr. MCDERMOTT. Madam Speaker, far too many of our Nation's most vulnerable children long for nothing more than a safe and permanent place to call home.

As the de facto parents of foster children, it's our responsibility to ensure that each child who is unable to safely return home to their biological parents has the ability to achieve permanency through adoption. Sadly, too many children are languishing in the foster care system for far too long as they wait to be adopted.

There are currently 129,000 children who are waiting to be adopted out of foster care. These children, on average, will have to wait nearly two-and-a-half years in the foster care system before they are adopted by the family. A minute can be a lifetime in the eyes of a child. Imagine how a child feels as they wait nearly two-and-a-half years for a family to pick them.

Representative WELLER and I introduced bipartisan legislation, which just passed the House, which would provide a variety of policy initiatives aimed at increasing the number of children who are adopted from the foster care system. The Fostering Connections to Success and Increasing Adoptions Act extends, expands, and improves the Adoption Incentives Program. This successful program provides financial bonuses to States that increase the number of children adopted out of foster care.

I have to add that, sort of parenthetically, I started the subsidized adoption program in the Washington State legislature in 1971. There has been a very uneven spread of that concept across the States in this United States. So it's important that we at the Federal level set the standard and say to States, here's some money if you will think about doing subsidized adoptions for these kids.

Since the inception of this program, nearly 440,000 children have been adopted out of the foster care system.

The bill also would provide additional incentives for States to continue to increase the number of children who leave the foster care system for permanency through adoption or through guardianship placement with a grandparent or a relative caregiver.

Additionally, the legislation would provide adoption subsidy assistance to all special-needs kids—these are the ones that are the hardest to get adopted—rather than those children whose birth parents were eligible for welfare under rules that were in place in 1996.

The bill expands Federal adoption assistance by delinking eligibility for assistance from the now defunct AFDC program and by phasing in adoption subsidy to children by their age and their length of time in foster care.

And finally, the legislation would provide direct Federal adoption assistance to tribal governments who run their own child welfare programs. Tribal governments would be able to access the same service that is now available to the States. Such services will allow tribal governments to increase the number of Native American children that are adopted out of the tribal foster care systems.

The month of November marks National Adoption Month, and that's what this resolution is really all about. As we celebrate the countless families who have opened their homes and their hearts to children who are in need of a home, I ask my colleagues to join us in supporting the goals and the ideals of National Adoption Month.

Every child deserves nothing less than a safe and loving place to call home. By working together in a bipartisan fashion, we can do our part to ensure permanency and success for all the children.

I reserve the balance of my time.

Mr. WELLER of Illinois. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Illinois has 17 minutes remaining. The gentleman from Washington has 11 minutes remaining.

Mr. WELLER of Illinois. Madam Speaker, at this time, it's my privilege to yield 12 minutes to the distinguished gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Illinois for yielding this time.

I certainly am in very, very strong support of this resolution. I think that it is very important that we pass this bill, goals and ideals of National Adoption Month. I, too, have seen the impact of children having to be in foster care for long periods of time.

And as a grandparent of two and reminded on a constant basis of the fragility of children, and particularly their self-concept and how they interact with other people and their need to be in loving homes, with parents who really want them and make them feel accepted and help them succeed from birth through adulthood, it makes a huge difference in the life of a child to be in a stable environment instead of being moved from foster home to foster home.

I admire tremendously the people who open their homes and open their hearts to children who are not their birth children, and I commend them for

being willing to do that and want us to pass this resolution and acknowledge those people.

But I think one of the most important things that we could do for all families in this country, not just those who are good foster parents, not just those who open their homes to become adoptive parents, but those who are struggling every day with their own children, is to do what we possibly can to bring down the price of gasoline and fuel oil.

We are facing a major problem in this country. Families are facing major problems in this country because of the high price of gasoline.

I received a letter from a Boy Scout recently who said to me, ''I'm afraid we're going to not be able to continue to go to church on Sundays because of the high price of gasoline.'' Those are the kinds of things that tear at any person's heart because you know that that's coming from the heart of a child who has heard his parents talking about how the high price of gasoline is affecting their family, and it's certainly affecting everyone in this country. And yet we have a do-nothing Congress that has not been willing to take up that issue.

I am, again, very happy that we're dealing with talking about the needs of foster parents, talking about promoting adoptions. However, what we could be doing is some real action to bring down the price of gasoline and truly, truly help American families.

Instead, when given the options of doing that, this Democrat majority refuses to do it. What they do is they bring up sham bills, bills that are hoaxes and illusions to the American people and say, well, yes, we have been asked all summer long to drill, to create more supply, and then they bring up bills that don't do that, that in fact make it more of a problem to be able to create additional supply. And that's what happened on this floor yesterday.

□ 1330

We started out last year by trying to compare the promises that were made by the Speaker—who was then minority leader—and the majority leader in terms of the promises that they made and what they were doing. Well, all along the way it's been promises made, promises broken.

They said they would have the most open, most bipartisan Congress ever in the history of this country, and what do they do? They start out immediately by bringing bills to the floor that haven't gone to committee and that are not allowed to be amended. They continue to do that. They did that again yesterday.

The bill that they brought up did not go through the committee structure. In fact, I read the bill last night, and I meant to count how many committees but there must have been eight or 10 committees that this bill was supposed to go through. It went through none of them. It was written in the Speaker's office. Nobody got a chance to see it until about 12 hours before we were going to vote on it. It was 290 pages long. It was brought to the floor with no opportunity to amend it.

The Republicans had one opportunity to have an impact on the bill, and that was in a motion to recommit. And in that motion to recommit, we offered a bipartisan bill, a bill called the Peterson-Abercrombie bill put together by Democrats and Republicans, and we offered that as an option to the bill that was being brought up because the bill that was voted on last night is going to lock up over 90 percent of the oil reserves off the coasts of this country and put them out of reach for us permanently.

And I want to talk about how it's not been only the people in charge of this Congress—the Speaker and the majority leader, they're the ones who are in charge; they've broken every promise that they have made. They even promised in 2006 that we would have a commonsense energy plan that would bring down the price of gasoline. Well, we've been here almost 2 years. Not until last night did we get a bill, and we know that's not going to bring down the price of gas—but even the rank-and-file Democrats who promised their constituents that they would vote for bills, even sponsored bills, that they then would not vote on.

I want to mention some of those and quote them. Many of them also say they want to stimulate the economy, but almost every single one of them voted against this bipartisan bill authored by Representatives JOHN PETERSON of Pennsylvania and NEIL ABERCROMBIE from Hawaii. Mr. PETERSON is a Republican; Mr. ABERCROMBIE is a Democrat. Their bill would lower gas prices on behalf of working families and small businesses.

There were 24 Democrats who were cosponsors of the Peterson-Abercrombie bill who voted against that bill last night after they said they would vote for it. Many of them promised their constituents that they would vote for it. And I want to give some examples of that.

Representative NANCY BOYDA, Democrat from Kansas, who was a cosponsor of the Peterson-Abercrombie bill, voted against it when given an opportunity. However, earlier in the month, she issued a press release that promised that she would work to get this bill passed. She said, ''I have been working with a large, bipartisan group of Representatives to develop a comprehensive, commonsense energy bill. Our [Peterson-Abercrombie] bill would provide sorely needed relief for Kansas families. It will help create energy independence for America and millions of jobs to help stabilize our struggling economy.'' Representative NANCY BOYDA, Democrat, Kansas, press release, 9/04/08.

She issued that press release and then voted against the very same bill she had told her constituents she was working to get passed.

Representative BARON HILL, Democrat of Indiana, a cosponsor of the Peterson-Abercrombie bill, once said, ''I hope this bipartisan bill will indeed be brought to the floor.'' But when given a chance, he voted against it.

Again, in a press release dated August 14, 2008, he said, ''I hope this bipartisan bill will indeed be brought to the floor for a vote when we return to Washington in September.'' HILL said, ''It would provide immediate relief, while also bolstering development of new energy sources in order to move this country closer to energy independence.'' Again, Representative BARON HILL, Democrat, Indiana, press release August 14, 2008.

These press releases show that what the press here in Washington is reporting is that the bill that was brought up last night by the Democrats was only brought up to provide cover for Democrats who are in vulnerable seats this fall. There was never any intention of that bill becoming law. They wanted to give them a chance to say they voted for drilling when in fact the bill doesn't provide for additional gas and oil.

It's never going to be passed by the Senate. The Senators, even Democratic Senators, have said the bill is dead on arrival in the Senate.

Another Democrat who was a cosponsor of the Peterson-Abercrombie bill who also voted against it was Representative STEVE KAGEN, Democrat from Wisconsin.

Here is a quote from the Herald Times in Wisconsin, 9/13/08. ''Kagen, who signed onto the bill Tuesday, said the Abercrombie-Peterson bill 'really is a comprehensive energy policy and a roadmap forward. That bill has the balance in investing in renewable sources. It raises royalty (fees) from those who are drilling and it doesn't limit drilling to four or five States,' Kagen said.''

The headline on that story was ''Congress Sitting on An Energy Hot Seat.''

Speaker PELOSI has said over and over again that they're going to create an energy strategy that's going to make it look like vulnerable Democrats are voting on real energy reform without actually doing it. She stated that herself. But they went a step further than that. These people cosponsored a bill and pledged to support it and then voted against it when given a chance to do it.

Madam Speaker, I would like to include in the CONGRESSIONAL RECORD today the list of all 24 Democrats who were for this bill before they were against it.

Again, yesterday, though, the House Democrats in charge denied Republicans the opportunity to a full debate,

an honest vote on the American Energy Act, the Republican bill that does do all of the above to help working families and small businesses dealing with record fuel costs.

But this fight is not over. We are going to continue to bring this message to the American people. It's important that the American people know that the Democrats are in charge, they are the ones responsible for the high gas prices, and I hope the American people will hold them responsible this fall.

Speaker Pelosi and her leadership team have made no bones about their elaborate strategy of making it look like vulnerable Democrats are voting on real energy reform without actually doing it. But these Democrats took it a step further: They cosponsored a bill and pledged to support it and then rejected it when given an up-or-down vote. Here is a list of all 24 Democrats who were for it before they were against it: Rep. Neil Abercrombie (D–HI), Rep. Sanford Bishop (D–GA), Rep. Dan Boren (D–OK), Rep. Nancy Boyda (D–KS), Rep. Dennis Cardoza (D–CA), Rep. Jim Costa (D–CA), Rep. Bud Cramer (D–AL), Rep. Henry Cuellar (D–TX), Rep. Artur Davis (D–AL), Rep. Lincoln Davis (D–TN), Rep. Bart Gordon (D–TN), Rep. Gene Green (D–TX), Rep. Phil Hare (D–IL), Rep. Baron Hill (D–IN), Rep. Sheila Jackson-Lee (D–TX), Rep. William Jefferson (D–LA), Rep. Steve Kagen (D–WI), Rep. Paul Kanjorski (D–PA), Rep. Charlie Melancon (D–LA), Rep. Patrick Murphy (D–PA), Rep. Solomon Ortiz (D–TX), Rep. Collin Peterson (D–MN), Rep. Ciro Rodriguez (D–TX), Rep. Mike Ross (D–AR).

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

Mr. WELLER of Illinois. Madam Speaker, I believe I have 5 remaining minutes; is that correct?

The SPEAKER pro tempore. The gentleman has 5 minutes remaining.

Mr. WELLER of Illinois. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I'd like to thank the gentleman for yielding.

As I spoke earlier in regard to this bill in support of adoption and adoption week, certainly it's a great resolution that our colleague, Representative PORTER from Nevada, brings forward.

But I, too, wanted to take the opportunity in my few minutes to talk a little bit more about this energy situation.

I think that the problem is that a lot of people in this country—and certainly it would appear that the leadership of this House, Ms. PELOSI, the Speaker, and the leadership of the Senate, the Majority Leader, Mr. REID of Nevada—are completely convinced that fossil fuel is a bad thing and it needs to be stamped out, eliminated; kill that sucker dead as soon as possible.

The quotes that I have heard, I think Senator REID said, ''Fossil fuel,'' which includes, of course, coal and petroleum and natural gas, ''Fossil fuel is poison, and we need to get rid of all fossil fuel in the good old U.S.A. by the year 2020.''

Madam Speaker, when I asked during the August recess about whether or not she would come back and allow some drilling to obtain our own domestic sources of fossil fuel, she said, ''I want to save the planet.'' She hit her fist on the table and said again, for emphasis, ''I want to save the planet.''

A spokesperson for the Sierra Club, maybe it was the president of the Sierra Club, Madam Speaker, said it's a good thing that American people are now having to pay these astronomical prices for petroleum.

In other words, the idea is this is such a horrible thing, this burning of coal, which, by the way, generates 65 percent of our electricity, this driving cars and trucks and using gasoline and diesel fuel in our trains. Literally, our transportation system couldn't function without fossil fuels.

Now there may come a day, and hopefully there will come a day, when we will be able to wean ourselves off of fossil fuel and come up with some other alternatives, alternatives like wind and solar and bio-products and ethanol that absolutely give us great efficiency for our needs, electricity and transportation, and cause us absolutely no harm and that we have a tremendous abundance of all of these alternatives and renewables so that we're not dependent on anybody. That is kind of a euphoria, and hopefully it will one day occur. But we don't know for sure that it might not be opening up Pandora's box, Madam Speaker. We don't know that.

While it's true that greenhouse gases probably do cause a little bit of global warming—

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

Mr. WELLER of Illinois. Madam Speaker, I yield the gentleman an additional 15 seconds.

Mr. GINGREY. I mean, these things might cause some harm, but how do we know that eventually we might create a country of alcoholics by burning all of this ethanol in our automobiles? People today are starving to death because they don't have jobs, and I think that's the first priority.

Let's get this economy back on track, and let's get a decent energy bill and do it right now.

Mr. MCDERMOTT. I continue to reserve.

Mr. WELLER of Illinois. Madam Speaker, I have no additional speakers, so I will take this opportunity to close.

Madam Speaker, I rise today in favor of this resolution authored by my friend, JON PORTER, who is a strong advocate for adoption and foster children while serving on the House Ways and Means Committee.

Of course this resolution promotes awareness of adoption and of the children in foster care awaiting loving, adoptive families. I want to recognize all of those parents who have opened their hearts and homes to provide a loving foster home or adopted home for children.

In my home State of Illinois, 1,740 children were adopted from foster care in 2006. Nationwide, 51,000 children moved from foster care to adoption this past year. However, with nearly 500,000 children in the foster care system and approximately 130,000 of these children waiting for a family to adopt them, we have much more work to do.

That's why I'm so pleased that this House is ready to pass this resolution marking National Adoption Day and National Adoption Month, but it's also paired with the important bipartisan legislation this House just considered and just voted unanimously to approve which provides greater incentives to provide loving homes to children in need of adoption as well as foster children in need of a loving home. Again, I want to commend my colleagues for that bipartisan effort.

I urge all Members to support this resolution, to work with the many dedicated faith-based and other groups in their districts who promote adoption, not only in November but every month of the year. There can be no greater gift to a child who has been removed from his or her own parents than to find new, loving, adoptive parents who want to care for him or her as their own.

Madam Speaker, I urge bipartisan support for this important resolution offered by my friend and colleague, JON PORTER of Nevada.

I yield back the balance of my time.

□ 1345

Mr. MCDERMOTT. Madam Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Washington has 11 minutes remaining.

Mr. MCDERMOTT. Madam Speaker, it has been a pleasure to work with Mr. WELLER on these two bills and this resolution through the Congress. And certainly I have enjoyed working with him and have never felt that any courtesy I've extended him has been anything but reciprocal in our dealings. However, there has been on the floor here some discussion of some extraneous material that I struggle to hear how the connection was to adoption subsidies or options or foster kids, but I'm sure there was one someplace there—all the speakers at least mentioned it sort of in passing and then went on to talk about energy.

Now, as these adoptive parents, many of them ordinary folks, want to drive down to get the child at the adoption agency, they're going to have to buy gasoline. And gasoline has gotten out of control. Lots of people want to blame oil companies or speculators or a lot of other things. And the question is, do you really want to help those people?

Now, there is going to be a stimulus package coming out. And if we put gas stamps in it—the average person under 300 percent of poverty will spend $1,000 more a year for gasoline, so if we gave them gas stamps like we give them food stamps for $500, we could cut that price in half. And I hope that all my colleagues on the other side, if that happens to be in the stimulus package, will consider voting for it this time.

There is a question in my mind, however, about the description of what went on last night. It's as though the Democrats didn't propose anything. It's as though we just sort of walked around and fiddled around and looked at the sky. But, in fact, there was a very good proposal here on the floor. There was money for renewable energy standards. There was money for strategic energy reserve to be invested in renewable energy. There was royalty reform. Can you believe that the oil companies never give any money to the Federal Government?

And this bill last night said, look, we want to repeal the tax subsidies and make the oil companies pay their fair share for drilling on public lands. Now, that's land that belongs to you and me and the foster kids and the children who are being adopted. But the oil companies have some idea that they don't think they should have to pay any royalty when they suck the oil out and then sell it to us at four bucks a gallon. Now, that seems like a good proposal.

We also paid for the bill last night by taking $18 billion that was allowed in a loophole several years ago. We closed that loophole and said we're going to use it to do the future development of renewable energy in this country that needs to be done.

Now, by contrast, the Boehner bill that was brought out here had no payment for anything, just increase the national debt. That is the Republican plan for this country: Do whatever you want, spend whatever you want, drive up the national debt, and leave it for these foster kids and these adopted kids. They're going to pay for it. Most of the Members in here will be dead before we get anywhere near paying for the debt that's been driven up by this Congress. And yesterday's oil bill was just more of the same.

Now, the other part of it that's really sort of interesting, our bill required actually using the leases that they already have, sort of ''use it or lose it.'' They have millions of acres under lease, but they want to get something more out there somewhere, I don't know. If you go out 50 miles off the coast of California and Washington State, you're at about 10,000 feet. If you think you're going to drill for oil out there, you have never been on the West coast of this country and looked at what we have for an ocean.

So, this business about ''drill, drill, drill, oh, good, drill, drill, drill,'' it makes a nice slogan, probably goes on a bumper strip pretty well, but the basic assumption behind that bumper strip is that the American people are stupid. It seems like the Republican Party thinks that the American people are stupid, and if they can just get into chanting, ''drill, drill, drill, drill, drill, drill,'' that somehow the price of gasoline will come down. I don't know if that is some kind of a mantra, maybe it's some kind of magical thing they got from a witch doctor somewhere. But drilling everywhere is not going to bring down the price of gasoline.

We've seen in the last month gasoline go from $150 a barrel down to wherever it is today, somewhere below $100. And has gasoline dropped by 33 percent? Is gasoline down to $3 or down to $2.70? And why did it come down? Because we drilled? No. Because the speculators got worried. The speculators got worried that Americans were getting smart and they were figuring ways to get around without using gasoline. And so consumption has come down in this country, and suddenly the speculators are really worried.

What if the American people don't do what we expect them to do? What if they don't buy big gas guzzlers anymore? They buy cars that get 35–40 miles per gallon. I drove from my house in Seattle to Spokane for the State convention, over the Cascade Mountains, over 5,000-foot peaks, and you know what? I got 49.5 miles per gallon.

Now, the oil companies are really worried that a lot of people are going to start doing that, and so the speculation on where the price of oil is going to be started coming down. But it didn't affect anything at the pump—maybe 10 cents, maybe five cents, who knows. But we didn't drill a single bit, and yet the gasoline prices came down. So what is it that makes them go up and what makes them go down?

Nothing in this bill from Mr. BOEHNER has anything whatsoever to say about speculation or about oil company profits, not one single word. All he says is, open it up, let them drill anywhere they want. Let them go and sink a drill. In fact, we got some votes out of the Republicans because they actually were drilling in places where the military said this kind of creates a problem, please don't drill there; don't let that area be open for drilling.

And so when people come out here and stand out here and say over and over again, ''we have to drill, drill, drill, drill, drill, that's going to fix it all,'' they haven't looked at our bill.

Now, the Senate is over there, and they're going to send us over a bill here shortly to extend the tax credits on wind and on solar and on geothermal because they know that renewable energy is the way this country has to go. We are not going to solve our problem by drilling inside the Continental Shelf of the United States.

If the President wanted to bring gas prices down, all he would have to do is release some of the oil out of the oil reserve. We've got millions of gallons of gasoline sitting out there. And if the market truly is what we say it is, if there is more supply, then the price should come down. Well, dump some of that reserve out onto the market. It was done once before and gasoline dropped about 15 cents a gallon, but not under this President. They want to keep it up there and keep talking about drilling because this administration has been an oil administration from the very first week. When the Vice President of the United States had in his office a great conference with all the oil people in this country and has kept secret for 8 solid years what was decided there, you have to wonder about what's happened to this country and the average taxpayer and the average person in this society.

So we're here today to deal with a few problems of some kids. And I really appreciate the efforts that have gone in by the bipartisan support on the committee. And I don't really like to get out here and talk like this, but you just can't stand here or sit here and listen to that baloney without ultimately saying, do they really care, or is it just about winning an election? Is it looking for a bumper strip that will work and that the American people will hear ''drill, drill, drill''?

They're going to do it all day long. Every single suspension bill has 20 minutes on each side. So on the Republican side, we're going to be treated to the same litany. It will be different people, I hope. I mean, I don't want the same person coming out here. They're probably lined up somewhere back in the cloak room getting ready to come out on the next bill. But the fact is the American people aren't stupid.

I was saying to my staff as we were listening to this, can you imagine grandma or mom or a father who is out of work? I mean, unemployment in this country is now over 6 percent; it's gone up. You've got banks crashing all over the place; you've got the Federal Government putting $85 billion into trying to save AIG, and you're talking about ''drill, drill, drill.''

Ms. JACKSON-LEE of Texas. Madam Speaker, I stand here today in support of H.R. 1432, "Supporting the Goals and Ideals of National Adoption Day and National Adoption Month by Promoting National Awareness of Adoption and the Children in Foster Care Awaiting Families, Celebrating Children and Families Involved in Adoption, Recognizing Current Programs and Efforts Designed to Promote Adoption, and Encouraging People in the United States to Seek Improved Safety, Permanency, and Well-Being for All Children" introduced by Congressman PORTER.

The fundamental purpose of adoption is to serve the best interests of children. It does so by providing loving, responsible, and legally permanent parents when their biological parents cannot or will not parent them. Serving

the best interests of children should be paramount in deciding all issues of adoption policy and practice.

Adoption is healthy, satisfying, and good for children, not an enduring challenge to identity and wholeness. The children may have additional questions and curiosities to sort out, but adoption is not a psychological burden or pathology as some theorists treat it. Adoption is the way one joined one's family, not a defining characteristic or lifelong process. Persons adopted as infants grow up as healthy and productive as people raised in their biological families. To the extent there can be a greater risk of emotional or behavioral problems for children adopted out of foster care at later ages, the correlation is not the result of being adopted, but rather of difficulties experienced prior to adoption, such as neglect or abuse. The vast majority of foster children make the transition into their adoptive families and grow up very successfully.

Today, in the United States there are 500,000 children in the foster care system and of those children, there are 129,000 waiting for families to adopt them. The number of youth who ''age out'' of the foster care system by reaching adulthood without being placed in a permanent home has increased by more than 58 percent since 1998, as nearly 27,000 foster youth ''aged out'' of foster care during 2007 which is appalling and unacceptable. In addition, 3 in 10 people in the United States have considered adoption; a majority of them have misconceptions about the process of adopting children from foster care. Many Americans, approximately 45 percent believe that children enter the foster care system because of juvenile delinquency. The reality of the matter is that the vast majority of children in the foster care system were victims of neglect, abandonment, or abuse. Furthermore, almost half of the American population believes that foster care adoption is expensive and are not aware of the fact that there is no substantial cost for adopting children from foster care. Moreover, financial support in the form of an adoption assistance subsidy is available to adoptive families of eligible children adopted from foster care and continues after the adoption is finalized until the child is 18, so that income will not be a barrier to becoming a parent to a foster child who needs to belong to a family.

Passing H.R. 1432 is essential for Congress to demonstrate their support for placing children in safe and positive family environments. The first National Adoption Day was in the year 2000; since then, 20,000 children have joined families during National Adoption Day, and in 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico.

We must continue to take stride to reach out and do our best to encourage safe, positive environment for the children of the United States. This resolution will enhance the support for successful adoptions and their support for National Adoption Month in November. When orphaned children are placed in a positive, encouraging, and permanent family environment, they are in a situation where they can grow and experience life in a non-threatening way. Adoption is something that benefits the entire Nation as our children are given places where they can feel secure.

I firmly believe that we must pass this legislation to demonstrate our support for Adoption and National Adoption month. This legislation will enable us to promote healthy and safe adoptions and celebrate the successful adoptions that ensure the well-being of children.

Mr. McDERMOTT. I urge my colleagues to vote ''yes'' on this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 1432.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

JACOB M. LOWELL POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6681) to designate the facility of the United States Postal Service located at 300 Vine Street in New Lenox, Illinois, as the ''Jacob M. Lowell Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6681

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

SECTION 1. JACOB M. LOWELL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 300 Vine Street in New Lenox, Illinois, shall be known and designated as the ''Jacob M. Lowell Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Jacob M. Lowell Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I now yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I stand with my colleagues from my home State of Illinois in consideration of H.R. 6681, which renames the postal facility in New Lenox, Illinois, in honor of Jacob M. Lowell.

H.R. 6681 enjoys the support of the entire House congressional delegation from Illinois and was introduced by Representative JERRY WELLER back on July 30, 2008. The measure was taken up by the Oversight Committee on September 10, 2008 and was passed by the panel by a voice vote.

H.R. 6681 calls for honoring Jacob M. Lowell's service to this country. Jacob M. Lowell of New Lenox, Illinois, was assigned to the 1st Battalion, 503rd Infantry Regiment (Air Assault), 173rd Airborne Brigade, Camp Ederle, Italy, when he died on June 2 near Gowardesh, Afghanistan. He died of wounds suffered when his unit came into contact with enemy forces using a rocket-propelled grenade and small arms fire. This heroic son of Illinois was just 22 years old when he passed away.

Army Specialist Lowell played football for Lincoln-Way Central High School in New Lenox, Illinois.

□ 1400

He graduated in 2003 and 2 years later enlisted in the Army. According to his family, Jacob joined the Army because he wanted to serve his country.

Madam Speaker, in honor of Jacob M. Lowell's service, I urge that we pass without reservation H.R. 6681 and rename the postal facility on Vine Street in New Lenox, Illinois, after this great American serviceman.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise this afternoon to pay tribute to a remarkable American and true hero, Army Specialist Jacob Michael Lowell, from New Lenox, Illinois.

It was June 2, 2007, and he was on his first patrol of his first tour in Afghanistan with the 173rd Airborne Brigade, working as a gunner when his Humvee was ambushed. To the surprise of no one who knew him, Jacob moved immediately to protect his comrades but was shot and killed. Jacob Michael Lowell was 22.

Madam Speaker, it is appropriate that we rename the post office in his home town in his honor. It will serve as a reminder to those who loved him of his courage and to those who come after him of his character and dedication to his country and fellow citizens.

Army Specialist Lowell was a 2003 graduate of Lincoln-Way Central High School where he played on the offensive line for the school's football team. He was one of those ''110 percent guys'' who always gave all he had and more.

From there, he went to college at Saint Xavier University and from there, in 2005, he enlisted in the Army. He was assigned to the 173rd Airborne in Vicenzia, Italy. It was there he learned to love to jump form planes. He would call home to Illinois and tell his friends and family when and where he would take his next jump.

He was a man who loved doing his job, serving his country and protecting the freedom we hold dear. And that's why I urge all members to support this resolution.

Madam Speaker, we are here this afternoon to pay tribute to a remarkable American and true hero, Army Specialist Jacob Michael Lowell from New Lenox, Illinois. And to do that, I yield such time as he may consume to my distinguished colleague from the State of Illinois, the author of this bill, Mr. WELLER.

Mr. WELLER of Illinois. Madam Speaker, I rise today in strong support of H.R. 6681, legislation I introduced in honor of Jacob M. Lowell to name the New Lenox Post Office in his honor. I also want to thank Chairman WAXMAN, Ranking Member TOM DAVIS, my very good friend, Chairman DANNY DAVIS, a member of our Illinois delegation, as well as Ranking Member KENNY MARCHANT for their support and assistance today.

Army Specialist Jacob Michael Lowell is a national hero who gave his life for his country on June 2, 2007, near Gowardesh, Afghanistan, while serving in Operation Enduring Freedom. Today the House will be voting on legislation I introduced with the cosponsorship of the entire Illinois delegation which will designate the New Lenox Post Office the ''Jacob M. Lowell New Lenox Post Office Building.'' I urge my colleagues to support this legislation.

Army Specialist Jacob Lowell of New Lenox, Illinois, graduated from Lincoln-Way Central High School in 2003. He attended St. Xavier University before heeding the call to serve his country and enlist in the Army in 2005. Specialist Lowell was assigned to the 1st Battalion, 503rd Infantry Regiment (Air Assault), 173rd Airborne Brigade, Camp Ederle, Italy. He is remembered by his fellow soldiers for being an avid football fan and expressing his support by shouting ''Go Bears'' at nearly any time.

On June 2, 2007, Jacob Lowell heroically defended his convoy. And as his company commander said, he did his duty all the way up until the end. After already having been hit by small arms fire and facing enemies using rocket-propelled grenades, Specialist Lowell manned a 50-caliber machine gun in defense of many members of his platoon. The wounds he suffered proved to be fatal to Specialist Lowell, but they were not enough to keep him from doing his heroic duty. Those present that day credit Jacob with saving lives.

Hearing such actions reminds us just how brave our men and women in uniform are.

Lowell was awarded the Bronze Star with ''V'' for valor and the Combat Infantryman's Badge for his actions during the firefight, and on May 12, 2008, his fellow soldiers renamed a combat outpost in Nuristan Province after their beloved, fallen comrade.

Local veterans have always reminded me that it's important to honor our soldiers and veterans each and every day. By naming the New Lenox Post Office after Jacob, we effectively honor all of them. It should be in the hearts and minds of all those who visit this post office that heroes like Jacob both founded our Nation and stand ready to protect it each and every day.

Our sincerest thanks to Specialist Lowell and to his family, and the honor of renaming this post office could never match the gift which Jacob has given our Nation. This honor merely represents that we should never forget the sacrifice which he and all who have sacrificed their lives serving our Nation have made for each and every one of us.

I know that we will all keep the family of Specialist Lowell and those of his fallen comrades in our prayers. I ask again that you will join me in honoring and remembering this extraordinary man whose heroism exemplifies everything that America stands for, and I ask you to support H.R. 6681, the Jacob Lowell New Lenox Post Office Designation Act.

In closing, I would like to thank Joseph Eannello for his hard work on this legislation and for his work in my office over the past 2 years. He has been an asset in my office and done excellent work for the people of the 11th Congressional District of Illinois.

Madam Speaker, I urge bipartisan support of this important legislation to honor someone who has sacrificed for our freedoms.

Ms. FOXX. Madam Speaker, I urge all Members to support the passage of H.R. 6681, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time, and I urge passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6681.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

MAYOR WILLIAM ''BILL'' SANDBERG POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6229) to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the ''Mayor William 'Bill' Sandberg Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6229

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

SECTION 1. MAYOR WILLIAM "BILL" SANDBERG POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, shall be known and designated as the ''Mayor William 'Bill' Sandberg Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Mayor William 'Bill' Sandberg Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as she may consume to Representative MCCOLLUM of Minnesota.

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise in strong support of H.R. 6229, which names the post office located at 2523 Seventh Avenue East in North St. Paul, Minnesota, after the late William ''Bill'' Sandberg, the longtime mayor of North St. Paul.

I want to thank the Oversight and Government Reform Committee for bringing this bill to the floor. I also want to thank my colleagues in the Minnesota delegation for their support as original cosponsors of this bill.

Naming a post office in honor of Bill Sandberg is a fitting tribute to a dedicated public servant, a successful businessman and a wonderful human being. Bill was loved by the residents of North St. Paul. He was also my dear friend and political mentor. A committed Republican, Mayor Sandberg took me under his wing and instilled in me the lesson that community always comes before politics.

William Sandberg was born in the Selby-Grand Avenue neighborhood of St. Paul in 1932. His family later moved to North St. Paul where he lived the remainder of his life. Bill graduated from North St. Paul High School and the University of Minnesota. After serving our country with honor in the U.S. Army, he returned home to the family business, Sandberg Funeral Home, with his brother Paul. As a funeral director he was respected by his peers. He was a true business leader.

In 1978, the voters in North St. Paul elected Bill Sandberg to serve as mayor. With a fatherly hand he guided the city for 30 years, sharing his warmth, his optimism and his generous spirit with everyone he encountered. A person of great faith, Bill always sought to bring people together in constructive ways to solve the problems of our community. As a mayor, Bill Sandberg's legacy is one of exemplary public service, distinguished by common sense, fairness and compassion.

I was honored to serve under his leadership on the North St. Paul City Council and work closely with him in the following years. I learned from Bill's leadership that the political maxim, ''all politics are local'' was true. It's true whether you serve on a city council or in Congress.

Mayor Bill Sandberg passed away on April 20, 2008. He left behind colleagues, city staff and constituents who loved him. He left behind a loving family who will miss him, his daughter, Karen; son-in-law, Jack; and his grandchildren, Carolyn and William. Bill's wife, Delores, whom he loved profoundly, preceded him in death.

Mayor Sandberg loved the people he served. Upon learning about his leukemia diagnosis, he wrote a letter to the residents of North St. Paul. His letter speaks volumes about the great leader he was. In this letter, Bill acknowledged his illness. He expressed his pride for the community of North St. Paul and a pride that came directly from neighbors coming together to meet the city's challenges. Bill also wrote of his sincere gratitude for having the opportunity to serve the people of his city for so many years.

I would like to conclude with Bill's words to the people of North St. Paul:

''I would like to thank everyone again for making this town a very special place to live and raise families. I do not know what the future holds, but I do know Who holds the future.''

Madam Speaker, I greatly appreciate the support of my colleagues for this legislation. At the time of his death, Mayor Sandberg was the longest serving mayor in Minnesota history. His spirit and service are irreplaceable. For all who knew and worked with him, the blessing of his friendship was a treasure for us all. Recognizing Mayor Sandberg's service and leadership by naming this post office in his honor is a fitting tribute to a man who gave so much to a community he loved.

DEAR CITIZEN, As many of you know, I was recently diagnosed with acute leukemia. And as many of you who have had similar, life-altering diagnoses also know, such an evaluation makes one stop and reflect on what is really important.

Since this is my 30th year serving as your mayor, it is undeniable that you residents and this town have been significant in my life. I have written to you many times about how I appreciate the friendliness of residents and cooperation among residents, businesses, the school district and the city. As I think back, there have been many changes, none of which would have been successful without this cooperation.

Remember when McKnight Fields were under renovation in the early '90s? Local service clubs provided funding for a majority of the work, businesses donated materials, city crews provided the labor. And after the work was done, the city and school district entered a cooperative agreement for allowing the schools to use the fields.

I admit we residents haven't always agreed on everything. For example, there were varying opinions on where the new high school should be located. But as soon as the school opened (in the fall of 1997), we put our differences behind us and reunited as a community.

I'd like to take credit for the many changes that have taken place through the years, but I'm quickly reminded that my pride must be directed to you. It was you citizens who recognized the safety issues in our police and fire departments plus crowded administrative conditions that resulted in construction of our new city hall. It was you citizens who supported construction of our community center. It was you who, through the years, have backed the expansion and construction of public works facilities and park improvements.

And it was the volunteer efforts of you citizens that have certainly contributed to our town being a beautiful place to live. Back in the early '90s we started the Take Pride program, recognizing residents for improvements they were making in their yards and gardens. And what about all the volunteers who have helped through the years with North St. Paul Green? I remember getting a letter from a Maplewood resident who commended the city for its beautification efforts. She said she'd go out of her way to drive through our downtown just to see the flowers! The efforts of our North St. Paul Green volunteers were also recognized by the Midwest Living Magazine, which named North St. Paul one of 20 Midwestern cities with ''hometown pride.''

As I close this letter, I'd like to thank everyone, again, for making this town a very special place to live and raise families. I do not know what the future holds, but I do know Who holds the future!

God bless you all,

BILL SANDBERG,
Mayor.

Ms. FOXX. Madam Speaker, I rise today in support of H.R. 6229, to rename the post office in North St. Paul, Minnesota, in honor of former Mayor William ''Bill'' Sandberg. Mayor Sandberg died April 20 at the age of 76 after serving for more than 30 years as mayor of his beloved hometown.

He graduated in 1950 from North St. Paul High School where he played football and hockey and from the University of Minnesota in 1954 with a degree in mortuary science. After serving his country in the Army, Mayor Sandberg returned to North St. Paul and became a director at his family's business, the Sandberg Funeral Home.

He became mayor in 1978 and began a career known for character, personality, fairness and decorum. Described by fellow members of the City Council as a ''problem solver who could get people to think in different ways,'' he made a point of never coming into a meeting with his mind made up. He also made a point of putting people at ease when they came to testify before the council and for keeping debates focused on the issues at hand, not personalities.

This openness, this credibility, this unflinching optimism brought citizens together even when his ideas didn't enjoy universal support. Among his greatest legacies will be his insistence that Highway 36 run through the center of North St. Paul. Some feared the increased traffic would bring nothing but pollution and gridlock. But Mayor Sandberg insisted that thousands of commuters would visit the city's downtown area who otherwise never would know it existed. This championing of all things North St. Paul permeated everything the mayor did. He considered attendance at local high school hockey games and Chamber of Commerce meetings as important as attending council meetings. He encouraged others to participate in council activities and worked tirelessly to connect citizens to their government.

The city already has begun to honor its beloved former mayor by renaming a bridge in his honor. Let us join in this celebration of an exemplary public servant, support this resolution and rename the local post office in his honor.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I present for consideration and support H.R. 6229, which names a postal facility in North St. Paul, Minnesota, after Mayor William ''Bill'' Sandberg. H.R. 6229 was introduced by Representative BETTY MCCOLLUM on June 10, 2008, and was reported from the Oversight Committee on July 16, 2008, by voice vote. The measure has been cosponsored by the entire Minnesota House delegation and pays tribute to one of the State's most well known public officials.

William ''Bill'' Sandberg was a longtime resident of North St. Paul, Minnesota, who served his beloved city as mayor for 30 years until his death on April 20, 2008.

□ 1415

First elected in 1978, Mayor Sandberg was reelected seven times. Known for

his good sense of humor, Mayor Sandberg once joked that the reason he kept getting reelected was simply because no one else wanted the job.

As mayor, Mr. Sandberg earned a reputation for his ability to bring people together by his warm, personable style. During the controversial meeting of the North St. Paul City Council, Mayor Sandberg once remarked that ''we were friends before the meeting, and while we may not agree on this, we will be friends when we walk out.'' He exhibited this same unique ability in bringing people together when he successfully solved divisive issues, such as the reconstruction of Highway 36.

Before assuming the position of mayor, Bill Sandberg served in the United States Army during the 1950s. He then went on to a successful business career, joining his parents' funeral home business in St. Paul and White Bear Lake, Minnesota.

So, Mr. Speaker, given Mayor Sandberg's commitment to his community, his State and to our country, I urge swift passage of this bill.

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

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from the Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentlewoman from North Carolina.

Let me say I rise in support of H.R. 6229, honoring the life and the work and memory of Mayor William ''Bill'' Sandberg of St. Paul, Minnesota. I believe, given the tenure of his career and the durability of his reputation, we can assume in both parties that Mayor Sandberg was a man at the local level that attended himself to what people were really dealing with and he provided leadership.

And it is about just that focus that I also wanted to rise, Mr. Speaker, today. Because I rise this afternoon, I think with millions of Americans, simply to express my frustration, that after only one day of debate, late in the night last night, this Congress again failed to pass a bipartisan bill that would set us on a course for energy independence in the 21st century.

I must tell you that it was equally frustrating today to awaken and see headlines around the country that say ''Congress eases restrictions on drilling.'' But I don't want to be critical of my friends in the Fourth Estate. This bill was revealed to the world 24 hours before it was voted. It was written in the back rooms here in the Capitol, not considered by committees, but brought to the floor abruptly the night before last and just as abruptly voted without amendment or without serious consideration in the Congress. So I won't fault members of the media, who didn't understand that the drill-nothing Democrat Congress actually only moved to a position that was the drill-almost-nothing Democrat Congress.

But this legislation, despite the headlines, is a story worth telling. For the past 20 months, until last week, the Democrat majority in Congress made one thing more clear than anything else; there would never be a vote on more domestic drilling in America. Speaker NANCY PELOSI repeated her personal and historic opposition to drilling and said that she would never permit a vote. And they adjourned on August 1, turned off the cameras and turned off the lights.

But Republicans refused to leave. We held this floor during the entirety of the August recess, and during that time the Democrat majority changed their position. In a very real sense, millions of Americans contacted their Members of Congress and said we want more access to American oil. We want Congress to come together and compromise on conservation, fuel efficiency, solar, wind, nuclear, an all-of-the-above strategy. But we want a bill that allows us to drill into our domestic resources. And, to their credit, the Democratic majority relented in their historic opposition to drilling.

But the bill that came to the floor abruptly and was just as abruptly passed last night failed in many counts. Not only did it bring with it an enormous tax increase, not only did it bring with it no opportunity for new refineries, no opportunity for nuclear energy development and other powerful alternatives, but also this bill truly brought with it very little, if any, opportunity to drill into our own domestic reserves.

The bill seems to allow drilling, but not within 50 miles of shore. Most experts say that 88 percent of our domestic reserves are within 50 miles of the shoreline of the east coast and the west coast and the eastern Gulf. Beyond that, the Democrat bill that passed last night would allow drilling, but only if States vote by referendum or in their legislature to permit the drilling.

That sounds reasonable enough. But what is not reasonable is the Democratic bill, unlike current law for Gulf States that allow drilling, the Democratic bill offered States no revenue whatsoever. So people in South Carolina, people in California, would presumably have to decide for themselves or their elected representatives decide to allow drilling off of their shore if it meant nothing financially to their State coffers.

Also there was a failure to provide any streamlined judicial review or litigation reform, leaving any drilling that would be allowed beyond the 50 mile limit to be tied up immediately in court, as hundreds and hundreds of leases are tied up today.

So that is why I say, and I attempt to be intellectually honest about this, Mr. Speaker, the Democratic majority did move on their energy policy about drilling. They went from a drill-nothing Democrat Congress to a drill-almost-nothing Democratic Congress.

And last night, most sadly, they passed on an opportunity that some 40 Democrats had been working tirelessly to develop, legislation coauthored by Congressman ABERCROMBIE and Congressman PETERSON that is a truly bipartisan solution. I was a cosponsor of the bill myself. Dozens upon dozens of Republicans joined us in the bill, as well as I believe 40 Democrat Members of Congress.

When it came time for the Republicans to offer their alternative, quite frankly, we could have played some sort of a game, but we think that the American people are struggling under the weight of record gasoline prices. Families are hurting, seniors are hurting, and this was not time for political posturing or games. So we brought the bipartisan bill to the floor as our alternative.

Strangely, unless I can be corrected, only 13 of the Democrats out of the some 40 who cosponsored the bill voted for it. It was a true bipartisan bill that had been fashioned through tough bipartisan negotiation over months of time, and it was rejected by many of the same Democrats who had worked to build the legislation.

We missed an opportunity last night, Mr. Speaker, to truly do something for the American people, to do something, as Daniel Webster says on words on these walls, to do something worthy to be remembered.

So I rise today to pay sincere tribute to Mayor William ''Bill'' Sandberg. I am confident that this tribute on this Post Office is altogether fitting.

But I also rise to just simply express my frustration that, at a time when we hear about one bailout after another, this Democrat majority passed an energy bill last night that Democrat Senator MARY LANDRIEU even said was ''dead on arrival in the Senate.'' We accomplished nothing to set this Nation on a course of energy independence.

So our message is very simple: We are not going away. We are going to fight on this floor in every moment that we have left, in the waning days of this Congress and in the weeks preceding our national election, to demand that this Congress roll our sleeves up and seek that bipartisan consensus that does exist.

Let me say from my heart, I truly believe that there is a bipartisan majority in this Congress that would say yes to conservation, yes to fuel efficiency, yes to solar, wind and nuclear, and would say yes to a substantial increase in domestic drilling that was real and significant and would lessen our dependence on foreign oil.

So Republicans are going to stay in this fight. Bailouts for corporate America, but no relief for our citizens struggling under the record weight of gasoline prices is not acceptable to Republicans in this Congress. We will stay on

this floor. We will continue in this fight. We are not going away until the American people have a bipartisan strategy that sets us on a short-term course to lessen our dependence on foreign oil and on a long-term course for energy independence in the 21st century.

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

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 6229.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time and urge passage.

The SPEAKER pro tempore (Mr. ROSS). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6229.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

ARMY SPC DANIEL AGAMI POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6338) to designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, as the ''Army SPC Daniel Agami Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6338

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

SECTION 1. ARMY SPC DANIEL AGAMI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, shall be known and designated as the ''Army SPC Daniel Agami Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Army SPC Daniel Agami Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. KLEIN), who introduced this legislation.

Mr. KLEIN of Florida. Mr. Speaker, I thank the chairman.

I rise in support of H.R. 6338, a bill to honor the life and legacy of Specialist Daniel J. Agami, who was killed in action on June 21, 2007, while serving his country in Iraq.

Daniel Agami was a devoted friend, a loving son and brother and courageous soldier. Growing up in South Florida, Daniel's parents raised him with strong Jewish values, and he was very proud of his Jewish heritage. To his friends, and he got quite a kick out of it, he was known as ''GI Jew.'' A little different.

Daniel knew he was meant to serve a greater purpose in life, and in 2005 his love for country and an unyielding drive to serve others led him to enlist in the United States Army. For his heroism in combat, Daniel was posthumously presented with multiple medals of honor, including the Bronze Star, the Purple Heart, the Good Conduct Medal, the Global War on Terrorism Service Medal, the Iraqi Campaign Medal, and the Combat Infantryman's Badge.

During his service in the U.S. Army, Daniel worked with local schools, devastated from war and destruction, to refurbish their structures and mentor their students.

The communities he served in Iraq and here at home have suffered a tremendous loss. Daniel made the ultimate sacrifice for his country, and it is with great pride that I rise in support of this legislation to recognize his strong moral character and his work to make this world a better place.

It is my sincere hope that when the South Florida community utilizes the services of the post office in Coconut Creek, Florida, they will remember and honor Army Specialist Daniel Agami and his exceptional patriotism and courage.

I would like to also thank the members of the Florida congressional delegation for their strong support of this legislation. I would also like to recognize the Agami family: Parents, Beth and Itzhak; brother, Ilan and his wife, Elisha; sister, Shaina; and grandmother, Sandy Becker. The Agami family will be in Washington D.C. later this week where they will celebrate and honor Daniel's life and memory.

I urge passage of this piece of legislation.

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

Mr. Speaker, I rise today in support of this bill to designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard Coconut Creek, Florida, as the Army SPC Daniel Agami Post Office Building.

□ 1430

United States Army Specialist Daniel J. Agami was, in the words of his grandmother, ''the best of the best.'' He was much more than a soldier. He was a leader, a selfless patriot, and a joyous young man with a huge heart.

Born in Ohio, Daniel moved with his family to south Florida when he was 4. He attended the Hebrew Academy Community School and Coconut Creek High School and was in college when he decided he was meant for a higher purpose. Without consulting friends or family, Daniel answered his calling and enlisted in the Army.

Daniel brought the Army more than service and bravery. He brought his good humor, his tremendous heart and the moral conviction that he served something far greater than himself.

Affectionately known by his fellow soldiers as ''GI Jew,'' he strove constantly to improve the lives of those around him. When he was not educating his fellow soldiers about his religion, he was serving as a mentor to orphaned children in Iraq. In the words of his father, ''He had 10,000 friends, and 10,000 friends thinking he was their best friend.''

On June 21, 2007, Daniel Agami was killed while on patrol in Baghdad. He was only 25. More than 1,000 people attended his funeral. He was posthumously promoted to specialist, and his parents were presented with a number of medals, including the Bronze Star, Purple Heart and the Good Conduct Medal.

Daniel died defending his core belief that America fights for the freedom and survival of the entire world. As one friend recalled, ''He had said that if, God forbid, anything happened to him, this is where he belonged.''

A loving son, brother, grandson and friend, Daniel Agami will be missed, and not just by those 10,000 best friends, but by all Americans who cherish freedom and courage and honor.

I urge my colleagues to support this bill so that the life of this courageous young man and all that he stood for will not soon be forgotten.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as Chair of the House subcommittee with oversight authority for the United States Postal Service, I

stand in support of H.R. 6338, which renames a postal facility in Coconut Creek, Florida, in honor of Specialist Daniel Agami.

H.R. 6338 enjoys the support of the entire House delegation from Florida and was introduced by my colleague, Representative RON KLEIN, on June 20, 2008. The measure was taken up by the Oversight Committee on July 16, 2008, where it was passed by voice vote.

H.R. 6338 calls for honoring Specialist Daniel Agami for his unwavering commitment, service and sacrifice to America. Army Specialist Daniel Agami died on June 21, 2007, in Baghdad from injuries he suffered when an improvised explosive device detonated near his vehicle. He was assigned to the 1st Battalion, 26th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany.

While in college in 2005, he enlisted in the Army and was deployed to serve in Iraq the following year. Army Specialist Agami not only served as a combat soldier, but he was also a mentor for orphaned children in Iraq. Described as having a sunny personality, he was loved by the children he worked with and is certainly missed.

Daniel's parents were presented with his Purple Heart and Bronze Star at his funeral. Agami was also posthumously honored with the Good Conduct Medal, the Global War on Terrorism Service Medal, the Iraqi Campaign Medal and the Combat Infantryman's Badge.

In honor of his tremendous service to this country, I urge my colleagues to join me in passing H.R. 6338 and renaming the postal facility on West Hillsboro Avenue in Coconut Creek, Florida, after Specialist Daniel Agami.

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

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 6338, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I would urge passage and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6338.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

MICKEY MANTLE POST OFFICE BUILDING

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 171) to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the ''Mickey Mantle Post Office Building''.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 171

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

SECTION 1. MICKEY MANTLE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, shall be known and designated as the ''Mickey Mantle Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Mickey Mantle Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Minnesota (Ms. MCCOLLUM) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from Minnesota.

GENERAL LEAVE

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

S. 171 renames a postal facility in Commerce, Oklahoma, in honor of Mickey Mantle, the great American baseball player.

The House Oversight Committee received S. 171 after it had been considered and passed by our colleagues in the Senate. The measure was originally introduced by Senator JAMES INHOFE of Oklahoma back on January 4, 2007, and the Oversight Committee passed the bill by voice vote on June 12, 2008.

S. 171 calls for honoring Mickey Mantle by designating the post office in his hometown of Commerce, Oklahoma, as the Mickey Mantle Post Office Building. Mickey Mantle was born on October 20, 1931. Named Mickey by his father after the Philadelphia Athletics Hall of Fame catcher, Mantle is one of the greatest American baseball players of all time. In 1974, he was inducted into the National Baseball Hall of Fame, and his uniform number 7 was retired, celebrating his 18 years of playing for the New York Yankees.

Mr. Speaker, in honor of Mickey Mantle, let us pass, without reservation, S. 171 and rename the post office facility on Commerce Street in Commerce, Oklahoma, after this legendary American athlete.

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

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

I rise today in support of S. 171, to rename the post office in Commerce, Oklahoma, for the town's most famous citizen, Mickey Charles Mantle.

Mickey Mantle was a true American hero. He was an outfielder for the New York Yankees, a first-ballot Hall of Famer with 536 career home runs. When he hit them, they flew.

He hit the longest home run ever at the old Yankee Stadium—it hit the top facade in right field—and the longest ever at Washington's old Griffith Stadium and at Detroit's old Tiger Stadium. The term ''tape-measure home run'' was invented when the Yankees' traveling secretary used a tape to measure the Griffith Stadium blast at 565 feet.

Named for Mickey Cochrane, another baseball Hall of Famer—Mantle often joked that he was glad his father didn't know Cochrane's real first name was Gordon—the Mick was a three-sport star at Commerce High. A New York Yankees' scout who came to see a teammate play in a semipro game saw Mantle hit titanic home runs from both sides of the plate and tried to sign him on the spot, only to find that he was still 16, still in high school, and ineligible for pro ball. The scout told Mickey he would return the day he graduated from high school, and he did.

Four years later the Mick was in right field in Yankee Stadium, and Joe DiMaggio was patrolling center field. Both took off to run down a scorched liner to right field. As they arrived at the ball, DiMaggio called off Mantle. Mantle tried to stop, but caught his cleats in a sprinkler head. He went down ''like he was shot,'' said one observer.

In many ways, this blazing fast, preternaturally powerful athlete was never the same. He went on to win a Triple Crown in 1956, claim three American League Most Valuable Player awards, make 16 All-Star teams and win seven world championships. He still holds the records for most home runs, RBIs, runs, walks, extra-base hits and total bases in the World Series.

As great as he was, the question that dogs his legacy is, what if? What if he had stayed healthy? What if he had never contracted osteomyelitis, a crippling bone disease in high school? What if he had never been plagued by other diseases and injuries, including alcoholism?

He is number 17 on the list of the greatest 100 players of all time. Where might he have ended up otherwise?

Who in baseball history might today be considered above him?

The Mick was not a great businessman, and many of the ventures he funded with his top salaries for the Yankees proved unsuccessful. But he made another fortune in the memorabilia market. His signature and artifacts fetched sums second only to those of Babe Ruth.

Why? He moved with a breathtaking grace. He was that rarest of commodities, the fastest and most powerful guy on the team. Moreover, he smiled. He connected with fans. He looked like he was having fun. Even though he was as far culturally from a New Yorker as he could be, the Yankee faithful embraced him. He later teamed with fellow Oklahoman and Yankee Bobby Murcer to raise money for victims of the Oklahoma City bombing.

He led an imperfect life, but he did what he could to redeem himself. He went into treatment and later turned to faith to deal with his increasing infirmities. When he died on August 13, 1995, in Dallas, Bob Costas, the famous sportscaster, gave his eulogy. Costas described him as ''a fragile hero to whom we had an emotional attachment so strong and lasting that it defied logic. In his last year of his life, Mickey Mantle, always so hard on himself, finally came to accept and appreciate the distinction between a role model and a hero. The first, he often was not. The second, he always will be.''

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

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I yield 2 minutes to the gentleman from California, Representative BACA.

Mr. BACA. I appreciate Congresswoman VIRGINIA FOXX talking about Mickey Mantle. He was an idol to many of us that played a lot of sports. I know as a young gentleman who was playing during that period of time, I admired Mickey Mantle.

Not only was he a positive role model for myself, in terms of trying to aspire to become a professional baseball player during the time I was in high school, but he was a coal miner, an individual that came from that area in Oklahoma that showed us that with hard work and dedication that you can make it.

Not only hearing the history of his personal life but what he did for a lot of us, because not only did he hit from both sides of the plate, which is very important for many individuals, we saw a switch hitter that could hit a lot from both the left and the right. We saw the competition that he led with Roger Maris during that period of time when they were competing for the home run championship.

I think having a post office named after Mickey Mantle is a great honor for many individuals, especially as we look at many of the Little Leaguers that play in Little League right now that look towards major league ball players who have played in the past who were a positive inspiration to many of us who say that if you can lead, you can be an inspiration to a lot of us. Therefore, I say that we should support this kind of legislation in naming the Mickey Mantle Post Office Building.

I support the legislation, which is S. 171, and I compliment Congresswoman VIRGINIA FOXX for carrying on and going through a whole history of his history and background, where he came from.

□ 1445

Ms. FOXX. Mr. Speaker, all of my family were Yankee fans. My father and uncles and all of the family were strong Yankee fans. They were born and raised in New York City. They were Yankee fans and certainly Mickey Mantle fans. I know they would be pleased to see me presenting this bill on the floor today.

But I know they also would be upset with me if I did not talk about the problems we are facing in this country related to gas prices because most of my family, as they got older, moved out of New York City and moved out into rural areas, where they didn't have access any longer to mass transit as they had had when they lived in New York City, and depended on having automobiles and having to drive and pay for gasoline.

What we are seeing now in this country is a very big burden on people who live in rural areas such as my district where most of the people are without access to mass transit.

I want to talk a little bit about the failure of the Democrats in charge of this Congress for not doing anything to bring down the price of gasoline. Speaker PELOSI in 2006 promised that the Democrats had a commonsense plan to bring down the price of gasoline. We haven't seen that commonsense plan. The bill that passed yesterday was a sham and an illusion. It was a way to simply give cover to Democrats who are in tough reelection situations. I think it is a real shame. Not only are we hurting people who live in rural areas, but we are hurting the baseball fans who would like to be able to go to baseball games and be able to celebrate this wonderful game we are talking about when we honor Mickey Mantle.

One of the things that was wrong with the bill that passed, there was nothing there to be able to stop all of the legal challenges by radical environmental groups that are blocking or significantly delaying oil leases and production. We now know from having done some investigation that radical environmentalists are challenging every single lease that is being awarded to be able to bring more gas and oil online.

In February 2008, the administration issued 487 leases in the Chukchi Sea sale 193, and every single one of those has been challenged under the National Environmental Policy Act and the Endangered Species Act.

In addition, for 2007–2012, there was a 5-year OCS leasing program, and every single one of those leases has been challenged.

There are 748 leases in the Chukchi-Beaufort Seas which have been challenged.

What Republicans wanted to do, and we had absolutely no opportunity to be able to do so, was to bring amendments to these bills, another promise broken by the Democrats in charge of the Congress.

We were told when the Democrats took over that we would be in the most open, most bipartisan Congress in the history of the Congress. All bills would be brought through committee, all bills would be allowed to be amended on the floor. So far that has been a hollow promise. The so-called energy bill that was passed yesterday was never brought to committee. It should have been assigned to about eight different committees. It didn't go to a single one. It was brought straight to the floor under a closed rule and no amendments were allowed.

Had we been allowed to offer amendments, one of the things we would have done would have been to offer an amendment that would have allowed for lawsuits to be filed. We don't want to stop the judicial process. However, we think that it should be done in a way that will expedite these leases.

We keep hearing from the Democrats that the oil companies have millions of acres under lease that they are not doing. The reason is their good friends, the trial lawyers and the radical environmentalists, are stopping the leases from being exercised by bringing lawsuit after lawsuit after lawsuit.

We must stop this if we are going to help the American people and bring down the price of gasoline. The Democrats cannot run away from their responsibility of being in charge of the Congress and denying the opportunities that should be presented to the American people to see the price of gasoline come down.

o while we are here today honoring Mickey Mantle, honoring the American pastime of baseball, Democrats have to take responsibility for denying people the opportunity to go to their baseball games and do other things they would like to do because they are responsible for the price of gasoline having doubled in the 20 months they have been in charge of the Congress.

I reserve the balance of my time.

Ms. MCCOLLUM of Minnesota. Yesterday Members of Congress had a clear choice, voting for a plan that sided with American taxpayers and consumers struggling with energy

costs or to continue to argue for a plan that sides with the Big Oil companies reaping the largest profits in American history.

Yesterday, the House, under Democratic leadership, passed the Comprehensive American Energy Security and Consumer Protection Act. Let me tell you what that plan does. It lowers prices for consumers and protects taxpayers. It expands domestic drilling offshore and on land. It expands renewable sources of energy. It increases our security by freeing America from the grip of foreign oil, and it requires Big Oil to pay back what it owes taxpayers. It ends the subsidies to the oil companies, and it creates good-paying jobs right here in America.

The plan that we passed yesterday truly gives the American people an opportunity to have security and to have a brighter future with renewables as part of our energy mix.

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

Ms. FOXX. Mr. Speaker, I want to say that I wish that what the gentlewoman had said was true. I wish that the bill that passed yesterday would do something to bring down the price of gasoline. If that were true, it would have had a unanimous vote. Instead, Republicans voted against it and many Democrats voted against it because we know that the bill is going absolutely nowhere. It was simply cover for Democrats who are in tight election races.

It is a cynical, cynical ploy on behalf of the Democrats, and I am so sorry to see that because I think ultimately people will be held responsible for the cynical ploys that they perpetuate against the American people.

With that, Mr. Speaker, I urge all Members to support the passage of S. 171.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I am new to managing bills on the floor, and I was going to ask if that was the proper procedure, and so thank you for explaining that to us again on the floor. And I know that the gentlewoman in no way, shape, or form meant to imply that I was a liar on the floor.

Mr. Speaker, as a young girl there weren't too many baseball cards I was actually very interested in collecting. But let me tell you, there were a few. Harmon Killebrew, Tony Oliva, and I knew if I could get a Mickey Mantle card, I could collect the other two.

I am very honored to be here today to have the opportunity to support S. 171. Mr. Speaker, I encourage all Members of the House to support this post office renaming of a fabulous athlete, Mickey Mantle of the New York Yankees.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Minnesota (Ms. MCCOLLUM) that the House suspend the rules and pass the Senate bill, S. 171.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 5551. An act to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

H.R. 5893. An act to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

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

S. 3023. An act to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.

S. Con. Res. 87. Concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

CEECEE ROSS LYLES POST OFFICE BUILDING

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6772) to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6772

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

SECTION 1. CEECEE ROSS LYLES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, shall be known and designated as the ''CeeCee Ross Lyles Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''CeeCee Ross Lyles Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Minnesota (Ms. MCCOLLUM) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from Minnesota.

GENERAL LEAVE

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I rise in support of H.R. 6772 which aims to rename the postal facility in the city of Fort Pierce, Florida, after CeeCee Ross Lyles, who was a flight attendant aboard United Airlines Flight 93 during the horrible attacks of 9/11.

H.R. 6772, which was introduced by the gentleman from Florida (Mr. MAHONEY) on August 1, 2008, was reported from the Committee on Oversight and Government Reform on September 10, 2008, by voice vote. The measure has the support of Florida's entire House congressional delegation and recognizes Mrs. Lyles for the upstanding life she lived and the legacy she leaves behind.

CeeCee Ross Lyles has been described as a strong, smart, street-savvy young lady. Before becoming a flight attendant, she spent 6 years on the Fort Pierce Police Department where she worked her way from patrol officer to detective and was respected widely by her colleagues.

Although CeeCee enjoyed working as a law enforcement officer, on October 11, 2000, she walked away from her job as a cop to pursue a lifelong goal of hers, which was to become an airline flight attendant. It was this decision that would lead her to join the ranks of United Airlines on the morning of September 11, 2001. Along with other crew members and passengers, she would be faced with the unthinkable, a hijacked airline carrier.

Moments before Flight 93 went down in the field of Shanksville, Pennsylvania, CeeCee dialed home twice on a cell phone to tell her husband, Lorne, of the hijacking and to send her love to her boys, Javon, Jerome, Justin and Jordon.

A devout wife and mother to her sons, CeeCee lost her life far too early, like so many others on that tragic day in history. While last week the country stopped to remember the victims of 9/11, today we take a moment to acknowledge one individual in particular, and that is CeeCee Ross Lyles, crew member of Flight 93.

Mr. Speaker, I hope my colleagues will join me in supporting H.R. 6772, which renames the Orange Avenue Post Office in Fort Pierce, Florida, after Ms. Lyles, an honor certainly befitting of this fallen hero. Again, I urge passage of the bill.

I reserve the balance of my time.

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

I rise today in support of this bill designating the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the CeeCee Ross Lyles Post Office Building.

□ 1500

Born and raised in Fort Pierce, CeeCee Ross Lyles was a role model in her community. She worked several jobs to support her family and still found time to volunteer at a local Christian women's shelter.

For 6 years Lyles served at the Fort Pierce Police Department. During that time she became known for her willingness to tackle fleeing criminals, worked her way up to detective, and was up for a promotion to sergeant.

In October 2000, Lyles saw a chance to pursue a lifelong dream and left the Fort Pierce Police Department. Through employment with United Airlines as a flight attendant, Lyles found new experiences and opportunities to travel.

Sadly, her life ended less than a year later, on September 11, 2001. Lyles was among the heroic crew on United Flight 93, which, along with the passengers on board that day, overtook the terrorists and prevented them from completing their diabolical plot.

Ultimately, the plane crashed in a field in Shanksville, Pennsylvania, killing the 44 people on board, but saving an untold number of American lives, including, perhaps, many of us as that plane almost certainly was headed for this building. Moments before the plane went down, Lyles called her husband and prayed for her family, herself and everyone aboard the plane.

CeeCee Ross Lyles was a loving wife and mother and a devoted member of her community whose life was cut short by the tragic events on September 11, 2001. I urge my colleagues to support this bill in her memory.

I reserve the balance of my time.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I yield 5 minutes to the gentleman from Florida, Representative MAHONEY.

Mr. MAHONEY of Florida. Mr. Speaker, I rise in support of H.R. 6772, my bill to name the United States Post Office at 1717 Orange Avenue in Fort Pierce, Florida after CeeCee Ross Lyles, a true hero from my district who died tragically on September 11, 2001.

I would like to thank Chairman WAXMAN and his staff for their help in moving this very important piece of legislation to the floor. I would also like to acknowledge my distinguished colleague, Mr. HASTINGS, who also represents Fort Pierce, for his support of the bill, and all the other colleagues who represent the State of Florida who unanimously support this important piece of legislation.

CeeCee Ross Lyles was a flight attendant on United Airlines Flight 93, which crashed in a Pennsylvania field on September 11. Passengers on the flight, along with CeeCee and other flight attendants, fought back against the hijackers after learning that other planes had been flown into the World Trade Center and the Pentagon.

Shortly before Flight 93 crashed, CeeCee called her husband, Lorne, and told him she loved him and she loved her children.

CeeCee was born and raised in Fort Pierce where she served as a police officer for 6 years. In those years as a police officer, she had worked her way from patrol officer to detective, and was respected for her willingness to tackle fleeing criminals.

Fulfilling a lifelong goal to travel, she became a United Airlines flight attendant in 2000, where she served with distinction.

CeeCee had a true and giving spirit. She loved her volunteer work at a women's shelter that two of her aunts helped found in Fort Pierce. Through her work at the shelter she served as a role model, showing women that they could make their own way if they tried hard enough.

I am proud to name this post office in honor of a true American hero, CeeCee Ross Lyles. I urge my colleagues to join me in honoring this most worthy hero.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H.R. 6772, a resolution designating the post office located at 1717 Orange Avenue in Fort Pierce, Florida, as the "CeeCee Ross Lyles Post Office Building." As a cosponsor of this legislation, I would like to like to express my appreciation for the effort of my good friend from Florida, Congressman TIM MAHONEY, for introducing this important legislation. He and I share the privilege of representing Fort Pierce in the House.

Through the designation of this post office we honor the memory of Ms. CeeCee Ross Lyles. Ms. Lyles was a flight attendant aboard United Flight 93 on that fateful day, 9/11 over 7 years ago. Shortly before the plane crashed, Ms. Lyles called her husband to tell her that she loved him. While her time on earth was cut short by terrorists, her memory will live on in our community. This post office designation will forever commemorate the life of Ms. Lyles.

Ms. Lyles was a true Fort Pierce Floridian through and through. She was born and raised in Fort Pierce and later served as a police officer for 6 years there. In 2003, the City of Fort Pierce erected a statue of Ms. Lyles in the Liberty Garden at Veteran Memorial Park.

The legislation before us today ensures the memory of Ms. Lyles and all other 9/11 victims live on in our collective memory. I urge swift passage of this legislation to properly recognize and memorialize the heroes of 9/11 and the life of Ms. CeeCee Ross Lyles.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 6772, and yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Minnesota (Ms. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 6772.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

CELEBRATING THE 221ST ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1356) celebrating the 221st anniversary of the signing of the Constitution of the United States of America, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1356

Whereas the Constitution of the United States of America was formally signed on September 17, 1787, by 39 delegates from 12 States;

Whereas the Constitution of the United States was subsequently ratified by each of the original 13 States;

Whereas the Constitution of the United States was drafted in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for citizens of our Nation;

Whereas the liberties enjoyed by the citizens of the United States today are rooted in this cherished document that gave birth to our Nation;

Whereas the Constitution of the United States serves as the foundation for citizens

of the United States to accomplish a level of prosperity, security, justice, and freedom unsurpassed by any other country;

Whereas the Constitution of the United States is a model for establishing freedom in other countries;

Whereas the Members of the House of Representatives take an oath to support and defend the Constitution of the United States; and

Whereas September 17, 2008, is the 221st anniversary of the signing of the Constitution of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 221st anniversary of the signing of the Constitution of the United States of America;

(2) honors the efforts of the 42 delegates who attended the majority of the Constitutional Convention meetings and the 39 signers of the Constitution of the United States;

(3) acknowledges the significance of the ideals established by the Constitution of the United States, including the principle of a limited Federal Government with a system of checks and balances between the 3 branches;

(4) recognizes the Constitution of the United States as the source responsible for our Nation's ability to withstand calamity and preserve national stability, or as Thomas Jefferson wrote, ''Our peculiar security is in the possession of a written Constitution''; and

(5) encourages the citizens of the United States of America, who have the privilege to share in the freedoms recognized in the Constitution of the United States, to join with the House of Representatives in this historic celebration.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Minnesota (Ms. MCCOLLUM) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from Minnesota.

GENERAL LEAVE

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Ms. MCCOLLUM of Minnesota. I yield myself such time as I may consume.

Mr. Speaker, today marks the 221st anniversary of the signing of the U.S. Constitution, the document that is the basis for our country and the government it is built upon. House Resolution 1356, as introduced, is designed to pay tribute to this historical event.

The supreme law of the land, the U.S. Constitution was adopted on September 17, 1787, by the Constitutional Convention in Philadelphia, Pennsylvania, thereby replacing the Articles of Confederation. Shortly after the signing of the Constitution, each State held individual conventions in order to ratify the document in the name of the people.

Since its inception, the Constitution has been amended 27 times, with the first 10 amendments, of course, being our Bill of Rights and other significant amendments, including the 13th amendment abolishing slavery, the 14th amendment which bestowed the right of due process upon all citizens, and the 19th amendment which forbid the denial of the right to vote based on gender.

Mr. Speaker, much can be said about the growth and development of our Nation and the fact that through all of it, whether in times of peace or war, the U.S. Constitution has withstood the test of time. On this, the 221st anniversary of the signing, let us stand in unison, putting aside our partisan distinctions and differences in order to celebrate, as Americans, strong and mighty, the framing document of our country, the U.S. Constitution.

I thank the gentleman from New Jersey for offering this measure, and I am sure my colleagues will join me in supporting the passage of House Resolution 1356.

I reserve the balance of my time.

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

Mr. Speaker, it is truly an honor to be able to be here today and speak on the anniversary of our Constitution. On this day, 221 years ago, the Constitution of the United States was signed in Philadelphia. Today we honor the hard work and commitment of the 42 delegates to that Constitutional Convention. In retrospect, the accomplishment of those delegates continues to grow and sets a bar for legislative effectiveness for nations all over the world to try to equal.

When I go out and talk to school groups about serving in Congress, I always use the Constitution as my point of reference, and I try to point out to them what a radical idea this entire country is and was. At the time that we sought our independence from Great Britain, no people in the world had ever sought to set themselves up in the way our government did. The Constitution is the basis of all that has helped make us and keep us great.

The Constitution signed that day contained only 4,400 words. It is the oldest and shortest written Constitution of any major government in the world. Yet in those few words, the framers laid out a plan for self-government which has insured American liberty, adapted to technological and cultural changes, and expanded civil liberty in this Nation over the past two centuries.

I also point out to those school children that in my opinion the most important words written, outside the Bible, are the words ''We the People'' which begin the preamble to the Constitution, because, again, that was a radical notion in those days.

The delegates who gathered in Philadelphia faced a daunting task. The Nation had already experienced failure in the form of the Articles of Confederation which did little to unify the States into a coherent national unit.

So the question was certainly an open one: Could these delegates, who came from every corner of the Nation and every walk of life, find a new way to create a functioning, unified nation while still respecting the rights and needs of each individual region and State?

They succeeded beyond their wildest expectations. The form of government developed by these delegates wasn't perfect, but the foundation they laid sustained us through wars and times of internal tumult.

The question for all Americans today is, what can we learn from the accomplishment of the framers of our Constitution?

Certainly they taught us there's no shame in contending forcefully for your convictions. But they also taught us that the discipline of respect for your adversary and the virtue of understanding how and when to strike the best compromise possible are the foundations of civil discourse. These are lessons every American would do well to remember.

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

Ms. MCCOLLUM of Minnesota. Mr. Speaker, at this time I would like the gentleman from New Jersey (Mr. PASCRELL), who brought this forward for us to debate today, to have 5 minutes of time.

Mr. PASCRELL. Mr. Speaker, this is a very important piece of legislation because we not only recognize the Constitution of the United States, but we do what President Clinton said just a few weeks ago in Denver, and that is, that we will be known by the power of our example, rather than the example of our power. This is what makes America the greatest country in the world.

Mr. Speaker, I rise today to celebrate both the signing of the Constitution and the fundamental principles of the document that each of us pledge to uphold and defend when we take our oath of office.

And I am proud to wear this every day by my heart, as with our great patriarch in the Senate, Senator BYRD.

Alexander Hamilton once said, ''The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.''

The Constitution upholds our rights. We are given these rights by our Maker. That's what makes us all equal at birth, regardless of our religious background, our ethnicity or anything.

Hamilton understood that the rights our founders enshrined in the construction come not from men but from God.

That's what makes us all equal, not the Constitution.

Today, 221 years after its signing, public school students across the country will be studying the history of the Constitution. They will learn about James Madison, the father of the Constitution and his vision for the Federal Government. They will learn about the separation of powers into a legislative branch, and executive and judiciary branches, and they will learn about the checks and balances designed to keep one of those departments, one of those areas, those branches from growing too powerful.

Hear me, Mr. Speaker. These are the enduring principles that have stood the test of time. They've become the inspiration and the basis for the governments of countless countries around the globe.

Mr. Speaker, I would be remiss if, on this day when we celebrate this Constitution, I did not discuss the willful disregard for the fundamental principles of our Republic that we have seen over the last 8 years.

Today we have an executive that has disregarded the checks and balances enshrined in the Constitution that have sustained our government for the past two centuries. They have shown complete contempt for article I, section 8, which defines the powers of the Congress in their management of the war and of our economy. I am sad to say that we all have allowed this power to be ceded, both sides of the aisle. Neither party has been a sentinel of our precious Constitution.

□ 1515

We have seen nothing but obstruction in our attempts to perform meaningful oversight of our Federal Government.

The administration's secrecy and unwillingness to cooperate with the Congress' constitutionally mandated oversight powers have reached the point of ridiculousness. We have actually had to sue the Federal Government—hear this—the Congress had to sue the Federal Government because they refused to comply with duly authorized subpoenas. This is not a respect of the Constitution. This is a disregard.

The fourth amendment bans ''cruel and unusual punishment'' and the fourteenth guarantees ''due process under the law.'' Sadly, America is now seen as a country that will hold detainees indefinitely and torture them without bringing charges.

The Constitution prohibits ''unreasonable searches and seizures,'' yet we do know that this administration established a program to secretly wiretap on Americans who did no harm to their country, who love their country.

Today, the Congress honors the Constitution. Over the past 8 years, it seems like the Executive has forgotten even its existence. This is not hyperbole. This is documented. The redactive administration has corrupted the ideals of our forefathers. They fondled fear to cover up their addiction to secrecy and will be held accountable soon.

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

Ms. MCCOLLUM of Minnesota. I yield the gentleman an additional 1 minute.

Mr. PASCRELL. The Constitution belongs to neither political party, neither party, nor is it a document to be possessed solely by the President's attorneys. The most egregious apologists of the constitutional interpretation are those down at the other end of Pennsylvania Avenue who thought it was the throne they were defending.

The Constitution truly completed our separation from Great Britain, thank God. We are no longer their possession, nor are we the possession of the executive branch of government. We will be known by the power of our example, and not the example of our power.

I thank the gentlewoman for yielding.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of New Jersey and the author of this resolution, Mr. GARRETT.

Mr. GARRETT of New Jersey. I thank the gentlelady for her shepherding this through. She should get a gold star for all of her work on the floor today. I also thank the Chair and the ranking members for helping facilitate this bill going through committee and now coming to the floor today.

As was already indicated, today, September 17, marks a very important anniversary, the signing of our Constitution 221 years ago. Our Founding Fathers in this country came together in an attempt to form something, form a more perfect union, to establish justice and secure the blessings of liberty to ourselves and to our posterity.

I'm honored to be the sponsor of this resolution, which recognizes those 39 extremely brave men who gave all they had in signing our Nation's founding document. Too often, we forget not only the names of these men but the challenges that they faced and what they put at risk when they came together to do this.

For example, our Founding Fathers originally met in Philadelphia to rework the Articles of Confederation. That was the document, you see, which had governed the country after the time of the War of Independence, and really, no one was expecting them to draft an entirely new system of government. And yet, that's what they did, and none of them were certain at that time that this new document would be ratified at all, and I doubt they even recognized the ingenuity of their final product.

Yet today, here we are over 200 years later. I think we really take our system for granted and I hope this resolution in some small way will help remind us that the Constitution is a profound document. Our prosperity today and over the 200-some-odd years is built upon the stability of the Constitution. And our posterity to the future has to thank the liberties and freedoms that are set forth and guaranteed in this document.

We see other nations around the world have followed in our footsteps by promoting the principles found in our U.S. Constitution, and although it's already been pointed out the U.S. Constitution is a relatively short document, the Founders really get too little credit for their clear and clever direction in it. They intended to set up a Republic of essentially sovereign, self-governing States, with a very small and central but limited government, operating under clearly defined, and as they say, limited powers.

It was James Madison who wrote in the Federalist Papers at No. 45 that: ''The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite.''

Every time any Member of Congress comes to the floor and they take out their card, about to vote on a particular piece of legislation, they should do what we're doing right now, and that is to reflect upon the U.S. Constitution. And they should be asking themselves is what they're about to vote on constitutional.

The gentleman from New Jersey—I'm pleased to see him on the floor with me tonight—raised some of those very same questions. And in light of his comments, I guess we should all have raised those questions last night, as well, as we dealt with the energy package in legislation that came through this House, because, as I indicated a moment before and as, actually, the gentleman from New Jersey already indicated, we were breaking away from Britain at that time to provide the liberties and the freedoms here for the respective States in this country through the War of Independence and then established here in the Constitution. So, too, did our Founding Fathers intend those rights would, as they indicated with Federalist No. 45, remain with those States.

What we did last night was abrogated those rights, took away those rights from them, from the respective States, to a very basic source of income and power to those States, to direct what should become of their futures with regard to an important issue such as energy. Legislation that we did last night put on severe restrictions as to the 50 States, at least our coastal States, as to what they can do and what remuneration they might see if they did take particular action with the developing resources, in this case, energy resources, within their States.

And so although a lot of the discussion yesterday was on the political ramifications and some of the discussion was on the environmental ramifications, I'm not sure that there was any discussion on the constitutional implications of what was done yesterday and whether we, as Members of Congress, as we took our card and put it in there voting ''yes'' or ''no,'' were considering whether we had the constitutional authority actually to take those rights away from the people that we represent back at home in our respective States, whether we had the constitutional authority to say to those States, no, we're prescribing, no, we're placing limits on your ability to have freedom and prosperity for this generation and future generations, as well, by the limits Congress is placing on them.

As the founder and chairman of the Constitution Caucus, I urge my fellow Members here in Congress today going forward then to renew our dedication to faithfully fulfilling our responsibility to the U.S. Constitution. Likewise, I encourage all Americans to take the time today and throughout the rest of the year to reflect upon this important doctrine, to reflect upon the U.S. Constitution, to ensure that freedoms set forth in it, the rights that are set forth in it, are preserved today and for our posterity.

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

Ms. FOXX. Mr. Speaker, I very much appreciate the comments by both of our colleagues from New Jersey, and I am very grateful for the leadership that Congressman GARRETT has given to us in the Constitution Caucus.

I want to say that, as I've said before, I often speak to school groups, and when I do, I always make sure that I use the Constitution as my beginning point. And one of the things that I talk about is the fact that the article I, which enumerates the power of the Congress, is not an accident. The Framers of the Constitution, the Founders of this country, wanted the majority of the power to remain within the elected bodies, and particularly in the House of Representatives, which is elected every 2 years, and we're known as the people's House.

I want to say that I agree with my colleague from New Jersey (Mr. GARRETT) that one of the major problems that exists in this Congress now is the fact that we seem to have ignored amendment 10 of the Constitution, which says, ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

I think that one of the reasons some of our colleagues believe that we've abrogated our responsibilities of oversight to the executive branch, which the Framers never expected to be very powerful, is that we have become engaged in way too many things in this Congress and we can't stick to our knitting. We don't look after the things that we should be looking after because we're doing the things that the States should be doing and that the people should be doing, and if we would adhere to the Constitution, we could do a much better job of what we came here to do or at least what many of us came here to do.

So I would say that the problem is within the Congress itself because we don't leave enough time to do the things that we should be doing and that are given to us by the Constitution, and we get involved in doing things that the States should be doing and the people themselves should be doing.

And certainly, the bill last night that was passed on this floor is an excellent example of that, and I thank my colleague for bringing it up as an excellent example.

I reserve the balance of our time.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I do want to talk a little bit more about this issue of the Constitution and the problem that we're having again right now with our not adhering to our responsibilities in this Congress.

Article I, again, is what gives power to the Congress. There's nowhere in the Constitution where the President has the power to do what we should be doing right now, which is opening up the supply of oil and gas for the people of this country.

We have that power. Day after day, night after night, members of the other party come to the floor and blame our sitting President for every ill in this country. Unfortunately, we simply cannot pass off our responsibilities for the things we should be doing and blame them all on the sitting President. My guess is he's going to be blamed over and over and over for probably a long period of time for those things.

But the American people are smarter than that. They know that the Congress itself has the responsibility for doing many of the things that we do not do, and again, the bill yesterday is an example of that.

We had a great opportunity to pass a bill yesterday that would have created more American energy, but my colleagues on the other side don't seem to be in favor of more American energy. They seem to be anti-American energy, just as many other things that they support seem to be anti-American power and anti-American control.

We can completely eliminate our dependence on foreign sources of oil, and we should be doing that, but we aren't doing that. I urge the American people to pay attention to who is in charge of the Congress right now and say to your Members on the other side, we want you to bring real bills, not sham bills, not illusory bills, but real bills to the floor to be voted on.

□ 1530

I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I would like to ask if you heard that the gentlewoman said that the Democrats on this side of the aisle were anti-American.

The SPEAKER pro tempore. Is the gentlewoman from Minnesota stating a parliamentary inquiry?

Ms. MCCOLLUM of Minnesota. Yes.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. MCCOLLUM of Minnesota. The last speaker just referred to the Democrats, including myself, as anti-American. Is that a custom and usage of this House to refer to one another in such a manner?

The SPEAKER pro tempore. The Chair doesn't give advisory opinions, but the Chair would ask that all Members address their remarks to the Chair and maintain proper decorum.

Ms. MCCOLLUM of Minnesota. Thank you, Mr. Speaker.

With that, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thought I had been addressing my comments to the Speaker.

I want to say, again, that I thank the gentlemen from New Jersey for bringing this resolution, H. Res. 1356, to the Congress today to vote on. I urge my colleagues to vote ''yes.''

I yield back the balance of my time.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I want to thank both of the gentlemen from New Jersey for discussing the Constitution today.

Today, we, as Members of Congress, have seen the streets around the Capitol and the Halls of Congress filled with young school students, the very future of our country. They're here to learn about our Government and to better understand our Constitution. So let us, we, who have the honor to represent the people, join together in unison for support for House Resolution 1356.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1356, Celebrating the 221st anniversary of the signing of the Constitution of the United States of America and honoring the efforts of the 42 delegates who attended the majority of the Constitutional Convention meetings and the 39 signers, introduced by my distinguished colleague Representative GARRETT. This legislation acknowledges the significance of the ideals established by the Constitution, including the principle of a limited Federal Government with a system of checks and balances, and recognizes the Constitution as the source responsible for our Nation's ability to withstand calamity and preserve stability.

QUOTE

"Don't interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties."—Abraham Lincoln.

BACKGROUND

The members of the Constitutional Convention signed the United States Constitution on September 17, 1787, in Philadelphia, Pennsylvania. The Constitutional Convention convened in response to dissatisfaction with the Articles of Confederation and the need for a strong centralized government. After 4 months of secret debate and many compromises, the proposed Constitution was submitted to the States for approval. Although the vote was close in some States, the Constitution was eventually ratified and the new Federal Government came into existence in 1789. The Constitution established the U.S. Government as it exists today.

The Constitution represents the founding of our Government as we know it today. For 221 years, the United States has fought to maintain a democracy that equally represents everyone that resides within the boundaries of our Nation. Without this sacred document, the rules that govern our Nation would be obsolete. The concrete separation that ensures the stability of our Government and thus, our Nation is due to the Constitutional Convention that we recognize today.

TEXAS

Texas became a member of this great Nation in 1845. Since that moment, Texas has been proud to be a member of such a great nation like the United States, and as a Representative for the 18th District of Texas I am proud to represent my constituents within the legislative branch of this Government. It takes the help of every branch of governments at a number of different levels to accomplish all the things our government is capable of, and today, I am proud to be a Representative of Texas and the United States. It is a privilege to represent the people of my State and my district in Washington, DC.

CONCLUSION

I believe we must pass this resolution to demonstrate how proud we are to celebrate the success of our Founding Fathers and to acknowledge those who put our system of government on paper allowing the United States to become such a renowned nation. This resolution encourages us to remember those intelligent men who put their hearts and souls into developing a system to give equality and representation to all people, and as we stand together now, after 221 years, we must recognize their important part in developing the Constitution that governs our great Nation today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Minnesota (Ms. MCCOLLUM) that the House suspend the rules and agree to the resolution, H. Res. 1356.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

ALLOWING USE OF PASSENGER FACILITY FEES FOR NOISE REDUCTION AT CALIFORNIA SCHOOLS

Ms. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 996) to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 996

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

SECTION 1. EXPANDED PASSENGER FACILITY FEE ELIGIBILITY FOR NOISE COMPATIBILITY PROJECTS.

Section 40117(b) of title 49, United States Code, is amended by adding at the end the following:

''(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

''(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility fee imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

''(i) the Secretary determines that the building is adversely affected by airport noise;

''(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

''(iii) the project is for a school identified in 1 of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

''(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

''(v) the project otherwise meets the requirements of this section for authorization of a passenger facility fee.

''(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term 'eligible project costs' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.''.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 996.

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

There was no objection.

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

Mr. Speaker, today we are considering S. 996, legislation to amend title 49 of the United States Code to expand passenger facility fee eligibility for certain noise compatibility projects.

Under the direction of Congressman COSTELLO, chairman of the Aviation Subcommittee, Americans in California living and attending schools in the vicinity of airports will now get relief.

The FAA predicts that 1 billion passengers will fly in the United States by 2016. One of the elements that will limit this national airspace capacity growth is noise. S. 996 will allow a 2005 agreement between the Los Angeles World Airports and the Lennox and Inglewood school districts to go forward providing over $200 million towards noise mitigation in these school districts over 10 years.

This legislation was introduced by Representative JANE HARMAN in the House and Senators DIANNE FEINSTEIN and BARBARA BOXER who passed it in the Senate by unanimous consent on February 28, 2008, which represents an appropriate compromise to noise problems for schools surrounding the Los Angeles Airport.

S. 996 will enable new construction in some instances because sound insulation and other retrofitting of existing buildings do not always provide meaningful noise relief. Furthermore, this legislation defines eligible project cost for any new construction as limited to the difference in cost between constructing, ordinary building code standards for schools, and the cost of incorporating noise mitigation features in construction.

The House passed this language as part of H.R. 2881, the FAA Reauthorization Act of 2007, on September 20, 2007. The Senate has not acted on the FAA reauthorization.

Mr. Speaker, I support S. 996, and I urge my colleagues both on and off the

Aviation Subcommittee—and on both sides of the aisle to stay germane to the topic—to support this good legislation. Students and teachers deserve quiet classrooms in order to maximize learning.

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

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

Mr. Speaker, I rise in support of S. 996. This bill is going to help alleviate the impact of airport noise in Los Angeles, California, by permitting passenger facility charges collected by the Los Angeles International Airport to be used for noise mitigation during the construction of a new school.

Furthermore, this bill defines the projects that are eligible to ensure that money intended for noise mitigation is used for exactly that and nothing else. This bill is yet another provision to be pulled from H.R. 2881, the Federal Aviation Administration Reauthorization Act of 2007, and moved as a standalone bill.

Unfortunately, our counterparts in the Senate have not been able to reach an agreement among themselves and pass a comprehensive 4-year bill, and time is running out to get just such a bill done this year.

Mr. Speaker, I would urge the Senate to settle their differences and allow the Congress to send much-needed relief to an agency in turmoil as well as the flying public.

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

Ms. RICHARDSON. Mr. Speaker, I yield as much time as she might consume to Congresswoman JANE HARMAN, the gentlelady from the great State of California.

Ms. HARMAN. I thank the gentlewoman for yielding to me. She is one of the newest Members of Congress, but she is a very active Member of the Transportation and Infrastructure Committee, succeeding our late colleague, Juanita Millender-McDonald, in that position. I want to commend her for her interest in this issue and for all she does for the Ports of L.A. and Long Beach and for Los Angeles International Airport, LAX, which is near her district, surrounded by my district and represented by Ms. WATERS who is a coauthor of this legislation.

I rise in strong support of this bill, one that I introduced in the past two Congresses and which, as you heard, has already passed the Senate.

Imagine, Mr. Speaker, sitting at a desk trying to memorize a verse or tackle a math problem as jet planes roar overhead every 3 minutes. Let me repeat that. I have been there to see it. Every 3 minutes, a jet plane roars above the little school buildings in Lennox, California, immediately east of LAX.

The children of Lennox, a mostly working-class community, manage amazingly well. I'm enormously proud of the fact that they win educational awards despite studying in classrooms that resemble bunkers. And yet Mr. Speaker, for the past 3 years, despite the fact that they reached agreement with LAWA, the Los Angeles World Airport Authority, to receive noise mitigation funds, they've been unable to get those funds because of a technical glitch in the law.

That means, Mr. Speaker, that school construction has been stalled in Lennox and in adjacent Inglewood. So we have tried these 3 years to fix that glitch, and that is exactly what this bill will do.

I want to point out—I don't think the bill's manager said this—that this bill does not require the expenditure of new funds. All it does is authorize LAWA to release funds it already has. All it does is provide emergency relief to a lot of kids in a working-class part of Los Angeles who have endured the most onerous conditions while trying to learn.

I want to thank a lot of people for making possible what I hope will be a victory today: First of all, the leadership of the T&I Committee, Chairman OBERSTAR and Ranking Member MICA; Ms. RICHARDSON; my co-author Ms. WATERS; and Senators BOXER and FEINSTEIN, all of whom helped get this bipartisan bill on the consent calendar today.

I also want to thank former FAA Administrator Marion Blakley who, while a part of this administration, came to see Lennox, understood what the problems were, and lent her staff to us to help draft this in a way that it would get support from the administration. It has the support of the FAA, it has the support of OMB, it has the support of the Republican side of the aisle; and it's a model, in my view, of the way legislation should be developed and passed in this House.

Finally, I want to thank Congressman DAVID DREIER who made sure that we could get the bill to the floor today. He is not here because just a few days ago his mother unexpectedly passed away. I want to send my sympathy to him and his family at a tough time and note that this bill helps kids just like kids in his Southern California district. This bill does good things for education, and this bill does good things for the reputation of this House.

I ask for an ''aye'' vote.

Mr. GRAVES. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from Missouri has 19 minutes remaining.

Mr. GRAVES. I was going to pretty much just talk about the specific merits of S. 996, but since my colleague pointed out that we should stay on topic, I think I would just expand just a little bit because this is an aviation bill, this is talking about—and it was mentioned—the number of planes flying in and out of Los Angeles International Airport and just how important that part of the transportation system is to this country and how much we are going to lose in this country if pieces of legislation like the un-American energy bill that was passed last night are enacted into law.

It's unfortunate because so many things in this country travel. Every single product, every single person in this country travels one way or another, either by train or by plane or by ship or by barge or by pipeline or by truck. Everything in this country travels, and we are a country that is very, very dependent on foreign sources of oil, unfortunately, for those products that we need for gasoline, for diesel fuel.

We would like to see, and I would like to see, that dependence reduced. That dependence needs to be reduced, and we have the resources right here in the United States. Unfortunately, the bill that was passed last night locked away the biggest chunk of those resources permanently. That bill permanently put away any opportunity to go after those resources off the Outer Continental Shelf between zero and 50 miles where the biggest chunk of those resources are and where it would be the easiest to go after those resources.

It's unfortunate because there are no alternatives in certain areas of transportation, for instance, aviation, which we're talking about today. There are no alternatives but aviation fuel. It comes from petroleum. No alternatives are out there.

It will be nice one of these days in this country when we do have alternatives to address some of our issues when it comes to being a country so dependent on petroleum, on gasoline, and diesel fuel.

□ 1545

We already have a few great hybrids in this country, whether it's electricity or ethanol or biofuels. We have some great alternatives. But if you're talking about real power to pull a train or to drive a ship or to push a barge or to pull farm machinery or to pull a truck or to fly an airplane, we have to have fuel. And it's unfortunate that we continue to see pieces of legislation brought forth in this Chamber that do absolutely nothing to address our real need in this country. And we're talking about all of those things that are important to us for energy—nuclear power, clean-burning coal technology, coal to gas, more drilling in places like ANWR and the Outer Continental Shelf, and all of those areas throughout the United States that have oil.

And we can do it in such an environmentally friendly way. And that's one of the most frustrating parts of this entire argument. We can do it in such an environmentally friendly way because of the technologies today that allow us

to do so many different things underground when it comes to those wells and comes to those rigs. We don't have to hurt our environment to be dependent on the United States and to Americanize United States resources. We don't have to harm our environment in any way. We can work with our environment. And we continue to use those resources that are un-American.

So it's unfortunate, again, that we passed such an un-American bill in this Chamber last night. Many of us did not support that bill simply because it makes us more dependent on those foreign sources of oil and it locks away the biggest percentage of that oil that we have and those resources that we have right here in the United States. It didn't even address the refining issue that we have in the United States and the capacity problems that we have in the United States. And that's as much a part of this as anything else.

So all of these modes of transportation, we're going to be doing a few things here for a little while, talking about different areas of transportation. It's unfortunate because all of those modes of transportation carry those goods and those people from one place to another. And when the price of that energy goes up, it costs consumers money. It costs everyone out there more money when it comes to purchasing those products or just transporting themselves from one place to another.

So again, a very un-American energy bill was passed out of this Chamber last night. And we hope that we will be able to have an American energy bill, one that is dependent on American sources, sometime soon before this Congress breaks in October. This Congress continues to break time and time again without addressing this issue, without coming up with a bill that will solve those problems and will go to the President's desk. And it's unfortunate, Mr. Speaker.

I reserve the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I would gladly like to get back to the topic at hand, which is really discussing the bill of S. 996. So, Mr. Speaker, I yield as much time as the great lady might consume, Congresswoman MAXINE WATERS from the great State of California.

Ms. WATERS. Mr. Speaker and Members, I would like first to thank Congresswoman LAURA RICHARDSON for allotting me time to speak on this bill that I have coauthored with Congresswoman JANE HARMAN. I thank her for her interest.

I had an opportunity to talk with Congresswoman LAURA RICHARDSON on our way to the floor, where she told me about similar problems that she has encountered in the Long Beach area dealing with the Long Beach Airport. So I know of her concern, and I thank her for the interest that she is showing in this bill.

Of course I rise in strong support of S. 996, the Senate companion bill to H.R. 1708, a bill, again, that was introduced by Congresswoman JANE HARMAN and myself. This bill permits funding for noise mitigation in local schools in the cities of Inglewood and Lennox.

The city of Inglewood is located in my district. Mr. Speaker and Members, this is a proud little city of 17,750 students. We have 13 elementary schools, six secondary schools, one preschool, and one community adult school in the Inglewood Unified School District. These schools are very, very important to this community.

In 2005, the City of Los Angeles settled a lawsuit with the Inglewood and Lennox School Districts. Under the settlement, the Los Angeles World Airports, known as LAWA, agreed to provide the two cities funding for noise mitigation in local schools; however, Federal Aviation Administration rules have prevented the funds from being paid. S. 996 will allow the 2005 agreement to go forward.

Specifically, S. 996 allows Los Angeles World Airports to use airport passenger facility fees for noise mitigation projects at Lennox and Inglewood schools. The bill permits funding of $111 million for the Lennox District and $118.5 million for the Inglewood School District over 10 years.

As you know, Los Angeles International Airport is in my district. And I represent not only Inglewood, but several other communities in this district and this very important economic engine, the Los Angeles International Airport. And there are many issues that we are confronted with.

I belong to a strong coalition in the district working to make sure that we, of course, maintain and support this economic engine, but at the same time, make sure that we attend to the needs of the people and deal with the noise and disruption that is caused by the Los Angeles International Airport.

It is sometimes a challenge, and we cannot always take the side of our international airport. We have to be concerned about the quality of life for all of the people in that area, and particularly our school children. Airplanes arriving at and departing from Los Angeles International Airport cause excessive noise in my district. Deafening noise and rattling windows frequently interfere with the education of school children. Noise causes disruptions in lessons, making it very difficult for students to learn and diminishing the opportunity to study in a stable and calm environment. Noise mitigation funding is essential to allow the school districts to construct permanent sound-proof facilities and help sound-proof existing schools.

This bill was drafted with the assistance of the Federal Aviation Administration and has the support of the Inglewood and Lennox School Districts, the Los Angeles World Airports (LAWA), and the mayor of the City of Los Angeles.

Again, I would like to thank Congresswoman HARMAN for initiating this much-needed solution to the problems of noise and disruption that interferes with our children's ability to learn in a noise-free school environment.

Mr. GRAVES. Mr. Speaker, I urge my colleagues to support S. 996. I do think it's a good bill. I think it makes sense, obviously. And in light of time, I will urge support.

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

Ms. RICHARDSON. Mr. Speaker, I join my colleague on the other side of the aisle in great support of this bill, S. 996.

As has been stated by the original author, Ms. HARMAN, and the coauthor, Ms. WATERS, this is about children having the ability to hear in the classroom and to learn, which I think is what all Americans are looking for.

We urge all of our colleagues to support S. 996.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 996, which authorizes the Secretary of Transportation to permit passenger facility fees to be used for school sound mitigation in certain school districts in flight paths to the Los Angeles International Airport.

This bill was included as section 113 of H.R. 2881, the "FAA Reauthorization Act of 2007," which passed the House on September 20, 2007. Regrettably, the other body has been unable to complete action on the Federal Aviation Administration ("FAA") reauthorization bill. Given the Senate inaction on the reauthorization bill, the gentlewoman from California (Ms. HARMAN) has asked the Committee on Transportation and Infrastructure to consider S. 996 to allow this time-sensitive legislation to be enacted in advance of the reauthorization bill.

S. 996 will allow the Los Angeles World Airports and the Lennox and Inglewood school districts in southern California to execute a 2005 agreement between the airport and the school districts to allow more than $200 million of passenger facility fees to be used for noise mitigation in schools in the affected school districts. In some schools, sound insulation and retrofitting of existing buildings may not provide meaningful noise relief, so a new building must be constructed. Pursuant to this legislation, eligible project costs for any new construction are limited to the difference in cost between constructing to ordinary building code standards for schools and the cost of incorporating noise mitigation features in the construction.

Mitigating noise is an important element to expanding capacity in our national air space. This legislation does just that by helping to create an environment where students can learn free from the distraction of jet noise.

I urge my colleagues to join me in supporting S. 996.

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

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the

motion offered by the gentlewoman from California (Ms. RICHARDSON) that the House suspend the rules and pass the Senate bill, S. 996.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING NORTH PLATTE, NEBRASKA, AS ''RAIL TOWN USA''

Ms. CORRINE BROWN of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 408) recognizing North Platte, Nebraska, as ''Rail Town USA''.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 408

Whereas the community of North Platte, Nebraska, in western Nebraska is located at the convergence of the North and South Platte Rivers and possesses a rich and vibrant history;

Whereas the railroad has played a significant role in the history of the community;

Whereas, on January 2, 1867, main line operations officially commenced in North Platte, Nebraska;

Whereas trains were vital during our country's war efforts, transporting troops, equipment, and supplies across the country;

Whereas during World War II hundreds of citizens from North Platte, Nebraska, assembled at the local depot to greet troops passing through town by train and provide soldiers with food, coffee, and gifts;

Whereas for 54 months between 1941 and 1946, millions of troops found a small bit of comfort when their trains stopped in North Platte, Nebraska;

Whereas at the war's peak 3,000 to 5,000 personnel were greeted daily, with North Platte, Nebraska, sometimes hosting up to 20 trains a day;

Whereas Bailey Yard in North Platte, Nebraska, is the largest railroad classification yard in the world;

Whereas Bailey Yard covers 2,850 acres, reaching a total length of 8 miles, and contains 315 miles of track;

Whereas every 24 hours, Bailey Yard handles 10,000 railroad cars; and

Whereas Mid-Plains Community College in North Platte, Nebraska, offers railroad-specific courses in order to enhance student preparation for possible employment in the railroad discipline: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes North Platte, Nebraska, as ''Rail Town USA''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include additional materials on House Concurrent Resolution 408.

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

There was no objection.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, we are seeing a rebirth of the passenger and freight rail industry in this country, and it couldn't come soon enough. This week, Congress is working on legislation that will help provide solutions to the energy crisis this Nation is facing. One sure way to do this is to increase the use of passenger and freight rail.

The only current mode of transportation that is greener than rail is your sneakers. Freight rail has made major gains in fuel efficiency through training and improved locomotive technology. A single intermodal train can take up to 280 trucks off of the highways. Today, one gallon of diesel fuel can move a ton of freight an average of 414 miles, a 76 percent improvement since 1980.

Passenger rail ability to reduce congestion is well known, with ridership numbers increasing steadily each year. One full passenger train can take up to 250–350 cars off of the road.

Passenger rail also consumes less energy than both automobiles and commercial airlines. Every industrialized country in the world is already using high-speed rail to effectively move citizens in an environmentally friendly way. Sadly, the United States used to be the leader in rail; now we're the caboose, and they don't even use cabooses anymore. Fortunately, we will be changing that with the upcoming passage of the Amtrak Reauthorization bill.

Today, we celebrate the contributions of our Nation's rail once again by recognizing North Platte, Nebraska, as ''Rail Town, USA.''

North Platte has a long and storied history as a railroad town. During World War II, North Platte hosted up to 20 trains full of soldiers each day, and today is home to the Bailey Yard, which is considered the largest rail classification yard in the world, handling 10,000 railroad cars each day.

From 1941–1946, more than six million service men and women were greeted by North Platte volunteers who provided food, needed supplies and hospitality to the World War II veterans and provided care baskets to wounded soldiers returning home.

I want to commend Congressman SMITH for this legislation and thank the town of North Platte, Nebraska, for the contributions to our brave soldiers during World War II.

I urge Members to support this resolution.

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

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

Mr. Speaker, I support this resolution recognizing North Platte, Nebraska, as ''Rail Town USA.''

North Platte is home to Bailey Yard, recognized by the Guinness Book of World Records as the world's largest railroad classification yard.

At Bailey Yard, as was pointed out by the gentlelady, an astounding 10,000 rail cars a day are sorted and put together in trains that move freight all across this country. These trains are loaded with commodities that keep our economy going, ranging everywhere from groceries to building supplies, from coal to new automobiles. The yard is home to over 2,600 hardworking railroad employees. And Bailey Yard covers 2,850,000 acres containing 315 miles of track.

The Union Pacific Railroad, Madam Speaker, has invested heavily in Bailey Yard, over $100 million in the modern area. This kind of investment in rail infrastructure is exactly what this country needs to keep our economy strong.

Railroads are a very important component of our Nation's transportation infrastructure and we should continue to support the rail industry.

In that spirit, I urge passage of H. Con. Res. 408, honoring North Platte's contribution to our country's economic vitality.

Madam Speaker, I reserve the balance of my time.

□ 1600

Ms. CORRINE BROWN of Florida. Madam Speaker, I reserve the balance of my time.

Mr. GRAVES. Madam Speaker, I would like to recognize Mr. ADRIAN SMITH who is the original cosponsor, the primary sponsor of this legislation. I yield him as much time as he may consume.

Mr. SMITH of Nebraska. Thank you, I appreciate that.

First I would like to thank Chairman OBERSTAR, Chairwoman BROWN, Ranking Member MICA and Ranking Member SHUSTER for their support of this resolution. As you've heard, this resolution would recognize North Platte, Nebraska, as Rail Town USA. North Platte is a thriving community of over 25,000 people possessing a rich history dating back to before it was organized as a city in 1874.

Today North Platte is home to Bailey Yard, owned and operated by the Union Pacific Railroad. Bailey Yard is the largest rail classification yard in the world. Every 24 hours, Bailey Yard handles 10,000 railroad cars and an average of 135 trains bound for cities as distant as the east, west, and gulf coasts of America, as well as the Canadian and Mexican borders.

In addition to the current importance of the railroad to North Platte, the community and railroad also share a storied past of goodwill during World War II. For 54 months between 1941 and 1946, millions of troops found a small bit of comfort when their trains stopped in North Platte. One December day, word spread that Company D of Nebraska's National Guard was going to travel through North Platte later that morning. As it does in close-knit communities, word traveled rapidly. Though the train was scheduled to arrive mid-morning, no train had arrived by 4:30 p.m. Shortly thereafter, the nearly 500 people who had gathered to show support for their fellow Nebraskans were instead surprised to find the train loaded with troops from Kansas. Though not their expected native sons and daughters, the Nebraskans gathered would not let these brave young men travel on without knowing they were supported and honored. They were offered food, coffee and gifts, just as if they were Nebraska's own.

Rae Wilson, in fact, a sister to one of the troops from Nebraska, took it upon herself to write a letter to the local paper suggesting that citizens gather for all trains of troops passing through North Platte. On December 22, 1941, a canteen committee was organized, and Rae was chosen as chairwoman. Just 3 days later, the canteen officially opened its doors from 5 a.m. to midnight, all volunteers. During its busiest period, the canteen would be open 24 hours a day, again, all volunteers honoring the troops.

Before Union Pacific switched to diesel-electric power, North Platte was a designated servicing point. While the trains were being serviced, soldiers visited the canteen. At the war's peak, 3,000 to 5,000 personnel were greeted daily with North Platte sometimes hosting up to 20 trains a day. In fact, these volunteers from 125 communities in and around the State contributed with donations of time, money, supplies, food and smiles. More than 6 million service men and women who traveled through Nebraska during World War II were greeted by the North Platte Canteen. A total of $137,000, and more than that in cash, was contributed to the canteen over its operation.

Today the effort of the North Platte Canteen during World War II is still a source of pride within the community and throughout Nebraska. And the town's relationship with the railroad continues to be recognized as an important part of North Platte's history.

I would like to elaborate, Madam Speaker, that today, as we look at the canteen issues and the railroad in general, we know that North Platte, the railroad and the Bailey Yard contributed significantly to our energy supply, with coal trains coming through from the coal fields of Wyoming. They come through Nebraska and many other places, but this rail yard specifically, and there are thousands of workers, specifically many workers associated with the United Transportation Union, who are employed with good jobs contributing to the energy supply of our Nation.

I only hope that we can come up with a policy that is more friendly to clean coal. And this can help all of us. This provides jobs for those in middle America. But more than that, it provides a stimulus package, if you will, that is through more affordable energy.

Ms. CORRINE BROWN of Florida. Once again I want to add that for better than 4 years, day in and day out, over 50,000 people contributed food, money and efforts to one of the proudest moments in our history during World War II. Day in and day out, from early in the morning until the last train would leave at night, between 2,000 and 5,000 soldiers and sailors would be fed nearly 200 loaves of bread, 100 pounds of meat, 50 pounds of coffee and over 100 quarts of milk. More than 300 organizations made sandwiches, boiled eggs, fried chicken and baked cakes and pies. The war wounded were provided with razors, canes, toothbrushes and care baskets to make their return home a welcome one. One of the most famous residents of North Platte was Colonel William F. Cody, best known as Buffalo Bill. Buffalo Bill made North Platte his home for more than 30 years.

Today North Platte is the home of Bailey Yard and operated by Union Pacific Railroad. It is considered the largest rail classification yard in the world. Every 24 hours, Bailey Yard handles over 10,000 railroad cars. Bailey Yard handles daily an average of 135 trains bound for cities as far distant as the east, west and gulf coasts of America, as well as the Canadian and Mexican borders.

I really want to be one of the ones to offer congratulations and our thanks as a grateful people to North Platte.

I reserve the balance of my time.

Mr. GRAVES. Madam Speaker, I would yield such time as he may consume to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. The joys of a segue.

It's right in this time to concede that despite Republicans over the course of August talking about the Democratic majority taking a 5-week paid vacation, that we do recognize when this institution has acted with due alacrity. Today we have before us the opportunity to name North Platte, Nebraska, Rail Town USA. We could not have done so at a better time, because jumping into the competition for the coveted title of Rail Town USA is Washington, D.C.

This week we have seen a bill drafted in the dead of night, sent to this floor and rubber-stamped by the Democratic majority and proclaimed to solve America's energy crisis. This is as unfortunate as it is injurious. America has an energy crisis. It also has representative institutions who seek to deal with this problem, so the processes put forward, so that the voices of our constituents could be heard, so that true compromise could be found.

And yet in Rail Town Washington, what have we seen as a result? A sham energy bill sent to a Democratic Senate by a Democratic House, and a pronunciation from a Democratic Senator herself was that the bill was dead on arrival. What we do today is important to recognize Rail Town USA. But as the gentlelady pointed out, what Americans can do and the challenges they can transcend acting together is what truly makes North Platte, Nebraska, Rail Town USA, because it shows what, in a time of crisis, people coming together for the common good, sincerely and earnestly, putting forth the effort can accomplish. We could well learn and emulate their efforts. And yet we do not.

In this time where Americans are suffering, they should expect no less from their servants in Congress than to do this. Because to do anything else is to diminish not only ourselves as your servants, if that were possible in this Democratic Congress, but it diminishes the institution itself as a beacon of representative democracy for all the world.

Critically, I think we can change this. I think there is still time that we could learn from the people of North Platte, Nebraska, and their worthy history, that we still have time to come together. And if we do not come together before this Congress adjourns, a relatively short period of time, I suggest we make a commitment to each other, like the people of North Platte, Nebraska. Let us tell the American people that until this energy crisis of our time is solved, until their servants in the United States Congress come together on a truly bipartisan bill that can be signed into law and relieve your pain at the pump and guarantee American energy and security, we will stay here. We will serve the full time that you elected us to work in this Chamber on your behalf. Because to leave here and go play politics while the American people suffer is not worthy of this institution, and it is certainly not worthy of the example set forward by the people of North Platte, Nebraska, Rail Town USA.

Ms. CORRINE BROWN of Florida. Madam Speaker, how much time remains on both sides, please?

The SPEAKER pro tempore (Ms. BALDWIN). The gentlewoman from Florida controls 15 remaining minutes, and the gentleman from Missouri controls 10½ remaining minutes.

Ms. CORRINE BROWN of Florida. Madam Speaker, I don't want the people at home to get confused. Today we

are honoring the people of North Platte, USA, for their major contribution as far as rail is concerned. But I think that there is no stronger bill more that we can do in this Congress than to pass the Amtrak bill. I want to be clear. I mention that Congress is working on legislation that would provide solutions to the energy crisis. And the solution, in my opinion, is not just drilling. That is one of the comprehensive proposals.

But the major solution to our problem in this country as far as energy is concerned is not just to provide drilling off the Florida coast. It is also to provide rail service. We, in this country, as I say over and over and over again, are the caboose. The caboose. And we don't use cabooses in trains anymore. I went from downtown Paris to downtown Brussels, over 200 miles, 1 hour and 15 minutes, downtown Barcelona to downtown Madrid, 300 miles, in 2½ hours. That is the future of our country. We have to move people, goods and services, if we are going to be competitive with the rest of the world. Our competition is moving. We need to move America and to understand the solution to the problem is not by drilling and drilling alone.

I reserve the balance of my time.

Mr. GRAVES. Madam Speaker, before I close, I want to thank the gentlelady from Florida for pointing out that passing Amtrak or Amtrak rail service is very important. It is extremely important to be able to move people around in a much more efficient way. And I might remind the gentlelady that Amtrak depends on one thing, and that is diesel fuel. And you can't have diesel fuel if you don't have drilling. As long as we are dependent on nations such as Saudi Arabia and such as Venezuela, we're going to be continually at their mercy when it comes to getting those resources. But we have to have drilling to have diesel fuels to have trains on the track. It is all interconnected, and it's all very important.

The gentlelady is exactly right. Rail service in this country can do a whole lot toward taking vehicles off the road. And bringing our rail service back in this country I think is a very worthy goal for the United States. Moving as much goods and people by rail, I think, just makes it more efficient.

I mentioned before that every single thing in this country moves. It's either by train or by plane or by ship or by barge or by pipeline or by truck or by car. But every single thing in this country moves. And every person in this country moves. And when we get more efficient and put them on a train, we need diesel fuel. And the only way we are going to get diesel fuel is to have more oil production in the United States and be able to refine it.

I appreciate what the gentlelady has done today, particularly with North Platte. North Platte is one big rail facility, a big rail facility out in Nebraska. Obviously ADRIAN is doing a fantastic job for his area. I want to thank the gentlelady. She has a lot of heart, and she is one of my favorite people in Congress.

I yield back the balance of my time.

□ 1615

Ms. CORRINE BROWN of Florida. In closing, once again let's thank the people of North Platte for what they have done during World War II. Also, as we move forward in discussing energy, we need comprehensive energy. One thing that was missing was coal. We have enough coal in this country for 600 years. I know that burning coal sometimes pollutes the air, but any country that can go to the moon, we can come up with a way to burn coal and not be dependent.

So we need a comprehensive approach to energy. The answer is not just drilling. We need comprehensive approaches to dealing with our moving people, goods and services so we can be competitive with our competition.

Mr. OBERSTAR. Madam Speaker, I rise in support of H. Con. Res. 408, recognizing North Platte, Nebraska, as "Rail Town USA."

North Platte has a rich tradition of railroading. The Union Pacific Railroad flrst entered North Platte on December 3, 1866, as railroads were building into the West and just one month later, on January 2, 1867, main line operations began through the city of North Platte.

During World War II, the city was best known for the North Platte Canteen, which served as a major rest point for soldiers heading across the country by rail to fight in the war. The people of North Platte famously brought food, water, and other necessities to more than 6 million members of the armed forces passing through the city.

Today, North Platte is served only by freight trains, but it is home to one of the most important rail yards in the world. The Bailey Yard, named after former Union Pacific President Ed Bailey, is now recognized by the Guinness Book of Records as the world's largest classification yard. It sits on 2,850 acres of land in North Platte, is 8 miles long, and is home to 315 miles of track.

Bailey Yard prepares approximately 135 trains, or 10,000 individual rail cars, each day, shipping home products, food, coal, lumber, and many other necessary goods destined for every corner of the country.

North Platte's contribution to the rail industry increased in the 1990s when Bailey Yard added east- and west-bound locomotive fueling and servicing centers that now handle more than 8,500 locomotives per month.

Railroads are often considered a barometer of the American economy. When trains are moving—America is moving. To watch cars pass through Bailey Yard is to see America moving forward, and the people of North Platte are at the center of Bailey Yard's success: more than 2,600 residents of North Platte work at Bailey Yard, which makes up more than 10 percent of North Platte's population of 23,878.

This weekend, North Platte is celebrating its railroading heritage at Rail Fest, where attendees will get the chance to see historic rail cars and locomotives, tour Bailey Yard, learn about each job in the rail yard through actual hands-on training, learn about railroad safety, and learn more about the history of railroading in North Platte.

Madam Speaker, I congratulate North Platte for their successes and urge my colleagues to join me in agreeing to H. Con. Res. 480, recognizing North Platte, Nebraska, as "Rail Town USA".

Ms. CORRINE BROWN of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 408.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3986) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''John F. Kennedy Center Reauthorization Act of 2008''.

SEC. 2. TECHNICAL AMENDMENT.

Section 2(a)(2)(J)(ii) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)(2)(J)(ii)) is amended by striking ''Public Works and Transportation'' and inserting ''Transportation and Infrastructure''.

SEC. 3. PHOTOVOLTAIC SYSTEM.

The John F. Kennedy Center Act is amended by inserting after section 6 (20 U.S.C. 76l) the following:

''SEC. 7. PHOTOVOLTAIC SYSTEM.

''(a) IN GENERAL.—The Board may study, plan, design, engineer, and construct a photovoltaic system for the main roof of the John F. Kennedy Center for the Performing Arts.

''(b) REPORT.—Not later than 60 days before beginning construction of the photovoltaic system pursuant to subsection (a), the Board shall

submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the feasibility and design of the project.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

''(1) $20,200,000 for fiscal year 2008;

''(2) $21,800,000 for fiscal year 2009;

''(3) $22,500,000 for fiscal year 2010;

''(4) $23,500,000 for fiscal year 2011; and

''(5) $24,500,000 for fiscal year 2012.

''(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

''(1) $23,150,000 for fiscal year 2008;

''(2) $16,000,000 for fiscal year 2009;

''(3) $17,000,000 for fiscal year 2010;

''(4) $17,000,000 for fiscal year 2011; and

''(5) $18,500,000 for fiscal year 2012.'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) PHOTOVOLTAIC SYSTEM.—There are authorized to be appropriated to the Board such sums as are necessary to carry out section 7, to remain available until expended.''.

SEC. 5. EXISTING AUTHORITIES.

Nothing in this Act limits or otherwise affects the authority or responsibility of the National Capital Planning Commission or the Commission of Fine Arts.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3986.

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

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of the Senate amendment to H.R. 3986. The bill will authorize the John F. Kennedy Center for the Performing Arts for 5 years, from fiscal year 2008 through fiscal year 2012. The House passed this bill on December 7, 2007, and the Senate amended the bill to extend the authorization period from 3 years to 5 years. I support the amendment.

The building's 1.5 million square feet on 17 acres have been upgraded, refigured and transformed to more easily and graciously accommodate the center's 2 million annual visitors and patrons. The center is to be commended for giving a commitment not only to the center's programmatic side, but also the more mundane bricks and mortar side that makes up the presidential memorial. The fact is that, first and foremost, this building is a memorial to President John F. Kennedy.

I am pleased to support the amended bill, and urge the passage of H.R. 3986 with the Senate amendment.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, H.R. 3986, the John F. Kennedy Center Reauthorization Act, will authorize much-needed funds for the continued operation of the John F. Kennedy Center, which was established to celebrate the arts and honor of the memory of President John F. Kennedy.

H.R. 3986, as amended by the Senate, authorizes the Kennedy Center for a 5-year period consistent with the center's facilities management plan. The 5-year authorization will allow the Kennedy Center to manage the center in a responsible manner.

The House passed the version of this legislation in December of last year that included a 3-year authorization for the Kennedy Center. The Senate amendment provides a 5-year authorization to allow for a longer-term plan for the management of that center. With this longer authorization, the Kennedy Center can upgrade and maintain the facility, using a renovation schedule that is both realistic and responsible.

While the center has had financial management problems in the past, the management of projects shows great success in facilities management policy. The master plan for the facility provides an aggressive plan for care and repair of the facilities. I believe that the long-term master plan presented by the board of directors lays out a responsible vision for the center.

Many of the projects in the center's budget will repair and renovate capital assets and keep the center in good condition. Planned upgrades will make the facility safer and more welcoming to those who visit. Other projects will help maintain the Kennedy Center's unique structure.

The legislation also authorizes the Kennedy Center Board of Directors to study the usefulness of a solar panel system for the main roof of the memorial. Before the center can begin construction of a system, the board would be required to report to Congress information about the system.

I am very encouraged by the steps that the board of directors has taken to make the Kennedy Center more fiscally responsible. This authorization will give the center the resources necessary to carry out a well thought-out plan for the arts center that honors and remembers President Kennedy.

I support the legislation, and encourage my colleagues to do the same.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I reserve my time.

Mr. GRAVES. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA), the ranking member of the overall Committee on Transportation and Infrastructure, which has oversight over the Kennedy Center.

Mr. MICA. Madam Speaker, first of all, I want to thank the gentleman for yielding me time, and also recognize the efforts of our Subcommittee on Public Buildings of the Transportation and Infrastructure Committee. Also we have Ms. JOHNSON here and Mr. GRAVES for this reauthorization bill on the Kennedy Center.

I just wanted to add my congratulations for the incredible work that this national cultural center does provide, not only to the District of Columbia and the northeast United States, but the entire country.

Mr. OBERSTAR, our chairman, and myself as ranking member, get to serve as honorary trustees on the Kennedy Center Board, and I had the honor and privilege of attending the reopening of the Eisenhower Theater.

Now, folks don't realize that the Kennedy Center was opened in 1971, and, of course, some of the facility does need rehabilitation. The Eisenhower Theater, one of the most prominent theaters, named after President Eisenhower, was closed for several years and underwent a complete renovation, and now is open.

But I had the opportunity to attend the little ceremony and dinner commemorating the reopening, and the Rogers family and others who have helped lead that effort are also to be commended in this commentary this afternoon.

Most folks don't know this now, and I really wasn't aware of it until this dinner, but the Kennedy Center was actually the idea and one of the primary projects of Dwight David Eisenhower. President Eisenhower actually was the author of creating a national cultural center, and it was during his administration and it was a bipartisan effort in 1958 that they authorized a national cultural center to be located in our Nation's Capital here, and it did open in 1971.

Now, it was interesting also to see the plans and vision that President Eisenhower had for a national cultural center back then. Of course, it was named for our slain and lost most distinguished President, John F. Kennedy, but the Eisenhower Theater within that complex still bears the visionary's name for this center.

So as you undertake this act today, and I commend again the committee

members and staff who have worked on this and all those who do make the Kennedy Center one of the richest national cultural centers and facilities, not only in the United States, but the world, I just wanted to add that commentary for the record.

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

As was pointed out, they are embarking down at the Kennedy Center on a renovation plan, and one of the things they are looking at and one of the things we talked about in committee on various occasions is the photovoltaic plan that is going to be implemented on a lot of buildings around Washington, D.C., government buildings. It is fascinating technology. In fact, it has come light-years from where it was just a couple of decades ago, and I am very confident we are going to see some very interesting things come out of this as we move forward. Obviously, that is a big part of it.

Alternative energy sources is a very big part of what needs to be done in this country, whether it is wind power, photovoltaic, hydropower, obviously very, very important, as well as everything else out there that we need to do, which is clean burning coal technology, which is more drilling in the United States to utilize those resources we have right here in the United States, instead of doing what happened last night, which is locking away the vast majority of those resources in this country, at least when it comes to drilling off the Outer Continental Shelf, and not being allowed to drill between 50 and 0 miles of the coast.

That is unfortunate, because it is going to take all of the above. It is going to take solar power and wind power. It is going to take turning coal into fuel. It is going to take burning coal in a very clean way. It is going to take drilling for oil in the United States. It is going to take conservation, which is obviously a very big part of this. It is going to take all of those things.

What we need in this country is a real energy plan that does just that and that uses all of the above; not just a little bit of the above, but all of the above.

So I applaud the Kennedy Center and their plan, and I am looking forward to seeing how photovoltaic moves forward in this. I am very tickled to support this bill, H.R. 3986, and urge my colleagues to do the same.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I just want to comment a bit on his closing statement. The Comprehensive American Energy Security and Consumer Protection Act underscores real differences between really the Democrats and Republicans when it comes to energy.

The comprehensive Democratic plan is America's own 21st century energy policy that the country has been waiting for. It lowers prices for consumers and protects taxpayers, it expands domestic drilling offshore and on land, it expands renewable sources of energy, increases our security by freeing America from the grip of foreign oil, requires big oil to pay what it owes to the taxpayers, ends the subsidies for the big oil companies and creates good-paying jobs here in America.

The Republican bill presented was nothing more than the same Bush-Cheney energy policy, written by and for the energy companies. Big oil gets more land, more oil, more taxpayer dollars and all the record profits, while American families suffer because of the big prices.

Members of Congress made a clear choice last night. Some Republicans joined with the Democrats in siding with the American taxpayers and consumers struggling with these energy costs. I am puzzled how any Republican can oppose a policy that will create good-paying American jobs and increase the Nation's security, while it lowers the price for gas for our consumers.

□ 1630

Madam Speaker, I would urge the passage of the John F. Kennedy Center reauthorization bill.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 3986, as amended, the "John F. Kennedy Center Reauthorization Act of 2008".

The Kennedy Center is one of the world's preeminent cultural centers. More than a physical memorial, the Kennedy Center acts as a living memorial for performance arts programming and education. The Kennedy Center is the Nation's busiest arts facility, presenting more than 3,000 performances in 2006 and hosting millions of theater goers, visitors, and tourists. The Kennedy Center also provides educational programs for teachers and students from pre-kindergarten through college across the United States.

H.R. 3986, as amended, authorizes the Kennedy Center's capital and maintenance program for the next 5 years. The bill authorizes a total of $112.5 million for fiscal years 2008 through 2012 for maintenance, repair, and security projects for the Kennedy Center. The bill also authorizes a total of $91.7 million for capital projects for the Kennedy Center during this period. These authorization levels are derived from the Kennedy Center's 2006/2007 Comprehensive Building Plan.

Over the past 10 years, the priorities for Kennedy Center capital improvements were life safety and accessibility projects. With the pending completion of these projects, the current Comprehensive Building Plan emphasizes facility infrastructure. In some past projects, such as theater renovations, the mechanical and electrical infrastructure scope has been limited to replacement of renovated space. The primary building mechanical and electrical systems consist of original equipment and those elements not previously replaced are reaching the end of normative service life, are showing signs of failure or impending breakdown, or are deteriorating. The bill authorizes systematic rehabilitation of these primary mechanical and electrical systems.

In addition, the bill authorizes the Kennedy Center to study, plan, design, and construct a photovoltaic system on the 4-acre (140,000 square foot) main roof of the Kennedy Center. According to a preliminary estimate by the Kennedy Center, a photovoltaic system would cost approximately $6 million to construct and would yield savings of approximately $10.2 million over the next 25 years.

I strongly urge my colleagues to join me in supporting H.R. 3986, as amended, the "John F. Kennedy Center Reauthorization Act of 2008".

Ms. EDDIE BERNICE JOHNSON of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3986.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

GREAT LAKES LEGACY REAUTHORIZATION ACT OF 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6460) to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6460

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Great Lakes Legacy Reauthorization Act of 2008''.

SEC. 2. DEFINITIONS.

Section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)) is amended—

(1) in subparagraph (I) by striking ''and'' at the end;

(2) in subparagraph (J) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(K) 'site characterization' means a process for monitoring and evaluating the nature and extent of sediment contamination in accordance with the Environmental Protection Agency's guidance for the assessment of contaminated sediment in an area of concern located wholly or partially within the United States; and

''(L) 'potentially responsible party' means an individual or entity that may be liable under any Federal or State authority that is being used or may be used to facilitate the cleanup and protection of the Great Lakes.''.

SEC. 3. REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.

(a) ELIGIBLE PROJECTS.—Section 118(c)(12)(B)(ii) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(12)(B)(ii)) is amended by striking ''sediment'' and inserting ''sediment, including activities to restore aquatic habitat that are carried out in conjunction with a project for the remediation of contaminated sediment''.

(b) LIMITATIONS.—Section 118(c)(12)(D) of such Act (33 U.S.C. 1268(c)(12)(D)) is amended—

(1) in the subparagraph heading by striking ''LIMITATION'' and inserting ''LIMITATIONS'';

(2) in clause (i) by striking ''or'' at the end;

(3) in clause (ii) by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

''(iii) unless each non-Federal sponsor for the project has entered into a written project agreement with the Administrator under which the party agrees to carry out its responsibilities and requirements for the project; or

''(iv) unless the Administrator provides assurance that the Agency has conducted a reasonable inquiry to identify potentially responsible parties connected with the site.''.

(c) IN-KIND CONTRIBUTIONS.—Section 118(c)(12)(E)(ii) of such Act (33 U.S.C. 1268(c)(12)(E)(ii)) is amended to read as follows:

''(ii) IN-KIND CONTRIBUTIONS.—

''(I) IN GENERAL.—The non-Federal share of the cost of a project carried out under this paragraph may include the value of an in-kind contribution provided by a non-Federal sponsor.

''(II) CREDIT.—A project agreement described in subparagraph (D)(iii) may provide, with respect to a project, that the Administrator shall credit toward the non-Federal share of the cost of the project the value of an in-kind contribution made by the non-Federal sponsor, if the Administrator determines that the material or service provided as the in-kind contribution is integral to the project.

''(III) WORK PERFORMED BEFORE PROJECT AGREEMENT.—In any case in which a non-Federal sponsor is to receive credit under subclause (II) for the cost of work carried out by the non-Federal sponsor and such work has not been carried out by the non-Federal sponsor as of the date of enactment of this subclause, the Administrator and the non-Federal sponsor shall enter into an agreement under which the non-Federal sponsor shall carry out such work, and only work carried out following the execution of the agreement shall be eligible for credit.

''(IV) LIMITATION.—Credit authorized under this clause for a project carried out under this paragraph—

''(aa) shall not exceed the non-Federal share of the cost of the project; and

''(bb) shall not exceed the actual and reasonable costs of the materials and services provided by the non-Federal sponsor, as determined by the Administrator.

''(V) INCLUSION OF CERTAIN CONTRIBUTIONS.—In this subparagraph, the term 'in-kind contribution' may include the costs of planning (including data collection), design, construction, and materials that are provided by the non-Federal sponsor for implementation of a project under this paragraph.''.

(d) NON-FEDERAL SHARE.—Section 118(c)(12)(E) of such Act (33 U.S.C. 1268(c)(12)(E)) is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(2) by inserting after clause (ii) the following:

''(iii) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this subparagraph towards the non-Federal share of the cost of a project carried out under this paragraph may be applied towards the non-Federal share of the cost of any other project carried out under this paragraph by the same non-Federal sponsor for a site within the same area of concern.''; and

(3) in clause (iv) (as redesignated by paragraph (1) of this subsection) by striking ''service'' each place it appears and inserting ''contribution''.

(e) SITE CHARACTERIZATION.—Section 118(c)(12)(F) of such Act (33 U.S.C. 1268(c)(12)(F)) is amended to read as follows:

''(F) SITE CHARACTERIZATION.—

''(i) IN GENERAL.—The Administrator, in consultation with any affected State or unit of local government, shall carry out at Federal expense the site characterization of a project under this paragraph for the remediation of contaminated sediment.

''(ii) LIMITATION.—For purposes of clause (i), the Administrator may carry out one site assessment per discrete site within a project at Federal expense.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 118(c)(12)(H) of such Act (33 U.S.C. 1268(c)(12)(H)) is amended—

(1) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph—

''(I) $50,000,000 for each of fiscal years 2004 through 2008; and

''(II) $150,000,000 for each of fiscal years 2009 through 2013.''; and

(2) by adding at the end the following:

''(iii) ALLOCATION OF FUNDS.—Not more than 20 percent of the funds appropriated pursuant to clause (i)(II) for a fiscal year may be used to carry out subparagraph (F).''.

(g) PUBLIC INFORMATION PROGRAM.—Section 118(c)(13)(B) of such Act (33 U.S.C. 1268(c)(13)(B)) is amended by striking ''2008'' and inserting ''2013''.

SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.

Section 106(b)(1) of the Great Lakes Legacy Act of 2002 (33 U.S.C. 1271a(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section—

''(A) $3,000,000 for each of fiscal years 2004 through 2008; and

''(B) $5,000,000 for each of fiscal years 2009 through 2013.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials on H.R. 6460.

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

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

H.R. 6460 reauthorizes appropriations, at increased levels, for sediment remediation purposes in the Great Lakes' areas of concern.

The presence of these contaminated sediments, a toxic legacy of the industrialized past for the Great Lakes basin, have plagued its waters for decades. These sediments have contributed to over 90 percent of the near-shore waters of the lakes being unsafe for fishing, swimming and wildlife habitat.

In 2002, the Committee on Transportation and Infrastructure, under the leadership of our current chairman, Congressman OBERSTAR, and Congressman VERN EHLERS, took action to begin the healing process for the Great Lakes community.

In that year, the Great Lakes Legacy Act was signed into law. The 2002 Legacy Act was enacted to encourage greater cooperation and expedited clean-up of the areas of concern. To accomplish this goal, the Legacy Act targeted Federal resources toward the remediation of contaminated sediment within the 31 areas of concern located within the United States or shared with Canada.

In many ways, the Legacy Act has been successful in laying the groundwork for addressing the areas of concern, but progress toward addressing and delisting these areas of concern has been very slow. Of the approximately 70 individual sites within the U.S. areas of concern, only four have been completely addressed. This is simply too slow, and the citizens of the Great Lakes basin demand that we take action to accelerate this process.

It is my hope that this legislation will set that in motion. Over the past year, my subcommittee has investigated why progress has slowed and has received several recommendations for targeted changes to the Legacy Act from stakeholders closely related with clean-up projects. H.R. 6460 encapsulates many of these recommendations, and it is intended to address the lessons learned as implementation of the Legacy Act program has matured.

First, H.R. 6460 significantly increases the authorization of appropriations for sediment remediation projects in the areas of concern, from $50 million to $150 million annually through 2013. The committee strongly believes that the increase in overall authorization and appropriations for this program will accelerate the pace of clean-up of the areas of concern. With full appropriation of the authorized amounts, it is our hope to complete the clean-up of all U.S. areas of concern within the next decade.

Second, in order to facilitate better understanding of the types, nature and volume of toxic sediment at contaminated sites, H.R. 6460 authorizes the administrator to carry out a site assessment of eligible projects at Federal expense.

This authority should overcome two difficulties identified in the implementation of the Legacy Act, the lack of sufficient information on the extent of the contamination and the identification of potential non-Federal cost-share partners for subsequent phases of remediation projects.

The language in H.R. 6460 attempts to replicate the successful model of the Corps of Engineers reconnaissance studies for Great Lakes sediment remediation projects. Again, this important change should accelerate the process of identifying the scope of contamination projects and quickly move projects from the conceptual stage to planning, design and construction phases.

Third, H.R. 6460 authorizes Legacy Act funding to be utilized for the restoration of aquatic habitat, provided that this restoration activity is carried out in conjunction with a sediment clean-up project.

Oftentimes, contaminated sediment has caused harm to neighboring aquatic habitat, and it is the presence of both contaminated sediment and the degraded aquatic habitat that results in sites being deemed as impaired. By allowing the simultaneous remediation of sediment, along with corresponding aquatic habitat, the Legacy Act should accelerate the process of delisting sites.

Finally, H.R. 6460 includes language requiring the administrator to provide assurance that the Environmental Protection Agency has conducted a reasonable inquiry to identify parties that are potentially liable for sediment contamination before a site can proceed under the Legacy Act. The committee believes that this provision is consistent with the intent of the original Legacy Act, as well as the ''polluter pays'' principle. In addition, this provision should help maximize the leveraging potential of contributions from non-Federal sources through the identification and encouraged participation of responsible parties in remediation activities.

While some have expressed concern that this provision will require additional time, it should neither present an opportunity to excessively delay clean-up projects, nor to divert additional sites to other Federal and State clean-up authorities. In addition, EPA is encouraged to coordinate this effort with State authorities and, where appropriate, utilize existing State efforts to identify responsible parties as a basis for its responsibilities under this Act.

Again, let me congratulate Congressman EHLERS and Congressman OBERSTAR for moving this important legislation forward. It is my hope that this legislation will mark another turning point in our joint efforts to remediate the Great Lakes areas of concern, and that by the time this legislation is again ripe for reauthorization, we will be within reach of completing the task of remediating the toxic legacy of the Great Lakes' past.

Madam Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I want to first commend our colleague from Michigan, Dr. VERN EHLERS, for his years of work with stakeholders from the Great Lakes to advance the Great Lakes Legacy Act.

The Great Lakes are a vital source for both the United States and Canada. The Great Lakes system provides a waterway to move goods; water supply for drinking, industrial and agricultural purposes; a source of hydroelectric power; and swimming and other recreational activities.

But the industrialization and development of the Great Lakes Basin over the past 200 years has had an adverse impact on the Great Lakes. Although safe for drinking and swimming, in many places fish caught from the Great Lakes are not safe to eat.

Lake sediments, contaminated from the history of industrialization and development in the region, are one of the primary causes of this problem. By treaty, the United States and Canada are developing clean-up plans for the Great Lakes and for specific areas of concern. The Great Lakes Legacy Act, passed in 2002, has helped citizens restore the water quality of the Great Lakes by taking action to manage contaminated sediments and to prevent further contamination.

The Great Lakes Legacy Act authorized the Environmental Protection Agency to carry out qualified sediment remediation projects and conduct research and development of innovative approaches, technologies and techniques for the remediation of contaminated sediment in the Great Lakes.

Legacy Act funding must be matched with at least a 35 percent non-Federal share, encouraging local investment. By encouraging cooperative efforts through public-private partnerships, the Great Lakes Legacy Act provided a better way to address the problem of contaminated sediments. At some sites, removing sediments will be the best way to address short and long-term risks. At other sites, the last thing we want to do is go in and stir up contaminated sediments by dredging, causing more harm to the environment.

Obviously, how to address contaminated sediments at each Great Lakes area of concern will be very much a site-specific decision.

The Great Lakes Legacy Act does not try to presume any particular clean-up option. It simply encourages stakeholders to take action and to make sure that the action they take will make a real improvement to human health and the environment.

This legislation is strongly supported by both environmental groups and business groups in the Great Lakes region. The Great Lakes Legacy Act reflects a consensus approach to addressing sediment contamination in the Great Lakes.

While the authorization for the Great Lakes Legacy Act expires this year, I remain concerned over tripling the authorized level of spending. The Act has been funded at a level between $22 million and $35 million per year, far short of the current $50 million annual authorization. In addition, the bill authorizes that habitat restoration be included as one of the authorized purposes. Unfortunately, this may mean less clean-up of contaminated sediments in the Great Lakes.

By expanding this program to cover other purposes, there will be less money for the primary purpose of getting pollution out of the water. Again, by all measures, the Great Lakes Legacy Act has been a successful program. There is some concern that we might delay ultimate clean-up by spending some of the Federal funds on activities other than sediment remediation.

Again, I want to congratulate Dr. EHLERS so much for his hard work in this area. He has been a true champion in this and for his persistence in bringing it to the floor today.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I recognize Mr. STUPAK from Michigan for 2 minutes.

Mr. STUPAK. I thank the chairwoman for yielding me time.

Madam Speaker, I rise in support of H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008.

Since coming to Congress, I have made it my mission to protect and promote one of the Nation's most precious resources, the Great Lakes. I am a cosponsor of the Great Lakes Legacy Act and can speak personally on the positive impact it has had on my district.

Tannery Bay, located in Sault Ste. Marie, Michigan, suffered from pollution from byproducts left behind by the Northwestern Leather Company, which operated in the area from 1900 to 1958. On September, 2007, the Environmental Protection Agency, through the Great Lakes Legacy Act program, completed remediation of the Tannery Bay industrial site. In total, the clean-up removed 880,000 pounds of chromium and more than 70 pounds of mercury from the bay and the wetland on Tannery Point.

Success stories such as these demonstrate the need for continued support for the Great Lakes Legacy Act. The Environmental Protection Agency

has estimated that more than 850,000 cubic yards of contaminated sediment has been removed since 2004. However, an estimated 75 million cubic yards of contaminated sediment remain in the Great Lakes.

This legislation would reauthorize the Great Lakes Legacy Act for an additional 5 years and triple the authorized funding levels for remediation in the Great Lakes up to $150 million per year.

I strongly support H.R. 6460 and look forward to the continued success of this program.

□ 1645

Mr. BOOZMAN. Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Madam Speaker, I thank the gentleman for yielding. I also want to thank my colleague from Michigan for his kind words. He and I have worked on a number of Great Lakes issues together, and it has been a pleasure to work across the aisle on something that really benefits the people of this country.

I am very pleased today that we are taking up this bill. It is another great day for the Great Lakes. Today we renew and expand upon one of the most effective Federal environmental cleanup programs ever, the Great Lakes Legacy Act.

All of us have heard about Superfund and all of the tremendous cost overruns of that program. When we wrote this original Legacy Act some years ago, we made sure to keep the issues out of the courts, and make it a very efficient program, and that is exactly what has happened.

The Great Lakes, we all know, comprise the largest source of fresh water in the world—20 percent of the earth's total and 95 percent of the surface fresh water in the United States. The Great Lakes also provide drinking water, transportation, and recreation to millions of people. Approximately 30 million people drink the water of the Great Lakes in the United States and Canada.

However, the Great Lakes are endangered by contaminants from years of industrial pollution that have settled into the sediments of the tributaries, the rivers and streams, that flow into the lakes. These pollutants degrade the health of both humans and wildlife, and they disrupt the beneficial uses of the lakes. The longer we take to clean up these areas, the greater the likelihood that the sediment will be transported into the open waters of the Great Lakes, where cleanup is virtually impossible.

To address this problem, I introduced the original Great Lakes Legacy Act in the 107th Congress. With bipartisan support, the Congress passed and the President signed this bill in 2002.

The Great Lakes Legacy Act authorizes the EPA to clean up contaminated sediments in designated areas of concern in the Great Lakes. These areas of concern are designated by the EPA and are defined as any ecologically degraded geographic area that requires remediation. Currently, there are 43 areas of concern throughout the Great Lakes and 31 of those are either wholly or partially located within U.S. waters.

The Great Lakes Legacy Act has made tremendous progress in cleaning up contaminated areas. Of the 31 areas of concern in U.S. waters, four remediation projects have been completed, one project is underway, and six more are currently being monitored and evaluated. Since 2004, the EPA estimates that almost 1 million cubic yards of contaminated sediments have been removed from our Great Lakes tributaries. These sediments are saturated with toxic substances such as mercury, arsenic, chromium, cadmium, polychlorinates, better known as PCBs, and lead.

However, more cleanup work remains. The U.S. Policy Committee for the Great Lakes has identified 75 remaining contaminated sites. The Great Lakes Legacy Act expires in just a few days. In order to ensure this vital cleanup continues, Congressman JIM OBERSTAR and I introduced this bill. The bill has 45 bipartisan cosponsors and passed the Transportation Infrastructure Committee by voice vote.

In order to speed up efforts, this bill triples the authorized funding level from $50 million to $150 million per year. If fully appropriated, this has the potential to delist all of the U.S. areas of concern within the next decade. These funds will continue to be leveraged with a 35 percent non-Federal cost share with locals, businesses, environmental groups, and so forth.

The bill also makes a limited number of changes to the original Legacy Act that were jointly recommended by involved parties, and will vastly improve the bill.

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

Mr. BOOZMAN. Madam Speaker, I yield an additional 30 seconds to the gentleman.

Mr. EHLERS. The toxic pollutants from our industrial past have plagued the Great Lakes region for far too long. By voting for the Great Lakes Legacy Reauthorization Act, we can ensure that critical cleanup efforts in the Great Lakes continue.

In closing, I want to thank Chairman OBERSTAR, Chairwoman JOHNSON, Ranking Member MICA and Ranking Member BOOZMAN for all of their great work on this bill and their dedication to preserving our greatest fresh water resource.

I also want to thank staff members Ryan Seiger, Ben Webster, John Anderson and Jon Pawlow, and also Ben Gielow on my staff. It has taken a lot of hard work, but it is a great bill and I am proud to present it. I ask all of my colleagues to join me in supporting the bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I thank the gentlelady.

As a cosponsor, I rise in support of H.R. 6460, the Great Lakes Legacy Reauthorization Act. This bill will reauthorize and expand a highly successful program designed to help address the issue of contamination in the Great Lakes. The lakes hold 20 percent of the world's fresh water and are an irreplaceable economic engine and drinking water source for our region.

As a Member of Congress representing Ohio and particularly the Cleveland area, we pride ourselves on our access to that fresh water and we know it is not only important for today, but it is also part of our future as well. So the program created by the Great Lakes Legacy Act is focused on cleaning up areas of concern, sites that are known to be contaminated with toxic chemicals. These chemicals can cause damage to the entire ecosystem as well as damage to human health. For example, in the past research has linked consumption of Great Lakes fish by pregnant women to irreversible health problems in the child. So it becomes obvious that this program which will help to clean up contamination that remains in the Great Lakes will have an appreciable impact on improving human health and will also give people confidence in the fish that they consume from the Great Lakes.

We can do better to protect our precious Great Lakes. This bill is an important step, and I urge my colleagues to support the Great Lakes Legacy Reauthorization Act.

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, the Outboard Marine Corporation dumped tons of PCBs directly into Waukegan Harbor, polluting it. OMC's owner, George Soros, then looted the company and left.

I joined with Congressman EHLERS and Congressman EMANUEL to address that issue. To date we have been successful in cleaning five of 31 areas of concerns. One more is underway, and seven additional harbors are under evaluation. Under this very program, more than a million pounds of polluted sediment have been removed.

This bill before the House increases environmental remediation funds, and it speeds up the cleanup. It will help us to protect the Great Lakes, the source of drinking water for over 30 million Americans. I am particularly looking forward to Waukegan's cleanup. Shortly, we will announce the full Superfund cleanup of that harbor. Under Federal

law, the Federal Government will take the lead to do its duty to remove this threat to human health. Some locals don't want the cleanup of our harbor, but they will not be able to prevent this needed environmental remediation. And when complete, it will increase Lake County property values by over $800 million.

We still have a few more days left to fund this program under the Great Lakes Legacy Act. I hope we do because then the cleanup will be even faster.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Speaker, when I was growing up near Lake Michigan in Chicago, we used to have dead fish on top of the water for the first 30 feet. You had to run through the sand, past all of the dead fish, jump in the water, hold your breath, and go about 30 feet past the dead fish. Then Congress at that time passed the Clean Water Act. After 30-plus years, there is no doubt when you look at all of the Great Lakes, like Lake Michigan in Chicago, the Clean Water Act has been a tremendous success in the Great Lakes region. Kids today swim all across the different lakes because of what this Congress and a President had done in the past.

This act is important. It has been stated here on the floor, over 30 million Americans get their daily drinking water from Lake Michigan, Lake Erie, Lake Ontario, Lake Superior, and Lake Huron. It is the largest body of fresh water in North America and represents a quarter of the world's fresh water. The water here for the future of America will be like the energy debates we are having today, and the Great Lakes and all of the States that border them are the equivalent of our Yellowstone Park, our Grand Canyon. This is our national treasure and we have treated it over the years sometimes like a pond that can just be dumped in.

This act is a small step, but the right step. It is a bipartisan step to protect for a little over 30 million Americans their daily drinking water, to give the States and cities that border this area water and a sense of investment in their future.

Brookings Institute last year did a study. They showed that for every dollar we invest, we get $2 back of economic activity here in the Great Lakes.

This is the right thing to do. But we need to do the next step, the biggest step, build on the Clean Water Act of 30-plus years ago with a great American waterway.

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

Ms. EDDIE BERNICE JOHNSON of Texas. I yield the gentleman an additional minute.

Mr. EMANUEL. If we invest in our lakes and deal with the basic pollutants, that is invasive species, urban runoff and those types of pollution, we can deal with 93 percent of the problems affecting our lakes, our fresh water.

This is the type of investment that will make sure that not only the regions and the States that border these lakes, but the entire United States, will preserve and invest in one of the most important natural resources in the coming days and years ahead, which is clean water. I am proud of this accomplishment and hope it builds momentum going forward for a Clean Water Act, act II, that invests like the last one of 30 years and takes us to the next generation of what we need to do to deal with the invasive species and deal with the urban runoff and deal with the industrial deposits left from industrial times. If we do those three things, we will have made a dramatic difference in Lake Erie, Lake Michigan, Lake Superior, Lake Huron and Lake Ontario. I am proud to be associated with this great bipartisan legislation.

Mr. BOOZMAN. Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Speaker, I too want to congratulate Dr. VERN EHLERS of Michigan who has spent a great portion of his career in the United States Congress championing our Great Lakes. They are truly our Nation's jewel that we in the north don't think we get enough credit for helping protect. I know the Speaker understands exactly what I am talking about, being a part of that Great Lakes basin.

□ 1700

And now I think if you watch the speeches on the floor today, that the rest of America will see why we become so feisty about water diversion and invasive species and contaminants going into our Great Lakes, and why, in a bipartisan way, we stand on this floor today to celebrate what has been done, what this bill will do, and the future health of the Great Lakes for future Americans.

I too grew up in the Great Lakes region and remember the warnings of no fishing and no wall eye fishing in Lake St. Claire when I was growing up, and how devastated we were to think that you couldn't even go out and put your line in the water and take that fish home without some horrible thing happening to you.

Well, we've come a long way since then, and I think we've all gotten a lot smarter on how we protect these lakes. And it goes just beyond what is good for the Great Lakes Basin. Currently it provides water to 42 million people in America. Nearly 30 percent of the Nation's gross domestic product is produced in the Great Lakes region.

The Great Lakes States have 3.7 million registered recreational boats, a third of the Nation's total. The commercial sport and fishing industry is collectively valued at more than $4 billion annually. Unfortunately, years of industrial pollution have spread toxic sediments throughout the Great Lakes, and this bill directly confronts and cleans up those polluted and degraded areas.

This act has had an enormous impact on the citizens of Michigan and their communities. In Michigan alone, hundreds of thousands of pounds of dangerous contaminants have already been removed and safely disposed of. Of the 31 areas of concern in U.S. waters, four projects have already been completed, one project is underway, and six are currently being monitored and evaluated. This program is extremely workable and has been named one of the most effective Federal clean-up programs we have.

Since 2004, the EPA estimates that almost 1 million cubic yards of contaminated sediments have been removed from our Great Lakes tributaries. These sediments are filled with toxic substances such as mercury, arsenic, chromium, cadmium, polychlorinates (PCBs), and lead.

This really stands as our legacy to the next generation of Americans who will enjoy the Great Lakes, and it is an investment in the health of those Great Lakes for a prosperous, clean future of the Great Lakes basin. We have to pass this Great Lakes Legacy Act and continue the investment in the Great Lakes so that future generations will experience the lakes as we know them today.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I continue to reserve.

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Madam Speaker, woven throughout the fabric of our lives in the Wolverine State, we in Michigan, the Midwest, and all of America must never take our Great Lakes for granted. Today, in a bipartisan moment that reflects what is both the best in us and is expected of us, we come together to ensure that we do not take them for granted.

I come to this as someone whose parents took him on vacation with my brother up to Lake Superior to see its pristine natural beauty, to watch the glow of a Michigan sunset over Lake Michigan, to fish in Lake Erie and, in a moment of rare weakness on the part of my wife, I proposed to her on the shores of Lake Huron. I won't bring up whether she regrets it or not.

I say this because, as we raise our own children and they share the same experiences with the natural beauty of the Great Lakes, we are honoring a commitment to future generations to

ensure that, for the time to come, our Great Lakes remain not only the boon of our quality of life and to the vibrancy of our economy, but they remain the most visible way we in Michigan and in the Midwest in America can teach our children that we honored our duty to defend those Great Lakes and pass them on for future generations.

I thank you for the opportunity to be a part of this bipartisan legislation.

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Madam Speaker, I do hail from the great State of Michigan, and I'm glad to say that my district borders one of the five Great Lakes, and I know the gentlelady from Wisconsin is equally as proud of our five Great Lakes as well.

Madam Speaker, one of my favorite guys here in the House is certainly former chairman of the Energy and Commerce Committee, JOE BARTON. And he has a statement that he says, ''Don't mess with Texas.''

Well, in the Midwest we have a statement as well: ''Don't mess with the Great Lakes.'' It doesn't matter if you're a Republican or a Democrat, a Member from Wisconsin, Michigan, Indiana, Illinois, Ohio, Pennsylvania, New York, it doesn't matter. You do not mess with the Great Lakes.

We have seen, over the years, some great improvement in terms of the quality of the water in Lake Michigan and all of the Great Lakes. It is not by accident. It is because of the actions of this Congress, Republicans and Democrats working together, to make sure that we have adequate resources not only to have identified the problem, but then to come back with the cleanup.

Sadly, the Great Lakes Legacy Act, and I want to give great credit to my colleague, Dr. EHLERS from Grand Rapids, for pushing this along, it expires this year. So the work that we have done over the last number of years would have been for naught had it not been for the committee moving together, important legislation that otherwise would see this expire, literally within just a couple of weeks.

My colleagues have talked about the tens of millions of Americans that live and rely on the Great Lakes for so many different needs. This bill authorizes the appropriation of $150 million each and every year to make sure that, in fact, we can continue to clean up the identified contaminated areas.

Now let me just relate an area that we had big time on this House floor last year. We were going to see the expansion of a refinery in Indiana, and we made sure, as a delegation——

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

Mr. BOOZMAN. Can I inquire how much time we have left?

The SPEAKER pro tempore. The gentleman from Arkansas controls 3½ remaining minutes.

Mr. BOOZMAN. I yield the gentleman 1 additional minute.

Mr. UPTON. Madam Speaker, we saw last year a major refinery that was going to be expanded in the Great Lakes, and it was going to add to the discharge into Lake Michigan. And every single member of the Great Lakes Caucus, Republican and Democrat, all around that circle, stepped in, and we passed a resolution on this House stopping that from happening. We are proud to say that that did not happen. And that means we're going to actually save money because we're not going to have to clean it up.

But this is a bill that needs to happen. It has strong bipartisan support. I'm proud to say that we've had great progress over the last couple of years, but we're not done yet. This bill needs to happen. I commend the leadership on both sides of the aisle to make sure that it happens. And now we have to make sure that we work on the appropriators to make sure that the money continues to be there, to make sure, that, in fact, this remains a national treasure, because it is.

Mr. BOOZMAN. Madam Speaker, I want to thank our chairwoman, EDDIE BERNICE JOHNSON from Texas, for her leadership in this matter, for pushing this forward. Also, our chairman, Mr. OBERSTAR, who also has been very, very active on behalf of the Great Lakes, Ranking Member MICA, and again, as Mr. EHLERS mentioned earlier, which we probably don't mention enough, for our staffs that do a very, very good job of working hard and getting these very difficult things together so that we can bring them to the floor.

I also want to congratulate Dr. EHLERS for his hard work. This has been something that he's worked so hard on for so many years, for such a long time. It really is great that we're able to bring it to the floor and vote on it.

I look forward to coming back 5 years from now when we reauthorize again and hearing about, on both sides of the aisle, in a very bipartisan way, the people that live along the lake telling the story, telling the difference that this reauthorization has made and the tremendous improvement that we're going to make over the next 5 years.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in full support of the Great Lakes Legacy Act and express my appreciation to Mr. OBERSTAR, Dr. EHLERS, and to Mr. BOOZMAN, who provided leadership on this bill.

Mr. DINGELL. Madam Speaker, I rise today as a strong supporter and cosponsor of H.R. 6460, the Great Lakes Legacy Reauthorization Act. I want to thank my friend and colleague from Michigan, VERN EHLERS, for sponsoring this bill as well as Chairman OBERSTAR for his leadership on the bill.

The Great Lakes Legacy Act has been an incredibly successful program. In fact, the first success story from the Legacy Act is in Trenton, Michigan. Black Lagoon, as it had been named in the 1980s because of the oil and grease that had accumulated between the 1940s and the 1970s, was renamed Ellias Cove just 1 year ago after the area was remediated. Without the Great Lakes Legacy Act, the $9.3 million cleanup would not have been possible.

Madam Speaker, the Great Lakes are a national treasure. However, to date, they have not been treated as such. The Lakes have seen deterioration of water quality, the introduction of aquatic invasive species, and the contamination of toxic sediment, among other things. While the Great Lakes region has worked diligently over the past several decades to help clean up the Lakes, it is clear more must be done on the Federal level to implement the streamlined strategy already in place.

All of us representing Great Lakes' States were hopeful when in 2004 President Bush signed an executive order creating the Great Lakes Interagency Task Force. The task force spawned a coalition of Great Lakes' stakeholders, including local, State, and Federal Government groups, to implement a strategy over 5 years to protect and restore the Lakes. The Great Lakes Regional Collaboration, as the group is known, which consists of over 1500 stakeholders, called for $20 billion in funding to implement its recommendations. Unfortunately, the administration's Interagency Task Force, in its annual report, recommended that the strategy be funded from existing programs. Madam Speaker, such a recommendation demonstrates how out of touch the Bush administration is when it comes to the resources and major efforts needed to restore the Great Lakes.

So far, the Bush administration has paid quite a bit of lip service to restoring and protecting the Great Lakes, but that is where its commitment to the Lakes has ended. I am reminded of that commercial from the 1980s—''Where's the beef?'' We all know what it is going to restore and protect the Lakes—money. Unfortunately, the President has not put his money where his mouth is and made the Great Lakes a real priority. The Great Lakes continue to be plagued by toxic pollutants that contaminate the sediment which can cause health problems for both wildlife and humans. That is why the House must act to reauthorize the Great Lakes Legacy Act by passing H.R. 6460. This legislation triples authorized funding from $50 million to $150 million per year for the next 5 years for cleanup of the nearly 40 degraded sites within the Great Lakes basin identified as Areas of Concern. In addition, this bill reauthorizes a non-Federal 35 percent match of Federal dollars invested into restoration efforts as well as $5 billion over 5 years for development of more effective clean up technologies, saving money in the long-run.

The past 8 years brought the Great Lakes little but empty promises from the Bush administration. Not only must we pass H.R. 6460 today, but we must also implement more of the recommendations of the Regional Strategy. I look forward to working with a new

President—hopefully one from the Great Lakes region—who understands the importance of the Lakes and will do more than pay them just lip service.

Again, I ask my colleagues to join me in passing H.R. 6460.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008.

This legislation is designed to address the toxic legacy of the Great Lakes' industrial past that is currently putting residents of the Great Lakes region in harms way. Residents of the region have long been waiting for the remediation of these contaminated sites and it is the responsibility of this Congress to ensure that they do not wait any longer.

The history of the Great Lakes' region has largely been defined by the industrial successes of its past. For more than 2 centuries, the Lakes have provided residents of the region with sources of power and abundant natural resources, as well as transportation for the residents and manufactured goods of the basin. The Lakes have served as a catalyst that brought about growth and economic prosperity to not only the region, but also to the country as a whole.

The growth and expansion of the region's commerce and economy, however, did not come about without negative consequences. Along with it came unrestrained pollution of the Great Lakes watershed. Sadly, for the most part, this contamination remains today and continues to affect the region's residents.

In 2002, Congress enacted the Great Lakes Legacy Act to remediate contaminated sediments in the Great Lakes' areas of concern. This Act brought attention and awareness to the areas of concern, and also provided much needed funding for remediation sites.

This Congress has been tasked with reauthorizing the Act, but has also been afforded the opportunity to address the shortfalls of the initial legislation. For instance, during a hearing before the Subcommittee on Water Resources and Environment, many Members from the Great Lakes region expressed concern with the pace of cleanup of areas of concern.

In our view, the delay is the result of an incomplete knowledge of the contamination present at sites within the areas of concern, as well as a lack of funding to address the 70 different contaminated sediment sites with the U.S. areas of concern.

Madam Speaker, for far too long, residents of the Great Lakes region have been waiting for cleanup of these toxics sites.

H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008, will accelerate remediation of the areas of concern. It is my hope that this legislation will advance the pace of cleanup of contaminated sites in the Great Lakes and also ensure that parties responsible for the contamination are held liable.

Madam Speaker, I applaud the efforts of my Committee colleague, the gentleman from Michigan (Mr. EHLERS), for his unremitting work during the 107th Congress on the passage of the initial Great Lakes Legacy Act, as well as for his work on this important legislation that the House considers today.

I urge my colleagues to join me in supporting H.R. 6460, the "Great Lakes Legacy Reauthorization Act of 2008".

I insert in the RECORD an exchange of letters between the Committee on Transportation and Infrastructure and the Committee on Science and Technology.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 4, 2008.

HON. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008.

I appreciate your willingness to waive rights to further consideration of H.R. 6460, notwithstanding the jurisdictional interest of the Committee on Science and Technology. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this or similar legislation. Furthermore, I agree to support your request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

This exchange of letters will be placed in the Committee Report on H.R. 6460 and inserted in the Congressional Record as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, D.C., September 4, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter regarding H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008 This legislation was initially referred to both the Committee on Transportation and Infrastructure and the Committee on Science and Technology.

H.R. 6460 was marked up by the Committee on Transportation and Infrastructure on July 31, 2008. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 6460.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation. I also ask that a copy of this letter and your response be placed in the legislative report on H.R. 6460 and the Congressional Record during consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BART GORDON,
Chairman.

Ms. MOORE of Wisconsin. Mr. Speaker, I am pleased to join my colleagues from both sides of the aisle today in expressing my support for H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008.

Although progress has been reported in reducing the discharge of toxic and persistent chemicals into the Great Lakes, high concentrations of contaminants still remain at the bottom of a number of rivers and harbors in the region and continue to pose a risk to aquatic life, wildlife, and humans.

Although many of these chemicals have been banned for a number of years, after decades of industrial and municipal discharges and urban agricultural runoff, they continue to plague our region's water and without continued and strong federal support, I am concerned they may remain long after many of us and our grandchildren are no longer.

The areas targeted by the Legacy Act funding are plagued by chemicals that are known to cause adverse health effects in animals and humans, which do not break down easily, and which tend to persist in the environment and to accumulate in aquatic life, animals and human tissues.

It is not a problem with an easy solution. But we know that the Great Lakes Legacy Act is part of the solution. Not only has it helped states in the region deal with this insidious threat but it also recognizes and affirms that the continuing protection of the Great Lakes is and must remain a national priority.

Although it has never been funded at its authorized level of $50 billion a year, the Legacy Act has contributed to a number of projects to remove polluted sentiments from these waters and protect the water quality of the Great Lakes as well as the millions of Americans who reside near, recreate in, or depend on the Lakes for their drinking water.

One of the areas of concerns targeted by the Legacy Act is the Milwaukee Estuary in my district which includes the lower portions of several rivers (the Milwaukee River, Menomonee River, and Kinnickinnic Rivers) and the inner and outer areas of the Milwaukee harbor and nearshore waters of Lake Michigan.

The rivers that flow through the area were for decades filled with toxic contaminants such as PCBs (polychlorinated biphenylshydrocarbons), PAHs (polychlorinated biphenyls and polyaromatic hydrocarbons), and industrial heavy metals.

Recently, the EPA and the Wisconsin Department of Natural Resources announced that they will soon begin a $22 million cleanup project to remove contaminated sediment from the Kinnickinnic River using Great Lakes Act funding ($14 million).

The project would remove about 170,000 cubic yards of sediment contaminated with PCBs and PAHs and is expected to be completed in Late 2009.

The project's successful completion will mean the removal of about 1,200 pounds of harmful PCBs and 13,000 pounds of PAHs and lead to the reduction of contaminated sediment being transported downstream to Lake Michigan. It will also improve the habitat for fish and wildlife that live in or near the river, while increasing recreational and commercial boating use of the river by the public, uses that have been strictly discouraged if not prohibited for a number of years.

Even as this project moves forward in my district, I know that many more are needed and remain on the drawing board for possible action and funding.

According to one estimate, seven projects being reviewed for possible funding under the

Legacy Act would have a projected cost of about $85 million. The Legacy Act received $35 million in FY 2008 and this grant program is currently authorized at $50 million.

It is clear that the funding needs far outweigh the funding available. Given the high costs of these important projects, it is important that the federal government step up to the plate. This legislation before us does just that as it would triple the authorized levels of funding for Great Lakes Legacy Act programs.

Great Lakes communities have long taken pride in protecting our region's greatest natural resources. That pride has been matched by financial commitment. A study earlier this year by the Great Lakes and Saint Lawrence Cities initiatives estimated that local governments in the U.S. and Canada invest over $15 billion annually to protect the Great Lakes and St. Lawrence River basin ecosystem.

It is important that the federal government continue to show its commitment to this region as well. The strong reauthorizing legislation before us today would help keep that commitment and help mitigate the risk to the Great Lakes posed by toxic pollutants.

This program has and continues to enjoy strong support from elected officials in the Great Lakes states, the business community, environmental groups, and local communities affected by the legacy of contamination.

As a cosponsor of this bill and a strong supporter of efforts to protect the Great Lakes, I urge my colleagues to vote yes on this important bill.

Mrs. MILLER of Michigan. Madam Speaker, as we all know, the Great Lakes have suffered as a result of years of industrial pollution that entered their waters. Through the Clean Water Act and other important measures we have begun the work necessary to reverse that trend.

However, much work needs to be done. The 2007 State of the Great Lakes report recorded the status of the Great Lakes ecosystem as mixed. In other words, the ecosystem displays both good and degraded features. Stopping pollution from entering the water is one thing. Beginning the efforts to restore the ecosystem from the damage it incurred is another.

Undoing that damage will require an extensive amount of work. One of the best tools in our arsenal to achieve that goal is the Great Lakes Legacy Act. This act, which authorizes funds to clean up contaminated sediment sites in U.S. Areas of Concern (AOCs), was spearheaded by my Great Lakes State colleague, Mr. EHLERS.

The projects that are funded under this act are devoted to prevention and remediation of contaminated sediment. As a result of projects done under this act, nearly 800,000 cubic yards of contaminated sediments have been removed from AOCs. It is clear that this program has been successful and that is why it has been endorsed by numerous Great Lakes groups.

This program has been very good for the Great Lakes and we need to build on those successes to meet the challenges. While some great work has been done so far, we have only seen one spot de-listed as an Area of Concern; 31 Areas of Concern remain in the U.S. alone and 5 more are split between the U.S. and Canada. For these areas to be dealt with, it will take an incredible investment at the Federal level.

This legislation increases the authorization for this program up to $150 million annually. While I support that, I think we must also do our due diligence on the appropriations side of the ledger. Over the past few years, we seem to have settled at around the $30–35 million level, even though we are currently authorized at $50 million per year.

We also need to make sure that there is sufficient participation at the State and local level to complement Federal efforts. With the economy in Michigan being what it is, State and local governments are barely able in many cases to perform their basic functions, let alone take on ambitious restoration projects. This bill makes some improvements which will help in meeting the non-Federal requirements.

In closing, Madam Speaker, this has been a very successful program. I am glad to see that we are reauthorizing it at a higher level. I urge my colleagues to support this legislation.

Mrs. EDDIE BERNICE JOHNSON of Texas. I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 6460, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

VERITAS TELESCOPE RELOCATION

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 35) to amend Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOCATION OF VERITAS PROJECT.

Public Law 108–331 (118 Stat. 1281) is amended—

(1) in the long title, by striking ''on Kitt Peak near Tucson, Arizona'' and inserting ''in Arizona''; and

(2) in section 1, by striking ''on Kitt Peak near Tucson, Arizona'' and inserting ''at the Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, or other similar location''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add any extraneous materials to S.J. Res. 35.

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

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in support of S.J. Res. 35, which amends Public Law 108–331. This public law provided for the construction and location and related activities in support of the VERITAS project in Arizona.

Madam Speaker, this Senate resolution amends this law by identifying another location for the VERITAS project. S.J. Res. 35 authorizes the Smithsonian to relocate the telescope to Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, from the original site at Kitt Peak, Arizona. This is a simple but necessary change, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

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

Madam Speaker, I rise in support of Senate Joint Resolution 35 that would amend Public Law 108–331 to provide for the Smithsonian Institution's construction of certain facilities in support of the Very Energetic Radiation Imaging Telescope Array System, or VERITAS.

The VERITAS project is a collaboration with the National Science Foundation and the Department of Energy as the lead agencies. Universities in the United States, the United Kingdom, Canada and Ireland are participants in this work.

The goal of the VERITAS project is to increase our ability to view gamma-ray radiation in space.

□ 1715

Studying gamma ray radiation from objects like exploding stars and black holes will help increase our scientific understanding of the universe. In 1968, the first telescope was created to observe this gamma ray radiation. VERITAS significantly enhances this technology.

In 2004, Congress authorized the Smithsonian to construct a control building to support the VERITAS project. The control building would include space for computers, technical equipment, and other facilities for researchers to carry out their work with the new telescopes.

The original legislation authorized the control building to be built in Kitt Peak, Arizona, where the VERITAS project was expected to be located. Site and construction preparation began in Kitt Peak in 2004 on land leased to the U.S. Government by a local Indian tribe. Unfortunately, in 2005, the project was halted when a lawsuit was brought and the National Science Foundation issued a stop work order.

As a result, the NSF and the DOE began to undertake new environmental assessments of the Kitt Peak site and, in 2005, started initial work on the VERITAS telescopes 35 miles away at the Fred Lawrence Base Camp in Mount Hopkins, Arizona. The plan was to move the telescopes to Kitt Peak following completion of the necessary assessments.

However, the assessment process continued into 2007 and there were concerns about missing windows of opportunities for joint work planned with NASA's gamma ray telescope satellite.

In light of this, the VERITAS team sought and received approval from the United States Forest Service to test the telescopes at the Whipple Base Camp. The testing revealed that the Whipple location produced results comparable with those they expected at Kitt Peak. As a result, the collaborative partners agreed that the VERITAS project should remain at the Whipple Base Camp.

The legislation enacted in 2004 authorized the construction of a control building by the Smithsonian for the project; however, it specified Kitt Peak, Arizona, as the project location.

The Senate resolution today would amend that law to authorize the construction of the control building at the Whipple Base Camp in Mount Hopkins, Arizona, where the VERITAS project is now located.

This resolution does not authorize any additional funds for the project. The resolution simply authorizes the change in the location of the project at no additional cost.

I urge my colleagues to support the bill.

If the gentlelady does not have any further speakers, Madam Speaker, I would go ahead then and yield back the balance of my time.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of S.J. Res. 35, which amends Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System, "VERITAS", project in Arizona. Public Law 108–331 was passed in October 2004 during the 108th Congress.

This joint resolution authorizes the Smithsonian Institution to permanently locate the telescope at the Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, which is approximately 35 miles from the original site, Kitt Peak's Horseshoe Canyon. The Smithsonian Institution has set up the telescope at this site on an interim basis and the VERITAS Science Consortium and Smithsonian Astrophysical Observatory request that the VERITAS telescope remain at the Whipple Observatory for the rest of its scientific life. As a result, the Board of Regents of the Smithsonian Institution requests an amendment to Public Law 108331 to authorize the Board to locate the VERITAS telescope at Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, or other similar location.

I urge my colleagues to join me in supporting S.J. Res. 35.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I just urge support and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the Senate joint resolution, S.J. Res. 35.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION ACT OF 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6627) to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6627

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smithsonian Institution Facilities Authorization Act of 2008".

SEC. 2. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.

(a) AUTHORITY TO DESIGN AND CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

SEC. 3. LABORATORY SPACE, GAMBOA, PANAMA.

(a) AUTHORITY TO CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous material on H.R. 6627.

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

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 6627, the Smithsonian Facilities Authorization Act of 2008. This bill has bipartisan support, including support from Congresswoman MATSUI, Congressman BECERRA, and Congressman JOHNSON, who are Smithsonian regents. Majority Leader HOYER and Ranking Member MICA are also in support of authorizing construction funding of these two renowned and vital Smithsonian facilities.

The Mathias Research Center located in Edgewater, Maryland, is a global leader in the study of ecosystems in coastal zones. It was established in the 1930s on a dairy farm in Edgewater, Maryland. Nearly one-half of SERC's 146 employees and fellows conduct the majority of their work in trailers. A major part of SERC's mission is research and professional training of the next generation of environmental scientists.

The Board of Regents of the Smithsonian Institution requested authority to design and construct laboratory space to accommodate the Mathias Laboratory at SERC.

The Board requested authority to upgrade and replace the facility to eliminate unsafe trailers and address substandard, inefficient labs. The facility and its support spaces need to be replaced.

The Smithsonian Tropical Research Institute, located in Mathias Research Center, Panama, is the principal United States organization devoted to research in tropical biology which will advance scientific study and improve human welfare. Ecological catastrophes such as drought, starvation, and flooding caused by deforestation and overpopulation of tropical regions are studied for causes and remedies.

This facility is a world-renowned research and education center dedicated to research and analysis of tropical ecosystems. The Board of Regents requested authority to replace current science building structure that is heavily infested with termites.

I support these projects and the Board of Regents' request for construction authorization.

I urge passage.

I reserve the balance of my time.

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

Madam Speaker, H.R. 6627 authorizes construction of permanent structures to serve as Smithsonian research facilities in Edgewater, Maryland, and Gamboa, Panama. The new buildings will replace aging leased and temporary structure, and provide needed research space for the Smithsonian's research mission.

As part of a comprehensive facilities management plan, the Smithsonian has identified these two research centers as facilities in need of permanent, modern research buildings. The construction of the laboratories authorized by this bill will enable the Smithsonian to reduce its leased space inventory and consolidate its research operations. This will also allow the Smithsonian to close 80-year-old buildings that are costly to operate and not suitable for renovation.

Construction of new facilities in Gamboa will allow the Smithsonian to move out of general office space reconfigured for research and consolidate operations into a government-owned structure more appropriate and less costly for a modern research facility.

The Edgewater, Maryland, research facility will finally have permanent structures after working for many years out of temporary trailers. These trailers are expensive to maintain, and have a short, useful life.

Because the new buildings will be government-owned and cost less to operate and maintain, this legislation is expected to save money in the long term. The new facilities will be designed to meet the specific needs of the research centers.

Government ownership of the structures will save taxpayer dollars by investing in assets that will continue to serve the Smithsonian Institution over time. The dilapidated buildings and trailers currently used consume building maintenance resources and are a liability to the government rather than an asset. Replacement of the old buildings will allow us to shift dollars from maintaining aging structures to creating modern, useful facilities.

I am encouraged by the Smithsonian's responsible property management decisions in these two cases, and I ask my colleagues to please join me in supporting H.R. 6627.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 6627, the "Smithsonian Facilities Authorization Act of 2008".

H.R. 6627 authorizes the Board of Regents of the Smithsonian Institution to design and construct laboratory space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center ("SERC") in Edgewater, Maryland. The bill also authorizes the Board of Regents to construct laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute ("STRI") in Gamboa, Panama.

The SERC is a global leader in the study of ecosystems in coastal zones. Founded on the site of an abandoned 1930s dairy farm in Edgewater, Maryland, the SERC facilities include farm buildings, the Mathias Laboratory, 10 temporary trailers, an administrative building, and a variety of lab support spaces. Nearly one-half of SERC's 146 employees and fellows conduct the majority of their work in trailers. A major part of SERC's mission is to conduct research and professional training of the next generation of environmental scientists.

The Board of Regents of the Smithsonian Institution requested authority to design and construct laboratory space to accommodate the Mathias Laboratory at SERC. The Board requested authority to upgrade and replace the facility to eliminate unsafe trailers and address substandard, inefficient labs. The facility and its support spaces need to be replaced. The bill authorizes a total of $41 million for fiscal years 2009 through 2011 to design and construct the Mathias Laboratory.

The Smithsonian Tropical Research Institute is located in Gamboa, Panama. STRI is the principal United States organization devoted to research in tropical biology. Both scientific advancement and human welfare depend on a continuing commitment to research in tropical biology for such things as finding untapped tropical resources to add to the important supply of food, pharmaceuticals, and fiber that we already get from the tropics, and to give us a better understanding of how to avoid further ecological catastrophes such as drought, starvation, and flooding caused by deforestation and overpopulation of tropical regions.

The STRI facility is a world-renowned research and education center dedicated to research and analysis of tropical ecosystems. The Board of Regents requested authority to replace current science building structure that is heavily infested with termites. The bill authorizes a total of $14 million for fiscal years 2009 and 2010 to construct the laboratory.

Madam Speaker, over the past two years, the Board of Regents of the Smithsonian Institution has worked to address numerous management shortfalls. I look forward to working with the Board of Regents and the new Secretary of the Smithsonian, Secretary G. Wayne Clough, as we continue to work together to improve the Smithsonian's management practices and carry out James Smithson's mandate of 1826: "for the increase and diffusion of knowledge among men."

I thank Committee on Transportation and Infrastructure Ranking Member MICA, Subcommittee Chairwoman NORTON, Committee on House Administration Chairman BRADY and Ranking Member EHLERS, the Smithsonian Congressional Regents, Mr. BECERRA, Ms. MATSUI, and Mr. JOHNSON of Texas, and Majority Leader HOYER for their support in authorizing construction funding of these two vital Smithsonian facilities.

I strongly urge my colleagues to join me in supporting H.R. 6627, the "Smithsonian Institution Facilities Authorization Act of 2008".–

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

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in support of the act to replace these two facilities, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 6627.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1335, de novo;

S. 2339, de novo;

H.R. 1594, de novo.

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

CELEBRATING THE 120-YEAR PARTNERSHIP BETWEEN THE GOVERNMENT AND STATE VETERANS HOMES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1335.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1335.

The question was taken.

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

Mrs. CAPITO. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 602]

YEAS—411

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

NOT VOTING—22

Baca
Brady (TX)
Cannon
Conyers
Cubin
Dreier
Grijalva
Hastings (FL)
Hoekstra
Hulshof
Hunter
Jackson-Lee (TX)
Lampson
McCarthy (NY)
McCrery
Moran (VA)
Pitts
Poe
Reynolds
Stark
Udall (CO)
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1754

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

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CONYERS. Madam Speaker, I was inadvertently detained today and regret missing the vote on House Resolution 1335. Had I been able to vote, I would have voted ''yea''.

LIEUTENANT COLONEL CLEMENT C. VAN WAGONER DEPARTMENT OF VETERANS AFFAIRS CLINIC

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 2339.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 2339.

The question was taken.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 21, as follows:

[Roll No. 603]

YEAS—412

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

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

NOT VOTING—21

Baca
Bishop (UT)
Brady (TX)
Cubin
Dreier
Grijalva
Hastings (FL)
Hoekstra
Hulshof
Jackson-Lee (TX)
Lampson
McCarthy (NY)
McCrery
Pitts
Poe
Reynolds
Smith (TX)
Stark
Tsongas
Udall (CO)
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1802

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MICHAEL A. MARZANO DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1594.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1594.

The question was taken.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 410, noes 0, not voting 23, as follows:

[Roll No. 604]

AYES—410

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

Wilson (NM)	Wolf	Young (AK)
Wilson (OH)	Woolsey	Young (FL)
Wilson (SC)	Wu	
Wittman (VA)	Yarmuth	

NOT VOTING—23

Abercrombie	Hastings (FL)	McCarthy (NY)
Baca	Hoekstra	McCrery
Brady (TX)	Hulshof	Pitts
Buchanan	Jackson-Lee (TX)	Poe
Cubin	Lampson	Reynolds
Dreier	Linder	Stark
Granger	Matheson	Tsongas
Grijalva		Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1810

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6604, COMMODITY MARKETS TRANSPARENCY AND ACCOUNTABILITY ACT OF 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–859) on the resolution (H. Res. 1449) providing for consideration of the bill (H.R. 6604) to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JUDICIARY TO INQUIRE WHETHER THE HOUSE SHOULD IMPEACH G. THOMAS PORTEOUS, A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that the Committee on Rules be discharged from further consideration of House Resolution 1448 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Is there objection to the request of the gentlewoman from New York?

There was no objection.

The text of the resolution is as follows:

H. RES. 1448

Resolved, That the Committee on the Judiciary shall inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana.

SEC. 2. The Committee on the Judiciary or any subcommittee or task force designated by the Committee may, in connection with the inquiry under this resolution, take affidavits and depositions by a member, counsel, or consultant of the Committee, pursuant to notice or subpoena.

SEC. 3. There shall be paid out of the applicable accounts of the House such sums as may be necessary to assist the Committee on the Judiciary in conducting the inquiry under this resolution, any of which may be used for the procurement of staff or consultant services.

SEC. 4. (a) For the purpose of the inquiry under this resolution, the Committee on the Judiciary is authorized to require by subpoena or otherwise—

(1) the attendance and testimony of any person (including at a taking of a deposition by counsel or consultant of the Committee); and

(2) the production of such things;

as it deems necessary to such inquiry.

(b) The Chairman of the Committee on the Judiciary, after consultation with the Ranking Member, may exercise the authority of the Committee under subsection (a).

(c) The Committee on the Judiciary may adopt a rule regulating the taking of depositions by a member, counsel, or consultant of the Committee, including pursuant to subpoena.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the subject of the resolution just adopted.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2169

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to remove Congressman RICK LARSEN from H.R. 2169, the Clean Water Protection Act.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

EXPAND AND PRESERVE HOME OWNERSHIP THROUGH COUNSELING ACT

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3019) to establish an Office of Housing Counseling to carry out and coordinate the responsibilities of the Department of Housing and Urban Development regarding counseling on homeownership and rental housing issues, to make grants to entities for providing such counseling, to launch a national housing counseling advertising campaign, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3019

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Expand and Preserve Home Ownership Through Counseling Act''.

SEC. 2. ESTABLISHMENT OF OFFICE OF HOUSING COUNSELING.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

''(g) OFFICE OF HOUSING COUNSELING.—

''(1) ESTABLISHMENT.—There is established, in the Office of the Secretary, the Office of Housing Counseling.

''(2) DIRECTOR.—There is established the position of Director of Housing Counseling. The Director shall be the head of the Office of Housing Counseling and shall be appointed by the Secretary. Such position shall be a career-reserved position in the Senior Executive Service.

''(3) FUNCTIONS.—

''(A) IN GENERAL.—The Director shall have ultimate responsibility within the Department, except for the Secretary, for all activities and matters relating to homeownership counseling and rental housing counseling, including—

''(i) research, grant administration, public outreach, and policy development relating to such counseling; and

''(ii) establishment, coordination, and administration of all regulations, requirements, standards, and performance measures under programs and laws administered by the Department that relate to housing counseling, homeownership counseling (including maintenance of homes), mortgage-related counseling (including home equity conversion mortgages and credit protection options to avoid foreclosure), and rental housing counseling, including the requirements, standards, and performance measures relating to housing counseling.

''(B) SPECIFIC FUNCTIONS.—The Director shall carry out the functions assigned to the Director and the Office under this section and any other provisions of law. Such functions shall include establishing rules necessary for—

''(i) the counseling procedures under section 106(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(h)(1));

''(ii) carrying out all other functions of the Secretary under section 106(g) of the Housing and Urban Development Act of 1968, including the establishment, operation, and publication of the availability of the toll-free telephone number under paragraph (2) of such section;

''(iii) carrying out section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) for home buying information booklets prepared pursuant to such section;

''(iv) carrying out the certification program under section 106(e) of the Housing and

Urban Development Act of 1968 (12 U.S.C. 1701x(e));

''(v) carrying out the assistance program under section 106(a)(4) of the Housing and Urban Development Act of 1968, including criteria for selection of applications to receive assistance;

''(vi) carrying out any functions regarding abusive, deceptive, or unscrupulous lending practices relating to residential mortgage loans that the Secretary considers appropriate, which shall include conducting the study under section 6 of the Expand and Preserve Home Ownership Through Counseling Act;

''(vii) providing for operation of the advisory committee established under paragraph (4) of this subsection;

''(viii) collaborating with community-based organizations with expertise in the field of housing counseling; and

''(ix) providing for the building of capacity to provide housing counseling services in areas that lack sufficient services.

''(4) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary shall appoint an advisory committee to provide advice regarding the carrying out of the functions of the Director.

''(B) MEMBERS.—Such advisory committee shall consist of not more than 12 individuals, and the membership of the committee shall equally represent all aspects of the mortgage and real estate industry, including consumers.

''(C) TERMS.—Except as provided in subparagraph (D), each member of the advisory committee shall be appointed for a term of 3 years. Members may be reappointed at the discretion of the Secretary.

''(D) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed to the advisory committee, 4 shall be appointed for a term of 1 year and 4 shall be appointed for a term of 2 years.

''(E) PROHIBITION OF PAY; TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(F) ADVISORY ROLE ONLY.—The advisory committee shall have no role in reviewing or awarding housing counseling grants.

''(5) SCOPE OF HOMEOWNERSHIP COUNSELING.—In carrying out the responsibilities of the Director, the Director shall ensure that homeownership counseling provided by, in connection with, or pursuant to any function, activity, or program of the Department addresses the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default and foreclosure, and other financial decisions), and the sale or other disposition of a home.''.

SEC. 3. COUNSELING PROCEDURES.

(a) IN GENERAL.—Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following new subsection:

''(g) PROCEDURES AND ACTIVITIES.—

''(1) COUNSELING PROCEDURES.—

''(A) IN GENERAL.—The Secretary shall establish, coordinate, and monitor the administration by the Department of Housing and Urban Development of the counseling procedures for homeownership counseling and rental housing counseling provided in connection with any program of the Department, including all requirements, standards, and performance measures that relate to homeownership and rental housing counseling.

''(B) HOMEOWNERSHIP COUNSELING.—For purposes of this subsection and as used in the provisions referred to in this subparagraph, the term 'homeownership counseling' means counseling related to homeownership and residential mortgage loans. Such term includes counseling related to homeownership and residential mortgage loans that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 8(y)(1)(D) (42 U.S.C. 1437f(y)(1)(D));

''(III) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(IV) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(V) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(VI) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B));

''(VII) sections 302(b)(6) and 303(b)(7) (42 U.S.C. 1437aaa–1(b)(6), 1437aaa–2(b)(7)); and

''(VIII) section 304(c)(4) (42 U.S.C. 1437aaa–3(c)(4));

''(iii) section 302(a)(4) of the American Homeownership and Economic Opportunity Act of 2000 (42 U.S.C. 1437f note);

''(iv) sections 233(b)(2) and 258(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2), 12808(b));

''(v) this section and section 101(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x, 1701w(e));

''(vi) section 220(d)(2)(G) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(G));

''(vii) sections 422(b)(6), 423(b)(7), 424(c)(4), 442(b)(6), and 443(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6), 12873(b)(7), 12874(c)(4), 12892(b)(6), and 12893(b)(6));

''(viii) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(ix) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A));

''(x) in the National Housing Act—

''(I) in section 203 (12 U.S.C. 1709), the penultimate undesignated paragraph of paragraph (2) of subsection (b), subsection (c)(2)(A), and subsection (r)(4);

''(II) subsections (a) and (c)(3) of section 237 (12 U.S.C. 1715z–2); and

''(III) subsections (d)(2)(B) and (m)(1) of section 255 (12 U.S.C. 1715z–20);

''(xi) section 502(h)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4)(B)); and

''(xii) section 508 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–7).

''(C) RENTAL HOUSING COUNSELING.—For purposes of this subsection, the term 'rental housing counseling' means counseling related to rental of residential property, which may include counseling regarding future homeownership opportunities and providing referrals for renters and prospective renters to entities providing counseling and shall include counseling related to such topics that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(III) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(IV) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(V) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B)); and

''(VI) section 302(b)(6) (42 U.S.C. 1437aaa–1(b)(6));

''(iii) section 233(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2));

''(iv) section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x);

''(v) section 422(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6));

''(vi) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(vii) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A)); and

''(viii) the rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

''(2) STANDARDS FOR MATERIALS.—The Secretary, in conjunction with the advisory committee established under section 4(g)(4) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(g)(4), shall establish standards for materials and forms to be used, as appropriate, by organizations providing homeownership counseling services, including any recipients of assistance pursuant to subsection (a)(4).

''(3) MORTGAGE SOFTWARE SYSTEMS.—

''(A) CERTIFICATION.—The Secretary shall provide for the certification of various computer software programs for consumers to use in evaluating different residential mortgage loan proposals. The Secretary shall require, for such certification, that the mortgage software systems take into account—

''(i) the consumer's financial situation and the cost of maintaining a home, including insurance, taxes, and utilities;

''(ii) the amount of time the consumer expects to remain in the home or expected time to maturity of the loan;

''(iii) such other factors as the Secretary considers appropriate to assist the consumer in evaluating whether to pay points, to lock in an interest rate, to select an adjustable or fixed rate loan, to select a conventional or government-insured or guaranteed loan and to make other choices during the loan application process.

If the Secretary determines that available existing software is inadequate to assist consumers during the residential mortgage loan application process, the Secretary shall arrange for the development by private sector software companies of new mortgage software systems that meet the Secretary's specifications.

''(B) USE AND INITIAL AVAILABILITY.—Such certified computer software programs shall be used to supplement, not replace, housing counseling. The Secretary shall provide that such programs are initially used only in connection with the assistance of housing counselors certified pursuant to subsection (e).

''(C) AVAILABILITY.—After a period of initial availability under subparagraph (B) as the Secretary considers appropriate, the Secretary shall take reasonable steps to make mortgage software systems certified pursuant to this paragraph widely available through the Internet and at public locations, including public libraries, senior-citizen centers, public housing sites, offices of public housing agencies that administer rental

housing assistance vouchers, and housing counseling centers.

''(4) NATIONAL PUBLIC SERVICE MULTIMEDIA CAMPAIGNS TO PROMOTE HOUSING COUNSELING.—

''(A) IN GENERAL.—The Director of Housing Counseling shall develop, implement, and conduct national public service multimedia campaigns designed to make persons facing mortgage foreclosure, persons considering a subprime mortgage loan to purchase a home, elderly persons, persons who face language barriers, low-income persons, and other potentially vulnerable consumers aware that it is advisable, before seeking or maintaining a residential mortgage loan, to obtain homeownership counseling from an unbiased and reliable sources and that such homeownership counseling is available, including through programs sponsored by the Secretary of Housing and Urban Development.

''(B) CONTACT INFORMATION.—Each segment of the multimedia campaign under subparagraph (A) shall publicize the toll-free telephone number and web site of the Department of Housing and Urban Development through which persons seeking housing counseling can locate a housing counseling agency in their State that is certified by the Secretary of Housing and Urban Development and can provide advice on buying a home, renting, defaults, foreclosures, credit issues, and reverse mortgages.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, not to exceed $3,000,000 for fiscal years 2008, 2009, and 2010, for the develop, implement, and conduct of national public service multimedia campaigns under this paragraph.

''(5) EDUCATION PROGRAMS.—The Secretary shall provide advice and technical assistance to States, units of general local government, and nonprofit organizations regarding the establishment and operation of, including assistance with the development of content and materials for, educational programs to inform and educate consumers, particularly those most vulnerable with respect to residential mortgage loans (such as elderly persons, persons facing language barriers, low-income persons, and other potentially vulnerable consumers), regarding home mortgages, mortgage refinancing, home equity loans, and home repair loans.''.

(b) CONFORMING AMENDMENTS TO GRANT PROGRAM FOR HOMEOWNERSHIP COUNSELING ORGANIZATIONS.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (III), by striking ''and'' at the end;

(2) in subclause (IV) by striking the period at the end and inserting ''; and''; and

(3) by inserting after subclause (IV) the following new subclause:

''(V) notify the housing or mortgage applicant of the availability of mortgage software systems provided pursuant to subsection (g)(3).''.

SEC. 4. GRANTS FOR HOUSING COUNSELING ASSISTANCE.

Section 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(3)) is amended by adding at the end the following new paragraph:

''(4) HOMEOWNERSHIP AND RENTAL COUNSELING ASSISTANCE.—

''(A) IN GENERAL.—The Secretary shall make financial assistance available under this paragraph to States, units of general local governments, and nonprofit organizations providing homeownership or rental counseling (as such terms are defined in subsection (g)(1)).

''(B) QUALIFIED ENTITIES.—The Secretary shall establish standards and guidelines for eligibility of organizations (including governmental and nonprofit organizations) to receive assistance under this paragraph.

''(C) DISTRIBUTION.—Assistance made available under this paragraph shall be distributed in a manner that encourages efficient and successful counseling programs.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $45,000,000 for each of fiscal years 2008 through 2011 for—

''(i) the operations of the Office of Housing Counseling of the Department of Housing and Urban Development;

''(ii) the responsibilities of the Secretary under paragraphs (2) through (5) of subsection (g); and

''(iii) assistance pursuant to this paragraph for entities providing homeownership and rental counseling.''.

SEC. 5. REQUIREMENTS TO USE HUD-CERTIFIED COUNSELORS UNDER HUD PROGRAMS.

Section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) REQUIREMENT FOR ASSISTANCE.—An organization may not receive assistance for counseling activities under subsection (a)(1)(iii), (a)(2), (a)(4), (c), or (d) of this section, or under section 101(e), unless the organization, or the individuals through which the organization provides such counseling, has been certified by the Secretary under this subsection as competent to provide such counseling.'';

(2) in paragraph (2)—

(A) by inserting ''and for certifying organizations'' before the period at the end of the first sentence; and

(B) in the second sentence by striking ''for certification'' and inserting '', for certification of an organization, that each individual through which the organization provides counseling shall demonstrate, and, for certification of an individual,'';

(3) in paragraph (3), by inserting ''organizations and'' before ''individuals'';

(4) by redesignating paragraph (3) as paragraph (5); and

(5) by inserting after paragraph (2) the following new paragraphs:

''(3) REQUIREMENT UNDER HUD PROGRAMS.—Any homeownership counseling or rental housing counseling (as such terms are defined in subsection (g)(1)) required under, or provided in connection with, any program administered by the Department of Housing and Urban Development shall be provided only by organizations or counselors certified by the Secretary under this subsection as competent to provide such counseling.

''(4) OUTREACH.—The Secretary shall take such actions as the Secretary considers appropriate to ensure that individuals and organizations providing homeownership or rental housing counseling are aware of the certification requirements and standards of this subsection and of the training and certification programs under subsection (f).''.

SEC. 6. STUDY OF DEFAULTS AND FORECLOSURES.

The Secretary of Housing and Urban Development shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as are available. The study shall also examine the role of escrow accounts in helping prime and nonprime borrowers to avoid defaults and foreclosures. Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a preliminary report regarding the study. Not later than 24 months after such date of enactment, the Secretary shall submit a final report regarding the results of the study, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to identify populations that need counseling the most.

SEC. 7. DEFINITIONS FOR COUNSELING-RELATED PROGRAMS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

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

''(1) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' has the meaning given such term in section 104(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(5)), except that subparagraph (D) of such section shall not apply for purposes of this section.

''(2) STATE.—The term 'State' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

''(3) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means any city, county, parish, town, township, borough, village, or other general purpose political subdivision of a State.''.

SEC. 8. UPDATING AND SIMPLIFICATION OF MORTGAGE INFORMATION BOOKLET.

Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) is amended—

(1) in the section heading, by striking ''SPECIAL'' and inserting ''HOME BUYING'' ;

(2) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) PREPARATION AND DISTRIBUTION.—The Secretary shall prepare, at least once every 5 years, a booklet to help consumers applying for federally related mortgage loans to understand the nature and costs of real estate settlement services. The Secretary shall prepare the booklet in various languages and cultural styles, as the Secretary determines to be appropriate, so that the booklet is understandable and accessible to homebuyers of different ethnic and cultural backgrounds. The Secretary shall distribute such booklets to all lenders that make federally related mortgage loans. The Secretary shall also distribute to such lenders lists, organized by location, of homeownership counselors certified under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) for use in complying with the requirement under subsection (c) of this section.

''(b) CONTENTS.—Each booklet shall be in such form and detail as the Secretary shall prescribe and, in addition to such other information as the Secretary may provide, shall include in plain and understandable language the following information:

''(1) A description and explanation of the nature and purpose of the costs incident to a real estate settlement or a federally related mortgage loan. The description and explanation shall provide general information about the mortgage process as well as specific information concerning, at a minimum—

''(A) balloon payments;

''(B) prepayment penalties; and

''(C) the trade-off between closing costs and the interest rate over the life of the loan.

''(2) An explanation and sample of the uniform settlement statement required by section 4.

''(3) A list and explanation of lending practices, including those prohibited by the Truth in Lending Act or other applicable Federal law, and of other unfair practices and unreasonable or unnecessary charges to be avoided by the prospective buyer with respect to a real estate settlement.

''(4) A list and explanation of questions a consumer obtaining a federally related mortgage loan should ask regarding the loan, including whether the consumer will have the ability to repay the loan, whether the consumer sufficiently shopped for the loan, whether the loan terms include prepayment penalties or balloon payments, and whether the loan will benefit the borrower.

''(5) An explanation of the right of rescission as to certain transactions provided by sections 125 and 129 of the Truth in Lending Act.

''(6) A brief explanation of the nature of a variable rate mortgage and a reference to the booklet entitled 'Consumer Handbook on Adjustable Rate Mortgages', published by the Board of Governors of the Federal Reserve System pursuant to section 226.19(b)(1) of title 12, Code of Federal Regulations, or to any suitable substitute of such booklet that such Board of Governors may subsequently adopt pursuant to such section.

''(7) A brief explanation of the nature of a home equity line of credit and a reference to the pamphlet required to be provided under section 127A of the Truth in Lending Act.

''(8) Information about homeownership counseling services made available pursuant to section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)), a recommendation that the consumer use such services, and notification that a list of certified providers of homeownership counseling in the area, and their contact information, is available.

''(9) An explanation of the nature and purpose of escrow accounts when used in connection with loans secured by residential real estate and the requirements under section 10 of this Act regarding such accounts.

''(10) An explanation of the choices available to buyers of residential real estate in selecting persons to provide necessary services incidental to a real estate settlement.

''(11) An explanation of a consumer's responsibilities, liabilities, and obligations in a mortgage transaction.

''(12) An explanation of the nature and purpose of real estate appraisals, including the difference between an appraisal and a home inspection.

''(13) Notice that the Office of Housing of the Department of Housing and Urban Development has made publicly available a brochure regarding loan fraud and a World Wide Web address and toll-free telephone number for obtaining the brochure.

The booklet prepared pursuant to this section shall take into consideration differences in real estate settlement procedures that may exist among the several States and territories of the United States and among separate political subdivisions within the same State and territory.'';

(3) in subsection (c), by inserting at the end the following new sentence: ''Each lender shall also include with the booklet a reasonably complete or updated list of homeownership counselors who are certified pursuant to section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) and located in the area of the lender.''; and

(4) in subsection (d), by inserting after the period at the end of the first sentence the following: ''The lender shall provide the HUD-issued booklet in the version that is most appropriate for the person receiving it.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous materials thereon.

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

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

Today, I rise in support of H.R. 3019, the Expand and Preserve Home Ownership through Counseling Act. This important legislation establishes an office of housing counseling at the Department of Housing and Urban Development to carry out and to coordinate the responsibilities of the Department with respect to counseling on homeownership and rental housing issues.

The House of Representatives has already approved this bipartisan bill in three separate measures that have passed during this Congress. They include H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007; H.R. 5830, the FHA Housing Stabilization and Home Ownership Retention Act of 2008; and the initial House version of H.R. 3221, the Housing and Economic Recovery Act of 2008.

□ 1815

Given that the Senate has yet to act upon this important housing counseling measure, it is important that the House pass this legislation as a stand-alone bill.

HUD's current Housing Counseling Program authorizes HUD to provide or contract with organizations to provide counseling and advice to tenants, homeowners and low and moderate income families on a range of housing issues. However, the current program lacks the stature, organization and prominence in the Department to help ensure that its counseling activities are high quality, widely available and well-coordinated within other Department activities.

In the midst of this foreclosure crisis, this extraordinary crisis we are going through at this very moment in our financial markets, there can be no doubt that housing counseling, whether it is pre-purchase or post-purchase, is a vital component of the homeownership process, and I urge this House to support this bill, which will create an Office of Housing Counseling at HUD to better focus the Department's resources in this area.

Now, specifically this bill will do the following: It establishes an Office of Housing Counseling to carry out and coordinate the responsibilities of the Department with respect to counseling on homeownership and rental housing issues; it will require and facilitate the coordination of HUD's homeownership and rental housing counseling programs, including programs targeted at low and moderate income individuals, the homeless and senior citizens; it will require the launch of a national public service multi-media campaign to promote housing counseling, including the establishment of a Web site and toll-free hotline; and it will authorize the assurance of homeownership and rental housing counseling grants to HUD-certified State, local and nonprofit organizations.

This is an important and critical piece of legislation, and much needed, for all we know that the need for housing counseling far outstrips its current availability. The enactment of H.R. 3019 is a major step in addressing this need in a very comprehensive, thorough, efficient and effective manner, and I urge this full House to support this very important bipartisan home counseling legislation.

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

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

Mr. Speaker, as the author of H.R. 3019, the Expand and Preserve Home Ownership Through Counseling Act, I urge my colleagues to support this legislation. First let me thank Congressman RUBÉN HINOJOSA for being the lead Democrat on this bill.

In 2005, we founded the House Financial and Economic Literacy Caucus, which is now over 75 members strong, and we have been working together on this issue for a very long time. This bill is just one more example of how financial literacy can promote economic security and empower Americans to make more informed decisions.

Second, I would like to thank Chairman FRANK and Ranking Member BACHUS for their support for this legislation. Both the chairman and ranking member have included the language of this bill in various mortgage and housing packages, two of which, as Mr. SCOTT said, have previously passed the House but not the other Chamber. The first time was in November of 2007, and the second time was in H.R. 3221, and that bill passed the House on May 8 of this year. Unfortunately, the Senate has not yet acted on this important

legislation. It is my hope that the Senate will consider the bill as a standalone measure and send it to the President's desk before we adjourn this year.

What does the bill do? Well, it elevates housing counseling within the Department of Housing and Urban Development by establishing an Office of Housing Counseling and a director of that office who reports directly to the Secretary of HUD. The office will be tasked with carrying out and coordinating HUD's Home Ownership and Housing Rental Counseling Program, targeted at low and moderate income individuals, the homeless and the seniors, just to name a few.

More specifically, the bill authorizes $180 million over the next 4 years for HUD to operate this office, offer grants to State and local counseling agencies and launch a national outreach campaign. The bill also calls for the office to provide a report to Congress on the root causes of defaults and foreclosures, including recommendations for policy reforms and best practices, as well as identification of populations most in need of counseling.

Mr. Speaker, counseling can help guide homeowners into a loan that best meets their budgets and needs, steering them way from possible foreclosure down the road. Housing counseling, one form of financial literacy, is often the first line of defense that first-time home buyers have against predatory lending practices.

In addition, counselors can save the homes of borrowers currently facing foreclosure. So many troubled mortgage holders genuinely want to pay for their home and had solid payment histories before their rates were reset. These are people that if given the right refinancing options, can and would be able to make their monthly payments. But they need someone to help them evaluate their options, guide them through the process and facilitate discussions with their current lenders.

One thing that we have learned during this downturn in the housing market is that many Americans need to better understand the terms of financial products, including and especially mortgages. Education is one of the most important tools in our arsenal to keep our economy and American families on sound financial footing. It is my hope that by providing greater access to home counseling services, we can help to prevent a repeat performance of the recent housing bubble.

Mr. Speaker, I would like to conclude today by thanking the folks at the DuPage Homeownership Center of Northern Will County in Illinois. They have helped so many residents of the 13th Congressional District of Illinois to secure sound mortgages or avoid foreclosure. And I would like to thank all the counselors and organizations across the country that are now involved in the HOPE NOW initiative, which reported last month it had helped over 2 million homeowners to avoid foreclosure.

With that, I would urge my colleagues to support the bill.

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

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we conclude this, let me state the appreciation this entire Congress has for the distinguished leadership of Mrs. BIGGERT on this issue. She has been a pioneer in financial literacy. She has committed a tremendous amount of her time and energy to this bill and to other bills. I want to commend her for that.

Another bill which she has provided leadership on has been a financial literacy bill of utmost importance as we see now, and that is K through 12th grade literacy programs, to get them into our schools. I think it is very important for all of us here to know, and the Nation to know, that Mrs. BIGGERT has provided sterling leadership on this entire issue of financial literacy. I certainly want to say how appreciative we all are for that leadership, Mrs. BIGGERT.

It points out, Mr. Speaker, as we look at where we are today with the downturn of the financial markets, the meltdown of our mortgage industry, at the core of it as we peel back the reasons and the causes we will all find and come to the conclusion that we have a tremendous need for financial literacy and financial education, because the core of our problem is that there are so many complicated and complex entities involved in financing, that we as a nation are coming up short on financial literacy.

To you, Mrs. BIGGERT, I thank you for your leadership on this. It has indeed been a pleasure working with you on this subject, and this bill is a testimonial to your leadership.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I thank the gentleman from Georgia (Mr. SCOTT) for his very kind words. I really appreciate it. He is a wonderful member of the Financial Services Committee and is always there and always knows what is going on and always participates and does a good job. I thank you for all your work.

With that, I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of of H.R. 3019, to expand and preserve home ownership through counseling, introduced by my colleague from Illinois, Representative BIGGERT. This important legislation will amend the Department of Housing and Urban Development Act to establish an Office of Housing Counseling which will conduct activities relating to homeownership and rental housing counseling.

GENERAL

When the crisis in the mortgage industry began, it primarily hit subprime borrowers. As the foreclosure crisis endured, home values started declining and eventually affected homeowners who are considered to be prime borrowers. This amendment to the Housing and Urban Development Act of 1968 will require a number of different stipulations that will encourage the expansion of home ownership with adequate information to make an informed decision. These stipulations include:

Directing the Office of the Secretary to establish, coordinate, and monitor Housing and Urban Development (HUD) administration of homeownership and rental housing counseling procedures provided in connection with any HUB program, including all related requirements, standards, and performance measures.

Requiring the Office of the Secretary to provide certification for various computer software programs for consumers to use in evaluating different residential mortgage loan proposals.

Encouraging the Director of Housing Counseling to develop, implement, and conduct national public service multimedia campaigns designed to make potential homeowners aware that counseling is available from unbiased and reliable sources.

Requiring the Secretary to provide technical and financial assistance to State governments, local governments, and non-profit organizations.

Directing the Secretary to study and report to Congress the root cause of default and foreclosure on homes.

Amending the Real Estate Settlement Procedures Act of 1974 to revise requirements for HUD booklets designed to help consumers applying for federally related mortgage loans to understand the nature of real estate settlement services.

MINORITIES

Problematic, unaffordable subprime loans are more often issued to African-American and Latino homebuyers. Nationally, African-American home purchasers were 2.7 times more likely to be issued a high cost loan than white borrowers. Latinos were 2.3 times more likely to be issued a high cost home purchase loan than white borrowers. Similarly, for refinance loans, African-Americans were 1.8 times more likely to be issued a high cost loan than whites. Latinos were 1.4 times more likely to be burdened with a high refinance cost loan than white homeowners.

These racial disparities persist even among homeowners of the same income level. In comparative terms, upper-income African-Americans were 3.3 times more likely than upper-income whites to be issued a high cost loan when purchasing a home. Upper-income Latinos were 3 times more likely than upper-income whites to be issued a high cost loan when purchasing a home.

America's lower-income and minority communities receive a disproportionate number of subprime loans and are therefore most exposed to experience default and foreclosure. Based on public data for 2006 available under the Home Mortgage Disclosure Act (HMDA),

this report examines the extent of high-cost lending for 172 metropolitan areas, determines the disparities between borrowers of various races and income levels and identifies metropolitan areas that are at highest risk of facing concentrated foreclosures

CONCLUSION

I firmly believe that we must pass this legislation in order to create equal terms and equal information for every homeowner or potential homeowner in America. This legislation will ensure that information is equally available to all homebuyers and enable every person to have a fair chance to obtain the information necessary to make informed financial decisions. There is a disparity of information in our current mortgage system and H.R. 3019 will enable the Government to alleviate this disparity by improving the flow of information through house owner counseling.

I urge my colleagues to support H.R. 3019 as well, as together we search for solutions that will help constituents throughout the United States.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3019, as amended.

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

A motion to reconsider was laid on the table.

FRANK MELVILLE SUPPORTIVE HOUSING INVESTMENT ACT OF 2008

Mr. MURPHY of Connecticut. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5772) to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5772

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Frank Melville Supportive Housing Investment Act of 2008''.

(b) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, section 811 or any other provision of section 811, the reference shall be considered to be made to section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013).

SEC. 2. TENANT-BASED RENTAL ASSISTANCE THROUGH CERTIFICATE FUND.

(a) TERMINATION OF MAINSTREAM TENANT-BASED RENTAL ASSISTANCE PROGRAM.—Section 811 is amended—

(1) in subsection (b)—

(A) by striking the first subsection designation and all that follows through the end of subparagraph (B) of paragraph (2) and inserting the following:

''(b) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary is authorized to provide assistance to private nonprofit organizations to expand the supply of supportive housing for persons with disabilities, which shall be provided as—

''(1) capital advances in accordance with subsection (d)(1), and

''(2) contracts for project rental assistance in accordance with subsection (d)(2).''; and

(B) by striking ''assistance under this paragraph'' and inserting ''Assistance under this subsection'';

(2) in subsection (d), by striking paragraph (4); and

(3) in subsection (l), by striking paragraph (1).

(b) RENEWAL THROUGH SECTION 8.—Section 811 is amended by adding at the end the following new subsection:

''(p) AUTHORIZATION OF APPROPRIATIONS FOR SECTION 8 ASSISTANCE.—

''(1) IN GENERAL.—There is authorized to be appropriated for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for persons with disabilities in fiscal year 2009 the amount necessary to provide a number of incremental vouchers under such section that is equal to the number of vouchers provided in fiscal year 2008 under the tenant-based rental assistance program under subsection (d)(4) of this section (as in effect before the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2008).

''(2) REQUIREMENTS UPON TURNOVER.—The Secretary shall develop and issue, to public housing agencies that receive voucher assistance made available under this subsection and to public housing agencies that received voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for non-elderly disabled families pursuant to appropriation Acts for fiscal years 1997 through 2002 or any other subsequent appropriations for incremental vouchers for non-elderly disabled families, guidance to ensure that, to the maximum extent possible, such vouchers continue to be provided upon turnover to qualified persons with disabilities or to qualified non-elderly disabled families, respectively.''.

SEC. 3. MODERNIZED CAPITAL ADVANCE PROGRAM.

(a) PROJECT RENTAL ASSISTANCE CONTRACTS.—Section 811 is amended—

(1) in subsection (d)(2)—

(A) by inserting ''(A) INITIAL PROJECT RENTAL ASSISTANCE CONTRACT.—'' after ''PROJECT RENTAL ASSISTANCE.—''

(B) in the first sentence, by inserting after ''shall'' the following: ''comply with subsection (e)(2) and shall'';

(C) by striking ''annual contract amount'' each place such term appears and inserting ''amount provided under the contract for each year covered by the contract''; and

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

''(B) RENEWAL OF AND INCREASES IN CONTRACT AMOUNTS.—

''(i) EXPIRATION OF CONTRACT TERM.—Upon the expiration of each contract term, subject to the availability of amounts made available in appropriation Acts, the Secretary shall adjust the annual contract amount to provide for reasonable project costs, and any increases, including adequate reserves and service coordinators, except that any contract amounts not used by a project during a contract term shall not be available for such adjustments upon renewal.

''(ii) EMERGENCY SITUATIONS.—In the event of emergency situations that are outside the control of the owner, the Secretary shall increase the annual contract amount, subject to reasonable review and limitations as the Secretary shall provide.''.

(2) in subsection (e)(2)—

(A) in the first sentence, by inserting before the period at the end the following: '', except that, in the case of the sponsor of a project assisted with any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 or with any tax-exempt housing bonds, the contract shall have an initial term of not be less than 360 months and shall provide funding for a term of 60 months''; and

(B) by striking ''extend any expiring contract'' and insert ''upon expiration of a contract (or any renewed contract), renew such contract''.

(b) PROGRAM REQUIREMENTS.—Section 811 is amended—

(1) in subsection (e)—

(A) by striking the subsection heading and inserting the following: ''PROGRAM REQUIREMENTS'';

(B) by striking paragraph (1) and inserting the following new paragraph:

''(1) USE RESTRICTIONS.—

''(A) TERM.—Any project for which a capital advance is provided under subsection (d)(1) shall be operated for not less than 40 years as supportive housing for persons with disabilities, in accordance with the application for the project approved by the Secretary and shall, during such period, be made available for occupancy only by very low-income persons with disabilities.

''(B) CONVERSION.—If the owner of a project requests the use of the project for the direct benefit of very low-income persons with disabilities and, pursuant to such request the Secretary determines that a project is no longer needed for use as supportive housing for persons with disabilities, the Secretary may approve the request and authorize the owner to convert the project to such use.''; and

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

''(3) LIMITATION ON USE OF FUNDS.—No assistance received under this section (or any State or local government funds used to supplement such assistance) may be used to replace other State or local funds previously used, or designated for use, to assist persons with disabilities.

''(4) MULTIFAMILY PROJECTS.—

''(A) LIMITATION.—Except as provided in subparagraph (B), of the total number of dwelling units in any multifamily housing project (including any condominium or cooperative housing project) containing any unit for which assistance is provided from a capital grant under subsection (d)(1) made after the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2008, the aggregate number that are used for persons with disabilities, including supportive housing for persons with disabilities, or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of such total.

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any project that is a group home or independent living facility.''; and

(2) in subsection (l), by striking paragraph (4).

(c) DELEGATED PROCESSING.—Subsection (g) of section 811 (42 U.S.C. 8013(g)) is amended—

(1) by striking ''SELECTION CRITERIA.—'' and inserting ''SELECTION CRITERIA AND PROCESSING.—(1) SELECTION CRITERIA.—'';

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as subparagraphs (A), (B), (C), (D), (E), (G), and (H), respectively;

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

''(2) DELEGATED PROCESSING.—

''(A) In issuing a capital advance under subsection (d)(1) for any multifamily project (but

not including any project that is a group home or independent living facility) for which financing for the purposes described in the last sentence of subsection (b) is provided by a combination of the capital advance and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

''(i) is in geographic proximity to the property;

''(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

''(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section; and

''(iv) agrees to issue a firm commitment within 12 months of delegation.

''(B) The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

''(C) An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

''(D) Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.''.

(d) LEVERAGING OTHER RESOURCES.—Paragraph (1) of section 811(g) (as so designated by subsection (c)(1) of this section) is amended by inserting after subparagraph (E) (as so redesignated by subsection (c)(2) of this section) the following new subparagraph:

''(F) the extent to which the per-unit cost of units to be assisted under this section will be supplemented with resources from other public and private sources;''.

(e) TENANT PROTECTIONS AND ELIGIBILITY FOR OCCUPANCY.—Section 811 is amended by striking subsection (i) and inserting the following new subsection:

''(i) ADMISSION AND OCCUPANCY.—

''(1) TENANT SELECTION.—

''(A) PROCEDURES.—An owner shall adopt written tenant selection procedures that are satisfactory to the Secretary as (i) consistent with the purpose of improving housing opportunities for very low-income persons with disabilities; and (ii) reasonably related to program eligibility and an applicant's ability to perform the obligations of the lease. Owners shall promptly notify in writing any rejected applicant of the grounds for any rejection.

''(B) REQUIREMENT FOR OCCUPANCY.—Occupancy in dwelling units provided assistance under this section shall be available only to persons with disabilities and households that include at least one person with a disability.

''(C) AVAILABILITY.—Except only as provided in subparagraph (D), occupancy in dwelling units in housing provided with assistance under this section shall be available to all persons with disabilities eligible for such occupancy without regard to the particular disability involved.

''(D) LIMITATION ON OCCUPANCY.—Notwithstanding any other provision of law, the owner of housing developed under this section may, with the approval of the Secretary, limit occupancy within the housing to persons with disabilities who can benefit from the supportive services offered in connection with the housing.

''(2) TENANT PROTECTIONS.—

''(A) LEASE.—The lease between a tenant and an owner of housing assisted under this section shall be for not less than one year, and shall contain such terms and conditions as the Secretary shall determine to be appropriate.

''(B) TERMINATION OF TENANCY.—An owner may not terminate the tenancy or refuse to renew the lease of a tenant of a rental dwelling unit assisted under this section except—

''(i) for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause; and

''(ii) by providing the tenant, not less than 30 days before such termination or refusal to renew, with written notice specifying the grounds for such action.

''(C) VOLUNTARY PARTICIPATION IN SERVICES.—A supportive service plan for housing assisted under this section shall permit each resident to take responsibility for choosing and acquiring their own services, to receive any supportive services made available directly or indirectly by the owner of such housing, or to not receive any supportive services.''.

(f) DEVELOPMENT COST LIMITATIONS.—Subsection (h) of section 811 is amended—

(1) in paragraph (1)—

(A) by striking the paragraph heading and inserting ''GROUP HOMES'';

(B) in the first sentence, by striking ''various types and sizes'' and inserting ''group homes'';

(C) by striking subparagraph (E); and

(D) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(2) in paragraph (3), by inserting ''established pursuant to paragraph (1)'' after ''cost limitation''; and

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

''(6) APPLICABILITY OF HOME PROGRAM COST LIMITATIONS.—

''(A) IN GENERAL.—The provisions of section 212(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(e)) and the cost limits established by the Secretary pursuant to such section with respect to the amount of funds under subtitle A of title II of such Act that may be invested on a per unit basis, shall apply to supportive housing assisted with a capital advance under subsection (d)(1) and the amount of funds under such subsection that may be invested on a per unit basis.

''(B) WAIVERS.—The Secretary shall provide for waiver of the cost limits applicable pursuant to subparagraph (A)—

''(i) in the cases in which the cost limits established pursuant to section 212(e) of the Cranston-Gonzalez National Affordable Housing Act may be waived; and

''(ii) to provide for—

''(I) the cost of special design features to make the housing accessible to persons with disabilities;

''(II) the cost of special design features necessary to make individual dwelling units meet the special needs of persons with disabilities; and

''(III) the cost of providing the housing in a location that is accessible to public transportation and community organizations that provide supportive services to persons with disabilities.''.

(g) REPEAL OF AUTHORITY TO WAIVE SIZE LIMITATIONS.—Paragraph (1) of section 811(k) is amended—

(1) in paragraph (1), by striking the second sentence; and

(2) in paragraph (4), by striking ''(or such higher number of persons'' and all that follows through ''subsection (h)(6))''.

(h) MINIMUM ALLOCATION FOR MULTIFAMILY PROJECTS.—Subsection (l) of section 811, as amended by the preceding provisions of this Act, is further amended by inserting before paragraph (2) the following new paragraph:

''(1) MINIMUM ALLOCATION FOR MULTIFAMILY PROJECTS.—The Secretary shall establish a minimum percentage of the amount made available for each fiscal year for capital advances under subsection (d)(1) that shall be used for multifamily projects subject to subsection (e)(4).''.

SEC. 4. PROJECT RENTAL ASSISTANCE COMPETITIVE DEMONSTRATION PROGRAM.

Section 811, as amended by the preceding provisions of this Act, is further amended—

(1) by redesignating subsections (k) through (n) as subsections (l) through (o), respectively; and

(2) by inserting after subsection (j) the following new subsection:

''(k) PROJECT RENTAL ASSISTANCE-ONLY COMPETITIVE DEMONSTRATION PROGRAM.—

''(1) AUTHORITY.—The Secretary shall carry out a demonstration program under this subsection to expand the supply of supportive housing for non-elderly adults with disabilities, under which the Secretary shall make funds available for project rental assistance pursuant to paragraph (2) for eligible projects under paragraph (3). The Secretary shall provide for State housing finance agencies and other appropriate entities to apply to the Secretary for such project rental assistance funds, which shall be made available by such agencies and entities for dwelling units in eligible projects based upon criteria established by the Secretary for the demonstration program under this subsection. The Secretary may not require any State housing finance agency or other entity applying for project rental assistance funds under the demonstration program to identify in such application the eligible projects for which such funds will be used, and shall allow such agencies and applicants to subsequently identify such eligible projects pursuant to the making of commitments described in paragraph (3)(B).

''(2) PROJECT RENTAL ASSISTANCE.—

''(A) CONTRACT TERMS.—Project rental assistance under the demonstration program under this subsection shall be provided—

''(i) in accordance with subsection (d)(2); and

''(ii) under a contract having an initial term of not less than 180 months that provides funding for a term 60 months, which funding shall be renewed upon expiration, subject to the availability of sufficient amounts in appropriation Acts.

''(B) LIMITATION ON UNITS ASSISTED.—Of the total number of dwelling units in any multifamily housing project containing any unit for which project rental assistance under the demonstration program under this subsection is provided, the aggregate number that are provided such project rental assistance, that are used for supportive housing for persons with disabilities, or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of such total.

''(C) PROHIBITION OF CAPITAL ADVANCES.—The Secretary may not provide a capital advance under subsection (d)(1) for any project for which assistance is provided under the demonstration program.

''(D) ELIGIBLE POPULATION.—Project rental assistance under the demonstration program under this subsection may be provided only for

dwelling units for extremely low-income persons with disabilities and extremely low-income households that include at least one person with a disability.

''(3) ELIGIBLE PROJECTS.—An eligible project under this paragraph is a new or existing multifamily housing project for which—

''(A) the development costs are paid with resources from other public or private sources; and

''(B) a commitment has been made—

''(i) by the applicable State agency responsible for allocation of low-income housing tax credits under section 42 of the Internal Revenue Code of 1986, for an allocation of such credits;

''(ii) by the applicable participating jurisdiction that receives assistance under the HOME Investment Partnership Act, for assistance from such jurisdiction; or

''(iii) by any Federal agency or any State or local government, for funding for the project from funds from any other sources.

''(4) STATE AGENCY INVOLVEMENT.—Assistance under the demonstration may be provided only for projects for which the applicable State agency responsible for health and human services programs, and the applicable State agency designated to administer or supervise the administration of the State plan for medical assistance under title XIX of the Social Security Act, have entered into such agreements as the Secretary considers appropriate—

''(A) to identify the target populations to be served by the project;

''(B) to set forth methods for outreach and referral; and

''(C) to make available appropriate services for tenants of the project.

''(5) USE REQUIREMENTS.—In the case of any project for which project rental assistance is provided under the demonstration program under this subsection, the dwelling units assisted pursuant to paragraph (2) shall be operated for not less than 30 years as supportive housing for persons with disabilities, in accordance with the application for the project approved by the Secretary, and such dwelling units shall, during such period, be made available for occupancy only by persons and households described in paragraph (2)(D).

''(6) REPORT.—Upon the expiration of the 5-year period beginning on the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2008, the Secretary shall submit to the Congress a report describing the demonstration program under this subsection, analyzing the effectiveness of the program, including the effectiveness of the program compared to the program for capital advances in accordance with subsection (d)(1) (as in effect pursuant to the amendments made by such Act), and making recommendations regarding future models for assistance under this section based upon the experiences under the program.''.

SEC. 5. TECHNICAL CORRECTIONS.

Section 811 is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2)—

(i) by striking ''provides'' and inserting ''makes available''; and

(ii) by striking the period at the end and inserting ''; and'' ; and

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

''(3) promotes and facilitates community integration for people with significant and long-term disabilities.'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''special'' and inserting ''housing and community-based services''; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) make available voluntary supportive services that address the individual needs of persons with disabilities occupying such housing;''; and

(ii) in subparagraph (B), by striking the comma and inserting a semicolon;

(3) in subsection (d)(1), by striking ''provided under'' and all that follows through ''shall bear'' and inserting ''provided pursuant to subsection (b)(1) shall bear'';

(4) in subsection (f)—

(A) in paragraph (3)—

(i) in subparagraph (B), by striking ''receive'' and inserting ''be offered'';

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

''(C) evidence of the applicant's experience in—

''(i) providing such supportive services; or

''(ii) creating and managing structured partnerships with service providers for the delivery of appropriate community-based services;'';

(iii) in subparagraph (D), by striking ''such persons'' and all that follows through ''provision of such services'' and inserting ''tenants''; and

(iv) in subparagraph (E), by inserting ''other Federal, and'' before ''State''; and

(B) in paragraph (4), by striking ''special'' and inserting ''housing and community-based services'';

(5) in subsection (g), in paragraph (1) (as so redesignated by section 3(c)(1) of this Act)—

(A) in subparagraph (D) (as so redesignated by section 3(c)(2) of this Act), by striking ''the necessary supportive services will be provided'' and inserting ''appropriate supportive services will be made available''; and

(B) by striking subparagraph (E) (as so redesignated by section 3(c)(2) of this Act) and inserting the following:

''(E) the extent to which the location and design of the proposed project will facilitate the provision of community-based supportive services and address other basic needs of persons with disabilities, including access to appropriate and accessible transportation, access to community services agencies, public facilities, and shopping;'';

(6) in subsection (j)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively;

(7) in subsection (l) (as so redesignated by section 4(1) of this Act)—

(A) in paragraph (1), by inserting before the period at the end of the first sentence the following: '', which provides a separate bedroom for each tenant of the residence'';

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

''(2)(A) The term 'person with disabilities' means a person who is 18 years of age or older and less than 62 years of age, who—

''(i) has a disability as defined in section 223 of the Social Security Act;

''(ii) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which—

''(I) is expected to be of long-continued and indefinite duration;

''(II) substantially impedes his or her ability to live independently; and

''(III) is of such a nature that such ability could be improved by more suitable housing conditions; or

''(iii) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

''(B) Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing under this title, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

''(C) The Secretary shall prescribe such regulations as may be necessary to prevent abuses in determining, under the definitions contained in this paragraph, the eligibility of families and persons for admission to and occupancy of housing assisted under this section. Notwithstanding the preceding provisions of this paragraph, the term 'person with disabilities' includes two or more persons with disabilities living together, one or more such persons living with another person who is determined (under regulations prescribed by the Secretary) to be important to their care or well-being, and the surviving member or members of any household described in subparagraph (A) who were living, in a unit assisted under this section, with the deceased member of the household at the time of his or her death.'';

(C) by striking paragraph (3) and inserting the following new paragraph:

''(3) The term 'supportive housing for persons with disabilities' means dwelling units that—

''(A) are designed to meet the permanent housing needs of very low-income persons with disabilities; and

''(B) are located in housing that make available supportive services that address the individual health, mental health, or other needs of such persons.'';

(D) in paragraph (5), by striking ''a project for''; and

(E) in paragraph (6)—

(i) by inserting after and below subparagraph (D) the matter to be inserted by the amendment made by section 841 of the American Homeownership and Economic Opportunity Act of 2000 (Public Law 106–569; 114 Stat. 3022); and

(ii) in the matter inserted by the amendment made by subparagraph (A) of this paragraph, by striking ''wholly owned and''; and

(8) in subsection (m) (as so redesignated by section 4(1) of this Act)—

(A) in paragraph (2), by striking ''subsection (c)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (3), by striking ''subsection (c)(2)'' and inserting ''subsection (d)(2)''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Subsection (n) of section 811 (as so redesignated by section 4(1) of this Act) is amended to read as follows:

''(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2008 through 2012 the following amounts:

''(1) CAPITAL ADVANCE/PRAC PROGRAM.—For providing assistance pursuant to subsection (b), such sums as may be necessary.

''(2) DEMONSTRATION PROGRAM.—For carrying out the demonstration program under subsection (k), such sums as may be necessary to provide 2,500 incremental dwelling units under such program in each of fiscal years 2008 and 2009 and 5,000 incremental dwelling units under such program in each of fiscal years 2010, 2011, and 2012.''.

SEC. 7. NEW REGULATIONS AND PROGRAM GUIDANCE.

Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue new regulations and guidance for the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act for supportive housing for persons with disabilities to carry out such program in accordance with the amendments made by this Act.

SEC. 8. GAO STUDY.

The Comptroller General of the United States shall conduct a study of the supportive housing for persons with disabilities program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) to determine the adequacy and effectiveness of such program in assisting households of persons with disabilities. Such study shall determine—

(1) the total number of households assisted under such program;

(2) the extent to which households assisted under other programs of the Department of Housing and Urban Development that provide rental assistance or rental housing would be eligible to receive assistance under such section 811 program; and

(3) the extent to which households described in paragraph (2) who are eligible for, but not receiving, assistance under such section 811 program are receiving supportive services from, or assisted by, the Department of Housing and Urban Development other than through the section 811 program (including under the Resident Opportunity and Self-Sufficiency program) or from other sources.

Upon the completion of the study required under this section, the Comptroller General shall submit a report to the Congress setting forth the findings and conclusions of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. MURPHY) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. MURPHY of Connecticut. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the Chamber for its indulgence in allowing us to bring before it today the Frank Melville Supportive Housing Investment Act of 2008, which is a reauthorization and improvement upon the existing section 811 supportive housing statute.

Before I go into very briefly the details and importance of this act, I would just like to thank those that have worked on this bill and this issue, including the chairman of the committee, Chairman FRANK, the chairwoman of the Subcommittee on Housing, Representative WATERS, and especially the Republican cosponsor of this legislation, along with myself, Representative BIGGERT, who has been just a boundless champion for the issue of supportive housing, the issue of compassionate care for those individuals with physical and mental disabilities, and also to Mrs. CAPITO, who has led this committee and this issue so ably.

Mr. Speaker, the 811 program today is the Nation's primary program for funding supportive housing. What is supportive housing? Supportive housing is housing for people with largely mental disability or physical disability, that provides some basic supports around those living arrangements so that those individuals can live independently. Job skills, medication adherence, social work, a small amount of support given to these individuals living with these disabilities can make sure that those individuals can live on their own independently and live full and productive lives. It is a cost-effective and compassionate program that, unfortunately, has not worked as well as it should have in the past several years.

The Department of Housing and Urban Development estimates, Mr. Speaker, that 1.3 million individuals, non-elderly disabled across this country, are low income, living in substandard housing; 1.3 million people, and our 811 program simply hasn't reached enough of them.

Last year, less than 1,000 new units were built around this country with 811 dollars, and, as we heard before the subcommittee, it has taken sometimes 6 years for projects funded with 811 capital dollars to go from the development stage to the completion stage.

□ 1830

That's an unacceptably long amount of time for projects that sometimes only encompass four or six or eight units of housing. This bill sets a, I think, very aggressive but reasonable goal, a tripling over time the number of units constructed in this country with 811 dollars.

How does it do this? Primarily it does this by taking the $87 million right now that are used as vouchers in the 811 program, and transferring those vouchers over to the larger section 8 program. What we have learned is that these vouchers that are supposed to be dedicated to people with disabilities have not been traced sufficiently, and in fact, probably are going to people without disabilities, in many cases.

The section 8 program will do, I think, a much better job, is much better equipped to track those vouchers going forward. We then take that money that has now been freed up through the transition of those vouchers to the section 8 program and use much of it to fund a new demonstration program that will seek to leverage the capital dollars from coming from the 811 program with low-income tax credits, private dollars and State partnerships.

By doing that, we will be able to take existing, affordable housing projects that are in the planning stages and, with small amounts of rental subsidies, be able to reach out to those developers and essentially make them a deal that we will give them a small rental subsidy if, in exchange, they carve out a small number of units to be supportive housing. This has worked remarkably well in States that have endeavored this program already. North Carolina comes to mind most immediately where, over the last 7 years, 1,200 units of supportive housing have been built, in part, with this strategy put in place.

There are a number of other important improvements to the 811 program in this act, allowing States and State housing agencies to do much of the bureaucratic paperwork involved in these applications, which we believe will greatly expedite the application process, a study which will look into how we can better use dollars in existing housing projects, 202 housing projects, and other affordable housing projects, to get tenants that are living in other affordable housing sites, some basic support services that will help them live independently. It is a vast improvement over the current law, and we hope, as I said, it will potentially triple the number of units built across this country.

This is important. These are some of the country's most vulnerable citizens, who are playing by the rules, doing everything we ask, but simply need a small apartment of help to be able to live independent, productive lives in their community. This is one of the most compassionate things that this Congress can do is to try to extend out that basic building block of society, good, affordable housing to individuals with mental disability, with mental illness and with physical disabilities.

One last note, this bill is entitled the Frank Melville Supportive Housing Investment Act, and it is titled after the late Frank Melville, the founder, along with his wife, Ellen, of the Melville Charitable Trust. This charitable trust that they have built up through their generosity, the Melville family's generosity, has funded housing advocacy and specifically supportive housing advocacy across this country for a number of years. We would not have the housing advocacy community that exists today if it weren't for the generosity of the Melvilles.

Unfortunately, this world lost Frank Melville, who also happened to be a constituent of mine, recently, and this act, I think, is a very appropriate testament to the work that he has done.

I thank, again, Mrs. BIGGERT for her great work over the years on this issue.

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

Mrs. CAPITO. I would like to thank the sponsor of the bill, my colleague from Connecticut.

Mr. Speaker, I would like to yield time now to the cosponsor of the bill, a champion for housing in all forms and fashion, but particularly supportive housing, Mrs. BIGGERT from Illinois.

Mrs. BIGGERT. I thank the gentlelady for yielding.

At this time I would like to submit for the RECORD a letter addressed to

Speaker PELOSI from the National Alliance on Mental Illness in support of this legislation.

NATIONAL ALLIANCE ON MENTAL ILLNESS,
Arlington, VA, September 16, 2008.

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

DEAR SPEAKER PELOSI: On behalf of the 210,000 members and 1,200 affiliates of the National Alliance on Mental Illness (NAMI), I am writing to offer our strong support for the Frank Melville Supportive Housing Investment Act of 2008 (H.R. 5772). As the Nation's largest organization representing people with serious mental illness and their families, NAMI is especially grateful to Chairman Barney Frank and the bill's sponsors, Representatives Chris Murphy and Judy Biggert, for their leadership in moving this legislation forward.

As you know, Section 811 is a critical affordable housing resource for non-elderly people with severe disabilities. While the program has been effective in developing permanent supportive housing, improvements are needed. H.R. 5772 will streamline and simplify the existing process by which 811 sponsors compete for new projects. It will also reform Section 811 and create an important demonstration program to allow for investment of new capital resources from programs such as the Low-Income Housing Tax Credit and HOME in supportive housing developments. Finally H.R. 5772 would resolve the current threat to the program from the Section 811 ''mainstream'' voucher program.

NAMI applauds their commitment to improving supportive housing options for people with severe disabilities. Thank you for bringing this legislation to the full House. NAMI urges all members to support passage of H.R. 5772.

Sincerely,

MICHAEL J. FITZPATRICK,
Executive Director.

Mr. Speaker, I am very proud to rise today as the cosponsor of this legislation, and I certainly urge my colleagues to support it.

I would also like to thank my good friend, Congressman MURPHY, who introduced the bill, the Frank Melville Supportive Housing Investment Act of 2008, and thank him for his hard work to modernize the Department of Housing and Urban Development, HUD's section 811 program.

For the past 4 years, this administration has proposed deep cuts to the section 811 program. In response, for the past 4 years we have sent letters to the Appropriations Committee leaders urging them to reject those cuts and fully fund the program.

Why? Because section 811 is the only Federal program that funds housing and vouchers for people with disabilities who seek to live as independent members of the community.

I am pleased to report that for the last 4 years, Congress has agreed to fully fund this important program. This year, we are going beyond the appropriations. We are seeking to modernize the program, which hasn't been updated for over 15 years.

H.R. 5772 is critical to the goal of increasing the number of affordable units for people with disabilities. By better aligning this section 811 program with other Federal, State and local funding resources, it allows nonprofit sponsors to more easily leverage additional financing, thereby maximizing Federal dollars.

By requiring HUD to simplify its more than 400 pages of guidelines, it streamlines the program. In addition, it delegates grant authority to State and local housing authorities, which housing experts agree will make the program more efficient.

Finally, the bill calls for a new demonstration project that is estimated to generate as many as 3,000 new units of housing for nonelderly people with disabilities. The bill we are considering today will make the program more user friendly and attractive to nonprofits.

Before I close, I would like to once again thank my colleague from Connecticut, Congressman MURPHY, for working on this bill. In addition, I would like to thank Chairman FRANK and Ranking Member BACHUS, Chairwoman WATERS and Ranking Member Capito, as well as their staffs, for helping us with this legislation.

Of course, I cannot forget to thank one of my constituents from Tinley Park, Illinois, Tony Paulauski, the executive director of the Arc of Illinois, who testified before our committee about the need for these reforms.

On a similar note, I would also like to thank the wonderful people in Illinois that work for Trinity Services and Cornerstone Services, as well as all of those volunteers, parents and other members of the community who have reached out to express their support for this legislation.

Mr. Speaker, this is a commonsense bill that modernizes an important Federal housing program that hasn't been updated. I urge my colleagues to support it.

Mr. MURPHY of Connecticut. Mr. Speaker, I would like to recognize the gentleman from Massachusetts (Mr. LYNCH) for as much time as he may consume.

Mr. LYNCH. I thank the gentleman from Connecticut for yielding me this time.

Mr. Speaker, I rise in support of H.R. 5772, the Frank Melville Supportive Housing Investment Act of 2008. This is the only HUD permanent supportive housing program that is exclusively for people with disabilities.

I am pleased to support this legislation, which will reform and strengthen section 811 of the Cranston-Gonzalez National Affordable Housing Act. This bill will actually increase efficiency and better serve eligible disabled persons and, importantly, I think, this bill will streamline the bureaucracy.

Those of us who have tried to assist disabled persons with their housing understand the hoops that one must go through. This bill, I think, through the great work of Congressman MURPHY and others, has solved much of that. But there is much to be said about the improvements to the current rental assistance program and the system for disbursing capital advances, which actually create and maintain affordable units.

Additionally, this bill will require HUD to carry out an important competitive demonstration program to expand the supply of truly supportive housing. I am especially pleased that this bill also authorizes appropriations for that assistance under section 8 in fiscal year 2009.

Having grown up in public housing, I am probably more aware than most of the important role that public housing fills in terms of the needs of our disabled community. This is especially true for our disabled citizens, who have a greater need for housing and facilities that meet their particular disabilities.

I encourage my colleagues to support those most in need in our country by voting for this important bipartisan measure. I must say Mr. MURPHY has been very gracious in recognizing everyone who has been involved here, but I must, in turn, I think, recognize his great involvement and great leadership here.

On behalf of all the families out there, like mine, who have disabled persons, and we recognize the challenges that they deal with every day on a regular basis, I just want to extend our thanks to CHRIS MURPHY, the Congressman from Connecticut, for his great work on this bill.

Mrs. CAPITO. I would like to join in the chorus of support.

Mr. Speaker, as we have heard, the section 811 program provides housing assistance and supportive services for persons with disabilities. I have seen firsthand in my own district the good works that this program provides, and I am sure it is the same for members across the Nation.

The timing of the passage of this legislation is especially significant, as the House just passed the Americans with Disabilities Act amendments earlier today. It is appropriate that we would now consider legislation to improve our housing programs for those with disabilities who choose to live independently.

We have heard a good review, I believe, of the program. We know that it allows persons with disabilities to live independently. I think that's important to emphasize the independent nature of the 811 program. It is also the only Federal program that is solely dedicated to very low-income folks with serious or long-term disabilities. Unfortunately, sometimes those are coupled together because you have a serious or long-term disability, which sometimes prevents you from working,

and it puts you into that low or very low-income bracket.

We have talked about some of the revisions, programatic issues and changes that have been made, terminating 811's Mainstream Tenant-Based Rental Assistance Program and transferring those vouchers to section 8, modernizing the Capital Advance Program, establishing a project rental assistance demonstration program and revising the definitions of ''group home,'' ''people with disabilities,'' ''supportive housing for persons with disabilities.''

Also in this bill, we repeal the authority of the Secretary to waive size limitations on group homes and individual living facilities. These improvements to the program will help provide a better life for individuals with disabilities and their families.

The ability to live independently with the assistance of supportive services is critical to improving the lives of the disabled and allowing them to be active participants in their communities.

I join in thanking Chairman FRANK and Ranking Member BACHUS. I would like to particularly thank Mr. MURPHY for his leadership on this issue and Mrs. BIGGERT for her leadership as well.

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

Mr. MURPHY of Connecticut. I thank Mrs. CAPITO and Mrs. BIGGERT for their leadership on this issue.

Just in closing, Mr. Speaker, although this bill will help scores of individuals with physical handicaps, I think, to myself, of how much help this is going to provide the millions of individuals across this country with mental illness that are struggling to live independently.

Years ago, when this country and States across this Nation made the decision, the right decision to close down the institutions that housed many of those individuals, we made a promise that we would find new housing, new opportunities for those individuals to live on their own in the community.

We have not lived up to that promise. In Connecticut, those of us that care about this issue often wear a button around the halls of the State legislature entitled ''Keep the Promise.'' This legislation, I believe, is a step towards doing just that.

With that, I urge my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 5772, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS REFORM ACT OF 2008

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5611) to reform the National Association of Registered Agents and Brokers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5611

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Association of Registered Agents and Brokers Reform Act of 2008''.

SEC. 2. REESTABLISHMENT OF THE NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

(a) IN GENERAL.—Subtitle C of title III of the Gramm-Leach-Bliley Act (15 U.S.C. 6751 et seq.) is amended to read as follows:

''Subtitle C—National Association of Registered Agents and Brokers

''SEC. 321. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

''(a) ESTABLISHMENT.—There is established the National Association of Registered Agents and Brokers (hereafter in this subtitle referred to as the 'Association').

''(b) STATUS.—The Association shall—

''(1) be a nonprofit corporation;

''(2) have succession until dissolved by an Act of Congress;

''(3) not be an agent or instrumentality of the United States Government; and

''(4) except as otherwise provided in this subtitle, be subject to, and have all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–301.01 et seq.).

''SEC. 322. PURPOSE.

''The purpose of the Association shall be to provide a mechanism through which licensing, continuing education, and other nonresident insurance producer qualification requirements and conditions can be adopted and applied on a multi-state basis (without affecting the laws, rules, and regulations pertaining to resident insurance producers or appointments or producing a net loss of producer licensing revenues to States), while preserving the right of States to license, supervise, discipline, and establish licensing fees for insurance producers, and to prescribe and enforce laws and regulations with regard to insurance-related consumer protection and unfair trade practices.

''SEC. 323. MEMBERSHIP.

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—Any insurance producer licensed in its home State shall be eligible to become a member in the Association.

''(2) INELIGIBILITY FOR SUSPENSION OR REVOCATION OF LICENSE.—Notwithstanding paragraph (1), a State-licensed insurance producer shall not be eligible to become a member if a State insurance regulator has suspended or revoked such producer's license in that State during the 3-year period preceding the date on which such producer applies for membership.

''(3) RESUMPTION OF ELIGIBILITY.—Paragraph (2) shall cease to apply to any insurance producer if—

''(A) the State insurance regulator renews the license of such producer in the State in which the license was suspended or revoked; or

''(B) the suspension or revocation is subsequently overturned.

''(4) CRIMINAL BACKGROUND CHECK REQUIRED.—

''(A) IN GENERAL.—A State-licensed insurance producer shall not be eligible to become a member unless the producer has submitted to a national criminal background record check.

''(B) CRIMINAL BACKGROUND CHECK ORDERED BY HOME STATE.—Any insurance producer licensed in a State that, as a condition for such licensure, requires the submission of identification information to the Federal Bureau of Investigation for a national criminal background record check shall be deemed to have submitted to a national criminal background record check for purposes of subparagraph (A).

''(C) CRIMINAL HISTORY CHECK ORDERED BY ASSOCIATION.—

''(i) IN GENERAL.—The Association may submit identification information obtained from any State-licensed insurance producer licensed in a State that has not submitted to a national criminal background record check, and a request for a national criminal background record check of such producer, to the Federal Bureau of Investigation.

''(ii) BYLAWS OR RULES.—The board of directors of the Association shall prescribe bylaws or rules for obtaining and utilizing identification information and criminal background record information, including the establishment of fees required to perform a criminal background record check.

''(D) ATTORNEY GENERAL AUTHORIZATION.—Upon receiving a request from the Association, the Attorney General shall—

''(i) search the records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation, and any other similar database over which the Attorney General has authority and deems appropriate, for any criminal background records (including wanted persons information) corresponding to the identification information provided under subparagraph (F); and

''(ii) provide any relevant information contained in such records that pertain to the request directly to the Association.

''(E) RELEVANT INFORMATION DEFINED.—For purposes of subparagraph (D)(ii), the term 'relevant information' means any of the following records:

''(i) All felony convictions.

''(ii) All misdemeanor convictions involving—

''(I) violation of a law involving financial activities;

''(II) dishonesty or breach of trust, within the meaning of section 1033 of title 18, United States Code, including taking, withholding, misappropriating, or converting money or property;

''(III) failure to comply with child support obligations;

''(IV) failure to pay taxes; and

''(V) domestic violence, child abuse, burglary of a dwelling, or a criminal offense that has as an element the use or attempted use of physical force, or threat of great bodily harm, or the use, attempted use, or threatened use of a deadly weapon, against an individual, including committing or attempting to commit murder, manslaughter, kidnapping, aggravated assault, forcible sex

offenses, robbery, arson, extortion, and extortionate extension of credit.

''(F) FORM OF REQUEST.—A request under subparagraph (C) shall include a copy of any necessary identification information required by the Attorney General concerning the person about whom the record is requested and a statement signed by the person acknowledging that the Association may request the search.

''(G) LIMITATION ON PERMISSIBLE USES OF INFORMATION.—Information obtained under this section may—

''(i) be used only for regulatory or law enforcement purposes or for purposes of determining compliance with membership criteria established by the Association;

''(ii) be disclosed only to the Association, State insurance regulators, or Federal or State law enforcement agencies; and

''(iii) be disclosed only if the recipient agrees to—

''(I) maintain the confidentiality of such information; and

''(II) limit the use of such information to the purposes described in clause (i).

''(H) PENALTY FOR IMPROPER USE.—Whoever uses any information obtained under this section knowingly and willfully for an unauthorized purpose shall be fined under title 18, United States Code, imprisoned for not more than 2 years, or both.

''(I) RELIANCE ON INFORMATION.—Neither the Association nor any of its directors, officers, or employees who reasonably rely on information provided under this section shall be liable in any action for using information as permitted under this section in good faith.

''(J) CLARIFICATION OF SECTION 1033.—

''(i) IN GENERAL.—With respect to any action brought under section 1033(e)(1)(B) of title 18, United States Code, no person engaged in the business of conducting financial activities shall be subject to any penalty resulting from such section if the individual whom the person permitted to engage in the business of insurance is a member of the Association or is licensed, or approved (as part of an application or otherwise), by a State insurance regulator that performs criminal background checks under this section, unless such person knows that the individual is in violation of section 1033(e)(1)(A) of such title.

''(ii) FINANCIAL ACTIVITIES DEFINED.—For purposes of this subparagraph, the term 'financial activities'—

''(I) means banking activities (including the ownership of a bank), securities activities, insurance activities, or commodities activities; and

''(II) includes all activities that are financial in nature or are incidental to a financial activity (as defined under section 4(k) of the Bank Holding Company Act of 1956).

''(K) FEES.—The Attorney General may charge a reasonable fee for the provision of information under this paragraph.

''(L) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as—

''(i) requiring a State insurance regulator to perform criminal background checks under this section; or

''(ii) superseding or otherwise limiting any other authority that allows access to criminal background records.

''(M) REGULATIONS.—The Attorney General may prescribe regulations to carry out this paragraph.

''(N) INELIGIBILITY FOR MEMBERSHIP.—The Association may deny membership to any State-licensed insurance producer on the basis of criminal history information obtained pursuant to subparagraph (D).

''(b) AUTHORITY TO ESTABLISH MEMBERSHIP CRITERIA.—The Association may establish membership criteria that—

''(1) bear a reasonable relationship to the purposes for which the Association was established; and

''(2) do not unfairly limit the access of smaller agencies to the Association membership, including imposing discriminatory membership fees on smaller insurance producers.

''(c) ESTABLISHMENT OF CLASSES AND CATEGORIES OF MEMBERSHIP.—

''(1) CLASSES OF MEMBERSHIP.—The Association may establish separate classes of membership, with separate criteria, if the Association reasonably determines that performance of different duties requires different levels of education, training, experience, or other qualifications.

''(2) CATEGORIES.—

''(A) SEPARATE CATEGORIES FOR PRODUCERS PERMITTED.—The Association may establish separate categories of membership for producers and for other persons within each class, based on the types of licensing categories that exist under State laws.

''(B) SEPARATE TREATMENT FOR DEPOSITORY INSTITUTIONS PROHIBITED.—No special categories of membership, and no distinct membership criteria, shall be established for members which are depository institutions or for employees, agents, or affiliates of depository institutions.

''(d) MEMBERSHIP CRITERIA.—

''(1) IN GENERAL.—The Association may establish criteria for membership which shall include standards for personal qualifications, education, training, and experience.

''(2) QUALIFICATIONS.—In establishing criteria under paragraph (1), the Association shall consider the NAIC Producer Licensing Model Act and the highest levels of insurance producer qualifications established under the licensing laws of the States.

''(3) ASSISTANCE FROM STATES.—

''(A) IN GENERAL.—The Association may request a State to provide assistance in investigating and evaluating a prospective member's eligibility for membership in the Association.

''(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as requiring or authorizing any State to adopt new or additional requirements concerning the licensing or evaluation of insurance producers.

''(4) DENIAL OF MEMBERSHIP.—The Association may deny membership to any State-licensed insurance producer for failure to meet the membership criteria established by the Association.

''(e) EFFECT OF MEMBERSHIP.—

''(1) AUTHORITY OF ASSOCIATION MEMBERS.—Membership in the Association shall—

''(A) authorize an insurance producer to sell, solicit, negotiate, effect, procure, deliver, renew, continue, or bind insurance in any State for which the member pays the licensing fee set by such State for any line or lines of insurance specified in such producer's home State license, and exercise all such incidental powers, as shall be necessary to carry out such activities, including claims adjustments and settlement, risk management, employee benefits advice, retirement planning, and any other insurance-related consulting activities;

''(B) be the equivalent of a nonresident insurance producer license issued in any state where the member pays the licensing fee; and

''(C) subject an insurance producer to all laws, regulations, provisions or other action of any State concerning revocation or suspension of a member's ability to engage in any activity within the scope of authority granted under this subsection and to all state laws, regulations, provisions and actions preserved under paragraph (4).

''(2) DUPLICATIVE LICENSES.—No State, other than the member's home State, may require an individual member to obtain a business entity license or membership in order to engage in any activity within the scope of authority granted in paragraph (1) or in order for the member or any employer, employee, or affiliate of the member to receive compensation for the member's performance of any such activity.

''(3) AGENT FOR REMITTING FEES.—The Association shall act as any member's agent for purposes of remitting licensing fees to any State pursuant to paragraph (1).

''(4) PRESERVATION OF STATE CONSUMER PROTECTION AND MARKET CONDUCT REGULATION.—No provision of this section shall be construed as altering or affecting the continuing effectiveness of any law, regulation, provision, or other action of any State which purports to regulate market conduct or unfair trade practices or establish consumer protections to the extent that such law, regulation, provision, or other action is not inconsistent with the provisions of this subtitle, and then only to the extent of such inconsistency.

''(f) BIENNIAL RENEWAL.—Membership in the Association shall be renewed on a biennial basis.

''(g) CONTINUING EDUCATION.—

''(1) IN GENERAL.—The Association shall establish, as a condition of membership, continuing education requirements which shall be comparable to the continuing education requirements under the licensing laws of a majority of the States.

''(2) STATE CONTINUING EDUCATION REQUIREMENTS.—A member may not be required to satisfy continuing education requirements imposed under the laws, regulations, provisions, or actions of any State other than such member's home State.

''(3) RECIPROCITY.—The Association shall not require a member to satisfy continuing education requirements that are equivalent to any continuing education requirements of the member's home State that have been satisfied by the member during the applicable licensing period.

''(4) LIMITATION ON ASSOCIATION.—The Association shall not directly or indirectly offer any continuing education courses for insurance producers.

''(h) PROBATION, SUSPENSION AND REVOCATION.—The Association may place an insurance producer that is a member of the Association on probation or suspend or revoke such producer's membership in the Association, as the Association determines to be appropriate, if—

''(1) the producer fails to meet the applicable membership criteria of the Association; or

''(2) the producer has been subject to disciplinary action pursuant to a final adjudicatory proceeding under the jurisdiction of a State insurance regulator.

''(i) OFFICE OF CONSUMER COMPLAINTS.—

''(1) IN GENERAL.—The Association shall establish an office of consumer complaints that shall—

''(A) receive and, when appropriate, investigate complaints from both consumers and State insurance regulators related to members of the Association;

''(B) maintain records of all complaints received in accordance with subparagraph (A)

and make such records available to the National Association of Insurance Commissioners (hereinafter in this subtitle referred to as the 'NAIC') and to each State insurance regulator for the State of residence of the consumer who filed the complaint; and

''(C) refer, when appropriate, any such complaint to any appropriate State insurance regulator.

''(2) TELEPHONE AND OTHER ACCESS.—The office of consumer complaints shall maintain a toll-free telephone number for the purpose of this subsection and, as practicable, other alternative means of communication with consumers, such as an Internet web page.

''SEC. 324. BOARD OF DIRECTORS.

''(a) ESTABLISHMENT.—There is established the board of directors of the Association (hereafter in this subtitle referred to as the 'Board') for the purpose of governing and supervising the activities of the Association and the members of the Association.

''(b) POWERS.—

''(1) IN GENERAL.—The Board shall have such powers and authority as may be specified in the bylaws of the Association.

''(2) QUORUM REQUIRED.—All decisions of the Board shall require an affirmative vote of a simple majority of Board members.

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Board shall be composed of 11 members, of whom—

''(A) 6 shall be State insurance commissioners appointed in the manner provided in paragraph (2), and

''(B) 5 shall be insurance industry representatives appointed in the manner provided in paragraph (3).

''(2) MEMBERS APPOINTED BY THE NAIC.—

''(A) IN GENERAL.—The NAIC shall appoint 1 member of the Board from among State insurance commissioners in each of the following 3 categories of States:

''(i) The 18 States with the smallest total direct written premiums from all insurance policies written in such States.

''(ii) The 18 States with the largest total direct written premiums from all insurance policies written in such States.

''(iii) The States that are not among the States described in clauses (i) and (ii).

''(B) AT-LARGE MEMBERS.—The NAIC shall appoint 3 Board members pursuant to criteria established by the NAIC's membership.

''(3) MEMBERS APPOINTED BY INSURANCE TRADE ASSOCIATIONS.—

''(A) INSURANCE PRODUCER REPRESENTATIVES.—3 of the 5 members who are insurance industry representatives shall be appointed as follows by the following trade associations or their successor organizations:

''(i) 1 member appointed by the Council of Insurance Agents and Brokers from among representatives of such association.

''(ii) 1 member appointed by the Independent Insurance Agents and Brokers of America from among representatives of such association.

''(iii) 1 member appointed by the National Association of Insurance and Financial Advisors from among representatives of such association.

''(B) PROPERTY AND CASUALTY INSURER REPRESENTATIVE.—1 of the 5 members who are insurance industry representatives shall be appointed by the American Insurance Association, the National Association of Mutual Insurance Companies, and the Property and Casualty Insurers Association of America from among representatives of each such association, on a rotating basis.

''(C) LIFE AND HEALTH INSURER REPRESENTATIVE.—1 of the 5 members who are insurance industry representatives shall be appointed by the American Council of Life Insurers and the Association of Health Insurance Plans from among representatives of each such association, on a rotating basis.

''(4) ALTERNATE APPOINTMENT.—

''(A) IN GENERAL.—If the NAIC or a nominating group of insurance trade associations fails to make appointments to the Board as required under paragraph (2) or (3), the President shall appoint such members of the Association's Board from lists of candidates provided by the NAIC, in the case of a member described in paragraph (2) or the nominating group of insurance trade associations pursuant to the relevant subparagraph of paragraph (3), in the case of a member described in any such subparagraph.

''(B) PROCEDURES FOR OBTAINING NAIC APPOINTMENT RECOMMENDATIONS.—

''(i) PRESIDENTIAL APPOINTMENT FROM LIST.—If the NAIC fails to appoint members of the Board as provided under subparagraph (A) or (B) of paragraph (2) within 60 days after the date of the enactment of the National Association of Registered Agents and Brokers Reform Act of 2008, the President shall, with the advice and consent of the Senate, appoint 6 members to the Board who are current State insurance commissioners in accordance with the requirements of subparagraphs (A) and (B) of paragraph (2) from a list of candidates recommended to the President by the NAIC.

''(ii) PRESIDENTIAL APPOINTMENT WITHOUT A LIST.—If the NAIC fails to provide a list within 90 days after the date of the enactment of the National Association of Registered Agents and Brokers Reform Act of 2008, or if any list that is provided does not include at least 10 recommended candidates or comply with the requirements of paragraph (2), the President shall, with the advice and consent of the Senate, appoint 6 members to the Board without considering the views of the NAIC, in accordance with requirements of paragraph (2).

''(C) PROCEDURES FOR OBTAINING INSURANCE TRADE ASSOCIATION GROUP APPOINTMENT RECOMMENDATIONS.—

''(i) PRESIDENTIAL APPOINTMENT FROM LIST.—If any group of nominating insurance trade associations identified under subparagraph (A), (B), or (C) of paragraph (3) fails to appoint members of the Board as provided under such subparagraph within 60 days after the date of the enactment of the National Association of Registered Agents and Brokers Reform Act of 2008, the President shall, with the advice and consent of the Senate, make the requisite appointments pursuant to each such subparagraph from a list of candidates recommended to the President by such group.

''(ii) PRESIDENTIAL APPOINTMENT WITHOUT A LIST.—If the nominating group of insurance trade associations identified under subparagraph (A), (B), or (C) of paragraph (3) fails to provide a list within 90 days after date of the enactment of the National Association of Registered Agents and Brokers Reform Act of 2008, or if any list that is provided does not comply with the requirements of the subparagraph, the President shall, with the advice and consent of the Senate, make the requisite appointments without considering the views of such group.

''(iii) LIST OF RECOMMENDATIONS.—Any list of recommended candidates provided to the President by a nominating group of insurance trade associations identified under subparagraph (A), (B), or (C) of paragraph (3) shall include—

''(I) at least 2 recommended candidates from each association identified under paragraph (3)(A);

''(II) at least 2 recommended candidates, in the case of associations identified under paragraph (3)(B); and

''(III) at least 2 recommended candidates, in the case of associations identified under paragraph (3)(C).

''(D) ALTERNATE APPOINTMENT OF STATE INSURANCE COMMISSIONERS.—If fewer than 6 State insurance commissioners accept appointment to the Board pursuant to subparagraph (B), the President, with the advice and consent of the Senate, may appoint the remaining State insurance commissioner members of the Board from among individuals who are current or former State insurance commissioners, to the extent that—

''(i) any former insurance commissioner appointed by the President shall not be employed by or have a present direct or indirect financial interest in any insurer or other entity in the insurance industry other than direct or indirect ownership of, or beneficial interest in, any insurance policy or annuity contract written or sold by an insurer; and

''(ii) not more than 3 members appointed to membership on the Board under this subparagraph belong to the same political party as the President.

''(5) STATE INSURANCE COMMISSIONER DEFINED.—For purposes of this subsection, the term 'State insurance commissioner' means a person who serves in the position in State government, or on the board, commission, or other body that is the principal insurance regulatory authority for the State.

''(d) TERMS.—

''(1) IN GENERAL.—The term of each Board member shall, after the initial appointment of the members of the Board, be for 2 years, with ½ of the members to be appointed each year and divided as evenly as possible between members appointed under paragraphs (2) and (3) of subsection (c).

''(2) LIMITATION ON SUCCESSIVE TERMS.—Only Board members appointed under subsections (c)(2) and (c)(3)(A) may be re-appointed for an additional term.

''(e) BOARD VACANCIES.—

''(1) IN GENERAL.—Any vacancy on the board of directors shall be filled as provided under subparagraph (A) or (B) of paragraph (2), and any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

''(2) ALTERNATE APPOINTMENT.—If the NAIC or a nominating group of trade associations fails to appoint a member to the Board to fill a vacancy within 60 days from the date that such vacancy occurs, the President shall, with the advice and consent of the Senate, make the requisite appointment pursuant to the procedures established under the applicable subparagraph of subsection (c)(4).

''(f) MEETINGS.—The Board shall meet at the call of the chairperson, or as otherwise provided by the bylaws of the Association.

''SEC. 325. OFFICERS.

''(a) POSITIONS.—The officers of the Association shall consist of a chairperson and a vice chairperson of the Board, an executive director, secretary, and treasurer of the Association, and such other officers and assistant officers as may be deemed necessary.

''(b) MANNER OF SELECTION.—Each officer of the Board and the Association shall be elected or appointed at such time, in such manner, and for such terms as may be prescribed in the bylaws of the Association.

''SEC. 326. BYLAWS, RULES, AND DISCIPLINARY ACTION.

''(a) ADOPTION AND AMENDMENT OF BYLAWS.—

''(1) COPY REQUIRED TO BE FILED.—The board of directors of the Association shall submit to the President, the Congress, and the NAIC any proposed bylaw or rules of the Association or any proposed amendment to the bylaws or rules, accompanied by a concise general statement of the basis and purpose of such proposal.

''(2) EFFECTIVE DATE.—Any proposed bylaw or rule or proposed amendment to the bylaws or rules shall take effect, after notice published in an insurance trade journal and opportunity for comment, upon such date as the Association may designate.

''(b) DISCIPLINARY ACTION BY THE ASSOCIATION.—

''(1) SPECIFICATION OF CHARGES.—In any proceeding to determine whether membership shall be denied, suspended, revoked, or not renewed (hereafter in this section referred to as a 'disciplinary action') or to determine whether a member of the Association should be placed on probation, the Association shall bring specific charges, notify such member of such charges, give the member an opportunity to defend against the charges, and keep a record.

''(2) SUPPORTING STATEMENT.—A determination to take disciplinary action shall be supported by a statement setting forth—

''(A) any act or practice in which such member has been found to have been engaged;

''(B) the specific provision of this subtitle, the rules or regulations under this subtitle, or the rules of the Association which any such act or practice is deemed to violate; and

''(C) the sanction imposed and the reason for such sanction.

''SEC. 327. POWERS.

''In addition to all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, the Association shall have the following powers:

''(1) To establish and collect such membership fees as the Association finds necessary to impose to cover the costs of its operations.

''(2) To adopt, amend, and repeal bylaws and rules governing the conduct of Association business and performance of its duties.

''(3) To establish procedures for providing notice and opportunity for comment pursuant to section 326(a).

''(4) To enter into and perform such agreements as necessary to carry out its duties.

''(5) To hire employees, professionals or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of this subtitle, and determine their qualification; and to establish the Association's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation. and qualifications of personnel.

''(6) To borrow money.

''(7) To assess board member organizations and associations fees for such amounts that the Association determines to be necessary and appropriate to organize and begin operations of the Association, which shall be treated as loans to be repaid by the Association with interest at market rate.

''SEC. 328. REPORT BY ASSOCIATION.

''(a) IN GENERAL.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President, the Congress, and the NAIC a written report regarding the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year.

''(b) FINANCIAL STATEMENTS.—Each report submitted under subsection (a) with respect to any fiscal year shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

''SEC. 329. LIABILITY OF THE ASSOCIATION AND THE DIRECTORS, OFFICERS, AND EMPLOYEES OF THE ASSOCIATION.

''(a) IN GENERAL.—The Association shall not be deemed to be an insurer or insurance producer within the meaning of any State law, rule, regulation, or order regulating or taxing insurers, insurance producers, or other entities engaged in the business of insurance, including provisions imposing premium taxes, regulating insurer solvency or financial condition, establishing guaranty funds and levying assessments, or requiring claims settlement practices.

''(b) LIABILITY OF THE ASSOCIATION, ITS DIRECTORS, OFFICERS, AND EMPLOYEES.—Neither the Association nor any of its directors, officers, or employees shall have any liability to any person for any action taken or omitted in good faith under or in connection with any matter subject to this subtitle.

''SEC. 330. PRESIDENTIAL REVIEW.

''(a) REMOVAL.—If the President determines and certifies to the Speaker of the House, the House Minority Leader, the Senate Majority Leader and the Senate Minority Leader that the Association is acting in a manner contrary to the purposes of this subtitle or has failed to perform its duties under this subtitle, the President may remove the entire existing Board for the remainder of the term to which the members of the Board were appointed and appoint, in accordance with section 324(c)(4) with the advice and consent of the Senate, new members to fill the vacancies on the Board for the remainder of such terms.

''(b) SUSPENSION OF RULES OR ACTIONS.—The President, or a person designated by the President for such purpose, may suspend the effectiveness of any rule, or prohibit any action, of the Association which the President or the designee determines and certifies to the Speaker of the House, the House minority leader, the Senate majority leader, and the Senate minority leader is contrary to the purposes of this subtitle.

''SEC. 331. RELATIONSHIP TO STATE LAW.

''(a) PREEMPTION OF STATE LAWS.—State laws, regulations, provisions, or other actions purporting to regulate insurance producers shall be preempted to the extent provided in subsection (b).

''(b) PROHIBITED ACTIONS.—

''(1) IN GENERAL.—No State shall—

''(A) impede the activities of, take any action against, or apply any provision of law or regulation to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association;

''(B) impose any requirement upon a member of the Association that it pay fees different from those required to be paid to that State were it not a member of the Association;

''(C) impose any continuing education requirements on nonresident insurance producers; or

''(D) impose any licensing, registration, or appointment requirements upon any nonresident insurance producer that sells, solicits, negotiates, effects, procures, delivers, renews, continues, or binds insurance for commercial property and casualty risks to an insured with risks located in more than 1 State, provided that such nonresident insurance producer is otherwise licensed as an insurance producer in the State where the insured maintains its principal place of business and the contract of insurance insures risks located in that State.

''(2) STATES OTHER THAN A HOME STATE.—No State, other than a member's home State, shall—

''(A) impose any licensing, integrity, personal or corporate qualifications, education, training, experience, residency, continuing education, or bonding requirement upon a member of the Association that is different from the criteria for membership in the Association or renewal of such membership;

''(B) impose any requirement upon a member of the Association that it be licensed, registered, or otherwise qualified to do business or remain in good standing in such State, including any requirement that such insurance producer register as a foreign company with the secretary of state or equivalent State official; or

''(C) require that a member of the Association submit to a criminal history record check as a condition of doing business in such State.

''SEC. 332. COORDINATION WITH OTHER REGULATORS.

''(a) COORDINATION WITH STATE INSURANCE REGULATORS.—The Association may—

''(1) establish a central clearinghouse, or utilize the NAIC or any other entity as a central clearinghouse, through which members of the Association may pursuant to section 323(e) disclose their intent to operate in 1 or more States and pay the licensing fees to the appropriate States; and

''(2) establish a national database for the collection of regulatory information concerning the activities of insurance producers or contract with the NAIC or any other entity to utilize such a database.

''(b) COORDINATION WITH THE FINANCIAL INDUSTRY REGULATORY AUTHORITY.—The Association shall coordinate with the Financial Industry Regulatory Authority in order to ease any administrative burdens that fall on persons that are members of both associations, consistent with the purposes of this subtitle and the Federal securities laws.

''SEC. 333. JUDICIAL REVIEW AND ENFORCEMENT.

''(a) JURISDICTION.—The appropriate United States district court shall have exclusive jurisdiction over litigation to which the Association is a party or any matter arising under this subtitle, including disputes between the Association and its members that arise under this subtitle, subject to chapter 7 of title 5, United States Code.

''(b) EXHAUSTION OF REMEDIES.—An aggrieved person shall be required to exhaust all available administrative remedies before the Association before it may seek judicial review of an Association decision.

''(c) EQUAL WEIGHT AND DEFERENCE.—In any other proceeding involving this subtitle, the court shall give at least equal weight and deference to the interpretations of the Association as would be given to any State or Federal agency with respect to any law, regulation, interpretation, or order addressing the same issues.

''SEC. 334. DEFINITIONS.

''For purposes of this subtitle, the following definitions shall apply:

''(1) HOME STATE.—The term 'home State' means the State in which the insurance producer maintains its principal place of residence or business and is licensed to act as an insurance producer.

''(2) INSURANCE.—The term 'insurance' means any product, other than title insurance, defined or regulated as insurance by

the appropriate State insurance regulatory authority.

''(3) INSURANCE PRODUCER.—The term 'insurance producer' means any insurance agent or broker, excess or surplus lines broker or agent, insurance consultant, limited insurance representative, and any other individual or entity that solicits, negotiates, effects, procures, delivers, renews, continues or binds policies of insurance or offers advice, counsel, opinions or services related to insurance.

''(4) STATE.—The term 'State' includes any State, the District of Columbia, any territory of the United States, and Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

''(5) STATE LAW.—

''(A) IN GENERAL.—The term 'State law' includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State.

''(B) LAWS APPLICABLE IN THE DISTRICT OF COLUMBIA.—A law of the United States applicable only to or within the District of Columbia shall be treated as a State law rather than a law of the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Gramm-Leach-Bliley Act is amended by striking the items relating to subtitle C of title III and inserting the following new items:

''Subtitle C—National Association of Registered Agents and Brokers

''Sec. 321. National association of registered agents and brokers.
''Sec. 322. Purpose.
''Sec. 323. Membership.
''Sec. 324. Board of directors.
''Sec. 325. Officers.
''Sec. 326. Bylaws, rules, and disciplinary action.
''Sec. 327. Powers.
''Sec. 328. Report by association.
''Sec. 329. Liability of the association and the directors, officers, and employees of the association.
''Sec. 330. Presidential review.
''Sec. 331. Relationship to state law.
''Sec. 332. Coordination with other regulators.
''Sec. 333. Judicial review and enforcement.
''Sec. 334. Definitions.''.

□ 1845

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Kentucky (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank Chairman KANJORSKI of the Capital Markets Subcommittee, as well as Chairman FRANK, for working with us and allowing H.R. 5611, the National Association of Registered Agents and Brokers Reform Act, to be considered today. This is, indeed, an important piece of legislation.

I was pleased to introduce this bill, along with my good friend, the gentleman from Kentucky (Mr. DAVIS), as insurance regulatory reform is an issue many involved agree requires action. It, indeed, has been a pleasure to work with Representative DAVIS on this, who is one of my distinguished colleagues on the Committee on Financial Services. We both believe that this bill is a good starting point for leveling the playing field for insurance agents and brokers.

Never before, Mr. Speaker, have we really seen the significance and importance of the financial services industry as we are seeing it today. There are so many, many, many pieces that need to be reformed and looked at and improved upon, and this legislation happens to be one of those pieces.

H.R. 5611 will simply establish the National Association of Registered Agents and Brokers, which we refer to as NARAB, to provide for nonresident insurance agent and broker licensing while preserving the rights of States to supervise and discipline insurance agents and brokers. The legislation will further benefit consumers through increased competition among agents and brokers, leading to greater consumer choice.

This legislation is straightforward. Insurance agents and brokers who are licensed in good standing in their home States can apply for membership in the National Association for Registered Agents and Brokers, NARAB, which will allow them to operate in multiple States. This is very much needed. Membership will be voluntary and not affecting the rights of a nonmember producer under any State license, respecting the sanctity of the State. This legislation will benefit policyholders by increasing marketplace competition and consumer choice by enabling insurance producers to more quickly and responsibly serve the needs of the consumer.

A private, nonprofit NARAB entity consisting of State insurance regulators and marketplace representatives will serve as a portal for agents and brokers to obtain nonresident licenses in additional States. This is provided that they pay the required State nonlicensing fees and meet the NARAB standards for membership.

This bill would also establish membership criteria which would include standards for personal qualifications, education, training and experience; and further, member applicants must be required to undergo a national criminal background check. And, to be very clear, NARAB would not, I repeat, would not be part of nor report to any Federal agency and would not have any Federal regulatory power. This is being done to streamline and bring greater efficiency and greater choice to consumers.

Federal legislation is needed to ensure a reciprocal licensing process for insurance agents and brokers, and Congress already endorsed this concept when we passed the Gramm-Leach-Bliley Act in 1999. The Gramm-Leach-Bliley Act would have created NARAB if a number of States had not reached a certain number of licensing reciprocity, and although enough reciprocity was provided to avoid the creation of NARAB, it has been brought to my attention and to Mr. DAVIS' attention by agents across this country that there is a frustration over incomplete insurance licensing reciprocity, and this legislation addresses that important fact. It is abundantly clear that the bar was not set high enough in Gramm-Leach-Bliley, thus the reason behind this important legislation that we are considering today. We, my colleague, Mr. DAVIS and I, are simply working to ensure an updated version of NARAB.

I believe the increased competition among agents and brokers this bill would create will be beneficial to all, and on all accounts, be more fair; and, in addition, lead to greater consumer choice. Mr. Speaker, this is what is important. The bottom line, it is the benefit to the consumer.

As more and more agents operate across State lines, this problem of reciprocity has become worse, and it has become apparent to us that true nonresident licensing reform for insurance agents could only really be achieved through legislation at the Federal level. That is why this Congress is acting today.

The NARAB Reform Act that we are looking at today has garnered support from both sides of the aisle, both Democrats and Republicans, with 48 bipartisan cosponsors, and 27 of these cosponsors are Members serving on the Financial Services Committee.

Again, I was very much pleased to work with the gentleman from Kentucky (Mr. DAVIS) on this legislation which again narrowly targets only the area where there is a problem. We have gone in with a laser beam and simply targeted where there is a problem to fix, and we have done that.

Our manager's amendment was recently endorsed by the NAIC, showing that the State insurance regulators believe that this type of legislation is badly needed reform. Other groups that support this bill include the Independent Insurance Agents and Brokers of America, the IIABA; the National Association of Insurance and Financial Advisers, the NAIFA; the National Association of Mutual Insurance Companies, the NAMIC; the Property Casualty Insurers Association of America, PCI; and the Council of Insurance

Agents and Brokers, the CIAB; as well as a number of individual insurance companies.

As talks continue on this issue, we are very hopeful for the expansion of our regulatory board to include PIA, the National Association of Professional Insurance Agents. This has been a very inclusive process, Mr. Speaker, working in a very much needed area to bring a greater degree of consumer choice and benefits to the American consumer of insurance products.

I am proud to have the opportunity again to work along with my colleagues on the Financial Services Committee and Mr. DAVIS on this important legislation. And to close, I would just simply urge all of my fellow Members to support H.R. 5611.

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

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5611, the National Association of Registered Agents and Brokers Reform Act, or NARAB II.

First, I would like to commend my friend, DAVID SCOTT. We come from two different parties, but a common background in the business community, in the small business community, understanding the issues that business people deal with on a daily basis, and crossing multiple regulatory frameworks dealing with multiple States.

My experience has led to my support and working to develop this bill and to get it passed tonight and hopefully signed into law before the end of year. It was based on my experience as a small business owner, not as an agent, but as a business owner who had employees in several different States, and suddenly found when I reached out to a good friend of mine who was an agent himself that he had to deal with several different agents. It suddenly became very complicated and very costly from a time standpoint. It was inefficient and not cost effective at all for any of us to get these different plans to fit the needs and in compliance with each State.

After I came to Congress, with that experience in the back of my mind, I also heard from many, many agents in the insurance industry, and many small business owners who encountered situations like I had sitting astride the nexus of three States.

Insurance reform has been the subject of discussion for many years now. There are many different perspectives on it. What DAVID and I have tried to do through this bill, and our staffs, is to simply solve a process problem that allows people to work together more effectively. To me, this is the height of bipartisanism at its best. We are working to common cause, to fix a process that helps our citizens across the country.

I am very pleased to see this meaningful and targeted reform measure make it to the floor today after over a year of work. NARAB II goes straight to the heart of the difficulties that insurance agents and brokers, and small business owners who are their customers, face on a daily basis as they try to navigate this web of State licensing requirements.

The Gramm-Leach-Bliley Act would have created the original NARAB system in the event that the States did not satisfy the producer licensing reform objectives outlined in the underlying bill. Ultimately, the States were perceived to have achieved a specified level of licensing reciprocity, and NARAB was never created. Thus, the problem remained.

Nearly 10 years since the passage of Gramm-Leach-Bliley, we are still in need of progress on this issue. H.R. 5611 mandates the creation of NARAB. The board's purposes and function will be generally the same as the provisions of Gramm-Leach-Bliley. In short, agents and brokers licensed in good standing in their home State and meeting NARAB-member criteria will be able to join NARAB. Members will pay the appropriate fees required by each State in which they are licensed, and so this will not eliminate any revenue States currently generate from licensing. NARAB would not have any Federal regulatory authority, an important point that my friend from Georgia highlighted during his remarks as well. This is not an expansion of the Federal bureaucracy, it is a correction to allow the private sector to continue to grow business and create jobs.

I would like to think of NARAB as a stamp of approval for an insurance agent acknowledged and accepted nationwide.

I appreciate the hard work, expertise and advice from all of the insurance industry groups in helping us to come to compromise on H.R. 5611. In particular, the NAIC has been an invaluable source of knowledge, and I appreciate their substantive suggestions for ways we can improve the bill.

We made sure that the State insurance commissioners had a voice in the shaping of this legislation to ensure that State rights were protected, and at the same time we were able to address a direct issue that was affecting these brokers and small business customers.

H.R. 5611 takes a significant step toward improving the way our insurance markets operate within the existing State-based system. I would like to thank in particular Chairman FRANK, Ranking Member BACHUS, Chairman KANJORSKI, and Ranking Member PRYCE for their leadership on the important issue of insurance reform and for their support of this bill that Mr. SCOTT and I introduced.

Lastly, I want to thank my good friend, DAVID SCOTT, for his work and also his staff, Michael Andel and Tammy McAthey, and my legislative director, Lauren O'Brien, who have worked long and hard to bring this to pass. This has been a great piece of legislation. I urge support for the bill.

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

□ 1900

Mr. SCOTT of Georgia. Mr. Speaker, in conclusion, I just want to again echo my sentiments, and appreciate the fine work that Mr. DAVIS has done on this. It's been a pleasure working with him and the full committee and all of our staffs combined and working with the insurance industry itself and especially our agents to make their work smoother and to pass a bill that is very forward-looking to improve consumer benefits on their end.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5611, as amended.

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

A motion to reconsider was laid on the table.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Monday, September 15, 2008:

House Resolution 1255, House Resolution 1372, House Resolution 1425, House Concurrent Resolution 410, H.R. 2352, H.R. 2535, H.R. 3437, H.R. 5293, H.R. 5350, H.R. 5736, H.R. 6064, H.R. 6503, and H.R. 6855.

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

There was no objection.

The SPEAKER pro tempore. Without objection, respective motions to reconsider are laid on the table and titles are amended as applicable.

There was no objection.

CIVIL RIGHTS HISTORY PROJECT ACT OF 2008

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 998) to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of

African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 998

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civil Rights History Project Act of [2007] *2008*''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds as follows:

(1) A fundamental principle of American democracy is that individuals should stand up for their rights and beliefs and fight for justice.

(2) The actions of those who participated in the Civil Rights movement from the 1950's through the 1960's are a shining example of this principle in action, demonstrated in events as varied as the Montgomery Bus Boycott, the sit-ins, the Freedom Rides, the March on Washington, the drive for voting rights in Mississippi, and the March to Selma.

(3) While the Civil Rights movement had many visible leaders, including Thurgood Marshall, Dr. Martin Luther King, Jr., and Rosa Parks, there were many others whose impact and experience were just as important to the cause but who are not as well known.

(4) The participants in the Civil Rights movement possess an invaluable resource in their first-hand memories of the movement, and the recording of the retelling of their stories and memories will provide a rich, detailed history of our Nation during an important and tumultuous period.

(5) It is in the Nation's interest to undertake a project to collect oral histories of individuals from the Civil Rights movement so future generations will be able to learn of their struggle and sacrifice through primary-source, eyewitness material. A coordinated Federal project would also focus attention on the efforts undertaken by various public and private entities to collect and interpret articles in all formats relating to the Civil Rights movement, and serve as a model for future projects undertaken in museums, libraries, and universities throughout the Nation.

(6) The Library of Congress and the Smithsonian Institution are appropriate repositories to collect, preserve, and make available to the public a collection of these oral histories. The Library and Smithsonian have expertise in the management of documentation projects, and experience in the development of cultural and educational programs for the public.

(b) PURPOSE.—It is the purpose of this Act to create a new federally sponsored, authorized, and funded project that will coordinate at a national level the collection of video and audio recordings of personal histories and testimonials of individuals who participated in the American Civil Rights movement that will build upon and complement previous and ongoing documentary work on this subject, and to assist and encourage local efforts to preserve the memories of such individuals so that Americans of all current and future generations may hear from them directly and better appreciate the sacrifices they made.

SEC. 3. ESTABLISHMENT OF JOINT PROJECT AT LIBRARY OF CONGRESS AND NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE TO COLLECT VIDEO AND AUDIO RECORDINGS OF HISTORIES OF PARTICIPANTS IN AMERICAN CIVIL RIGHTS MOVEMENT.

(a) ESTABLISHMENT OF PROJECT.—

(1) IN GENERAL.—Within the limits of available funds, the Librarian of Congress (hereafter referred to as the ''Librarian'') and the Secretary of the Smithsonian Institution (hereafter referred to as the ''Secretary''), acting jointly, shall establish an oral history project—

(A) to survey, during the initial phase of the project, collections of audio and video recordings of the reminiscences of participants in the Civil Rights movement that are housed in archives, libraries, museums, and other educational institutions, as well as ongoing documentary work, in order to augment and complement these endeavors and avoid duplication of effort;

(B) to solicit, reproduce, and collect—

(i) video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and

(ii) visual and written materials (such as letters, diaries, photographs, and ephemera) relevant to the personal histories of individuals;

(C) to create a collection of the recordings and other materials obtained, and to catalog and index the collection in a manner the Librarian and the Secretary consider appropriate; and

(D) to make the collection available for public use through the Library of Congress and the National Museum of African American History and Culture, as well as through such other methods as the Librarian and the Secretary consider appropriate.

(2) ROLE OF DIRECTOR OF MUSEUM.—The Secretary shall carry out the Secretary's duties under this Act through the Director of the National Museum of African American History and Culture.

(b) USE OF AND CONSULTATION WITH OTHER ENTITIES.—The Librarian and the Secretary may carry out the activities described in subsection (a)(1) through agreements and partnerships entered into with other government and private entities, and may otherwise consult with interested persons (within the limits of available resources) and develop appropriate guidelines and arrangements for soliciting, acquiring, and making available recordings under the project under this Act.

(c) SERVICES OF EXPERTS AND CONSULTANTS; ACCEPTANCE OF VOLUNTEER SERVICES; ADVANCE PAYMENTS.—In carrying out activities described in subsection (a)(1), the Librarian and the Secretary may—

(1) procure temporary and intermittent services under section 3109 of title 5, United States Code;

(2) accept and utilize the services of volunteers and other uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized under section 5703 of title 5, United States Code; and

(3) make advances of money and payments in advance in accordance with section 3324 of title 31, United States Code.

(d) TIMING.—As soon as practicable after the enactment of this Act, the Librarian and the Secretary shall begin collecting video and audio recordings and other materials under subsection (a)(1), and shall attempt to collect the first such recordings from the oldest individuals involved.

(e) DEFINITION.—In this Act, the term ''Civil Rights movement'' means the movement to secure racial equality in the United States for African Americans that, focusing on the period 1954 through 1968, challenged the practice of racial segregation in the Nation and achieved equal rights legislation for all American citizens.

SEC. 4. PRIVATE SUPPORT FOR CIVIL RIGHTS HISTORY PROJECT.

(a) ENCOURAGING SOLICITATION AND ACCEPTANCE OF DONATIONS.—The Librarian of Congress and the Secretary are encouraged to solicit and accept donations of funds and in-kind contributions to support activities under section 3.

(b) DEDICATION OF FUNDS PROVIDED TO LIBRARY OF CONGRESS.—Notwithstanding any other provision of law—

(1) any funds donated to the Librarian of Congress to support the activities of the Librarian under section 3 shall be deposited entirely into an account established for such purpose;

(2) the funds contained in such account shall be used solely to support such activities; and

(3) the Librarian of Congress may not deposit into such account any funds donated to the Librarian which are not donated for the exclusive purpose of supporting such activities.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $500,000 for fiscal year [2008] *2009*; and

(2) such sums as may be necessary for each of the fiscal years [2009 through 2012] *2010 through 2013*.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill.

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

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 998, which would create the Civil Rights History Project. The bill directs the Library of Congress and the Smithsonian Institution, through the National Museum of African American History and Culture, to collaborate and establish an oral history project. This joint venture will result in the collection and preservation of audio and video recordings by individuals who participated in the Civil Rights Movement.

A fundamental precept of our American democracy is that individuals stand up for their rights and beliefs and pursue justice through civil means. Many who participated in the Civil Rights Movement did so at great personal sacrifice. Their actions were often heroic and tireless, and challenged the practice of racial segregation in the Nation, which resulted in

equal rights legislation for all American citizens.

As these pioneers continue to age, it is important that their memories and stories of events are documented so that future generations can witness their testimony regarding the lives and times of that era.

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

Mr. MCCARTHY of California. Mr. Speaker, I rise today in support of H.R. 998, which would direct the Library of Congress and the Smithsonian Institution to collect and preserve audio and video recordings from individuals who were involved in the civil rights movement.

In 1954 the Supreme Court landmark decision, Brown v. Board of Education, served as a beacon of hope to those who had longed for racial equality in this Nation, and is largely credited with beginning the period commonly referred to as the civil rights movement. Rather than viewing the case which provided for the desegregation of public schools in the United States as the end of a journey, supporters of the civil rights movement recognized the Court's decision as the beginning of a long and difficult road ahead.

The years that followed brought many hard battles, from the Montgomery Bus Boycott that was a result of Rosa Parks' brave refusal to give up her seat to a white passenger, to the march in Selma, Alabama, during which our own colleague, Congressman LEWIS, suffered severe physical trauma in defense of voting rights. Congressman LEWIS' recollections of this time have often brought those who have heard him speak to tears. It is exactly those types of oral histories that are in danger of being lost in the absence of a concerted effort to preserve them. We cannot afford to lose those accounts of extraordinary courage in the face of profound injustice.

With the passage of time, generations of Americans have now been born with freedoms that would not have been possible without the struggle and sacrifice of those who participated in the civil rights movement. The audio and video recordings preserved as a result of this bill's passage will be an invaluable resource from which those young people who may learn about the struggle for racial equality and will serve as an inspiration to all Americans as they reflect upon this pivotal time in our Nation's history.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to yield such time as she may consume to Representative MCCARTHY of New York.

Mrs. MCCARTHY of New York. I thank my colleague from California.

Mr. Speaker, I rise today in support of H.R. 998, the Civil Rights Oral History Project. I want to thank Chairman BRADY and Ranking Member EHLERS and the Committee on House Administration for moving to the floor on this bill.

I also want to thank my lead cosponsor of the bill, Congressman JOHN LEWIS of Georgia, himself a civil rights hero, for all of his help in developing and generating support for this bill.

Mr. LEWIS was at the forefront of the battle to end segregation, and his contribution to ensuring equality in our country cannot be overstated. I know I speak for all of my colleagues when I say that we are honored to serve with him, and grateful for all he has done and continues to do for all Americans as a steward of justice and equal rights.

We are fortunate to serve in Congress with several other influential civil rights leaders, and I would like to extend a heartfelt thank you for their sacrifices and commitment to the cause of freedom.

The fight for civil rights was one of the most significant social and cultural movements in our Nation's history. The will of a generation to right centuries of injustice changed the world we live in forever.

The leaders of the civil rights movement displayed tremendous courage and persistence to ensure that all Americans were treated equally, with dignity, regardless of their ethnic background, race or origins. Many leaders from all walks of life put their lives on the line to make it possible for all people to live freely and have the same fundamental rights.

We can never overstate the contributions of our Nation's civil rights leaders. Without their efforts, many of the things we take for granted every day would not have come to pass. It is vital that future generations know and understand the struggles and the challenges of those that paved the way for us to live in this Nation free.

These brave Americans' stories must continue to be told to not only inspire future generations, but to remind people what is possible in America and how far we have come. Unfortunately, with each passing year, our Nation loses more and more of the people that played major roles in the struggles to secure equal rights for all Americans. In recent years we have lost great leaders like Mrs. Coretta Scott King and Mrs. Rosa Parks. Thankfully, their stories have been well documented in the historical record, but there are many others who have already passed or whose memories are fading.

While we know so much about the lives of the leaders of the civil rights movement, such as Dr. Martin Luther King; our colleague, Congressman JOHN LEWIS; and Thurgood Marshall, it's important that we learn about the everyday people of all races who took a stand during a pivotal time in our Nation's history.

There were so many people who were crucial to the civil rights movement but have not had as much recorded about their experiences for the public record. These were the people, in many cases, that were part of some of the most significant battles in the fight for equality. The workers in Memphis that went on strike and marched in protest with Dr. King, the students that held sit-ins at lunch counters in the South, the thousands of people that marched on Washington and witnessed the ''I Have a Dream Speech,'' and the millions of Americans that stood up and worked in their own ways to make our country a better place for all people. These people are heroes of the civil rights movement, and we need to make sure that their stories are woven into the fabric of the American story.

That's why I have introduced the Civil Rights Oral History bill. The purpose of the Civil Rights Oral History bill is to catalogue and preserve the stories and experiences of the people who were involved in the civil rights movement.

This legislation stresses the importance of capturing the memories and the deeds of the civil rights generation and will give us a unique insight into the experiences of the people that we rely on in the front lines of the civil rights movement.

This bill will create a joint effort between the future National Museum of African American History and Culture and the Library of Congress to collect oral histories of the people that were involved in the civil rights movement and preserve their stories for future generations. I urge my colleagues to support this bill and to take the time to acknowledge the contributions of these great Americans who fought to make our Nation a more fair and just place.

Mr. Speaker, we have been going for a number of years working with our veterans across this Nation to get the history from them, an oral history, that has been going to the Library of Congress. That's where this idea came from.

When you think that we are really a very young country, and hopefully, we're going to be around for centuries to come, and I think it's important that future generations actually know how we became a great country, but also the struggles that many Americans went through. This bill will help preserve that.

I hope my colleagues will support this bill. This is for the future of America; it's for the future of the generations to see the history.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to yield to Mr. HINCHEY of New York as much time as he may consume.

Mr. HINCHEY. Mr. Speaker, I am very proud to stand here this evening with my friends and colleagues and particularly with my friend and colleague, Congresswoman CAROLYN

MCCARTHY, to voice my support for H.R. 998, a bill which she has produced and which will enrich the lives of future generations. This bill will collect oral history records from those whose struggles made them among America's most notable heroes, the leaders of the civil rights generation.

The civil rights movement has strengthened our social fabric by extending basic rights to all of America's people through the right to employment, the right to buy or rent a home, the right to education, rights that are the most basic and fundamental in our country.

It is imperative that we collect oral history in order to preserve the rich cultural heritage of our Nation. Preserving oral history gives those in the future a firsthand account of the struggle that Americans went through to change the laws and the lives of our people and our government. These great Americans stood up to violence, they stood up to death threats, they stood up to local, State and government oppression and opposition, and they risked their own economic well-being so that our great Nation could fulfill its promise to all of its people. We must preserve that history that explains the hardship and sacrifice that many African Americans and others went through to get equal treatment under the law.

This history can be most richly delivered by the people who led the movement themselves, those who fought so valiantly, and who can give their account firsthand. This bill will preserve an important part of our heritage through the process of collecting this oral history and making it available. Firsthand accounts, which include the honesty, emotion and accuracy are needed as an important part of our historical record.

□ 1915

Collecting these first person accounts from the civil rights movement will also give generations, those in the future, inspiration and motivation to uphold and strengthen America's promise for equal opportunity and to be sure that that promise is fulfilled.

It is my hope that our future generations will always be able to access oral histories and will blaze new trails that promote equality and richness in diversity.

Again, I'd like to thank all of my friends who were involved with this bill, especially my colleague and friend, CAROLYN MCCARTHY, for including me to celebrate the culture that makes America the great Nation that it is by taking further steps to allow future generations to learn from our notable American heroes.

Mrs. DAVIS of California. Mr. Speaker, It is now my pleasure to yield 2 minutes to Mr. COHEN of Tennessee.

Mr. COHEN. Mr. Speaker, I want to thank Congressman DAVIS and particularly Congresswoman MCCARTHY for bringing H.R. 998.

I do represent Memphis, Tennessee, and much of the civil rights history of Memphis, for better and for worse purposes, have occurred in my district. It is important that the history of that struggle be maintained to teach people about the courageous struggle, the leadership that many, many people had to embark on to achieve their rights that should have been part of 18th century America, but the 18th century America was not complete, and all men were not created equal. Certainly women weren't created equal either, and people had to fight and risk their lives to attain rights for people who today are beneficiaries thereof.

In my community, many of these heroes of the civil rights movement have been dying lately. They're getting old. This bill I wish would have come earlier, but I really thank Representative MCCARTHY for bringing it. It's a start. And there are people like the great Reverend Benjamin Hooks, who's getting up in his years but who's got many stories to tell, and Russell Sugarman. We lost Mr. Ernest Withers, a great photographer of the civil rights movement, this past year.

Time goes by for all of us, and the opportunities to collect history become more difficult as each day passes.

So I'm proud to speak on behalf of this, but mostly as a Congressperson from the Ninth District in Tennessee, I want to express my appreciation to Representative MCCARTHY for having the leadership to bring this and for initiating this process.

Mrs. DAVIS of California. Mr. Speaker, I'm very pleased that Congresswoman MCCARTHY has brought this legislation forward. As someone who's had an opportunity to travel on the pilgrimages of the civil rights movement with our own JOHN LEWIS, Congressman JOHN LEWIS, I know how important it is for us to act now and to capture the words and the actions and the memories of those who played such an important and historical role in this country.

I urge all Members to support this bill.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in strong support of the Civil Rights Oral History Project. I want to thank Congresswoman MCCARTHY for her leadership on this issue and for bringing this bill to the floor today.

Oral history is such an important way to capture and share our nation's story.

These are stories that need to be told, and preserved. These are the stories of the civil rights movement; eye witness accounts of the struggle for civil rights.

These are recollections of real people who marched, and even spilled a little blood in the cause of civil rights and civil liberties, and in the cause of voting rights.

These stories will be collected and preserved by the National Museum of African American History and Culture and the Library of Congress. Future generations will be able to hear the voices of people who were there during the civil rights movement, and hear them tell their stories in their own words.

We have lost too many of those voices in the last few years—Mrs. Coretta Scott King and Mrs. Rosa Parks, and we will continue to lose more courageous Civil Rights pioneers. We must begin this wonderful Oral History Project today, before we lose parts of the story. I strongly support this bill and I urge my colleagues to do the same.

Mrs. DAVIS of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 998, as amended.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT THE DEPARTMENT OF DEFENSE AND FEDERAL VOTING ASSISTANCE PROGRAM SHOULD ENSURE THAT MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ARE PROVIDED WITH INFORMATION ON VOTING IN THE 2008 GENERAL ELECTIONS

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 388) expressing the sense of Congress that the Department of Defense and the Federal Voting Assistance Program should take certain additional and timely measures to ensure that members of the Armed Forces and their dependents are provided with reasonable information on how to register to vote and vote in the 2008 general elections, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 388

Whereas members of the Armed Forces and their dependents deserve every reasonable opportunity to participate in the electoral process given their daily sacrifices to protect our liberty and freedom;

Whereas Congress enacted the Uniformed and Overseas Citizens Absentee Voting Act in part to ensure that members of the Armed Forces and their dependents and citizens living overseas are provided with sufficient information, opportunities, and balloting materials to foster their participation in Federal elections;

Whereas the Election Assistance Commission found that less than 17 percent of the 6 million citizens eligible under the Uniformed and Overseas Citizens Absentee Voting Act chose to participate in the 2006 general election;

Whereas the Election Assistance Commission further found that of the 48,600 Uniformed and Overseas Citizens Absentee Voting Act ballots that were not counted by States and local jurisdictions in the November 2006 elections, 70 percent were not counted due to incorrect or undeliverable addresses;

Whereas the Election Assistance Commission further found that more than 10 percent of all uncounted military and overseas absentee ballots were rejected because they were received past the required deadline;

Whereas the Election Assistance Commission further found that more effort needs to be made by the States and the Department of Defense to ensure that members of the Armed Forces and their dependents and citizens living overseas are made fully aware of their voting rights;

Whereas the Under Secretary of Defense for Personnel and Readiness and the Federal Voting Assistance Program are required to create and utilize a Federal Post Card Application that allows members of the Armed Forces and their dependents and citizens living overseas to use a single application to register to vote and request an absentee ballot;

Whereas a survey conducted recently by the Inspector General for the Department of Defense analyzed the effectiveness of the Federal Voting Assistance Program during the 2006 general election, and found that only 40 percent of members of the Armed Forces received voting information from the military and only 33 percent were aware of the Federal Post Card Application;

Whereas in April 2008 testimony before the Committee on House Administration revealed that the Department of Defense had not provided all members of the Armed Forces and their dependents with post card applications by the January 15, 2008, deadline as required by Department policy, and that the Department has yet to comply with this requirement; and

Whereas many of Department of Defense's outreach efforts, including its Armed Forces Voter Week, are scheduled to occur 60 days before the November 2008 election, which may not provide members of the Armed Forces and their dependents or citizens living overseas with sufficient time to complete and return the Federal Post Card Applications: Now, therefore, be it

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

(1) it is in the interests of the United States to ensure that the Secretary of Defense and the Federal Voting Assistance Program provide members of the Armed Forces and their dependents and citizens living overseas who are eligible under the Uniformed and Overseas Citizens Absentee Voting Act with sufficient information regarding opportunities to register to vote and to request an absentee ballot for elections occurring in 2008, including the November 2008 general election;

(2) the Secretary of Defense and the Federal Voting Assistance Program must, on a monthly basis starting September 22, 2008, and continuing on the first of each month through the November 2008 general election, provide all eligible members of the Armed Forces and their dependents with an electronic reminder of the voter registration and absentee ballot process available under the Uniformed and Overseas Citizens Absentee Voting Act, and, as required by Department policy, provide all members of the Armed Forces and their dependents with an electronic or paper copy of the Federal Post Card Application, along with sufficient instruction on completing and returning the application to the appropriate election official;

(3) State and local election officials should work with the Federal Voting Assistance Program to develop methods, consistent with privacy and security, for obtaining updated addresses and contact information, if possible, for any member of the Armed Forces or dependent and any citizen living overseas who has been identified by the State or local election official as having an undeliverable ballot address;

(4) the Under Secretary of Defense for Personnel and Readiness should report to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Armed Services of the House of Representatives and Senate not later than October 15, 2008, on the efforts made by the Department of Defense to—

(A) educate members of the Armed Forces and citizens living overseas on the process of voter registration and absentee voting in the 2008 general election,

(B) provide all eligible members of the Armed Forces and their dependents and citizens living overseas with the Federal Post Card Application to register to vote and cast absentee ballots in such election, and

(C) cooperate effectively with State and local election officials in their efforts to register these individuals and distribute and collect their absentee ballots;

(5) States must redouble their efforts to make sure that local jurisdictions collect the mandated information for individuals who are eligible under the Uniformed and Overseas Citizens Absentee Voting Act, and should work in partnership with the Federal Government to develop best practices (including the use of electronic means) for encouraging voting participation among members of the Armed Forces and their dependents and citizens living overseas; and

(6) the Department of Defense, the Federal Voting Assistance Program, the Election Assistance Commission, and State governments should examine recommendations made by the Election Assistance Commission in its September 2007 survey findings regarding the Uniformed and Overseas Citizens Absentee Voting Act.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD.

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

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

I stand with the House leadership in full support of House Concurrent Resolution 388. This resolution insists that the government strengthen its promise under the Uniformed and Overseas Citizens Absentee Voting Act to assist our military and overseas citizens to vote.

House Concurrent Resolution 388 would direct the Federal Voting Assistance Program to provide military personnel and their dependents with electronic reminders about the election process and ensure paper and electronic copies of the Federal Post Card Application are provided.

According to a 2006 U.S. Election Assistance Commission Report, 70 percent of uncounted military and overseas ballots were due to incorrect or undeliverable addresses. House Concurrent Resolution 388 would also direct election offices to work with the Federal Voting Assistance Program to update contact information as well as expand outreach efforts to military and overseas voters.

I applaud Mr. HOYER and Mr. BLUNT for their leadership in drafting this bipartisan resolution. House Concurrent Resolution 388 reinforces the government's commitment to assisting our military and overseas voters. I urge all Members to support this legislation.

I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I rise today in support of H. Con. Res. 388, which would express the sense of Congress that the Department of Defense and the Federal Voting Assistance Program should take additional measures to ensure that members of the Armed Forces and their dependents are provided with reasonable information on voting in the 2008 general elections. This bill will also extend information to civilians living abroad for the same purpose.

Mr. Speaker, recent data compiled by the Election Assistance Commission found that less than 17 percent of the 6 million citizens eligible under the Uniformed and Overseas Citizens Absentee Voting Act chose to participate in the 2006 general election. Of the 48,600 Uniformed and Overseas Citizens Absentee Voting Act ballots that were not counted by States and local jurisdictions in the November 2006 elections, 70 percent were not counted due to incorrect or undeliverable addresses. It is simply unacceptable that thousands of the brave men and women who fight for our freedom each day were denied a voice in the electoral process due to incorrectly filling out a ballot.

In September 2007, the EAC also found that ''the third largest reason for rejected ballots was that they were received by election offices after the deadline stipulated by State law.''

I have introduced H.R. 5673, the MVP Act, to ensure that military personnel are not left out of the elections process while serving their country overseas. Although my bill has been endorsed by the Vets for Freedom, and the Veterans of Foreign Wars called it ''an important piece of legislation ensuring that the men and women who wear our Nation's uniform are not left out of the election process while serving in harm's way,'' the MVP Act has not yet

been brought before the House for consideration. However, I am hopeful that this resolution will create awareness of this issue and lead to more comprehensive reform that will provide a solution to this problem.

In addition to meeting ballot deadlines and correctly completing absentee ballots, there is also an issue with military personnel receiving information from the Federal Voting Assistance Program. A survey conducted recently by the Inspector General for the Department of Defense analyzed the effectiveness of the Federal Voting Assistance Program during the 2006 general election and found that only 40 percent of members of the Armed Forces received voting information from the military and only 33 percent were aware of the Federal Post Card Application.

We must ensure that the Federal Voting Assistance Program improves their communication efforts and promotes the Federal Post Card Application and the Federal Write-in Absentee Ballot so that our service men and women are aware of the resources available to them during an election.

This year, perhaps more than any other year in recent memory, our Nation's electorate is excited to cast their ballots for the candidates of their choosing. For those serving their country overseas, and for civilians living abroad, we must do everything in our power to ensure that they have the information necessary to do so.

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

Mrs. DAVIS of California. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 388, as amended.

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

The title was amended so as to read: ''Concurrent resolution expressing the sense of Congress that the Department of Defense and the Federal Voting Assistance Program should take certain additional and timely measures to ensure that members of the Armed Forces and their dependents and citizens living overseas are provided with reasonable information on how to register to vote and vote in the 2008 general elections.''.

A motion to reconsider was laid on the table.

VETERAN VOTING SUPPORT ACT

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6625) to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6625

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veteran Voting Support Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans serving in foreign wars have performed a great service to, and risked the greatest sacrifice in the name of, our country, and should be supported by the people and the Government of the United States.

(2) Veterans are especially qualified to understand issues of war, foreign policy, and government support for veterans, and they should have the opportunity to voice that understanding through voting.

(3) The Department of Veterans Affairs should assist veterans in meeting their medical, social, and civic needs, including the full participation of veterans in our democracy.

(4) The Department of Veterans Affairs should make every effort to assist veterans to register to vote and to vote.

SEC. 3. USE OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES AS VOTER REGISTRATION AGENCIES.

The Secretary of Veterans Affairs shall permit a State to designate facilities of the Department of Veterans Affairs located in such State as voter registration agencies under section 7 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5) solely for the purposes of providing voter registration services under such section to individuals receiving services or assistance from the facility (or applying to receive services or assistance from the facility).

SEC. 4. ASSISTANCE WITH ABSENTEE BALLOTS.

In addition to the services required to be provided under section 7 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5), any facility of the Department of Veterans Affairs which is designated as a voter registration agency under section 3 shall, with respect to the individuals for whom the facility is required to provide such services—

(1) provide information relating to the opportunity to request an absentee ballot;

(2) make available absentee ballot applications and, upon request, assistance in completing such applications and absentee ballots, except that nothing in this paragraph may be construed to waive any requirement under State or local law regarding an individual's eligibility to receive an absentee ballot or vote by absentee ballot in any election; and

(3) work with local election officials to ensure the proper delivery of absentee ballot applications and absentee ballots.

SEC. 5. INFORMATION PROVIDED BY NONPARTISAN ORGANIZATIONS.

The Secretary of Veterans Affairs shall permit a meaningful opportunity, including reasonable time, place, and manner restrictions, for nonpartisan organizations to provide voter registration information and assistance at facilities of the Department of Veterans Affairs.

SEC. 6. ASSISTANCE PROVIDED BY ELECTION OFFICIALS AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) DISTRIBUTION OF INFORMATION.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall not prohibit any election administration official, whether State or local, party-affiliated or non-party affiliated, or elected or appointed, from providing voting information to veterans at any facility of the Department of Veterans Affairs.

(2) VOTING INFORMATION.—In this subsection, the term ''voting information'' means nonpartisan information intended for the public about voting, including information about voter registration, voting systems, absentee balloting, polling locations, and other important resources for voters.

(b) VOTER REGISTRATION SERVICES.—The Secretary shall provide reasonable access to facilities of the Department of Veterans Affairs to State and local election officials for the purpose of providing nonpartisan voter registration services to individuals.

(c) COORDINATION TO MINIMIZE DISRUPTION OF REGULAR ACTIVITIES.—Any election official providing nonpartisan voting information or nonpartisan voter registration services under this section at a facility of the Department of Veterans Affairs shall coordinate the provision of the information or services with the Secretary to ensure that the information or services are provided in a manner which minimizes the disruption of the regular activities of the facility.

SEC. 7. ANNUAL REPORT ON COMPLIANCE.

The Secretary of Veterans Affairs shall submit to Congress an annual report on how the Secretary has complied with the requirements of this Act.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD.

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

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 6625 will make certain that the Secretary of Veterans Affairs provides the voting assistance and opportunities that our veterans deserve.

H.R. 6625 responds to a Department of Veterans Affairs voting assistance policy established in May, which was misguided and unacceptable. The VA directive permitted voting assistance only if requested. It prohibited election officials and nonpartisan organizations from providing assistance to our veterans at VA facilities. Despite the policy changes made by the Secretary of Veterans Affairs last week, the policy still doesn't offer the meaningful voter registration and voting assistance our veterans deserve.

H.R. 6625 will require the VA to assist our veterans by permitting States to

designate VA facilities as voter registration agencies under section 7 of the National Voter Registration Act. In addition, the bill would prohibit the VA from banning State and local election officials and nonpartisan groups from distributing nonpartisan information about voting and providing voter assistance at VA facilities.

Voter registration drives conducted by these election experts have energized millions of voters who historically have not participated in elections. H.R. 6625 requires that nonpartisan groups with the expertise and experience be allowed to assist veterans with the voting process with minimal disruption to facility operations.

My district in San Diego is home to a large concentration of veterans. I know that the future of our country matters so much to them, and they want to be involved. Certainly, the veterans who have fought and suffered to protect our democracy should be given every opportunity to vote.

Much has been said about the importance of this bill for voter registration, but I'd like to draw your attention to section 4 because it may be the most important part.

Section 4 provides veterans with assistance in voting by absentee ballot, also called voting by mail. It requires that absentee request forms be available in VA facilities and ensures that veterans can get help completing their absentee materials and returning them to the elections office.

Why is this so important? Not only does voting by mail save voters what can be a difficult trip to the polls, but it allows them more time to study their choices. For veterans, having time to vote without the pressure of a line of people behind them is especially helpful because many are voting in new jurisdictions where candidates and issues may not be familiar to them. Further, some of their illnesses or injuries mean they need additional time to mark their choices.

Unfortunately, voting absentee is not as straightforward a process as it should be in many places. State rules vary widely about who can vote absentee and how. Some States have forms with plenty of fine print, others require a formal letter just to request an absentee ballot, and some States even insist on doctors' notes or notary signatures. And of course, different States have a range of deadlines that must be met.

To make sure that votes count, some veterans could really use assistance navigating this overly complex process. I am pleased that our committee passed my legislation to lift some of the restrictions on voting by mail, and it is my sincere hope that we will make voting absentee more doable for everyone.

In the meantime, the least we can do for our brave veterans is to give them a little help with their absentee ballots.

I want to thank Mr. EHLERS for working with the committee to draft language that guarantees our veterans will always receive the voter assistance they need. I would also like to thank the 54 colleagues who have joined Mr. BRADY and me to introduce this legislation and especially applaud the dedication and work that Representatives FILNER and WATSON have shown on this issue.

□ 1930

Our veterans have dedicated their lives to protecting our democracy and our government and we should be dedicated to ensuring veterans that they are given every opportunity to vote and participate in the very democracy they defend.

I urge all Members to support this legislation.

I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I rise today in support of H.R. 6625 which would permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies.

As I have stated in the past, it is important that we ensure that every vote is counted and that every citizen is able to cast a ballot. As a part of that effort, I'm pleased to join in support of this bill which would designate veteran facilities as voter registration agencies. Doing so will allow those who have risked their lives for our freedom an opportunity to register to vote and make their voices heard.

I am also pleased that Chairman BRADY addressed our chief concern with the original version of the bill, that the desire to facilitate the voting process for patients does not supersede patient care due to intrusion by third party groups in VA facilities. This bill's original language stated that nonpartisan groups would have ''reasonable access'' to veterans in order to encourage voter registration. The word ''reasonable'' means different things to different people, and we would hate to see a veteran who wishes to convalesce in a private setting be intruded upon by activists from a voter registration group, however well intended they may be. Also, some patients may choose not to cast a ballot, and they should not feel pressured to do so.

Language was added to this bill that stipulates that third party groups must work with the administrator of each VA facility to ensure their efforts will not infringe upon a patient's right to privacy and that their practices would not in any way disturb patients' recovery.

Implementing this provision will require a commitment of time and personnel from the Veterans Administration. It is my sincere hope that in acting as a liaison between their patients and outside groups, the VA will not siphon off precious time and resources intended to improve patient care.

Also, while the intention of this program is to ensure that our Nation's veterans are more easily able to cast a vote, the passage of the bill should not be taken as an invitation to disregard the absentee voting programs implemented at the State level in favor of turning Federal, State, or NVRA designated agencies into voting locations.

Veterans also require months of care as a result of their injuries and have limited mobility during that time. This bill was crafted with their unique circumstances in mind, and it is not intended to be a gateway to similar programs at other agencies. When it comes to establishing voting locations outside of each State's established protocols, this bill should be considered the exception, not the rule.

Again, I would like to thank Chairman BRADY for his leadership on this issue and his commitment to improving this bill in a bipartisan fashion.

I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to yield 4 minutes to Representative WATSON of California.

Ms. WATSON. Mr. Speaker, I rise today in support of H.R. 6625, the Veteran Voting Support Act.

In May of 2008, the Department of Veterans Affairs passed Directive 2008–25 that prohibited third party nonpartisan voting rights groups from holding voter registration drives on VA grounds. Outraged by this stance that the VA had taken, I, along with 54 of my colleagues, including Chairman BRADY and Chairman FILNER, sent two letters to VA Secretary James Peake requesting he overturn the policy.

As we returned from the August recess, on September 9, 2008, the VA passed a new policy directive, 2008–53. The new directive now allows State and local election officials and nonpartisan groups to give veterans access to their fundamental right to vote. We applaud the VA for overturning its previous directive, and I believe it is a step in the right direction. But the new policy still falls short of providing veterans complete access to voting in VA facilities. So H.R. 6625 will fix that problem.

The Veteran Voting Support Act would designate VA facilities as voter registration agencies under section 7 of the National Voter Registration Act of 1993 which requires public assistance organizations provide voter registration opportunities by offering information related to requesting an absentee ballot, making absentee ballot applications available, and require the VA to work with elected officials to ensure the delivery of absentee applications and absentee ballots.

Currently, our Nation is fighting wars in Iraq and Afghanistan, and as a consequence, our veterans are returning home with catastrophic injuries

that require them to reside in a VA facility for extended periods of time to receive treatment for their wounds. This is why it is absolutely imperative that we give the selfless stewards of the Constitution complete access to voting in our elections. It is because of the sacrifice of men and women in the Armed Forces why we are free.

Mr. Speaker, I would like to thank Chairman BRADY and Chairman FILNER for working with me on the legislation, and I urge my colleagues to support H.R. 6625.

Ms. ZOE LOFGREN. Mr. Speaker. I rise in support of H.R. 6625 and commend Chairman BRADY for introducing this important piece of legislation, the Veterans Voting Support Act of which I am an original cosponsor.

This legislation is significant to me because the issue of registering veterans to vote was born out of concern by one of my constituents, Steve Preminger. Steve went to the Department of Veterans Affairs (VA) nursing home in Menlo Park, CA to register veterans. Almost immediately, VA officials threw him out. The VA has since explained that its decision to evict Preminger was part of a policy that bars outside groups from registering voters who live in VA nursing homes, hospitals, and transitional housing for homeless veterans. For the past four years Mr. Preminger has litigated to ensure that all veterans living on VA property have access to voter registration

I applaud the VA for its recent change in policy allowing state and local election officials and non-partisan groups to access VA facilities to assist officials in registering veteran voters who are receiving care. But issuing a new policy is not enough and I question the agencies commitment to it. Last Friday, September 12, 2008, the San Francisco VA prohibited Veterans for Peace (''VFP''), a 501(c)(3), from registering voters, even though the ''directive'' instructs local officials to ''facilitate'' nonpartisan groups who wish to register voters.

As Paul Sullivan of Veterans for Common Sense stated in his testimony yesterday before the Senate Committee on Rules, ''The VA has changed their policy on veteran voting rights three times in the past five months. VA can easily reverse course again and issue yet another policy banning voting assistance for veterans living in VA facilities.''

I support this legislation, but am concerned that the protection for ''nonpartisan'' activities may create the inference that a government agency can regulate private ''partisan'' conversations just because they are on federal property, even though there is no apparent government sponsorship.

Over 5.3 million veterans (23.2 percent of all veterans) were not registered to vote in 2006. Veterans have dedicated their lives to protecting our country and deserve every commitment from the government to offer them the opportunity to participate in the political process. With November rapidly approaching it is imperative that we act both swiftly and vigilantly in passing H.R. 6625.

Mr. SCOTT of Virginia. Mr. Speaker. I rise in support of H.R. 6625, the Veterans Voting Support Act, which contains several provisions to help Veterans as they participate in the political process. First, it will require the Secretary of Veterans Affairs to allow States to designate V.A. facilities as voter registration agencies. The bill will also require V.A. facilities to provide information and assist election officials to ensure proper delivery of voting material. Additional, the bill prohibits the Secretary of Veterans Affairs from restricting nonpartisan organizations and state election organizations from providing information at V.A. facilities. This bill will help to prevent Department of Veterans Affairs policies from withholding information from Veterans on voter registration and voting.

The Department of Veterans Affairs previously adopted a policy that prohibits voter registration drives on V.A. grounds. The Department of Veterans Affairs recently changed that policy and now allows state and local election officials as well as non-partisan organizations to provide veterans help. However, the language of the policy still allows individual V.A. facilities to restrict access to these groups. This legislation will guarantee that individuals and organizations with the appropriate knowledge are given the right to assist our veterans in the voting registration process.

Our veterans have dedicated their lives to our country's safety and deserve the opportunity to be assisted in the political process. Given that many of our veterans are disabled or ill with special assistance needs as a result of their service to our country, we should make every possible accommodation to provide them with the assistance they need to take a part in the political process and have their voices heard. It would be ironic for those fighting for our freedom and ability to participate in our democracy to themselves be denied the ability to participate.

I commend Rep. BRADY, the gentleman from Pennsylvania, for his hard work on this bill and urge my colleagues to support it.

Mr. MURPHY of Connecticut. Mr. Speaker, I would like to thank my friend Chairman BRADY for bringing this legislation to the floor today, and for his work to ensure that our veterans are full and able participants in our democracy.

As you know, Mr. Speaker, last week, the VA revised its wrongheaded directive barring nonpartisan voter registration drives at VA facilities. Clearly, the VA felt the overwhelming bipartisan pressure from local, state and federal members who supported this legislation, as well as the Secretaries of State and countless veterans throughout the country who rightfully decried it. We have asked enormous sacrifices of our men and women in uniform, and it is simply unconscionable to deny them the right to participate in a government for which they have so valiantly served and fought for.

However, our presence here today attests to the fact that this fight is not yet over—while the VA has acted wisely in withdrawing their directive, they still retain the ability to reinstate it at some future date. The VA's recent policy shifts on voting registration have been sudden and unpredictable, and there is precious little assurance that they will not undergo another change of heart.

That is why I am a strong supporter of H.R. 6625. I have been to Connecticut's VA Hospitals and clinics, and I have seen and spoken with the generations of proud veterans those facilities care for and serve. They want to be able to enjoy the freedoms they worked to defend, and they deserve to be able to do so at VA facilities. Connecticut's Governor, Secretary of State, and Attorney General have joined this fight and support the legislation before us because they know our veterans' rights should not just be protected today, but for generations to come as well.

Not only will H.R. 6625 guarantee the right of veterans to register to vote at VA facilities, but the bill will also limit restrictions and expand access for nonpartisan voter drives and ensure that veterans get the assistance they need to complete the voter registration process. In an election year such as this, it's important that veterans, with their unique experience in serving their country, have their voices heard.

I urge my colleagues to support this bill and stand up for our veterans.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of H.R. 6625, the Veteran Voting Support Act. I want to thank my colleague, Chairman BRADY, for sponsoring this important legislation.

We have a special duty to make it easier, not harder, for all our citizens to participate in this great democracy. I was utterly appalled to learn that earlier this year, the Department of Veterans Affairs was blocking non-partisan voter registration organizations from its facilities.

Congressional and public outrage forced the VA to revise its policy. However, their ''new'' directive still falls short of providing the voting assistance our veterans deserve. This is simply unacceptable. H.R. 6625 requires the VA to actively offer voter registration and assistance opportunities to our veterans.

Every day our soldiers risk life and limb to protect our liberties and defend our freedoms. When they come home, we owe them the most sacred of freedoms—the right to vote. We must do everything in our power to help them register and participate in this historic election.

Mr. MCCARTHY of California. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I urge passage of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 6625, as amended.

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

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING LOWERING FLAG OVER CAPITOL TO HONOR MILITARY DEATHS

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and

agree to the concurrent resolution (H. Con. Res. 61) expressing the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 61

Whereas more than 1,000,000 brave men and women from the United States have died in military conflicts from the time of the Revolutionary War through Operation Iraqi Freedom;

Whereas the people of the United States mourn the loss of the brave men and women who have given their lives for this country;

Whereas the United States has not forgotten the sacrifices that brave men and women have made to protect our Nation and our freedom; and

Whereas paying tribute to the brave men and women from the United States who gave their lives for this Nation demonstrates the spirit of patriotism that is the foundation of our great country: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks in the RECORD on this resolution.

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

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

This resolution recognizes our servicemen and -women who have fought and died for our country and the sacrifice made by their families. The resolution provides for the flag over the Capitol to be raised at half-staff once a month in honor of all the U.S. men and women that have made the ultimate sacrifice in the service of our Nation.

While we in Congress and the majority of the American people go about our day-to-day lives, this small gesture should serve as a constant reminder of those brave men and women who have given their lives in defense of the freedoms that we, the American people, enjoy. We owe all of our fallen servicemen and -women a debt that can never be repaid.

I am pleased to support this resolution, and I urge all of my colleagues to support it as well.

I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I rise today in support of H. Con. Resolution 61, which expresses the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast 1 day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts.

For all of those who work in or visit the Capitol each day, the flag that flies atop this building is an emblem of the democratic principles that guide this body. This powerful symbol of freedom is even more striking when it's lowered to half-mast, signaling that our Nation is in mourning.

The men and women of our military who defend our Nation in the time of war may be called upon to make the ultimate sacrifice for our country. Lowering the flag atop the Capitol once a month in their honor is a small yet meaningful way to communicate how deeply their loss is felt by all Americans.

In addition to being a moving tribute to the members of our military who we have lost, it is also a reminder to all Members of Congress that the actions we take—or do not take—have profound consequences on the men and women of our military. When we talk about funding our armored vehicles or express our views on intelligence gathering in the war on terror, it is imperative that we do not forget the real ramifications that our decisions will have on our servicemen and -women who must live with the consequences of our actions.

I urge my colleagues to join with me in supporting this moving tribute to our Nation's Armed Forces.

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

Mrs. DAVIS of California. Mr. Speaker, I am pleased to yield as much time as he may consume to the sponsor of this bill, Representative LINCOLN DAVIS of Tennessee.

Mr. LINCOLN DAVIS of Tennessee. I thank the gentlelady from California.

All of us, I'm sure, have had an opportunity—at least most—to visit the war zones in Iraq and Afghanistan. And being there, we have observed the greatness of the volunteers who volunteer their service for this great country and to help preserve, defend, and to bring about liberty and freedom to others in different parts of the world today, mainly in those two war zones in Afghanistan and Iraq, and the third one in the area of the Balkans.

But as they serve, some give the ultimate sacrifice. And for all of those who serve and who have served, and for those who have given the ultimate sacrifice, we can never really do enough as a Nation to thank them for their service and, ultimately, leaving their families with the loss of their lives.

In 1775, a shot heard around the world brought American men and women into battle at the Siege of Boston that lasted through the spring of 1776, which eventually brought us into war for our independence. After several years and the loss of many lives, we obtained our independence. Since that time, our young men and women have been willing to volunteer to go into the battlefields to preserve the freedom that our first military men and women fought to give us, and we've been willing to preserve that and we should continue as a Nation.

But I think when we look at those who give the ultimate sacrifice, sometimes we give the medals and we show sympathy and appreciation to the families, and then after a while, we forget that. I know in every courthouse and every city hall there are monuments that have the names of those who have given their lives for this country and paid the ultimate sacrifice.

On Memorial Day we visit and Veterans Day we visit, perhaps some special days like 9/11 we again remember and we visit those who have their names engraved on the markings and on the monuments in our courthouses and city halls throughout this country.

□ 1945

But I believe that just those two or three special occasions are not enough.

And, Mr. Speaker, I didn't realize how little we were showing appreciation for those who gave the ultimate sacrifice until my very first visit in early 2004 to Iraq. We had just traveled from one part of Iraq, flying back into Baghdad in a C–130. And before we boarded the plane, there was an escort detail. And we noticed that there was a casket, a flag-draped casket. A very solemn occasion as you looked at the lines of the young men and women who were saying farewell to the one who had given his life. And they placed that in that cargo bay off the C–130. Those of us who were Members of Congress sat more to the front—those who have traveled obviously know that we ride the jump seats as we go in and out into Iraq or Afghanistan.

And for some reason, when I looked in the faces of those young men who were the escorts, the solemn faces, the faces who weren't looking to anyone, I don't think, for sympathy, but just understanding, for me, on that occasion, I said, I don't think we do enough. And in 2004, I introduced this bill, the same one that's here today, to where we can at least once a month—12 times a year, plus the other occasions—say thank you to the mothers and fathers, to the brothers and sisters of the one who gave his life, and to the one who gave his life, that America still cherishes, respects, loves and remembers the sacrifice that you gave to this Nation.

So for me, it is my hope that this bill passes unanimously, and that we honor those who have given their life for this great Nation of ours.

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

Mrs. DAVIS of California. Mr. Speaker, I appreciate the gentleman bringing this legislation forward.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand today in support of H. Con. Res. 61, "Expressing the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts." The brave men and women who have sacrificed their lives to protect not only the lives of Americans but democracy around the world, warrant a day each month in which the Nation honors their service and sacrifice.

More than 1 million brave men and women from the United States have died in military conflicts since the birth of our great Nation. It is the right of the American people to mourn the loss of the brave men and women who have given their lives for this country. All Americans must remember that our freedom has not come without sacrifice. The heroic men and women who have given the ultimate sacrifice, to protect our Nation and our freedom must be honored and recognized. As Gertrude Stein put it so eloquently, "Silent gratitude isn't very much use to anyone."

Paying tribute to the fearlessness and courageousness that the men and women from the United States have displayed throughout history, demonstrates the spirit of patriotism that is the foundation of our great country.

H. Con. Res. 61 must be supported by the Members of Congress in order for us and all Americans to pay homage and show our respect for those extraordinary soldiers who are no longer with us, but whose legacies should live on. In honoring those who have fought for our country from the time of its conception would be a grand opportunity to show the men and women wearing the uniform today that their service is not in vain. It is an opportunity for America to demonstrate the magnitude of appreciation that we hold in our hearts for the service and bravery of all our veterans. A simple gesture can demonstrate the immeasurable amount of gratitude which emanates through us all.

The State of Texas alone is home to approximately 1,707,365 veterans. H. Con. Res. 61 commemorates not only the valuable contribution of heroes past but to our present champions of freedom and democracy. I am reminded of something once said by author Melodie Beattie, "Gratitude unlocks the fullness of life. It turns what we have into enough, and more. It turns denial into acceptance, chaos into order, confusion into clarity . . . it turns problems into gifts, failures into success, the unexpected into perfect timing, and mistakes into important events. Gratitude makes sense of our past, brings peace for today and creates a vision for tomorrow."

Mrs. DAVIS of California. Mr. Speaker, I yield back the balance of my time and I urge passage of the legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the concurrent resolution, H. Con. Res. 61.

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

A motion to reconsider was laid on the table.

CELEBRATING 75 YEARS OF EFFECTIVE STATE-BASED ALCOHOL REGULATION

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 415) celebrating 75 years of effective State-based alcohol regulation and recognizing State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 415

Whereas throughout American history, alcohol has been consumed by its citizens and regulated by the Government;

Whereas prior to the 18th Amendment to the Constitution, which established Prohibition in the United States, abuses and insufficient regulation resulted in irresponsible overconsumption of alcohol;

Whereas passage of the 18th Amendment, which prohibited "the manufacture, sale, or transportation of intoxicating liquors" in the United States, resulted in a dramatic increase in illegal activity, including unsafe black market alcohol production, organized crime, and noncompliance with alcohol laws;

Whereas the platforms of the 2 major political parties in the 1932 presidential campaigns advocated ending national Prohibition by repealing the 18th Amendment;

Whereas on February 20, 1933, the 2nd Session of the 72nd Congress submitted to conventions of the States the question of repealing the 18th Amendment and adding new language to the Constitution that the transportation or importation of alcoholic beverages for delivery or use in any State would have to be carried out in compliance with the laws of the State;

Whereas on December 3, 1933, Utah became the 36th State to approve what became the 21st Amendment to the Constitution, the quickest-ratified amendment and the only ever decided by State conventions, pursuant to article V of the Constitution;

Whereas alcohol is the only product in commerce that has been the subject of 2 constitutional amendments;

Whereas Congress's reenactment of the Webb-Kenyon Act, passage of the Federal Alcohol Administration Act, the 21st Amendment Enforcement Act, annual appropriations to support State enforcement of underage drinking laws, and the STOP Underage Drinking Act demonstrated the longstanding and continuing intent of Congress that States exercise their primary authority to achieve temperance, the creation and maintenance of orderly and stable markets, and the facilitation of the efficient collection of taxes;

Whereas legislatures and alcoholic beverage control agencies in the 50 States have worked diligently to implement the powers granted by the 21st Amendment for 75 years;

Whereas legislatures and alcoholic beverage control agencies in all States created and maintain State-based regulatory systems for alcohol distribution made up of producers and importers, wholesale distributors, and retailers;

Whereas development of a transparent and accountable system of distribution and sales, an orderly market, temperance in consumption and safe practices, the efficient collection of taxes, and other essential policies have been successfully guided by the collective experience and cooperation of government agencies and licensed industry members throughout our geographically and culturally diverse Nation;

Whereas regulated commerce in alcoholic beverages contributes billions of dollars in Federal and State tax revenues and additional billions to the economy annually;

Whereas 2,500 breweries, distilleries, wineries, and import companies, 2,700 wholesale distributor facilities, over 530,000 retail outlets, and numerous agricultural, packaging, and transportation businesses support the employment of millions of Americans;

Whereas the American system of State-based alcohol regulation has resulted in a marketplace with unprecedented choice, variety, and selection for consumers;

Whereas members of the licensed alcoholic beverage industry have been constant partners with Federal and State Governments in balancing the conduct of competitive businesses with the need to control alcohol in order to provide American consumers with a safe and regulated supply of alcoholic beverages; and

Whereas members of the licensed alcoholic beverage industry have created and supported a wide range of national, State, and community programs to address problems associated with alcohol abuse, including drunk driving and underage drinking: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) celebrates 75 years of effective State-based alcohol regulation since the passage of the 21st Amendment;

(2) recognizes State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale; and

(3) continues to support policies that allow States to effectively regulate alcohol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H. Con. Res 415, which celebrates 75 years of successful State-based alcohol regulation.

I want to commend the gentleman from North Carolina (Mr. COBLE) for introducing this measure. It's the same as H. Con. Res 341, introduced by the gentleman from Michigan (Mr. STUPAK), which has 98 bipartisan cosponsors, and S. Res. 551, introduced by the senior Senator from Montana, Senator BAUCUS, which has 14 cosponsors, also in a bipartisan manner.

Seventy-five years ago—nearly to the day—on December 5, 1933, the 21st amendment to the Constitution of this country was passed. It repealed prohibition, a great mistake in the social era in this country, and the 21st amendment was ratified by the people in constitutional form. It brought an end to a misguided experiment and ushered in a new system of legal regulation of alcohol beverages. Previously, we had an illegal system that encouraged organized crime and worked against the public's wishes.

Section 2 of that amendment states that ''the transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors in violations of the laws thereof is hereby prohibited.'' The effect of section 2 was to entrust regulation of alcoholic beverages to the States.

Under the 21st amendment, and the terms of the Webb-Kenyon Act which implemented it, States have done an outstanding job exercising their primary authority to regulate this industry composed of producers, importers, wholesale distributors and retailers, often dubbed the ''three tier system'' by such knowledgeable and legendary individuals as Tom Hensley.

This has been a successful approach, and we have not had occasion to reconsider it. It is a system that provides transparency and accountability. It is one that prizes public safety in which the industry works with State lawmakers—of which I was one for 24 years and served on the State and local government committee in Tennessee that had the responsibility of ensuring that the three-tier system worked and the public was protected.

Public health officials and law enforcement people also worked on this to provide quality products to consumers and ensure the responsible use of alcoholic beverages. Through this partnership with the Federal Government, we have pursued efforts to eliminate alcohol abuse, underage drinking, drunk driving, and other problems associated with the abuse of alcoholic beverages.

I commend Mr. STUPAK of Michigan and Mr. COBLE of North Carolina for their leadership on this resolution, which commemorates the end of a failed experiment, prohibition, and the establishment of a system that served the citizens of this Nation well for over three-quarters of a century.

I urge my colleagues to support this important legislation.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is more symbolic than substantive. It will not change the way the alcohol industry distributes their products, and it will not change the way States regulate alcohol distribution. But regrettably, it does celebrate the ''successful system of alcoholic beverage regulation, distribution and sale.''

My opposition is not a reflection on those who support this resolution; it is just that I am uneasy about Congress considering a resolution with this purpose.

Certainly, the alcoholic beverage industry is a legitimate one. I have hardworking business owners in my district who create jobs and pay taxes. Most brewers, distributors and retailers try to ensure that alcohol is made, transported and sold in a safe and legal manner. However, the abuse of alcohol causes incalculable pain and suffering. It has cost thousands of lives, devastated families, and ruined the mental and physical health of many Americans. For the same reason, I would voice concerns about a resolution celebrating the ''successful distribution'' of cigarettes and tobacco products.

According to Mothers Against Drunk Driving, alcohol ranks as a leading cause of death among young people age 10 to 24 due to motor vehicle crashes, unintentional injuries, homicide and suicide. Vehicle accidents have become the number one cause of death for teens in the U.S., over one-third are alcohol related.

And although States have passed laws to prevent individuals from driving while under the influence of alcohol, a huge number of alcohol-related deaths occur on roads across the Nation. The National Highway Traffic Safety Administration found that last year drunk driving killed almost 13,000 people.

I do appreciate efforts of the alcoholic beverage industry, small businesses and distributors to keep alcohol out of the hands of minors. However, reports tell us that 33 percent of 12th graders still drink beer on at least a monthly basis and over 70 percent say that beer is easy to get.

When Congress can attest that alcohol is no longer easily accessible to teens, that alcohol no longer contributes to 13,000 accident deaths each year, and that alcohol no longer devastates families and individuals, then a resolution celebrating the ''successful distribution'' of alcohol might be in order. Until then, I continue to have concerns with this resolution.

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

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

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he might consume to my good friend and colleague from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, first of all, I want to thank the distinguished gentleman from Texas who serves very ably as our ranking Republican on the House Judiciary Committee.

Mr. Speaker, I rise tonight in support of H. Con. Res 415. This resolution celebrates the 75th anniversary of the end of Prohibition. Furthermore, it recognizes our effective regulation of alcohol by State and local governments and the dedication of our State lawmakers, regulators, law enforcement officers, the public health community, and industry members for creating a workable, legal and successful system of alcohol regulation, distribution and sale.

Prohibition, Mr. Speaker, began in 1919, when the 18th amendment was ratified. This led to a dramatic increase in illegal activity, including unsafe black market alcohol production, a growth in organized crime, and increasing noncompliance with alcohol laws. As a result, only 14 years later, on December 5, 1933, the 21st amendment was ratified, which repealed Prohibition and granted to the States control of alcohol.

The 21st amendment wisely established a State-based regulatory system for alcohol. This has permitted each State to adopt laws that reflect the views of its citizens. The result has been one of most comprehensive and community-sensitive alcohol regulatory programs in the world. Furthermore, it has created a safe and reliable marketplace for alcohol. Our consumers are free now from the threat of the harmful chemicals that were unknowingly consumed during the Prohibition Era.

For 75 years, local regulation has worked well. And while alcohol laws are continually tweaked and improved, adjusted and amended, our beer, liquor and wine providers have worked diligently together with regulators to ensure that public health and safety are first and foremost.

Many beer distributors who strongly support this resolution and recently concluded their national meeting in San Francisco play a vital role in their respective communities by sponsoring a vast array of programs that promote responsible consumption. The programs range from providing free taxi rides home for restaurant patrons who do not have a designated driver, to sponsoring alcohol-free after prom

events and producing educational materials to assist parents in talking to their children about underage drinking.

Distributors also promote alcohol education initiatives that bring guest speakers into local schools and community centers. Some of these speakers who have made mistakes about alcohol, just as the distinguished gentleman from Texas mentioned earlier, became reckless and abandoned discretion and responsible drinking, but they have overcome those mistakes and have lived to retell their stories, and therefore, encourage others not to make the same mistakes.

The beer industry, Mr. Speaker, I'm sure in probably every district represented on this floor, creates innumerable job opportunities. The beer industry, furthermore, has spent nearly $700 million in communities across the country to fight and oppose drunk driving, underage drinking, and promote responsible consumption of alcohol through public safety, prevention and education campaigns.

Additionally, the National Beer Wholesalers Association was instrumental in working with Congress to pass the STOP Underage Drinking bill, which was signed by President Bush in December of 2006.

□ 2000

Mr. Speaker, there are many alcohol vendors in my district in North Carolina who devote enormous amounts of time and money to improve the lives of people in our communities. They have openly supported community efforts for organizations such as United Cerebral Palsy, the Special Olympics, law enforcement, the Greensboro Children's Museum, the Greensboro Economic Development Partnership, the Rockwell Project for alcohol awareness at Greensboro area high schools, the Hospice of Greensboro, and others.

Many of these vendors have also unanimously supported countless other efforts throughout the Sixth District of North Carolina. I'm sure many of you can duplicate that in your respective districts.

The benefits vary from community to community. While there are sound reasons that alcohol should be regulated, it is clear to me that we should recognize and celebrate the 75th anniversary of the end of Prohibition.

I encourage my colleagues to support H. Con. Res. 415.

Again, I thank the gentleman from Texas for having yielded to me.

Mr. COHEN. I appreciate Mr. COBLE's and Mr. SMITH's comments.

Mr. SMITH, of course, comes from a city in Texas that my predecessor, the Congressman from West Tennessee in the 1800s—Davy Crockett—went to. Unfortunately, it was the last city that Congressman Davy Crockett went to. I was noticing, in going through the Halls here, that Sam Houston, who left my State, went to be Governor of your State. So Texas and Tennessee have a lot in common. If it weren't for Tennessee, we probably wouldn't have a Texas, so it's wonderful to work with you today on this particular resolution.

As I look around the Chamber here, there are great lawmakers, including Moses and Moses Maimonides. In Tennessee, we have a Bob Moses who had a lot to do with this three-tiered system, and he did a lot of work on it.

We don't have any further speakers. I'd like to inquire as to how many more speakers the gentleman from Texas might have.

Mr. SMITH of Texas. Mr. Speaker, before yielding back the balance of my time, I do want to thank my friend and colleague on the Judiciary Committee, Mr. COHEN, the gentleman from Tennessee, for those nice comments. He is right to point out the connections between Texas and Tennessee. Frankly, I think they're a source of great interest and pride to residents of both States. I certainly appreciate his friendship. I appreciate the way he has conducted this debate tonight as well.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, on a personal matter, I will note that sometimes people see these bodies, and they think of our being acrimonious or not bipartisan. There is nobody I've enjoyed working with more than these two gentlemen on the Judiciary Committee, these Members on the other side of the aisle. We do work together a lot of times, and there is friendship, and there is work camaraderie and respect that people can probably recognize from some of the debate.

With that having been said, I would ask that we pass this resolution unanimously as introduced.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 415, "Celebrating 75 years of effective State-based alcohol regulation and recognizing State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale."

H. Con. Res. 415 celebrates a remarkable time in American history. It is worthy to remember how far the United States Government has come since its inception. With the ratification of the 21st Amendment, primary authority was delegated to the individual States, establishing the State-based regulatory system for alcohol distribution we still use today. The regulatory system has allowed each State to adopt individual laws that fit the beliefs of its citizens and still remains effective and in place today.

This State-based system created the safest and most responsible alcohol marketplace in the world. It not only protects consumers from tainted or counterfeit alcohol, but also provides transparency, accountability, and tremendous choice and value for American consumers for 75 years.

In 1919, following the passage of the 18th amendment, which prohibited "the manufacture, sale or transportation of intoxicating liquors," the United States experienced a dramatic increase in illegal activity including unsafe black market alcohol production, a growth in organized crime and increasing noncompliance with alcohol laws. By the end of the decade, Gangster Al Capone controlled all 10,000 speakeasies in Chicago and ruled the bootlegging business from Canada to Florida. Numerous other crimes, including theft and murder, were directly linked to criminal activities in Chicago and elsewhere in violation of prohibition.

Many social problems have been attributed to the Prohibition era. A profitable and typically violent, black market for alcohol flourished during the Prohibition Era. Stronger liquor surged in popularity because its potency made it more profitable to smuggle. The cost of enforcing Prohibition was high, and the lack of tax revenues on alcohol (some $500 million annually nationwide) affected government coffers.

The 21st amendment is significant because when repeal of Prohibition occurred in 1933, organized crime lost nearly all of its black market alcohol profits in most States because of competition with low-priced alcohol sales at legal liquor stores. The post-Prohibition period saw the introduction of the American lager style of beer, which dominates today, such as Anheuser-Busch's Budweiser and Coors Brewing Company. Alcohol has been and still is a part of the American tradition. In my great State of Texas there are 75 breweries and eight of them are located in the city of Houston.

Let us celebrate the Cullen-Harrison Act which Franklin D. Roosevelt signed into law in 1933, which once again, legalized the sale of 3.2 percent beer, signaling the beginning of the end of the 13-year "failed experiment" known as Prohibition.

Mr. STUPAK. Mr. Speaker, I rise in support of H. Con. Res. 415, which would celebrate 75 years of effective state-based alcohol regulation since the repeal of Prohibition.

On May 5, 2008, I introduced H. Con. Res. 341 with the gentleman from North Carolina, Mr. COBLE, to recognize the 75th anniversary of the repeal of Prohibition and to commemorate the effective state-based regulation of alcohol.

This legislation has 98 cosponsors.

In order to bring the resolution to the floor today, Mr. COBLE and I re-introduced it as H. Con. Res. 415.

I thank the gentleman from North Carolina for working with me on this important resolution.

In 1919, the 18th amendment prohibited "the manufacture, sale or transportation of intoxicating liquors."

During Prohibition, the United States experienced a dramatic increase in illegal activity including unsafe black market alcohol production, a growth in organized crime, and increasing noncompliance with alcohol laws.

It was not uncommon for consumers to fall victim to counterfeit or tainted alcohol, with disastrous results including blindness or brain damage.

For example, the patent medicine Jamaica ginger, or "Jake," was often consumed by

those desiring to circumvent the ban on alcohol. In response, the Treasury Department mandated changes in the formula to make it undrinkable.

In an attempt to fool government testing, unscrupulous vendors would sometimes adulterate their Jake with an industrial plasticizer. As a result, tens of thousands of victims suffered paralysis of their feet and hands—usually, this paralysis was permanent.

Other amateur distillers used old automobile radiators to distill liquor, and the resulting product was dangerously high in lead salts—which usually led to fatal lead poisoning.

On December 5, 1933, the United States ratified the 21st amendment, repealing Prohibition and restoring the control of alcohol regulation to the States.

For 75 years, this regulatory system has allowed each state to adopt individual laws that fit the beliefs of the residents of each State.

State lawmakers, regulators, law enforcement officers, and public health officials in each State have developed and implemented effective policies that have protected consumers and encouraged safe and responsible consumption.

While the United States now enjoys the safest and most responsible alcohol distribution network in the world, cases of tainted or counterfeit alcohol continue to occur across the globe.

Just yesterday in the United Kingdom, a police raid found 1,100 bottles of fake vodka that may blind consumers, many using the SPAR Imperial label.

British officials believe it is likely that more of the vodka is on the market. Small shops and stores in particular have been told to be on the lookout.

The potential for counterfeit alcohol and unscrupulous vendors remains a threat throughout the world today, and presents a real danger to consumers.

The state-based system for regulating alcohol in the United States has served as one of the safest and most responsible systems for protecting consumers from tainted or counterfeit alcohol.

I think it is fitting to salute the State lawmakers, regulators, law enforcement officers, and public health officials that have made this regulatory system successful.

I'd like to thank the Judiciary Committee, specifically Chairman JOHN CONYERS and Ranking Member LAMAR SMITH, for their support in allowing us to consider this resolution today.

I urge my colleagues to join me in recognizing the 75th anniversary of the repeal of Prohibition, and in commemorating the effective state-based system of alcohol regulation.

Vote "yes" on this important resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 415.

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

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICAN ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, you know, there's an old saying that sometimes people whistle past the graveyard. I think, last night, that's what this Congress did. The majority on the other side rammed through a bill that's not going to do anything to move us toward energy independence, and that means we're going to continue to send $700 billion a year overseas to Saudi Arabia, to Nigeria, to Venezuela, and to other countries, many of whom don't like us at all and who are using our own money against us. $700 billion a year.

While we didn't do anything about that, that which would create hundreds of thousands of jobs in the United States, we have found that Freddie Mac and Fannie Mae we have bailed out for God only knows how much money. It's in the hundreds and hundreds of billions. It's probably going to be more than the S&L tragedy we had years ago. Bear Stearns we bailed out. AIG, $85 billion last night. There's $25 billion to $30 billion we're going to give to the auto industry. We're going to be giving money, no doubt, to the aviation industry because it's in trouble because of the energy crisis. The stimulus package we're talking about is going to cost probably about $50 billion in the next week because the Democrat majority is going to send that to the floor, and we don't have the money. We're talking about $800 billion to $900 billion that the taxpayers are going to have to cough up that we do not have. Now, what does that mean for the economy of the United States?

It means simply that the dollar and the economy are going the wrong way. Today, get this: Gold went up over $70 an ounce. If you look back over the past several years, gold was running between $250 an ounce. Today, it went up by 25 percent over what the average was for the price of gold. Do you know why?

It's because there is no confidence in the dollar right now, and we're not doing a darned thing in this body or in the other body to deal with the problem. Nothing. We had a chance last night to move toward energy independence and to save $700 billion a year that we're sending overseas. That would have made a dent in the problem we're dealing with right now, and it would have provided a mechanism for hundreds of thousands of jobs, and it would have cut the price of gasoline and of heating oil and of everything else that we have to deal with. It would have moved us radically toward energy independence. It would have helped stabilize the economy of the United States. We didn't do a darned thing, and everybody knows it. Everybody knows what we did last night was a sham.

It's not going to result in any drilling. It's not going to result in any more oil here in the United States. It's not going to result in anything toward nuclear or toward alternative sources of energy. It's not going to do a darned thing. Yet we went to the American people last night, my Democrat majority with that bill, and said, "Hey, we're going to solve your energy problem," and it was a big lie, a facade.

We had an alternative bill. We had an alternative bill sponsored by Democrats and Republicans—Mr. ABERCROMBIE and Mr. PETERSON, Democrats and Republicans—that would have moved us toward energy independence that was really a compromise. It didn't allow drilling in the ANWR, which I preferred, but it did allow other things like coal shale converted to oil and drilling off the Outer Continental Shelf. It would have resulted in revenue sharing with the States that would allow us to drill.

The bill that we passed did not do any of that. The bottom line is this economy is in real trouble, and it's not just because of this Congress, but it's in real trouble because of loans that we gave to people who didn't deserve home loans, and it was because of the packaging of those loans and selling them up the line.

The fact of the matter is we could have done something last night to help stem the tide by passing an energy bill that would have led us not only to energy independence but to saving about $700 billion a year that we're sending overseas to people who are not our friends.

It's a real tragedy. This Congress is sitting on its hands, and it's not doing anything at a time when this country is crying out for some action, not just for energy, not just for lower gas prices but for some kind of a movement toward solving the economic problems that face this country.

I'm going to end by telling you this: If gold goes up $70 in one day, that's an indication that the value of the dollar is going down the tubes. In addition to that, everybody's 401(k)s and IRAs are going down with it.

This is a very, very difficult time for America, and Congress needs to respond, and we're not doing a darned

thing. I hope my colleagues on both sides of the aisle are listening. The Democrat majority needs to do something about this, especially about the energy crisis right now and not just sit on your hands and pass bills to help get people reelected, which is what you did last night.

AMERICAN ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, Wall Street's big banking boys, those self-proclaimed geniuses of high finance, are bankrupting America. These plunderers of our economy who have fought tooth and nail against financial regulation now are running home to mama. They who virulently oppose government oversight in the markets have come begging to the U.S. Government, mama, to bail them out of their bad decisions. They want mama to make it all better.

Well, mama, the Federal Reserve and the Treasury, now run by Wall Street's best friends, have happily been shelling out from our taxpayers more than $300 billion already and counting for those irresponsible Wall Street giants. Meanwhile, homeowners in my district are suffering as a result of these high flying bankers' self-aggrandizing decisions.

I've not seen Secretary Paulson or Chairman Bernanke running around Ohio over the weekend, expressing concern about working people's houses and about helping them work out troubled loans. No. All they're doing is sending those folks the bills.

The first check that mama wrote was in March. The Fed's main role in the Bear Stearns buyout by JPMorgan Chase was a $29 billion loan to a corporation it created to buy $30 billion worth of assets from Bear Stearns. If the assets gained value, the Fed would profit. If the assets lost value, the first $1 billion would be lost by JPMorgan Chase, but the rest of the losses would be borne by—guess who?—the American taxpayer.

Then mama wrote a blank check, a big one, to Fannie Mae and Freddie Mac. Now, that bill is already $200 billion, and it could rise to $2.4 trillion, a blank check. Last year, the head of Freddie Mac earned compensation of $18.3 million, and Fannie Mae's chief, David Schmidt, received $11.6 million directly, not counting all of their other bonuses and stock options and who knows what else.

Now mama has written a third check for the crisis on Wall Street, and has effectively nationalized American International Group today with an $85 billion loan.

□ 2015

I wonder why we don't just change the name of the U.S. Treasury to the Sovereign Wealth Fund, because we are borrowing money from other countries in order to bail out these institutions.

By the way, from 1999 to 2004, the CEO of AIG, Maurice ''Hank'' Greenberg, was named to Forbes Magazine as among the ''world's richest people,'' with a net worth in 2004 of $3.6 billion. What a cozy group they have up there on Wall Street.

The CEO named earlier this year, Robin Willumstad, had been the president of Citigroup since 2002, and his base salary was $1 million, plus up to $4 million to $8 million in targeted annual bonuses, plus $13 million targeted annual incentive pay and a one-time $24.5 million restricted stock award to vest over 4 years.

Were our homeowners to get a deal like that. The American people are truly getting bilked. They didn't get a fair share of the upside, and they are getting all of the downside and a huge IOU. Foreclosures are going up in Ohio. And while Wall Street is made whole, the folks back on Main Street are losing their homes and getting the bill.

So while the banks get to run home to Mama and they are crying, we really have to ask ourselves, what has Mama given us here? What does it say about our values when we pump hundreds of billions of dollars into preserving Wall Street's bad boys while ignoring the plight of the American people?

Across Main Streets, from coast to coast, people are losing their homes. But are Mr. Paulson or Mr. Bernanke giving them any bet on the upside? They are not even helping them on the downside. All they are giving them is a bill for Wall Street's excesses. When Roosevelt talked about malefactors of wealth, boy, was he right.

I feel sorry for our country, I feel sorry for this Congress, that we can't do a better job of standing up for the people today who are losing their homes in Ohio. Thirty-eight thousand more perched at the edge. Our State needs $20 billion just to do workouts in our State. Where is the Federal Reserve? Where is the Treasury Department? Why do they only help the rich people? What about the rest of the people who have to work for a living?

I can't think when I have been as upset as I am tonight about what is happening by the big shots, and the people who are paying the bill are getting shoved off the edge.

Wake up, America. Wake up, America. Pay attention to what is happening here. Contact your Member of Congress. Every citizen of this country that is a taxpayer and every citizen who owns that home mortgage has a right to a decent life, not just the big shots up at the end of Wall Street up in New York City.

ASHE COUNTY ARMED SERVICES TRIBUTE A PATRIOTIC SUCCESS

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to praise the people of Ashe County, North Carolina, for their strong support for our men and women in uniform.

Any time there is an opportunity to honor our active military and our veterans, such as Memorial Day or Veterans Day, the folks in Ashe County show their support in the strongest way possible. But on August 23rd of this year, Ashe County hosted its Armed Forces Tribute and showed what a remarkable place Ashe County is and how remarkable the people there are.

This event was a fitting way to honor our country's brave veterans and those who are serving around the world to keep our Nation safe. True to the organizers' goal for the event, it was a time to reflect on the sacrifices of those who willingly put their lives on the line for the cause of freedom. It made me proud once again to be an American and proud to represent the fine people of Ashe County who made this special time possible.

The Armed Forces Tribute was broadcast worldwide to military personnel by the military's Pentagon Channel and aired across the State of North Carolina on public television's UNC-TV. The use of technology that day in this small county in western North Carolina was phenomenal. It was a proud day in Ashe County for those who serve our Nation.

The tribute was filled with memorable moments of honoring those who serve and have served in our military. Lieutenant General Thomas F. Metz gave a stirring speech that will not soon be forgotten. North Carolina's own 82nd Airborne parachuted from the skies over Ashe County, not once but twice during the celebration.

And participants were even connected via satellite to our troops serving in Iraq and Afghanistan. Indeed, family members came from all over the United States to be able to talk electronically with their member serving in the military overseas. And once again we heard the extremely articulate men and women serving in the military describe their experiences and their positive outlook on what is happening in Iraq in particular, and all of us were extremely pleased to hear that.

Were it not for the generous spirit of patriotism and volunteerism of the people of the High Country, this event would not have been possible. I would like to thank everyone who gave their time and their money to ensure the success of the Armed Forces Tribute.

But there is someone who deserves special thanks and recognition for the passion and dedication she brings to make this tribute happen. Vicky Moody, president of the Jefferson,

North Carolina, Rotary Club, once again brought the people of Ashe County together to pull off a spectacular salute to our troops and led her fellow Rotarians, who served as volunteers for this event, in the cause.

Thank you, Vicky, for your work and your love of country and our military men and women. Thank you, Jefferson Rotarians, for all of the work, effort and money that you put into making this a wonderful event.

It is always fitting to honor those who put their lives on the line for our Nation and make tremendous sacrifices for our freedom, and today is no exception. Thank you to our veterans, their families, and to the patriotic Americans like Vicky Moody and Ashe County who stand behind our active duty military as they defend the front lines of the fight for liberty. May God continue to bless you, and may God continue to bless the United States of America.

TRIBUTE TO THE NEW YORK SUN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

Mr. WEINER. Mr. Speaker, we have had a great deal of discussion about New York institutions, great institutions that have been around for a very long time, frankly, succumbing to economic pressures, bad regulation, misfortune. But we are in a perilously close position in New York to losing another great New York institution, and that is the newspaper The New York Sun, which has been operating for the better part of 7 years now.

It isn't often that someone in our line of work rises to pay tribute to a periodical, particularly one that is frequently quite critical of those of us in public life, but The Sun is a unique New York institution. It is arguably the only newspaper, frankly the only outlet in New York City right now, that is truly covering civic affairs in New York, and doing a very good job of covering civic affairs here in Washington and around the world.

For the purpose of making these remarks, I just grabbed at random a copy of The Sun recently and pulled out this copy from September 8th. And I defy any of my colleagues to find a publication in their part of the world, and even the ones that are best known—The New York Times, The Boston Globe, any of them—that has coverage comparable to The New York Sun.

Right here is coverage of how Russian war games have begun in the Caribbean, with a long description of how the Monroe Doctrine is entangled; coverage by E.B. Solomont on health care, talking about the challenges facing children's health care in New York and around the country; conversation about arts and fashion. The Arts Section of The Sun provides arts coverage second to no one. They even found some time to put on the front page coverage of sports, Brett Favre's beginning of his career with the New York Jets.

Now, you might be thinking this must be a newspaper that has been particularly kind to my point of view, maybe the editorial page has been particularly kind to the values that I share. Very often, if not most of the time, I disagree with their editorial page. But it is always erudite and thorough and gives us a great deal to think about.

Not long ago, many readers were shocked to find out what, frankly, we are learning about in a lot of newspapers around the country, it has fallen onto hard times financially. Well, there are many ways that we are going to be called upon to participate in our civic life in this election year. Obviously first and foremost among them is we are going to be asked to vote. But one of the things that all citizens in New York can do—and for those of you who have access to the Internet, you can go to nysun.com and take a look at the newspaper online—one of the things we all can do is engage in our civic debate well-armed with some facts about the issues of the day.

There is no better place to get it than The New York Sun. You know, perhaps it is ''old media,'' but it is good, old-fashioned, substantive civic engagement with a balanced coverage and smart coverage. You are going to find things in The Sun that, frankly, the other newspapers gloss over, the other papers pay no attention to.

I recently got a lot of attention, and perhaps snickering, by referring to how ''tabloidy'' a lot of the broadsheet newspapers have become in New York City, and I singled out The New York Times for that treatment. Well, frankly, if all newspapers had the level of thoroughness and the level of sophistication and the level of respect that it shows to readers that The Sun does, I think that, frankly, the debate in New York City and around the country would be a lot better off.

This is volume 124, number 101. I don't know exactly what those numbers mean. But hopefully for years to come, New Yorkers, American citizens of all stripes, will be able to pick up this newspaper, and I think they will be better for it.

Now, while I have the microphone, I should say to any of their editorial page who are listening, you are wrong about 90 percent of the time, and hopefully you will get better over the course of the next 7 years. But, by all means, I am not going to stop reading, and I would encourage all of my neighbors to do the same.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

REMEMBERING RECENT NATURAL DISASTERS IN IOWA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BRALEY) is recognized for 5 minutes.

Mr. BRALEY of Iowa. Mr. Speaker, I rise tonight to remember that, in a time of widespread national disasters, it is important to remember those disasters that have already occurred this year and not forget the impact that they have had on people back in the great State of Iowa, which I am proud to represent in this body.

For most of us, May 25th was the day before Memorial Day. It was the day of my son's high school open house from his graduation, and our biggest concern that day was how much rain we were going to get. But shortly after all of our guests left, I started following a news story that would have profound implications for me and the people I represent back in Iowa's First District.

This wall cloud that is visible on the easel to my right was a wall cloud that brought a devastating EF–5 tornado to the citizens of Parkersburg, New Hartford, Dunkerton and Hazleton, killing eight people, causing widespread destruction in those communities and serious flooding in other parts of my district. And that was what transformed the summer of 2008 for many Iowans.

□ 2030

This wall cloud contained this powerful tornado and went right by one of my constituents' farms, that was Senator CHARLES GRASSLEY, who lives near New Hartford, Iowa. The effects of this powerful tornado can be seen in this photograph, this overhead shot of Parkersburg, Iowa, where nearly one-third of homes and businesses in the south side of Parkersburg were destroyed.

You can see here where the high school was destroyed. The folks in Parkersburg are very proud of the fact that four of the graduates of their high school, Aplington-Parkersburg, currently are starters in the National Football League, an extraordinary accomplishment for a town of less than 2,000 people. The widespread devastation as this EF–5 tornado went through Parkersburg will be felt for many years to come and illustrate the need for Federal emergency disaster assistance in times when people are at their most vulnerable.

To give you a better view of how individuals were impacted, this photograph shows the widespread destruction that leveled, literally, every home, office, business and building in the swath of the tornado pass through.

You can see that the trees are completely denuded of any vegetation. Here you see people that are working hard to clean up an area where one of the homes was destroyed near where two people were killed.

I was very proud that when this disaster struck, my staff did a fantastic job of responding to the needs of every community wherever we could. This photograph shows me with my chain saw in front of one of the homes that was completely destroyed shortly after the tornado struck.

This is the basement of the home that I was working on and a family whose entire home contents were completely destroyed by the tornado. I kept holding up things that I found in their basement and asking them if they wanted to save it, and they said, well, that's not ours. This is common.

There were things that were found, that were taken out of Parkersburg during this tornado, in Prairie du Chien, Wisconsin, over 100 miles away.

On the front edge of the tornado, the town of Lamont had 8 inches of rain in a 24-hour period that flooded the community and caused widespread destruction to their infrastructure, including this bridge, all within the week of Memorial Day.

Then, as if that weren't enough, the week after Memorial Day, the town of New Hartford, which had been hit by this EF–5 tornado, was completely overwhelmed by flooding from Beaver Creek. The tragedy of these storms is that, as you can see in the background of downtown New Hartford, the hardware store has left town. The only convenience store, the Kwik Star, has left town and is no longer in business. The places where people went to get their basic necessities are being driven out by the implications of these storms.

The town of Elkader, Iowa, up in Clayton County, which is one of the most scenic parts of my district, had a flood predicted at 20 feet for a 12-foot flood stage. The river crested at 31 feet and overwhelmed the community, destroyed the grocery store, flooded businesses and caused widespread destruction to homes in Elkader.

Waverly, Iowa, in Bremer County, also suffered widespread damage due to the flooding. The same types of destruction can be seen in their downtown streets, which has enormous implications for infrastructure. Cedar Falls' utilities, completely overwhelmed by the flooding, and a railroad bridge in downtown Waterloo, where I live, will need to be replaced and has an enormous impact on the commerce at John Deere's Waterloo works.

The disaster response that this Congress made was immediate and swift, $2.65 billion, but much more is needed to address the needs in the First District and the Second District and other parts of Iowa. It's time for Congress to act and pass a supplemental disaster assistance bill for all of the midwestern flooding and tornado victims and also addresses serious problems from Hurricane Ike and Gustav in our gulf coast.

The response initially to this disaster from our Federal disaster agencies was very encouraging, but there has been a backlog in getting the funds that Congress has appropriated through the Federal agencies to the people in need in Iowa. The time to break that backlog is now.

We need to start freeing up the Community Development Block Grant money so that it can have an impact in these communities that I have been showing you here tonight. We need to free up other small business loans and other funding that should be getting to the people in need in Iowa, including the people of Cedar Rapids, who were devastated with the highest flood that they have ever seen and has 400 square blocks of downtown Cedar Rapids where homes and businesses were destroyed and need to be rebuilt.

That's why the crisis is now. The time to act is now. We need to take advantage of the widespread attention on people in need in this country and address their concerns.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ALTMIRE. Mr Speaker, we are here tonight as part of the 30-Something Working Group. We will be joined tonight by several members of the working group, including Congressman TIM RYAN from Ohio. I believe Congressman MEEK from Florida is going to be making an appearance, and anyone else who wants to join in that may be viewing us, certainly from their offices, is welcome to come down and join the discussion on a couple of issues that are facing this country and some things that are in the news this week and that we have dealt with in Congress this week.

Number one, I am going to start with the economy. I don't think anyone can pick up a newspaper, watch a TV or do any reading of any kind without seeing that our economy is in crisis right now. The stock market on this day went down 450 points after going down more than 500 points the day before yesterday.

We are in the position right now, as a Congress, and as a Nation, where we have some very difficult decisions to make. The administration came in and did their third major bailout of a major corporate institution this week with the AIG Insurance Company, and we are going to talk more about that. We are going to talk about the reasons why we got to where we are today.

There is an instructive part of this whole thing to take a walk down memory lane and to see what the economy was like 8 years ago and what the economy is like today, and to discuss how we got from where we are, where we were then, to where we are today.

We also have to talk about what's happening today, what is the crisis, what, exactly, is next. In some ways we don't know, but there are things that we can do immediately to take immediate action to prevent this crisis from getting worse.

We are going to have a discussion about how we got here. We are going to have a discussion about what we do now. That might be the most important part. There is urgency to this.

Then we are going to talk about the future. What are the long-term safeguards that we can put in place to make sure that this never happens again?

That's, for many onlookers, the worst part of this whole process, the fact that we had safeguards in the market that were supposed to work, that were supposed to prevent this from happening, and those safeguards didn't work. Then, as it applies to the securities industry and some of the leveraging that was taking place in the market, we have the fact that it was a completely unregulated market.

It was a free-for-all, and it wasn't that there was deregulation that took place, in many cases these were markets that were never regulated to begin with. It was a laissez-faire attitude that this administration had, and the free-for-all that took place that led us to where we are today and how are we going to fix that, moving forward into the future.

So with regard to the economy, those are the three things we are going to do, talk about the mistakes that were made in the past that led us to where we are today, talk about what this Congress is going to do, hopefully in a bipartisan way, working with the administration, because there is nothing more important than getting this crisis solved. What are we going to do in the near term to solve the problem and move forward? Then, what are we going to do to ever prevent this from happening again.

To begin that discussion, I would ask the participants in the debate to take a walk down memory lane with me while we talk about where the stock market was 8 years ago. I think that now, now that we are in the crisis we are in, it's fair to compare periods of time. Let's compare the past 8 years to the previous 8 years.

In the 8 years of the Clinton administration, the stock market in this country went up 226 percent, 226 percent increase in 8 years. Now, what is that by the historical average? You say, I don't know, is that a lot, is that a little? What is 226 percent?

Well, the historical average is an increase every year of 11 percent in the stock market, and that's the historical trend. It doesn't matter if you have a Republican president and a Democratic Congress, a Democratic president and a Republican Congress, both chambers represented by the same party, regardless of that, over time, no matter who is in control of the White House and the Congress, the average annual increase in the stock market is approximately 11 percent. In the 8 years in the 1990s, and the economic policies that we conducted in the 1990s, we had a 226 percent increase over 8 years. Pretty good.

What's happened over the past 8 years, because we have had a dramatic shift in our economic policies over the past 8 years. We are going to talk about what some of those policies were. That's part of the subject matter that is at hand with the Presidential race, the fact that we have two candidates with very different views on the economy.

One of them, Senator MCCAIN, has been a part of Congress for 26 years, was involved in the economic policies of the past and wants to continue the policies of the past 8 years into the future. Let's talk about what were the policies of the past 8 years, and what was the impact? We are talking about the stock market.

Well, the stock market today is almost exactly where it was 8 years ago. It's flat lined. It's gone up less than 1 percent. Now that's not 1 percent a year over 8 years, Mr. Speaker, that's less than 1 percent total over the course of the entire 8 years.

The previous 8 years the stock market went up 226 percent. The next 8 years, the current administration's time in office, it's gone up less than 1 percent total over that entire period of time.

It does not look like things are going very well moving towards the future. Hopefully that will correct itself, and we will see some gain in the stock market moving forward.

The point is, the decisions that are made by this Congress, and the decisions that are made by whatever administration is in power, do have a very real impact on our economy. They make a difference.

When you look at the fact that we have had 8 straight months of job losses, this administration, over the 8 years, is going to have the worst record of job creation of any presidential administration since Herbert Hoover. That's not a good record, 8 straight months of job losses. It does not look encouraging for the next several months. But it is the worst record of job creation over an 8-year period for any administration since Herbert Hoover's administration, and we all know what happened there. That's not good.

Our financial industry is in crisis. It's in melt-down mode. Now we can turn that around. We can take steps, working as a Congress and working with the administration to turn it around, and we are going to make the difficult decisions that need to be made to put our house in order and get moving in the right direction.

But when you look at what the mistakes were to get us to where we are today, let's take a look at the national debt, same deal. We will compare the previous 8 years to the current 8-year's administration, and I think that's a fair comparison.

When President Clinton left office, we had just had 4 consecutive years of budget surpluses. Those surpluses were forecast as far as the eye can see.

The Congressional Budget Office, which is an entity which scores over a period of years what the expected surplus is going to be, predicted that over the next 10 years, beginning in 2001 through 2010, we would have a surplus of more than $5.5 trillion.

I would ask the participants that are here tonight, and anyone who might be paying attention to this debate tonight, to think about what the discussion was in the presidential election of 2000. We are a little less than 7 weeks away from a major election here in this country, presidential election, and you see what the debate is about.

In the 2,000 debate between then Governor Bush and then Vice President Gore, the discussion was what are we going to do with this enormous surplus? We are awash in cash. We have a $5.5 trillion projected surplus over what were then the next 10 years. And we've just had 4 consecutive years of budget surplus. So the discussion was, are we going to pay down the debt? Are we going to shore up Social Security?

What are we going to do with this money? Imagine what we could have done. We have had a debate on energy over the past several months, culminating with a vote last night in this House. What could we have done in the past 8 years with $5 trillion if we had chosen to dedicate that money to finding an alternative source of energy, getting us off of our dependence on foreign oil?

□ 2045

There are any number of things that we could have used that surplus for. We could have nearly paid down the entire national debt. One of the largest line items in the Federal budget today is interest on the national debt, $240 billion for 1 year. What could we do with $240 billion if we had paid down the national debt and didn't have that line item in the budget?

Well, that was 8 years ago. We are not having that discussion anymore because instead of those four straight budget surpluses we had at the end of the Clinton administration, we have had eight consecutive budget deficits. And the parting gift that President Bush is going to leave to this country as he leaves office is the largest single-year budget deficit in this Nation's history, more than $480 billion for 1 year.

So we didn't have the $5.5 trillion surplus. No, we had a $4 trillion debt over the course of 8 years and counting, unfortunately, because now, instead of surpluses with no end in sight, we have deficits and debt with no end in sight because of the economic policies that have been conducted over the past 8 years.

Part of the problem, among many problems that have developed with these policies, is the turmoil you are seeing in the market right now, is the stock market, the low U.S. dollar, which one of our previous speakers was talking about. We are going to get to that.

I have talked about this before, and my colleagues in the 30-Somethings have heard me mention this before. If you had said to an economist as President Bush was taking the oath of office, ''We are expecting a $5.5 trillion surplus, but what would we need to do to have a $9 trillion swing from positive to negative in the debt? What would have to happen?'' That is going from $5 trillion in the positive to $4 trillion in the negative, a $9 trillion swing. If you asked what would we have to do from an economic perspective if we were trying to have a $9 trillion swing, what type of policies, well, any economist that you asked would have said that is impossible. You couldn't possibly mismanage the economy to such an extent you are going to have a $9 trillion swing. Well, unfortunately, we have.

Now, I know there are those who will say, well, it wasn't the administration in the 1990s that were responsible for the enormous surpluses, it was the Republican Congress. And people who look at history might say it was President Bush the First who put into place pay-as-you-go budget scoring. And pay-as-you-go budget scoring is one of the factors that led to the record surpluses we had in the 1990s in contrast to the record deficits we had in the 1980s.

Unfortunately, one of the things that one of the previous Congresses did right after President Bush took office was to do away with pay-as-you-go. What is pay-as-you-go? Pay-as-you-go budget scoring is what we do in our home checkbooks, what every American does in their bank accounts, and what every business in America does with their balance sheet. It is very simple. You have to have money on one side of the ledger if you want to spend it on the other.

Unfortunately, we did away with that in this country after the 2001 turn of the administration, and that has led to decisions being made where nothing had to be paid for, just charge it to the credit card. Whatever spending you want to do, don't worry, we don't have

to have an offset anymore because we don't have pay-as-you-go. So if you want to increase spending, put it on the credit card; somebody will take care of it.

The problem is that eventually the bill comes due. This leads me to where we are today; the bill has come due. Anyone who has seen what happened with Wall Street over the past several months and certainly over the past few days can see that the bill has come due. And, unfortunately, it is the American taxpayer that is now going to have to pick up the bill.

And because of the decisions that have been made to bail out the corporate executives and the big Wall Street financiers instead of middle-class Americans, it is middle-class families in this country that are going to have to pay the bill. It is middle-class families in this country that are going to get that bill in the mail while we are bailing out the big corporate executives.

We are going to continue that discussion, but rather than give a monologue, the gentleman from Ohio (Mr. RYAN) is here, and I would like to welcome him to the discussion and yield to him.

Mr. RYAN of Ohio. I thank the gentleman, and I appreciate you coming down here and anchoring the 30-Something hour.

I think it is important as we are talking about the financial issues just over the last couple of days, and I think you laid it out pretty well, a 500-point drop and then a 100 or so increase, and then a 450-point drop today, these are markets that are so destabilized that we are losing companies that were established since before the Great Depression. The only financial house that seems to be left is the Department of the Treasury. And this has been because of the lack of regulation on the markets, period, dot.

It may be convenient, Mr. Speaker, to say we need to deregulate. You need law and order in order to build a capitalistic system. The capitalistic system doesn't come first. The magic with capitalism was that we had courts in place and regulatory bodies in place to make sure that contracts could be enforced, to make sure that investments were sound, not necessarily the decision that each person in the country would make would be sound decisions, not that every loan that they would take out would be sound, but there were precautions in place to make sure that this whole operation was stabilized and regulated.

And you look at what happened to the savings and loan industry in the 1980s, and you look at what is happening now; it is because there wasn't the proper watchdog in place.

I think putting the Republicans—as you stated earlier, there may be a difference between some of our friends on the other side of the aisle a few years back and the ones today—it is like putting a drunk in charge of the liquor cabinet, putting the Republicans in charge of Wall Street. I mean, let's be honest. Total deregulation.

The whole answer was, well, we will deregulate everything, and we will have competition. In Ohio, it was deregulate energy, and it led to an increase in prices. That's what has happened.

So we have this destabilized market here in the United States now, not knowing what is going to happen from one day to the next, losing businesses that were around since before the Great Depression. A long history of stability has been destabilized by the Republican agenda.

Now, look at all of the different things that have happened. I think this is the issue, the point. In 2000 the Republicans controlled the House, the Republicans controlled the Senate, the Republicans controlled the White House, and look at what has happened. Look at what has transpired in the past 8 years with President Bush.

The only sign of any movement in another direction is when the Democrats took over the Congress a year and a half ago, with issues getting vetoed by President Bush. But look at what has happened over those years.

My point is, before I yield to the gentleman from Pennsylvania, is that we don't have to think about what America would look like with a neoconservative Republican agenda. We know. It has been implemented. And for all of our friends on the other side of the aisle to somehow erase history like you can erase your computer memory and think that the American people don't remember that they were in charge for all of these years and implemented their health-care policy, their energy policy, their education policy, their foreign policy, and where we are today on all of those issues, you don't have to believe me, you don't have to believe NANCY PELOSI, Mr. Speaker, you don't have to believe JASON ALTMIRE, these are two diametrically opposed philosophies on how to govern.

As you stated, in the 1990s with the Democrats in charge of the Congress and the Presidency, it passed a budget that led to the greatest economic expansion in the history of the country, 20 million new jobs. And you look at what President Bush did with the Republican Congress: Took us right off the cliff.

We were talking about in the Clinton years what we were going to do with the surplus. One of the debates that President Clinton pushed forward was save Social Security first. So he was going to take this money and put it into the Social Security fund so we didn't have all of these IOUs for all of these years.

Now the question in Washington and in Youngstown, Ohio, and in Georgia and in western Pennsylvania, here is the question: What if the Republican Party had their way when they wanted to privatize Social Security? Imagine, with everything that is going on in the market today, if President Bush and Senator MCCAIN and all of the House Republicans who were down here on the floor fighting for a Republican privatization scheme for Social Security, imagine if that last base security system that you have in place here, the American people have in place, was all in the stock market today? Just think about what a radical idea that is.

Mr. ALTMIRE. The gentleman sets me up perfectly because that is exactly the point I was going to try to make. When the gentleman from Ohio was talking about the policies of the past Congress and this administration and things like the energy bill of 2005, we have empirical evidence, what is the result when this Congress took action, passed, sent to the President and was signed into law? Well, gas prices skyrocketed, dramatically increased our dependence on foreign oil.

So what is the impact on our economy by the economic policies that were carried out under this administration? You could not have more of a stark contrast in evidence, the way that the economy boomed in the 1990s and what we are seeing here in the last 8 years.

As I mentioned earlier, the economy over the past 8 years is driven by the stock market, and the stock market is up less than 1 percent over 8 years, almost exactly today where it was 8 years ago.

The point I was going to make is we can lament, as the gentleman and I have done many times, the policies of the past and look for ways that we can solve the problem moving forward. But let's not forget a crisis that was averted by the American people, a policy that was thankfully not carried out.

This President, in the previous 6 years in Congress before the new session came in, tried desperately to privatize Social Security. President Bush, you'll remember, around 2004, 2005, and Vice President CHENEY traveled all around the country with their dog-and-pony show and charts and graphs talking about Social Security, privatizing Social Security, putting some of the money that is supposed to go, as it has always gone, into the pockets of senior citizens and instead putting that in the private market.

We already have ways to invest in the private market, and we certainly encourage people to do that. And one of the things that we are going to do moving forward is figure out a way to further incentivize private savings through 401(k)s and IRAs and all the rest. The point is that is not what Social Security is for.

If there was ever any doubt that was a good idea, and the American people

certainly cast judgment upon that, imagine, I would ask my colleagues when they go back home and talk to their constituents, imagine if you had to retire and you reached the age at which you were going to start to claim Social Security at some point in the past 8 years.

If you were retiring in 2000 and that stock market had just gone up 226 percent over the past 8 years, boy, that was a great deal. That was quite an investment. It would have worked out just fine for you. But if you are one of the millions of Americans who would have qualified for retirement age in the past 8 years, maybe that wasn't such a good idea after all. You wouldn't have even got a cost-of-living adjustment. You would have flat-lined.

□ 2100

And that's certainly unacceptable with our Social Security.

I would yield to the gentleman from Ohio.

Mr. RYAN of Ohio. The point I want to add to what you're talking about is, what if this would have happened?

It seems like we always have people in Washington, if something major happens, like a major insurance company or a major investment company or a major bank, it's like Washington, D.C. will step all over each other as to who's going to help them first, who's going to bail them out, who's going to give them something to make everything all right. And I don't want this to sound like we don't understand the ripple effect of what could happen if some of these entities aren't helped. We understand that.

But when it was the average person who made a mistake with their housing loan, hey, you're on your own. Pull yourself up by your bootstraps.

Well, Lehman Brothers, you pull yourself up by your bootstraps. Merrill Lynch, you pull yourself up by your bootstraps.

I'm not saying you don't need to take responsibility for your actions because you certainly do. But when we needed to help 10 million kids get health care through the State Children's Health Insurance Program, President Bush says we don't have the money. $35 billion over 5 years. We spend $10 billion a month in Iraq, but the President and a small group of radical Republicans in the House said we don't have the money for this. It's too much. It would be 3½ months in Iraq.

But if something like this happens where we have all this, a big major financial company, something happens, well, here we are, all of a sudden we've got more money.

Think about what the Republican Congress and Republican President did to our financial situation, not just how they destabilized the markets. I don't know if you got into this, Mr. ALTMIRE, before I got here or not. But think about what they did. They raised the debt limit five times. Maybe six. I may be missing one. Five times. They borrowed $3 trillion from China, Japan and OPEC countries.

Now you want to talk about putting the next generation behind the eight-ball, go borrow $3 trillion from our biggest competitor in China and watch them wipe out manufacturing in Pennsylvania, in Ohio and all over the industrial Midwest.

Don't regulate the markets. Don't invest in education. Make tuition costs go up 8, 9, 10 percent a year all over the country. The Pell Grant was almost meaningless. Student loans were 6.8 percent last year.

All of these issues add up to saying they weren't paying attention. Their philosophy of government just doesn't work. That's what this whole thing says.

We're joined by the gentleman from Colorado, the host of the Democratic National Convention. I yield to Mr. PERLMUTTER.

Mr. PERLMUTTER. I thank my friend for yielding. It's a pleasure to be here with the 30-Somethings, even though I don't fit into that category and haven't for some time. But this subject is so important, what you two are talking about tonight.

We have a regime in place, in the personalities of George Bush and DICK CHENEY, that can't be described in any other way than radical because we've got to go back to some basic principles of our country, some basic values, the basic values that we were founded on, of thrift and sacrifice, of investment, of opportunity for all.

But instead, what we've seen in the last 8 years that this administration has pushed and promoted was a greed and gamble, immediate gratification, the theory that I want it now, and I'm not paying for it; my kids or your kids or somebody else is going to pay for it later.

To have these tax cuts and prosecute a war immediately turned this country's budget upside down. So you start with that failure. And we've been running behind ever since.

Then you forget about the lessons of the past. Now these guys wanted to reverse everything that's happened for the last 70 years, since the thirties. We came through the roaring twenties. We had our Calvin Coolidges, we had our Herbert Hoovers, and we paid dearly during the thirties because we understood at that point that we're going to give up a little bit of the upside so that we don't have the misery of the downside. But those lessons were lost on our friends in the White House.

They said, no. Let's not have any kind of regulatory, any kind of constraint on the system.

Mr. RYAN of Ohio. Can I add one point?

Mr. PERLMUTTER. Yes.

Mr. RYAN of Ohio. DICK CHENEY said debt doesn't matter when he first got into office; debt doesn't matter.

Mr. PERLMUTTER. Debt does matter. And my friend from Pennsylvania was talking about how each of us has to live with the debt that we develop, or our borrowing affects us. It affects this Nation. This Nation has been on a drunken stumble through Wall Street down Main Street.

Instead of doing the sacrifice and the thrift, we've been borrowing and spending. And I say we. George Bush, DICK CHENEY and the Republican Congress established this kind of an approach, and it has set our country back so that we are a Third World Nation, borrowing from China, borrowing from the Middle East, borrowing from our friends in Europe. And we really are behind the eight-ball because when they don't loan we have trouble, a la, we've had AIG which we've had to bail out; Fannie Mae, Freddie Mac, and on down the line. Bear Stearns.

We've had a radical regime. We can't have this radical kind of an approach anymore. But JOHN MCCAIN wants to subscribe to what George Bush and DICK CHENEY have been pushing on this country for the last 8 years. This country can't handle that anymore.

We have to have a change. And we have to have a future that really looks at new ways to develop our economy and understand that there have to be some constraints. The free market isn't perfect. It works well, but it isn't perfect because we all have some tendencies that go against those basic principles of sacrifice and thrift and investment and opportunity for all.

So what I look forward to, and BARACK OBAMA intends to develop, is a new energy economy. That will put a lot of people back to work, and it'll help us so we aren't hooked on one product and subject to ransom when we go to the gas pumps.

We've got a lot of work to do ahead of us because these guys, in 8 years, have turned this country upside down. We can't allow it anymore.

We need a change and we need a new direction, and we need it right now. Luckily, we've got an election coming in 40 days or 48 days. And this country can renew itself, can rejuvenate itself. That's the promise of America, thank God. That's the promise for America.

Mr. RYAN of Ohio. A lot of us were saying in the 2004 elections that if you re-elect President Bush, you will not recognize this country in 4 years. And sad to say, here we stand, here we sit in America thinking, you know, the stock market is under 10,000, unemployment is up again. We borrowed $3 trillion. President Bush and the Republican Congress have borrowed more than any previous administration in Congress, combined. Still $10 billion a month in Iraq, and no end in sight with what's going on. It's getting to the point

where we can't recognize what we're doing, and it's critical what's happening to this country. It's sad what they have done.

Mr. ALTMIRE. It's worth mentioning, both of the gentlemen, I'm sure, remember, early in this session of Congress, in the beginning of 2007, we wanted to work with President Bush on a way to stabilize and shore up Fannie Mae and Freddie Mac. We, as a Congress, went to the administration and said, look, there's going to be trouble down the road if we don't take action. Will you work with us on that? And President Bush said, no, I'm not interested in that and I won't support that. So away we went.

And then we came to the beginning of 2008, the economy starting to take a dramatic turn for the worse, so working together in fairness, in a bipartisan way, the House and Senate, with the administration, Republican and Democrat alike, and we put together very quickly a stimulus package to put money immediately in the hands of people who needed it, who were going to put it into the economy, get the economy jump-started, and it worked. If you look at the second quarter, we had an up tick in the economy because of the work that this Congress did.

Well, part of the stimulus that was not included, we, again, went to the administration and said, you know what? Can we revisit that issue that we asked you about a year ago? Can we revisit the Fannie Mae and Freddie Mac issue, because we really see trouble on the way here if we don't act. Again we were told, well, we're not interested in including that in the stimulus.

And guess what happened?

Now there's a multibillion-dollar bailout of Fannie Mae and Freddie Mac that's taken place. The government actually had to come in and take over those two GSEs.

Mr. RYAN of Ohio. I just love how our friends say, oh, this is going to be socialism. You try to provide health care for 10 million kids. It's going to be socialism. We can't do that.

Or if you try to provide any kind of preventative health care for women, it's going to be socialism. Don't you dare do it.

But then we're taking over major investment groups, financial groups, just taking them over. Here's billions of taxpayer dollars. We're now investors in all these things.

But we want to invest in the 10 million kids, Mr. ALTMIRE, and we don't have the money to do that.

Mr. PERLMUTTER. Would my friend yield for a second?

Mr. RYAN of Ohio. I would be happy to yield.

Mr. PERLMUTTER. But that goes to another basic value that they have that just is wrong. They want to focus on the wealthiest 1 percent. They don't care about the 99 percent of hardworking Americans who are affected by this. It's hardworking America that are going to have to pick up the pieces after this administration. And really it's going to take all of us, in concert, together, pulling together, like only Americans can do, to deal with the shambles that we have, whether it's the way people were treated with Katrina, the fact that we have bridges falling down in Minneapolis, I mean, this is a time when we all have to pull together, and we have to look forward.

We can't go with the same old policies, the same old approaches of the Grand Old Party. It just doesn't work. We're in a new century, and it is time for some new ideas because we've got to move forward.

Mr. ALTMIRE. The gentleman reminds me of a point, which I meant to bring up, that I'm amused when I hear the discussion about, is JOHN MCCAIN's economic policy identical to George Bush's economic policy? Is he a third term of George Bush?

The fact is, readers of history will know, actually, if you go back and look at the economic policies of Warren Harding and Calvin Coolidge and Herbert Hoover, you'll find a lot of similarities in what happened over the previous 8 years, the mistakes that were made with the lack of regulation.

I talked earlier that it wasn't, for the most part, deregulation. It was nonregulation. We didn't take regulation away that existed. There was just never any regulation at all; very similar to what took place in the 1920s, leading up to the calamity of the Great Depression.

So I would ask readers of history and people who are interested in this subject, compare the economic policies that have led us to where we are today through President Bush and what Senator MCCAIN is proposing to those three presidents I mentioned.

And I would just say, before I transfer to Mr. MURPHY from Connecticut, or Mr. RYAN, if you wanted to comment, but I get asked a lot recently, about bailouts of these three big companies, Fannie Mae and Freddie Mac and then AIG and Bear Stearns before; and what's the reason that we picked those while we let Lehman Brothers go under, and who's minding the store here, and why are these decisions being made, and who's next. What's the next shoe to drop is what you hear.

This is a systemic problem. This is not a problem with individual financiers. This is not a problem that Bear Stearns had all on their own or AIG had all on their own or Fannie Mae and Freddie Mac. This is a systemwide problem that needs to be dealt with, and we can't continue to take a piecemeal approach and decide on a day-by-day basis who survives and who doesn't.

Well, Lehman Brothers, you can go under. We're sorry. But today we're going to bail out AIG, the next day.

We can't continue down that road. We have to address the systemic root of the problem to prevent this from happening. The first thing is to stabilize.

I'll go to Mr. PERLMUTTER, and then we'll go to Mr. MURPHY from Connecticut.

Mr. PERLMUTTER. I'd just like to make two points. And it is the administration that is choosing who lives and who dies. I mean, this really is about winners and losers, and this administration is choosing Bear Stearns, does not choose Lehman Brothers, chooses Fannie Mae, doesn't choose Merrill Lynch, chooses AIG.

□ 2115

It is not a congressional action. These are happening within the administration. They're making these choices. Now, maybe we would agree, but we're not given that chance. They're doing these things overnight.

Now, there's a Latin saying, ''Res ipsa loquitur.'' Now, many might say, what the heck does that mean? It means, the thing speaks for itself.

What's happened in this Nation with these two guys, these two oilmen in the White House leading the charge, this country has turned upside down. And they may want to spread the blame to whoever. You know, Harry Truman had the old saying, ''The buck stops here.'' Those guys would like to spread the blame. They're the leaders, and they've led us down this path.

JOHN MCCAIN wants to follow that Bush path. He's trying to run away from it now, but his votes were with the Bush administration over 90 percent of the time. We have to have a change.

Mr. RYAN of Ohio. And how many times do you hear our friends on the other side say, ''Government shouldn't pick winners and losers,'' ''Government shouldn't pick favorites,'' you know, ''Government has no business picking out this kid should succeed and this kid's not going to have the same opportunity,'' ''Government has no role there''? Unless it's Wall Street.

Now, who do we need to help to keep things rolling? And as we've said, I'm not saying that this is necessarily right or wrong. What I am saying is this is a pretty complicated mess that we are in. And we're not saying that you shouldn't get the buckets and go down to the river and fill them up with water and throw water on the house that's burning. That's not what we're saying. What we're saying is you're supposed to have a fire code, and you're supposed to have fire trucks, and you're supposed to have, you know, gas in the fire truck and equipment for the firemen.

Mr. PERLMUTTER. And the best firefighters you can have.

Mr. RYAN of Ohio. And the best firefighters you can have.

Mr. MURPHY of Connecticut. The Wall Street fire department is well-equipped. The Main Street fire department, it's gone underfunded and undermanned and unequipped for the last 12 years, particularly for the last 6 years.

We were very quick to go and help out our friends on Wall Street, but everybody sat here with their hands, you know, on their seats, tied behind their backs, when all these families needed a little help, when a kid who couldn't get an education in an inner city needed to access the apparatus to opportunity that all the rest of us had, when that small business that was about to go under because it couldn't find the health-care insurance to keep its employees on staff needed a little assistance. The little guys, when they needed the fire trucks, they weren't there. But when the big guys needed them, they got there.

And so I think you're exactly right, it's just a matter of consistency. Listen, government certainly can be an agent of help to people who need some assistance. But it shouldn't just be the big Wall Street firms. It should be regular, average, everyday families out there.

And to Mr. PERLMUTTER, just a word of warning. I know you're sort of new to the 30–Somethings here, but we don't use Latin. It's just a rule, and I hope you will take that under advisement if you join us from here on out.

Listen, I thank my friends for letting me join a little late here. I just wanted to maybe add one thought to this, and maybe you have covered it already. But I think people are searching today for the reasons, as Mr. ALTMIRE said, as to why last night AIG got the brass ring. Now, why did they get help and Lehman Brothers didn't and IndyMac didn't? Exactly why did they get help?

Well, part of it I think is that this is a company that does tremendous international business. This is, at some level, a representation of American economic power throughout the globe, economic power that has been so greatly compromised by this administration as we have sold this country to foreign banks and foreign governments, that part of the reason, I think, that we have decided to choose AIG is because we are in such a precarious situation with regard to all of the foreign lenders and foreign governments that hold our currency, that hold American money through the $9 trillion, $10 trillion that we have given out in notes through the Federal debt, that we are now in a crisis position, that when an American firm that is a representation of our power across this globe comes under threat, we have to prop them up. Because if we are seen as economically weak around this globe, those countries are going to start calling their notes, those countries are going to start asking for their money back.

And that's when the real economic ruin happens, when the $9 trillion that we have out to lenders across this globe, the record amounts that foreign governments hold, when they start to call in that money that the Bush administration and the Republican Congress sent out to them in record deficits and record debts, then we're in real trouble.

And so part of the reason I think we're standing here and trying to answer the question as to why AIG is at the top of the headlines is because we are trying now to make up for the terrible economic policies of the Bush administration that JOHN MCCAIN seeks to perpetuate.

Mr. PERLMUTTER. What I was going to say is we are in a predicament, and there is a crisis of confidence, both domestically as well as around the world, because of so many steps that this administration has taken, whether it's to go into Iraq, whether it's, you know, how we dealt with Katrina, all of this mismanagement and unregulation or nonregulation or anti-regulation of the financial markets.

The good news, the good news about our country, the good news about America and Americans is that, with good leadership, we can do anything. Times of crisis are also times of opportunity. With good leadership, we can have this new energy economy, we can innovate, and we can be ingenious, and we can imagine things that will really transform this country and this world.

That's the kind of vision that is necessary, and we're not going to see that with the other side. Those are old policies. Those are old answers. That's the old way.

Mr. RYAN of Ohio. They had the opportunity to do it. They were in charge of everything.

Mr. PERLMUTTER. And they couldn't do it. In fact, they did just the opposite.

Mr. RYAN of Ohio. Just to highlight how radical of an agenda our friends on the other side have, the one thing—deregulation or lack of regulation, whatever the case may be, and then ignore the warning signs, as Mr. ALTMIRE stated, with Freddie and Fannie, ignore the warning signs about the mortgage crisis that's coming, and to then also to have as a part of your philosophy, deregulation, ignore the warnings, let's put Social Security in the stock market too. That is the Republican agenda.

We, with the 30–Something Working Group, started to fight President Bush's Social Security privatization scam. The first time I walked on this floor to speak was 4 years ago or 5 years ago when President Bush wanted to start the Social Security privatization, and then-Minority Leader PELOSI asked KENDRICK MEEK and I to come here and to combat it.

Now, can you imagine if they had won that battle down here, that monumental battle? Your parents' and grandparents' Social Security would now be sitting in Wall Street in a deregulated market that looks like the Wild West with a Starbucks, is what it looks like.

Mr. ALTMIRE. And when I go back to western Pennsylvania and they hear the word ''regulation,'' small businesses and families, they get a little nervous, rightly, because in a lot of ways we are over-regulated in this country.

And I want to just, before we close here, I want to make sure everybody understands what we're talking about. We're not talking about the small businesses. We're not talking about the small corner bank. We're talking about the huge Wall Street financier, the conglomerates, these people who are getting the $30 billion golden parachutes when the CEO gets canned.

The small businesses in this country, the reason you're having trouble in the credit market right now, the reason you may not be able to get loans for capital development and whatever else it is that you're working on is because the intra-bank lending, the staple of our economy, bank-to-bank lending, is frozen. The credit market is in crisis and it's frozen, and that's affecting small businesses.

Mr. MURPHY of Connecticut. I just wanted to throw something on top of that, just to give you an example. You're giving one kind of example. Let me throw another one on, as to what it means when you regulate the small banks but you don't regulate the investment banks, you don't regulate the Fannies and the Freddies of the world.

Local banks are still in business, largely, because they have government regulation—sensible regulation, some of it; some of it a little bit too much—that requires them to be appropriately leveraged. They have 4:1, 5:1, 6:1 leverage rates. Fannie and Freddie had 60:1 leverage ratios, just unsustainable. The investment banks that went under, Bear Stearns, 35:1 leverage ratios, money they didn't have. So that's what we're talking about here.

We need to do something about the regulatory burden that is crippling a lot of those small businesses. But we need to understand that it's really the big guys that need to be part of the conversation that the small businesses, the small banks have been a part of for a long time.

Mr. ALTMIRE. That's exactly what I want to clarify, and I thank the gentleman.

We're talking about asking the big Wall Street firms to comply with the same rules and regulations that the small business, that the corner banks have to comply with. Now, it's not exactly the same, and we understand that. But I understand the fear that it strikes in the heart of ordinary Americans when we start talking about the word ''regulation.'' We are not talking

about everyday Americans. We're talking about what happens at the absolute top of the food chain.

These large banks and institutions that you see right now that are teetering on the brink, the Lehman Brothers of the world that are no longer part of the process now, and the ones that we have to come in and bail out with an $85 billion bailout at taxpayer expense, these are things we want to avoid. So that's what we're talking about. We are not talking about the small businesses and the corner banks.

Mr. PERLMUTTER. I just think one last comment I'd like to make is that there has been a transfer of wealth the likes of which we've never seen in this country. Whether it's to the big oil companies or to some of the Wall Street firms and to other nations, that has come out of the pockets of middle America.

And it is time that we come up with new ways to power this Nation. It is time that we, this country, instead of living on a borrow-and-spend philosophy, which is what has been the Bush administration's approach and is what MCCAIN wants to pursue, that we start remembering the values that made us so strong, of thrift and sacrifice and investment, and opportunity for all, not just a select few at the very top.

The focus has been on the top 1 percent. It needs to be on the rest of America. And when it's there, that's when we're strong. That's when we are that shining light at the top of the hill, the beacon at the top of the hill.

We are a great Nation, and we have stumbled because of bad leadership over the last 8 years. But come November 4th, things are going to change, and we will have a new direction.

Mr. ALTMIRE. I thank the gentleman from Colorado.

Mr. Speaker, I thank the gentleman from Ohio (Mr. RYAN), I thank Mr. MURPHY from Connecticut, and I thank the Speaker for allowing us this time to discuss the economic crisis in this country. I think it's safe to say that this is not the last time the 30–Something Working Group will address this issue on the floor.

And I would also say that I do look forward to my good friend Mr. WESTMORELAND, who is going to come after us, and I'm sure he's going to have something to say. He sat patiently through the entire hour and listened to us speak, and I know he comes from a different point of view. And I would encourage those interested in this topic to listen to what he has to say as well. We've had many conversations about this and the energy issue and other things. So we look forward to hearing him.

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. WESTMORELAND. Mr. Speaker, I don't know how many people have been watching the last hour, and I don't know that I can straighten it out in the next hour. But I do want to start out with something that is kind of elementary, I guess, to most people, but I want to explain the makeup of Congress. And excuse my penmanship.

□ 2130

The House consists of 435 Members. The Democrats have 235, and that's because of the loss of the late Stephanie Tubbs Jones.

The Republicans have 199 Members.

You can see that the Democrat number is larger than our number.

To get anything passed in this body, it takes 218 votes. You can see that the Democrats have more than 218 votes. In the Senate, 100 Members; Democrats have 51, Republicans have 49.

The Democrats have had the majority in Congress since January of 2007. And so what that says to me is that all of the stuff that I have heard in the last hour, Mr. Speaker, if they've got all the answers, why haven't they been brought to the floor?

Now I'm sure that's a question that many of us are asking because if they are in control and they've got all of the brilliant ideas that's going to save the world, then why haven't they brought them to the floor and put 218 votes up to pass it out of the House? That's got to be a question on a lot of people's minds.

Now in order to gain the majority, there were some things said and some things promised during the campaign cycle that led up to the new majority.

Here is one of their promises: ''Members should have at least 24 hours to examine bill and conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day.''

This was Speaker PELOSI in a New Direction for America, 2006.

Let me say that the sham of an energy bill that was brought to this floor yesterday was presented the night before to the Rules Committee at 10:45. This is just a little example of what we've been faced with and the fact that the new majority won that majority by saying such things as this that the people believed that they would actually carry on.

I will tell you that this is not a rule. They did not make this a rule. This was one of those empty promises.

Let's look at something else. Speaker PELOSI in 2006 before they gained the majority: ''Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.''

Since the new majority has been in in 2007 and 2008, they have had over 60 closed rules, which means that there are no amendments, you can't bring your ideas here and have them openly debated. The last energy bill that was here was one of those rules. I might add in the 109th Congress when Republicans were in control, we had just about half of that amount in closed rules.

Now here is the thing that I think that most people will get a grasp on, Mr. Speaker. This was by Representative PAUL KANJORSKI when he was in his hometown after becoming the majority. He was in his hometown, and he was asked about the Democrats' promise to bring back the troops from Iraq. And as he was talking—but this kind of relates to everything that has been said by them to gain the majority—before he said this, he said, ''In our desire to win back the majority, we sort of stretched the truth and people ate it up.''

Well, you know, that's something.

But then we got to the point where we're at today with the energy crisis. In 2007 when the Democrats took over, gas was about $2.10 a gallon. Unemployment was 4.5 percent. Today, gas is over $4 a gallon and employment is 6.1 percent, but yet they want to blame the Republicans. Now they're constantly blaming President Bush. I don't know, Mr. Speaker, but I have never seen President Bush in this body casting a vote.

In fact, if you've studied your government, you know that there's an executive branch, there's a legislative branch, and there's a judicial branch. The legislative branch is responsible for making laws.

Now if you go back to the first chart, you can remember that they have more than enough to pass anything that they want to in this body, and they control the Senate.

So what is the problem? We don't know. We want to understand why we are constantly being blamed. They talked about the economic problems. They've been in control since January of 2007. They passed a housing bill that gave Secretary Paulson the ability to do what he's doing with some of these bailouts. The majority of Republicans voted against that bill. So when are we going to take some responsibility and stop all of the blame shifting?

We've got some Members here tonight that might want to explain some of that to you because it's a problem when the people in control want to blame somebody else for their problems. I heard them mention the SCHIP. Why didn't they proceed with it, continue on with that leadership if they thought that was the right thing to do rather than caving? No idea. I have no idea.

Why have they not done some of the other things that they talk about that would help with the economic crisis that we find ourselves in today? Hopefully we will give you some of those answers.

Now I would like to recognize my good friend from the State of Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding.

I want to start by saying I have been here in the House for 14 years, and I do not believe that either party has an exclusive on integrity or ideas. I think that both parties have plenty to improve on, but I wanted to come tonight to say that not a single issue in many months, if not years, has so divided the two parties down the lines of what is best for America and what's best for the special interests in this issue of energy, because I really believe that extremism is what is causing the majority party to be in retreat from serving the needs and meeting the needs of the American people.

I'm talking about environmental extremists, and I say this with great respect because I think conservation and preservation and environmental responsibility are very important. And I have an excellent record of supporting all of the alternatives on energy as the cochairman of the Renewable Energy and Energy Efficiency Caucus here in the House for 8 years. I have helped lead the tax incentives for renewable and energy efficiency programs, helped put it in the Energy Policy Act of 2005, one of the most significant developments in the history of our country for these alternatives, and I believe in these programs.

But I have to tell you, when it comes time now at this critical moment in American history for new energy capacity and new production at a time where the prices for consumers are unsustainable, environmental extremism, which is a special interest—when you look at the Environmental Defense Fund and Sierra Club and all of these entities that are filing suit to keep our country from going after new supplies, which does directly bring prices down for regular people who are hurting badly, then extremism and special interests are trumping the will of the American people.

And that's where, frankly, a very liberal mindset from places like California should not dictate national policy that impacts consumers in Tennessee. And that is happening today.

Monday, the price of gasoline in Knoxville, Tennessee, was $4.99 a gallon. Let me tell you that is $2.50 above sustainability based on market conditions and our economy. And something has to give. And the American people are on our side. And what happened here last night was extremism and radicalism trumped mainstream values and positions for the American people.

Then I was asked today on National Public Radio why then would the majority party tomorrow bring up this issue of speculation in the marketplace again on energy when we've already voted on that earlier in the year. And the reason is they are reeling over what happened last night where, as Members are going to tell you and even call people by name, dozens of Democrats that cosponsored a reasonable compromise bill that we offered last night in the only option we had to offer an alternative, cosponsored this mainstream, compromise, middle-ground bill and then voted against it so that they could protect the liberal, California-driven, no-energy bill, which is the equivalent of drinking out of a straw when our country needs a fire hose right now. Right now.

And these hurricanes prove again any refinery capacity lost, any natural disaster, any disruption can cripple our country overnight.

We need to diversify our supply, increase our supply, have a robust, manufactured-driven economy where we are solving our own energy problems and providing these solutions to the world. We can do it. I have got to tell you we have candidates at the Presidential level, here in the Congress, that are willing to do this. But last night we were stymied by a majority that's in the back pocket of the extremists. And that's the truth.

Now I am about as nonpartisan as anybody can be in this body and be in one party or the other, but that is now happening, and it's very frustrating because people are calling me from all across my district saying, ''Why are you not doing something about it?'' And we are trying.

Last night was a closed rule. No options, no alternatives except the one alternative, which was a bill sponsored by Members of both parties, written by Members of both parties. And the very people that sponsored it in the majority party voted against it so that they could protect themselves.

And then tomorrow they're going to then change the subject to try to get the message back on Wall Street in a week where Wall Street, obviously, is suffering more and more losses, and I will guarantee you the conservatives in this body, people like me and the people on the floor tonight, are not supporting bailouts and not supporting propping up corporations that lent more credit than they should have. We're not for bailing out anybody, and they're going to try tomorrow to convince the American people that this is still all about Wall Street investors running up the price of oil instead of the radical groups keeping us from going after energy supplies in our country.

We need the alternatives, we need the investment; but what are we going to do in the meantime while we're bringing those to the marketplace? I'm not talking about months; I'm talking about years before we have those alternatives ready for the market. And what do we do as a transition, a bridge to get there? Increase capacity. Prices will come down as we increase the capacity. The energy that we have at our disposal—and we need all of it, all across the Outer Continental Shelf, not 50 miles offshore. It limits it to just a little bitty amount, and then the lawsuits just will be filed. Four hundred and eighty-seven Outer Continental Shelf permits are under litigation, immediately sued by these radical groups.

So to the average American, understand: extremism on policies like this, locking up our energy resources, have brought us to our knees and we actually have to have some kind of explosion here on the floor of the House for the majority to let us unleash this and send a bill to this President who will sign it. And they knew that last night if they would have allowed their own Members who cosponsored this bill to vote for it, we would have something working through the Senate, the President would sign it, and we would begin production. And as soon as we go after this new energy, the prices will come down.

□ 2145

Now, that's where we're at.

And I hate to just be that critical of the other side, and I rarely am, but tonight, this is the moment. And we've got to keep this issue out there because they're looking for ways to cover it up and go home. And tomorrow, it's change the subject. It's about speculation, or then it's going to be about price gouging, or all of these diversionary tactics to keep the American people thinking that it's something other than production.

And right now it is production. We need to go after it. The American people get it, but we need to let them know exactly what happened here this week in the House of Representatives.

Mr. WESTMORELAND. I thank the gentleman from Tennessee.

And I wonder if the $9 billion bailout of IndyMac, the $29 billion bailout of Bear Stearns, the $85 billion bailout of AIG, the $200 billion bailout of Fannie Mae and Freddie Mac, which, under that bill, is some of the ability that they gave Secretary Paulson to do some of these bailouts. Also, the $300 billion exposure that they gave the American taxpayers to expand the FHA to refinance problem mortgages, and now they're talking about a $25 billion bailout for the automakers. So the gentleman from Tennessee has some great points.

But let me speak to the energy thing that he mentioned. In the bipartisan bill, there were 25 of the 35 Democrats that sponsored this bill that voted against it; they were actually cosponsors. But let me tell you where a little of this makeup comes right quick.

Energy crisis: ''There is no energy crisis on our side of the aisle.'' And that was from a Democratic House aide that was written in the Politico on August 5, 2008. Also, according to Speaker PELOSI, ''If Democrats relented on drilling, then we might as well pack it up and go home.'' That was from July 11, 2008. Then we've got, ''This is a political month. There's all kinds of things we try to do that will just go away after we leave.'' And that's Representative JOHN MURTHA.

And if I could, Mr. Speaker, I would recall you to the quote that Mr. KANJORSKI said: ''We kind of stretched the truth, and the people ate it up.'' So this makes me believe that what we've done here, just the sham that's gone on, might be just to fool people until after we leave.

''This is all about politics, not necessarily about policy.'' And this comes from Karen Whalen, who is with the Natural Resources Defense Council, that she spoke of in September.

Democratic Senator MARY LANDRIEU, on the Democrats' latest energy plan, said, ''It is dead on arrival in the Senate.'' So when they passed this sham of a bill last night so they can go home and say that they passed an energy bill, even their own party in the Senate recognizes that this thing is dead on arrival. And some of the other comments, it was just politics, it is election-year stuff.

Now, this is the last quote I'm going to show you tonight from Speaker PELOSI, but her quote is, ''I'm trying to save the planet. I'm just trying to save the planet.'' Well, we wish that her and the Democratic majority would try to do something to relieve everyday Americans of the pain at the pump that we're facing, the loss of jobs that their economic policies that they've passed since they've been here have created, the fact that gas has been from a little over $2 to over $4, the fact that 17 of the refineries were closed down with Hurricane Ike and the 3,200 drilling platforms because they are in the direct path of hurricanes, when we could be expanding our energy resources to the east coast, to the west coast, to Alaska, where these hurricanes don't normally hit.

So keep in mind, Mr. Speaker, that Speaker PELOSI is trying to save the planet and not help the everyday American that is feeling the pain at the pump.

Now I want to recognize our distinguished policy chairman of the Republican Conference, the gentleman from Michigan.

Mr. MCCOTTER. I thank the gentleman from Georgia.

And I think you've hit upon, with the quote from Speaker PELOSI about trying to save the planet, one of the fundamental problems that we've run into trying to come up with a sound energy policy for the United States.

As the gentleman from Tennessee talked about, we want a bridge. We want a responsible transition from where we are today to where America becomes energy-independent and secure. We believe we need maximum American energy production, commonsense conservation, and free-market, green innovations to provide that responsible transition that does not allow for the callous infliction of economic pain upon the American people.

And when you think about what we hear in phrases like, ''I'm trying to save the planet, I'm trying to save the planet,'' what we're really hearing is that the party that was elected to lower our gas prices, the Democratic Party, has made a subtle shift in what they're trying to accomplish. They're now trying to break us off our addiction—not to foreign oil simply; they are now trying to break our addiction to oil.

So, in short, their solution to the problem of high gas prices is to make sure that no one has access to any gas at all. And that's why another quote, which I'm sure you'll put up, is that they have described, in their own Democratic staff's words, ''Drive smaller cars and wait for the wind.'' This is not a responsible solution.

Like many people, when I was growing up—I'm 43—I remember something called the ABC Wide World of Sports. I remember ''The Agony of Defeat.'' And I used to like Evel Knievel. Now, there was one time when Evel Knievel, instead of just jumping over cars and busses—you know, he worked for a living, it's tough work; if you can get it, it pays well—he was going to jump something called the Snake River Canyon. And I remember watching this on a little, tiny TV screen with my dad. And my dad looked at it, just looked at Evel and his little suped-up motorcycle, he looked at this enormous Snake River Canyon, and my dad said, ''That boy ain't gonna get there from here.''

And when I think of the Democrats' energy strategy, whereby we have no domestic production of our own natural resources from the Outer Continental Shelf, from ANWR, from anybody else, anywhere else, and they tell us, we're going to fix this with green technological innovations, it's going to be magic, I think of poor Evel Knievel. The only difference is that, in trying to jump immediately, cold turkey, from our current petroleum-based economy into some distant green future where we do not need our own domestic energy resources, is we are not simply taking the American people over the Snake River Canyon, the Democratic majority is pushing them over an economic cliff. And they are already beginning to see where the abyss lays every time they drive by and buy gas at the pump.

Now, as we heard about the process last night, people think, why does process matter? I don't know. It seems to me that as a sovereign citizen of our free republic, we live in a democracy for a reason; that the will of one person will not be imposed upon any sovereign citizen of the United States, certainly not by the subservient Members of Congress because we work for these people. These people are our bosses, and they want their voices heard on the floor of this House. And on an issue as critical as American energy and how we transition to a secure future not only for ourselves, but more importantly, for our children, they expect to have their voices heard through their elected representatives.

And as the gentleman from Georgia pointed out, we heard several promises about what an open process this was going to be, how every vote was going to count, how every voice was going to be heard and we would come together in a bipartisan fashion to serve the American people. And yet, what did we see? We saw a bill drafted in the dead of night by a Speaker, handed to her Rules Committee, no amendments allowed, and voted, rubber-stamped by her Democratic Congress, with no debate on this floor, no dissent about amendments, no chance to offer alternatives, no committee process. Silence, silence, in terms of input on this bill.

And then we saw something that I thought I would never see. We saw 24 people who had co-sponsored a bipartisan bill, who had sang its praises to their public and to the rest of the American people, and they voted against it—and I didn't really hear a good reason put forward—so they could pass a sham drill bill.

Now, we've heard a lot about why the Republicans didn't do certain things over the course of their majority. And we paid a heavy price—and a rightful price, as many of us have admitted. We were put into minority, from majority to minority status by the American people, and we are learning a painful lesson. But let us not forget the people who obstructed a sound, sane, productive American energy policy for the entire time they were in the minority. They act as if they had no hand in it.

When we were in the majority, we tried, we tried mightily. Many times the House would pass legislation and it would get to the Senate, yet the Democratic minority did everything they could to prevent the expansion of American domestic energy production to the level sufficient that it would serve the American people and lower the gas prices. The only difference now that they're in the majority is they have to pretend that they're trying to lower them.

And that's why, when you pass a bill out of this House called a compromise bill when you have not talked to anyone on this side of the aisle about what goes in the bill, it means it's a compromise amongst yourselves. That is a

unilateral compromise. So let's be clear about who compromised with who.

And then when it comes to the floor, it's called ''landmark legislation,'' it's going to create jobs. And if you vote against this, you are a captive of Big Oil because you don't want to lock up 88 percent of America's reserves?

As our friend STEVE SCALISE from Louisiana said, the Democratic ''sham drill bill'' might as well have been written by OPEC; it's going to make them a lot of money when America doesn't produce its own oil and gas.

And the best part is their unilateral compromise the Speaker cut with whomever, they didn't bother to talk to the Senate. As Senator LANDRIEU from Louisiana mentioned, that bill is dead on arrival in the Senate. How do the statements we've heard yesterday, the justifications, the compromise, landmark legislation, when your own Democratic Senators think it's dead on arrival?

Where is the hope for the economically struggling families across America? Where is your sense of responsibility, not only to the people of this country, but to their House right here, to this institution? Where is the hope for the American people who are suffering under energy prices, skyrocketing since you took power in this place? There isn't. Because it's a sham.

And it is the Democratic Senate that will prove it. It is not Republican Luddites that don't want to go forward towards a more ''green'' future. What it is is the Democratic Senate telling the Democratic House we can't stomach your bill.

Now, the thing that I think that everybody should remember is there is a solution to this. If and when this happens, if the Democratic Senate refuses to pass the Democratic House ''lethargy bill,'' this Democratic majority here in the House, the Democratic majority in the Senate, this Democratic Congress can say we will not leave here until a real piece of energy legislation helping the American people is signed into law, until we have done the job we have been elected to do on behalf of the American people. I do not think that is too much to ask. I do not think that is something that the American people should be denied.

I yield back to the gentleman.

Mr. WESTMORELAND. I want to thank the Policy Committee chairman. And you're exactly right, we owe it to the American people to stay here until we can put our partisanship aside, do a bipartisan bill that the American people—and we thought we had that last night with the motion to recommit, with all the Democratic cosponsors that were on it—to have a bill that we could pass, send to the Senate, and hopefully get some agreement on.

But you mentioned the process, that the process is important because, you know, when the process is broken, the product is flawed.

Mr. Speaker, I don't want to get too elementary, but this is a book that we give to children that come to this body, and it says, ''How Our Laws Are Made.'' The beginning of a bill: Propose a bill, introduce a bill, committee action, subcommittee action. The bill is reported, considered on the House floor. Vote the bill. Refer to the Senate.

Now, Mr. Speaker, this is if we were going through the proper process that our Founding Fathers and people who had the idea—this is the process that was set up, and this is what we teach our young people that come to the Capitol.

Now, I will show you the chart that is being used right now by the majority. You have the beginning of the bill, propose a bill. And then you kind of go through the introduction, the committee action, the subcommittee action, and the bill is reported. It basically just kind of comes to the floor of the House.

So what we're teaching our kids is not exactly right. And so I think while the majority is in control of Congress, they may want to shift this a little bit and give the children a more accurate depiction of what's going on in the Congress.

And I will yield to the gentleman from Tennessee.

Mr. WAMP. Again, I am not critical most of the time of either party here in the House, but this is an inconvenient truth that I need to share as well. Because it's easy to forget now in September, but I've been on the Appropriations Committee for 12 years. Every year, by June, the Appropriations bills are moving through the House.

Mr. WESTMORELAND. How many do we have now?

Mr. WAMP. The end of the fiscal year is 13 days from now, and one bill has been off this House floor.

But here's what happened, beginning in June, is we started debating at the committee this issue of energy—because virtually every bill has a component of energy, whether it's the defense bill, where there is a huge energy consumption piece of all of our defense activities. And when we started debating energy at these bills, they stopped the process.

□ 2200

And we don't have the appropriations bills at all, and the fiscal year ends in 13 days.

Now, here is the problem with it because it gets really ugly. Even under a stopgap funding bill, like a continuing resolution which we're now expecting to carry us several months into the fiscal year, you won't believe the waste associated with the budgets of all of these agencies because they don't know what they're going to get. They may be laying people off now. We're already hearing about this because they don't have certainty in their budgets because the people running the House stopped the trains, stopped the process, stopped the bills over this issue of energy. They're in retreat on this issue of energy.

A lot of people criticize our party as the party of ''all about drilling.'' It's not just the drilling. What about nuclear energy? The very chairman of their new global warming committee, the gentleman from Massachusetts, is the most anti-nuclear activist who I know of in the country, let alone in the House. They're standing against nuclear and against a host of other alternatives, not just oil and gas.

It's the idea of, if you don't use coal and you don't use nuclear and you don't use oil, the alternatives will somehow surface, but I've got to tell you, when you limit your supplies, the lights go out, and the gas prices go up, and the availability of energy goes down. Consumers are hurting, and that's why we have got to get over this.

These, again, are special interests that have taken control through these people being elevated to power, and they just punt the process. We are not moving appropriations bills. The global warming committee now is kind of in the driver's seat. Let's just shut it all down, and we will reduce the carbon footprint, but at what cost—American competitiveness? American prices? Our ability to even survive? What about bankruptcies? What about the people? What about the common man who now doesn't even have a voice in this place because they're shutting down the process?

Now I've got to tell you that I haven't complained in 14 years, but it's time to complain. It's actually time to be righteously indignant about this and force them to stay here until we get something done, something real for the consumer.

I yield back.

Mr. WESTMORELAND. I'd like to ask the gentleman from Tennessee a question.

You're on the Appropriations Committee. On the bill that we passed here yesterday, I believe there were some appropriations in there or earmarks in there. I think there was $1.2 billion for Mr. RANGEL for the New York City liberty bonds. Was that not in the energy package that we had?

Mr. WAMP. Actually, our leadership raised that, and they just tabled it. They just quash it and go on. These are air-dropped. Again, this didn't go through the committee process.

Listen, if the Congress is going to exert its constitutional right to direct funding, there's a provision that you have to go through—the subcommittee, the full committee. It has to be vetted. It has to be filed. It has to be before the House, and people have to have the

right to offer amendments to strike it. Did that happen yesterday? No, not at all.

Once again, these are the things that the American people are so angry about, and I've got to tell you that it's time for reform, but if anybody thinks reform is going to come from this new majority, they'd better think twice.

Mr. WESTMORELAND. Thank you.

Now it's my privilege to recognize the gentlelady—and I say gentlelady—from North Carolina (Ms. FOXX).

Ms. FOXX. Well, I thank my colleagues tonight for being here on the floor, and especially, I thank my colleague from Georgia for leading this Special Order.

We've talked a little bit about the Constitution; we've touched on it. Our colleague from Tennessee is bringing wonderful energy to this issue of energy tonight, and I am so grateful for his being here because, as he said, he generally is not a very partisan person. He doesn't come here and talk very vociferously about issues that are before the House. He's doing it now, and you can tell he is really is passionate about this because this is a passionate issue for many of us.

Today is Constitution Day, and I think it's very important that we highlight some issues related to the Constitution as they relate to what happened on this floor last night and as to what has been pointed out tonight.

We have not followed the Constitution in the way that we should have followed it. We haven't followed the way the House has operated in the past. We haven't even followed the promises that were made by the Speaker in 2006 when she said this would be the most open Congress, that this would be the most fair Congress. Bills should go to committee. They should come to the floor and be amendable, but none of that has happened.

One of the things that bothers me the most about our not dealing with issues as they relate to the Constitution is how the Congress is trying to blame our President for everything bad that has happened in the last 2 years.

When I go out and talk to schoolchildren especially, I point out to them that the first article in the Constitution, article I, is about the Congress. That is not an accident. The founders wanted the Congress to be the strongest part of our government. We have three branches of government—the legislative, the executive and the judicial branches. They intended the Congress to be the most important. We're the ones who pass the laws. We're the ones who can make things happen in this country and who can make things happen in a hurry, but what the Democrats, who are in charge of the Congress and have been for the past 20 months, want to keep doing is saying, ''It's not our fault that these things are happening. It's not our fault.''

Ladies and gentlemen, it is their fault, and the blame has to be laid solely at their feet. Not only are they not taking on the responsibility to create more American-made energy, which will help every American in this country, but they seem to be almost anti American energy. We have been proposing that we be pro American energy. They are not.

Mr. MCCOTTER. Will the gentlelady yield for a question?

Ms. FOXX. I will yield for a question from my colleague from Michigan.

Mr. MCCOTTER. You've brought up the Constitution. Previously, we had heard throughout the energy debate that there is about $10 billion a month being spent in Iraq.

Will the gentlelady please tell the Democratic Congress who controls the power of the purse to appropriate those billions of dollars to Iraq?

Ms. FOXX. As, I think, most people in this country know, it is the House of Representatives. The founders specifically gave the power to the House of Representatives to start revenue bills. It is, of course, the House and the Senate which must vote on all bills, but it is the House of Representatives that must begin revenue bills.

Mr. MCCOTTER. Will the gentlelady please yield for one more impertinent question?

Ms. FOXX. I'd be happy to.

Mr. MCCOTTER. If the Democratic House and the Democratic Senate chose not to appropriate money to Iraq to the tune of $10 billion a month, could that money be spent there?

Ms. FOXX. No, it could not.

Mr. MCCOTTER. I thank the gentlelady.

Ms. FOXX. The President does not have the power to wage war without the consent of the Congress, and he could not fund any effort. He couldn't fund any department in the Federal Government without the consent of the Congress.

So, again, the founders set it up that way. They wanted the Congress to be the most powerful branch of the government, and the Congress is the most powerful branch.

What has happened in the last 20 months since the Democrats have been in charge of the Congress? Let's look at the unemployment rate. It has gone up. It was very, very low in January of '07. It has gone up over a percentage point, in fact, about a percentage point and a half since the Democrats have been in control. Look at the price of gasoline and how it has gone up since they have been in charge.

What were they doing as these gas prices were going up? Voting on bills like declaring National Passport Month, National Train Day, Great Cats and Rare Canids Act where we appropriated either $20 million or $50 million to other countries to help them identify rare cats in their countries. Then the favorite of most people is the Monkey Safety Act, which also appropriated, I think, about $50 million to teach people how to handle monkeys safely in this country.

The Congress, the Democrat-controlled Congress, has abrogated its responsibility for taking care of this situation. It has turned its back on the average American, and that is a shame.

Last night, what happened was that a sham bill passed in this House with very little support from our side and with many Democrats voting against it. That was nothing but cover for Democrats. Even the media here in Washington, D.C., the liberal media, has said that. It is only so that Democrats can go home and say, ''I voted for more drilling.'' That's what the Republicans have been asking for, and I voted for more drilling.

What's even worse is that 24 of the Democrats who had signed onto this bipartisan bill, introduced by Representative JOHN PETERSON, who is a Republican from Pennsylvania, and Representative NEIL ABERCROMBIE, who is a Democrat from Hawaii—the bill is called the Peterson-Abercrombie bill. We offered that as an alternative. It's not a perfect bill. There are a lot of problems with it, but we thought surely the 39 Democrats who were cosponsors of that bill would have voted for it. No. Only 15 of them voted for that bill, and 24 of them voted against it, but they tell their constituents that they are working hard to bring an alternative to the situation. I just want to quote a couple of them on what they said.

Representative NANCY BOYDA, Democrat of Kansas, a freshman here, was a cosponsor of the Peterson-Abercrombie bill, but she voted against it when given the opportunity last night. She said in a press release, though, on the 4th of September:

''I've been working with a large bipartisan group of representatives to develop a comprehensive, commonsense energy bill. Our Peterson-Abercrombie bill will provide sorely needed relief for Kansas families. It will help create energy independence for America and millions of jobs to help stabilize our struggling economy,'' press release, Representative NANCY BOYDA, Democrat of Kansas.

Now, what our Democratic colleagues think they can do is to tell their constituents one thing and do another on the floor of the House. We are not going to let that happen. We are going to tell the American people what is going on here. Speaker PELOSI has said it will be okay if these people campaign against her and blame her for not having energy legislation. They can go out and promise it, but they don't have to do anything.

We have Representative BARON HILL, Democrat of Indiana. This is in a press release from his office on the 14th of

August 2008 while we were in the midst of being up here every day, telling the American people what the Democrats were doing. This is what his press release said:

''I hope this bipartisan Peterson-Abercrombie bill will, indeed, be brought to the floor for a vote when we return to Washington in September,' Hill said. 'It would provide immediate relief while also bolstering the development of new energy sources in order to move this country closer to energy independence,'" Representative BARON HILL.

You know, folks, they were right about the Peterson-Abercrombie bill. It would have helped, but that's not what they voted for last night. They voted for a bill that creates an illusion of doing something and does absolutely nothing.

The last one I'm going to quote is a newspaper article that talks about Representative STEVE KAGEN, also a freshman, who is a Democrat from Wisconsin. This is a newspaper article from the Herald Times in Wisconsin on 9/13/08:

''Kagen, who signed onto the bill Tuesday, said the Abercrombie-Peterson bill 'really is a comprehensive energy policy and a roadmap forward. That bill has the balance in investing in renewable sources. It raises royalty fees from those who are drilling, and it doesn't limit drilling to four or five States.'" The title of that article was ''Congress Sitting on Energy Hot Seat.''

Ladies and gentlemen, we have to hold people accountable for doing what they promise to do in this country.

□ 2215

Republicans were held accountable in 2006, not just for not doing what they had promised. What we were held responsible for was being part of a party that has a philosophy that we stand for some things. We need to hold these people responsible.

The other thing that I think needs to be pointed out, and this was pointed out during the month of August several times, but not in exactly this way; but the Democrats, while letting average working Americans, all Americans, actually, suffer from the high price of gasoline, but particularly our working friends who are paying high prices and struggling, struggling every day to make ends meet and make it in this country, obey the law and do what is right, the Democrats came to the Congress saying we are going to work every day. We think the Republicans haven't done all they should do. We are going to work every day. But from the first of August until the end of December they plan to work 14 days. Fourteen days, ladies and gentlemen.

While you are suffering, wondering how you are going to pay your bills, they are going to go home the end of next week after having worked this week, 4 days last week, maybe only 4 days this week. It may end up being only 13 days. It may end up being only 12 days. They are going to go home and leave you wondering how are you going to pay the bills, pay for the gasoline and deal with the challenges that face you and your family.

That is unacceptable to us as Republicans. That should be unacceptable to every American. We must hold them accountable, and we must make them stay here until we have an energy policy that will bring relief to the American people.

Now I want to yield back to my colleague from Georgia, Mr. WESTMORELAND.

Mr. WESTMORELAND. I want to thank the gentlewoman from North Carolina.

As she showed on this chart here with the unemployment rate going from a little less than 4.5 percent up to over 6.1 percent, the correlation, if you will notice, is with the gas prices. All this has happened since the new Democratic majority took over.

When we look at this unemployment, we wonder is it because of record energy prices? Is it because of increased labor costs because of the minimum wage increase? Is it the assault on companies that are making too much profit? Is it the trade agreements that have been ignored? Is it the new government mandates on everything from cars to light bulbs that could be causing this unemployment rate to go up?

We need to talk about that for just a minute, and I recognize the gentleman from Tennessee.

Mr. WAMP. One final point. I was here in the late nineties when we balanced the Federal budget, and about 5 years ago I gave a speech at the National Press Club talking about how the budget got balanced. Because while a lot of people would like to believe that we somehow cut spending to balance the budget, that didn't happen. We slowed the growth of spending below inflation for the first time in a generation. But why the budget got balanced was because revenues surpassed expenses with a robust U.S. economy, driven principally by the information sector, the likes of Bill Gates and Microsoft and us leading the world. So the speech I gave was we could do the same thing again with energy technology, with new energy solutions.

I have got to tell you now, before we leave there is going to be another push by the new majority for a second stimulus bill, and their idea of an economic stimulus is to extend unemployment benefits and to give some assistance for low income energy, which is going to be needed because this winter home heating fuel is going to be through the roof, even worse than it was last year.

But I will tell you, the most important thing we could do for the economy, again, is throw the ball deep, pass the American Energy Act, go after all the energy sources we can, create many manufacturing jobs, lead the world with our innovation with our manufacturing, with our technology deployment, throw it deep, and we could balance the budget again with a robust U.S. economy.

But as it sputters, the worst thing we can do is lock our energy resources and kind of cower down and say how can we borrow our way into prosperity? How can we bail out into prosperity? How can we just give people money?

No, we need to invest in these energy resources we have and the new technologies and all the new ideas. And nuclear, we ought to lead the world in nuclear production and not be caught in a Three Mile Island time warp of 30 years ago. Gracious, what do we have to be afraid of, our own energy and our own country? This is asinine. And we need to do that for the economy right now.

Governor Sarah Palin is saying it tonight. We ought to be saying it and doing it. We have got it in Alaska. We have it off the coast. We have got nuclear. We have the capability.

Energy, national security and the environment are together the most important challenges we face. So this is not process. This is not just a debate on the floor. This is our future, and this is whether or not our way of life is extended to the next generation. That is how important energy is tonight. We have got to stay and we have to fight for the American people here, because, frankly, they are being stymied on the floor of the House of Representatives.

Mr. WESTMORELAND. Just to follow up on that, we have shale, we have natural gas and we have the need for refineries. Not a new refinery has been built in this country. And those are good paying, mostly union jobs that are here. Those are good paying jobs that we are causing people to go to Nicaragua, Venezuela, Nigeria, Saudi Arabia, other parts of the world to even have employment.

I recognize the gentleman from Michigan.

Mr. MCCOTTER. I thank the gentleman. Earlier the gentleman from Tennessee had mentioned that we are going to be looking at the prospect of a speculators bill on the floor again. My question is, regardless of the merits of the speculators bill, it is a simple proposition to anyone watching.

We have heard much debate about energy policy. I remember hearing much of this back in a very unpleasant period of our Nation's history called the 1970s. What is old is new again. So when we hear about the speculators bill, the Democratic Congress, the Democratic majority, had come in with a reputation for being against the production of American domestic energy. Again, it was not limited to the technique of drilling. Clean coal, nuclear

energy, all sorts of alternatives they were opposed to.

Now, if you were investing your money in the energy market and you saw the anti-American energy party take power in Washington, and you understood the concept of supply and demand, that as demand goes up, if supply stays stagnant, prices skyrocket, it doesn't take a rocket scientist to know that when the Democratic majority came into Washington, it was against the domestic production of America's own energy resources, that something was going to give and the prices were going to shoot through the roof and you were going to make a lot of money.

So, again what you see is the total denial of responsibility for their policies, many of which have failed to be implemented, having an impact on markets. Just as we will hear later on, or throughout the rest of the year, the 12 days or so that they even show up for the work they are paid to do, is when you promise the largest tax increase in American history in your budgets, when your chairman of the Ways and Means Committee talks about the ''mother of all tax increases,'' this is going to have affect on markets.

This is going to have an effect on the rational, hard-working Americans, who every day know that as much as they scrimp and save, here comes big brother government to take that money right out of your pocket. So consequences of ideas, or even bad ideas especially, can be detrimental to the average, hard-working American.

Now, you and I, through the Chair the gentleman from Georgia, we know one thing: The best economic stimulus for the United States of America is an all-of-the-above energy strategy that gets that trend line on energy prices stabilized and going down so that the unemployment numbers can stabilize and start going down; so speculators start losing money because the supply of oil will be coming online and they know it; so big oil doesn't make the money as the supply floods the market to meet the demand and the prices stabilize and go down; so hard-working Americans know they are not going to have to choose between freezing and eating, they are not going to have to worry about whether they can drive to see their doctor in rural areas; so they can make sure they still work in manufacturing because the fixed cost of energy hasn't driven their job offshore or killed it altogether.

We know this, which is why we are so passionate about helping the people who have entrusted us with the opportunity to serve them in this, their House.

I will wrap it up with this, the gentleman from Georgia. There are many people who say, Republicans, you weren't great. You told us you stood for things. You told us you believed our liberty was from God, not the government; our prosperity was from the private sector, not the public sector.

Yes, we did, and we did not do a good enough job keeping with our principles.

There is a difference between us and this Democratic majority. I want to know what the succinct enunciation of the principles upon which you base policy are. Because what I see in the energy debate, or lack thereof, and the Democrat sham energy bill is a quite simple proposition. They support the government rationing of American energy. You will get 12 percent when you are suffering. We will lock up 88 percent forever. That is the gist of their argument.

Why does this matter now? Because you hear more of the same promises that the gentleman from Georgia listed and had proven broken. And when you start to do your thinking this year, as the American people are want to do, I will be more than happy if the American voters judge this Democratic Congress not by the fact that it took America in a new direction to a 9 percent approval rating, which technically makes the Democratic Congress the most hated in American history; I want Americans to look at two numbers.

I want Americans to look at the price of gas when the Democratic Party took power in January of 2007, promising to lower them; and I want them to look at the price of gas, oh, maybe around early November 2008. And tell you me if you have changed your mind, if you no longer think this Democratic Congress deserves to be the most hated in American history. Because they have a chance to work with us. We are putting politics aside. We will compromise in a real bipartisan fashion to help the people whole elected us.

But if you refuse, there is nothing we can do, because, as the gentleman started out earlier, the math doesn't add up in our favor.

Mr. WESTMORELAND. I want to thank the gentleman for that. I have just a few minutes to close. I appreciate all the kind folks that came here tonight to help me with this.

But I want to bring up one other thing that will characterize what the Democratic majority has said. I have already quoted Mr. KANJORSKI on ''we sort of stretched the truth and the people ate it up.'' I read you quotes from then Minority Leader PELOSI, now Speaker PELOSI, and the things that the American people were told, Mr. Speaker, to be able to gain the majority.

But I want to tell you something that is a little more fascinating, and we will have to talk about this again. This Congress passed a card check bill. We all like to be in the privacy of the voting booth. Even if somebody asks you how you are going to vote, you say, hey, that is a personal matter. Because a lot of times the polls will say one thing, the election results are something else, because people get in that voting booth and they decide to do something else; or it may not have been the popular thing to talk about with the people they were with.

We passed a card check bill that said if you wanted to become unionized it would have to be an open vote; not anymore a secret ballot, but an open vote. They passed this in this Congress. The bill was introduced by Mr. GEORGE MILLER.

But I want to read you a letter he sent to the Mexican Government in 2001. ''We understand that the secret ballot is allowed but not required by Mexican labor law. However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose. We respect Mexico as an important neighbor and trading partner, and we feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.''

They want to bring democracy to the Mexican workplace, but they want our guys not to have that same democracy that they want the Mexican workers to have. This is right in line with everything that we have heard tonight.

This Congress is being controlled by big labor, by environmentalists and by trial lawyers. If you fit into one of those groups, then you should be doing very well. If not, you are like all the rest of us; you are suffering at the pump, you are worried about how you are going to pay your high home heating oil bill, you are worried about your job as the unemployment rate is skyrocketing with the price of gas. You are living under the failed systems we have had in this body. And remember, they have 235 Members. It only takes 218 to pass something out of this House.

Quit whining. Get out of the fetal position and do something for the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CHRISTENSEN (at the request of Mr. HOYER) for today on account of a funeral in her district.

Mr. DREIER (at the request of Mr. BOEHNER) for today on account of the death of his mother.

Mr. POE (at the request of Mr. BOEHNER) for today after 5 p.m. and the balance of the week on account of continuing recovery efforts after Hurricane Ike.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COHEN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BRALEY of Iowa, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. TAYLOR, for 5 minutes, today.

(The following Members (at the request of Mr. COBLE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 23 and 24.

Mr. JONES, for 5 minutes, September 23 and 24.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. DAVIS of Kentucky, for 5 minutes, September 24.

Mr. CONAWAY, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A Concurrent Resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 87. Concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

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

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 11, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 5683. To make certain reforms with respect to the Government Accountability Office, and for other purposes.

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

H.R. 6532. To amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, September 18, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8443. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng, and Macadamia Nuts [Docket No. AMS-LS-07-0081] (RIN: 0581-AC26) received August 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8444. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Citrus Canker; Movement of Fruit From a Quarantined Area; Bag Markings [Docket No. APHIS-2008-0080] (RIN: 0579-AC81) received August 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8445. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast and Other Marketing Areas; Delay of Effective Date [Docket No. AMS-DA-07-0026; AO-14-A77] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8446. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Specialty Crop Block Grant Program-Farm Bill; Notice of Request for Approval of a New Information Collection [Docket No. AMS-FV-08-0057; FV-08-379 IFR] (RIN: 0581-AC88) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8447. A letter from the Secretary of the Commission, Department of the Treasury, transmitting the Department's final rule — Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID OCC-2007-0017] (RIN: 1557-AC87) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8448. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Fair Housing and Nondiscrimination on the Basis of Disability (RIN: 3064-AD31) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8449. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Truth in Lending [Regulation Z; Docket No. R-1320] received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8450. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Truth in Lending [Regulation Z; Docket No. R-1305] received August 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8451. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dilley and Cotulla, Texas) [MB Docket No. 07-183 RM-11394] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8452. A letter from the Division Chief, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of The Commercial Mobile Alert System [PS Docket No. 07-287] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8453. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Arlington and Boardman, Oregon; Boise, Caldwell, Grangeville, Hazelton, Iona, Jerome, McCall, Melba, Salmon, and Sun Valley, Idaho; Elko and Owyhee, Nevada; Finley, Pasco, and Walla Walla, Washington; and West Yellowstone, Montana [MB Docket No. 06-72 RM-11245 RM-11340] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8454. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Modification of Interchange and Transmission Loading Relief Reliability Standards; and Electric Reliability Organization Interpretation of Specific Requirements of Four Reliability Standards [Docket No. RM08-7-000; Order No. 713] received August 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8455. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Devils River Minnow [[FWS-R2-ES-2008-0018] [92210-1117-0000-B4]] (RIN: 1018-AV25) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8456. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — North Dakota Regulatory Program [SATS No: ND-050-FOR; Docket ID No. OSM-2008-0004] received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8457. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fishery; Inseason Action #3 and #4 [Docket No. 070430095 7095 01] (RIN: 0648-XH91) received August 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8458. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean; Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the 2008 Commercial Fishery for the Golden Tilefish in the South Atlantic [Docket No. 040205043-4043-01] (RIN: 0648-XI45) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8459. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue: IRC Section 118 Abuse Directive #4 [LMSB Control No. LMSB-4-0608-034] received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8460. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Sec. 475 Valuation Safe Harbor [Notice 2008-71] received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8461. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue: IRC Section 118 Abuse Directive #4 [LMSB Control No. LMSB-4-0608-034] received August 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8462. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.202: Closing agreements. (Rev. Proc. 2008-50) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8463. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of tax liability (Rev. Proc. 2008-53) received August 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8464. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.204: Changes in accounting periods and in methods of accounting. (Also Part I, 56, 61, 1.61-4, 77, 162, 1.162-12, 166, 167, 168, 171, 174, 179B, 181, 194, 197, 263, 263A, 267, 280F, 404, 446, 447, 448, 451, 454, 455, 460, 461, 467, 471, 472, 475, 481, 585, 832, 846, 861, 985, 1012, 1272, 1273, 1278, 1281, 1363, 1400I (Rev. Proc. 2008-52) received August 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SUTTON: Committee on Rules. House Resolution 1449. Resolution providing for consideration of the bill (H.R. 6604) to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes (Rept. 110–859). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOUSTANY:

H.R. 6918. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for expenses paid or incurred by reason of a mandatory evacuation; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 6919. A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H.R. 6920. A bill to authorize the Secretary of the Treasury, on an emergency basis, to guarantee loans made by depository institutions during the 2008-2009 heating season to eligible consumers, under certain conditions, for home heating purchases and repairs, and for other purposes; to the Committee on Financial Services.

By Mr. MORAN of Kansas:

H.R. 6921. A bill to provide additional oversight and transparency to the commodity futures markets by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture.

By Mr. BAIRD (for himself, Mr. DEFAZIO, Mr. DICKS, Mr. SALAZAR, and Ms. HERSETH SANDLIN):

H.R. 6922. A bill to amend the Small Business Act to provide low-interest loans to small business concerns providing transportation services to assist them in dealing with high motor fuel prices; to the Committee on Small Business.

By Mr. BARRETT of South Carolina:

H.R. 6923. A bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes; to the Committee on Homeland Security.

By Mr. HERGER (for himself and Mr. BRADY of Texas):

H.R. 6924. A bill to provide for the modification of duties on environmental goods; to the Committee on Ways and Means.

By Ms. HERSETH SANDLIN:

H.R. 6925. A bill to amend title 10, United States Code, to require that each member of the Armed Forces receive employment assistance, job training assistance, and other transitional services provided by the Secretary of Labor before that member separates from active duty service; to the Committee on Armed Services.

By Mr. KILDEE (for himself and Mr. EMANUEL):

H.R. 6926. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Education and Labor.

By Mrs. MALONEY of New York:

H.R. 6927. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM of Minnesota (for herself and Mrs. LOWEY):

H.R. 6928. A bill to award grants to improve after-school interdisciplinary education programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MILLER of North Carolina:

H.R. 6929. A bill to amend title 28 of the United States Code to require reporting on certain authoritative legal interpretations issued by the Department of Justice, including the Office of Legal Counsel, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN of Virginia (for himself, Mr. MILLER of Florida, Mr. BILIRAKIS, Ms. BORDALLO, Mrs. MALONEY of New York, Mr. BURTON of Indiana, Mr. KING of New York, Mr. MCGOVERN, Mr. ISRAEL, Mr. ROTHMAN, Mr. BRADY of Pennsylvania, and Ms. WOOLSEY):

H.R. 6930. A bill to amend title 10, United States Code, to authorize extended benefits for certain autistic dependents of certain retirees; to the Committee on Armed Services.

By Mr. MORAN of Virginia (for himself and Mr. TOM DAVIS of Virginia):

H.R. 6931. A bill to amend title XIX of the Social Security Act to provide an option of States to cover a children's program of all-inclusive coordinated care (ChiPACC) under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. NADLER (for himself, Mr. SMITH of Texas, Mr. WEXLER, and Mr. FRANKS of Arizona):

H.R. 6932. A bill to amend the Fair Housing Act to prevent discrimination relating to the display of religious symbols, and for other purposes; to the Committee on the Judiciary.

By Mr. PLATTS:

H.R. 6933. A bill to extend the expiration date of coupons issued under the digital television converter box program; to the Committee on Energy and Commerce.

By Ms. SOLIS:

H.R. 6934. A bill to amend and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL of Colorado (for himself and Mr. FEENEY):

H.R. 6935. A bill to provide technical corrections to the Technology Administration Act of 1998, and for other purposes; to the Committee on Science and Technology.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 418. Concurrent resolution honoring the 40th Anniversary of the Project SEED Program; to the Committee on Science and Technology.

By Ms. LEE:

H. Con. Res. 419. Concurrent resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H. Res. 1448. A resolution authorizing and directing the Committee on the Judiciary to inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana; to the Committee on Rules. considered and agreed to.

By Mr. CONAWAY (for himself, Mrs. CUBIN, Mr. SULLIVAN, Mrs. BACHMANN, Mr. MCHENRY, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. GINGREY, Mr. KINGSTON, Mr. BROUN of Georgia, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. BARTLETT of Maryland, and Mr. BISHOP of Utah):

H. Res. 1450. A resolution amending the Rules of the House of Representatives to require officers and employees of the House to read the Constitution of the United States each year; to the Committee on Rules.

By Mr. MCGOVERN (for himself, Mr. WOLF, Mr. BERMAN, and Ms. ROS-LEHTINEN):

H. Res. 1451. A resolution establishing the Tom Lantos Human Rights Commission in the House of Representatives; to the Committee on Foreign Affairs.

By Mr. GARRETT of New Jersey (for himself and Ms. KAPTUR):

H. Res. 1452. A resolution establishing the Select Committee on Financial Bailouts; to the Committee on Rules.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, and Mrs. CHRISTENSEN):

H. Res. 1453. A resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. GERLACH (for himself, Mr. BARTLETT of Maryland, Mr. MCCOTTER, Mr. PLATTS, Mr. TIBERI, Mrs. BIGGERT, Mr. SHUSTER, and Mr. HINCHEY):

H. Res. 1454. A resolution expressing the strong support of the House of Representatives for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Ukraine; to the Committee on Foreign Affairs.

By Mr. LAHOOD (for himself, Mr. RAHALL, Mr. DREIER, Mr. BOUSTANY, and Mr. ISSA):

H. Res. 1455. A resolution commemorating the 25th anniversary of the terrorist bombing of the United States Marine Corps barracks in Beirut, Lebanon; to the Committee on Armed Services.

By Mr. LANGEVIN (for himself, Mr. MCCAUL of Texas, Mr. WU, Mr. GINGREY, Mr. THOMPSON of Mississippi, and Mr. KING of New York):

H. Res. 1456. A resolution supporting the goals and ideals of National Cyber Security Awareness Month and raising awareness and enhancing the state of computer security in the United States; to the Committee on Science and Technology.

By Mr. LATTA:

H. Res. 1457. A resolution expressing the sense of the House of Representatives that in order to continue aggressive growth in our Nation's telecommunications and technology industries, the United States Government should ''Get Out of the Way and Stay Out of the Way''; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON (for herself, Mr. MANZULLO, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mr. JACKSON of Illinois, Mr. MCNULTY, Mrs. LOWEY, Mr. PALLONE, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Ms. MOORE of Wisconsin, Mrs. CAPPS, Mr. CARSON, Mr. COHEN, Ms. SOLIS, Ms. MATSUI, Mr. BERRY, Mr. HINCHEY, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Ms. DELAURO, Ms. CASTOR, and Mrs. NAPOLITANO):

H. Res. 1458. A resolution recognizing and honoring Johnny Grant for his work as the Honorary Mayor of Hollywood, California for more than a quarter of a century; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska:

H. Res. 1459. A resolution congratulating Carlos Boozer, Corey Cogdell, and Matt Emmons for their outstanding achievements in the 2008 Beijing Summer Olympic Games; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. TANNER.

H.R. 618: Mr. LATTA.

H.R. 861: Mr. SCALISE.

H.R. 1029: Mr. MORAN of Virginia, Ms. RICHARDSON, MRS. EMERSON, Mr. WU, and Ms. WASSERMAN SCHULTZ.

H.R. 1073: Mrs. BIGGERT.

H.R. 1322: Mr. ISRAEL.

H.R. 1363: Mr. SHULER.

H.R. 1398: Mr. RODRIGUEZ.

H.R. 1428: Mr. SHULER.

H.R. 1456: Ms. LORETTA SANCHEZ of California.

H.R. 1524: Mr. MAHONEY of Florida.

H.R. 1650: Mr. CAZAYOUX.

H.R. 1655: Mr. LEWIS of Georgia and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1738: Mr. LATHAM.

H.R. 1767: Mr. MCCRERY.

H.R. 1801: Mr. DAVIS of Illinois and Mr. WOLF.

H.R. 1820: Ms. CORRINE BROWN of Florida, Mr. MURPHY of Connecticut, Mrs. LOWEY, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROS-LEHTINEN, and Mr. BACA.

H.R. 1843: Mr. BOREN.

H.R. 1903: Mr. SCHIFF.

H.R. 2015: Mr. CLYBURN, Ms. CORRINE BROWN of Florida, Mr. CONYERS, and Mr. FOSTER.

H.R. 2216: Ms. NORTON.

H.R. 2221: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. BACA, Mr. MILLER of North Carolina, Ms. CASTOR, and Mr. UDALL of Colorado.

H.R. 2279: Mr. WITTMAN of Virginia.

H.R. 2332: Mr. DANIEL E. LUNGREN of California and Mr. BISHOP of Georgia.

H.R. 2373: Mr. EMANUEL.

H.R. 2652: Mrs. BONO MACK.

H.R. 2724: Ms. ZOE LOFGREN of California.

H.R. 3080: Ms. TSONGAS.

H.R. 3326: Mr. HODES, Mr. CONYERS, Mrs. BIGGERT, and Mr. FOSTER.

H.R. 3333: Mr. BARROW.

H.R. 3442: Mr. GRAVES.

H.R. 3663: Ms. HIRONO.

H.R. 4141: Mr. PAYNE.

H.R. 4851: Mr. HARE and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5131: Mrs. MILLER of Michigan.

H.R. 5174: Mr. GERLACH.

H.R. 5268: Mr. COSTA, Mr. MURPHY of Connecticut, Ms. HOOLEY, and Mr. BERRY.

H.R. 5469: Mr. SESTAK.

H.R. 5603: Mr. SPACE.

H.R. 5629: Mr. DONNELLY.

H.R. 5635: Mr. MCDERMOTT.

H.R. 5652: Ms. JACKSON-LEE of Texas.

H.R. 5656: Mr. HELLER, Mr. DOOLITTLE, and Mr. GOODE.

H.R. 5672: Mr. SESTAK.

H.R. 5714: Mr. SMITH of Texas, Mr. CARNEY, Mr. LEWIS of Kentucky, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. MORAN of Kansas, Mr. THOMPSON of California, Mr. CONAWAY, Mr. FEENEY, and Mr. ENGLISH of Pennsylvania.

H.R. 5734: Mrs. LOWEY, Mr. CARNAHAN, Mr. LAHOOD, and Mr. COHEN.

H.R. 5742: Ms. WATSON.

H.R. 5793: Mr. GRAVES, Mr. LUCAS, Mr. CUELLAR, Mr. MOLLOHAN, Mrs. CAPITO, Mr. POE, Mr. WELLER, Mr. ISRAEL, Mr. ROSKAM, Mr. HALL of Texas, Mr. SOUDER, Mr. COSTA, Mr. ALEXANDER, Mr. COLE of Oklahoma, Mr. BROWN of South Carolina, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5823: Mr. COURTNEY and Mr. CARNAHAN.

H.R. 5842: Mr. MORAN of Virginia.

H.R. 5854: Mr. BISHOP of Georgia and Mr. DICKS.

H.R. 5868: Mr. SMITH of New Jersey.

H.R. 5965: Mr. SESTAK.

H.R. 6013: Mr. CAZAYOUX.

H.R. 6029: Mr. SERRANO and Mr. HINCHEY.

H.R. 6126: Mr. CARSON.

H.R. 6209: Mr. HONDA.

H.R. 6220: Mr. SCALISE.

H.R. 6427: Mr. LYNCH and Mr. SKELTON.

H.R. 6453: Mr. WITTMAN of Virginia.

H.R. 6462: Mrs. LOWEY.

H.R. 6477: Ms. LINDA T. SÁNCHEZ of California and Mr. BRADY of Pennsylvania.

H.R. 6570: Mr. BISHOP of Georgia.

H.R. 6581: Mr. KLEIN of Florida.

H.R. 6584: Mr. DEFAZIO, Mr. BLUMENAUER, Mr. WALDEN of Oregon, and Mr. WU.

H.R. 6585: Mr. DEFAZIO, Mr. BLUMENAUER, Mr. WALDEN of Oregon, and Mr. WU.

H.R. 6586: Mr. DEFAZIO, Mr. BLUMENAUER, Mr. WALDEN of Oregon, and Mr. WU.

H.R. 6587: Mr. HULSHOF.

H.R. 6594: Mr. KLEIN of Florida, Mr. GONZALEZ, and Mr. HODES.

H.R. 6666: Mr. RADANOVICH, Mr. POE, Mr. CAMPBELL of California, Mr. BARRETT of South Carolina, Mr. DAVIS of Kentucky, Mrs. SCHMIDT, Mr. GOODE, Mr. BROWN of South Carolina, Mr. MCCOTTER, and Mr. MARCHANT.

H.R. 6680: Ms. MATSUI and Mr. FILNER.

H.R. 6696: Mr. SHAYS.

H.R. 6735: Mr. CALVERT and Mr. SIMPSON.

H.R. 6737: Mr. LAMBORN.

H.R. 6742: Mr. SESTAK.

H.R. 6747: Mr. SESTAK.

H.R. 6792: Mr. SESTAK.

H.R. 6797: Ms. WOOLSEY, Mr. HASTINGS of Florida, and Mr. BOSWELL.

H.R. 6800: Ms. BALDWIN.

H.R. 6831: Mr. SCOTT of Georgia and Mr. PASTOR.

H.R. 6836: Mr. EHLERS, Mrs. MILLER of Michigan, and Mr. ROGERS of Michigan.

H.R. 6848: Mr. KLINE of Minnesota and Mrs. BACHMANN.

H.R. 6849: Mr. SKELTON, Mr. LOEBSACK, Mr. GOODLATTE, Mr. SHIMKUS, Mr. PETERSON of Minnesota, Mr. LATTA, Mr. WHITFIELD of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mr. SPACE, Mr. PRICE of North Carolina, Mr. MCHENRY, Mr. ROGERS of Alabama, Mr. ELLSWORTH, Mr. TERRY, Mr. LUCAS, Mrs. MILLER of Michigan, Mr. LAHOOD, and Mrs. MYRICK.

H.R. 6853: Mr. KLEIN of Florida.

H.R. 6860: Mr. POE, Mrs. BACHMANN, Mrs. MUSGRAVE, Ms. FALLIN, Mr. BROWN of South Carolina, Mr. PRICE of Georgia, Mr. GOODE, Mrs. SCHMIDT, Mr. MCCOTTER, Mr. BROUN of Georgia, Mr. LAMBORN, Mr. GINGREY, Mr. DOOLITTLE, Mr. HERGER, and Mr. MARCHANT.

H.R. 6864: Mr. MCHUGH, Mr. RYAN of Wisconsin, and Mr. TIM MURPHY of Pennsylvania.

H.R. 6871: Mr. SHERMAN.

H.R. 6873: Mr. GONZALEZ, Ms. GINNY BROWN-WAITE of Florida, Mr. SMITH of New Jersey, Mr. OBERSTAR, Mr. MCHUGH, Mr. WALBERG, and Mr. WOLF.

H.R. 6884: Mr. WOLF, Mr. MCHUGH, Mr. NADLER, and Mr. GENE GREEN of Texas.

H.R. 6898: Ms. BERKLEY.

H.R. 6904: Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. WALDEN of Oregon.

H. Con. Res. 81: Mr. GENE GREEN of Texas.

H. Con. Res. 284: Mr. CARTER, Mr. SOUDER, and Mr. ADERHOLT.

H. Con. Res. 333: Mr. ROYCE.

H. Con. Res. 360: Mr. SESTAK and Mr. NADLER.

H. Con. Res. 383: Mr. BISHOP of Georgia, Mrs. MUSGRAVE, and Mr. YOUNG of Alaska.

H. Con. Res. 388: Mr. HERGER.

H. Con. Res. 393: Mr. GONZALEZ, Ms. NORTON, and Mr. KILDEE.

H. Con. Res. 405: Ms. BORDALLO, Mr. WILSON of South Carolina, and Mrs. CAPPS.

H. Con. Res. 407: Ms. JACKSON-LEE of Texas.

H. Con. Res. 409: Mr. BILBRAY, Mr. CHABOT, Mr. WILSON of South Carolina, Mr. HERGER, Mr. WAMP, Mr. GARRETT of New Jersey, Mrs. BACHMANN, Ms. FALLIN, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. SCALISE, Mr. MARCHANT, Mrs. SCHMIDT, Mr. DAVIS of Kentucky, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, and Mr. LAMBORN.

H. Con. Res. 411: Mr. SCOTT of Virginia, Mr. KING of New York, Mr. GOHMERT, and Mr. STUPAK.

H. Con. Res. 416: Mr. BARROW, Mr. WEINER, Ms. BALDWIN, Mr. BUTTERFIELD, Mr. FOSSELLA, Mr. TOWNS, and Ms. MATSUI.

H. Con. Res. 417: Mr. HENSARLING, Mr. FRANKS of Arizona, Mr. SAXTON, Mr. BARTON of Texas, Mr. MARCHANT, Mr. WITTMAN of Virginia, Mr. SHIMKUS, Mr. SHADEGG, Mrs. BONO MACK, Mr. STEARNS, Mr. BOUSTANY, Mr. BARRETT of South Carolina, and Mr. NEUGEBAUER.

H. Res. 671: Mr. WAMP, Mr. SERRANO, and Mr. GENE GREEN of Texas.

H. Res. 757: Ms. BALDWIN.

H. Res. 888: Mr. CARTER.

H. Res. 988: Mr. BERRY.

H. Res. 1042: Ms. CORRINE BROWN of Florida, Mr. COLE of Oklahoma, Mr. HARE, Mr. PASCRELL, Mr. BUTTERFIELD, Mr. GONZALEZ, and Mrs. BACHMANN.

H. Res. 1179: Mr. FRANKS of Arizona.

H. Res. 1328: Ms. CASTOR, Mr. DENT, Mr. COBLE, Mr. LATHAM, and Mr. BUCHANAN.

H. Res. 1333: Mr. GENE GREEN of Texas, Mr. MILLER of North Carolina, Mr. MARIO DIAZ-BALART of Florida, Mr. MCDERMOTT, and Mr. SCOTT of Virginia.

H. Res. 1338: Ms. SCHAKOWSKY.

H. Res. 1352: Mr. SHAYS, Mr. MCCAUL of Texas, Mrs. MILLER of Michigan, Mr. REICHERT, Mrs. MALONEY of New York, Mr. ENGEL, Mr. HIGGINS, Mr. SERRANO, Mr. BACHUS, Mr. MCNULTY, Ms. GINNY BROWN-WAITE of Florida, Mr. BILIRAKIS, Mr. BURGESS, Mr. ROGERS of Alabama, Mr. JONES of North Carolina, Mr. ARCURI, and Mr. ROHRABACHER.

H. Res. 1356: Mr. GOHMERT.

H. Res. 1369: Mrs. MCCARTHY of New York.

H. Res. 1375: Mr. MCCOTTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCHUGH, Mr. FOSTER, Mr. LAHOOD, Mr. BOSWELL, and Mr. JACKSON of Illinois.

H. Res. 1379: Mr. ABERCROMBIE.

H. Res. 1381: Mr. PASTOR, Mrs. NAPOLITANO, Mr. BACA, Mr. CHANDLER, Mr. CARDOZA, Ms. WOOLSEY, Mr. HINOJOSA, Mr. JEFFERSON, Mr. CROWLEY, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. SIRES, Mr. GENE GREEN of Texas, Mr. LOEBSACK, Mr. PASCRELL, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mr. DOYLE, Ms. LEE, Mr. PAYNE, Mr. ROSS, Mr. KANJORSKI, Mr. BERMAN, Mrs. MCCARTHY of New York, Mr. ENGEL, Mr. HASTINGS of Florida, Mr. EDWARDS of Texas, Mr. DELAHUNT, Mr. HILL, Mr. HOLT, Mr. SCHIFF, Mr. REYES, Mr. POMEROY, Mr. KENNEDY, Ms. ZOE LOFGREN of California, Mr. SCOTT of Virginia, Mr. RODRIGUEZ, Mr. BECERRA, Mr. HONDA, Mr. GONZALEZ, Ms. VELÁZQUEZ, and Mr. DOGGETT.

H. Res. 1386: Mr. CALVERT, Mr. RADANOVICH and Mr. REICHERT.

H. Res. 1405: Mr. MCCOTTER and Mr. WOLF.

H. Res. 1414: Ms. BALDWIN.

H. Res. 1427: Mr. WOLF, Mrs. MILLER of Michigan, Mr. FORTENBERRY, Mr. HENSARLING, and Mr. YOUNG of Florida.

H. Res. 1438: Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 1440: Mr. ALLEN.

H. Res. 1445: Mrs. MYRICK, Mr. MOORE of Kansas, and Mr. HIGGINS.

H. Res. 1446: Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mrs. NAPOLITANO, and Mr. HINCHEY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. COLLIN C. PETERSON OF MINNESOTA

H.R. 6604, the ''Commodity Markets Transparency and Accountability Act of 2008,'' does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2169: Mr. LARSEN of Washington.

EXTENSIONS OF REMARKS

HONORING PHILLIP TORRES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Phillip Torres of Kansas City, Missouri. Phillip is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1707, and earning the most prestigious award of Eagle Scout.

Phillip has been very active with his troop, participating in many scout activities. Over the many years Phillip has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Phillip Torres for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 100TH ANNIVERSARY OF THE CHURCH OF THE NAZARENE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize the Church of the Nazarene on its 100th Anniversary for providing a place to worship, learn, and assist those in need.

In honor of this special anniversary, the Church of the Nazarene has declared October 5, 2008, as The Centennial Sunday. On that day, churches of this denomination will gather across the globe as one body united around a common worship, a common message, and a common scripture. The Centennial Sunday is an organized effort by the church to remember their heritage and those that have gone before them, as well as look to the future, as they continue, through the power of the Holy Spirit, to spread the gospel further throughout the world.

This occasion serves to highlight the Church of the Nazarene's history and their continued commitment to the cause of Christ. The sustained growth of this church and their pledge to holiness stands as a lasting testament to the determination of a small group who overcame prejudices and divisions as they devoted themselves to God and unity with their fellow man.

During and shortly after this country's bloody Civil War, our nation found itself bitterly divided. At that same time, the Wesleyan-Holiness Movement likewise splintered into numerous divisions over race, region and several theological issues such as baptism and women's role in the church. For the next 40 years the Holiness Movement was reduced to scattered denominations, divided by their location and ideologies.

The year between October, 1907 and October, 1908 marked a significant turning point for the Holiness Movement. Three of the movement's regional denominations made a commitment to put aside past differences and embrace in unity the mutually held convictions of their faith. The culmination of their efforts came to fruition on October 8, 1908 in Pilot Point, Texas, where the denominations met together to form the Church of the Nazarene. Under the leadership of individuals such as Phineas Bresee and Hiram Reynolds, the church again united as one body and began to spread the gospel throughout the world.

Looking back over the past 100 years, the Church of the Nazarene has experienced significant change. Yet, through these years, their mission has remained fundamentally the same. The Church itself has declared that, their "primary objective . . . is to advance God's Kingdom by the preservation and propagation of Christian holiness as set forth in the Scriptures." The Church of the Nazarene has always taken seriously the call to take the Good News to all nations and to fellowship with one another in love. The church continues to serve as a beacon for holiness and Christian community throughout the world.

Madam Speaker, please join me in applauding the Church of the Nazarene as it celebrates 100 years of dedicated fellowship. Clergy and members of the past and present are to be commended for their service to the church and greater community. It is my hope that the Church of the Nazarene continues to stand as symbol of resolve, inspiration, and worship for many years to come.

IN RECOGNITION OF HISPANIC AMERICAN SOLDIERS AND IN CELEBRATION OF HISPANIC HERITAGE MONTH

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. SESSIONS. Madam Speaker, I rise today to recognize the Hispanic servicemen and women that have chosen honorable paths of public service and devoted themselves to the cause of defending this great Nation.

Since 1968, the United States has set aside a designated period of time to recognize the contributions of Hispanic Americans and to celebrate Hispanic heritage and culture. Our soldiers put themselves in harm's way and make sacrifices to protect the freedoms we enjoy. The uniform they wear knows no gender, no social status, and no political affiliation. It knows that these brave souls share only one thing—a deep love for America.

Master Sargeant Roy Perez Benavidez and Staff Sargeant Marcario Garcia were two remarkable individuals that proudly served in the U.S. Army. They were awarded the Congressional Medal of Honor for their courage and heroic actions; Roy for his service in the Vietnam War and Marcario for his service in Germany during World War II. While these are two notable examples, there are many other Hispanic American soldiers that deserve our gratitude. These are the men and women who leave their loved ones to serve the greater good. They are the ones who put on the uniform everyday knowing that their sacrifices today guarantee us our freedom and safety tomorrow.

Madam Speaker, I ask my esteemed colleagues to join me in expressing heartfelt gratitude to these soldiers.

TRIBUTE TO MARINE CAPTAIN JESSE MELTON, III

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Marine Captain Jesse Melton, III, who died serving his country on September 9th, 2008. Captain Jesse Melton, 29, of Randallstown, Maryland, died as a result of multiple traumatic injuries sustained while conducting combat operations in Afghanistan. Captain Melton was assigned to Headquarters Battery, 12th Marines, 3rd Marine Division, Kaneohe Bay, Hawaii.

Jesse graduated from Randallstown High School in Baltimore County, Maryland, where he played lacrosse and baseball. He then attended Messiah College in Grantham, Pennsylvania, where he studied communications. After his freshman year, however, Jesse decided to join the Marine Corps Reserve and attended Boot Camp in South Carolina, an experience his family says changed his life. Upon completion of his basic training, Jesse's drill sergeant recommended him for Officer Candidate School, training Jesse completed while earning his degree in communications from Messiah College.

Jesse was commissioned as a second lieutenant in June of 2000 and served two tours in Japan. He was promoted to the rank of captain and deployed for a tour in Iraq. In March, Captain Melton was deployed again, this time to Afghanistan. He was supporting combat operations in the Parwan province at the time of his death.

The Randallstown High and Messiah College alumnus is survived by his mother, Mrs.

Janice Chance, his younger sister Jenine Melton and brother Joshua Melton, and stepfather Charlton Chance, all of Owings Mills, Maryland, as well as his stepsisters Christine and Laura Chance, and his grandmother Ethel Matthews of Baltimore.

Madam Speaker, I ask that you join with me today in honoring the life of a man truly dedicated to serving his country.

SUPPORTING TAIWAN'S FULL MEMBERSHIP IN THE U.N.

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. TANCREDO. Madam Speaker, I rise today in support of Taiwan's full membership in the United Nations.

Taiwan is an independent, peace loving, and democratic nation that enjoys formal diplomatic relations with more than twenty other nations. In addition, the island nation maintains informal bilateral relations with more than one hundred other countries, precisely because those other countries know that the government in Beijing does not—as it often asserts—speak for democratic Taiwan.

Beijing often argues that Taiwan's 23 million people are represented by the unelected government of the People's Republic of China in international bodies like the United Nations as well. But the Beijing authorities routinely threaten to attack Taiwan, and have deployed more than 1,000 missiles on its southeastern coast aimed directly at the island. So while it might be politically expedient for China to argue that it represents Taiwan, no fair-minded person or government could honestly be expected to believe such a preposterous claim. And of course, most countries realize this.

As I mentioned earlier, while Taiwan's government enjoys formal diplomatic ties with some two dozen nations, Taipei maintains more than 100 quasi-embassies or "trade offices" in nearly every country in the world. And most of these countries—including the United States—maintain a reciprocal mission in Taiwan's capital, Taipei. Why? The reason is obvious: because we all realize that the totalitarian government of China doesn't really speak for the people of democratic Taiwan.

The United Nations is no different.

Madam Speaker, Taiwan's new government has attempted to strike a more conciliatory tone this year, asking only for Taiwan's participation in U.N. affiliated agencies rather than for full membership. This modest proposal is a good start, and I hope the Bush Administration will direct our U.N. representative to support it.

Should Taiwan be successful in its quest for meaningful participation in the United Nations this year, I sincerely hope that they will build on that success by applying for full U.N. membership next year. After all, Taiwan maintains its own military, elects its own leaders, conducts its own foreign affairs, controls its own territory, has a larger population than Australia, and boasts one of the most dynamic economies in the world.

Simply put, Taiwan is more than qualified for membership, and eager to make a meaningful contribution.

As a democratic friend and ally of Taiwan, the United States should be among those speaking up for Taiwan. We should make it clear to the other member states that we believe it is unfair to exclude Taiwan and its 23 million citizens from the world community—and that Taiwan's membership poses no threat to China, or the achievement of a peaceful and equitable solution to Cross-Strait differences.

A TRIBUTE TO JOHN AMIOTT'S "YESTERDAY A VETERAN DIED"

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. ELLISON. Madam Speaker, I submit the following:

YESTERDAY A VETERAN DIED

John Amiott, USAF 1967–1970

Yesterday a veteran died but the world hardly noticed. Age or race or gender, it made no difference; soldier or sailor, airman or marine, it made no difference.

Yesterday a veteran died. He was one of the millions, who, over the centuries, interrupted his life to serve when his country called.

Yesterday a veteran died. He wore his uniform with pride and sense of purpose. He went where he was asked to go and performed the duties for which he had been trained. He committed to fight their fights and to safeguard their secrets with a solemn oath that remained unbroken.

Yesterday a veteran died. He was changed forever by his experiences but his society also changed. The lines of social consciousness were redrawn, the old morality was altered and by the time of his return he found different standards applied.

Yesterday a veteran died. Like the hundreds of generations before him and the endless roster of those who will follow, he tried to make sense of the chaos and confusion created by the metamorphous of a citizen turned warrior and then returned to the life of a civilian.

Yesterday a veteran died. And, as with far too many of his peers, the real conflict began when the tour of duty ended. His personal battle would become a private hell; a hell born from the memories of the reality of life in a shadow world. A place where a chosen few practiced their craft; a world few outsiders knew existed and even fewer understood. His was that shadow world, the one he could never completely leave; the one from which there was no escape.

Yesterday a veteran died. Now his soul would find the elusive peace of mind and spirit for which he had been searching. No longer will he awake, sweating and screaming in the night, plagued by the nightmares of his past. No longer will the ghosts of war haunt him, no longer will the cries of conflict echo in his ears.

Yesterday a veteran died. When he is laid to rest an honor guard will fire a rifle volley to mark his passing. And for him the mournful wail of a bugle will sound one final time.

Yesterday a veteran died. He will face his God knowing he served his country and did his best. The family and friends he loved will weep and mourn their loss. And the world will hardly notice that we have all been diminished.

Yesterday a veteran died. But with the grace of God and the wisdom of nations, perhaps we are closer to the time when we will no longer need to say, "Yesterday a veteran died."

And then, perhaps, finally, the world will notice.

HONOR TERESA McCABE, CARLA HUNTER, AND BETH PETERS CURTIN

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mrs. CAPITO. Madam Speaker, I rise today to honor Teresa McCabe, Carla Hunter and Beth Peters Curtin, who are being recognized as 2008 Women of Distinction by the Girl Scouts of Shawnee Council in West Virginia.

These three ladies were chosen for their leadership and contribution to the community, their profession, and how they serve as role models for young women. The Girl Scouts of Shawnee Council honor three women annually from the Eastern Panhandle that exemplify these qualities.

The first honoree, Teresa McCabe, was nominated by The United Way of the Eastern Panhandle for the significant impact she has had in her community. McCabe is the vice president of marketing and development for West Virginia University Hospitals—East. She was involved with both the United Way and the City Hospital before their mergers and is also involved with the Rotary, American Cancer Society and both Jefferson and Berkeley Counties Chambers of Commerce. Born and raised in Charles Town, WV, McCabe has been able to give back to the community in which she was raised.

Carla Hunter, the department chair and school counselor at Washington High School, works tirelessly to make her school the best school in the area. She was nominated for Women of Distinction by Asbury United Methodist Church in Shepherdstown. Education is a passion of hers, and she gives much of her free time to ensure young children have a bright future. As a former Girl Scout, Carla knows how much of an impact Girl Scouts can have on a young woman's life.

The final recipient of the 2008 Women of Distinction award is Beth Peters Curtin. In addition to being the executive director of the Berkeley Springs-Morgan County Chamber of Commerce, Beth is also a member of the Economic Development Authority, founding member of the Museum of Berkeley Springs and director of Apple Butter Festival. She spends what little spare time she has serving her community. Beth has learned from her mother's generation what great role models women can be and wants to pass that on to the next generation as well.

It is an honor to represent these three outstanding women who serve as strong leaders and excellent role models for young women in their communities. Congratulations to Teresa McCabe, Carla Hunter and Beth Peters Curtin as the 2008 Women of Distinction.

RECOGNIZING MR. STEVEN SHAPIRO FOR HIS NATIONAL LEADERSHIP IN BUILDING SAFETY AND FIRE PROTECTION

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mrs. DRAKE. Madam Speaker, I rise today to recognize Mr. Steven Shapiro, a resident of Hampton, Virginia, and someone I am especially proud to have as a constituent. In addition to his full-time public service as the Building Official for Hampton, this year Steve has also served as President of the Board of the International Code Council. It is the on-going work of the Code Council that provides the nation with an extensive body of model building and fire safety regulations. His role as the President of the Code Council is the culmination of 30 years of experience, leadership and tireless work in ensuring that we are well protected in the buildings where we live and work.

I would also like to recognize the Code Council's work on Capitol Hill this year in advocating for legislation to build a program to bolster local governmental capacity to ensure compliance with its building and fire codes. A high point of their effort occurred in May when the Code Council's leadership assembled here in Washington, D.C. during Building Safety Week 2008. With focused attention, Mr. Shapiro's delegation worked with over 120 Congressional offices like mine on enactment of the Community Building Code Administration Grant Act. I am proud to be a cosponsor of H.R. 4461, the House version of the Act, and to have worked with my Colleague DENNIS MOORE, the sponsor, and the Code Council and its broad coalition in achieving House passage this July.

Leading a membership association of over nearly 50,000 building safety and fire prevention professionals is, of course, a substantial preoccupation, and the City of Hampton, its Mayor Ross Kearney and City Manager Jesse Wallace are also to be thanked for supporting Steve's volunteer work in leadership of the Code Council. I am proud that local leadership from my District is at work in leading the development and maintenance of the building and fire codes that protect us all across the country. These safety codes, independently modified for adoption by the Commonwealth of Virginia and all across the country, govern construction and maintenance of our residential and commercial buildings, including the homes and the business, schools, and places of worship we use and visit regularly.

So I applaud Steve's three decades as a relentless advocate for building safety; a mission that he is sure to carry on for quite some time. In working on that mission he serves not only Hampton and the Commonwealth, but, in his role as President of the Board of the Code Council, has served the rest of the nation as well. In his non-volunteer job as Director of Codes Compliance for the City of Hampton, he continues to ensure the safety of construction our very historic city of nearly 150,000 residents; a town proud of the title as the first continuous English-speaking settlement in America. Steve is an honored and distinguished citizen of my District, and as a leader of the ICC has shared with the nation his values as an outstanding public safety professional and a truly dedicated public servant.

I would also like to take this opportunity to recognize the rest of the ICC delegation who visited Capitol Hill during Building Safety Week 2008, and thank them for their efforts to promote and defend a safe and sound built-environment. Those individuals include: Board Vice President Adolf Zubia, Board Secretary/Treasurer Ron Lynn, Immediate Past President of the Board Wally Bailey; Board members Gregori Anderson, James Brothers, John Darnall, Gerald George, Greg Johnson, Stephen Jones, Barbara Koffron, John LaTorra, Ronald Lynn, Doug Murdock, Ronald Piester, James Ryan and Jeff Whitney; International Accreditation Services Board Chair Majed Dabdoub, Vice Chair Ravi Shah and Board Members John Barrios, Guy Tomberlin, Michael Bouse, and Isam Hasenin and IAS President Chuck Ramani; ICC Government Relations Advisory Committee Chair Rebecca Baker, and Committee Members Jim Martin, Lynn Underwood and George Wiggins; ICC Chapter Leaders Tina Rakes, Robert Boyer, Gary Schenk and John Glover; Matthew Wheeler of the California Building Officials; and members of ICC's professional staff including its CEO Richard Weiland, COO Dominic Sims, David deCourcy, Sara Yerkes, Jim Tidwell, Mark Dinneen, Richard Kuchnicki, Laura Scott, Matthew Lightfoot, Gretchen Hesbacher, and Jennifer Gibson.

HONORING ANDREW O'NEIL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Andrew O'Neil of Kansas City, Missouri. Andrew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1374, and earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Andrew O'Neil for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. BARRETT of South Carolina. Madam Speaker, due to my attendance at events in my district and state discussing legislation that will help move our country toward energy independence, I unfortunately missed recorded votes on the House floor on Monday, September 15, 2008.

Had I been present, I would have voted "yes" on rollcall vote No. 589, Motion to suspend the rules and agree to H. Res. 1200, "yes" on rollcall vote No. 590, Motion to suspend the rules and agree to H. Con. Res. 390, and "yes" on rollcall vote No. 591, Motion to suspend the rules and agree to H.R. 6889.

IN RECOGNITION OF THE RETIREMENT OF COLONEL RAY HELTON, UNITED STATES ARMY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MILLER of Florida. Madam Speaker, I rise today to honor Colonel Ray Helton, United States Army, who is retiring after 33 years of dedicated service to this Nation. Colonel Helton currently serves as the Director of Legislative Affairs for the United States Special Operations Command, MacDill Air Force Base, Florida, with duty in Washington, DC. He is the principal advisor to the commander and senior USSOCOM officials on congressional affairs. In this capacity, I have had the pleasure and honor to come to know Ray well as we have travelled together on various congressional delegations.

Colonel Helton enlisted in the Army in February 1975, completed Special Forces training, and served with the 10th Special Forces Group. After his enlistment ended, he attended the University of Illinois where he graduated as a distinguished military graduate. He returned to active duty in January 1981 as an infantry officer. His Infantry assignments included leading two platoons in the 3d Infantry Division and commanding two companies in the 101st Airborne Division. He served as a company commander, battalion executive officer and battalion commander in the 3d Special Forces Group. He has conducted training and operations with soldiers on five continents. Colonel Helton also served as the chief of assignments of the Combat Arms Division in United States Personnel Command, as a strategic planner and writer on the Joint Staff and as the Garrison Commander of Fort Drum, New York.

Colonel Helton's military education includes the infantry officer basic course, airborne school, combat divers course, air assault school, ranger school, Special Forces qualification school, and the joint psychological operations course, just to name a few. He also received a master of arts degree in national strategy and policy from the Naval War College and a master of science degree in national resource strategy from the Industrial College of the Armed Forces.

Madam Speaker, few can match the dedication and professionalism of Ray Helton. He is a man of honor and a man of principle. On behalf of the United States Congress, I wish to thank Ray for his years of dedicated service. Vicki and I wish him, his wife Jane, and their

children and grandchildren the best wishes for continued success.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately on September 16, 2008, I was unable to cast my votes on the Motion to Adjourn. Had I been present for rollcall No. 592, on the Motion to Adjourn, I would have voted "nay."

PERSONAL EXPLANATION

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MCCAUL of Texas. Madam Speaker on rollcall No. 598 I was unable to cast my vote.

Had I been present, I would have voted "aye."

HONORING MITCHELL APPLEMAN

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today in memory of Mitchell Appleman, a south Florida veteran of World War II and President-Emeritus of the Hallandale Jewish Center. Mr. Appleman was a well-known member of our community, involved with numerous causes and organizations. He was born in Brooklyn, New York and attended Princeton University before enlisting and fighting in General Patton's army in Europe during World War II. Upon his discharge from the U.S. Army, Mr. Appleman made a living in architectural woodworking, lending his skills to schools, hospitals, courtrooms, and religious institutions. After retiring to south Florida in 1976, he began his second career of service in his new community. Mr. Appleman became active at the Hallandale Jewish Center, serving as its longest acting president for many years and most recently as Chairman of the Board and its President-Emeritus. He was also Treasurer of the South Florida Chapter of Friends for Life. Through his work at the Hallandale Jewish Center, Mr. Appleman went on to support Jewish day schools in the south Florida community, American Friends of Bar-Ilan University, the Anti-Defamation League, and the Jewish Federation. In addition to his wife of 12 years, Riki, Mr. Appleman is survived by his two children, Nanci Vassil and Mark Appleman, and their spouses Nick and Billie; his grandchildren, Aslan, Michael, Layla and Jason; his great-grandson, Brighton; and a very close cousin, Howard Appleman. Mitchell Appleman was a kind, wonderful man whose presence will be greatly missed.

HONORING MICHAEL KREKELER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Krekeler of Blue Springs, Missouri. Michael is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1362, and earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Michael Krekeler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

FLOODING IN ILLINOIS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Ms. SCHAKOWSKY. Madam Speaker, I rise today to recognize the heroic efforts of all those in my district who have responded to the destruction that Hurricane Ike left in its path. After ravaging Texas and Louisiana, Hurricane Ike's rains made their way through the Midwest, devastating the area with record-level rainfall and causing massive flooding in northeastern Illinois, including parts of my district. Throughout the Chicagoland area, the amounts of rain broke records—almost 7 inches of rain fell in my district on just 1 day, the most in history. More than 90 billion gallons of rain were dumped on the area.

Governor Blagojevich declared seven counties in Illinois disaster areas. This will set in motion a process that will allow the Federal Government to make a major disaster declaration so that Illinois can be eligible for Federal assistance to help individuals, families, and businesses and help local governments; and hazard mitigation assistance so affected areas can implement projects to reduce future flood damage. In the meantime, I have encouraged my constituents to avoid flooded areas, to report instances of price gouging, and to be prepared with a solid inventory of the items they have lost when they contact their insurance companies to report damage.

Every single community in my district was affected, particularly the towns of Des Plaines and Park Ridge. I would like to thank and commend the Illinois Emergency Management Agency, local first-responders, the American Red Cross, and local elected officials like my friend Des Plaines Mayor Arredia—who has been a leader in the effort to prevent flooding in the region—for quickly mobilizing the response and providing relief for the flood victims. I also want to recognize the neighbors who helped their neighbors, and all of the people who came together in the face of hardship. Their response to Hurricane Ike was a great example of the heart of the people of my district.

Yesterday, I joined Governor Blagojevich and other State, county, and local elected officials at the Prairie Lake Community Center in Des Plaines, which is serving as a relief and relocation shelter, to visit with people displaced from their homes with nowhere to go and thank the Red Cross volunteers who are doing such great work. I promised those people taking shelter that I won't stop working with the Army Corps of Engineers to complete the Des Plaines River Project. Those parts of the project that have already been completed made a difference and saved homes from being flooded. I will also keep working to ensure that local municipal projects that address flood prevention get the funds they need.

Congress needs to appropriate funds to respond to the devastation that Hurricane Ike and Hurricane Gustav left in their wake. I urge all of my colleagues to join me in making sure that we allocate sufficient resources to help FEMA, the Army Corps of Engineers, and States and communities across the country rebuild in a coming spending package.

PERSONAL EXPLANATION

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MAHONEY of Florida. Madam Speaker, on September 16, 2008, I was unavoidably detained and unable to vote on rollcall votes 592 and 594.

Had I been able to vote, I would have voted "nay" on rollcall votes 592 and 594.

TRIBUTE TO STANTON THOMPSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. SKELTON. Madam Speaker, it has come to my attention that a long and exceptionally distinguished career will soon come to an end. RADM Stanton Thompson of Higginsville, Missouri, will retire from his position as the county executive director for the Farm Service Agency on November 14, 2008.

Rear Admiral Thompson grew up in Saline County, where he graduated from Slater High School. Following that, Mr. Thompson received two degrees from the University of Missouri—Columbia.

In 1977, Rear Admiral Thompson began his career with the Farm Service Agency as the Caldwell County executive director. With the support of his family and friends, he was able to carry on a successful career spanning 30 years as the county executive director of both Lafayette and Caldwell counties. In 2002, Rear Admiral Thompson's office was nationally recognized when it received the FSA Administrator's Award for efforts to educate

women landowners. Thompson has directed a comprehensive overhaul of the state's management training program, utilizing his experience of training over 100 county operations trainees. As director of the Farm Service Agency, Rear Admiral Thompson helped issue millions of dollars in Federal agricultural program benefits to over 3,000 customers.

In addition to his accomplished business career, Rear Admiral Thompson is a retired two-star Admiral in the U.S. Navy Reserve, providing our Nation with over 35 years of service. He is it veteran of the Vietnam war, First Gulf war, and the global war on terrorism.

Madam Speaker, I know the Members of the House will join me in paying tribute to RADM (Ret.) Stanton Thompson for his outstanding career and dedication to his country and in wishing him all the best as he enters the next stage of his life with his wife, Sandy, and with his loving children and grandchildren.

TRIBUTE TO MAJOR GENERAL WALTER WOJDAKOWSKI

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to a great American soldier who has dedicated his life to our country. Maj. Gen. Walter Wojdakowski will retire from the U.S. Army Jan. 1 after more than three decades of service, capping his career as the commanding general at Fort Benning in Columbus, Ga.

A native of Colorado, Wojdakowski found a welcoming home in Georgia. In this way he is no different than thousands of soldiers who've come before him. The people of west Georgia are deeply proud of Fort Benning; they hold the soldiers in high esteem and treat them like part of the family.

Wojdakowski felt that family feeling strongly in 1976 when he was first stationed at Fort Benning. On one fateful July night that year, a young Columbus woman named Candy Cooper caught his eye at the officers' club. It wasn't long before they were off on their first date at a local Shoney's Big Boy and a year later Candy Cooper would become Candy Wojdakowski. The soldier's lifelong love would become his lifelong partner in service to their nation and to fellow military families.

As a military family, the Wojdakowskis have moved their family to points across the nation and across the globe—from Georgia to Alaska to Germany and Kuwait. The Wojdakowskis' road, however, often pointed back toward Georgia. In 1993, then a colonel, Wojdakowski assumed command of the 11th Regiment at Fort Benning. He returned in 1996 as a brigadier general.

Wojdakowski's final tour of duty at Benning began in 2005 when the major general took charge of the entire base. Wojdakowski's crowning achievement in the military would come at the same base where his own family began, Fort Benning, GA. There, at the world's largest infantry training center, Wojdakowski kept the focus on training our nation's warriors and supporting the War on Terror. At the same time, his leadership prepared Benning for a massive expansion that will greatly transform the base.

While it was the general alone who wore the uniform that got a little heavier every year with military hardware, Wojdakowski's career was anything but a solo mission. It was a family affair. Candy volunteered at every port of call. For example, she ran a family support group at Fort Hood during the first Gulf War. At Fort Benning, she worked as a master trainer for Army Family Team Building and she began a leadership seminar. Their son Steven followed in his father's footsteps. After graduating from Columbus High School in 1998, Steven entered West Point—where his 6 foot 4 inch father played on the basketball team under coach Bobby Knight 30 years before. Steven, now a captain, is currently serving in Iraq as a Troop Commander to the 3rd Armored Cavalry Regiment. Their daughter Ami may have started a family tradition when she got married earlier this year in the same Fort Benning chapel where her parents tied the knot.

The American people owe the Wojdakowskis a debt of gratitude for a lifetime of service and sacrifice, a lifetime of duty before self. Maj. Gen. Wojdakowski has worn his nation's uniform with honor, dignity and pride since the day he graduated from West Point. On behalf of the U.S. House of Representatives, I want to thank the general and his wife Candy for everything they have given us. I congratulate them on their many accomplishments and wish them years of happiness as they retire to beautiful Harris County in Georgia's 3rd Congressional District.

POSTHUMOUS TRIBUTE TO JOHN S. PERAGALLO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the life of an outstanding individual, John S. Peragallo, who passed away on September 12, 2008 at the age of 76. He will be remembered for his life long dedication to his family, friends, and his family business.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, for he brought joy and peace, through his craft, to many others throughout his lifetime.

John was born in New York, but was a lifelong resident of Paterson, NJ. He graduated from Eastside High School in 1949 and went on to take several classes at Newark College of Engineering. He served our country in the United States Army during the Korean Conflict and was a chaplain's assistant and a member of the honor guard.

Since John's childhood, he helped his father in the family business of building and servicing pipe organs. The Peragallo Pipe Organ Company was founded by his father, John Peragallo, Sr., in 1918, after learning the craft as an apprentice with the famous E.M. Skinner Organ Company. John Jr. joined the company in 1949 and made the business stronger with a close father-son relationship. John Peragallo, Jr. was President of the company. He was responsible for the construction and care of many of the pipe organs throughout New Jersey, and for the complete renovation of the organs at St. Patrick's Cathedral in New York City. John Jr.'s sons, John III and Frank, have been actively involved in the business since the 1980's and now a fourth generation of Peragallos, Janine, Anthony, and John IV, work alongside them. The company has installed almost 700 new organs and currently maintains about 400 along the east coast, including those at St. Patrick's Cathedral.

John was a member of the American Guild of Organists, Northern NJ Chapter, St. John Vianney/St. Elizabeth of Hungary Fraternity and was active with the Boy Scouts of America when his sons were younger.

John and his wife Christine met at the St. Anthony's Church Carnival in Paterson in 1955, and he took her to the Plaza Theatre in Paterson on their first date. Christine was indoctrinated into the family business on their second date, which was to a church so John could check the organ. They married eleven months after meeting and had a dynamic, spontaneous, loving marriage of fifty-two years.

He will be dearly missed by his wife, Christine, his children John III and his wife Kathleen, Frank and his wife Josephine, Stephen and his wife Debra, and Christine Egan and her husband Christopher, his 10 grandchildren and one great-grandson, and his sister Catherine Miller and her husband Charles.

Although John passed away, his spirit will always be with us. John will forever be remembered for the love he shared with his family and friends, and for the music that is made with the grand instruments that John spent his life constructing and maintaining.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing individuals like John S. Peragallo.

Madam Speaker, I ask that you join our colleagues, John's family and friends, all those who have been touched by the sacred music that he helped to create, and me in recognizing the contributions of John S. Peragallo.

HONORING CHRISTOPHER MORROW

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher Morrow of Blue Springs, Missouri. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1138, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher Morrow for his

accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN SUPPORT OF THE 37TH RYDER CUP AT VALHALLA

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. YARMUTH. Madam Speaker, today my hometown of Louisville continues to recover from windstorms that battered our region, leaving hundreds of thousands without power. Still, the resilient residents of our community will rise to host the 37th Ryder Cup at Valhalla Golf Course, and in turn, the Ryder Cup will generate tens of millions of dollars for our local economy over the next five days.

This is the culmination of Dwight Gahm's vision when he commissioned Jack Nicklaus to design a Louisville golf course. The course has twice held the PGA championship and today ascends to new heights with the 80-year-old, biennial summit of sports. Here, Europe's best golfers will compete against America's greatest, not for personal wealth but for the spirit of competition. More than three million dollars will be donated to charity on behalf of the Ryder Cup.

Among the 12 American players, I proudly welcome home two Kentuckians, Kenny Perry and JB Holmes. I know they, along with their other American teammates, will represent our country well.

I ask my colleagues to join me in honoring the Ryder Cup and the people of Louisville who overcome adversity this week to host one of the world's greatest sports traditions.

TRIBUTE TO LONGTIME WIREGRASS BROADCASTER, HOWARD PARRISH, JR.

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. EVERETT. Madam Speaker, I rise to pay tribute to longtime Wiregrass broadcaster and servant of his community, Mr. Howard Parrish, Jr., of Ozark, Alabama, who passed away July 28 at the age of 82.

At the same time that local radio established itself as a vital link between rural America and the world, Parrish became a familiar and trusted voice for Ozark, Alabama listeners.

A veteran of the U.S. Army Air Corps, a graduate of Georgia Southern and a native of Atlanta, he moved to southeast Alabama in 1955, leaving the growing Atlanta radio scene and that city's first commercial FM station to help run the relatively new broadcast station in Ozark, WOZK, 900 AM.

To his many Dale County listeners, Howard was the voice of WOZK. But he was much more than a friendly announcer. He was general manager, sales manager and chief engineer for WOZK and its FM counterpart, WOAB, for the better part of 45 years.

Parrish likely delivered over 16,000 newscasts over the Ozark airwaves during his tenure at WOZK and WOAB-FM. Despite his continual Ozark broadcast duties, he also found time to construct radio station WELB in neighboring Elba in 1959 and he served as general manager of WDHN-TV 18 in Dothan, Alabama in the early 1970s, returning the struggling TV station to financial stability. He retired from WOZK/WOAB and all local broadcasting in 2002.

Parrish leaves a long legacy of community service, both on the air and through volunteerism. Parrish was an active member of the Ozark Rotary and Kiwanis clubs and was a charter member of the local Civitan Club.

Parrish was one of the Wiregrass's longest serving broadcasters and he shared a great love for communications. He was also well known in local amateur radio circles for his devotion to the hobby. He was a licensed radio amateur, W4IEO, for over 65 years.

I wish to extend my condolences to his wife, Jane, and his children and grandchildren for their loss. Ozark's long-time ''voice'' may now be silent, but he will be long remembered.

PERSONAL EXPLANATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mrs. MILLER of Mighigan. Madam Speaker, on rollcall No. 598, I was unavoidably delayed.

Had I been present, I would have voted ''yea.''

SUPPORTING THE SECOND AMENDMENT RIGHTS OF DISTRICT OF COLUMBIA RESIDENTS

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. ISSA. Madam Speaker, I am pleased that the House of Representatives has voted to hold the District of Columbia accountable for violating the civil rights of D.C. residents for decades. Making the District adhere to the Constitution now is better than waiting 180 days. Once the District comes into compliance with the Supreme Court decision, D.C. residents will finally be able to defend themselves against armed criminals. The District's anti-gun law created a bastion for crime. Our action here today puts D.C. residents first and criminals second.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. ALLEN. Madam Speaker, on September 15, 2008, I was unavoidably absent from the House.

If I had been present, I would have voted ''yes'' on rollcall vote No. 591, a motion by Mr. SCOTT of Virginia to suspend the rules and pass H.R. 6889, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

I ask unanimous consent that this statement be inserted in the appropriate place in the RECORD.

HONORING JESSE ANDERSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jesse Anderson of Grain Valley, Missouri. Jesse is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1246, and earning the most prestigious award of Eagle Scout.

Jesse has been very active with his troop, participating in many scout activities. Over the many years Jesse has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jesse Anderson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. AL GREEN of Texas. Madam Speaker, I was unavoidably detained and missed rollcall vote 598 on September 16, 2008. Had I been present, I would have voted ''nay.''

INTRODUCTION OF MANIILAQ ASSOCIATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. YOUNG of Alaska. Madam Speaker, I am pleased to introduce legislation today which will transfer property from the Department of Health and Human Services to the Maniilaq Association in Kotzebue, Alaska. This transfer would occur through the Indian Health Service, the current owners of the properties.

Since 1995, Maniilaq Association, a Native non-profit entity in Kotzebue, Alaska has carried out a comprehensive health care delivery program to residents in Kotzebue, Alaska and the Northwest Arctic Borough. They have carried out these responsibilities under the Alaska Tribal Health Compact and Funding Agreement negotiated annually with the Indian

Health Service. These agreements give Maniilaq Association the right to acquire title to all federal property that they have utilized to provide these health care services.

Currently, the Indian Health Service owns the properties that Maniilaq Association uses to carry out its health care delivery services. While there is an administrative process in place for them to acquire these properties, the process is cumbersome and sometimes may take years to accomplish the goal of acquiring these properties. Thus, Maniilaq Association is asking for legislation to acquire the properties listed in my legislation.

Madam Speaker, we are not setting a precedent with this legislation. Congress, in the past, has enacted legislation which transfers excess government properties to nonprofits such as Maniilaq Association.

My legislation would authorize the Secretary of the Health and Human Services, through the Indian Health Service, to transfer to the Maniilaq Association by a warranty deed to a number of parcels of land legally described in my legislation.

I am pleased to introduce this legislation on behalf of Maniilaq Association to allow them to continue with their health care delivery programs and to provide better services to their patients and residents of the Northwest Arctic Borough.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. NADLER. Madam Speaker, due to official business in New York related to the anniversary of the September 11, 2001 terrorist attacks, I was unable to travel to Washington, DC. As a result, I missed votes on September 11, 2008. I ask that the RECORD reflect that had I been able to, I would have voted "aye" on rollcall vote No. 585 approving the Journal; "aye" on rollcall vote No. 586 commemorating the anniversary of the September 11, 2001 terrorist attacks; "aye" on rollcall vote No. 587 restoring the Highway Trust Fund balance; and "aye" on rollcall vote No. 588 motion to adjourn.

HONORING NEBRASKA'S WORLD WAR II VETERANS

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. SMITH of Nebraska. Madam Speaker, I rise today in honor of the men and women who served our country during World War II, and the national non-profit organization dedicated to helping World War II veterans visit the World War II Memorial here in Washington D.C.

I have had the honor of meeting with these veterans—in Nebraska and at the memorial built to thank them for their strength, bravery, and sacrifices.

It has been over 60 years since World War II ended with the surrender of the Japanese, bringing to the close a war in which 16 million American men and women served.

Less than five million are still with us.

This week, nearly 250 Nebraska World War II vets visited D.C. They came from Omaha, Scottsbluff, and towns in between. They came from small towns like Thedford and Nebraska's capital city, Lincoln.

I know their visit to Washington was a trip of a lifetime for each and every one of them, and I know I speak for all of us when I thank them for their service to our country.

I also want to thank the Heartland Honor Flight for their efforts to make this trip a reality. During the past four years, honor flights have transported more than 5,000 veterans to our nation's capital.

I'm proud to live in a country which honors our heroes.

2008 POW/MIA RECOGNITION DAY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to honor the 2008 National Observance of POW/MIA Recognition Day.

In each conflict since the Revolution, brave Americans have found themselves prisoners of the enemy. Far from home and country, cut off from news of loved ones for months or even years, sometimes subjected to physical and mental abuse, these Americans held out the hope that they would one day see home again. Through the horrors of Andersonville and the Bataan Death March, American prisoners of war have endured the cruelest of humanity. Some did not survive to have their much awaited reunion with loved ones. All have earned our Nation's abiding respect and admiration for the sacrifices they made for our Nation.

It is my privilege to join this day with my colleagues in honoring the 2008 National Observance of POW/MIA Recognition Day. Let us never forget these great Americans and all that they have done for us.

HONORING CONNOR BLOSS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Connor Bloss of Blue Springs, Missouri. Connor is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1332, and earning the most prestigious award of Eagle Scout.

Connor has been very active with his troop, participating in many scout activities. Over the many years Connor has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Connor Bloss for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE SPACE COMMERCE ACT OF 2008

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. UDALL of Colorado. Madam Speaker, I rise today to introduce the "Space Commerce Act of 2008." This legislation would modify the Technology Administration Act of 1998 and provide for the establishment of an Office of Space Commerce in the Department of Commerce. As chairman of the Space and Aeronautics Subcommittee with jurisdiction over commercial space activities, I am introducing this bill as a courtesy to the Department, which requested it.

While I think the legislation that I am introducing today requires review and potentially modification before it is ready to come back to this floor for further consideration, I believe that introducing the Department's proposed legislation will help us move forward in seeking the best ways to encourage the vitality of this growing industry. This bill will help stimulate discussion on what is the best approach to enhancing the development and competitive posture of America's commercial space sector. That discussion will help Congress craft the best path forward in addressing this important topic.

I feel quite passionate about the important role that the commercial space sector plays—and will continue to play in the coming years—in ensuring the sustained vitality of the U.S. economy and its competitiveness in world markets. My home State of Colorado is home to some of the Nation's leading commercial space companies and is serving as an incubator for more every year. I am proud of that fact, and I am proud of the companies that are contributing so much to the nation's strength in civil, commercial, and military aerospace.

As chairman of the Space and Aeronautics Subcommittee, I have seen firsthand the growing impact that the commercial space sector is having, both in enhancing the Nation's economic strength and improving the quality of life of all our citizens. Whether it is advancing U.S. geospatial applications, maximizing the benefits to be gained from U.S. space-based positioning, navigation, and timing capabilities, or numerous other endeavors, America's space commerce sector is leading the way, and I want to do all I can to see that that continues to be the case.

That is why I believe it is important to fully examine how the Federal Government can best provide additional useful tools to help expand and develop the space commerce sector. We in Congress should do all we can to address space commerce policy issues and help encourage the growth of the U.S. commercial space sector. I look forward to hearing from all interested stakeholders as we move forward to fully examine this proposal.

HONORING THE CONTRIBUTIONS OF THE DEDICATED VOLUNTEERS OF THE BOY SCOUTS OF WESTERN NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. SHULER. Madam Speaker, I rise today to honor the 2,000 committed and dedicated volunteers who advise, educate and inspire over 4,000 Boy Scouts in Western North Carolina.

The Boy Scouts of America was incorporated on February 8, 1910, chartered by Congress in 1916, and organized in Western North Carolina as the Daniel Boone Council since 1920. The Boy Scouts of America strives to develop good traits of character in young people and to instill in them values of good citizenship. The Boy Scouts program is available to all youth regardless of race, religion, or socioeconomic level.

The Daniel Boone Council of Western North Carolina serves 4,088 youth in 14 counties through 173 Cub Scout Packs, Boy Scout Troops, Venturing Crews, Sea Scout Ships, and Explorer Posts.

The youth are supported by 2,000 dedicated volunteer leaders who recruit, raise funds, serve on the executive board and committees, and educate and inspire the youth of the program. The Scouting volunteers report that their involvement with the Boy Scouts has raised their environmental awareness, aided them in ethical and moral decision-making, and helped them become better parents and citizens. The benefits to the volunteers, however, are slight in comparison to the life altering experiences that their work provides to the Scouts.

The Boy Scouts of America has designated 2008 as the ''Year of the Volunteer'' to honor the volunteers who serve across the Nation. In Western North Carolina, the Daniel Boone Council has set apart September 13 as their special day to honor their volunteers through a Volunteer Recognition Banquet. It is my hope, however, that we continue to honor the tremendous contributions of the Daniel Boone Council's 2000 volunteers throughout 2008 and for years and decades to come.

It is with great respect and gratitude that I commend these dedicated and committed volunteers. I am honored to be able to stand with the Daniel Boone Council in recognizing their hard work and service.

CONGRATULATING CARLOS BOOZER, COREY COGDELL, AND MATT EMMONS ON THEIR OUTSTANDING ACHIEVEMENTS IN THE 2008 SUMMER OLYMPIC GAMES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. YOUNG of Alaska. Madam Speaker, I rise today to honor Carlos Boozer, Corey Cogdell, and Matt Emmons, three Alaskans who recently returned from competing in the 2008 Summer Olympic Games in Beijing. These three Alaskans, joined by their fellow athletes from across the country, traveled to Beijing, and represented the United States in an extraordinary manner. The U.S. Olympic team distinguished the United States from other nations by winning 110 medals, the most of any country. Carlos Boozer, Corey Cogdell, and Matt Emmons each won medals, and boldly represented the United States in their specific competitions.

I truly believe that the importance of the contributions of these three talented Alaskan athletes to our country cannot be overstated, which is why it is important that we honor their great accomplishments. For this reason I am introducing the following resolution to honor these three athletes for their accomplishments and representation of our country.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. POE. Madam Speaker, due to preparations for and recovery from Hurricane Ike, which impacted my district, I unfortunately missed the following votes on the House floor on Thursday, September 11th and Monday, September 15th.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted ''yes'' on rollcall Nos. 586, 587, 589, 590, and 591.

HONORING JOSEPH MOORE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph Moore of Blue Springs, Missouri. Joseph is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1332, and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joseph Moore for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

WELCOMING THE 37TH RYDER CUP TO KENTUCKY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to welcome athletes, fans, and sponsors of the PGA Tour to the City of Louisville for the 37th Ryder Cup. The competition will take place at the Valhalla Golf Club September 16–21, 2008.

The Ryder Cup matches the 12 best American golf professionals against the best 12 from Europe. The competition will be seen by hundreds of millions of golf enthusiasts throughout the world.

In the spirit of Olympians, athlete participation is grounded in the prestige of representing their country rather than prize money. I would like to make special note of two fellow Kentuckians, Kenny Perry and J.B. Holmes, joining the American team. Their competitive spirit and good sportsmanship will make our state and country proud.

I applaud the PGA of America, the PGA Tour, and First Tee for the charitable contributions they will generate through this event. The Ryder Cup will directly raise over $780,000 in funds for charity. An additional $2.6 million will be donated on behalf of the U.S. Ryder Cup captain and team.

It is my great privilege to recognize the athletes, sponsors, and hosts of the 37th Ryder Cup for their collective contributions to charity and international goodwill through this special event.

FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. POMEROY. Madam Speaker, I rise today in support of the Fostering Connections to Success and Increasing Adoptions Act, important legislation that improves and strengthens the Federal programs that assist foster care and adoption assistance programs.

Under current law, States are reimbursed by the Federal Government for eligible foster care or adoption assistance programs through Title IV–E of the Social Security Act. Unfortunately, these very same services are not directly reimbursed when provided by an American Indian tribe. This was not a deliberate adoption policy decision, but instead a drafting error that has meant that some tribes have been left without the Federal resources they need to support services for these priceless children.

My bill would provide parity to Native American children living on tribal land by allowing Indian tribes to have the same direct access to Federal funding for foster care and adoption services that States currently receive via Title IV–E. This legislation improves the Native American child welfare system by requiring tribal adoption and foster care programs to

meet the same requirements that are required of States to ensure the safety of children placed in tribal foster care programs, while entrusting the establishment and maintenance of these programs to tribes.

The critical importance of this legislation was driven home to me when I met recently with the Mitzel family from West Fargo, ND. They have served as foster parents for 13 children throughout the years and are now adopted parents for a sibling group of five precious Native American children who were scattered from one another in the foster care system. For their persistent efforts to reunite this sibling group, I nominated the Mitzels this year for the Congressional Coalition on Adoption's Angels in Adoption Award.

I am deeply grateful for the commitment of tribal leaders to make certain that these children were united and raised as a family even though in this particular case it means that these children will be raised off of the reservation. Meeting these children powerfully drove home to me just how important it is that all of our children, including American Indian children receiving services from a tribe, have the same level of support.

This compromise bill with the Senate puts tribal adoption and foster care one step closer to being on equal footing with States and gives tribes the ability to provide their children with the culturally appropriate care they deserve. I am hopeful that this bipartisan legislation will quickly pass the Senate and be signed into law.

I urge my colleagues to support the Fostering Connections to Success and Increasing Adoptions Act to ensure that all children in foster care get the services, education and healthcare that they need.

RECOGNIZING THE YORK COUNTY ECONOMIC DEVELOPMENT CORPORATION FOR 50 YEARS OF COMMUNITY SERVICE

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. PLATTS. Madam Speaker, I rise to commend the York County Economic Development Corporation, YCEDC, for providing economic development leadership to the York community for 50 years.

YCEDC was established in 1958 to attract new industry, promote industrial development, and create new jobs. Since its inception, YCEDC has facilitated funding in excess of $73 million toward an estimated 150 economic development projects, creating and retaining more than 10,200 jobs throughout York County.

YCEDC has facilitated effective community and business partnerships and has evolved its leadership role in economic development to advance a positive vision for York County's economic future. York County will continue to experience the positive effects of the organization's commitment for years to come.

Madam Speaker, the observance of the 50th anniversary of YCEDC provides a special time to express our appreciation and gratitude to its employees, board members, and members for their work and dedication to York County's continued economic well-being and quality of life. Therefore, it is with heartfelt wishes that I congratulate YCEDC for their continued success.

HONORING ALEXANDER WILLIAMS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alexander Williams of Kansas City, Missouri. Alexander is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1314, and earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the many years Alexander has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Alexander Williams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

50TH ANNIVERSARY OF THE SINTO SENIOR ACTIVITY CENTER

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize and honor the 50th anniversary of the Sinto Senior Activity Center in Spokane, Washington. Early in the 1950's a group of enthusiastic senior citizens and community leaders began building a dream, a dream that has grown into an integral part of the Spokane community serving over 600 members.

The Sinto Senior Activity Center offers a variety of activities for members which include ballroom dancing, pool, crafts, educational opportunities, lunches, social clubs, entertainment, square dancing, music, speakers, holiday events, pinochle, cribbage, exercise and aerobic classes, round dancing, clogging, community service projects, short trips and tours, and many, many more.

Madam Speaker, the Sinto Senior Activity Center has been a staple of the Spokane community for over 50 years and through its leadership and steadfast commitment has provided senior citizens of the Spokane area a safe and comfortable place to engage in social activities. It is an honor and privilege to invite my colleagues to join me in congratulating the Sinto Senior Activity Center on its 50th anniversary.

TRIBUTE TO COLONEL EMORY ''RAY'' HELTON

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. HAYES. Madam Speaker, I rise today to recognize and pay tribute to Colonel Ray Helton, United States Army, on the occasion of his retirement from active duty. Colonel Helton has served our great Nation for more than 30 years as a truly exceptional officer and I am extremely proud to call him my friend.

Over the past several years, as Co-Chair of the House Special Operations Forces Caucus, I have had the honor of working with Colonel Helton during his tenure as the Director of Legislative Affairs for United States Special Operations Command (USSOCOM). Soldier, leader, scholar, statesman, gentleman—Ray truly personifies what a warrior should be and he has been an outstanding ambassador for Special Operations.

Colonel Helton's dedication to his work on behalf of the warfighter has been unwavering. There is no doubt that Ray has been instrumental in educating the House Armed Services Committee, other defense-related Committees, and Members of Congress on a variety of issues critical to our Special Operators and their missions. His tireless efforts working with Members of Congress and the military perspective he brings to the table have undoubtedly resulted in a better understanding of the Special Operations community and its unique missions, requirements, and needs. He has been a tireless advocate for all of his fellow Special Operators. Though much of it has been behind the scenes, there is no doubt that his work has furthered our nation's goals in the continued Global War on Terror and saved lives in the field.

Colonel Helton graduated as a Distinguished Military Graduate from the University of Illinois Army ROTC and began serving as an Infantry Officer in January 1981. His Infantry assignments include leading two platoons in the 3d Infantry Division and commanding two companies in the 101st Airborne Division. He was transferred to the Special Forces Branch in 1988 and served as a Detachment Commander, Battalion Personnel Officer and Battalion Operations Officer in the 10th Special Forces Group. He served as a Company Commander, Battalion Executive Officer and Battalion Commander in the 3rd Special Forces Group. He has conducted training and operations with Soldiers on five continents. Colonel Helton also served as the Chief of Assignments of the Combat Arms Division in United States Personnel Command, as a Strategic Planner and Writer on the Joint Staff and as the Garrison Commander of Fort Drum, New York. Colonel Helton's military education includes the Infantry Officer Basic Course, Airborne School, Combat Divers Course, Air Assault School, Ranger School, Special Forces Qualification School, Infantry Officer Advanced Course, Survival Escape Resistance and Evasion Course, Combined Arms Services Staff School, Joint Psychological Operations Course, Command and General Staff College,

and the Industrial College of the Armed Forces. He received a bachelor's degree in History from the University of Illinois, a Master of Arts degree in National Strategy and Policy from the Naval War College and a Master of Science degree in National Resource Strategy from the Industrial College of the Armed Forces.

On behalf of Congress and the United States of America, I express our appreciation of Colonel Helton for his tireless service and support of the warfighter. His professionalism, expertise, and efforts showcase his patriotism, and his dedication to his Special Operators in the field. Though the following phrase is often used, I can say without reservation that it is rarely as appropriate as it is in this case: Colonel Ray Helton is truly a great American.

I want to personally thank Colonel Ray Helton, his wife Colonel Jane Helton, USA, and his entire family for their commitment, sacrifice, and the contributions they have all made throughout his honorable and distinguished military service. I congratulate Ray on completing an exceptional and extremely successful military career and am humbled by his dedicated service to our nation. I wish Colonel Helton and his family many blessings and much success as he begins his future endeavors and embarks on new adventures.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. BARRETT of South Carolina. Madam Speaker, due to my attendance at events in my district and state discussing legislation that will help move our country toward energy independence, I unfortunately missed some recorded votes on the House floor on Tuesday, September 16, 2008.

Had I been present, I would have voted ''no'' on rollcall vote No. 592 (Motion to adjourn), ''no'' on rollcall vote No. 593 (question of consideration on H. Res. 1433), and ''no'' on rollcall vote No. 594 (Motion to adjourn).

HONORING THE LIFE OF JOHN F. SEIBERLING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. KUCINICH. Madam Speaker, I wish to honor the life and legacy of Congressman Seiberling, an eight-term Congressman from Akron, Ohio. John Seiberling won Ohio's 14th Congressional District in 1970. He ran for Congress because of his strong opposition to the Vietnam War and a belief that the system could be made to work in favor of a more livable world, a peaceful world. His desire for peace was his primary reason for running.

In a speech at the University of Akron on May 6, 1970, just two days after the tragic shootings at Kent State University John Seiberling said that ''the system can be made to work . . . 25 years ago I never thought that a peace candidate would win a congressional election in this district, even a primary election, in which the principal issue is the cause of peace.'' He went on to speak about the importance of Gandhi's accomplishments in India; how Gandhi used non-cooperation to bring his cause to the attention of the world and non-violence to win the hearts of his enemies.

During his time in Congress he had many major accomplishments. Among them was the creation of Ohio's first national park, the Cuyahoga Valley National Park and his coauthorship of the War Powers Act. He was elected to and served as Chairman of the Members of Congress for Peace Through Law Caucus. It is reported that he opened his office to Vietnam veterans protesting against the war by allowing them to sleep there.

He was committed to a world that resolved conflict through peaceful means. And as such, throughout his 16 years in the House he prioritized disarmament. When he announced his retirement in 1986 he reportedly told the Plain Dealer newspaper that it was the job of Congress to ''maintain a livable world, free of nuclear disaster, a world that we have not polluted to the point where we can't breathe and where we preserve some natural beauty so that we can have the solace and the experience of being out in God's world.'' Following his retirement he dedicated himself to teaching law at the University of Akron and for a number of years was the head of the university's Center for Peace Studies.

Since his passing on August 2, 2008 he has been sorely missed and will be missed well into the future.

HONORING JACOB FUENFHAUSEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jacob Fuenfhausen of Liberty, Missouri. Jacob is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1320, and earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many scout activities. Over the many years Jacob has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jacob Fuenfhausen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. NEUGEBAUER. Madam Speaker, due to a family emergency I was absent for the following rollcall votes held on September 15, September 16 and September 17, 2008. Had I been present, I would have voted as indicated for each rollcall listed.

Rollcall vote 589: ''yea''; rollcall vote 590: ''yea''; rollcall vote 591: ''yea''; rollcall vote 592: ''nay''; rollcall vote 593: ''nay''; rollcall vote 594: ''nay''; rollcall vote 595: ''nay''; rollcall vote 596: ''nay''; rollcall vote 597: ''nay''; rollcall vote 598: ''yea''; rollcall vote 599: ''nay''; rollcall vote 600: ''yea''; and rollcall vote 601: ''yea.''

IN RECOGNITION OF THE RETIREMENT OF COLONEL MICHAEL SHUPP, UNITED STATES MARINE CORPS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MILLER of Florida. Madam Speaker, I rise to honor the service of Colonel Michael Shupp, United States Marine Corps, who is retiring after 27 years of dedicated service to this Nation. I came to know Colonel Shupp well as we travelled together on various Congressional delegations. As a consummate professional, he did an outstanding job representing the United States Marine Corps.

Colonel Shupp graduated from the Virginia Military Institute in 1981. In 1985, he reported to the U.S. Naval Academy and was recognized by President Bush and others for his outstanding performance.

In 1990, as a company commander, he deployed to Saudi Arabia for Operations Desert Shield and Desert Storm where his unit served with distinction. He also deployed twice to Bosnia-Herzegovina in the late–1990s. Since 2001, I have had the pleasure and honor to come to know Michael well during his assignment as the Marine Corps' Liaison to the U.S. House of Representatives.

Colonel Shupp assumed command of Regimental Combat Team—1 (RCT–1) on 15 September 2004 at Camp Fallujah, Iraq while deployed on Operation Iraqi Freedom II. There he led the Regiment through counter-insurgency operations, the Battle of Fallujah (Operation Al Fajr), humanitarian assistance efforts and the reconstruction of Fallujah, and the first free Iraqi national election in January 2005. In early 2008, he became Legislative Assistant for the Chairman of the Joint Chiefs of Staff.

His personal decorations are numerous and include the Legion of Merit with Combat ''Valor'' Distinguishing Device and gold star in lieu of second award, the Bronze Star with Combat ''Valor'' Distinguishing Device, and the Combat Action Ribbon with gold star in lieu of second award.

Madam Speaker, few can match the dedication and professionalism of Colonel Michael

Shupp. He epitomizes the values and traditions of the United States Marine Corps. On behalf of the U.S. Congress, I would thank him for his years of dedicated service. Vicki and I wish him and his family best wishes for continued success.

SUPPORTING TAIWANESE MEMBERSHIP IN UNITED NATIONS SPECIALIZED AGENCIES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. ENGEL. Madam Speaker, on August 14, 2008, seventeen of the Republic of China's diplomatic allies once again submitted a proposal to the United Nations General Assembly supporting Taiwan's request " to examine the fundamental rights of the 23 million people of the Republic of China (Taiwan) to participate meaningfully in the activities of the United Nations specialized agencies.'' The 63rd session of the U.N. General Assembly opened yesterday, September 16, and, therefore, my comments today are especially relevant.

I strongly support Taiwan's request because I believe there is a compelling need for the country to add its expertise, wealth, and dynamism to the U.N. specialized agencies. For example, Taiwan has been campaigning for participation in the World Health Organization (WHO) for years, but has been unable to access or communicate with WHO regarding global disease prevention. Membership in the WHO should not be a political matter. Disease and illness know no boundaries, and we must not let political disputes stand in the way of utilizing all tools available to improve basic health care and fight pestilence. This effort to fight disease takes global solidarity, not isolation campaigns.

Fortunately, Taiwan is ready, willing, and able to contribute to the international community. Moreover, Taiwan's international participation might encourage the cross-strait dialogue and contribute to the easing of tensions between Taiwan and the PRC.

I hope that the PRC will show good will and allow Taiwan to participate meaningfully in the U.N. specialized agencies. I believe this will be a step toward peace and cooperation in the Asia-Pacific region and greater vitality in promoting the missions of the UN specialized agencies.

PERSONAL EXPLANATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. WALBERG. Madam Speaker, on the following rollcall votes I am not recorded due to a death in the family. Had I been present I would have voted the following way: rollcall No. 589, I would have voted ''aye;'' rollcall No. 590, I would have voted ''aye;'' rollcall No. 591, I would have voted ''aye;'' rollcall No. 592, I would have voted ''nay;'' rollcall No. 593, I would have voted ''nay;'' rollcall No. 594, I would have voted ''nay;'' rollcall No. 595, I would have voted ''nay;'' rollcall No. 596, I would have voted ''nay;'' rollcall No. 597, I would have voted ''nay;'' rollcall No. 598, I would have voted ''aye;'' rollcall No. 599, I would have voted ''nay.''

REGARDING PASSAGE OF H.R. 6842

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. HULSHOF. Madam Speaker, today the United States House of Representatives took a large and much anticipated step towards protecting every American's 2nd Amendment right by passing H.R. 6842, The National Capital Security and Safety Act. The amendment to this legislation, authored by Representative CHILDERS, is a much needed improvement to the underlying bill and will help the District of Columbia to fully comply with the United States Supreme Court's decision in D.C. vs. Heller.

Today is truly a great day for every American as Congress has mandated that the stringent restrictions placed on citizens of the District of Columbia and their ability to possess firearms has been replaced with a law that is in line with what our founding fathers originally intended. It is my hope that other cities and municipalities with similar, restrictive gun ownership laws will now change those laws to come in line with our Constitution.

HONORING THE GARDEN CITY SCHOOL BLUE RIBBON AWARD

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize Garden City Middle School for having received the prestigious Blue Ribbon School Award. The Blue Ribbon Schools Program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels.

Garden City Middle School succeeds in providing an atmosphere where students foster a desire for life long learning and are motivated to reach their highest potential academically, creatively, socially, physically and emotionally. Last year Garden City Middle School ranked first in Nassau County in the percentage of students passing the New York State Grade 8 Math Assessment and second on the New York State Grade 8 English Assessment. Additionally, Garden City Middle School students ranked first on the New York State Grade 8 English Assessment of students scoring at the mastery level. A supplemental aspect of their curriculum is to teach the students social responsibility. Last year Garden City Middle School raised more money for St. Jude's Children's Hospital than any other school in the nation while also participating in Toys for Tots drives, collecting food for food banks, and collection campaigns to support the troops in Iraq.

The future of this country depends on the hopes and dreams of its children, and our community, and our nation, are enhanced by the contributions of high achieving students like those at Garden City Middle School.

Madam Speaker, it is with pride and admiration I offer my thanks and recognition to Garden City Middle School.

REINTRODUCTION OF THE ''SAKS'' BILL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mrs. MALONEY of New York. Madam Speaker, the U.S. Justice Department estimates that 8 percent of all rapes occur on the job. Yet, many of these victims are told their only remedy is workers' compensation. When rape occurs on the job, employers should not be able to hide behind a system designed to compensate for job-related accidents. The bill that I am introducing today sends a clear message: Rape is not all in a days work.

Workers' compensation systems were created by States to provide a means of redress for work-related personal injuries which occur during the course of employment. Workers' compensation is an exclusive remedy. In the event that an injury is covered by workers' compensation, no other legal action may be taken by the injured employee. This bill gives victims of workplace violence across the Nation a remedy outside the workers' compensation system. It does this by creating a Federal civil rights cause of action, under certain conditions, for employees who have been the victims of gender-motivated violence at work.

We need to create an American workplace safe from violent crime. This bill will encourage employers to create a job environment free of violent sexual assault and rape.

HONORING JONATHAN MCCOLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jonathan McCole of Kansas City, Missouri. Jonathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1419, and earning the most prestigious award of Eagle Scout.

Jonathan has been very active with his troop, participating in many scout activities. Over the many years Jonathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jonathan McCole for his

accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE DAILY 45: LAVAL CRAWFORD

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. RUSH. Madam Speaker, everyday, 45 people, on average, are fatally shot in the United States.

Three men were charged, today, in the September 13 fatal shooting of 17-year-old Laval Crawford from Pontiac, Michigan. Laval was ambushed at his home and one of the men charged allegedly was in possession of a concealed weapon, an AK–47 rifle to be exact.

The killing was the 19th homicide this year in Pontiac, which has experienced a rash of recent violent incidents, including shootings in recent weeks, according to news reports. I look forward to a day when the news is filled with good news; news that peace has increased on our streets—not another death.

Americans of conscious must come together to stop the senseless death of ''The Daily 45.'' When will Americans say 'enough is enough, stop the killing!'

IN HEARTFELT AND GRATEFUL MEMORY OF DR. ELLEN WOLFE

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Ms. SPEIER. Madam Speaker, if the world has seemed a bit grayer in recent weeks, it is no doubt due to the passing of one of its brightest lights. Ellen L Wolfe, the highly respected and much-loved registered nurse and Doctor of Public Health, left us on August 4.

As director of Children's Medical Services for the City and County of San Francisco and throughout her career, Ellen dedicated her life to the care and well being of underserved children and their families. Dr. Wolfe was a pioneer in the field of children's health and a passionate advocate for abused children. She served as director of the Early Parenting Project, San Francisco General Hospital's landmark abuse prevention program, and was instrumental in creating the Child Protection Center at SFGH, serving as the program's Associate Director for Health Care Services from 1989 through 2005.

Madam Speaker, a measure of anyone's life is how fondly they are remembered after their passing. By this yardstick, Ellen surpasses all measurements. Thousands of San Franciscans owe their health, mental well-being and, in many cases, very lives, to the intellect, instinct and intervention of this intrepid public servant.

Ellen came to us by way of Denver, Colorado. She attended the University of Northern Colorado, Greeley on a music scholarship and her love of the violin and classical music only grew stronger after graduation. Ellen received a Master of Science in Nursing from the University of California, San Francisco and a Master and Doctor of Public Health from UC Berkeley.

Her accomplishments in San Francisco are many and notable, including the development of a Health Passport system for children in foster care, creation of a widely-used child abuse manual for doctors and nurses, and educating foster parents, health professionals and students about child abuse reporting and health issues. A tireless advocate, Ellen served on the California Subcommittee on Medically Fragile Children in Foster Care, the Personnel Advisory Committee for Early Intervention Services, and the San Francisco Child Abuse Prevention Center.

Dr. Wolfe authored numerous professional publications addressing foster care and prenatal drug and alcohol use and served as an assistant clinical professor in the Department of Family Health Care Nursing at the UCSF School of Nursing.

Outside of work, Ellen is remembered as a passionate woman who embraced life to its fullest. She is missed dearly by her mother Marian, sisters Christine and Charlotte, brothers Fred and Sam, and a great many close friends and colleagues. They remember fondly her love of classical music, fine food and the great outdoors, which were eclipsed only by her commitment to children's health.

Madam Speaker, when those of us from San Francisco are asked what makes our city so special, we often say, ''the people.'' With the passing of Ellen Wolfe, our beautiful hometown has lost a favorite sister, but her legacy of good works and sound public policy will outlive all of us.

RECOGNIZING SERGEANT CHAUNCEY K. LOVELL AND AIRMAN FIRST CLASS ALTHEA LOVELL—SCOTTSDALE HEALTHCARE'S ''SALUTE TO MILITARY'' HONOREES

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MITCHELL. Madam Speaker, I rise today in recognition of two members of the Armed Forces from my home state of Arizona. Every month Scottsdale Healthcare honors service members that perform diligent service to this country. This month, they have recognized two siblings: Sergeant Chauncey K. Lovell and Airman 1st Class Althea Lovell.

I commend Scottsdale Healthcare for paying tribute to such outstanding service members for their bravery and service to our country.

Sergeant Chauncey Lovell has been in the Marine Corps for six and a half years, which he has included three deployments to Iraq in 2004, 2006, and 2008. He is currently deployed and will be transferred in November to his home station, Marine Corps Base Kaneohe, on the island of Oahu, Hawaii. His record includes the National Defense Service Medal, Navy and Marine Corps Achievement Medal, Iraq Campaign Medal, a Meritorious Mast and a Certificate of Commendation among others.

Airman First Class Althea Lovell is also on active duty as a Dental Hygienist at the Ramstein Air Force Base in Germany. Having joined the Air Force three years ago, this is her first deployment. She is accompanied by her husband, Gil, who is a Tech Sergeant working in the operating room on the same base, and their six-month-old daughter, Chloe. Airman First Class Lovell and her family expect to be reassigned to Hickham Air Force Base in Hawaii.

Madam Speaker, please join me in recognizing the inspiring combined efforts of this brother and sister who are serving our country and protecting the lives of their fellow servicemen in combat.

COMMEMORATING WARREN AND BARBARA WINIARSKI FOR SIGNIFICANT CONTRIBUTIONS TO THE NAPA VALLEY COMMUNITY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Warren and Barbara Winiarski. The Winiarskis are being honored by Napa County as the 2008 Grandparents of the Year.

Mr. and Mrs. Winiarski met at St. John's College in Annapolis, Maryland. The Winiarskis along with their three children, Kasia, Julia and Stephen, moved to Napa County in 1964. They settled into the Stags Leap region, purchasing 44 acres in which they planted Cabernet Sauvignon and Merlot. They named the vineyard Stag's Leap, now known as S.L.V.

The Winiarskis started their vineyard with modest means, but were soon propelled into the spotlight when their wine essentially changed the way California wines were perceived. In 1976 at the famous blind tasting in Paris, the second vintage produced by Stag's Leap Vineyard beat world renowned Chateau Mouton-Rothschild and Chateau Haut-Brion.,

They were visionaries in supporting the 1968 decision by the Napa County Board of Supervisors to approve Agricultural Preserve Zoning. The decision prohibits the splitting of lots on the valley floor that are less than 20 acres in size. The Winiarskis also championed Measure J in the 1990s, which prevents the development of agricultural lands without voter approval. Stag's Leap Vineyard was also the first vineyard placed under a conservation easement, leading the way in environmental protection.

Throughout their time in the Napa Valley, the Winiarskis have contributed greatly to the community. They always keep the futures of their five grandchildren in mind, whether preserving the land or creating fine wine.

Madam Speaker and colleagues, the Winiarskis have earned the respect of their colleagues and community. Through visionary leadership they created pathways for others in the community to follow. For these reasons and for the lasting impact that Stag's Leap Vineyard has had, it is fitting at this time that we honor the Winiarskis.

VETERAN VOTING SUPPORT ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. HOLT. Madam Speaker, I rise today to express my support for the Veteran Voting Support Act, and to commend the gentleman from Pennsylvania (Mr. BRADY) for his leadership in offering it. I was honored to join him as an original sponsor of it, and I urge all of my colleagues to support it.

In a few short weeks, we will participate in two celebrations of our democracy: Election Day, the day upon which we will exercise our most fundamental right—the right by which we secure all others—the right to vote. And one week later, we will celebrate Veterans Day, the day upon which we honor those who always risk and who all too often give their very lives to preserve and protect our ability to engage in that fundamental right. Arguably, we should celebrate Veterans Day first, and Election Day thereafter, because without the sacrifice of the former we could not continue to be endowed with the latter.

That is why I offer my heartfelt support for the Veteran Voting Support Act, which responds to a flawed policy of the Secretary of Veterans Affairs that would have prohibited voter registration at VA facilities. The measure permits states to designate facilities of the Department of Veterans Affairs as voter registration agencies, requires the VA to provide assistance with absentee ballots, and requires that nonpartisan organizations and election officials be given opportunities to assist veterans with registration and to provide voting information. Above all others, our service men and women should be provided with every convenience and resource to facilitate their ability to vote. This balanced measure does that, while protecting their privacy and preserving the high standard of their care. Our veterans' have fought for our right to vote, and we must now fight for theirs. I urge my colleagues to honor their sacrifice by supporting this measure.

CHIPACC BILL: CHILDREN'S PROGRAM OF ALL-INCLUSIVE, COORDINATED CARE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to talk about an issue of concern to all families, and everyone who has ever known a sick child.

The Children's Program of All-inclusive, Coordinated Care, ChiPACC, serves the needs of Medicaid-eligible children who suffer from potentially terminal illnesses or conditions. The legislation I am introducing will make ChiPACC a state option under Medicaid.

Medicaid-eligible children—like all children who suffer from potentially terminal illnesses or conditions—need comprehensive, coordinated care. Currently, nearly 30 percent of the children in the United States who have life-threatening conditions qualify for Medicaid. These children are forced into a system that will only treat them on an emergency basis, sending them home to wait until their next health emergency.

Based on the highly effective, collaborative model of care developed by Children's Hospice International, CHI, the Children's Program of All-inclusive, Coordinated Care provides each enrolled child an individualized treatment plan that includes and manages services from providers across the health care spectrum. ChiPACC's services will improve upon the often inconsistent care that is currently available to seriously ill children under Medicaid, doing so at a savings to taxpayers.

With appropriate comprehensive and coordinated services under ChiPACC, many emergency episodes can be avoided or anticipated and managed, such that children receive appropriate care in their homes instead of in hospitals, and so that even when they require critical care they can enter the hospital through the front door instead of the emergency room, significantly reducing health care costs.

Under the traditional Medicaid model, individuals can receive only "hospice" services and only after their doctors give them a prognosis of 6-months to live. Children, however, are much more likely than adults to go in and out of terminal phases multiple times. No family should be forced to give up curative care for their, child in order to receive services that are predicated on accepting that their child has no more than 6 months to live. ChiPACC addresses this problem by combining medical and support services currently available in Medicaid with counseling, respite, and other care that have previously only been available as hospice services.

HONORING THE WORK OF RALPH GROSSI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Ms. WOOLSEY. Madam Speaker, I rise today to honor my friend Ralph Grossi of Marin County, California, who has recently retired as President of American Farmland Trust (AFT), an organization he co-founded. During his 23 years at the helm, AFT became the leading organization in the country focused on conserving farmland and local food systems while promoting environmental stewardship.

Ralph has made AFT a major force in protecting farmland against development, especially around the urban edge—a growing crisis that can effect food availability. About 86 percent of U.S. fruits and vegetables and 65 percent of dairy products are produced in urban-influenced areas. Under Ralph's leadership, the American Farmland Trust has steadfastly fought against destroying our agricultural lands for roads, malls and housing developments.

AFT has taken a comprehensive approach to further farmland preservation, providing policy assistance on the state and local level, and nationally lobbying for reform of agricultural subsidies programs and increased funding for conservation programs. Recognizing how the challenge of climate change intersects with farm preservation, AFT promotes "buy local" programs and has joined in the call for energy efficiency and the increased use of renewables.

Policy models developed and/or promoted by AFT are now used across the nation, including a "Right to Farm" and "no net loss of farmland" ordinances, Agricultural District programs, special tax credits, mitigation for farmland loss, and, perhaps most widely, conservation easements, now commonly used by local land trusts.

I can proudly say that Ralph pioneered the AFT amazing farm preservation tool box in Marin County, in my district. As a member of four generations in a family dairy and beef business, Ralph was a co-founder and chairman of Marin Agricultural Land Trust, the first such agency in the nation to preserve agricultural land by acquiring easements that enable local ranchers to maintain their land for farm uses. His years with MALT and the Marin County Farm Bureau, as well as his time working on the family ranch, shaped his dedication to protecting this vanishing resource.

MALT's success demonstrated that environmentalists and ranchers working together can accomplish their mutual goals. "We tried to develop a different system for protecting land," he said. "You could be going along just great for a few years, and then the political nature of the county changes. We wanted to move away from the political area . . . and be fair to land owners." Protecting this land ensures our nation's food supply ("No farms, no food" is the AFT catchphrase), while preserving our soil, water, wildlife, and rural beauty.

Phyllis Faber, who developed the idea for MALT with rancher Ellen Straus, emphasized Ralph's key role in making the concept work. "He was so respected by the ranchers," she says. "By becoming the first Chair, he secured their interest and support. Ralph was the spark."

Ralph's grandparents emigrated from Switzerland and began ranching in 1896. His father James, one of eleven children, continued the family tradition, as did many of his siblings, establishing the family ranch in 1917. James and his wife Rose, also from a Swiss family, had four children, who learned the business at a young age. Ralph described following his dad around from the age of four or five, then "when we were about seven or eight years old, we got our first chores to do, feeding some calves or taking care of some small livestock."

Ralph later graduated from Cal Poly, San Luis Obispo, with a degree in agriculture. He continued working on the family ranch and developed the first methane digester West of the Mississippi, becoming an early innovator in converting cow manure into power. Along the way he married college sweetheart Judy Lamb, and the couple has three daughters Amy (married to Brian Carr), Erin, and Katie.

Madam Speaker, although Ralph Grossi will be returning with Judy to the hills and meadows of Marin County to focus on the family's Marindale Ranch, he will continue to champion the cause of farmland preservation. Ralph led the way for so many of us and has been a partner to me in these efforts. I know we will

continue to work together to ensure that we protect the lands that are the backbone of this country. I wish Ralph and Judy and their family the very best.

HONORING MS. LILLIAN PERRY

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. FOSTER. Madam Speaker, today I rise to honor Ms. Lillian Perry, a dedicated public servant in my home district.

Ms. Lillian has been a resident of the area since the 1950s, when she made a move from the state of Georgia to establish roots in Aurora, Illinois. She has spent her life taking up the causes of civil rights, integration, and equality.

As an active member of the community, she has volunteered for various organizations, including Blacks in Politics, the Aurora Youth Job Program, and the Citizens for Neighborhood Improvement Program.

This work above is not the extent of her involvement in the community. Ms. Lillian was part of an effort to establish the Kane County Health Department, and she also speaks out on a regular basis against violence in her community.

Currently, Ms. Lillian serves as a liaison to area communities in the Office of State Representative Linda Chapa LaVia. In this position she works with Representative Chapa LaVia's constituents on a daily basis, and is a strong advocate for their needs.

Her work has not gone unnoticed in the community. She has been the recipient of awards from various city organizations, and was named a Women of Distinction by the Aurora YMCA. This summer, her community selected her as the Grand Marshal of the Aurora Independence Day Parade to honor her work and achievements.

I join the community in thanking her for her continued work for those who face adversity, and I look forward to seeing some of the great things that Ms. Lillian will continue to do for the great people of my congressional district.

CONGRATULATING RALPH ''TOM'' BROWNING, TRIS S. CASTLE, ROBERT F. DELKER, WILLIAM H. WALLACE—INDUCTEES TO THE ARIZONA VETERANS HALL OF FAME

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Ralph ''Tom'' Browning, Tris S. Castle, Robert F. Delker, and William H. Wallace, the Class of 2008 inductees to the Arizona Veterans Hall of Fame. As veterans, these citizens have bravely served our country and their selfless efforts deserve considerable recognition.

The Arizona Veterans Hall of Fame Society is committed to promoting camaraderie among those who have served and continue to serve the state of Arizona and our country. Its message of perpetuating service and patriotism through recognition is inspirational to the entire community. These individuals have been selected for this prestigious honor by the Office of Governor Janet Napolitano as well as the Arizona Department of Veterans' Services.

These Arizona residents were selected to be part of the Arizona Veterans Hall of Fame not just because they honorably served our country, but because they have continued their commitment to the idea of selfless service throughout their lives.

I commend the Arizona Veterans Hall of Fame Society for awarding such deserving citizens. These four people truly exemplify the courage and patriotism that we as Americans value so highly. As members of Hall of Fame Society, I am sure these veterans will continue to serve and inspire future generations.

Madam Speaker, please join me in recognizing Ralph Browning, Tris Castle, Robert Delker, and William Wallace's continued service to the community.

RECOGNIZING DR. ALBERT L. LORENZO

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. LEVIN. Madam Speaker, I rise today to recognize Dr. Albert L. Lorenzo, as he retires from the presidency of Macomb Community College after nearly 30 years of devoted and talented service. It has been a distinct honor working with Al Lorenzo throughout the years. I have come to know him as an active and passionate advocate for the education system, economic development, Macomb County and the State of Michigan.

Al Lorenzo became Macomb County Community College president in July 1979. Macomb Community College provides educational services to more than 59,000 students annually and is the largest grantor of associate's degrees in Michigan. MCC is also a leader in workforce training, school-to-work programs and continuing education programs that support the needs of the community. Al Lorenzo helped to create the University Center on Macomb Community College's Center Campus, which facilitates partnerships with institutions of higher education in offering bachelor level course work. He wrote about that experience, ''The University Center: A Collaborative Approach to Baccalaureate Degrees'' in The Community College Baccalaureate; Emerging Trends and Policy Issues.

I have had the pleasure of working with Al Lorenzo on key projects to try and advance educational opportunities for Macomb County residents. In 2006, Al Lorenzo served as a member of Governor Jennifer Granholm's Commission on Higher Education and Economic Growth in Macomb County. The Commission held a series of public hearings across the county to better understand the area's higher education needs. Its recommendations include stepped-up involvement of Oakland and Wayne State Universities in meeting the county's immediate need for better access to degree programs and support services and authority for Macomb Community College to award bachelor's degrees in specific technical fields. In its report, the Commission stressed that these and other steps should be consistent with the goal of creating a 4-year university in Macomb County.

Since that Commission report, Al Lorenzo has worked to increase the involvement of Oakland University and Wayne State University. In 2007, Al Lorenzo led the effort, partnering with Federal, State and county officials, to bring a branch of Michigan State University's Osteopathic College to Macomb's campus, the first of its kind in the Metro Detroit area.

In addition to his longtime commitment to Macomb Community College, Al Lorenzo has been an integral member of the community. Active on several corporate boards throughout his career, he currently serves on the boards of the Michigan Education Trust and Citizens State Bank, and chairs the board of Henry Ford Macomb Hospitals. He has been appointed by three Michigan Governors to state policy commissions and asked to serve on numerous national advisory committees. His work has been recognized through 12 major leadership awards and 2 Honorary Doctoral degrees.

Madam Speaker, I ask my colleagues to join me in recognizing the achievements of Al Lorenzo, thanking him for his devoted service and wishing him the best in his retirement. I am confident he will continue to play a role in the area of education, in addition to enjoying a bit of retirement with his wife Katherine and large family.

HONORING THE CITY OF FAMAGUSTA, REPUBLIC OF CYPRUS

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. SARBANES. Madam Speaker, I rise today to honor the memory of a city that once represented all that is good about Democracy and free enterprise, of a city that was a vibrant cultural and economic center and of a city that has been rendered a ghost town by an unlawful military occupation.

The city of Famagusta is located in the outer rim of Europe on the island Republic of Cyprus. Before Turkey's 1974 illegal invasion and occupation of the Republic of Cyprus, Famagusta showcased the successes of the newly independent Republic.

Famagusta led the development of the nascent Republic's economy and was known to the world as a great entertainment and tourist destination. The city housed 50 percent of Cyprus's touristic accommodations and also served as Cyprus's principal port, handling over 80 percent of the country's general cargo, and nearly 50 percent of the total passenger traffic to and from the island.

In 1974, 60,000 Cypriots called Famagusta home, and another 15,000 made their living working in the city. During the summer months

European holidaymakers swelled the population to more than 100,000.

The vitality and good fortune of Famagusta ended when the Turkish military subjected it to intense aerial bombardment. In the face of the Turkish air force and invading army, the Greek-speaking Cypriot population evacuated the city.

The Turkish military sealed off the Varosha section of the city and has forbidden the entry of human life there for 34 years. Varosha lays frozen in time with the shelves of its department stores stocked with the wares of the 1970s, the hotel's breakfast tables are set for the tourist who never arrived and the roads and buildings are overrun by brush and vermin.

The decline of this once proud and vibrant city has been catalogued by its inclusion on the World Monuments Fund's 2008 Watch List of the 100 Most Endangered Sites in the world.

The Turkish military's continued occupation of the city and exclusion of its lawful inhabitants has been condemned by United Nations Security Council Resolution 550/1984 that calls for the transfer of the occupied, but uninhabited city of Famagusta to the United Nations for the orderly resettlement of the city by its rightful inhabitants.

Following Turkey's illegal invasion and occupation of Cyprus, Congress enacted 22 U.S.C.A. § 2373(a)(5), which sets forth the requirement that United States foreign policy support the United Nations Secretary General's efforts to resettle the occupied, but uninhabited city of Famagusta by its rightful inhabitants.

Once again this June 2, 2008, the Report of the Secretary General on the United Nations Operation in Cyprus holds the Government of Turkey responsible for the failure to hand over Famagusta for resettlement by its rightful inhabitants.

It is on this Remembrance Day of Famagusta that I tell my fellow members of the House that it is high time for Turkey to end its senseless and cruel occupation, and allow the people of this fine city to return to their homes so that they may rebuild and restore her faded glory for the benefit of all Cypriots.

CONGRATULATING NEA CHAIRMAN DANA GIOIA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today to congratulate Dana Gioia on his accomplished tenure as the Chairman of the National Endowment for the Arts. The NEA has been significantly strengthened under his leadership, which he has recently announced will end in January when he steps down to focus on his writing.

When Mr. Gioia took the reins of the NEA in 2003, federal support for the arts had been badly damaged by decades of partisan feuds. The NEA budget had been cut in half, and many were questioning the long-term viability of the organization. Today, NEA funding has nearly doubled from its 1990s lows and the agency is expanding its efforts. For this, Mr. Gioia deserves much of the credit.

Mr. Gioia's impressive leadership skills helped build bipartisan support for the NEA. He understands the importance of listening to different groups, from artists to politicians to average citizens, and has the savvy to address their needs in creative ways.

One of his first initiatives was Shakespeare in American Communities, a program that brings professional theater companies into schools across the nation. This program has employed nearly 2,000 actors and introduced more than 1 million students to theater. The NEA also launched Operation Homecoming under his leadership, which sends writers to military bases to work with Iraq and Afghanistan veterans.

Mr. Gioia ensured that every congressional district had an opportunity to earn an NEA grant—a move that brought the arts to many new communities and demonstrated to Congress how the NEA's work touches every corner of the country.

As a member of the Congressional Arts Caucus and the National Council on the Arts, I am grateful for Mr. Gioia's leadership. When his tenure at the NEA ends early next year, he will leave behind an organization that is much stronger than it was when he arrived in 2003. I urge my colleagues to join me in congratulating Mr. Gioia on his leadership and his tremendous contributions to the arts.

TRIBUTE TO AUCLAIR'S MARKET IN SOMERSET, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to Auclair's Market in Somerset, MA, which is celebrating its 90th anniversary this week. The celebration also include a well-deserved "Happy 90th Birthday" to Fernand C.E. Auclair, whose father Francis started the business in 1918.

For all those years, Auclair's Market has combined the highest-quality food with excellent customer service. In an era when giant chain stores dominate the marketplace, Auclair's has remained steadfast in its dedication to the Greater Fall River area.

Things have certainly changed since the store first opened on Brightman Street in Fall River. At that time, meats were presented on cold marble slabs and the market's doors were left open in the winter to help preserve the food. Today, the store provides its customers with all the modem conveniences and several of its own specialties. Let me assure you, Madame Speaker, you haven't truly lived until you've grilled a steak with Auclair's Steakhouse marinade.

What hasn't changed is the Auclair family's commitment to the community. As Denis Auclair, third-generation owner recently told the Fall River Herald-News, "We can say it's our business, but it's our customers' store. Without them, we're nothing."

Madam Speaker, I ask all of my colleagues in the House to join me in congratulating Auclair s Market on their 90th Anniversary and wishing Fernand C.E. Auclair a very happy 90th birthday.

HONORING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. DAVIS of Illinois. Madam Speaker, I would like to take this opportunity to acknowledge and celebrate National Historically Black Colleges and Universities week, designated as September 7–13, 2008. It is a pleasure to recognize Historically Black Colleges and Universities—or HBCUs—and their successes in educating many of the nation's African American undergraduate and graduate students.

There are over 100 HBCUs, and they provide a key pathway for African Americans and other minorities to take part in higher education. Although HBCUs represent only about 2.4 percent of higher education institutions, they enroll almost 12 percent of African American students who attend college. These institutions offer degrees at various levels across many subject areas. They play a critical role in educating black students in the fields of science and engineering. Indeed, 2004 data demonstrate that, of degrees earned by African American students, HBCUs conferred 20 percent degrees in engineering, 39 percent in the physical sciences, 26 percent in computer science, 37 percent in mathematics, 36 percent in the biological sciences, 47 percent in agricultural sciences, 16 percent in social sciences, and 21 percent in psychology. This success is especially impressive given the historical financial discrimination these institutions endured from Federal and State governments.

It was an HBCU that started me on my path to become the person that I am today. Growing up in rural Arkansas, my parents were low-income sharecroppers, who raised ten children. Seven of us attended the University of Arkansas at Pine Bluff, which was then called Arkansas AM&N College. Subsequently, three of my nephews, a niece, as well as several of my cousins attended the same college. If it were not for the University of Arkansas at Pine Bluff, I strongly believe that my family members and I would not have been able to attend college. Many African American members of Congress and many of our nation's leaders have attended HBCUs—Jesse Jackson, Jr., Jesse Jackson, Sr., Alcee Hastings, Dr. Martin Luther King, W.E.B. Du Bois, and Thurgood Marshall, just to name a few.

The continued support and funding of HBCUs is essential to create more opportunities for people of color to thrive in education and become leaders of tomorrow. To this end, I advocated actively on their behalf during the recent reauthorization of the Higher Education Act. Today more than ever, professional success is linked with a higher education degree. I am pleased that the 110th Congress has demonstrated a commitment to strengthening HBCUs and other minority-serving institutions. HBCUs serve large populations of students

with great financial and academic needs and deserve continued Federal support to graduate men and women of color. In honor of the 2008 HBCU week, I recognize HBCUs for their rich heritage, history, and culture and for the opportunities they provide to students to learn, grow, and succeed, regardless of race, ethnicity, or income.

INTRODUCTION OF NATIONAL CYBERSECURITY AWARENESS MONTH RESOLUTION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. LANGEVIN. Madam Speaker, I am pleased to introduce this resolution supporting the goals and ideals of National Cybersecurity Awareness Month.

Each year, the National Cyber Security Division (NCSD) of the Department of Homeland Security (DHS) joins with the National Cyber Security Alliance (NCSA), the Multi-State Information Sharing and Analysis Center (MS–ISAC) and other partners to support National Cyber Security Awareness Month. The goal of National Cyber Security Awareness Month is to show everyday Internet users that by taking simple steps, they can safeguard themselves from the latest online threats and respond to potential cyber-crime incidents.

It would be dangerous to believe, however, that simple steps by end users will sufficiently combat the larger threats associated with a growing networked society. As Chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I have held eight hearings in the 110th Congress on our nation's cybersecurity posture and the various vulnerabilities in our critical information infrastructure. Cybersecurity vulnerabilities can significantly impact our national and economic security. This issue has been largely ignored and misunderstood for too long. The oversight that the Homeland Security Committee is undertaking will help change that, but much work remains to be done.

I thank my colleagues for cosponsoring this resolution, and look forward to working with them on these critical issues in the future.

SUPPORTING PROPOSED REGULATIONS TO THE PUBLIC SAFETY OFFICERS' BENEFIT PROGRAM

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MANZULLO. Madam Speaker, I rise to recognize the Department of Justice for recently proposed regulations relating to the Public Safety Officers' Benefit Program. The program provides death benefits for the survivors of public safety officers who die in the line of duty; and disability benefits to those officers who have been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty, and thereby prevented from performing any gainful work; and also educational assistance benefits for surviving family members. Among other things, these proposed regulations will help to shore up the program against fraud and abuse by clarifying the requirements for certifications and their effect. I strongly support the mission of the Public Safety Officers' Benefit Program, and I commend the Department of Justice for keeping the regulations up to date and for taking action to ensure that the funds available go to those public safety officers (and their survivors) that deserve them. I would like to take a moment to comment on the statutory predicate for some of these regulations.

As the Ninth Circuit Court of Appeals recognized, Public Law 94–430 creates a ''limited program,'' whose principal purpose is to help ensure that the families of ''public'' officers be protected from financial calamity that is likely to result from the death or permanent and total disability, in the line of duty, of the primary money-maker. The statute (including the two parallel 2001 benefits statutes, which do not, strictly speaking, amend the Public Law or directly affect the precise program it creates) enshrines various and competing policy considerations and purposes that it proposes to achieve by particular means that have been worked out, over the last 30 years and more, in the legislative process. Because no law pursues its ends at all costs, the limitations expressly or implicitly contained in its text and structure are no less an articulation of its purposes (and the intent, goals, and policies that inform it), than its substantive grants of authority are. Benefits under these statutes—charges on the public fisc—are to be granted fairly, but not speculatively, or beyond what the statutory language unequivocally requires and unequivocally expresses, or beyond the letter of the difficult judgments reached in the legislative process and clearly reflected in the statutory text. It is precisely to enable the Department to balance and harmonize these various considerations into a single workable and coherent program that the law confers extraordinary administrative and interpretive authority on the Department. For example, at least seven distinct statutory provisions—42 U.S.C. 3796c(a) (twice), 3796(a) & (b), 3796d–3(a) & (b), 3782(a)—expressly authorize the Department to issue program regulations and policies here, and the law expressly provides that those regulations and policies are determinative of conflict of law issues relating to the program, and that responsibility for making final determinations shall rest with the Department. Under the Public Law (as under the parallel 2001 statutes), the very right to a death or disability benefit, which the Supreme Court correctly has recognized as a legal ''gratuity'' (and thus not ''remedial'' in nature), is not freestanding, but contingent, rather, upon a determination by the Department.

When Public Law 94–430 was enacted in 1976, only the Circuit Courts or the old Court of Claims (of similar rank) heard appeals from final rulings of the Department of Justice thereunder, which meant that only one level of judicial review ordinarily was available to claimants and the Department, alike. In 1982 (when the appellate functions of the Court of Claims generally were merged into the newly-created Court of Appeals for the Federal Circuit), jurisdiction over these appeals—apparently as a result of an oversight—was not transferred to the Federal Circuit, and thus (unlike the case with other administrative appeals, see, e.g., 28 U.S.C. 1295, 1296), by default, lay in what is now the Court of Federal Claims, established under Article I of the Constitution, rather than Article III, with an additional level of appeals available in the Federal Circuit. Although there are notable and distinguished exceptions, over the past decade or so, many of the Federal Claims Court's rulings on these appeals applied the law incorrectly, sometimes disregarding the express terms of the relevant statute or implementing regulations, or binding and applicable Federal Circuit/Court of Claims precedent, and even Supreme Court precedent. To order the administering agency to pay on a claim when payment is not clearly warranted by the programmatic statutes and their implementing regulations and administrative interpretive superstructure is as much an affront to the law as for the agency not to pay when payment is clearly required by those statutes and regulations.

Overall, the 16 opinions issued to date by the Federal Circuit (and its predecessor) under the statute indicate a proper understanding of the law and the application of the Chevron doctrine to the Department's determinations. (All but two of these opinions were affirmances of the administering agency; in Demutiis, the agency was affirmed on all points but a very minor one (relating to application of a (now-repealed) regulation), and the 1980 holding in Harold, which reversed the Department's determination, itself soon thereafter was rendered moot, as a practical matter, by a statutory amendment consonant with the Department's position.) For these reasons, the corrective proviso in the consolidated appropriations legislation, entrusting judicial appeals under Public Law 94–430 (and the two 2001 statutes) exclusively to the Federal Circuit (and returning to a single level of judicial review, as originally intended) should further the purposes of the program, reduce litigation costs for claimants and the taxpayers, and serve the interests of justice.

RECOGNIZING JOSEPH STALNAKER AND THE PAWS WITH A CAUSE ORGANIZATION

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MITCHELL. Madam Speaker, I rise today to recognize Joseph Stalnaker and the Paws with a Cause organization. On the morning of Wednesday, September 13, 2008, Mr. Stalnaker suffered a seizure as a result of an injury he received while serving in the U.S. military. While Mr. Stalnaker was unable to help himself, his trained service dog, Buddy, managed to place the 911 call that saved his life. He had adopted Buddy from Paws with a Cause a year earlier.

The Paws with a Cause organization trains seeing eye and service dogs to be placed for

adoption by people with disabilities. They are the nation's largest non-profit group providing service dogs trained especially to handle people with seizure-related disorders. Their goal is to not only assist people with serious disabilities, but to encourage them to be able to live independently. Paws with a Cause purveys a message of awareness through education, and provides service dogs to its clients free of charge.

Through these advocacy programs, people with disabilities like Joseph Stalnaker, who bravely served our country, are able to live independently. The Paws with a Cause program tirelessly serves the community, providing both aid to those with disabilities, and providing homes to many dogs that would not otherwise have these opportunities.

Madam Speaker, please join me in recognizing the Paws with a Cause organization and one of its fortunate beneficiaries, Joseph Stalnaker.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 17, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,022 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 13,022 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is September 17, 2008, 13,022 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 18, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 23

9:30 a.m.

Armed Services

To hold hearings to examine the situation in Iraq and Afghanistan; with the possibility of a closed session in SVC–217 following the open session.

SD–106

Health, Education, Labor, and Pensions

Employment and Workplace Safety Subcommittee

To hold hearings to examine investing in a skilled workforce, focusing on making the best use of tax-payer dollars to maximize results.

SD–430

10 a.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine after action reviews of federal, state, and local activities to respond and recover from Hurricanes Gustav and Ike.

SD–G50

Banking, Housing, and Urban Affairs

To hold hearings to examine turmoil in United States credit markets, focusing on recent actions regarding investment banks and other financial institutions.

SD–538

Energy and Natural Resources

To hold hearings to examine reasons that diesel fuel prices have been so high and what can be done to address this situation.

SD–366

Environment and Public Works

To hold hearings to examine regulation of greenhouse gases under the Clean Air Act (Public Law 101–549).

SD–406

Finance

To hold hearings to examine covering the uninsured, focusing on making health insurance markets work.

SD–215

Judiciary

To hold hearings to examine equal pay for equal work.

SH–216

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

Financial Services and General Government Subcommittee

To hold joint hearings to examine food marketing to children.

SD–192

10:30 a.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine reducing the undercount in the 2010 census.

SD–342

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

2:30 p.m.
Commerce, Science, and Transportation
To hold oversight hearings to examine the transition to digital television, focusing on the February 2009 deadline.
SR–253

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the elements of the federal government responsible for coordinating our public diplomacy, including their respective missions, organizational structures, workforce, and management.
SD–342

Intelligence
To hold hearings to examine the new Attorney General guidelines for domestic intelligence collection.
SD–G50

SEPTEMBER 24

9:30 a.m.
Veterans' Affairs
To hold oversight hearings to examine cooperation and collaboration by the Departments of Veterans Affairs and Defense on information technology efforts.
SR–418

10 a.m.
Agriculture, Nutrition, and Forestry
Homeland Security and Governmental Affairs
Disaster Recovery Subcommittee
To hold joint hearings to examine the effectiveness of agricultural disaster assistance programs in the wake of the 2008 Midwest floods, Hurricane Gustav, and Hurricane Ike.
SR–328A

Finance
To hold hearings to examine infrastructure needs and the consequences of inaction.
SD–215

Homeland Security and Governmental Affairs
To hold hearings to examine domestic partner benefits for federal employees.
SD–342

Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine the imbalance in United States-Korea automobile trade.
SR–253

Joint Economic Committee
To hold hearings to examine the current economic outlook.
SD–106

10:30 a.m.
Aging
To hold hearings to examine ways to respect Americans' choices at the end of life.
SD–562

10:45 a.m.
Judiciary
Human Rights and the Law Subcommittee
To hold hearings to examine extracting natural resources, focusing on corporate responsibility and the rule of law.
SH–216

2:30 p.m.
Homeland Security and Governmental Affairs
State, Local, and Private Sector Preparedness and Integration Subcommittee
To hold hearings to examine the Federal Emergency Management Agency's (FEMA) future preparedness planning.
SD–342

Environment and Public Works
To hold hearings to examine the Bush Administration's environmental record at the Department of the Interior and the Environmental Protection Agency (EPA).
SD–406

Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine the Visa Waiver Program, focusing on mitigating risks to ensure the safety of all Americans.
SH–216

SEPTEMBER 25

9:30 a.m.
Armed Services
To hold hearings to examine the authorization of Survival Evasion Resistance and Escape techniques for interrogations in Iraq, focusing on the Committee's inquiry into the treatment of detainees in United States custody.
SD–106

Homeland Security and Governmental Affairs
To hold hearings to examine ways to prevent nuclear terrorism, focusing on hard lessons learned from troubled investments.
SD–342

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine broadband providers and consumer privacy.
SR–253

2:30 p.m.
Intelligence
To hold hearings to examine the nomination of J. Patrick Rowan, of Maryland, to be an Assistant Attorney General.
SD–G50

HOUSE OF REPRESENTATIVES—*Thursday, September 18, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 18, 2008.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Chuck Coffelt, Gillett United Methodist Church, Gillett, Arkansas, offered the following prayer:

Most gracious God, as the Members of this great Chamber gather to conduct the business of our Nation, we pause to remember the lives of the women and men who fought and died on the battlefields of wars at home and abroad so that we may have the privilege of open talk and debate. We honor their sacrifice today by setting aside differences and working for the common good of humanity. Guide the hearts and minds of these before You now that they may govern with their hearts set on love and justice, compassion and peace. Strengthen them for the weighty decisions that they face. Empower them to serve You by faithfully serving the people they represent, including those whose voices are rarely heard. These things we pray to You today, Father, through Your son, Jesus, by the power of Your holy spirit. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of South Carolina led the Pledge of Allegiance as follows:

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

WELCOMING REV. CHUCK COFFELT

The SPEAKER pro tempore. Without objection, the gentleman from Arkansas (Mr. BERRY) is recognized for 1 minute.

There was no objection.

Mr. BERRY. Our prayer is offered this morning by Pastor Chuck Coffelt, my pastor from my home church, the United Methodist Church of Gillett, Arkansas. He pastors a community where they still know when you are born and they care when you die, where happiness and sorrow are shared by the community and where a helping hand is offered when needed. We are delighted to be joined this morning online by the Gillett School and their mascot, the Wolves, to show support for our special community.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

DRILLING IN ANWR

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

Mr. LATTA. Madam Speaker, the time to act is now. After we've seen the devastation of the hurricanes in the Gulf Region, it's time for this Congress to act and to allow drilling and to permit drilling in ANWR.

What is ANWR?

ANWR is 19 million acres in Alaska. We're talking about a section that was set aside in 1980 by Congress of about 1.5 million acres. Where the oil is, about 10.3 billion barrels, all we're really looking at is about 2,000 acres. To put it in perspective, it's about 3.5 square miles. We've got to get in there and get it now. Why? Because we can be bringing out 1 million barrels of oil down that 800-mile pipeline to serve this country, and we've got to make sure that this country can still be a manufacturing giant in the world.

Next year, we lose our manufacturing status to China. If we don't have the energy to run our factories, to fuel our vehicles, to run our trucks or to run our tractors, this country is going to fail.

If you look at this, you're only talking about a pin drop when you're talking about this area. It is time that we act. It is essential. If we don't get it done now, this country is going to fail.

MCCAIN'S ASSESSMENT OF ECONOMY SHOWS HE REALLY IS NOT AN EXPERT ON THE ECONOMY

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

Mr. ALTMIRE. Madam Speaker, with all of the economic troubles on both Wall Street and Main Street, it's hard to believe that there are still people out there who think everything is going all right.

On Monday, the stock market fell 500 points, the biggest fall since the terror attacks of September 11. Lehman Brothers, one of the world's oldest financial institutions, filed for bankruptcy while another financial giant, Merrill Lynch, was bailed out of trouble by Bank of America. Former Federal Reserve Chairman Alan Greenspan said this was part of a once-in-a-century crisis.

I wish President Bush and Senator MCCAIN felt that way. Stubbornly clinging to the belief that his economic policies are succeeding, President Bush described the events Monday as merely an adjustment. Senator MCCAIN declared, once again, that the fundamentals of our economy are strong.

Well, Madam Speaker, President Bush and Senator MCCAIN have to be two of the only people in the country who think the economy is just fine. How can they fix the crisis when they don't even realize it exists?

CONGRESS, AN INCLUSIVE BODY

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

Mr. WITTMAN of Virginia. Madam Speaker, we have a number of challenges in this country. We see the energy challenge we have before us. We've heard here in recent days of all of the challenges in our financial markets. I would suggest that we need to make sure that we use this opportunity to be inclusive when we make decisions.

Just the other day when an energy bill passed this body, there was a great opportunity there to make sure that we had the best ideas coming forward, to make sure that we worked on things

in a bipartisan manner, to make sure we did what was in the best interest of this country. Unfortunately, that didn't happen. Unfortunately, those best ideas didn't all make it to the table, and that's not what this country is built on.

This country is built on making sure that this body makes decisions in an inclusive way, and I hope the Speaker will hold true to her words that she said earlier, that this was going to be the most inclusive body in the history of this body. You know, I'm concerned when that doesn't happen. It leaves out those great ideas. It leaves out segments of America who want their voices heard here to make sure that we do things in a fair and equitable way.

Madam Speaker, I call on you to make sure that we do have an inclusive process in this body.

FILIPINO VETERANS EQUITY ACT

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

Mr. HONDA. Madam Speaker, I rise today to urge Congress to restore U.S. veteran status to the surviving soldiers of over 250,000 Filipinos who were called into military service to the United States Armed Forces by President Roosevelt on July 26, 1941.

Every year, I meet with the Filipino World War II veterans who walk the halls of Congress seeking to undo the injustice of the 1946 Recission Act which denied these veterans of their rightful benefits. Of all the Filipinos ordered into combat, only 18,000 are alive today, with each passing day bringing another funeral. These veterans remain loyal to this country. You know in your hearts that these veteran soldiers who fought under our flag deserve the promise we made to them six decades ago. We are a country of promise makers, and therefore, we should be a country of promise keepers.

America's greatness is in its strength of character. Now it is our turn in the House to right this injustice. This is not just about the benefits for a few surviving heroes; it is also about our honor as a country and as a legislative body.

Let's do the right thing and return to the Filipino World War II veterans their due—recognition of a grateful nation that their service to our country is just as equal as the soldiers with whom they stood shoulder to shoulder on the field of battle.

COMPREHENSIVE ENERGY BILL

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

Mr. BARRETT of South Carolina. Madam Speaker, there was an energy bill brought to the floor yesterday, but unfortunately, it was not a comprehensive bill or open for debate, and no Member was allowed to offer any amendment expanding the scope.

The bill passed restricts miles of coastal States like my State of South Carolina. It tells us what we can explore, and it prohibits the States from sharing any revenues. That's a bad deal for coastal States, and it's a bad deal for this country.

It imposes a new 15 percent renewable energy requirement on utilities, but it leaves out energy sources like nuclear, most hydro and even clean coal. South Carolina gets about 50 percent of its power from nuclear energy, and this legislation will penalize my State. So it's a bad deal for South Carolina, and it's a bad deal for this country.

Madam Speaker, what I also left out of this so-called comprehensive bill is coal-to-liquid technology, increased refinery capacity, domestic exploration in ANWR, and nuclear energy—our cleanest and safest supply of energy that we have.

Madam Speaker, the bill passed is a bad deal for America. There is a smarter way. Let's bring comprehensive energy legislation like the American Energy Act to the floor.

REPUBLICANS ARE IN THE POCKET OF BIG OIL, NOT INTERESTED IN HELPING STRUGGLING AMERICANS

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

Mr. ARCURI. Madam Speaker, on Tuesday, Democrats passed a comprehensive solution to the country's energy crisis, but for all of their talk about solving this problem, Republicans still oppose the effort. It's no surprise the Republicans are against this commonsense energy plan. The plan makes Big Oil pay royalties on land they've leased for years so Americans can start benefiting from oil companies drilling on our land. That's only fair. It is the American people's land. Shouldn't they get some of the benefits?

Our legislation also repeals tax breaks and subsidies that Big Oil has been getting for years, thanks to the Washington Republicans. Every quarter, Big Oil is announcing larger profits. They don't need corporate welfare. This comprehensive energy legislation will help people—those middle class Americans suffering from high gas prices and dealing with the failed Bush-McCain economy at the same time.

Madam Speaker, Tuesday's energy vote shows that Democrats are working to help the American people, not lining the pockets of Big Oil.

A PRETEND BILL

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

Mr. BISHOP of Utah. Madam Speaker, there is a song in a Broadway musical that reads ''there's a fine, fine line between reality and pretend.'' That signifies, I think, what this House has been doing this last week.

There is a real energy crisis that's harming people. There was a real energy solution, an all-of-the-above, that was not allowed the courtesy of an open debate. Instead, we passed a pretend bill that pretended to open up the offshore when it did not, that pretended that the oil in ANWR does not exist, that pretended that coal and nuclear is not a part of our solution, that pretended that there is enough money to develop alternative sources when there is not, that pretended to be a serious solution, but all it did is allow anybody, whether they voted for or against it, to go home to his or her district and say, ''I did something on energy.''

We were on the cusp of doing something great, but instead, the reality is all we did is legitimize the cynicism people have of this particular body. We could have done so much more. The fact that we did not is a sad indictment of the process of this Congress.

VETERANS BENEFIT ENHANCEMENT ACT

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

Mr. SCOTT of Virginia. Madam Speaker, I rise to speak today in support of the bill S. 1315, the Veterans Benefit Enhancement Act of 2007, which contains a provision that gives veterans' benefits to Filipinos who fought under the U.S. flag during World War II.

As the only Member of Congress with any Filipino ancestry, I'm pleased to speak today in support of these benefits for Filipino veterans.

Members of the Commonwealth of the Philippines' military were promised full veterans' benefits if they fought for the United States during World War II. Because of this promise, many Filipino soldiers fought tirelessly and courageously for the United States, and they helped us defeat the Japanese empire in the Pacific.

We have failed to fulfill our promise, and these veterans deserve the benefits that they were promised over 60 years ago. S. 1315 provides surviving Filipino veterans, all of whom are now in their eighties, with full veterans' benefits.

In honor of the service of the Filipino veterans, I urge the House of Representatives to act swiftly and to take up and pass S. 1315.

□ 1015

BEST OF THE WORST EXAMPLES OF MEDIA BIAS

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

Mr. SMITH of Texas. Madam Speaker, by a 5-to-1 ratio, Americans believe the media are trying to help Senator OBAMA win the Presidency. The following partial list of the ''Best of the Worst'' examples of media bias shows why Americans are right to be concerned.

One, Senator OBAMA has led Senator MCCAIN in news coverage for 12 consecutive weeks, according to the Nonpartisan Project For Excellence in Journalism.

Two, journalists who gave money to Senator OBAMA outnumber those who contributed to Senator MCCAIN by a 20–1 margin, according to Investors Business Daily.

Three, while the media often label Governor Palin ''conservative,'' they rarely call Senator OBAMA or Senator BIDEN ''liberal,'' even though the National Journal ranked Senator OBAMA as the most liberal Member of the Senate and Senator BIDEN as the third most liberal Member of the Senate.

Four, the New York Times opinion editor, a former staff member in the Clinton administration, refused to publish an op-ed by Senator MCCAIN about the Iraq war, just days after publishing an op-ed on the same subject by Senator OBAMA.

Five, although the media criticize Senator MCCAIN for running negative TV ads, the nonpartisan Wisconsin Advertising Project found that 77 percent of Senator OBAMA's recent ads have been negative, far more than Senator MCCAIN's.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that when their time has expired, they are meant to end their remarks.

SUPPORT THE BORDER SECURITY SEARCH ACCOUNTABILITY ACT OF 2008

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, I come to the floor today to urge my colleagues to support H.R. 6869, the Border Security Search Accountability Act of 2008, which I introduced into the House last week. This bill establishes strict guidelines for Customs and Border Patrol and Immigration and Customs Enforcement's electronic device seizure policy.

It is important to ensure that Customs and Border agents have the tools necessary to go after potential terrorists. This bill allows for the appropriate search, review, retention and sharing of information on an individual's electronic device, as necessary for security purposes.

H.R. 6869 also ensures that when an individual's property is seized at a point of entry, there is a well-defined procedure in place that will protect their privacy and electronic data, especially the doctor-patient and attorney-client privileges. This legislation also requires the Department of Homeland Security to post information about individual rights related to border searches in visible areas near the search points so that individuals will understand their rights.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to heed the gavel when their time has expired.

GOOD ENERGY BILL NEEDED

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

Mr. CARTER. Madam Speaker, we have got an investment crisis that seems to be rising and the talking heads were on television last night talking about it. Most everyone agreed that we needed a long-term plan that our investing community could look to as we grow our economy. It needs to be long-term and it needs to have solutions. Part of that was an energy plan, a plan you could rely upon.

I heard an environmentalist this morning say we need to go to alternative fuels, but we need a transition with carbon-based fuels. Yet we passed an energy plan which purports to have drilling for these necessary oil and gas resources, but there is still in place the availability of radical environmentalists to stop all drilling by filing lawsuits. They have declared 80 percent-plus of the areas off-limits to drilling, and they have set up kind of ''gotchas'' that will prevent the rest of that drilling.

We need a good energy plan.

ANOTHER CHANCE FOR GOP TO STAND UP TO WALL STREET

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

Mr. DEFAZIO. Well, we are going to give the Republicans another chance today. They have been standing up for Big Oil this week and their obscene profits, but we are going to give them a chance one more time. Twice they have killed legislation on the floor of the House to rein in energy speculators. Now they are creating this fantasy that George Bush lifting the moratorium on offshore oil drilling drove down the price of oil.

Well, no. Actually, the price of oil started to drop when we first debated reining in energy speculation on the floor of the House. It had already dropped considerably before Bush lifted the moratorium.

Oil 10 years out is doing nothing for this year's speculation. Going after the speculators by releasing oil from the SPR and breaking their backs, or just reining them in with regulation, which this administration hates, which has brought about the crash on Wall Street, will bring much more immediate relief to the American consumers.

If we rein in speculation, then we won't see these obscene run-ups again next year around Memorial Day. $600 billion of speculative money flooded into that market. When it started flowing out, the price of oil dropped.

Rein in the speculators. Come on, GOP; stand up with us and take on Wall Street.

DEMOCRAT HOAX BILL WAS ALL ABOUT POLITICAL COVER

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

Mr. WILSON of South Carolina. Madam Speaker, on Tuesday, the House had a choice. They could support a bipartisan energy plan that invests in renewable energy resources, supports conservation and expands exploration for American oil and natural gas. It was not a perfect bill. There were additional items like nuclear energy that were not addressed, and should be.

Unfortunately, House Democrats made a different choice. They decided to stand with their leadership and support a hoax of an energy bill that had no input from the minority, had been crafted overnight by the House Democrat leadership, and failed to provide revenue sharing for States that authorized deepwater drilling off their shores. Moreover, the Democrat bill had a renewable energy mandate that would mean higher electricity bills for families of southern and midwestern States.

There was a bipartisan choice, and I am disappointed that so many chose to vote for a hoax bill that was all about political cover.

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

EIGHT DISASTROUS YEARS UNDER PRESIDENT BUSH

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

Mr. OLVER. Madam Speaker, as the stock market plunges, financial institutions fail and the economic pain

Americans feel grows, our Republican colleagues' only answer is to drill.

Drilling won't help the 2 million Americans who have lost jobs in the last year. Drilling won't protect 46 million Americans without health insurance, 7 million more than when George Bush took office. Drilling won't help nearly 6 million people who have slipped into poverty. Drilling won't bring back the huge surplus that George Bush inherited and squandered. And drilling won't help the 3 million families who have lost their homes to foreclosure in the last 3 years.

Despite their cries for drilling, our Republican colleagues voted against accelerated drilling in the National Petroleum Reserve, already under lease, and against drilling on the Outer Continental Shelf. In fact, the drilling they do support wouldn't produce new oil for at least 8 years.

In truth, they don't want to help American families. They only want to distract public attention from eight disastrous years under George Bush.

SUPPORT THE REPUBLICAN ENERGY BILL

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

Ms. FOXX. Madam Speaker, the speaker just before me just admitted that the jobs that have been lost primarily have been lost while the Democrats have been in control of this Congress. They continue their assault on the American family with their energy bill, which doesn't help American families who are hurting at the pump.

This new bill results in an $85 tax hike on consumers. Our constituents have been looking to us for relief. That bill does not bring the relief they need.

Skyrocketing gas prices have taken a dramatic toll on almost every area of our lives. Families have had to adjust by tightening budgets. Schools adjust by cutting field trips and textbook purchases. Small businesses are watching their profits shrink, while making tough decisions about expanding their company or being able to make their payroll. This is has all occurred under the Democrats' watch in the last 20 months.

The House Republican plan increases production of American-made energy in an environmentally safe way. It promotes new, clean and reliable sources of energy, while cutting red tape and increasing the supply of American-made fuel and energy.

The Republican plan encourages greater energy efficiency by offering conservation tax incentives to Americans who make their home, car, and business more energy efficient.

The House Republican plan helps American families combat the increase cost of energy. I invite my colleagues on the other side of the aisle to join us in bringing real solutions to the energy crisis.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind persons in the gallery that they are guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

ATTENTION NEEDED FOR MAIN STREET, NOT JUST WALL STREET

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

Ms. KAPTUR. American taxpayers, think about this: So far this year the Bush administration has put you on the hook for $30 billion to prop up an investment house on Wall Street, Bear Stearns. Now you have been pledged to insure $200 billion to $2.4 trillion for the stock of loss-plagued Fannie Mae and Freddie Mac. And taxpayers this week have been put on the hook for the insurance company American International Group to the tune of $85 billion. It seems like for Messrs. Paulson and Bernanke, any blank check for Wall Street can't be bigger. Every day it gets bigger.

Now, what about Main Street? In the State of Ohio, we are hemorrhaging with mortgage foreclosures. There are no workouts. Messrs. Paulson and Bernanke haven't come to Ohio to make some of that cash available. Ohio needs $20 billion to do workouts now. We will have over 100,000 more foreclosures this year. All that legislation we passed here in Congress, it has no bite, because it isn't helping people now.

We need some attention to Main Street, not just Wall Street.

SUPPORTING EXPANSION OF ELIGIBILITY OF BENEFITS FOR FILIPINO VETERANS

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

Mr. ABERCROMBIE. Madam Speaker, I rise to urge the immediate support for the expansion of the eligibility of benefits for Filipino vets.

On July 26, 1941, Franklin Roosevelt brought the Philippine Commonwealth Forces under the control of the United States during World War II. Yet when their service ended, they did not receive the same benefits or treatment as other American soldiers.

Congress passed the Rescission Act in 1946, against General MacArthur's open objections. This even includes such things as burial benefits. No other group of veterans has been systematically denied these benefits. There will be only 20,000 left by 2010.

There is some contention here that the Filipino veterans that fought with us as allies are not U.S. citizens. We are paying Sunni tribesmen who killed American soldiers bribe money today in Iraq, but the Filipino vets who saved American soldiers are left out of the benefits as allies of the United States.

This is shameful and needs to be stopped immediately. Bring those benefits to these Filipino vets, who are the allies and comrades in arms of United States soldiers.

MESSAGE FROM THE SENATE

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

H.R. 6889. An act to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

PROVIDING FOR CONSIDERATION OF H.R. 3036, NO CHILD LEFT INSIDE ACT OF 2008

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1441 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1441

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3036) to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a

Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3036 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

□ 1030

Ms. CASTOR. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only. I yield myself such time as I might consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1441.

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

There was no objection.

Ms. CASTOR. Madam Speaker, House Resolution 1441 provides for consideration of H.R. 3036, the No Child Left Inside Act of 2008, under a structured rule.

The rule provides 1 hour of general debate controlled by the Committee on Education and Labor. The rule makes in order five amendments printed in the Rules Committee report. The rule also provides for one motion to recommit with or without instructions.

Madam Speaker, it is important that elementary and secondary schools across America continue to offer curriculum that is aligned with the needs of our children and the interests of our great country. That is why the Congress will move today to extend the National Environmental Education Act under an initiative offered by the gentleman from Maryland, Mr. JOHN SARBANES, entitled the No Child Left Inside Act.

This national environmental education bill was reported by the Committee on Education and Labor by a strong bipartisan vote. Under the leadership of the Education and Labor Committee chairman, GEORGE MILLER, our Nation's students have been well served by this Congress with numerous landmark reforms and investments.

I thought we would take the time just to name a few. This Congress has passed the College Cost Reduction Act that was signed into law last year. It provides the single largest increase in college aid since the GI Bill, roughly $20 billion over the next 5 years. But it does so at no new cost to taxpayers.

Under the law, 6.8 million students who take out need-based Federal student loans each year will see the interest rates on their loans halved over the next 5 years, saving the typical borrower over $4,000 during the life of the loan once that is implemented.

That College Cost Reduction Act also boosts the maximum Pell Grant scholarship to $5,400 over the next 5 years. That's up from about $4,000 in 2006.

In a part of that bill that has not received a lot of attention, that new law provides loan forgiveness for public service members like nurses, police officers, firefighters and first responders and makes those loan repayments more manageable and gives up-front tuition to students who commit to teaching in the high-need public schools.

This Congress has also passed, and it has been signed into law, the Ensuring Continued Access to Student Loans for American Families. There is nothing more important during this credit crunch than that affordable student loans and access to college remains available for our young students that would like to attend college.

That Ensuring Continued Access to Student Loans for American Families Act provides new protections, in addition to those already in current law, to ensure that families continue to have timely, uninterrupted access to Federal college loans in the event that distress in the credit markets leads to a significant number of lenders in the federally guaranteed student loan programs to substantially reduce their lending activity.

The Congress has also passed, and it was signed into law just last month, the expanding college access for students and families law. It passed the House here by a vote of 380–49. The legislation addresses the rising price of college by encouraging colleges to rein in price increases, clean up corrupt practices in student loan programs and streamline the Federal financial aid application process. The bill also addresses textbook costs and increases college aid and support programs for veterans and military families.

Madam Speaker, this is another bill before us today that continues the new direction, Congress' commitment to higher education, and to improving elementary and secondary education for students across America.

Today we will focus on improvement to environmental education for America's schools, the best kind, where Washington doesn't dictate the parameters or curriculum to local schools, but gives schools the tools they need to decide themselves how to modernize curriculum. Today, it is our challenge, and the challenge of our children, to build a more sustainable energy efficient world, and sometimes you have to get outside the classroom and learn by doing and exploring your environment.

Many children, including my 9-year-old daughter, learn more effectively this way. I know many of you love to visit classrooms and talk with students, like I do.

Students today are particularly interested in energy conservation, climate change, clean air and clean water. Students, teachers and schools are clamoring for more knowledge and understanding of our natural environment.

Unfortunately, many schools and school districts simply do not have the resources to teach beyond the basics these days. Since the enactment of the No Child Left Behind Act, we have seen a narrowing of school curriculum with schools being forced to spend more and more learning time preparing for high-stakes testing.

Well, like other science courses, this grant program, under the national environmental education program, the environmental education instructs students in critical thinking, problem solving, teamwork, obtaining and analyzing data, communication and learning by doing. These skills are critical for success in the 21st century, and environmental education helps students by learning how to conserve, how to conserve energy, how to ensure safe products are on the shelves, which eventually strengthens our Nation's economy and makes it a much safer world.

Our environmental actions here at home have an impact on the global economy and on our energy security, and energy security is national security. Having a solid understanding of natural environment and our global interdependency is critical to keeping this Nation safe.

The modest but important resources we will send to local schools under this National Environmental Education Act is particularly helpful now. Helping our kids to learn about the natural environment in an active learning setting will motivate students and propel them towards success. It will pull kids away from the TV sets and the video games and the video screens and bring them outdoors.

The bill supports local efforts to expand and enhance environmental education and also provides teachers with important professional development opportunities. Under this legislation, our Nation's teachers will become better equipped to teach students about

the environment and encourage students to be knowledgeable about environmental issues and how they affect all of us.

When environmental education is integrated into the classrooms, students and teachers are better able to use current, local environmental issues to increase their understanding of math, science, history and other academic subjects.

Environmental education is a powerful tool to help motivate students to help take care of the environment and help improve their academic achievement.

This bill also strengthens environmental literacy plans. According to the Campaign for Environmental Literacy, Americans still widely lack the environmental knowledge that will enable them to safeguard the public health, protect natural resources, support energy conservation efforts and engage in the movement towards a more sustainable future.

So this is a win-win proposition for our local schools, for teachers and for the future of our great country. This legislation will modernize environmental education for the 21st century by emphasizing environmental literacy.

I urge passage of the rule and this underlying bill.

Madam Speaker, I reserve the balance my time.

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

Every day our Nation faces new and critical challenges on how to approach globalization, really the great issue of our time. It is an extremely difficult and controversial issue that affects our economy, and it affects so much more.

It is important, now more than ever, to equip our students, not just with the basics, math, reading, social studies, and et cetera, but also with opportunities in areas such as science and the environment to compete in tomorrow's global economy.

This legislation, the legislation we are bringing to the floor with this rule, reauthorizes the National Environmental Education Act administered by the Environmental Protection Agency. Among other things, the bill will create opportunities for enhanced and ongoing professional development in environmental fields.

It authorizes the Secretary of Education to award grants to help environmental education become more effective, more widely practiced. It establishes seven uses of funds aimed at encouraging increased environmental education.

Environmental education is an important issue that Congress should support. But, really, with just a few days left in the legislative calendar for this Congress, what we ask is whether this is what really is considered by the majority among the highest priorities, whether it is legislation that we need to be considering, with just hours before leaving before the end of this Congress, and with great challenges facing the Nation, including very significant economic challenges and an energy situation, extraordinarily rising prices, whether this is the type of priority that we need to be setting aside time for at this time.

This bill, which is a good bill, could easily have been placed on what is known as the suspension calendar, in other words, taking it automatically to the floor. Obviously it received overwhelming bipartisan support. But, instead, we are here today spending time on debating a noncontroversial—an important but noncontroversial environmental education program.

So we think that it's most unfortunate, but symptomatic, of how this new majority has run this Congress. Just last week we spent 2 hours of debate time discussing a study of a river in Vermont. On another occasion we spent precious time debating the Washington-Rochambeau Revolutionary Route National Historic Trail, the Taunton River in Massachusetts, the land claims of the Bay Mills Indian community, and the Chesapeake Bay Gateways and Water Trails Network. Those are the priorities of this majority.

Now those are important issues. They are not the energy crisis and the serious attention that we need to be devoting to stabilizing our markets. We need to make sure that America remains the Nation where the entire world seeks to invest because of confidence in the future of the United States.

Madam Speaker, I reserve the balance of my time.

Ms. CASTOR. Madam Speaker, we do not have any additional speakers, so I will reserve the balance of my time until the gentleman from Florida has made his closing statement.

□ 1045

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I thank my distinguished friend, Ms. CASTOR.

Americans are tired of spending more and more of their paycheck, of their resources, for their energy needs. And for months they have been calling on us to take up legislation that will help lower the price of gasoline.

Now just like the overwhelming majority of the American people, we in the minority in this Congress have been calling for legislation that will help the American consumer with the skyrocketing price of energy. Yet every time we have tried to debate real energy legislation, the majority has blocked and has stymied our efforts.

In August, the majority decided to go on the recess instead of seeking to solve an extraordinarily high priority for the American people, the rising gas prices. I guess the majority must have heard quite a bit from their constituents in August because when they returned in September, they decided they would finally say they would debate energy legislation.

On Tuesday of this week, the majority brought to the floor legislation, the so-called Comprehensive American Energy Security and Consumer Protection Act, which does nothing to produce energy or provide Americans with energy security since it will only increase our dependence on unstable foreign sources of energy. The bill brought to the floor this week by the majority was a farce. It will never be enacted into law and was only put together to provide the majority with an attempt at political cover so they can say that they passed energy legislation when in reality they did nothing.

Now the majority is set to end this Congress and any chance to actually pass genuine comprehensive energy legislation. That's where we are today.

Well, we do not have to leave here and head home without having considered comprehensive energy legislation.

Madam Speaker, I will be urging my colleagues to vote with me to defeat the previous question so the House can finally consider genuine solutions to rising energy costs. If the previous question is defeated, I will move to amend the rule to prohibit the consideration of a concurrent resolution providing for adjournment until comprehensive energy legislation has been enacted into law.

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

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting ''no'' on the previous question, Members can assure their constituents that they are committed to enacting legislation to help their constituents with rising energy prices. I also remind Members that the previous question in no way will prevent consideration of H.R. 3036, this legislation on environmental grants to schools. I encourage a ''no'' vote on the previous question.

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

Ms. CASTOR. Madam Speaker, over the past year and a half, this new direction Congress has been solely focused on growing and strengthening America's middle class. Despite the protestations from my friend from the other side of the aisle, it was just this week that we passed the most comprehensive, balanced energy legislation that has been considered in the past

decade. That Comprehensive American Energy Security and Consumer Protection Act proved that there are real differences between the two sides of the aisle here because our energy bill was focused on lowering prices for consumers and protecting taxpayers.

Yes, it expanded domestic drilling offshore and on land, but it also added a huge expansion of renewable sources of energy. It increases our security by freeing America from the grip of foreign oil. And it finally requires Big Oil to pay what it owes the American taxpayers.

Is it fair that Big Oil continues to receive taxpayer subsidies at a time when they are making huge record profits? No, it doesn't, so we end the subsidies to the big oil companies. And a lot of this new emphasis on clean, green, renewable energy will have the extra added benefit of creating good-paying jobs here in America.

Besides energy, we have also been focused on landmark education reform. Indeed, as I highlighted at the beginning of consideration of this bill, we've passed truly landmark historic investments in education for America's students. First was the single largest increase in college aid since the GI bill, the College Cost Reduction and Access Act of 2007. Under that law, 6.8 million students who take out need-based Federal loans each year will see the interest rates on their loans cut in half.

We increased Pell Grants by over $1,000. We have also passed and it was signed into law by President Bush the Ensuring Continued Access to Student Loans For American Families Act. That is so vital during this turmoil in the financial markets. It is absolutely vital that American families can still get those low-cost student loans. That new law provides new protections to ensure that families have timely, uninterrupted access to Federal college loans in the event that distress in the credit markets leads to a significant number of lenders not being liquid and being able to lend to families.

We also expanded college access for students and families, we cleaned up the corrupt practices going on on some campuses in student loan programs, addressed student textbook costs and increased college aid and support programs for veterans and military families.

And one that I didn't mention but I think we can all celebrate, the hugely bipartisan and popular new GI bill for the 21st century that will provide 4-year scholarships to the brave men and women who have served in the wars of Iraq and Afghanistan. We truly have been on the side of American families and the middle class.

This modest bill today also renews our commitment to the No Child Left Inside Act. Doesn't that really bring all of this together as we focus on energy policy and improving our public education and higher education in this country, a modest but important commitment to students at home who are interested in environmental sustainability and energy conservation. We will provide additional resources to our schools and our students so they can get outside the classroom, get away from the TV set and the video games and learn by doing, learn in an active setting, learn out in the natural environment how to conserve energy and to address global climate change.

Studies shows that environmental education boosts student achievement, it builds students' critical thinking and social skills, it improves student behavior, and it can enhance teaching. So we are going to help schools and States expand and enhance environmental education. We are going to focus on qualified expert teachers in the Nation's classrooms, and strengthen and develop environmental literacy plans.

For a long time there was another group in charge here in Washington, and it oftentimes seems like over the past decades it has been the Democrats who have had to come in and clean up the mess of past administrations. Well, I think we are proving again that we are on track to do that again. We are all in this together and we need to pass this bill. I urge a unanimous ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 1441 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution add the following new section:

SEC. 3. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 6604, COMMODITY MARKETS TRANSPARENCY AND ACCOUNTABILITY ACT OF 2008

Ms. SUTTON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1449 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1449

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6604) to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 6604 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Ms. SUTTON. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SUTTON. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1449.

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

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Madam Speaker, House Resolution 1449 provides for consideration of H.R. 6604, the Commodity Markets Transparency and Accountability Act. The rule provides for 1 hour of debate controlled by the Committee on Agriculture and provides one motion to recommit with or without instructions.

The rule makes in order as base text an amendment in the nature of a substitute printed in the Rules Committee report. The text of this substitute amendment is almost identical to the version of the bill that was considered under suspension of the rules on July 30. That bill received 276 votes from both sides of the aisle.

Madam Speaker, since this bill was last on the House floor in July, the American people and our economy continue to struggle with high food and energy prices and a weak job market. From the subprime mortgage crisis and the financial meltdown, to the unethical behavior of the Minerals Management Service, the necessary and proper oversight has clearly not been taking place. In some cases laws may have been broken, and as a result homes have been taken through foreclosure. Savings have been lost. Dreams of the American people in many cases have been shattered.

Madam Speaker, we are fighting to stop the pain that the American people are feeling, to restore their trust in government, and revitalize our communities.

We must take action and we must take action now. For many years now, too many Americans have felt that their government is working not with them but against them. But this Democratic Congress is working to take our Nation in a new direction. On Tuesday we passed a comprehensive energy bill that will lower gas prices for American families, invest in renewable and alternative energy, and responsibly expand exploration in the Outer Continental Shelf.

□ 1100

But Madam Speaker, speculators continue to enjoy free rein at the expense of our pocketbooks. And that is unacceptable.

We have all seen the recent headlines and reports identifying that oil speculators are out of control. One of the newspapers serving my congressional district, the Cleveland Plain Dealer, printed an article last Thursday on this very issue. The headline read, ''More scrutiny of oil speculators. Evidence shows they operated in 'dark markets' to hide prices.''

The article goes on to state that ''unregulated markets account for about two-thirds of oil trading, and that they can be used to manipulate oil prices.''

Madam Speaker, as I said earlier, the American people simply want a government that works for them instead of against them. Today, we will pass the Commodity Markets Transparency and Accountability Act so that our commodity markets will, once again, work the way they were intended to work.

Our bill provides the Commodity Futures Trading Commission, or the CFTC, with new resources to improve enforcement, prevent manipulation and prosecute fraud. It provides the CFTC with the authority and direction to address excessive speculation which has undermined the basic principles of supply and demand. It has artificially inflated the price of oil and, in the process, has hurt families in Ohio and all across this great Nation. This bill will work for the people, instead of working for those who look to exploit loopholes and seek to manipulate the market.

Now we all know that Wall Street has found exotic ways to create their own markets, and with this bill, we will fix the London Loophole. And why is that important?

The London Loophole currently allows traders to circumvent U.S. laws and trading rules by working through foreign boards of trade. This bill requires foreign boards of trade that offer electronic access to U.S. traders to adopt similar speculative limits and regulations. The foreign boards of trade will also now be required to share large trader reporting data with the CFTC.

Additionally, H.R. 6604 requires that the CFTC set standards for all energy and agricultural futures markets. This is critically important, as it will limit traders' ability to distort the market.

Our bill will also require the CFTC to have a complete picture now of the swaps markets. Index traders and swap dealers will be subject to strict reporting and recordkeeping requirements.

And lastly, under this bill, position reporting will become mandatory for over-the-counter trading in agricultural and energy contracts.

Now, Madam Speaker, some of what I've said sounds very technical, and it may be a little bit difficult to understand because of that technicality. But to put it very simply, our actions here today will add the necessary oversight and transparency to shed light on the ''dark markets.''

With the recent revelations on Wall Street and the run-up on oil prices under the Bush administration's failed energy policy, these changes are long overdue.

But there are some, Madam Speaker, who may not want us to make the changes in our market system so that we can bring relief to the American people. There are some who may try to say that we're adding too much regulation.

But the recent collapse of certain financial giants has only further illustrated the great need to revisit these issues and ensure that the voices of the people are being heard, and that they are being protected.

There are some who may try to say that we're restricting the ability of hedgers, those who trade in futures, to offset their price risk. But they are misinformed. This bill provides exemptions for bona fide hedgers. They are

the ones that the commodity markets were designed to work with.

But we know that unscrupulous speculators can interfere with the ability of producers and processors who use these markets for legitimate purposes. On Tuesday, as speculators dumped oil for cash, oil closed at just over $91 a barrel, a nearly 38 percent drop since the record high of $147 in July. But just yesterday, oil prices shot up $6 a barrel as, ''fears of a spreading crisis in the U.S. financial sector sent skittish investors scrambling out of stocks,'' according to the AP.

Madam Speaker, our commodities should not be treated as a speculator's safety net. We cannot allow speculators to continue to drive prices of our commodities beyond the normal ebb and flow of supply and demand.

Families in my district and all across our great country want commonsense policies that will work for them, instead of rewarding a select few. This is the new direction that the American people have called for, one that puts the voices of the people ahead of the special interests.

I hope that all of our colleagues will join us in taking this step today to pass this bill that, as I mentioned, has previously passed with a bipartisan majority in July, but not the two-thirds majority that was necessary under suspension. But we can get it done.

Madam Speaker, the Commodity Markets Transparency and Accountability Act will increase oversight and transparency, and will prevent oil prices from being artificially inflated.

I urge my colleagues to support House Resolution 1449 and this incredibly important underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I want to thank the gentlewoman, my friend from Ohio, for extending the time to me.

Madam Speaker, I rise in opposition to this once again closed rule, and to the underlying previously failed legislation that this Democrat majority is bringing to the House floor, without having made any substantive improvements to it since it last failed on this House on July 30, and despite an agreement during that time that they would work with members of the Republican Party to try and better the bill.

Like every other Member of this House, I'm concerned about the crushing economic impact that rising food and fuel prices are having on American families. That is why I strongly support the Commodity Futures Trading Commission's recent steps to increase transparency in the oil futures market and their continued vigor in enforcing existing laws governing U.S. futures markets, including the long-time prohibition against market manipulation.

My concern for the economic and retirement security of American families is also why I do support certain parts of this bill, including its increased data reporting requirements, and its authorization of at least 100 new full-time employees to increase the public transparency of operations in agriculture and energy markets, and otherwise monitor price manipulation and commodities futures market.

However, it is this same concern for American families and our American economy that forces me to oppose a bill that has the potential to destabilize commodity prices and dry up market liquidity at a particularly vulnerable time for our entire economy, instead of simply increasing transparency and improving enforcement.

While I disagree with his approach to improving our Nation's commodities market, the chairman of the House Committee on Agriculture and I do agree about several things. First, yesterday evening in the Rules Committee, my friend, COLLIN PETERSON, chairman of the Agriculture Committee, testified that he was not, was not bringing this bill to the floor because he thought that it would bring down the price of energy at the pump for American families. He does not believe it will. I don't believe it will bring down prices at the pump. And he's exactly correct.

This bill, like the no-energy sham legislation that the Democrat majority brought to the floor just earlier this week, this bill will do absolutely nothing, absolutely nothing to increase the supply of American-made energy that is the root of the high energy prices that are taking an enormous toll on American families and businesses.

Second, I agree with Chairman PETERSON's assertion in his testimony yesterday to the Rules Committee that he did not believe this bill would actually become law.

So here we are, taking time on the House floor, when the American people need action by this Congress to do something about energy legislation that will be signed into law, that will include doing something about the price at the pump. And instead, Chairman PETERSON said, I don't even think this bill's going to become law. We're not going to agree to this.

Like him, I do not think that this bill represents a serious attempt, which is what Congress should be about, especially as we near the end of the session, a serious attempt at providing legislative solutions to the very serious problems facing our economy, and that it is little more than a second opportunity this week for Members to claim, ah, but we're up there doing something, up there working 5-day workweeks.

We need to be doing something about addressing the high cost of energy. Without taking real and meaningful action to open up energy reserves, it simply will not happen. That's what the economy needs. We need to do something about the high price of energy.

If this were a serious attempt to solve our Nation's problems, Democrat leadership forcing this bill onto the floor would have made more than technical changes to the bill that failed just last time it was here, July 30, changes like the one proposed by my good friend and former CPA, MIKE CONAWAY of Texas, where he, in a colloquy with Chairman PETERSON, talked about the need to create a common understanding of risk management needs which market participants should be eligible for in a bona fide hedge exemption.

Of course there was an agreement on the floor, talk is cheap, about, yes, we'll work with you. And, in fact, that never happened. Never happened.

And then last night, given an opportunity in the Rules Committee, the Rules Committee, once again, even seeing the agreement that was made and that the offer was not accepted, did not even want to make Mr. CONAWAY's amendment in order. A real shame. A real shame for a House where there was a promise of the most open, honest and ethical Congress in history.

Instead, this House is getting something that is even worse than nothing, a bill that the Democrat majority didn't even see fit to include in its first so-called energy bill this week, which is also bringing to the floor its record-shattering 61st closed rule for this Congress.

Open. Honest. Ethical.

Madam Speaker, yesterday we had a chance to help just correct that just a little bit and level the playing field. Mr. CONAWAY was slam dunked in the Rules Committee again, despite what was said on this floor about working with members of the Republican Party. Better idea, a better way to make the bill happen.

Madam Speaker, unfortunately, this kind of closed process and this kind of cynical, political motivated work product has become characteristic of what we have seen now for almost 20 months. The most honest, most open and most ethical Congress in history, as promised by Speaker PELOSI back in 2006, and it's no wonder that the American people are giving Congress historic low, record low ratings on approvals for the job that Congress is trying to do.

I think we ought to be serious about our work. I think we should not bring bills to the floor where the committee chairman, at the time he presents his bill to the Rules Committee, admits this is never going to become law. It's a shame.

So, Madam Speaker, I urge all of my colleagues to oppose this rule and the underlying legislation which the Democrats don't believe will bring down energy prices when they crafted this supposedly comprehensive energy package

earlier this week, and which the chairman of jurisdiction does not believe is a good reason for doing so now.

The American people are hurting. Our economy is hurting. People back home want leadership in Washington, and once again, the majority party has failed.

I think we should deserve more from the leadership. I believe that the Democrat Party should not have a closed process. I believe running for political cover for a vote that will go nowhere is a mistake. But I do know it's for their vulnerable Members, Members who want to pretend that they're doing something. What a shame.

I oppose this process. I oppose this rule. I oppose the underlying legislation, and I hope all of my colleagues will do the same.

I reserve the balance of my time.

□ 1115

Ms. SUTTON. Madam Speaker, it's my honor at this time to yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), the distinguished chairman of the Agriculture Committee.

Mr. PETERSON of Minnesota. I thank the gentlelady.

With all due respect to my good friend from Texas, I take a little bit of offense saying that the Agriculture Committee was not serious in what we were doing here. We take very seriously our responsibility in overseeing the CFTC, and this bill is, without a doubt, the most responsible bill that's been put together in this area in this Congress.

The reasons we're bringing it up is not because of the reasons that were iterated by Mr. SESSIONS, it's because we're doing our job. And maybe there's problems over in the Senate, but I can't control that. I just want to make sure that we don't have the same kind of problems happening on Wall Street in the CFTC that we see going on in these other areas where they have all of these crazy derivatives and everything else that they've dreamed up on Wall Street.

What they've done is they've created investment in the commodity market that, in my opinion, has no business being in there. This was something that was never intended. They're using the regulated market outside the position limits to offset that risk, which I think we've decided is wrong. And so we're fixing that.

This bill is supported by Mr. GOODLATTE. We passed this out of the Ag Committee. There were no Republican amendments offered in the committee, and on the floor of the House we had 291 votes, we had a two-thirds vote until the leadership came up and started twisting arms and it went down to 275.

So what we're doing is our job, and I guess I take offense when somebody criticizes us for doing our job.

Now in the case of Mr. CONAWAY, I apologized to him personally last night. I think I made it clear in the committee. I had a personal situation last week. I wasn't here. This happened, the bill failed right before the August recess, nobody was around. I think he has a legitimate point.

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

Ms. SUTTON. I yield the gentleman an additional 2 minutes.

Mr. PETERSON of Minnesota. I think he has a legitimate point. But some of the folks that we were working on on this bill have not come to that conclusion at this point. I think we can work through this, and we have reached out as of this morning to Mr. CONAWAY's staff and we're going to get together yet this week and next week to try to resolve this issue and try to get everybody on the same page.

So if we can get this bill out of the House, if the Senate moves, we're going to have a conference committee. And I told Mr. CONAWAY last night that this is an issue that we can deal with at that time.

We have issues on our side that we have people upset about that we took out of the bill to make sure it was all within our jurisdiction that we're also going to have to deal with.

So I apologize for being too busy when I got back to contact Mr. CONAWAY, but it was for no purposeful reason that I did that.

Mr. SESSIONS. Will the gentleman yield?

Mr. PETERSON of Minnesota. I would yield.

Mr. SESSIONS. Can you please tell us when the majority leader gave an announcement to this Congress that this bill would be considered? That's fair game.

Mr. PETERSON of Minnesota. I don't know exactly.

Here is my point. At the time this bill failed after it had passed, I talked to our leadership and they assured me that they would bring it back under a rule in September. If I would have been here last week, Mr. CONAWAY and I would have had these discussions and we wouldn't be in that part of things. But this was always the intention to bring this back, and we don't have a lot of time. We can't wait until next week to bring this up. We're going to run out of time.

I told the leadership that I wanted this bill brought up. They have brought it up, and I'm glad they did.

Mr. SESSIONS. Will the gentleman yield?

Mr. PETERSON of Minnesota. I would yield.

Mr. SESSIONS. Is the gentleman aware that Republicans and others in this House were given less than 3 hours' notice for the bill?

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

Mr. SESSIONS. I would like to extend to the gentleman 3 additional minutes.

The Republican Members in this body and the rest of the Members were given 3 hours' notice that this bill would be on the floor.

Mr. PETERSON of Minnesota. Well, that was not my decision.

What we're doing is the work of the Agriculture Committee. We asked them to bring this bill up so that we could get it passed. So that we're doing our work. We're doing our part.

Mr. SESSIONS. Do you believe that 3 hours' notice—you had indicated there were no Republican amendments—would be enough time for a Member that's a Republican to go down to Leg Counsel to get an amendment that's prepared to get it to Rules Committee? Do you believe that could be done? Because what you're saying is, well, no Republican even submitted an amendment.

Mr. PETERSON of Minnesota. Well, I'm sure that there's been a lot of cases around here where we would have liked more time.

Mr. SESSIONS. I thank the gentleman.

I would also like to ask the gentleman, was the gentleman aware that the gentleman, Mr. CONAWAY, had asked on this floor of the House of Representatives and was given, through your words of support, that you would work with him before the bill came back to the floor?

Mr. PETERSON of Minnesota. I don't think that's exactly what we said.

Mr. SESSIONS. Can you please tell me exactly what you think it was?

Mr. PETERSON of Minnesota. He and I had discussions about this issue. I think he and I were in agreement. The problem was the other folks that had bills that we had incorporated into the overall bill were not in agreement, and they're still not in agreement. And I think even if we would have worked on this last week, I'm not sure we would have come to an agreement by today.

I apologize. I was on a personal situation last week so I wasn't here. When I got back, we had a blowup on country of origin labeling and some other issues.

So I think if Mr. CONAWAY would—we had discussions last night, and I think we've got a way to move forward. But I'm not sure we're going to come to a resolution that's going to be agreeable to everybody. We may still have to have some kind of a, I don't know, process to try to work this out because there's people that think what Mr. CONAWAY is doing is opening up too big of a hole, if you will, in the hedge exemption. And so we've got to work through that.

Mr. SESSIONS. I appreciate the gentleman, my friend, the gentleman who's chairman of the committee.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has again expired.

Mr. SESSIONS. Madam Speaker, I extend myself such time as I may consume.

Madam Speaker, this is why last night or yesterday afternoon in the Rules Committee there was a very polite discussion and a request made by Republicans in the committee once we recognized that there were some problems that took place that were unavoidable on behalf of the chairman of the committee, on behalf of notice to Republicans, on behalf of a colloquy that engaged Members on this floor where we realized, Oh, I'm sorry. That just didn't happen. And we will not say it was anybody's fault, but there was agreement that there was a problem.

This is where the Rules Committee comes into play. The Rules Committee is a body that should have the ability to look fairly and equitably at an issue and then make a decision.

I had a discussion with the committee. I have only served on the committee 10 years. But I have seen people bring legislation to the committee and ask for relief and receive relief. Normally, if we were in January, February, March, April, May, some other time, open rules are not always allowed or amendments aren't always allowed because they seem to open up all other issues and ideas.

This was a very specific idea. This was an idea that was agreed upon that there would be a discussion, and the Rules Committee slam dunked the gentleman from Texas as well as Republican Members after hearing positive testimony from both sides, not even giving relief.

This is exactly what Republicans are talking about, and I believe the American people, that this Democrat majority and the Rules Committee, which set a record-shattering 61 closed rules—for any Congress a record—simply is so flatlined upon doing politically what they choose to do and by showing their power that there is not even a voice that's open.

What the gentleman has suggested to us today is that he knew of no other process for the gentleman to go through. Well, it's called an amendment that would be on the floor of the House of Representatives where our colleagues cannot only hear the issue but then get a chance to vote on it.

So today we're here without the ability to vote on it, but we have the gentleman, Mr. CONAWAY, and I would like to yield him 5 minutes.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair recognizes the gentlewoman from Ohio.

Ms. SUTTON. Thank you, Madam Speaker.

Before I yield to the distinguished gentleman from Vermont, I would like to yield myself as much time as I may consume.

Madam Speaker, I thank the chairman of the Agriculture Committee for coming forward and talking about this issue here today and for making the point that this bill is a bill that is virtually identical to a bill that was passed in July, as I said, on a very big bipartisan vote; 61 of our friends, the Republicans, voted for it, including Mr. CONAWAY. That bill was the result of multiple hearings in the Agriculture Committee, and no Republicans during that period of time offered up any amendments in the Ag Committee markup.

Chairman PETERSON graciously made it very clear here today that this bill continues through the process and that he is absolutely willing to work with Mr. CONAWAY as we move forward on this very, very important legislation.

At this time, Madam Speaker, it's my honor to yield 3 minutes to the gentleman from Vermont (Mr. WELCH), a member of the Rules Committee.

Mr. WELCH of Vermont. I thank the gentlelady from Ohio.

Madam Speaker, this bill, I think, brings in sharp relief a major question that this Congress is now having to contend with.

Our economy has been hijacked by speculation. Institutions that have served average American families, average American farmers, average American businesses very well have become casino chips on Wall Street. A couple of examples: One, mortgages. Folks were able to get a mortgage when they had enough savings and could get one that they could afford and they would buy a home. Mortgages were turned into subprimes that became investment vehicles by Wall Street, and now we're seeing the collapse.

A second institution, and this is why the Agriculture Committee is so involved, is the futures market. The purpose of the futures market was to give some price stability to our farmers, to our fuel dealers, to our airlines, folks who absolutely had a need for some price stability, some price discovery with the commodity they were producing.

And how did we get to this situation where it's been taken over by Wall Street? We can thank Enron for that. And it is important to understand historically how we got here.

Enron came into this Congress in 2001 and asked, literally, for a loophole, and they got it; and that was to allow speculative trading in the futures market. What that has resulted in is a vast increase in speculative activity in the energy market and the futures market for commodities by financial players as opposed to by farmers, by fuel dealers, by airlines.

We saw what happened with the subprime mess, and now we're seeing what has happened in the commodity futures trading market and why it's so essential that we get control on this and restore the futures market and restore it to what its original intention was, that is, something that's going to help the American consumer, the American farmer, the American small business.

This committee bill is bipartisan. The Agriculture Committee probably has the two most bipartisan leaders in the House with Chairman PETERSON and Representative GOODLATTE. And what they've done is made a decision in this committee to bring a bill that restores the commodity futures trading market to its original purpose, and that is having as its focus helping our farmers, our consumers, and small businesses and saying ''no'' to Wall Street; this is not one of your toys for speculation and enrichment.

So this is absolutely essential not just for the farmers and the small businesses, the fuel dealers, the airlines, but for capitalism itself. If we don't have mechanisms that reward work as opposed to just speculation, we're not going to have an economy that works.

So this bipartisan legislation recognizes the fundamental requirement that we have institutions that work to reward and help our farmers and our small businesses.

Today, the House will take up H.R. 6604, the Commodity Market Transparency and Accountability Act. This bill will take crucial steps to curb excessive speculation in the energy futures markets.

Each weekend I hear the same thing from Vermonters: increasing expenses for fuel, child care, health care, and education are making it harder and harder for working families to make ends meet. Energy costs are an enormous driver of this crisis. The average U.S. heating oil bill is expected to be a record $3,500 for the upcoming winter, up 76 percent from two winters ago. This is not sustainable. Based on the current state of the market, speculation is a large contributing factor to the astronomical spikes we have had in just the past 12 to 18 months.

In 2000, Enron and several large energy companies successfully lobbied the (Republican-led Congress to exempt energy markets from government regulation. This lack of oversight has resulted in multi-billion dollar price manipulation and excessive speculation by traders. This special interest loophole is allowing energy traders to rip off Americans who are already struggling every winter to heat their homes. The previous Congress sold us out to Enron, creating a Wild West in the energy markets at the public's expense. It's time to end this rip off.

Last November I introduced H.R. 4066, the ''Close the Enron Loophole'' bill. My bill and the bill we will vote on later today calls into question the excessive speculation occurring in the marketplace. Are we going to allow the oil futures market to continue to profit from ripping-off our hardworking constituents, or are we to pass and enforce responsible regulations on energy futures trading? Families who already struggle to pay fuel bills, should not be forced to choose between putting food on the table and keeping their house warm as energy traders continue to line their pockets.

This bill will not solve our energy problems. Forcing speculation out of the market is not a substitute for real commitment to a long term energy policy. As a nation that possesses less than 2 percent of the world's oil reserves, but uses 25 percent of the world's oil, we must adopt new policies—higher mileage standards for our vehicles, higher energy efficiency standards, tax incentives for clean energy alternatives, better construction designs, restoration of mass transit and rail—we can create jobs, improve our environment, develop affordable energy, and strengthen our national security.

□ 1130

Mr. SESSIONS. Madam Speaker, I really agree a lot with the gentleman from Vermont. What I disagree with and believe the problem is that we don't have enough oil that's available to the marketplace, and that's where Republicans are trying to bring more oil where we don't have to have speculation for people who absolutely, positively must have the oil available.

Madam Speaker, at this time, I yield 5 minutes to the gentleman from Midland, Texas (Mr. CONAWAY).

Mr. CONAWAY. I appreciate the gentleman for yielding me time.

I want to set the record straight, or at least set a record that says I have complete trust in the chairman of the Ag Committee. COLLIN PETERSON is an honorable man, and when he makes commitments, I think he intends fully to make those commitments.

I think we're under a circumstance where he was not allowed to make a commitment that, were it his decision alone, that we would have a resolution of this issue that would be satisfactory I think across the spectrum.

I'm a CPA, as is my good colleague from Minnesota, my chairman. One of the things you look for as an auditor in financial statements is consistent application of accounting rules.

I want to congratulate this Rules Committee on consistently applying their position of having closed rules on everything of importance that comes down here. It's as if every bill that comes out of the Speaker's office is perfect, and I would argue that no one in their right mind thinks every bill that passes this House, whether it's a Republican bill or a Democrat bill, is perfect.

There should be the opportunity to say here's an area in a bill that needs further work. I don't think anybody on the other side of this aisle would say this is the perfect fix to the commodities futures market; it's the perfect fix to make sure that the only thing going on in these futures markets is price discovery, and once this is passed and signed by the President we will never have another problem with it. I don't think anybody's arguing that.

So it's twisted, in my view, to say on the one hand, well, it's not a perfect bill and it could be improved, there could be some issues be addressed, and one I'd like to talk about in a second. And yet this Rules Committee, dominated by the Speaker I believe, Madam Speaker, is consistently applying the closed rule concept that prevents other voices, whether they're Republican or Democrat, to come to this floor and say I might have a little bit better idea or better take on something, the will of the House will happen, but let my voice be heard.

The process yesterday on this bill that came forth was anything but open. It was very quick. They've not laid a predicate for why it needs to be instantly done today, why we couldn't have been allowed an opportunity to present a motion that would have said we need hedgers in the markets, in this commodity futures trading arena, in order to make this thing work.

One of the risks of this bill is that it will exclude traditional hedging operators from being able to provide hedging services to small businesses. Putting these hedge positions in place, if you're a long commodity, is expensive, and you need size and volume to get the transaction costs down. So there's an arena of folks in the market who provide these services on behalf of folks who need to hedge. I think this bill overreaches in its attempt to make sure we don't have undue speculation in the market.

That's simply what I'm trying to do, and I've got I think a commitment from the chairman to work on this. I visited with him last night, and I believe he is sincere when he said he wanted to keep this commitment that he and I made on this floor back in the end of July to address this issue.

This isn't a Republican or Democrat issue. This is an issue that we all should be able to have an independent view on.

The previous speaker mentioned the fact that I voted for the bill, and she's absolutely correct. But I voted for the bill because I made a commitment. I made a commitment with my chairman that said, Madam Speaker, if you will work with me on this, then I will vote for this bill. And so I put my green vote up that afternoon, and I can assure you I had no shortage of the 151 Republicans who voted against this bill come to me and say, CONAWAY, have you lost your mind? What are you doing? This is not a normal position that you would take. And I said, Well, I made a commitment to the chairman that I would support working forward in this bill as it moved through the process, either through a conference report or whatever, to address the issues that I'm concerned about, and I committed to him that I was going to vote for it. I kept my commitment.

And I don't think the chairman was allowed to keep the commitment he made back to me, and that's an unfortunate circumstance, because we only have our word in this arena, and I believe he kept his word as best he could, but I don't think the Speaker and the dominated Rules Committee allowed him to do something that he should have been able to do and I should have been able to make an amendment here to say here's what I think is going on, have the discussion, have the folks who disagree with me come down here and talk about that. That's the way the system is supposed to work. Certainly the way that every high school civics class in the world would argue that the way this floor works is you have an idea and you have folks for it and folks against it and you come down here and challenge it.

This closed rule one more time, consistently applied by this dominated Rules Committee, is wrong. It's just not the way to do it. There is no immediate urgency that we've got to get this passed today or tomorrow. It could have come on the agenda tomorrow, and we would have had time to bring this amendment down here.

I urge my colleagues to vote against this rule and against this bill. The process is flawed. It does nothing to support energy production in this country, nor will it work.

Ms. SUTTON. Madam Speaker, I would inquire of the gentleman from Texas if he has any additional speakers.

Mr. SESSIONS. I would like to advise the gentlewoman that I do have an additional speaker.

Ms. SUTTON. Then I will reserve my time. I'm the last speaker on this side. I will reserve my time.

Mr. SESSIONS. Madam Speaker, last night on the floor of the House of Representatives, the gentleman, ZACH WAMP, came down to make a thoughtful argument about the predicament that this country is in with not having enough energy available at the gas pumps and that that has caused prices to rise very dramatically and that there really is an answer and something that can be done. I'm pleased to welcome the gentleman from Tennessee (Mr. WAMP), and I'd like to extend him 4 minutes.

Mr. WAMP. I thank the gentleman.

I voted for this bill when it came to the floor earlier. I'm likely to vote for it again today. I'm concerned about speculation. I'm also concerned about price gouging in east Tennessee. Monday following Ike, gas was $4.99 a gallon. Over 500 complaints were filed with our State and the regulators there over price gouging allegations. I'm concerned about these issues as well.

But I've got to tell you, I'm a little puzzled why the quick rush to get to the floor on this bill again this week, less than 36 hours from the time that we saw an unbelievable event happen on the floor this week. And I'm not one in the last 14 years here to complain or to blame, but I've got to tell you what

happened here was they convinced Members of their own party to vote against a bill that they had cosponsored to bring new oil and gas supplies on to our country in order to defeat any reasonable new capacity energy bill and immediately then went to change the subject, refocus the debate on speculation instead of oil and gas supplies, which will bring down prices.

It's frankly a diversion, it's a distraction, and I would have to wonder if it's intentional, listening to the rule debate over how this whole process came about. That's what I wonder is exactly what caused the rush to the floor. Was it AIG, so you want to focus back on the markets and Wall Street and speculation and these kind of issues? Or was it quickly change the subject away from the very unfortunate, very watered down, weak energy alternative that they jammed through the House without a lot of debate—well, there were 3 hours of debate—but without amendments, without alternatives, except for the one bipartisan bill that they then encouraged dozens of their own Members to vote against even though they were cosponsors and bragged about having written that bill?

Now that's wrong. That's wrong, and I come here today to say it and wonder just exactly why this has come up this quick again on the floor, change the subject and get out of town. I think that's what's going on. The American people shouldn't like it. They should demand better. We can do better.

We should be here debating. If you want to debate something in the markets in speculation today, how about the accounting rules that caused the AIG bailout? Maybe we could bring that up real quick so we can address some of these problems. That ought to be debated today instead of speculation, so you can change the subject away from oil and gas supplies because you really let the American people down this week on the floor of the House.

Nothing's going to happen in terms of bringing down the cost of oil and gas before the election, and it could have.

Mr. SESSIONS. Madam Speaker, I thank the gentleman from Tennessee for his thoughtful comments.

Madam Speaker, since taking control of this House, this Democrat Congress has totally neglected its responsibility to address the domestic supply issues that have created skyrocketing gas, diesel, and energy costs the American families are facing. We heard the gentleman, Mr. WAMP, talk about how there were good ideas that should have been available, including a bipartisan working group and bipartisan legislation that, when it really came down to it, somebody put pressure on a whole bunch of our friends in the Democrat Party to then vote against even their own bill so that it was not bipartisan.

By going on vacation for 5 weeks over August, while I and 138 other of my Republican colleagues stayed in this body on this floor to talk about real energy solutions with American families, this Democrat majority has proved that they do not believe that the energy crisis facing American families and businesses is important enough to cancel their summer beach plans or book tours. They claimed they were going to come back and do something about it. However, enough of their Members must have heard from frustrated constituents over August who were tired of this shell game that the Democrat political leadership is pushing off on the American people.

We would think that it should warrant some kind of action. Because today we are considering yet another measure to provide their Members with political cover, we're going to see that there will be nothing that will be done. Even their own chairman of the committee said this isn't going to become law. It's not going to pass. We didn't even really know it was going to come up. No notice was given to Republicans till 3 hours before it was going to come to the Rules Committee, and perhaps worse than that, then people said, and Republicans didn't even present any amendments.

So today I urge my colleagues to vote with me to defeat the previous question. If the previous question is defeated, I will move to amend the rule to allow this House so that we can take up the measure that prevents Members from going home to campaign for reelection without actually passing an energy bill that will be signed into law.

Madam Speaker, we should do better. We should allow States to expand the exploration and extraction of natural resources along the Outer Continental Shelf. We should open the Arctic National Wildlife Refuge and oil shale reserves in this country, and we can do it in environmentally sensitive and prudent ways. We should extend expiring renewable energy incentives. We should encourage the streamlined approval of new refining capacity and nuclear power facilities. My gosh, if France can have 82 percent of their power from nuclear, why can't the United States get above where we are?

We should encourage advanced research and development of clean coal, coal-to-liquid, and carbon technologies, and perhaps more importantly, which is the sham about the entire Democrat leadership's bill is, we should do something about stopping the lawsuits which are creating a circumstance in courts to where none of these leases are able to move forward for production because they're in lawsuits, and the Democrat leadership did not even address this. It's simple. Consolidate and expedite the drawn-out legal challenges that unreasonably delay or prevent actual domestic energy production.

Why wouldn't we want, if we're going to pass this bill, to make sure that it would happen, when in fact every Member of this body knows that for every single, 100 percent, of all the leases that have been agreed to are wrapped up in court right now, in Federal court right now. Why not do something that would give relief to the American people? Why not say let's at least one of these opportunities take place for drilling, just one? How about 10 percent? No, it's got to be 100 percent, and the American people are going to learn what the Democrat Party already knows, and that is, that the Democrat leadership does not want any drilling. They want no drilling.

Senator OBAMA, I'm sure was correct. He is opposed to drilling so that America can be competitive with the world.

□ 1145

This requirement would finally force the Democrat leadership to take meaningful action.

If we were going to get what I just talked about, that would mean somebody who's in control of both Houses of Congress wanting to do something. And we stand here today, the Republican Party, once again, as we did all of August, asking for us to do something that will work to bring relief. It's a supply side issue.

So, Madam Speaker, here we go. A shell game, a Rules Committee that allows no good ideas—except their own that the Democrat leadership has; agreements, which were talked about on the floor, which, when it really came down to it, not sure we really want to live up to at all. There is always a bigger problem. Well, that's not what this floor of the House is for, that's not really what the Rules Committee is for. That's not what Congress is for. Congress should be about, especially in a crisis, coming to an agreement and working together.

I think we can do better. I think it's going to be something that the American people are going to have to decide what the tie is between Republicans and Democrats. I guess it's going to come to an election, where the American people are going to be told the facts of the case, and they will see what kind of action is necessary in Washington, D.C.

Madam Speaker, the Republican Party is again on giving the American people and this body notice that the Republican Party is for us doing the things which will bring down the price of energy, which will create long-term economic stimulus and opportunity for this country. Because we recognize that energy prices are too high and it impacts every sector of our economy—trucking, the food that's made, produced, the food that gets to marketplace, the opportunities for school systems to operate within their budget, the chance for American families who have to go to their job, many times who have to commute.

We need real action, not a slam-dunk Rules Committee that will set a record every time they go to meet for a new closed rule, not offering new ideas, not listening to the American people about the ability that we need to have to bring to bear American energy products. Instead, we get the same worn-out message of what's happened over the last 2 years where America has lost 14 percent more of market shares, where we have to go overseas to those countries that will produce and will drill.

The American people look up and find out now that this Congress says no, no drilling in Florida, and so other countries will come off our shores and take our energy.

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

Mr. SESSIONS. I ask unanimous consent to insert the text of the amendment and extraneous material into the RECORD prior to the vote on the previous question.

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

There was no objection.

Ms. SUTTON. Madam Speaker, this is a good bill. The Republican Party and my good friend from Texas, they had 12 years to put forward a comprehensive energy policy for the future, and they failed to do so. And for 12 years, they had the opportunity to provide accountability and oversight in our commodities market, and they failed to do so.

Earlier this week, we took steps to pass a comprehensive energy bill that's going to lower prices for consumers, protect taxpayers, expand responsible offshore domestic drilling, expand renewable sources of energy, increase our security by freeing America from the grip of foreign oil, and require Big Oil to pay what it owes to America's taxpayers. And we're going to create good-paying jobs as we move forward on this forward-thinking energy policy.

Today, Madam Speaker, we pass an equally important measure. All of those out there who have been held hostage by the greed of some of our speculators who treat our commodities as a safety net, well, the party is over. This bill will strengthen the CFTC's enforcement resources. In recent days, trading volume has increased 8,000 percent since the CFTC was created, but the agency is operating at its lowest staffing level since 1974. This bill calls for a minimum of 100 full-time CFTC employees to enforce manipulation and fraud regulation.

Madam Speaker, this bill is about protecting and strengthening the economy for the people in Ohio and across America, not a select few on Wall Street and abroad. It's time that we get it done. It's about ensuring that the loopholes are closed to prevent another historic run-up in the price of oil. It's about providing the tools and having the political will to prevent potential price distortions caused by excessive speculative trading.

Madam Speaker, this bill was passed by the Agriculture Committee by a voice vote in a bipartisan manner in July. So no matter what we hear from those who may oppose what we are trying to do, we need to pass this bill. It's the right thing to do for our country, it's the right thing to do for our constituents.

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

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1449 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution add the following new section:

SEC. 3. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 224, nays 187, not voting 22, as follows:

[Roll No. 605]

YEAS—224

Abercrombie	Berkley	Braley (IA)
Ackerman	Berman	Butterfield
Allen	Berry	Capps
Altmire	Bishop (GA)	Cardoza
Andrews	Bishop (NY)	Carnahan
Arcuri	Blumenauer	Carney
Baca	Boren	Carson
Baird	Boswell	Castor
Baldwin	Boyd (FL)	Chandler
Barrow	Boyda (KS)	Childers
Becerra	Brady (PA)	Clarke

Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

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

NOT VOTING—22

Boucher
Brady (TX)
Brown, Corrine
Burgess
Capuano
Conyers
Cubin
Dreier
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Lampson
Moran (VA)
Pence
Pitts
Poe
Renzi
Souder
Udall (CO)

□ 1214

Messrs. MACK and SCALISE changed their vote from ''yea'' to ''nay.''

Ms. ESHOO and Ms. CLARKE changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PASTOR). The question is on the resolution.

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

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 190, not voting 25, as follows:

[Roll No. 606]

AYES—218

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

NOES—190

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta

Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Bachus
Brady (TX)
Brown, Corrine
Burgess
Capuano
Cleaver
Conyers
Cubin
Dreier
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Lampson
Moran (VA)
Pence
Pitts
Poe
Rangel
Renzi
Souder
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1223

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMODITY MARKETS TRANSPARENCY AND ACCOUNTABILITY ACT OF 2008

Mr. PETERSON of Minnesota. Mr. Speaker, pursuant to House Resolution 1449, I call up the bill (H.R. 6604) to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6604

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commodity Markets Transparency and Accountability Act of 2008''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definition of energy commodity.
Sec. 4. Speculative limits and transparency of off-shore trading.
Sec. 5. Disaggregation of index funds and other data in energy and agriculture markets.
Sec. 6. Detailed reporting from index traders and swap dealers.
Sec. 7. Transparency and recordkeeping authorities.
Sec. 8. Trading limits to prevent excessive speculation.
Sec. 9. Modifications to core principles applicable to position limits for contracts in agricultural and energy commodities.
Sec. 10. CFTC Administration.
Sec. 11. Review of prior actions.
Sec. 12. Review of over-the-counter markets.
Sec. 13. Studies; reports.
Sec. 14. Over-the-counter authority.
Sec. 15. Expedited process.

SEC. 3. DEFINITION OF ENERGY COMMODITY.

(a) DEFINITION OF ENERGY COMMODITY.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (13) through (34) as paragraphs (14) through (35), respectively; and

(2) by inserting after paragraph (12) the following:

''(13) ENERGY COMMODITY.—The term 'energy commodity' means—

''(A) coal;

''(B) crude oil, gasoline, diesel fuel, jet fuel, heating oil, and propane;

''(C) electricity;

''(D) natural gas; and

''(E) any other substance that is used as a source of energy, as the Commission, in its discretion, deems appropriate.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II)(cc) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)(cc)) is amended—

(A) in subitem (AA), by striking ''section 1a(20)'' and inserting ''section 1a(21)''; and

(B) in subitem (BB), by striking ''section 1a(20)'' and inserting ''section 1a(21)''.

(2) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by striking ''section 1a(32)'' and inserting ''section 1a''.

(3) Section 402 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27) is amended—

(A) in subsection (a)(7), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''section 1a(33)'' and inserting ''section 1a''; and

(ii) in paragraph (2)(D), by striking ''section 1a(13)'' and inserting ''section 1a''.

SEC. 4. SPECULATIVE LIMITS AND TRANSPARENCY OF OFF-SHORE TRADING.

(a) IN GENERAL.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—The Commission may not permit a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States direct access to the electronic trading and order matching system of the foreign board of trade with respect to an agreement, contract, or transaction in an energy or agricultural commodity that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, unless—

''(A) the foreign board of trade makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information published by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(B) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

''(i) adopts position limits (including related hedge exemption provisions) for the agreement, contract, or transaction that are comparable, taking into consideration the relative sizes of the respective markets, to the position limits (including related hedge exemption provisions) adopted by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles;

''(ii) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process;

''(iii) agrees to promptly notify the Commission of any change regarding—

''(I) the information that the foreign board of trade will make publicly available;

''(II) the position limits that the foreign board of trade or foreign futures authority will adopt and enforce;

''(III) the position reductions required to prevent manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process; and

''(IV) any other area of interest expressed by the Commission to the foreign board of trade or foreign futures authority;

''(iv) provides information to the Commission regarding large trader positions in the agreement, contract, or transaction that is comparable to the large trader position information collected by the Commission for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(v) provides the Commission with information necessary to publish reports on aggregate trader positions for the agreement, contract, or transaction traded on the foreign board of trade that are comparable to such reports for 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—Paragraph (1) shall not be effective with respect to any agreement, contract, or transaction in an energy commodity executed on a foreign board of trade to which the Commission had granted direct access permission before the date of the enactment of this subsection until the date that is 180 days after such date of enactment.''.

(b) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—

(1) Section 4(a) of such Act (7 U.S.C. 6(a)) is amended by inserting ''or by subsection (f)'' after ''Unless exempted by the Commission pursuant to subsection (c)''.

(2) Section 4 of such Act (7 U.S.C. 6) is further amended by adding at the end the following:

''(f) A person registered with the Commission, or exempt from registration by the Commission, under this Act may not be found to have violated subsection (a) with respect to a transaction in, or in connection with, a contract of sale of a commodity for future delivery if the person has reason to

believe the transaction and the contract is made on or subject to the rules of a board of trade that is legally organized under the laws of a foreign country, authorized to act as a board of trade by a foreign futures authority, subject to regulation by the foreign futures authority, and has not been determined by the Commission to be operating in violation of subsection (a).''.

(c) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—Section 22(a) of such Act (7 U.S.C. 25(a)) is amended by adding at the end the following:

''(5) A contract of sale of a commodity for future delivery traded or executed on or through the facilities of a board of trade, exchange, or market located outside the United States for purposes of section 4(a) shall not be void, voidable, or unenforceable, and a party to such a contract shall not be entitled to rescind or recover any payment made with respect to the contract, based on the failure of the foreign board of trade to comply with any provision of this Act.''.

SEC. 5. DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY AND AGRICULTURE MARKETS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6), as amended by section 4 of this Act, is amended by adding at the end the following:

''(g) DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY AND AGRICULTURE MARKETS.—Subject to section 8 and beginning within 30 days of the issuance of the final rule required by section 4h, the Commission shall disaggregate and make public weekly—

''(1) the number of positions and total value of index funds and other passive, long-only and short-only positions (as defined by the Commission) in all energy and agricultural markets to the extent such information is available; and

''(2) data on speculative positions relative to bona fide physical hedgers in those markets to the extent such information is available.''.

SEC. 6. DETAILED REPORTING FROM INDEX TRADERS AND SWAP DEALERS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6), as amended by sections 4 and 5 of this Act, is amended by adding at the end the following:

''(h) INDEX TRADERS AND SWAP DEALERS REPORTING.—The Commission shall issue a proposed rule defining and classifying index traders and swap dealers (as those terms are defined by the Commission) for purposes of data reporting requirements and setting routine detailed reporting requirements for such entities in designated contract markets, derivatives transaction execution facilities, foreign boards of trade subject to section 4(e), and electronic trading facilities with respect to significant price discovery contracts with respect to exempt and agricultural commodities not later than 60 days after the date of the enactment of this subsection, and issue a final rule within 120 days after such date of enactment.''.

SEC. 7. TRANSPARENCY AND RECORDKEEPING AUTHORITIES.

(a) IN GENERAL.—Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended—

(1) by inserting ''a'' before ''futures commission merchant''; and

(2) by inserting ''and transactions and positions traded pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation or order,'' after ''United States or elsewhere,''.

(b) REPORTS OF DEALS EQUAL TO OR IN EXCESS OF TRADING LIMITS.—Section 4i of such Act (7 U.S.C. 6i) is amended—

(1) in the first sentence—

(A) by inserting ''(a)'' before ''It shall''; and

(B) by inserting ''in the United States or elsewhere, and of transactions and positions in any such commodity entered into pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation or order'' before '', and of cash or spot''; and

(2) by striking all that follows the 1st sentence and inserting the following:

''(b) With respect to agricultural and energy commodities, upon special call by the Commission, any person shall provide to the Commission, in a form and manner and within the period specified in the special call, books and records of all transactions and positions traded on or subject to the rules of any board of trade or electronic trading facility in the United States or elsewhere, or pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation, or order, as the Commission may determine appropriate to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a(a).

''(c) Such books and records described in subsections (a) and (b) shall show complete details concerning all such transactions, positions, inventories, and commitments, including the names and addresses of all persons having any interest therein, shall be kept for a period of 5 years, and shall be open at all times to inspection by any representative of the Commission or the Department of Justice. For the purposes of this section, the futures and cash or spot transactions and positions of any person shall include such transactions and positions of any persons directly or indirectly controlled by the person.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 2(g) of such Act (7 U.S.C. 2(g)) is amended—

(A) by inserting ''4g(a), 4i,'' before ''5a (to''; and

(B) by inserting '', and the regulations of the Commission pursuant to section 4c(b) requiring reporting in connection with commodity option transactions,'' before ''shall apply''.

(2) Section 2(h)(2)(A) of such Act (7 U.S.C. 2(h)(2)(A)) is amended to read as follows:

''(A) sections 4g(a), 4i, 5b and 12(e)(2)(B), and the regulations of the Commission pursuant to section 4c(b) requiring reporting in connection with commodity option transactions;''.

SEC. 8. TRADING LIMITS TO PREVENT EXCESSIVE SPECULATION.

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding after and below the end the following:

''(2) In accordance with the standards set forth in paragraph (1) of this subsection and consistent with the good faith exception cited in subsection (b)(2), with respect to agricultural commodities enumerated in section 1a(4) and energy commodities, the Commission, within 60 days after the date of the enactment of this paragraph, shall by rule, regulation, or order establish limits on the amount of positions that may be held by any person with respect to contracts of sale for future delivery or with respect to options on such contracts or commodities traded on or subject to the rules of a contract market or derivatives transaction execution facility, or on an electronic trading facility as a significant price discovery contract.

''(3) In establishing the limits required in paragraph (2), the Commission shall set limits—

''(A) on the number of positions that may be held by any person for the spot month, each other month, and the aggregate number of positions that may be held by any person for all months;

''(B) to the maximum extent practicable, in its discretion—

''(i) to diminish, eliminate, or prevent excessive speculation as described under this section;

''(ii) to deter and prevent market manipulation, squeezes, and corners;

''(iii) to ensure sufficient market liquidity for bona fide hedgers; and

''(iv) to ensure that the price discovery function of the underlying market is not disrupted; and

''(C) to the maximum extent practicable, in its discretion, take into account the total number of positions in fungible agreements, contracts, or transactions that a person can hold in agricultural and energy commodities in other markets.

''(4)(A) Not later than 150 days after the date of the enactment of this paragraph, the Commission shall convene a Position Limit Agricultural Advisory Group and a Position Limit Energy Group, each group consisting of representatives from—

''(i) 5 predominantly commercial short hedgers of the actual physical commodity for future delivery;

''(ii) 5 predominantly commercial long hedgers of the actual physical commodity for future delivery;

''(iii) 4 non-commercial participants in markets for commodities for future delivery; and

''(iv) each designated contract market or derivatives transaction execution facility upon which a contract in the commodity for future delivery is traded, and each electronic trading facility that has a significant price discovery contract in the commodity.

''(B) Not later than 60 days after the date on which the advisory groups are convened under subparagraph (A), and annually thereafter, the advisory groups shall submit to the Commission advisory recommendations regarding the position limits to be established in paragraph (2) and a recommendation as to whether the position limits should be administered directly by the Commission, or by the registered entity on which the commodity is listed (with enforcement by both the registered entity and the Commission).''; and

(2) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by adding after and below the end the following:

''(2) With respect to agricultural and energy commodities, for the purposes of contracts of sale for future delivery and options on such contracts or commodities, a bona fide hedging transaction or position is a transaction or position that—

''(A)(i) represents a substitute for transactions to be made or positions to be taken at a later time in a physical marketing channel;

''(ii) is economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise; and

''(iii) arises from the potential change in the value of—

''(I) assets that a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising;

''(II) liabilities that a person owns or anticipates incurring; or

''(III) services that a person provides, purchases, or anticipates providing or purchasing; or

''(B) reduces risks attendant to a position resulting from a transaction that—

''(i) was executed pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or an exemption issued by the Commission by rule, regulation or order; and

''(ii) was executed opposite a counterparty for which the transaction would qualify as a bona fide hedging transaction pursuant to paragraph (2)(A) of this subsection.''.

SEC. 9. MODIFICATIONS TO CORE PRINCIPLES APPLICABLE TO POSITION LIMITS FOR CONTRACTS IN AGRICULTURAL AND ENERGY COMMODITIES.

(a) CONTRACTS TRADED ON CONTRACT MARKETS.—Section 5(d)(5) of the Commodity Exchange Act (7 U.S.C. 7(d)(5)) is amended by striking all that follows ''adopt'' and inserting '', for speculators, position limitations with respect to agricultural commodities enumerated in section 1a(4) or energy commodities, and position limitations or position accountability with respect to other commodities, where necessary and appropriate.''.

(b) CONTRACTS TRADED ON DERIVATIVES TRANSACTION EXECUTION FACILITIES.—Section 5a(d)(4) of such Act (7 U.S.C. 7a(d)(4)) is amended by striking all that follows ''adopt'' and inserting '', for speculators, position limitations with respect to energy commodities, and position limitations or position accountability with respect to other commodities, where necessary and appropriate for a contract, agreement or transaction with an underlying commodity that has a physically deliverable supply.''.

(c) SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h)(7)(C)(ii)(IV) of such Act (7 U.S.C. 2(h)(7)(C)(ii)(IV)) is amended by striking ''where necessary'' and all that follows through ''in significant price discovery contracts'' and inserting ''for speculators, position limitations with respect to significant price discovery contracts in energy commodities, and position limitations or position accountability with respect to significant price discovery contracts in other commodities''.

SEC. 10. CFTC ADMINISTRATION.

(a) ADDITIONAL COMMODITY FUTURES TRADING COMMISSION EMPLOYEES FOR IMPROVED ENFORCEMENT.—Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)) is amended by adding at the end the following:

''(D) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of the enactment of this subparagraph, subject to appropriations, the Commission shall appoint at least 100 full-time employees (in addition to the employees employed by the Commission as of the date of the enactment of this subparagraph)—

''(i) to increase the public transparency of operations in agriculture and energy markets;

''(ii) to improve the enforcement of this Act in those markets; and

''(iii) to carry out such other duties as are prescribed by the Commission.''.

(b) INSPECTOR GENERAL OF COMMODITY FUTURES TRADING COMMISSION.—

(1) ELEVATION OF OFFICE.—

(A) INCLUSION OF CFTC IN DEFINITION OF ESTABLISHMENT.—Section 11(2) of the Inspector General Act of 1878 (5 U.S.C. App.) is amended by striking ''or the Export-Import Bank,'' and inserting '', the Export-Import Bank, or the Commodity Futures Trading Commission,''.

(B) EXCLUSION OF CFTC FROM DEFINITION OF DESIGNATED FEDERAL ENTITY.—Section 8G(a)(2) of such Act (5 U.S.C. App.) is amended by striking ''the Commodity Futures Trading Commission,''.

(2) TRANSITION.—Until such time as the Inspector General of the Commodity Futures Trading Commission is appointed in accordance with section 3 of the Inspector General Act of 1978, the Office of Inspector General of the Commission shall continue in effect as provided in such Act before the date of the enactment of this Act.

SEC. 11. REVIEW OF PRIOR ACTIONS.

Notwithstanding any other provision of the Commodity Exchange Act, the Commodity Futures Trading Commission shall review, as appropriate, all regulations, rules, exemptions, exclusions, guidance, no action letters, orders, other actions taken by or on behalf of the Commission, and any action taken pursuant to the Commodity Exchange Act by an exchange, self-regulatory organization, or any other registered entity, that are currently in effect, to ensure that such prior actions are in compliance with the provisions of this Act.

SEC. 12. REVIEW OF OVER-THE-COUNTER MARKETS.

(a) STUDY.—The Commodity Futures Trading Commission shall conduct a study—

(1) to determine the efficacy, practicality, and consequences of establishing position limits for agreements, contracts, or transactions conducted in reliance on sections 2(g) and 2(h) of the Commodity Exchange Act and of any exemption issued by the Commission by rule, regulation or order, as a means to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a of such Act for physical-based commodities; and

(2) to determine the efficacy, practicality, and consequences of establishing aggregate position limits for similar agreements, contracts, or transactions for physical-based commodities traded—

(A) on designated contract markets;

(B) on derivatives transaction execution facilities; and

(C) in reliance on such sections 2(g) and 2(h) and of any exemption issued by the Commission by rule, regulation or order.

(b) PUBLIC HEARINGS.—The Commission shall provide for not less than 2 public hearings to take testimony, on the record, as part of the fact- gathering process in preparation of the report.

(c) REPORT AND RECOMMENDATIONS.—Not less than 12 months after the date of the enactment of this section, the Commission shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes the results of the study; and

(2) provides recommendations on any actions necessary to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a of the Commodity Exchange Act for physical-based commodities, including—

(A) any additional statutory authority that the Commission determines to be necessary to implement the recommendations; and

(B) a description of the resources that the Commission considers to be necessary to implement the recommendations.

SEC. 13. STUDIES; REPORTS.

(a) STUDY RELATING TO INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement standards and activities;

(B) variations among countries with respect to the use of position limits, position accountability levels, or other thresholds to detect and prevent price manipulation, excessive speculation as described in section 4a of the Commodity Exchange Act, or other unfair trading practices;

(C) variations in practices regarding the differentiation of commercial and noncommercial trading;

(D) agreements and practices for sharing market and trading data among futures authorities and between futures authorities and the entities that the futures authorities oversee; and

(E) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(A) describes the results of the study;

(B) addresses whether there is excessive speculation, and if so, the effects of any such speculation and energy price volatility on energy futures; and

(C) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market in a manner that protects consumers in the United States.

(b) STUDY RELATING TO EFFECTS OF SPECULATORS ON AGRICULTURE AND ENERGY FUTURES MARKETS AND AGRICULTURE AND ENERGY PRICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effects of speculators on agriculture and energy futures markets and agriculture and energy prices.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) the effect of increased amounts of capital in agriculture and energy futures markets;

(B) the impact of the roll-over of positions by index fund traders and swap dealers on agriculture and energy futures markets and agriculture and energy prices; and

(C) the extent to which each factor described in subparagraphs (A) and (B) and speculators—

(i) affect—

(I) the pricing of agriculture and energy commodities; and

(II) risk management functions; and

(ii) contribute to economically efficient price discovery.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the

Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study.

SEC. 14. OVER-THE-COUNTER AUTHORITY.

(a) IN GENERAL.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

''(j) OVER-THE-COUNTER AUTHORITY.—

''(1) Within 60 days after the date of the enactment of this subsection, the Commission shall, by rule, regulation, or order, require routine reporting as it deems in its discretion appropriate, on not less than a monthly basis, of agreements, contracts, or transactions, with regard to an agricultural or energy commodity, entered into in reliance on subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation, or order that are fungible (as defined by the Commission) with agreements, contracts, or transactions traded on or subject to the rules of any board of trade or of any electronic trading facility with respect to a significant price discovery contract.

''(2) Notwithstanding subsections (g), (h)(1), and (h)(2) of section 2, and any exemption issued by the Commission by rule, regulation, or order, the Commission shall assess and issue a finding on whether the agreements, contracts, or transactions reported pursuant to paragraph (1), alone or in conjunction with other similar agreements, contracts, or transactions, have the potential to—

''(A) disrupt the liquidity or price discovery function on a registered entity;

''(B) cause a severe market disturbance in the underlying cash or futures market for an agricultural or energy commodity; or

''(C) prevent or otherwise impair the price of a contract listed for trading on a registered entity from reflecting the forces of supply and demand in any market for an agricultural commodity enumerated in section 1a(4) or an energy commodity.

''(3) If the Commission makes a finding pursuant to paragraph (2) of this subsection, the Commission may, in its discretion, utilize its authority under section 8a(9) to impose position limits for speculators on the agreements, contracts, or transactions involved and take corrective actions to enforce the limits.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(g) of such Act (7 U.S.C. 2(g)) is amended by inserting ''subsection (j) of this section, and'' after ''(other than''.

(2) Section 2(h)(2)(A) of such Act (7 U.S.C. 2(h)(2)(A)) is amended by inserting ''subsection (j) of this section and'' before ''sections''.

(3) Section 8a(9) of such Act (7 U.S.C. 12a(a)(9)) is amended by inserting after ''of the Commission's action'' the following: '', and to fix and enforce limits to agreements, contracts, or transaction subject to section 2(j)(1) pursuant to a finding made under section 2(j)(2)''.

SEC. 15. EXPEDITED PROCESS.

The Commodity Futures Trading Commission may use emergency and expedited procedures (including any administrative or other procedure as appropriate) to carry out this Act if, in its discretion, it deems it necessary to do so.

The SPEAKER pro tempore. Pursuant to House Resolution 1449, the amendment in the nature of a substitute printed in House Report 110–859 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6604

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commodity Markets Transparency and Accountability Act of 2008''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

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Sec. 8. Trading limits to prevent excessive speculation.
Sec. 9. Modifications to core principles applicable to position limits for contracts in agricultural and energy commodities.
Sec. 10. CFTC Administration.
Sec. 11. Review of prior actions.
Sec. 12. Review of over-the-counter markets.
Sec. 13. Studies; reports.
Sec. 14. Over-the-counter authority.
Sec. 15. Expedited process.

SEC. 3. DEFINITION OF ENERGY COMMODITY.

(a) DEFINITION OF ENERGY COMMODITY.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (13) through (34) as paragraphs (14) through (35), respectively; and

(2) by inserting after paragraph (12) the following:

''(13) ENERGY COMMODITY.—The term 'energy commodity' means—

''(A) coal;

''(B) crude oil, gasoline, diesel fuel, jet fuel, heating oil, and propane;

''(C) electricity;

''(D) natural gas; and

''(E) any other substance that is used as a source of energy, as the Commission, in its discretion, deems appropriate.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II)(cc) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)(cc)) is amended—

(A) in subitem (AA), by striking ''section 1a(20)'' and inserting ''section 1a(21)''; and

(B) in subitem (BB), by striking ''section 1a(20)'' and inserting ''section 1a(21)''.

(2) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by striking ''section 1a(32)'' and inserting ''section 1a''.

(3) Section 402 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27) is amended—

(A) in subsection (a)(7), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''section 1a(33)'' and inserting ''section 1a''; and

(ii) in paragraph (2)(D), by striking ''section 1a(13)'' and inserting ''section 1a''.

SEC. 4. SPECULATIVE LIMITS AND TRANSPARENCY OF OFF-SHORE TRADING.

(a) IN GENERAL.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—The Commission may not permit a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States direct access to the electronic trading and order matching system of the foreign board of trade with respect to an agreement, contract, or transaction in an energy or agricultural commodity that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, unless—

''(A) the foreign board of trade makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information published by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(B) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

''(i) adopts position limits (including related hedge exemption provisions) for the agreement, contract, or transaction that are comparable, taking into consideration the relative sizes of the respective markets, to the position limits (including related hedge exemption provisions) adopted by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles;

''(ii) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process;

''(iii) agrees to promptly notify the Commission of any change regarding—

''(I) the information that the foreign board of trade will make publicly available;

''(II) the position limits that the foreign board of trade or foreign futures authority will adopt and enforce;

''(III) the position reductions required to prevent manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process; and

''(IV) any other area of interest expressed by the Commission to the foreign board of trade or foreign futures authority;

''(iv) provides information to the Commission regarding large trader positions in the agreement, contract, or transaction that is comparable to the large trader position information collected by the Commission for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(v) provides the Commission with information necessary to publish reports on aggregate trader positions for the agreement, contract, or transaction traded on the foreign board of trade that are comparable to such reports for 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—Paragraph (1) shall not be effective with respect to any agreement, contract, or transaction in an energy commodity executed on a foreign board of trade to which the Commission had granted direct access permission before the date of the enactment of this subsection until the date that is 180 days after such date of enactment.''.

(b) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—

(1) Section 4(a) of such Act (7 U.S.C. 6(a)) is amended by inserting ''or by subsection (f)'' after ''Unless exempted by the Commission pursuant to subsection (c)''.

(2) Section 4 of such Act (7 U.S.C. 6) is further amended by adding at the end the following:

''(f) A person registered with the Commission, or exempt from registration by the Commission, under this Act may not be found to have violated subsection (a) with respect to a transaction in, or in connection with, a contract of sale of a commodity for future delivery if the person has reason to believe the transaction and the contract is made on or subject to the rules of a board of trade that is legally organized under the laws of a foreign country, authorized to act as a board of trade by a foreign futures authority, subject to regulation by the foreign futures authority, and has not been determined by the Commission to be operating in violation of subsection (a).''.

(c) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—Section 22(a) of such Act (7 U.S.C. 25(a)) is amended by adding at the end the following:

''(5) A contract of sale of a commodity for future delivery traded or executed on or through the facilities of a board of trade, exchange, or market located outside the United States for purposes of section 4(a) shall not be void, voidable, or unenforceable, and a party to such a contract shall not be entitled to rescind or recover any payment made with respect to the contract, based on the failure of the foreign board of trade to comply with any provision of this Act.''.

SEC. 5. DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY AND AGRICULTURE MARKETS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6), as amended by section 4 of this Act, is amended by adding at the end the following:

''(g) DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY AND AGRICULTURE MARKETS.—Subject to section 8 and beginning within 30 days of the issuance of the final rule required by section 4(h), the Commission shall disaggregate and make public weekly—

''(1) the number of positions and total value of index funds and other passive, long-only and short-only positions (as defined by the Commission) in all energy and agricultural markets to the extent such information is available; and

''(2) data on speculative positions relative to bona fide physical hedgers in those markets to the extent such information is available.''.

SEC. 6. DETAILED REPORTING FROM INDEX TRADERS AND SWAP DEALERS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6), as amended by sections 4 and 5 of this Act, is amended by adding at the end the following:

''(h) INDEX TRADERS AND SWAP DEALERS REPORTING.—The Commission shall issue a proposed rule defining and classifying index traders and swap dealers (as those terms are defined by the Commission) for purposes of data reporting requirements and setting routine detailed reporting requirements for such entities in designated contract markets, derivatives transaction execution facilities, foreign boards of trade subject to section 4(e), and electronic trading facilities with respect to significant price discovery contracts with respect to exempt and agricultural commodities not later than 60 days after the date of the enactment of this subsection, and issue a final rule within 120 days after such date of enactment.''.

SEC. 7. TRANSPARENCY AND RECORDKEEPING AUTHORITIES.

(a) IN GENERAL.—Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended—

(1) by inserting ''a'' before ''futures commission merchant''; and

(2) by inserting ''and transactions and positions traded pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation or order,'' after ''United States or elsewhere,''.

(b) REPORTS OF DEALS EQUAL TO OR IN EXCESS OF TRADING LIMITS.—Section 4i of such Act (7 U.S.C. 6i) is amended—

(1) in the first sentence—

(A) by inserting ''(a)'' before ''It shall''; and

(B) by inserting ''in the United States or elsewhere, and of transactions and positions in any such commodity entered into pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation or order'' before '', and of cash or spot''; and

(2) by striking all that follows the 1st sentence and inserting the following:

''(b) With respect to agricultural and energy commodities, upon special call by the Commission, any person shall provide to the Commission, in a form and manner and within the period specified in the special call, books and records of all transactions and positions traded on or subject to the rules of any board of trade or electronic trading facility in the United States or elsewhere, or pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation, or order, as the Commission may determine appropriate to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a(a).

''(c) Such books and records described in subsections (a) and (b) shall show complete details concerning all such transactions, positions, inventories, and commitments, including the names and addresses of all persons having any interest therein, shall be kept for a period of 5 years, and shall be open at all times to inspection by any representative of the Commission or the Department of Justice. For the purposes of this section, the futures and cash or spot transactions and positions of any person shall include such transactions and positions of any persons directly or indirectly controlled by the person.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 2(g) of such Act (7 U.S.C. 2(g)) is amended—

(A) by inserting ''4g(a), 4i,'' before ''5a (to''; and

(B) by inserting '', and the regulations of the Commission pursuant to section 4i(b) requiring reporting in connection with commodity option transactions,'' before ''shall apply''.

(2) Section 2(h)(2)(A) of such Act (7 U.S.C. 2(h)(2)(A)) is amended to read as follows:

''(A) sections 4g(a), 4i, 5b and 12(e)(2)(B), and the regulations of the Commission pursuant to section 4i(b) requiring reporting in connection with commodity option transactions;''.

SEC. 8. TRADING LIMITS TO PREVENT EXCESSIVE SPECULATION.

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding after and below the end the following:

''(2) In accordance with the standards set forth in paragraph (1) of this subsection and consistent with the good faith exception cited in subsection (b)(2), with respect to agricultural commodities enumerated in section 1a(4) and energy commodities, the Commission, within 60 days after the date of the enactment of this paragraph, shall by rule, regulation, or order establish limits on the amount of positions, other than bona fide hedge positions, that may be held by any person with respect to contracts of sale for future delivery or with respect to options on such contracts or commodities traded on or subject to the rules of a contract market or derivatives transaction execution facility, or on an electronic trading facility as a significant price discovery contract.

''(3) In establishing the limits required in paragraph (2), the Commission shall set limits—

''(A) on the number of positions that may be held by any person for the spot month, each other month, and the aggregate number of positions that may be held by any person for all months;

''(B) to the maximum extent practicable, in its discretion—

''(i) to diminish, eliminate, or prevent excessive speculation as described under this section;

''(ii) to deter and prevent market manipulation, squeezes, and corners;

''(iii) to ensure sufficient market liquidity for bona fide hedgers; and

''(iv) to ensure that the price discovery function of the underlying market is not disrupted; and

''(C) to the maximum extent practicable, in its discretion, take into account the total number of positions in fungible agreements, contracts, or transactions that a person can hold in agricultural and energy commodities in other markets.

''(4)(A) Not later than 150 days after the date of the enactment of this paragraph, the Commission shall convene a Position Limit Agricultural Advisory Group and a Position Limit Energy Group, each group consisting of representatives from—

''(i) 7 predominantly commercial short hedgers of the actual physical commodity for future delivery;

''(ii) 7 predominantly commercial long hedgers of the actual physical commodity for future delivery;

''(iii) 4 non-commercial participants in markets for commodities for future delivery; and

''(iv) each designated contract market or derivatives transaction execution facility upon which a contract in the commodity for future delivery is traded, and each electronic trading facility that has a significant price discovery contract in the commodity.

''(B) Not later than 60 days after the date on which the advisory groups are convened under subparagraph (A), and annually thereafter, the advisory groups shall submit to the Commission advisory recommendations regarding the position limits to be established in paragraph (2) and a recommendation as to whether the position limits should be administered directly by the Commission, or by the registered entity on which the commodity is listed (with enforcement by both the registered entity and the Commission).''; and

(2) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by adding after and below the end the following:

''(2) With respect to agricultural and energy commodities, for the purposes of contracts of sale for future delivery and options on such contracts or commodities, the Commission shall define what constitutes a bona fide hedging transaction or position as a transaction or position that—

''(A)(i) represents a substitute for transactions to be made or positions to be taken at a later time in a physical marketing channel;

''(ii) is economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise; and

''(iii) arises from the potential change in the value of—

''(I) assets that a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising;

''(II) liabilities that a person owns or anticipates incurring; or

''(III) services that a person provides, purchases, or anticipates providing or purchasing; or

''(B) reduces risks attendant to a position resulting from a transaction that—

''(i) was executed pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or an exemption issued by the Commission by rule, regulation or order; and

''(ii) was executed opposite a counterparty for which the transaction would qualify as a bona fide hedging transaction pursuant to paragraph (2)(A) of this subsection.''.

SEC. 9. MODIFICATIONS TO CORE PRINCIPLES APPLICABLE TO POSITION LIMITS FOR CONTRACTS IN AGRICULTURAL AND ENERGY COMMODITIES.

(a) CONTRACTS TRADED ON CONTRACT MARKETS.—Section 5(d)(5) of the Commodity Exchange Act (7 U.S.C. 7(d)(5)) is amended by striking all that follows ''adopt'' and inserting '', for speculators, position limitations with respect to agricultural commodities enumerated in section 1a(4) or energy commodities, and position limitations or position accountability with respect to other commodities, where necessary and appropriate.''.

(b) CONTRACTS TRADED ON DERIVATIVES TRANSACTION EXECUTION FACILITIES.—Section 5a(d)(4) of such Act (7 U.S.C. 7a(d)(4)) is amended by striking all that follows ''adopt'' and inserting '', for speculators, position limitations with respect to energy commodities, and position limitations or position accountability with respect to other commodities, where necessary and appropriate for a contract, agreement or transaction with an underlying commodity that has a physically deliverable supply.''.

(c) SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h)(7)(C)(ii)(IV) of such Act (7 U.S.C. 2(h)(7)(C)(ii)(IV)) is amended by striking ''where necessary'' and all that follows through ''in significant price discovery contracts'' and inserting ''for speculators, position limitations with respect to significant price discovery contracts in energy commodities, and position limitations or position accountability with respect to significant price discovery contracts in other commodities''.

SEC. 10. CFTC ADMINISTRATION.

Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)) is amended by adding at the end the following:

''(D) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of the enactment of this subparagraph, subject to appropriations, the Commission shall appoint at least 100 full-time employees (in addition to the employees employed by the Commission as of the date of the enactment of this subparagraph)—

''(i) to increase the public transparency of operations in agriculture and energy markets;

''(ii) to improve the enforcement of this Act in those markets; and

''(iii) to carry out such other duties as are prescribed by the Commission.''.

SEC. 11. REVIEW OF PRIOR ACTIONS.

Notwithstanding any other provision of the Commodity Exchange Act, the Commodity Futures Trading Commission shall review, as appropriate, all regulations, rules, exemptions, exclusions, guidance, no action letters, orders, other actions taken by or on behalf of the Commission, and any action taken pursuant to the Commodity Exchange Act by an exchange, self-regulatory organization, or any other registered entity, that are currently in effect, to ensure that such prior actions are in compliance with the provisions of this Act.

SEC. 12. REVIEW OF OVER-THE-COUNTER MARKETS.

(a) STUDY.—The Commodity Futures Trading Commission shall conduct a study—

(1) to determine the efficacy, practicality, and consequences of establishing limits on the amount of positions, other than bona fide hedge positions, that may be held by any person with respect to agreements, contracts, or transactions involving an agricultural or energy commodity, conducted in reliance on sections 2(g) and 2(h) of the Commodity Exchange Act and of any exemption issued by the Commission by rule, regulation or order, that are fungible (as defined by the Commission) with agreements, contracts, or transactions traded on or subject to the rules of any board of trade or of any electronic trading facility with respect to a signifcant price discovery contract, as a means to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a of such Act for physical-based agricultural or energy commodities; and

(2) to determine the efficacy, practicality, and consequences of establishing aggregate position limits for similar agreements, contracts, or transactions for physical-based agricultural or energy commodities traded—

(A) on designated contract markets;

(B) on derivatives transaction execution facilities; and

(C) in reliance on such sections 2(g) and 2(h) and of any exemption issued by the Commission by rule, regulation or order.

(b) PUBLIC HEARINGS.—The Commission shall provide for not less than 2 public hearings to take testimony, on the record, as part of the fact- gathering process in preparation of the report.

(c) REPORT AND RECOMMENDATIONS.—Not less than 12 months after the date of the enactment of this section, the Commission shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes the results of the study; and

(2) provides recommendations on any actions necessary to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a of the Commodity Exchange Act for physical-based commodities, including—

(A) any additional statutory authority that the Commission determines to be necessary to implement the recommendations; and

(B) a description of the resources that the Commission considers to be necessary to implement the recommendations.

SEC. 13. STUDIES; REPORTS.

(a) STUDY RELATING TO INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement standards and activities;

(B) variations among countries with respect to the use of position limits, position accountability levels, or other thresholds to detect and prevent price manipulation, excessive speculation as described in section 4a of the Commodity Exchange Act, or other unfair trading practices;

(C) variations in practices regarding the differentiation of commercial and noncommercial trading;

(D) agreements and practices for sharing market and trading data among futures authorities and between futures authorities and the entities that the futures authorities oversee; and

(E) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(A) describes the results of the study;

(B) addresses whether there is excessive speculation, and if so, the effects of any such speculation and energy price volatility on energy futures; and

(C) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market in a manner that protects consumers in the United States.

(b) STUDY RELATING TO EFFECTS OF SPECULATORS ON AGRICULTURE AND ENERGY FUTURES MARKETS AND AGRICULTURE AND ENERGY PRICES.—

(1) STUDY.—The Commodity Futures Trading Commission shall conduct a study of the effects of speculators on agriculture and energy futures markets and agriculture and energy prices.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) the effect of increased amounts of capital in agriculture and energy futures markets;

(B) the impact of the roll-over of positions by index fund traders and swap dealers on agriculture and energy futures markets and agriculture and energy prices; and

(C) the extent to which each factor described in subparagraphs (A) and (B) and speculators—

(i) affect—

(I) the pricing of agriculture and energy commodities; and

(II) risk management functions; and

(ii) contribute to economically efficient price discovery.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the

Commodity Futures Trading Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study.

SEC. 14. OVER-THE-COUNTER AUTHORITY.

(a) IN GENERAL.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

''(j) OVER-THE-COUNTER AUTHORITY.—

''(1) Within 60 days after the date of the enactment of this subsection, the Commission shall, by rule, regulation, or order, require routine reporting as it deems in its discretion appropriate, on not less than a monthly basis, of agreements, contracts, or transactions, with regard to an agricultural or energy commodity, entered into in reliance on subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation, or order that are fungible (as defined by the Commission) with agreements, contracts, or transactions traded on or subject to the rules of any board of trade or of any electronic trading facility with respect to a significant price discovery contract.

''(2) Notwithstanding subsections (g), (h)(1), and (h)(2) of section 2, and any exemption issued by the Commission by rule, regulation, or order, the Commission shall assess and issue a finding on whether the agreements, contracts, or transactions reported pursuant to paragraph (1), alone or in conjunction with other similar agreements, contracts, or transactions, have the potential to—

''(A) disrupt the liquidity or price discovery function on a registered entity;

''(B) cause a severe market disturbance in the underlying cash or futures market for an agricultural or energy commodity; or

''(C) prevent or otherwise impair the price of a contract listed for trading on a registered entity from reflecting the forces of supply and demand in any market for an agricultural commodity enumerated in section 1a(4) or an energy commodity.

''(3) If the Commission makes a finding pursuant to paragraph (2) of this subsection, the Commission may, in its discretion, utilize its authority under section 8a(9) to impose position limits (including, as appropriate and in its discretion, related hedge exemption provisions for bona fide hedging comparable to bona fide hedge provisions of section 4a(c)(2)) on agreements, contracts, or transactions involved, and take corrective actions to enforce the limits.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(g) of such Act (7 U.S.C. 2(g)) is amended by inserting ''subsection (j) of this section, and'' after ''(other than''.

(2) Section 2(h)(2)(A) of such Act (7 U.S.C. 2(h)(2)(A)) is amended by inserting ''subsection (j) of this section and'' before ''sections''.

(3) Section 8a(9) of such Act (7 U.S.C. 12a(a)(9)) is amended by inserting after ''of the Commission's action'' the following: '', and to fix and enforce limits to agreements, contracts, or transaction subject to section 2(j)(1) pursuant to a finding made under section 2(j)(2)''.

SEC. 15. EXPEDITED PROCESS.

The Commodity Futures Trading Commission may use emergency and expedited procedures (including any administrative or other procedure as appropriate) to carry out this Act if, in its discretion, it deems it necessary to do so.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, H.R. 6604, the Commodity Markets Transparency and Accountability Act of 2008, will strengthen oversight of the Commodity Futures Market for energy and agricultural commodities. This bill will be almost entirely identical to the version that we considered under suspension here on July 30, 2008.

There are two changes that are purely technical and corrected typographical errors, and there are two other changes that we made in the bill to make sure the provisions are entirely within the jurisdiction of the Agriculture Committee.

One strikes section 10(b) regarding the Inspector General of the CFTC. The other, section 13(b) is modified so the Commodity Futures Trading Commission does the reference study instead of the Comptroller General.

Mr. Speaker, on this bill we have gotten more information in the committee, and Mr. ETHERIDGE had a hearing that he chaired last week.

I would at this time yield 5 minutes to the gentleman from North Carolina (Mr. ETHERIDGE) who has been working with me tirelessly on this to talk about the process and explain the bill.

Mr. ETHERIDGE. I thank the chairman.

I am pleased today to join Chairman PETERSON and Ranking Member GOODLATTE in bringing this legislation, the Commodity Markets Transparency and Accountability Act of 2008, to the floor for consideration by the House.

Mr. Speaker, since our bill was considered by the full House this past July, much has happened. For one thing, oil prices have dropped, and they have dropped considerably. They have gone up in the last day or so. Additionally, the CFTC has released a report providing the most detailed and accurate look at data on index trading and swap dealers participating in the over-the-counter market.

While all of us are glad to see the prices of oil decline and other commodities in recent months, it does not relieve the Commission or this Congress of our responsibility to make sure that commodity markets are operating effectively, efficiently and fairly. And while the CFTC report indicates that index funds and swap dealers have less influence on our markets than had otherwise been reported, the report does not tell us the whole story or provide us with all the answers to our questions regarding these markets.

The CFTC report fails to include the time period of this July and August and recent weeks when oil prices fell fairly rapidly. Do we have a clear understanding of why prices fell? No. Passing H.R. 6604 will provide the CFTC with the authority and the tools to examine the entire marketplace to ensure no individual group or groups of market participants is having an undue influence on the market.

Months ago, the CFTC was telling Congress that it needed no additional changes to the Commodity Exchange Act and that markets were functioning properly. Now the CFTC's report contains a host of proposals very similar to the provisions in the Commodities Market Transparency and Accountability Act.

The report recommends measures designed to enhance transparency and data accuracy for commodity markets. Our bill provides the commission with the tools to make that happen.

The report suggests revising the hedge exemption rules that allow traders to exceed speculation position limits. Our bill accomplishes that too.

The report highlights the desperate need for additional staff and resources at the CFTC, not only to accomplish its current mission, but also to implement its recommendations to bring greater transparency and accountability to the commodity markets. We happen to agree.

Since 2000, volume on the commodity markets has increased sixfold, but currently staffing levels at the CFTC have fallen to their lowest level in the 33-year history of the Commodities Exchange. Through this legislation, we acknowledge the need for 100 additional full-time positions at CFTC that they need to effectively regulate the futures industry, including our energy markets. But we should not kid ourselves. The CFTC needs far more resources to do the job that we expect them to do.

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Earlier this year the chairman of the CFTC testified at a hearing that the agency needed 100 additional staff right now just to meet the growing surveillance needs.

In testimony presented to the House Agriculture Committee a week ago today, the chairman of the commission testified the CFTC would need still another 138 full-time staff and $38 million just in 2009 to implement the provisions of H.R. 6604. Given the light of what is happening in the markets, I think we understand why the need is there.

I have said this before, but it bears repeating, if Congress places additional responsibility upon the Commission, without providing the resources necessary to meet those responsibilities, then what we pass here today is simply a farce. Through its report, CFTC views on effective oversight of commodity markets have changed dramatically from where the commission was previously.

I know some of my colleagues will say let's wait and give the commission

time to implement these recommendations administratively. I say why wait for the commission to implement changes that we as a Congress can do right now with H.R. 6604.

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

Mr. PETERSON of Minnesota. Mr. Speaker, I yield the gentleman another 30 seconds.

Mr. ETHERIDGE. We can all agree that no one factor is responsible for the movement we have seen in agriculture and energy prices, but this legislation is an important measure to provide the CFTC with additional tools and authority to keep our markets free of manipulation and excess speculation and help restore confidence to these markets. We cannot allow excess speculation by Wall Street to cause folks on Main Street to suffer.

I urge my colleagues to support this legislation.

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

For the past few years, the Committee on Agriculture has taken a proactive approach to try to understand and monitor the issue of trading activity in the futures markets and conduct appropriate oversight. This was so we could make an informed decision about whether or not commodity markets need greater transparency and accountability.

Last week, CFTC Acting Chairman Walt Lukken presented a 6-month study of the futures market to the committee. Chairman Lukken and his staff spent a lot of hours and a great deal of work over the past 3 months to produce that report. We appreciated their efforts, especially for keeping an aggressive timetable.

The CFTC report was useful in providing a reference point in determining the relationship between index fund-related activity in the over-the-counter markets and commodity futures, and energy and agriculture prices in the United States.

However, as we move forward today with H.R. 6604, there are key factors for us to consider.

One, after hearing testimony from Mr. Lukken, and after examining the findings of this report, it is evident that our priority should be ensuring that the CFTC has the tools and resources it needs to protect and preserve the integrity of our futures markets.

The CFTC devoted more than 30 employees and 4,000 staff hours to produce this report. Those who have read the report all agree that these broad snapshots of the markets are necessary, but the CFTC does not have the staff to dedicate to similar projects.

This bill directs the CFTC to hire 100 additional employees. But because there has not been a single appropriations bill passed by both Chambers and presented to the President, I have no idea how the already underfunded agency will be able to do so.

The Democratic leadership is fond of pointing the finger of blame, but ultimately the Democratic leadership has one duty, to consider and pass the appropriations bills that fund the government. The Democratic leadership has refused to execute this duty and has failed the American taxpayer.

Second, this bill will not reduce the price of oil. It will not relieve the burden many Americans face at the gas pump. In order to achieve that very important goal, Congress must focus on creating a viable energy policy that goes beyond the measures passed thus far to increase the domestic supply of energy sources and promote energy independence.

Though I have concerns that some of the provisions in H.R. 6604 are too far-reaching, I will continue to support this bill to ensure that the CFTC has all the tools it needs to preserve and protect the integrity of our futures markets.

But I know, as I have worked closely with the chairman of the committee, who has worked in a very bipartisan fashion to fashion this legislation and address these concerns and make sure the CFTC has the necessary oversight authority and capability, that this bill would provide for it.

I also know that this is not what the American people want and need when it comes to energy. I know that there are many on the other side of the aisle who are hoping still to have an opportunity to vote, not on a hoax, not on a sham like we did 2 days ago, but on a real American energy bill that provides for real offshore drilling, not a bill that would shut off 80 to 90 percent of the known oil and natural gas reserves from access, not a bill that does nothing to promote nuclear power, not a bill that doesn't take up consideration of drilling in the Arctic National Wildlife Refuge, not a bill that shuts us off from tapping into the oil shale reserves that are in tremendous abundance in the Rocky Mountain States, not a bill that does nothing for coal-to-liquid and other clean coal technologies that would benefit the American people, since we have the largest coal reserves in the world, not a bill that imposes tax increases in order to get to the alternative forms of energy that the American people want to have, but, rather, the American Energy Act, something that we asked this Congress to bring up before we went into a 5-week August recess.

While the Speaker of the House ordered the microphones turned off, the C–SPAN cameras turned off, the lights turned down low, we stayed here day after day, week after week, calling for a vote on the American Energy Act. We didn't get it.

Instead, we got this sham hoax that won't produce a drop of new oil, won't produce a cubic foot of new natural gas, will do nothing for nuclear power, will do nothing for coal, will do nothing for alternative forms of energy. It is simply an effort to try to derail what the American people clearly wanted to see on the floor of this House.

We still haven't seen it. This bill doesn't do it. We need to have that vote, and that's what the debate should be about here today, not this legislation which is good, but does not do what the American people want.

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

Mr. PETERSON of Minnesota. I want to take a second to commend my ranking member for the outstanding work that did he with us on a bipartisan basis in this committee to bring this bill forward. We take our jurisdiction very seriously, and we think we have produced a good product.

Mr. Speaker, I am now pleased to recognize the gentleman from Connecticut (Mr. COURTNEY) for 1 minute.

Mr. COURTNEY. Mr. Speaker, I rise in strong support of Chairman PETERSON's bill, which is a logical follow-on to Tuesday's energy bill that had two goals: number one, to bring immediate relief to consumers; and, two, to bring long-term solutions to America's energy challenges. This bill will go a long way to bring accountability to the price of a critical commodity, oil, which is the lifeblood of our economy.

The facts are clear, before energy commodities trading was exempted from CFTC oversight, about 70 percent of the energy futures trading was done by energy companies, 30 percent was done by speculators. Today those numbers are reversed, and the trading volume has increased sixfold.

As an old friend of mine, who has been in the scrap metal business in Willimantic, Connecticut, for 30 years said, commodity markets were never intended to be investment markets. Yet that is what they have become, and consumers and small businesses cannot keep up with the huge price swings occurring every day with no apparent connection to supply and demand.

These huge price swings have a direct result on my constituents in eastern Connecticut who are facing dire circumstances if home heating oil remains at high and unstable prices this fall and winter. It is time that Congress took additional steps to make sure that all markets, including foreign boards of trade, operate with CFTC oversight. We must bring transparency and stability to energy trading.

I urge my colleagues to support this bill.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 4 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I thank the ranking member, and I am pleased to rise to

talk about this bill. I just think that it's important that we be square with the American people about what this bill does and what it doesn't do.

This bill essentially creates a straw man or a boogeyman and attacks that straw man or boogeyman as though they were responsible for the price of gasoline and energy in America today. Regardless of whether you are voting for or against this bill, it doesn't do anything to help Americans concerned about saving the American family and American business from the high price of oil and gas.

Let me explain to Americans what speculators do. I am not a speculator. Speculators bet on the future. It's legal to make a gamble in America and bet on the future of commodities prices, of pork bellies, and, as the agriculture chairman and ranking member are well aware, of the price of corn and wheat in the future. Speculators bet on the future.

What speculators have done with the price of oil and gas on the commodities market, they have simply bet on the future price of oil and gas. Now in this case, what are they betting on? They are betting that the demand for energy in the world, places like India and China and the third world, will increase. That's a pretty smart bet.

But they are betting on another thing. They are betting that the Democratic-led Congress will continue to be stupid and refuse to supply more energy for America. It's a simple preponderance rule of supply and demand. If you have less corn 2 months from now, the price of corn will go up. That's what speculators bet on.

If you are going to have more demand for energy and oil and gas, and you know you will not produce more supply, then the price of oil and gas will go up. To punish the speculators for betting that Congress will continue to be stupid and not produce American energy is really attacking a boogeyman. It is attacking a straw man and will not help with the price of oil.

Now, as the ranking member said, the great news is, America has an abundant supply of energy. We just won't access it. We are the Saudi Arabia of the world's coal supply. We can produce and burn coal in a liquefied or gasified manner cleaner than ever, but we refuse to do it. China is doing it, India is doing it, our competitors are doing it. We won't, even though we are the Saudi Arabia of coal.

We won't drill in ANWR. We will not access oil and tar shale. We passed a fraud on the American people in a bill the other day that said 88 percent of the area where we could drill off the Outer Continental Shelf for oil can never be drilled in, and the other 12 percent can be drilled in, but only if all of the radical environmentalists and trial lawyers somehow, someday, give us permission.

That is a no drilling bill. It is a no energy bill. Now we won't build nuclear plants. America has the finest nuclear technology in the world. We stopped building nuclear plants 30 years ago, and American nuclear expertise, scientists and technologies went to France. You are a really foolish country if the French are outsmarting you on policy with your own technology, but that is what's happening every day.

So what do we do here today? Instead of passing a real American-based energy bill where American energy can be produced by American workers to save American families and American jobs, we have tax speculators who have bet on the future, and they have bet that the Democrat-led Congress will continue to be dumb.

I think they made a good bet.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from Vermont (Mr. WELCH) who has been a leader on this issue.

Mr. WELCH of Vermont. Mr. Speaker, a couple of things about this. Number one, the fact that this is a bipartisan bill is really a breakthrough. The fact is that having the support of the Agriculture Committee, ranking member and the chairman, indicates that there is a coming together on something that is incredibly important.

We have had a lot of debate about how this is going to affect the price of gas, but the way, as I understand it, the Agriculture Committee approached this, was how are we going to protect consumers? How are we going to protect farmers? How are we going to protect fuel dealers and airlines that have the burden of buying in the futures market because they need price stability, and they need a futures trading market in order to have price discovery, so that coming together was about recognizing that the institutional mechanism of a commodity futures trading commission has to be in service of those farmers in the Midwest.

It has to be in service of airlines that are trying to get us from here to there, of our fuel dealers that are delivering home heating fuel to our people at home. We can have a debate about how much prices are going to come down. In fact, since this committee took this under active consideration, the prices have come from 150 to 100. We can argue about what's the cause and effect, but it certainly was contemporaneous and had a big impact.

□ 1245

But what is happening in our economy is that basic institutions that have served us well, mortgages for homeowners, or the futures trading for farmers and others, have been hijacked for other reasons, not just to help a person buy a home or help a farmer have a price, but to become a commodity itself used by Wall Street to speculate for financial manipulation and market reasons.

That is not what these institutions are about, and the Congress has a fundamental decision before it. Are we going to stand up for American farmers and American consumers and provide protection for the institutions that they absolutely need, we need, or are we going to allow them to continue to be hijacked by Wall Street for other reasons?

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Kansas (Mr. MORAN), the ranking Republican member on the subcommittee with jurisdiction over commodity futures trading.

Mr. MORAN of Kansas. Mr. Speaker, I rise today, in contrast to my colleagues on the committee and subcommittee, in opposition to H.R. 6604. It is an awkward position to be in because I spend more time and have a greater closer working relationship with the three members of the House of Representatives who are here today speaking from the Agriculture Committee in favor of this legislation than probably any group of Members of Congress since I came to Congress.

But I rise today in opposition to this legislation for the same reason that I did nearly a month and a half ago. This bill will do little, if anything, to bring down the price of energy. In fact, certain provisions of this bill could likely lead to less market transparency and increased market volatility. Unlike one and a half months ago, however, Congress has some data provided by the CFTC. The data shows that the commodity markets were not broken, and while crude oil went from $96 per barrel to $146 per barrel over the first 6 months of this year, the aggregate long position of index traders and swap dealers fell by 11 percent or 45,000 contracts.

As I stated back in July, I favor changes in the Commodities Exchange Act that will improve market transparency, oversight and enforcement activities. In fact, in working with the CFTC and others, I have introduced legislation, H.R. 6921, that I believe will enhance transparency in the futures markets without disrupting the markets. Based on consensus recommendations of the CFTC, the bill that I have introduced codifies the recommendations of the commission that they suggested would benefit from codification that were presented to our committee. That hearing has been referenced. It just occurred on September 11.

What my bill does not do and what this bill does, this bill on the House floor, is redefine a bona fide hedging transaction to prohibit the ability of legitimate market participants from utilizing the market, push domestic traders overseas where CFTC will have

little oversight and contains cumbersome and contradictory requirements that will overburden the CFTC staff and lead to little useful information.

In July I said this bill was put together quickly, in fact I thought too quickly and went too far. The information provided by the CFTC at our hearing on September 11 in my opinion confirmed that fact. Given that this bill was defeated on suspension and it includes provisions that go beyond the scope of the commission's recommendations, one would think that we would now take that bill back to committee and craft a more precise product rather than bringing the same product to the House floor. We asked for more information, we got more information, and yet the crux of this legislation didn't change.

A well-crafted bill needs to provide additional transparency, oversight authority, and not exclude legitimate market participants or reduce market liquidity. One of the problems of this legislation, as I said, is it will reduce market transparency. This is because certain provisions, like the provision dealing with the foreign boards of trade that seek direct access to U.S. markets, will push traders to foreign markets. Rather than giving the CFTC a better picture of markets to prevent fraud and manipulation, it will actually restrict the ability of the CFTC to see that market.

In addition, the bill errantly attempts to define a ''bona fide hedging transaction.'' In its current form, section 8 will exclude legitimate commercial market participants from properly hedging risk. This will cause immediate disruption of the markets as the legitimate market participants are forced out of the market. It will reduce market liquidity and increase price volatility.

I am also concerned with provisions in this bill that require routine reporting and potential use of position limits in over-the-counter transactions that are ''fungible.'' ''Fungible'' is not defined and suggests that a significant amount of CFTC transactions would be implicated by this section.

I am especially concerned about the authority of section 14 which gives the CFTC the opportunity to impose position limits on over-the-counter trades. This is a problem because the OTC trades are nonstandardized contracts. Unlike standardized contracts traded on designated contract markets, OTC trades are often tailored to manage a specific company's risk in a market. And unlike a contract traded on a designated contract market, an OTC trade is made with a single counterparty. On a designated contract market, unlike many OTC trades, a clearinghouse is the counterparty to every contract and can facilitate liquidation of a position. In an OTC trade, if one party is in violation of a position limit and the other is not, liquidation of a position will adversely affect the party that is in compliance, again causing greater market volatility and increased cash prices of a commodity because of a disruption in commercial market participant's risk management strategy.

I think this bill has some technical problems that will harm price discovery and risk management strategies. It should be returned to committee where we address, again, the root cause of high energy prices.

The goal must be to do no harm, but this goal is not met in this legislation.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6604.

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

There was no objection.

Mr. PETERSON of Minnesota. Mr. Speaker, we saw the information, and some of us became convinced all the more that the bill we have put on the floor is the appropriate bill.

I now yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), one of our leaders and a leader on this issue.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of this legislation that will bring greater transparency and greater accountability to the commodity futures markets, and I want to commend committee Chairman PETERSON, Ranking Member GOODLATTE, and subcommittee Chairman BOB ETHERIDGE for coming together with the committee and others to pass and develop this bipartisan legislation which I hope we will all pass. I also want to thank and commend ROSA DELAURO, JOHN LARSON, and BART STUPAK for their leadership on this issue.

If there is one thing we should have all learned over the last couple weeks given the turmoil in our financial markets, it is that we need greater transparency and greater accountability. These are not just abstract good government ideals, these are tools that people need for responsible regulation of our financial markets, including our futures markets. They are absolutely necessary if we want to make sure that the CFTC and our regulators have the information that they need, especially when you are talking about the great impact that these things can have on our economy, as we are seeing every day on Wall Street.

The old adage that ''what you don't know won't hurt you'' is no longer a tenable position for this Congress. We need the information. With this legislation, for the first time, we will shine a light on the so-called dark markets and empower the CFTC to take corrective action where they find problems.

It provides for stronger position limits for energy commodities traded on regulated exchanges while ensuring that our futures markets continue to have the liquidity they need to function properly. No one has said there is not an important role for our futures markets, it is making sure that they are regulated properly to protect consumers and investors.

This bill will also rein in excessive speculation by ensuring that hedging exemptions are granted only to commercial market participants seeking to hedge their actual physical risk, rather than to speculators facing only financial risk.

Mr. MORAN mentioned the recent report by the CFTC, and I would point out there was a recommendation they made which really follows a provision that we make in this bill, and that is to make sure that we, with respect to the commodity swap dealers and index traders, that we remove the swap dealers from the commercial category of market participants. We do that in this bill.

Additionally, in recognition of the numerous instances where the same CFTC staff report found traders effectively circumventing position limits they would ordinarily face on regulated exchanges by going to the over-the-counter market, in some cases exceeding those established positions by substantial amounts, the CFTC report proposes requiring swap dealers to certify that they are noncommercial clients that do not exceed established position limits with their over-the-counter trades. We do that here.

Mr. Speaker, we have a fundamental choice here. It is a choice between transparency and keeping things hidden behind the curtain. It is a choice between whether we want our futures markets to reflect the fundamentals of supply and demand, or whether we want our futures markets to be continuously whipsawed by massive inflows of speculative money.

We have a job to do. We have seen in recent days and weeks on Wall Street the effects of taking our eye off the ball and not providing regulators with the tools they need and them not following through with what they have. Let's make sure that we don't make that mistake in the commodities futures trading market. We have already seen the impact of not giving those complete tools. Let's make sure that those folks have what they need and are empowered to do the job on behalf of the American public. I thank the committee for their work on this.

Mr. GOODLATTE. Mr. Speaker, I am pleased to recognize the gentleman from Connecticut (Mr. SHAYS) for such time as he may consume.

Mr. SHAYS. Mr. Speaker, I thank my colleague for giving me this time to speak on what I think is important legislation.

I believe the Commodity Futures Trading Commission, the CFTC, must investigate speculation in the energy futures market and respond to any manipulation in price distortions.

While opinion is not unanimous, I believe the increased positions of institutional investors, such as pension funds and endowments and sovereign funds in this market are contributing to the escalating price of oil at an alarming rate. The CFTC should level the playing field and apply position limits to the institutional investors, such as the New York Mercantile Exchange has required of its members for years.

Investigating market manipulation will give us temporary relief, but the high gas prices of today compel us to confront the inconvenient truth of our energy needs in other ways. We clearly need to increase domestic energy production, including solar, wind, geothermal, biofuel, nuclear power; and yes, oil and natural gas. It is truly insane to transfer $700 billion of our wealth, our income, to other nations, most of whom are, frankly, unfriendly to us.

Alongside increased conservation and energy efficiency, I believe we must drill for oil and natural gas miles off our coast in an environmentally responsible way, and build new nuclear power plants. Bringing more supply online will send a strong signal to the market and help bring down high energy costs even in the short term. The rest of the world needs to know that the United States is serious about energy.

Mr. ETHERIDGE. We have just a couple more speakers we are waiting on, but in the meantime I would take this opportunity, Mr. Speaker, to just share with my colleagues that this bill has substantial support from the Air Transportation Association, the Air Line Pilots Association, Tyson Foods, Sierra Club, Environmental America, League of Conservation Voters, the Wilderness Society, National Chicken Council, National Corn Growers Association, National Cotton Council, National Farmer Unions, National Grains, National Milk Producers Federation, National Sorghum Producers, Southern Cotton Shippers Association, Southern Peanut Farmers Association, Southwest Council of Agriculture, Texas Cotton Association, United Egg Producers, United States Cattlemen Association, U.S. Rice Producers Association, U.S. Rice Federation, Western Cotton Shippers, Western Peanut Growers Association, Women Involved in Farm Economics, the American Agriculture Movement, American Association of Crop Insurance, American Corn Growers, American Cotton Shippers, the Atlantic Cotton Association, the Minnesota Corn Growers Association, National Association of State Departments of Agriculture, and I think at the end of the day, Mr. Speaker, the American people.

□ 1300

The American people only ask of us in this body to do what's right and be fair. I think they want markets to work. They want them to work fairly because they don't want them working against us. Today we have an opportunity to make these markets, once again, work for the American people.

We heard testimony in our committee of grain elevators who were caught in the wedge. When the prices ran so high, they were unable to get financing to be able to assist farmers. When you're looking at finding a real price through the futures, that's what they're supposed to do. But you can't do it when the markets aren't working the way they should work.

Mr. Speaker, if the gentleman from Virginia has any other speakers, I would be willing for him to call his speakers while I wait for a couple of folks here.

Mr. GOODLATTE. Will the gentleman yield?

Mr. ETHERIDGE. I would be happy to yield.

Mr. GOODLATTE. I have only myself to close. If the gentleman is thinking that we're close to closing, then I am prepared to do that.

Mr. ETHERIDGE. I am prepared to close, unless we get one more speaker. If you will go ahead and proceed, and then as soon as our speaker comes, I will let them do it and I'll close.

I reserve the balance of my time.

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

As I say, I appreciate working with the gentleman from North Carolina and the gentleman from Minnesota on this legislation.

I think this legislation gives to the Commodity Futures Trading Commission the necessary tools for appropriate oversight and enforcement. I think this is a light touch. I do not think that it interferes in the marketplace.

And I think that the evidence that was brought forth by the recent report submitted by the CFTC is very strong evidence that the marketplace is working very well, but it needs constant vigilance. We can see that with the difficulties that are being experienced around the country and around the world in other types of markets.

Certainly in the mortgage area and other financial areas, the risk of not giving the regulatory agencies the appropriate authority to do oversight and to act is certainly a grave concern. But I think we are doing that in this area. I think the CFTC is doing that in this area, and I think this legislation will help to enhance their ability to remain vigilant in making sure that this market operates properly; that there is not excessive speculation; that there is not manipulation of this marketplace.

Having said all of that, I will say, once again, that this is not the issue that we should be debating here today. I support this legislation. I will vote for it. But we deserve an opportunity to vote on what the American people want. And poll after poll have shown that they want to see a real energy act. They know that the problem with the high price of energy is the lack of supply. They know the problem with the disruption of our energy supply that just occurred due to Hurricane Ike is because we have not enough refinery capacity in this country, and that it is not distributed around the United States.

The American Energy Act provides for using abandoned U.S. military bases to build new refineries. We haven't built a new one in more than 30 years. And the bill that was brought to the floor of the House by the Democratic leadership earlier this week did absolutely nothing in that area.

We're now importing refined petroleum products, paying a higher price. We're seeing more and more billions of dollars going out of this country every week, costing America jobs, harming our economy because we are so dependent upon foreign oil, at the same time that we have huge resources, not just oil, but natural gas, coal, the potential of new nuclear power, as well as a whole array of alternative sources of energy like wind and solar and geothermal and biomass and hydrogen. All of these things are available to us if we will take the leadership here in this Congress and get the American Government out of the way of developing these new sources of energy. But, instead of doing that, we bring a no drill, no energy bill to the floor that was clearly a sham, a hoax on the American people.

We have abundant resources in oil. The estimates are that we could be producing 3 to 4 million barrels of oil from the Outer Continental Shelf. The bill that was brought forth on the floor of the House shuts off 80 to 90 percent of that oil from access to the marketplace because they don't allow drilling.

I introduced legislation, as have other people, to allow drilling off the coast of our respective States. I've introduced one for Virginia that has strong support in our delegation. And yet the legislation that was brought forward earlier this week does not provide any royalties for the States. So our Governor, Democratic Governor of the State has already indicated that if the State can't benefit from deriving royalties that can be used for developing better transportation systems, alternative forms of energy, public education and so on, if it can't be used for that, he's not interested in participating. So that bill was meaningless. It was a sham.

We need to bring forth real legislation like the American Energy Act that shares those royalties with the States so that they're able to do that.

It's estimated that we could have a million barrels of oil a day coming down the pipeline that already exists in Canada, if we would drill for oil in the Arctic National Wildlife Refuge, an area the size of the State of South Carolina; and the area that would be utilized for drilling for oil is about 2,000 acres, like a postage stamp on a football field. That's how much of this land of this huge area would be utilized. The people of Alaska support it. The Governor of Alaska, Sarah Palin, supports it.

Are we doing that?

No. Wouldn't even bring it up. Wouldn't bring up a bill that we could even offer an amendment to to allow for that to take place.

Meanwhile, the oil that comes from the Prudhoe Bay area is declining. It was 2.1 million barrels a day at its peak. It's now down to 700,000 barrels a day. We're told that when it gets down to 300,000 barrels a day, we'll have to close down the pipeline because it's not economically efficient to transport the oil.

At the same time we could be adding a million barrels of oil a day for an estimated 30 years, we're at risk of losing not just that million, but an additional 300,000 barrels of oil a day, about 6 percent of the consumption in this country every day for 30 years.

And then look at the oil shale available in the Rocky Mountain States. Here we have an estimated somewhere between 800 billion and 2 trillion barrels of oil that can be extracted from that oil shale, much like the Canadians are extracting oil from tar sands in Canada. So while they're doing that in Canada, this Congress last year passed legislation that prohibits the United States Government from buying that oil from Canada.

And then in terms of our own reserves which are huge, to just give you an idea, since the first oil well was drilled in Pennsylvania in 1859, until today, the entire world has used about 1 trillion barrels of oil. And yet we're leaving untapped, because legislation was not brought forward to address it, untapped, 800 billion to 2 trillion barrels of oil available to us in that oil shale deposits in the Rocky Mountain States. It's a shame, Mr. Speaker, that we're not doing that today.

Coal reserves. We have more coal reserves than any other nation in the world. New technology exists to convert it to liquid that can be used for transportation purposes. We have new technology that is cleaner burning coal, and yet we're not doing anything in the legislation that was offered here earlier this week to tap into that.

Nuclear power. It's been correctly noted here today that while the United States still derives 20 percent of its electricity from nuclear power, France today gets close to 80 percent of its electricity from nuclear power. They continue to develop that technology. We haven't, for 30 years. We haven't for 30 years built a single new nuclear power plant. There are now some on the drawing boards, thanks to legislation that the Congress adopted 2 years ago to incentivize that.

But because of regulations that stand in the way, we will not have the opportunity to see a single kilowatt hour of electricity generated from those new nuclear power plants for at least 10 years. Why?

Because this Democratic leadership would not bring up legislation like the American Energy Act that enables that.

The same thing with the development of alternative fuels like wind and solar and geothermal and hydrogen and biomass. What do they do to incentivize? They increase taxes. That's the last thing we need right now when the American economy is in the condition that it's in, to have tax increases to pay for something that we could pay for with the royalties that would come from drilling offshore, from drilling in Alaska, from tapping into that oil shale, from drilling for natural gas where the largest deposit known in the world is in the Gulf of Mexico, and yet we can't have access to it.

There's natural gas all down the eastern coast of the United States. We can't have access to that. Why? Because they won't share the royalties with the States and it won't happen. And they've kept some of these areas off limits in their legislation as well.

This is a travesty, Mr. Speaker. We should be having the American Energy Act on the floor today. That's what the American people want. That's what will create millions of American jobs in creating this new energy, and in revitalizing our industry and revitalizing manufacturing and strengthening agricultural production in this country and strengthening all of American commerce, making us more competitive with the rest of the world if we would simply seek to be energy independent, which we could accomplish in 10 or 15 years if the leadership of this Congress would simply bring forward legislation that would enable us to empower America to have real energy independence and real American jobs and save this economy.

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

Mr. ETHERIDGE. Mr. Speaker, I ask for a time check.

The SPEAKER pro tempore. The gentleman has 14½ minutes remaining.

Mr. ETHERIDGE. Mr. Speaker, I yield 4 minutes to the gentlelady from Connecticut, someone who has worked hard in this area, Representative DELAURO.

Ms. DELAURO. Mr. Speaker, our economy is struggling. We know the price at the gas pump is killing middle class families trying to make ends meet, farmers harvesting their crops, truckers traveling our highways.

I rise in support of this bill. It's an important first step to address the concerns of millions of Americans who fear something more than just supply and demand is at play and our energy markets are not operating as they should.

I want to commend Chairman PETERSON for being so open and available as he worked with myself and my colleagues, Congressmen STUPAK, LARSON and VAN HOLLEN throughout the summer to make this bill a priority and to bring transparency back to our futures market.

This is a complex issue. Our responsibility as a Congress and the Nation is serious, however. Excessive speculation occurs when the market price for a given commodity no longer accurately reflects the forces of supply and demand. Today we can point to loopholes and exemptions that have allowed interested parties with special access to information to improperly speculate on the price of energy without oversight. That excessive speculation has contributed to rising gas prices.

This bill begins to confront that speculation, providing the Commodity Futures Trading Commission new authority to gather information from currently unregulated over-the-counter energy transactions. And if it finds improper speculation is driving up the prices, the agency has the authority then to act to reduce the speculation. This is new, it's long overdue authority that will shed light on once hidden markets.

The bill also makes sure we know who is participating in the market to what extent by requiring detailed trading information from index traders and swap dealers. It works to make sure hedge exemptions are not exploited, making clear only legitimate hedgers may use them.

This vote follows the report last week from the Commodity Futures Trading Commission which suggested the need for a legislative fix to restore balance to the energy marketplace, recommending a significant increase in the transparency of energy markets, more careful analysis of data, and even a reclassification of swap dealers.

A day earlier, hedge fund managers Michael Masters and Adam White released their own report pointing to institutional investors pouring money into energy futures and contributing to rising prices. Later, by pulling those funds out of the market, the rush for the exits helped bring the prices down. And this decline may continue, according to yesterday's Wall Street Journal which reported, and I quote, ''Evaporating access to credit, fears of an economic washout are taking a toll on oil prices, forcing speculators using borrowed money out of the market.''

Whether prices are up or down, the bottom line that growing volatility, a

growing disconnect between where the market is and where supply and demand would normally put it.

We have a responsibility to protect consumers from excessive speculation. We can no longer allow random speculators free rein to play these games while our entire economy hangs in the balance. It is time to empower the Commodity Futures Trading Commission to do its regulatory job and provide the kind of relief that we need to get Americans who are in great need in this faltering economy, we need to provide relief to middle class Americans and American taxpayers, and not provide relief or profit for those who are already taking the profits and making a fortune with them.

Let's pass this bill.

□ 1315

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Thank you for yielding the time.

Congratulations to you, Mr. GOODLATTE and Chairman PETERSON, for this bill. I voted for it last time, and I will vote for it again today.

But the difficulty is that we find ourselves with about 5 days left in this 110th Congress. There was a famous emperor of Rome, Nero, who fiddled while Rome burned. I just want to talk a little bit about what we've been doing for 2 years since gas prices went up and the Democratic majority took over in January.

When they took over in January, gas was at $2.20 a gallon which was high, but people still said, ''Okay. I can still get by on that.'' But Congress, rather than dealing with what was going to begin to happen, on that day, January 29, we congratulated the University of California, Santa Barbara soccer team for doing swell stuff. I like soccer. I bet everybody that's on that team, their moms and dads, are proud of them. But when gas is going up, what are we doing that for?

Next one, February 6, it's gone up 60 cents a gallon. February 6, 2008, we declare National Passport Month here on the House floor. That's the most important issue in America, apparently, to the majority.

It passed $3 for the first time in my lifetime, and we're commending another soccer team, the Houston Dynamos. I bet they're a great soccer team, too, but gas is $3. The most important issue that we're debating on the floor of the House of Representatives is congratulating the Houston Dynamos.

Then $3.77. That should have gotten our attention. So what did they debate? Did we debate this bill or an energy policy? No. We declared National Train Day on that particular day with gas at $3.77.

Goes up on May 20, $3.84. On that particular day, I gotta tell you, we passed—and I don't even know what these are—Great Cats and Rare Canids Day. Maybe, Mr. Speaker, you know what a canid is. Somebody told me maybe it's a dog. But we're not debating energy. Our constituents are paying $3.84 a gallon for the first time in their lives, and we're recognizing great cats and canids.

Well, surely at $4 a gallon we have America's attention, the mighty House of Representatives, the new majority is going to debate energy. Nope. We declare the International Year of Sanitation.

I gotta tell you, Mr. Speaker, then it hits $4.14 on June 17, 2008. I bet we're going to debate energy now. I bet we're going to do this bill. No. We did the Monkey Safety Act. Folks, I love monkeys. They're cute, they're cuddly, they're everything else; but for crying out loud, when it costs $80 to fill up your gas tank, the most important issue in the United States of America is not the Monkey Safety Act.

It's time for this majority to quit monkeying around with our gas prices. It's no coincidence, Mr. Speaker, that at the same time we're doing the Monkey Safety Act, unemployment in this country goes from a little over 4½ percent to where it is today, over 6 percent.

Quit fooling around. Quit horsing around. Some people say, Well, this chart doesn't go far enough. We also did some other important things after we got back. We declared National Watermelon Month, and we also indicated that we were going to recognize Bo Diddley. He's a great guy. I'm all for honoring him. But it's time that we tell our friends on the other side, You haven't done diddley about oil and gas.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

As I said when we first considered this bill in July, this is a great bipartisan effort that Mr. GOODLATTE and I have worked on. This bill addresses the realization that the trading volume and the futures market for physical commodities has increased dramatically in recent years. This increase includes vast amounts of capital from parties that are not traditional futures market participants, and this has been my concern, these participants, such as the index funds, pension funds, and some hedge funds.

The presence of this additional capital has raised concerns in our committee that the resulting futures market prices may not accurately represent the forces of supply and demand, nor may they fundamentally support at the local selling points where those in the producing and selling of the commodities are doing business.

Mr. Speaker, this debate is more than just the presence of speculators in the futures market. As I said on the floor in July, this lack of convergence—and this is one of the big problems that I am concerned about—the lack of convergence that we're getting in some of these agricultural markets where we have a $2.40 difference between the futures price and the actual cash price of wheat in some of our markets, these are the things that really concerns us on the committee.

So we have put forward transparency so that we know what's going on in these markets, and we're giving the authority for some position limits on these nontraditional investments that were created that really have nothing to do with the underlying commodity market. And in my opinion, the more I learn about this, I think this has some effect on why we're not getting convergence in those markets.

We believe this is a modest step that addresses the concerns that have been identified to the committee, and we're going to continue to work on this. We're going to continue to get information from the CFTC and other sources as to what is going on in these markets, and we will see how this progresses through this Congress.

But I can tell people if this is not resolved in this Congress, we will take this up in the next Congress to address these issues.

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

Mr. GOODLATTE. Mr. Speaker, I have no further speakers. I will reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to recognize the vice chairman of our caucus and the leader on this issue, the gentleman from Connecticut (Mr. LARSON) for 2 minutes.

Mr. LARSON of Connecticut. Thank you, Mr. Chairman.

I want to commend Chairman PETERSON for the extraordinary work that he's done in this area and the sensitive manner in which he's approached a very oftentimes complex issue.

I'm especially pleased that the Ag Committee adopted a provision that addressed the Inspector General and elevating that Inspector General to independent status. I understand why it had to be removed. I'm pleased, though, that Mr. WAXMAN has indicated that we intend to bring the bill to the floor under suspension because of the bipartisan agreement that, especially in this day and age, the need to make sure that we have referees on the field in lieu of everything that's happening to guarantee that we don't have the foxes guarding the henhouse but that we provide an opportunity for independent overview.

Lastly, I would like to close by saying this. Again, my thanks to the committee and the chairman. But it's voices outside this Chamber; and, specifically, I want to credit John Mitchell, former Republican mayor of South Windsor, Connecticut, for coming to

me with the independent petroleum dealers talking about actually what happens to people because of speculation, talking about women turning over their entire Social Security check to pay for their home heating oil and the system being broken and that the issues of supply and demand not working.

These came from main street businesses who aren't in the Beltway, who care deeply about the citizens they serve and represent. I want to commend them and this committee for its sensitivity in passing a comprehensive step—not a silver bullet, not a panacea—but an appropriate step towards restoring what we need in terms of the oversight and review that must go on to restore integrity in the marketplace.

I thank the chairman again for the opportunity.

Mr. GOODLATTE. Mr. Speaker, I am prepared to close if the gentleman from Minnesota is.

I would again thank the gentleman for his hard work on this legislation. This is not legislation that this committee has in any way taken lightly over the past several years. We've conducted oversight into the activities of the Commodity Futures Trading Commission and the futures markets. We've done it in a bipartisan way. We have watched closely to make sure that the commission has the resources it needs to do its job.

We found some areas where we think it could use some additional help in terms of personnel, in terms of the authority to gather information, and in a few instances in giving them additional authority to act if they find that there are indicators in the marketplace that it's not functioning properly, that there is excessive speculation and that there is manipulation; and this legislation does that, and I support that. Although I do have some reservations about the legislation, I think it is legislation that deserves to be passed into law.

However, I will say it once again that this is not the legislation that the American people want and expect to see us debating on the floor of the House today. They want real energy legislation, not the sham bill that was offered 2 days ago, but legislation that would allow for real drilling for American oil and natural gas and would allow for utilizing new clean-burning coal technologies, that would expand our nuclear power generation of electricity, that would expand our alternative forms of energy.

And as we move in that direction, utilizing the resources that are created by producing American energy to accomplish more in the areas of wind and solar and geothermal and hydrogen and biomass and tidal energy production and a whole array of others, that we are simply neglecting because this Congress, the Democratic leadership, refuses to bring to the floor for a vote the American Energy Act, which would command very, very overwhelming bipartisan support if it were brought to the floor for a vote.

But it's more than just what consumers are paying at the gas pump. It's more than what they're worried about having to pay to fill their tanks with oil or kerosene to heat their homes this winter or their natural gas bills or their electric bills that are going up and up. It's more than that. It's about the American economy, and it's about American jobs.

This legislation would create millions of American jobs, not only in energy production but also in manufacturing and agriculture, in a whole host of areas that would make America more confident, would make America more competitive with the rest of the world. We need this legislation. We need it badly. It will be a shame, Mr. Speaker, if we leave town without passing the American Energy Act.

I yield back the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, again I want to thank my good friend, Mr. GOODLATTE, for the great work he did with us on this bill. Like any bill, it's not perfect but it's, I think, a step in the right direction. We take very seriously our responsibility and the jurisdiction that we have in making sure that the CFTC is doing the proper oversight, the proper job, and that we're getting convergence of these markets so that they work for people that need them on a day-to-day basis.

This is almost the exact same bill that received 275 votes on a bipartisan basis on July 30. At one time we were up to 291 votes. At one time we had two-thirds, but it eroded away. I'm confident today that we will have the support to move this bill through the House, and hopefully our friends in the other body will move because I believe we have uncovered some things that need to be addressed in legislation, and we are doing that in this legislation.

With that, Mr. Speaker, I ask everybody to support the bill.

Mr. DINGELL. Mr. Speaker, H.R. 6604, the "Commodity Markets Transparency and Accountability Act" will help restore integrity to commodity futures markets. Lax regulation has allowed prices to become divorced from fundamental supply and demand. Lax regulation has allowed speculative bubbles to form in food and energy prices. And lax regulation has caused billions of dollars in damage to businesses and consumers.

Oil prices doubled from $72 per barrel on July 11, 2007, to $145 on July 11, 2008, even though supply and demand was fundamentally unchanged. While excess capacity was reduced and the dollar had dropped, there were no oil shortages, and inventories were ample. Fundamentals alone do not explain a 100 percent price increase.

What has changed over the past few years is that oil has been transformed from a basic commodity into a financial asset, and traded for its speculative value by institutional investors who want to diversify portfolios, hedge the dollar, or make a fast buck. The Washington Post reports that speculators control as much as 81 percent of the futures market, up from an estimated 37 percent in 2000.

Investment banks and futures exchanges claim that institutional investors are providing badly needed liquidity to the futures market, that futures prices reflect supply and demand, and Congress should not turn them into a scapegoat.

Wall Street's commodity brokers told their investors privately, however, that supply and demand did not explain the doubling of oil prices.

Just yesterday, Michael Cembalest, J.P. Morgan's global chief investment officer, wrote:

> the Peak Oil crowd promoting crude oil . . . at $200 should concede what we've been saying: there was an enormous amount of speculation pent up in energy markets (e.g., an 8-fold increase in bank OTC oil derivative exposure in the last 3 years), and it wasn't just the supply-demand equation. Oil will rise again, and we need solutions to energy supplies, but $140 in July 2008 was ridiculous.

Yet on the same day, Blythe Masters, Managing Director and Head of Global Commodities for J.P. Morgan submitted testimony before the Senate Energy Committee stating:

> we fundamentally believe that high energy prices are a result of supply and demand, not excessive speculation.

Lehman Brothers told its investors in May that it is seeing "the classic ingredients of an asset bubble" in oil. It linked it to an inflow of $90 billion in commodity index investments.

The cost to our economy from excessive speculation is destructive.

For every penny increase in the price of a gallon of gasoline, consumer costs jump by $1 billion a year, according to Moody'sEconomy.com. The run-up since last September has added nearly $1 per gallon, costing consumers $100 billion absorbing the economic stimulus package enacted earlier this year.

The Industrial Energy Consumers indicate that natural gas consumers paid an extra $40.4 billion this year already. They support this bill.

The airlines have lost 36,000 jobs and retired 746 planes this year, while eliminating 635 routes, due to jet fuel prices. They support this bill.

Petroleum marketers have seen oil prices come unhinged from supply and demand. They support this bill.

Some institutional investors are now starting to unwind their massive positions. Nearly 127 million barrels of oil futures valued at $40 billion were liquidated by institutional investors between July 15, 2008, and September 2, 2008, according to a recent analysis of the CFTC's public data. Oil futures prices plunged $53 per barrel to $92 in only two months, yet fundamental supply and demand was not changed materially in the past 60 days.

What did change in mid July is that Congress in both Houses took up legislation to rein in excessive speculation—particularly in the unregulated dark markets—which may have spurred some speculators to get out early.

The central issue is whether pension funds, endowments, and sovereign wealth funds should be allowed to hijack commodity markets and set oil and food prices, or whether consumers and producers should set prices based on supply and demand. If speculators can drive prices back up to $140, they can really turn the lights out on the U.S. economy.

Some may argue that given the crisis in financial markets, this is not the time to start regulating Wall Street. Beginning with the repeal of the Glass-Steagall Act, however, deregulation has allowed recklessness to compromise our entire financial system.

The recent collapse of Fannie Mae, Freddie Mac, Bear Stearns, AIG, and Lehman Brothers are a product of lax regulation which has led to systemic risk for the entire financial system.

This legislation puts a cop on the beat and codifies some of the transparency measures recently recommended by the CFTC. I commend Chairman PETERSON and ETHERIDGE, as well as Representatives STUPAK, VAN HOLLEN, DELAURO, and LARSON for their leadership on forging this bill and urge its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in today in support of the H.R. 6604, the Commodity Markets Transparency and Accountability Act of 2008, introduced by Congressman PETERSON of Minnesota.

BACKGROUND ON H.R. 6604

This legislation will bring greater transparency to commodity and futures markets. It will improve price discovery and risk mitigation functions working to benefit producers, processors and consumers. This bill toughens position limits on oil and other futures markets as a way to prevent potential price distortions caused by excessive speculative trading. H.R. 6604 extends Commodity Futures Trading Commission, CFTC, oversight to previously exempt over-the-counter markets, and it calls for new full-time CFTC staff to improve enforcement, to prevent manipulation, and to prosecute fraud.

Closes the ''London Loophole''—Foreign boards of trade that offer electronic access to U.S. traders for energy or agricultural commodities settled by physical delivery in the U.S. are not currently subjected by statute to the same speculative position limits traders are subject to on domestic exchanges.

H.R. 6604 requires foreign boards of trade to adopt speculative position limits on these contracts similar to exchanges under U.S. regulation and to share large trader reporting data with the CFTC.

Foreign boards of trade must have the authority to require traders to limit, reduce, or liquidate a position in order to prevent excessive speculation or price distortion.

Increases Transparency in Dark Markets—H.R. 6604 requires the CFTC to get a complete picture of the swaps markets by defining and classifying index traders and swap dealers, and subjecting them to strict reporting and recordkeeping requirements. Position reporting will become mandatory for over-the-counter trading in agricultural and energy contracts, similar to on-exchange contracts.

The commission will also disaggregate and publicly provide data to examine the true extent of index and other passive fund participation in futures markets for energy and agricultural products.

Speculative Position Limits—Currently, speculative position limits are set by regulated exchanges for energy contracts and the CFTC for some agricultural futures contracts. H.R. 6604 requires the CFTC to set position limits for all energy and agricultural futures markets. This bill will limit traders' ability to amass huge positions that would otherwise allow them to distort the market.

Restrict Hedge Exemptions to Bona Fide Hedgers—H.R. 6604 will reform the process for granting hedge exemptions from position limits. Exemptions would be available only for bona fide market participants who actually engage in the commercial use, production, or distribution of the physical commodity. While position limits are currently granted to bona-fide hedgers, who are using the futures markets to offset their price risk, the CFTC has also granted hedge exemptions to swaps dealers who are not taking delivery of the physical commodity. This loophole has allowed institutional investors to take, through a series of trades, larger positions, than they would be able to take if they traded on the exchanges directly.

Strengthens CFTC Enforcement Resources—The CFTC was created in 1974 as the chief regulator of futures and options markets. It does this with a full-time enforcement staff that monitors large trader positions, prevents scams, and prosecutes and prevents market manipulation. Trading volume has increased 8,000 percent since the CFTC was created, but the agency is operating at its lowest staffing levels since 1974. H.R. 6604 calls for a minimum of 100 full-time CFTC employees to enforce manipulation and fraud in the commodities markets.

CONCLUSION

Mr. Speaker I urge my colleagues on both sides of the aisle to support H.R. 6604. I fully support Representative PETERSON and the Agriculture Committee.

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to H.R. 6604, the Commodity Markets Transparent Accountability Act.

Before I outline my opposition to this legislation, I want to be clear that I am seriously concerned about the cost of oil and the cost Americans are paying at the pump. To this end, I have been proud to support a series of other bills that this House has considered to help bring down the cost Americans are paying at the pump as well as efforts to create new alternative and renewable sources of energy. I have been a long-term supporter of reforming the royalties the oil and gas industry pays for the natural resources they extract from public lands. Last year I was proud to stand with my colleagues as we, for the first time in a generation, increased the fuel efficiency standards on cars sold here in the United States. Just yesterday, I was pleased to vote in favor of H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act. The legislation is a bold step forward, helping end our dependence on foreign oil and increase our national security. It launches a clean renewable energy future that creates new American jobs, expands domestic energy supply—including new offshore drilling—and invents and builds more efficient vehicles, buildings, homes, and infrastructure. It will lower costs to consumers and protect the interests of taxpayers. It is a comprehensive strategy and the product of bipartisan compromise.

I want to be clear that I am completely opposed to energy manipulation, which is a crime, but what we are talking about here is the role of legitimate investors in the commodities market. To that end, my main concern with this legislation is that it would crack down on legitimate trading practices, resulting in the loss of American jobs.

Additionally, I am concerned that this legislation will significantly reduce liquidity in the U.S. futures and derivatives markets and drive trading overseas at a very precarious time for U.S. financial markets. This legislation also could create legal uncertainty and could also increase market disruption in the over-the-counter, OTC, markets. Moving this trading overseas and creating legal uncertainties could result in lost jobs here in the United States, especially for our constituents who work in these markets. At a time we are fighting to keep New York City and the United States as the financial capital of the world, any measure that could cost our economy quality jobs without providing any benefit in return is not a measure I can support.

Joining me in my skepticism that speculators have been able to manipulate the oil market is what many may consider an unlikely source, Paul Krugman of the New York Times.

In a May 12, 2008 column, titled ''The Oil Nonbubble'', Krugman writes:

''The only way speculation can have a persistent effect on oil prices, then, is if it leads to physical hoarding—an increase in private inventories of black gunk. This actually happened in the late 1970s, when the effects of disrupted Iranian supply were amplified by widespread panic stockpiling.

But it hasn't happened this time: all through the period of the alleged bubble, inventories have remained at more or less normal levels. This tells us that the rise in oil prices isn't the result of runaway speculation; it's the result of fundamental factors, mainly the growing difficulty of finding oil and the rapid growth of emerging economies like China. The rise in oil prices these past few years had to happen to keep demand growth from exceeding supply growth.''

To be clear, I stand ready to support legislation that will reduce the cost Americans are paying at the pump, and I am fully in support of efforts to create new, affordable and renewable energy options that will move us towards energy independence. However, this legislation, while certainly well intentioned, could potentially create more harm than good and lead to the loss of American jobs.

Mrs. TAUSCHER. Mr. Speaker, I rise to thank Chairmen PETERSON and ETHERIDGE for their hard work on H.R. 6604.

Protecting consumers and ensuring that our markets work fairly are among our most vital duties as Members of Congress. For eight years, the Bush Administration has been asleep at the switch. With record foreclosures and major American companies seeking multi-billion dollar government bailouts, we are seeing the effects of this Administration's policies. It is long past time that Wall Street oversight reflects the 21st century economy.

As someone who has worked both on Wall Street and now in Congress, I know how important it is to have referees on the field to call the game. I also know how minor changes in the financial markets can have major impacts. In the current environment, it would be particularly unwise to add any further instability to the markets.

A fair and regulated system is critical to the function of our financial markets. I commend the intentions of this legislation but believe that its enactment will have unintended consequences.

I am concerned that this bill will prevent pension funds and other institutional investors from engaging in the futures market. Such a prohibition could prevent my constituents' pensions from being invested in a diverse and safer manner. Without changes to this legislation, CalPERS, which manages the pensions of 1.5 million Californians, could be severely restricted in its ability to maximize return on investment.

As an alternative to this legislation, I have introduced H.R. 6976, the Preventing Manipulation in Commodity Markets Act of 2008. This bill is virtually identical to H.R. 6604. However, it permits pension funds to continue to invest in the futures market.

I am firmly committed to preventing manipulation of the commodity markets. H.R. 6976 enables the Commodity Futures Trading Commission to target manipulation without preventing honest investors from participating in the markets.

Mr. STUPAK. Mr. Speaker, I rise in support of H.R. 6604, the Commodity Markets Transparency and Accountability Act.

As chairman of the Oversight and Investigations Subcommittee of the House Energy and Commerce Committee, I have held two hearings on excessive speculation and its effect on energy prices.

We learned that in 2000, physical hedgers—businesses like trucking companies, airlines, and other industries that need to hedge to ensure a stable price for fuel in future months—accounted for 63 percent of the oil futures market.

Today, physical hedgers only control 19 percent of the market. Approximately 81 percent of the market has been taken over by swap dealers and speculators, a considerable majority of whom have no physical stake in the market.

Since the Enron loophole became law in 2000, there has been a dramatic shift as physical hedgers continually represent a smaller portion of the market. This excessive speculation is a significant factor in the price Americans are paying for gasoline, diesel, and home heating oil.

Just yesterday, JP Morgan's global chief investment officer, Michael Cembalest, wrote: "there was an enormous amount of speculation pent up in energy markets * * * and it wasn't just the supply-demand equation. Oil will rise again, and we need solutions to energy supplies, but $140 in July 2008 was ridiculous." Even the speculators admit they're inflating energy prices.

Last week, the Commodity Futures Trading Commission, CFTC, released a report that it claims shows that speculators are not affecting prices.

However, CFTC even admits in its own report: "This preliminary survey is not able to accurately answer and quantify the amount of speculative trading occurring in the futures markets."

How can the CFTC tell Congress that speculation is not a problem if they can't even tell us how much speculation is occurring? This is a study that made its conclusions before it had the facts to back them up.

I encourage Members and those watching at home to go to the website: accidentalhuntbrothers.com. On this website is a report by Michael Masters, 1 of 11 witnesses who testified at our June 2008 O&I hearing.

This report shows what my colleagues and I have been saying for a long time. The price of oil has become completely detached from supply and demand fundamentals.

As the report shows, it's very simple: When index speculators pour large amounts of money into commodities markets, prices go up. When these same speculators pull their money out, prices go down.

As you can see in this chart, from January through May 2008, index speculators poured more than $60 billion into commodities, causing crude oil prices to increase $33 a barrel.

Then, starting on July 15, 2008, index speculators reduced their investments by $39 billion, causing prices to decrease by about $29 a barrel.

Even more startling, index speculators completely ignored supply and demand signals.

During the first 3 months of 2008, index speculators bet on high energy prices when the Energy Information Agency, EIA, forecast increasing supply, which should mean lower prices.

In July, when EIA forecast that demand would exceed supply, a sign that oil prices should go up, index speculators began to pull $39 billion out of the market.

Today, we face hurricanes in the Gulf of Mexico, civil war in Nigeria, OPEC considering production cuts, the situation in Georgia, and continuing violence in the Middle East. In the past, each of these events would have sent crude oil prices through the roof.

However, because speculators have been pulling their money out of the market, crude oil is at $91.49 a barrel. This is $53.67 lower than it was just 2 months ago.

If there is anyone that can show me any reason, other than speculators pulling out of these markets, that the price of crude oil should drop $53 in 2 months, I'd like to see it.

While the Peterson bill may not have everything that I've called for in my legislation, the Prevent Unfair Manipulation of Prices, PUMP, Act, it does take significant steps to rein in excessive speculation.

The bill would strengthen position limits on regulated markets, and establish an advisory board to set position limits while still protecting physical hedgers. It addresses the foreign boards of trade loophole, and properly limits the bona fide hedging exemption to physical hedgers.

The legislation would improve the information available to the Commodity Futures Trading Commission, significantly improving CFTC's ability to monitor energy markets. And, should the CFTC find excessive speculation on unregulated markets as a result, CFTC can take the steps necessary to correct it.

I was proud to support this legislation in July, when it should have passed. Unfortunately, 16 of my Republican colleagues decided to change their vote, playing politics instead of providing relief to Americans facing high energy prices.

While it has not been the only factor, speculators have seen that Congress is serious about acting to curb excessive speculation, and the markets are responding accordingly.

I urge members to continue their support for H.R. 6604, so we can continue to show speculators that Congress is serious about protecting American consumers.

I thank Chairman PETERSON and his staff for working with me and my colleagues to produce this legislation. I urge my colleagues to vote for H.R. 6604, the Commodity Markets Transparency and Accountability Act, to rein in excessive speculation and provide your constituents with relief from high gas prices.

Mr. PETERSON of Minnesota. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1449, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1330

MOTION TO RECOMMIT

Mr. MORAN of Kansas. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MORAN of Kansas. In its current form, yes, sir.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Moran of Kansas moves to recommit the bill H.R. 6604 to the Committee on Agriculture with instructions to report the bill back to the House promptly with the following amendment:

At the end of the bill, add the following:

SEC. 16. EFFECTIVE DATE.

The provisions in this bill shall become effective only after the Commodity Futures Trading Commission determines that the imposition of any position limits that would be authorized by this Act or the amendments made by this Act for any agreement, contract or transaction involving a pension fund would not result in an equity loss for any party to an agreement, contract or transaction as a direct result of the imposition of any such position limits.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas is recognized for 5 minutes in support of his motion.

Mr. MORAN of Kansas. Mr. Speaker, as I indicated in my earlier comments here on the House floor concerning this legislation, I think our goal has been to make certain that we do no harm,

and I have concerns that we will do harm with the legislation that's before us. And by harm, I don't mean harm to the industry, not speculators, not swap dealers, but harm to the consumers, harm to the American people, harm to the United States economy.

One of those concerns we have is concern with those who have invested their retirement in pension funds. And so this motion to recommit simply is a requirement that CFTC, before they impose those position limitations, would make certain, would certify that the imposition of those payment limitations would not reduce the value of a person's pension fund.

The effort here is to make certain that no harm is caused, a goal I'm sure we all share, and in particular, make certain that we know what we are doing does not damage the value of the American people's retirement accounts.

Mr. Speaker, I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding, and I would join him in supporting this motion to recommit because it would help to assure a great many Members on our side of the aisle that the concerns raised about the legislation that somehow this might prove to be disruptive of the markets would indeed not occur. It would simply require that the CFTC examine that and certify that they do not believe that that would be the case, and then the legislation could proceed to be fully implemented, and I think this is a wise consideration.

The evidence that we have before us from the findings of a recent CFTC report is that these markets are functioning well. I think this legislation will enable them to continue to function well, but it does not, I think, in any way hurt and could, in fact, indeed enhance the operation of CFTC for them to require to make this investigation and make this certification that people, millions, tens of millions of Americans whose pension funds may include some investment in commodity futures markets will be unaffected by the legislation in terms of empowering the CFTC to conduct further oversight and to take further action as is allowed by the legislation.

Again, I would point out that the best thing we can do to secure the pension funds of Americans would be to create more energy in this country that would meet the supply demands that are necessary, would help to hold down the cost of oil and natural gas and electricity and everything else that drives this economy, both in terms of our transportation, our manufacturing, the heating of our homes. All of these things would be greater enhanced if we would have the American Energy Act brought before us.

Unfortunately, I believe the American Energy Act would not be a germane motion to recommit. Otherwise, we'd be offering it right now, but I believe the gentleman's alternative is a good one, and I support it.

Mr. MORAN of Kansas. Mr. Speaker, again, I would ask the House of Representatives to approve our motion to recommit.

Again, as the gentleman from Virginia says, we believe there's a better policy that hasn't even been debated upon the House floor in dealing with energy prices than the bill that's before us today. That's the American Energy Act. We wish that motion could be made in order today so that we could have a clear debate and vote upon the issue that is compelling to the American people and damaging to the United States economy.

In lieu of that, we would ask that we take this additional step to make certain no unintended consequences occur and we protect the retirement accounts, the pension accounts of Americans.

I yield back my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Mr. Speaker, first of all, we were delayed in getting something done with this bill back in July when, at one time, we had the votes to pass this under suspension, and then the votes eroded away. This is going to delay the process again. And beyond delay because it says ''promptly,'' it will have the effect of us not being able to move this bill in the House before we're out of here for the elections.

As chairman of the committee and somebody that's worked on this, I disagree with that. I think we need to move this, irrespective of whatever's going to happen in the other body or with the administration. I think this has the effect of killing the bill because we won't have the time to deal with this.

Lastly, I think the CFTC has the ability to do this under the legislation. Apparently Mr. MORAN doesn't trust the CFTC. We have people over here that don't trust the CFTC, but I think they could deal with this. I don't think there's anything that precludes them from accomplishing this in the underlying legislation.

I would ask people to oppose the motion, and I would say that I believe this kills the bill for this session.

I yield back my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

Mr. MORAN of Kansas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; ordering the previous question on House Resolution 1441; and adopting House Resolution 1441, if ordered.

The vote was taken by electronic device, and there were—yeas 196, nays 221, not voting 16, as follows:

[Roll No. 607]

YEAS—196

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

NAYS—221

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)

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

NOT VOTING—16

Brady (TX)
Burgess
Conyers
Cubin
Dreier
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Lampson
Pence
Pitts
Poe
Sestak

□ 1400

Messrs. BERMAN, JOHNSON of Georgia, MURTHA, RODRIGUEZ, GUTIERREZ, MURPHY of Connecticut, ROSS, BAIRD, Mrs. CAPPS, and Mr. RUPPERSBERGER changed their vote from ''yea'' to ''nay.''

Messrs. CANNON, CARTER, WILSON of South Carolina, SIMPSON, WOLF, GERLACH, and TANCREDO changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. HUNTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 133, not voting 17, as follows:

[Roll No. 608]

AYES—283

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clay
Cleaver
Clyburn
Cohen
Costello
Courtney
Cramer
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Marchant
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—133

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Boyd (FL)
Broun (GA)
Brown (SC)
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Clarke
Coble
Cole (OK)
Conaway
Cooper
Costa
Crenshaw
Crowley
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Doolittle
Drake
Everett
Feeney
Ferguson
Flake
Fossella
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Granger
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Jordan
Kind
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Maloney (NY)
Manzullo
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Petri
Pickering
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Reynolds
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Sullivan
Tancredo
Tauscher
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Weiner
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—17

Brady (TX)
Burgess
Conyers
Cubin
Dreier
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Lampson
Pence
Peterson (PA)
Pitts
Poe
Sestak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes.

□ 1411

Messrs. BURTON of Indiana, MICA, CRENSHAW, and ROGERS of Michigan changed their vote from ''aye'' to ''no.''

Ms. FALLIN and Mrs. McMORRIS RODGERS changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk, and I ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. ROSS). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1460

Whereas the Committee on Ways and Means has jurisdiction over the United States Tax Code;

Whereas The New York Times reported on September 5, 2008, that, ''Representative Charles B. Rangel has earned more than $75,000 in rental income from a villa he has owned in the Dominican Republic since 1988, but never reported it on his federal or state tax returns, according to a lawyer for the congressman and documents from the resort'';

Whereas in an article in the September 5, 2008 edition of The New York Times, his attorney confirmed that Representative Rangel's annual congressional Financial Disclosure statements failed to disclose the rental income from his resort villa;

Whereas The New York Times reported on September 6, 2008 that, ''Representative Charles B. Rangel paid no interest for more than a decade on a mortgage extended to him to buy a villa at a beachfront resort in the Dominican Republic, according to Mr. Rangel's lawyer and records from the resort. The loan, which was extended to Mr. Rangel in 1988, was originally to be paid back over seven years at a rate of 10.5 percent. But within two years, interest on the loan was waived for Mr. Rangel.'';

Whereas clause 5(a)(2)(A) of Rule 25 of the Rules of the House defines a gift as, ''. . . a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value'' and prohibits the acceptance of such gifts except in limited circumstances;

Whereas Representative Rangel's acceptance of thousands of dollars in interest forgiveness is a violation of the House gift ban;

Whereas Representative Rangel's failure to disclose the aforementioned gifts and income on his Personal Financial Disclosure Statements violates House rules and federal law;

Whereas Roll Call newspaper reported on September 15, 2008 that, ''The inconsistent reports are among myriad errors, discrepancies and unexplained entries on Rangel's personal disclosure forms over the past eight years that make it almost impossible to get a clear picture of the Ways and Means chairman's financial dealings.'';

Whereas Representative Rangel's failure to report the aforementioned gifts and income on Federal, State and local tax returns is a violation of the tax laws of those jurisdictions;

Whereas disclosure of these improper acts follows an announcement on July 31, 2008 by the House Committee on Standards of Official Conduct that it is reviewing unrelated allegations that Representative Rangel has violated House gift rules, financial disclosure regulations and rules barring the use of official resources to solicit funds for private ventures;

Whereas an editorial in The New York Times on September 15, 2008 stated, ''Mounting embarrassment for taxpayers and Congress makes it imperative that Representative Charles Rangel step aside as chairman of the Ways and Means Committee while his ethical problems are investigated.'';

Whereas clause 1 of rule XXXIII of the Rules of the House of Representatives provides, ''A Member, Delegate, Resident Commission, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House'';

Whereas on May 24, 2006, Speaker Nancy Pelosi cited ''high ethical standards'' in a letter to Representative William Jefferson asking that he resign his seat on the Committee on Ways and Means in light of ongoing investigations into alleged financial impropriety by Representative Jefferson: Now, therefore, be it

Resolved, That—

(1) pursuant to its authority under clause 3(a)(2) of House Rule XI, the Committee on Standards of Official Conduct, within 10 days of adoption of this resolution, shall establish an Investigative Subcommittee in the matter of Representative Charles B. Rangel or report to the House the reasons for its failure to do so; and

(2) upon adoption of this resolution and pending completion of the aforementioned investigation, Representative Rangel is hereby removed as chairman of the Committee on Ways and Means.

□ 1415

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I move to table the resolution.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on ordering the previous question on House Resolution 1441, by the yeas and nays; and adoption of House Resolution 1441, if ordered.

The vote was taken by electronic device, and there were—yeas 226, nays 176, answered ''present'' 11, not voting 20, as follows:

[Roll No. 609]

YEAS—226

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

NAYS—176

Aderholt
Akin
Alexander
Bachmann
Bachus
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo

Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Peterson (PA)
Petri
Pickering
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Burton (IN)
Delahunt
Doyle
Green, Gene
Hastings (WA)
Kline (MN)
McCaul (TX)
Roybal-Allard
Scott (VA)

NOT VOTING—20

Brady (TX)
Burgess
Conyers
Cubin
Dreier
Fossella
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
Kennedy
King (NY)
Lampson
Pence
Pitts
Poe
Renzi
Sestak
Snyder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1436

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3036, NO CHILD LEFT INSIDE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1441, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 188, not voting 18, as follows:

[Roll No. 610]

YEAS—227

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

NAYS—188

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

NOT VOTING—18

Berman
Brady (TX)
Burgess
Conyers
Cubin
Dreier
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Lampson
Pence
Pitts
Poe
Sestak
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1447

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 182, not voting 30, as follows:

[Roll No. 611]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney

Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

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

NOT VOTING—30

Bachus
Berkley
Berman
Biggert
Brady (TX)
Burgess
Buyer
Conyers
Cubin
Dreier
Ellison
Green, Gene
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
Kennedy
King (NY)
Lampson
McCrery
Melancon
Neal (MA)
Pence
Peterson (PA)
Pitts
Poe
Sestak
Waters
Young (AK)

□ 1454

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, today, I was called away on personal business. I regret that I was not present for the following votes:

Ordering the previous question on H. Res. 1449. Had I been present, I would have voted "aye."

On agreeing to H. Res. 1449. Had I been present, I would have voted "aye."

On the motion to recommit with instructions H.R. 6604. Had I been present I would have voted "nay."

On passage of H.R. 6604. Had I been present I would have voted "aye."

On the motion to table H. Res. 1460. Had I been present I would have voted "yea."

On ordering the previous question on H. Res. 1441. Had I been present I would have voted "yea."

On agreeing to H. Res. 1441. Had I been present I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 6604, COMMODITY MARKETS TRANSPARENCY AND ACCOUNTABILITY ACT OF 2008

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 6604, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

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

S. 3001. An act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 3002. An act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 3003. An act to authorize appropriations for fiscal year 2009 for military construction, and for other purposes.

S. 3004. An act to authorize appropriations for fiscal year 2009 for defense activities of the Department of Energy, and for other purposes.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material into the RECORD on H.R. 3036.

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

There was no objection.

NO CHILD LEFT INSIDE ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1441 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3036.

□ 1455

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3036) to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Maryland (Mr. SARBANES) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. SARBANES. Mr. Chairman, it is my pleasure to rise today to speak in support of the No Child Left Inside Act of 2008 which I was privileged to sponsor and which really, I think, sets a new foundation for focus on environmental education in this country as we move forward at a critical time in our Nation's history.

Before I speak to the merits, I want to make sure that I thank Chairman GEORGE MILLER, chairman of the Education and Labor Committee, for his strong support of the No Child Left Inside Act and for being a champion throughout his career for environmental education. His involvement in this bill and his strong support signals that we are setting a foundation today to make sure that when it comes time to reauthorize the Elementary and Secondary Education Act next year that environmental education will be a critical and important component of that reauthorization.

I also want to thank Chairman DALE KILDEE, chairman of the subcommittee that had jurisdiction over the No Child Left Inside Act, as well as Chairwoman MCCARTHY whose committee has jurisdiction with respect to the National Environmental Education Act which this extends.

We persuaded Chairman KILDEE to conduct a field hearing in Maryland at the Patuxent Wildlife Refuge, and we did it outdoors. I am not sure that he had done that before, but it went off beautifully. We got very, very powerful testimony from children and parents, teachers and environmentalists and other advocates for this legislation.

I want to salute the coalition, the No Child Left Inside Act Coalition, which consists at last count of more than 700 organizations across the country, national organizations, regional organizations, and local organizations who came together to support this important piece of legislation representing over 40 million members in these organizations. That coalition, and this gives you a sense of what this legislation means, that coalition included public health advocates, environmentalists, educators, sportsmen, zoos, parks and other outdoor education centers, faith-based organizations, as well as businesses.

I want to give some special recognition to my home State of Maryland and their role in leading and helping organize this coalition and to the Governor of Maryland, Governor O'Malley, and the Secretary of Education, Nancy Grasmick, for also stepping up and doing at the State level what we are trying to effect across the country.

Finally, I have to salute the children and parents who came to the rallies and to the hearings that we have conducted on No Child Left Inside Act over the last year because it was in the eyes of those children, in their whole body language and the enthusiasm and excitement they had when they were outdoors participating in these environmental activities. That was reason enough for us to be steadfast in supporting this legislation and moving it forward.

□ 1500

And of course, the many parents who I think look at the fact that their children are spending so much time indoors on television, the Internet, video games, and remember a time when they used to play outside and want to get their kids back out and into nature.

Let me just briefly address the contents of No Child Left Inside, what it seeks to do. It is an extension of the National Environmental Education Act, and it has a number of key components.

The first is to enhance the teacher training programs and teacher development programs that have existed and been overseen by the Environmental Protection Agency. We've enhanced them in this bill so that there's more of a focus on training teachers on how to deliver environmental education at the school level. We've enhanced it by putting in new provisions to recruit teachers, particularly in underserved areas to enter the field of environmental education.

In addition, this bill establishes, or asks, rather, that States across the country develop environmental literacy plans, in other words, a framework on how that State is going to make sure that when children graduate from high school, they have a fundamental awareness of the environment and the need to preserve our environment.

Lastly, and I think in some ways most importantly, this creates a new grant program, a National Capacity Environmental Education grant program which will allow local and State education associations, institutions of higher education and nonprofits, to apply competitively for grants that would fund a variety of environmental education initiatives, including developing new policy approaches to environmental education, developing curriculum framework, academic content standards and achievement standards focused on environmental education, and replicating and distributing information about tested and model programs that get children into nature and really have them experiencing the environment.

I'm so very pleased because I think this legislation reflects the commitment in this body, in this House of Representatives, in the people's House, but it also reflects the commitment that exists across our Nation today to environmental education and to the importance of focusing on the environment and getting our children out and into nature.

There's many, many benefits of this legislation and the programs that it will fund. I will turn to those shortly, Mr. Chairman.

For the moment, I will reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Since 1990, the Federal Government's environmental education programs have been coordinated by the Environmental Protection Agency and have been well supported, receiving approximately $9 million in 2008.

The bill before us aims to strengthen that investment. It would incorporate scientifically-based and technology-driven teaching methods into environmental education, align programs with challenging State and local content standards, and support integrated and interdisciplinary studies. It would also create opportunities for professional development and encourage participation among underrepresented populations. These are all positive steps that I support.

This bill also creates a new National Capacity Environmental Education Program, under the Department of Education, to develop elementary and secondary environmental education programs. Unfortunately, this program is duplicative of the existing environmental education program already being run by the EPA, which has provided more than 3,200 grants to States, local schools and nonprofit organizations to increase environmental education. By creating a new program administered by the Secretary of Education, I'm concerned that the bill could create a more fragmented system of promoting environmental education on the Federal level.

Still, on the whole, I think this is a modest bill with good intentions, and I do not intend to oppose its passage. I appreciate Chairman MILLER's willingness to work in a bipartisan fashion, and plan to vote ''yes'' because of that cooperation.

But let me say one thing to the education reform opponents who blame No Child Left Behind for all the world's ills. Our schools are free to teach environmental education or music or history or the Constitution or any number of other important subjects today under the No Child Left Behind act. We don't need a new bill with a clever name to make that happen.

So while I will be voting ''yes'' on this bill, I must confess that I'm not entirely sure why we're here today devoting several hours to debating it under a rule.

Only a handful of bills are brought up under the rules process each week. Generally, those are the bills that are

of greatest concern to the American people. This week, for example, this rather minor environmental education bill is one of just four bills that will be brought up under a rule. Dozens of other minor bills are easily considered under a suspension of the rule each week, giving us more time for those issues that are complex or consequential.

The only reason I can think of to bring a bill like this to the floor under a rule is because the majority is trying to fill the time and avoid a debate on other issues.

On the schedule that we've been given by this Democratic leadership that pledged to work harder in this new Congress, in the last 5 months of this year, 15 days were scheduled to work. Last week one of those days was eliminated, bringing it down to 14. We just heard that another day has been eliminated tomorrow, bringing it down to 13; 13 working days in the last 5 months of the year.

One of the issues that we could be debating, or should be debating, I think it is very important to the American people given the price of gasoline at the pump and the tremendous problems that we have facing us, this issue is energy, and it's an issue that we won't allow the majority to ignore. In fact, I believe this bill to improve environmental education is the perfect place to talk about energy.

That's why we've proposed amendments to advance the understanding of the environmental and economic benefits of clean coal and oil shale production, energy production in ANWR, and energy production on the Outer Continental Shelf.

We've proposed amendments to advance the understanding of the environmental and economic benefits of nuclear power, and of American-made energy, and of an all-of-the-above strategy, an energy production strategy that would increase production, promote conservation and expand innovation.

Feeling the pressure to acknowledge these important issues, the majority hastily revised their manager's amendment on Tuesday for this bill, more than a week after the amendment deadline for the bill. And they added a half-hearted mention of issues of American energy production.

While it's a small step in the right direction, I can't help but wonder if this last-minute change was made not because they agree that we need to explore these issues, but because they simply didn't want to vote on our other stronger amendments. Time and again, this majority has skirted the issue and avoided a real debate about real energy problems.

The bill we passed on Tuesday was a sham. It was about offering political cover, not about making America energy independent.

Mr. Chairman, I would urge the American people to watch the progress of this bill. I've heard many speeches during the last couple of days about how we've expanded areas where we can explore and we can bring more production on-line and we can move towards energy independence, and this is what we have done to help the American people.

I would encourage the American people, Mr. Chairman, to watch the progress of this bill to see how it moves forward the rest of this afternoon; tomorrow we won't be in session so they won't be able to work on it, and then all of next week. We'll be here, maybe all week, and then this Congress will end. And let's see if the American people see that the things that were promised in these speeches the last couple of days come to bear, or if it was just more political rhetoric to try to win the upcoming election.

I'm not surprised that they incorporated a fig leaf reference to energy production in this bill at all. It becomes par for the course. But I'm here to tell you that we're not buying it and the American people aren't buying it, either.

Our schools are suffering because of high energy prices, and any time we debate a bill to help our schools, we ought to be talking about how to ease their pain at the pump as well.

Earlier today I joined Republican Leader BOEHNER to release the results of our Back to School Energy Survey. The results were eye opening. We heard from nearly 1,000 Americans, principals, teachers, school board members from across country, and they overwhelmingly agreed that Congress needs to be doing more to bring down energy prices.

Ninety percent of those surveyed said high energy costs were impacting their schools. Nearly half reported that high fuel costs have forced schools in their community to cut field trips and after-school activities. One-third told us that high costs forced schools to limit bus routes. And nearly a quarter reported that rising energy costs have led to higher school lunch prices.

Mr. Chairman, the American people deserve better and our schools deserve better.

I reserve the balance of my time.

Mr. SARBANES. Mr. Chairman, I just want to point out that one of the things that is so exciting about this bill and the advancing of environmental education that it represents, and we heard this in some of the hearings we conducted, is you're going to get young people very interested in the environment from the standpoint of what business opportunities, economic opportunities exist. And some of these folks are going to go out and come up with cutting-edge ideas in terms of energy, new energy technologies and so forth.

In fact, we heard from one young man who testified that when his interest in environmental education developed, he took that and he channeled it into his own start-up business which is looking at biofuels. And so I expect to come from this sort of legislation which gets our kids focused more on environmental education all sorts of new economic opportunities and things that advance us when it comes to energy.

Before I yield, I just want to make one other point. This legislation, in my view, is really responding to initiative and creativity that is coming forth from the citizenry all across this country. Many communities and schools have, on their own, sort of stepped forward and started to pilot things in the environmental education arena. But they need some help. They need some resources to jump that up to the next level. I view as a very appropriate role of government to step forward and offer some leverage and help facilitate good ideas when they emerge from the public.

It's been 27 years since the U.S. Department of Education had a meaningful role with respect to environmental education. This bill will make sure that that happens, and that's one of the reasons we're so excited about it.

At this time I would like to yield, Mr. Chairman, 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the Education and Labor Committee.

Ms. WOOLSEY. Thank you, Mr. SARBANES, for yielding time.

I rise in support of H.R. 3036, the No Child Left Inside Act. My district is just across the Golden Gate Bridge from San Francisco, Marin and Sonoma Counties. We've been leaders in bringing environmental education into schools for quite some time now. These wonderful educators have done this through programs like the School Garden Projects and the Students and Teachers Restoring a Watershed, the STRAW project. These programs have given children hands-on opportunities to learn about the environment, and it's given teachers an opportunity to integrate other subjects; they integrate math and science and writing so students see real world applications in what they are learning.

This bill will help States. It will help them expand efforts to promote environmental education in our Nation's schools, and to promote efforts to teach our children to be good stewards of the Earth, and, in turn, they teach their parents, quite often.

Environmental education is a great way to tie together all the important subjects and lessons for growing up, while also teaching students about the environment, how to play a key role in preserving it for our future, for their future and for their children's future.

As we look for the best ways to prepare our children for the future, we

cannot forget that the best education teaches the whole child.

□ 1515

Children must continue to have access to all subjects, including environmental education. I urge my colleagues to support H.R. 3036, the No Child Left Inside Act.

Mr. MCKEON. Mr. Chairman, I am happy to yield at this time to the gentleman from Delaware, the subcommittee ranking member on the Elementary and Secondary Education Committee, Mr. CASTLE, 4 minutes.

Mr. CASTLE. I thank the distinguished gentleman from California for yielding to me, and I do rise in support of H.R. 3036, the No Child Left Inside Act.

This legislation builds upon a strong foundation of the National Environmental Education Act, NEEA, a law originally passed in 1990 to coordinate the Federal Government's environmental education programs through the Environmental Protection Agency, which we know as the EPA.

I believe strongly in the need for environmental education—our dependence on fossil fuels, growing global warming pollution, and skyrocketing energy costs are all major concerns that require multi-pronged approaches. I believe environmental education is the tool of choice in tackling many of these issues. Never before has it been more imperative that we educate not only the next generation of scientists, but also the next generation of environmental stewards.

Environmental education fosters greater appreciation among Americans, beginning in the classroom and extending throughout their adult lives, for the role we all play, collectively and as individuals, in shaping a greener world. Through the NEEA, the Federal Government is playing a strong role in environmental education, promoting science to meet the challenges of the 21st century, and helping to foster a green economy.

I believe this legislation takes a number of steps which work to bolster environmental education and ultimately benefit our Nation's students, such as extending for one year the NEEA, strengthening the existing environmental education and training programs so that it focuses on creating opportunities for enhanced and ongoing professional development, and developing a National Capacity Environmental Education Grant Program under NEEA to develop elementary and secondary environmental programs.

I am also pleased that this bill includes language that I offered before the Committee on Education and Labor to ensure that the programs and activities funded under the NEEA are, in fact, quality programs and activities by requiring participants to report on and subsequently making public the progress they make on a number of quality indicators. Important indicators which foster the understanding and appreciation of the environment, such as enhancing the understanding of the natural and built environment, fostering an appreciation of environmental issues, increasing academic achievement in environmental issues and in related areas of national interest such as mathematics and science, increasing the understanding of the benefits of natural environmental exposure, increasing the understanding of how human and natural systems interact with one another, and broadening the awareness of environmental issues for funded programs and activities.

As I stated earlier, I believe strongly in improving educational achievement and believe environmental education is an important component. Resulting from the No Child Left Behind Act, which I coauthored, all 50 States have implemented accountability measures in response to increasing concerns about the quality of our Nation's students' elementary and secondary education. I believe this amendment follows this trend by ensuring that environmental education, too, is of a high standard in this country.

While I believe the underlying legislation will help strengthen environmental education in our country, I also believe it is necessary for Congress to move forward with a broader reauthorization of the National Environmental Education Act.

I look forward to working with my colleagues on this vital piece of legislation as we head into next year.

I would just point out with all the discussion we've had on the floor in the last 2 or 3 months about energy and the environment, that education such as this could be very helpful in terms of future Congresses as well.

I urge my colleagues to support H.R. 3036.

Mr. SARBANES. Mr. Chairman, I do want to thank Ranking Member MCKEON and Congressman CASTLE for their support here today for the bill, as well as in committee, and thank Representative CASTLE for his very helpful amendment during the markup.

Ms. WOOLSEY just a moment before mentioned just how this brings children alive, and I want to make one point before I yield to Representative ANDREWS. That is, we had testimony in our hearings for all those who are concerned about this, you know, whether introducing in a meaningful way back into our curriculum things like environmental education and other subjects are somehow going to detract from this important focus on math and reading proficiency, for example.

The testimony that we had from one teacher was that her fourth graders are writing grant applications to local foundations for funding that can help support local projects that they're involved in with their local watershed right there in their own backyard, backyard streams and so forth. And nothing is enhancing their reading and verbal proficiency more than engaging in that exercise. But it's all motivated by their love of the environment.

It is my pleasure now to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in support of this very well-thought-out piece of legislation. School districts across our country are struggling economically to pay their bills for their basics, to do the basic things that we've established schools to do. And sometimes some things that they would like to do that are somewhat extra fall by the wayside. Very often they do.

This program builds a competitive grant program where school districts around the country can compete for the most innovative and effective environmental education programs.

This is the field trip that the students might not otherwise have; this is the summer course for the teacher that he or she might not otherwise have; this is investment in the learning materials for the technology that the students might not otherwise have; this is the science fair competition that is centered upon environmental issues that the students might not otherwise have. The beneficiaries of this well-thought-out bill are not simply the students and the teachers and the schools who will benefit from the program, it's the U.S. economy and all of us who depend on it.

The jobs of the future will be jobs that generate new ideas, particularly in the area of alternative energy production. So much of that is intricately tied to environmental education. And it's today's students, today's young people, for whom these ideas will be enlightened and from whom new products will come.

So this is not simply an assistance to America's schools today. I believe it's also an investment in the jobs of the future that the country so badly needs.

I congratulate Mr. SARBANES for his excellent work on this bill. I would hope both Democrats and Republicans support it, and I would urge a ''yes'' vote.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Ms. CLARKE) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

NO CHILD LEFT INSIDE ACT OF 2008

The Committee resumed its sitting.

Mr. McKEON. Mr. Chairman, I am happy to at this time yield to the gentlelady from North Carolina (Ms. FOXX) such time as she may consume.

Ms. FOXX. Mr. Chairman, I want to thank my colleague from California for yielding me time.

He made a couple of comments earlier, I won't try to repeat everything that he said, but he asked a question; he doesn't know why we're here dealing with this bill that normally would be under suspension and certainly wouldn't be a rule bill, but I agree that we know why we're here: it's to fill time because the majority has so little of consequence for us to deal with when we should be dealing with consequential things such as the American Energy Act.

However, I want to also point out the fact that this bill is not going to solve all of the problems of the world. It's not going to create the alternative energies that we need. I read the Constitution. I read it fairly frequently. Yesterday we celebrated Constitution Day. And I have searched in vain for the word ''education'' there. Nowhere did our Founding Fathers just think that the Congress of the United States should be involved in education. That was an issue that they thought best left to the States, and I think it is best left to the States and is not something that we should be dealing with here in the Congress.

Almost every day someone from the majority party comes to the floor and decries the deficit that we're facing. Well, one of the reasons that we're facing a terrible deficit is because the majority party is involved in everything and many things it should not be involved in, especially in education. That is something we should leave to the States. If we did that and left the hard-working people's money at the State level, we would be able to do a lot more than we're currently doing.

But I want to point out the fact that we should be dealing with the American Energy Act. We had a chance this week to do that, and we refused. Bipartisan passage of the American Energy Act would demonstrate to the world that America will no longer keep its rich energy resources under lock and key as the Democrats want to do. Not only will it help bring down the price of gasoline now, but it will make needed investments in the alternative fuels that will power our lives and our economy in the future.

Now as my colleague also mentioned earlier, there's been a very fine survey done. Mr. Chairman, I would like to submit the entire survey for the RECORD today. I want to just point out some of the things that came out in the survey that my colleague had not pointed out.

This survey was launched in July by the Republicans on the Education Committee. It was provided via the Caucus Web site and was sent to education stakeholders all across the country. We asked those people to give us their reactions and the impact on the high cost of energy to the schools. Ninety percent of the people who responded indicated that high gas prices are having an impact on schools in their community. Ninety-six percent of these respondents demanded that Congress do more to address the energy crisis.

''Nearly half of the respondents reported that high fuel costs have forced schools in their community to cut field trips and after-school activities; one-third of respondents reported that high costs forced schools to limit bus routes, and nearly a quarter of respondents reported that rising energy costs have led to higher school lunch prices.''

We don't need to create more programs to encourage students to go on field trips. They're not going to be able to go on field trips because there's no money to buy gas for the buses to take them on field trips.

This is just one of the most ridiculous things that we've been talking about in this session of Congress.

''Since Democrats took control of Congress''—and I'm quoting again from the survey—''in January 2007''—they took control of Congress, and I think it's very important the American people know who's in charge—''the energy crunch has been swift and severe. Gas prices have risen from an average of $2.33 per gallon in the first days of the Democrat majority to more than $3.75 per gallon today while diesel prices—particularly important for school transportation purposes—have risen from $2.44 a gallon to more than $4 per gallon today.''

Even the liberal New York Times has talked about the problem that the schools are facing. We don't usually find ourselves agreeing with the New York Times on issues, but they talked about the pain that schools are feeling. ''As the cost of diesel fuel has soared well past what many districts budgeted for last spring, school officials are rethinking their transportation needs, making big-ticket spending cuts and a host of surgical trims.''

They go on to quote, ''In a national survey of superintendents released in July by the American Association of School Administrators, 99 percent said that rising fuel costs had forced across-the-board cuts.'' This was the New York Times, September 5, 2008.

Here we are setting up programs, new programs, that cost a lot of money in bureaucracy and administration to try to do something we could do very, very easily by passing the American Energy Act.

□ 1530

That's all within our power here to do, and here are some individual comments in their own words from Americans who demand energy reform.

This is from Robert in Hamilton, Ohio: ''Yes, drill, build new refineries, solar, nuclear and anything else to break the dependence on foreign oil.''

That is exactly the position of Republican Members of this House. We want to break our dependency on foreign oil and we can do this. We are pro-American energy. Our colleagues, the Democrats, are anti-American energy. They will not do things that help us increase the supply in this country.

Here's another comment from Lori from Middletown, Ohio: ''I work at (a local) Head Start program. Our families are struggling to get their children to preschool. They must choose between gas in the car or food in many cases.''

I listened to these platitudes by our colleagues across the aisle, and frankly, they sound pretty hollow to me when we hear comments like this. The American people are suffering. They are doing nothing.

Another comment from Reeves in Gastonia, North Carolina: ''The rising cost of energy is impacting our school district in many ways: pupil transportation, employee travel, staff development, cost of goods/services, et cetera. It is getting increasingly difficult to reduce costs and not have an impact on the instructional day.''

Again, the American people are hurting and the Democrats are turning a deaf ear.

From Thomas from Joelton, Tennessee: ''We have to increase the supply of domestic oil. When my family grew in size, I did not reduce the amount of food provided to each member, I increased the supply. Gasoline is the same way.''

The American people are very, very smart and the Democrats are selling them short. They understand the issue. They understand that the issue is supply and demand, and this report concludes:

''Education stakeholders overwhelmingly report they are being hurt by the energy squeeze and demand that Congress do more. But instead of doing more, rank-and-file Democrats voted overwhelmingly with their leadership to kill a Republican measure that would have given schools relief and continue to block a comprehensive plan to bring down fuel prices. The House Republicans' 'back-to-school' energy survey confirms a New York Times report from earlier this month: 'School officials are rethinking their transportation needs, making big-ticket spending cuts and a host of surgical trims.' How much longer will the Democrat-led Congress wait to give them—and families, seniors, and small businesses—the relief they are demanding from today's high energy costs?''

It is time that the Democrats listened to the will of the American people and provide an opportunity for us

to provide more supply for the American people and give relief to them.

I say to them again, you're either pro-American energy or you're anti-American energy. So far, the position you've taken is anti-American energy, and I don't believe that's where the American people want you to be.

STRAPPED: STUDENTS AND SCHOOLS PAY THE PRICE FOR DEMOCRATS FAILED ENERGY POLICIES

SUMMARY AND KEY FINDINGS

A survey launched in late July by House Republicans has yielded some eye-opening results as the Democratic leadership of the 110th Congress has refused to allow a vote on the House Republicans' American Energy Act (H.R. 6566), which aims to lower gas prices by increasing production of American energy, encouraging more conservation and efficiency, and promoting the use of more alternative and renewable fuels.

The survey—provided via the Education & Labor Committee Republican caucus' website—was made available to education stakeholders across the country, from parents and students to teachers and administrators and sought their input on the impact of today's high gas prices on schools, colleges, and universities as the 2008–09 academic year begins. Key findings of the survey follow:

90 percent of the survey's nearly 1,000 respondents indicated that high gas prices are having an impact on schools in their community.

96 percent of respondents demand that Congress do more to address the energy crisis.

Nearly half of respondents reported that high fuel costs have forced schools in their community to cut field trips and after-school activities; one-third of respondents reported that high costs forced schools to limit bus routes, and nearly a quarter of respondents reported that rising energy costs have led to higher school lunch prices.

In spite of these stark findings, the Democratic leadership of the House has refused to schedule the American Energy Act for a vote and defeated Republican proposals on June 4, June 26, and September 16, 2008 to assist schools feeling the greatest impact from high energy costs. In fact, the Democrat-led Education & Labor Committee has not even held a single hearing on this issue.

SCHOOLS FEEL THE PAIN OF HIGH ENERGY COSTS

American families, seniors, and small businesses are hurting amid high gas prices and heating costs that are poised to rise this fall and winter. But they are not alone. As schools across the country settle into the 2008–09 academic year, they too are feeling the pain of today's energy crunch. Indeed, from elementary and secondary schools to community colleges and universities, schools at every level are grappling with this crisis and making all-too-often painful adjustments just to get themselves through the year.

Since Democrats took control of Congress in January 2007, the energy crunch has been swift and severe. Gas prices have risen from an average of $2.33 per gallon in the first days of the Democratic Majority to more than $3.75 per gallon today, while diesel prices—particularly important for school transportation purposes—have risen from $2.44 per gallon to more than $4.00 per gallon today.

Simply put, the surge in energy costs has been dramatic, and the Majority has yet to offer the ''commonsense plan'' to lower gas prices then-Minority Leader Nancy Pelosi (D–CA) promised during the 2006 campaign season. Instead, the Speaker and her colleagues in the Democratic leadership have offered one ''no energy'' bill after another—proving themselves more interested in votes to provide political cover for vulnerable Democrats than they are in giving the American people an ''all of the above'' energy strategy to lower fuel costs. And all the while, families, seniors, small businesses, and—yes—schools are left to pay the price . . . literally.

Earlier this month, the New York Times put the pain schools are feeling into perspective:

''As the cost of diesel fuel has soared well past what many districts budgeted for last spring, school officials are rethinking their transportation needs, making big-ticket spending cuts and a host of surgical trims.

''Some districts are eliminating field trips and after-school buses. Many are consolidating routes, causing some students to walk farther to their stops and others to lose their buses altogether. They are holding off on new teachers, counselors and textbooks, and teaming with neighboring districts for prekindergarten, special education and private school transportation . . .

''In a national survey of superintendents released in July by the American Association of School Administrators, 99 percent said that rising fuel costs had forced across-the-board cuts.'' (New York Times, ''Fuel Prices Squeeze School Districts,'' September 5, 2008)

HOUSE REPUBLICANS LAUNCH INNOVATIVE ''BACK-TO-SCHOOL ENERGY SURVEY''

To help understand the scope of this problem, House Republicans launched a web-based initiative in late July focused on how high energy prices are impacting schools all across the nation. Housed at the Education & Labor Committee's Republican website, this survey gathered input from school officials, teachers, and families over a period of six weeks to determine the extent of the energy crisis for schools at all levels—input that Republicans hope will provide both parties even more of an incentive to come together in these final days of the 110th Congress and pass an ''all of the above'' plan to increase American energy production, encourage more efficiency and conservation, and promote the use of alternative and renewable fuels. The survey follows:

1. Are high gas prices having an impact on back-to-school preparations in your community?

Yes, a very significant impact.
Yes, somewhat of an impact.
No, not much of an impact.
No, not at all.

2. If you answered ''yes'' above, how are your local schools coping with high energy prices?

Limiting bus routes.
Cutting field trips/after-school activities.
Increasing school lunch prices.
Moving to a four (or fewer) day week.
Expanding online course offerings.
Other (please describe below).

3. Should Congress be doing more to lower gas prices and promote long-term American energy independence?

Yes.
No.
No comment.

4. Additional comments:
5. Name:
6. E-mail (optional):
7. City, State:
8. May we share your story with others?

OVERSTRETCHED SCHOOLS WANT ACTION FROM DEMOCRATIC CONGRESS

The above-referenced New York Times article depicts the types of problems being experienced nationwide. In fact, according to the ''back-to-school'' energy survey, 90 percent of all respondents indicated that high gas prices are having an impact on schools in their community (72 percent responding that gas prices are having ''a very significant impact,'' with 18 percent responding that they are having ''somewhat of an impact''). The most common ramifications of high fuel costs are cutting field trips and after-school activities (provided by 48 percent of respondents), limiting bus routes (33 percent), and increasing school lunch prices (23 percent).

As a result, nearly every respondent to the survey (96 percent) indicated that Congress should be doing more to lower gas prices and promote long-term American energy independence. Congress, however, has not answered the call, in spite of the fact that House Republicans unveiled the comprehensive American Energy Act to lower fuel prices nearly two months ago. Democrats also turned back a House Republican effort to provide more funding to assist schools dealing with high energy costs.

HOUSE REPUBLICAN PROPOSALS FOR REFORM DEFEATED BY DEMOCRATIC MAJORITY

As the recently-completed survey suggests, schools across the country are feeling the pain from rising energy costs. Even before the survey was launched, however, House Republicans attempted to provide more assistance to those schools feeling the greatest pain from today's energy crunch.

On June 4, 2008, the Democratic leadership scheduled for House consideration the 21st Century Green High-Performing Public School Facilities Act (H.R. 3021), a bill that takes $20 billion in taxpayer dollars away from low-income students and students with disabilities and creates a massive, unproven school construction program run by bureaucrats in Washington. During consideration of the legislation, Rep. Cathy McMorris Rodgers (R–WA) offered a motion to recommit proposal to allow schools that have seen their energy costs rise by more than 50 percent since January 4, 2007—Rep. Pelosi's first day as Speaker—to use funds under the bill to help cover their energy expenditures. Unfortunately, Democrats killed the proposal, leaving the schools to fend for themselves. (Rollcall Vote 378, with 225 Democrats voting against the proposal.)

On June 26, 2008, during consideration of the Saving Energy Through Public Transportation Act (H.R. 6052), Democrats blocked a Republican proposal to assist rural schools and students. The measure—offered by Rep. Greg Walden (R–OR)—would have required that in any area where school bus services are being cut back because of high fuel prices, the funds under the Democratic bill must be used to help restore those services. Walden's proposal gave preference to rural and suburban areas where school buses have to travel greater distances to transport students. (Rollcall Vote 466, with 217 Democrats voting against the proposal.)

On September 16, 2008, Democrats turned back a bipartisan plan—co-sponsored by 38 Democrats, 24 of whom inexplicably voted against it—that would have aided schools suffering from the effects of the energy crisis as well. During consideration of the Democrats' so-called Comprehensive American Energy Security and Consumer Protection Act (H.R. 6899), Rep. John Peterson (R–PA) offered a bipartisan plan he originally authored with Rep. Neil Abercrombie (D–HI) to

begin taking steps toward lower gas prices and energy independence. The plan, in part, would have enabled states to enter into revenue-sharing agreements with the federal government as part of increased energy production far off of their coasts. Under the bipartisan plan, states would be permitted to use revenues to increase funding to schools feeling the impact of the energy crunch. But once again, the Democratic Majority blocked the plan, depriving schools of critical funding to help them cope with rising energy costs. (Rollcall Vote 598, with 216 Democrats voting against the proposal.)

IN THEIR OWN WORDS: AMERICANS DEMAND ENERGY REFORM

Following is a sampling of remarks left by respondents to the ''back-to-school'' energy survey detailing exactly what parents, teachers, and students are facing while the Democratic Congress refuses to act on meaningful legislation to bring down gas prices and other energy costs:

''Yes, drill, build new refineries, solar, nuclear and anything else to break the dependence on foreign oil.''—Robert from Hamilton, OH.

''I work at [a local] Head Start program. Our families are struggling to get their children to pre-school. They must choose between gas in the car or food in many cases.''—Lori from Middletown, OH.

''The rising cost of energy is impacting our school district in many ways: pupil transportation, employee travel, staff development, cost of goods/services, etc. It is getting increasingly difficult to reduce costs and not have an impact on the instructional day.''—Reeves from Gastonia, NC.

''What are schools to do? The price of diesel, which most school buses use, is even higher than the price of gasoline. The option of passing or even sharing the cost of the fuel increase with the consumers (parents) is not an option. Levies are increasingly more difficult to pass. Field trips and busing for athletics are either eliminated or the parents are charged a fee to help offset the transportation cost. Lengthening the school day and providing a 4-day week is vehemently opposed by many parents who do not want to pay for child care for that 5th weekday the child would not be in school. Freezing wages and cutting back on insurance benefits for teachers and support personnel deters people from teaching at a time when the country desperately needs to be focusing on Math, Science and Technology so its students are better prepared for employment in our global economy . . . I repeat—what are schools to do?''—Shari from Medway, OH.

''We cannot believe Congress went on vacation. We must have a complete policy. Drill for oil, build new refineries, build nuclear plants, and anything else that will work. Everything is being affected, cost of groceries and all other goods. Please help. Keep up the fight for us. We need an energy policy.''—Ruth from Vacaville, CA.

''We have to increase the supply of domestic oil. When my family grew in size, I did not reduce the amount food provided to each member, I increased the supply. Gasoline is the same way.''—Thomas from Joelton, TN.

''As an educator I am very concerned on the impact of budget cuts for all students and staff operating in our school system.''—Tessa from Waleska, GA.

''Being a rural community where most of the students come to school on buses, high fuel prices cause a big problem.''—Edward from Wapato, WA.

''The high price of fuel and energy costs [has] significantly reduced the amount of funding we have for educating our children to be competitive in a world class economy.''—Pam from Medical Lake, WA.

''Every school child that I know has had their bus route increased. My 6 year old is now on the bus for more than 2 hours a day.''—Claudia from Stevenson Ranch, CA.

''This year we may not be able to go on any field trips because the school bus rates have gotten so expensive. Families are having a tough time as it is. It is sad because the kids are missing out on those experiences.''—Tar from DeLand, FL.

CONCLUSION

Education stakeholders overwhelmingly report they are being hurt by the energy squeeze and demand that Congress do more. But instead of doing more, rank-and-file Democrats voted overwhelmingly with their leadership to kill a Republican measure that would have given schools relief and continue to block a comprehensive plan to bring down fuel prices. The House Republicans' ''back-to-school'' energy survey confirms a New York Times report from earlier this month: ''School officials are rethinking their transportation needs, making big-ticket spending cuts and a host of surgical trims.'' How much longer will the Democrat-led Congress wait to give them—and families, seniors, and small businesses—the relief they are demanding from today's high energy costs?

Mr. SARBANES. Mr. Speaker, I want to share with the gentlewoman that I am and I know my party is pro-American energy. In fact, the more I listen to testimony on the other side, the more convinced I am that this legislation that we're debating right now is exactly what we need to make sure that the advances with respect to energy technology are there.

With respect to education stakeholders and their view of No Child Left Inside, this is a list of over 700 organizations nationally representing 40 million members. Many of these organizations are education organizations who understand how important it is for our young people to get this sort of opportunity.

We can all agree, Democrats and Republicans, in this debate that we've been having over energy for the last few weeks and months that it's important for us to develop alternative sources of energy, renewable sources of energy. To do that, of course, we're going to need the scientists and the entrepreneurs who can make it happen, and they are not going to land on a spaceship from outer space. We are going to have to develop them right here, and the next generation is where we are going to find those scientists and those entrepreneurs that are going to make those sort of advances. But they are not going to be able to do it if we don't put the resources behind the kind of environmental education that this will provide.

And then just the last point I wanted to make is, yes, there are field trips that will be funded by this, but a lot of what this has to do is getting kids outside, and you don't have to take a bus from inside of the classroom to outside of a classroom. You can walk. And a lot of these young students are doing things right there in their own backyard, right there around their school, right there in a stream that's a quarter mile away, and they can use the walk. The idea is to get them outside and experiencing the environment.

It is my pleasure now to yield 2 minutes to the gentlewoman from New York (Ms. CLARKE), a member of the Education and Labor Committee and someone who brought a very important amendment regarding environmental justice to this bill in the committee.

Ms. CLARKE. Mr. Chairman, today I rise in support of H.R. 3036, the No Child Left Inside Act of 2008. The effects of global warming and climate change, as evidenced by wildfires, tornadoes, hurricanes, and floodings has been experienced by hundreds of thousands of Americans. These things, coupled with the energy crisis, are calling out for investment in renewable energy.

We must be ever cognizant that future generations will inherit a myriad of complicated environmental challenges. By encouraging schools to incorporate environmental education into their curriculum, H.R. 3036 will give future generations a solid understanding of environmental issues and a knowledge base that will equip and empower them with the tools needed to overcome the environmental problems that plague our civil society and our environs.

I am pleased to have language from my bill, H.R. 5902, the GREEN Act, incorporated into this bill. My bill's language would give schools the option of integrating an environmental justice curriculum into their own educational program.

Located in my congressional district, the Brooklyn Academy of Science and the Environment provides an innovative example of how environmental justice concepts can be used as an integrating context for learning. Created through a partnership with the Brooklyn Botanic Gardens, Prospect Park Alliance, and the New York City Department of Education, this is one of New York City's first public environmental education high schools.

In closing, I want to thank Congressman SARBANES for being a champion for America's scholars and for his consistent leadership on environmental education and for including my bill, H.R. 5902, as part of the No Child Left Inside Act of 2008, a bill that I believe will greatly transform our Nation in the years to come.

Mr. MCKEON. Mr. Chairman, I am happy to yield at this time 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding to me.

I am rising in support of H.R. 3036, the No Child Left Inside Act, which would authorize a grant program to

provide States the resources to include environmental literacy education programs in their K–12 curriculum.

Protecting the environment is one of the most important jobs I have as a Member of Congress. We simply will not have a world to live in if we continue our neglectful ways.

It is imperative we instill the need for environmental responsibility upon the next generation, and I can't think of a better place to foster a sense of environmental stewardship than in the classroom.

Just this week, Congress finally debated a bill to begin reducing our dependence on foreign oil and encouraging alternative energy solutions. The repercussions of the debate we had this week will not be dealt with by us, but rather, by our children. By ignoring our environmental and energy crisis for so long, we have passed significant challenges on to the next generation to find solutions. The time to invigorate our youth to tackle these challenges is now.

I have heard from teachers and school administrators throughout Connecticut's Fourth Congressional District, and from across the country, who have felt a narrowing of school curricula in the wake of No Child Left Behind's (NCLB) high stakes testing requirements. It seems to me this bill should have been considered in the context of a larger No Child Left Behind reauthorization. Unfortunately, the majority has yet to bring comprehensive reform to the floor for consideration, and I am hopeful these types of curricular enrichments remain a priority as we work towards reauthorizing this critical bill.

In the absence of reauthorization efforts this Congress, I am pleased we are providing the resources school districts need to enrich their curricula and cultivate an awareness of environmental issues in our public schools.

I support No Child Left Behind because it is forcing us to improve and deal with gaps in our public education, but I realize there are several improvements that need to be made in the reauthorization process. I look forward to a reauthorization of this bill that reevaluates priority curricula to ensure our students are not only achieving in the areas of math, reading, and science, but are well-prepared to engage in a 21st century, global society.

Mr. SARBANES. May I inquire as to whether the other side has any more speakers?

Mr. MCKEON. I will be concluding for our side, if we could inquire how much time we have left.

The CHAIRMAN. The gentleman from California has 5½ minutes remaining. The gentleman from Maryland has 12 minutes remaining.

Mr. SARBANES. Mr. Chairman, I will reserve my time to allow the gentleman to close.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

One week before the 110th Congress is scheduled to adjourn, we are devoting precious legislative hours to debating a noncontroversial bill to extend a minuscule environmental education program for 1 year. I think we all agree that environmental education is important now and for future generations, and I want to commend the gentleman from Maryland (Mr. SARBANES) for the work that he's done on this bill. I think, as he has eloquently stated, environmental education is very important. But how we spend our time in this Chamber is a reflection of our priorities, and today, our priorities are all wrong.

Chairman MILLER and I work well together on the Education and Labor Committee, and we often reach agreements before bills are brought to the floor. On this bill, we worked together to resolve our differences, and we agreed that while important, this bill was straightforward and noncontroversial—most of our Members will vote for it—enough that it should be considered on the suspension calendar. I believe that two-thirds of this body would easily have supported the legislation, making these hours of debate unnecessary.

For whatever reason, whether to mask their continued failure to offer comprehensive energy solutions or simply to avoid a debate on the issue altogether, the majority has opted to bring this bill to the floor today under a rule. So let me just take a moment to reflect on H.R. 3036.

The Federal Government has a role to play in education. That role is to provide support and assistance to ensure that all children are provided a quality education. It is to support the academic achievement of disadvantaged children, children with disabilities, and other at-risk students who might otherwise be left behind. In pursuing these goals, we must be careful not to create too much bureaucracy nor too many Federal programs that could undermine local control.

That's why I appreciate the efforts that were made to limit the scope of this bill, extending an existing program at the EPA and supplementing it with similar activities through the Department of Education rather than establishing a massive new environmental education bureaucracy as some had originally proposed.

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This is a reasonable bill, and at the end of the day, I will support it. But, Mr. Chairman, if I had my choice, we would not be here debating this legislation today. Although environmental education is important, this Congress has a limited amount of time to challenge our mammoth problems facing this Nation.

As of a few minutes ago, when we found we won't be in session tomorrow, if we work all of next week, we will have 5 days left to finish the work of this Congress. Instead of tinkering around the edges of an existing environmental education program, we ought to be debating comprehensive, all-of-the-above approaches to reform our Nation's energy policy and put America on the path to energy independence.

Here we are, going into the last week of this Congress. We've been here 2 years, we only have now 13 days of work scheduled for the last 5 months of this year—and that, after our Democrat leadership, during the last election, said that we would be a harder working Congress, we would be a more open Congress, we would be one that would follow regular order, we would be open to the way this House was meant to function.

At this point, we have not passed one spending bill. The spending bills that were passed last year run out on September 30, the new year starts October 1, and not one spending bill to continue to fund the Government through the next year has yet been passed. We did pass one on this floor, but not one has been passed through the whole process—the House, the Senate, and been sent to the President's desk, not one spending bill.

I guess the people throughout the country will be watching and seeing what happens on October 1. Will the Government be shut down? I don't know. I don't know how they plan to solve this problem. I just know that at this point they have not brought one spending bill to completion for the President to sign.

We have not finished our work on this committee on No Child Left Behind. That was a very, very important piece of legislation. We worked on it last year. We haven't talked about it for over a year now. And I guess that's just going to be let go into next year, when a new Congress will be here.

I am greatly disappointed, Mr. Chairman, with the work product of this Congress. We had the ability. We had new leadership that came in with lots of promises, lots of enthusiasm, lots of things that were going to be done to make things better for the American public. The most important issue facing us today is the energy issue. Every one of us in America sees that every day when we fill our tanks or at least drive by the gas stations and see how the price has gone up—or maybe down a couple cents, depending, but it's a couple dollars more than it was when the Republicans were in charge here a couple years ago.

We had the opportunity this year, even this week, to address an all-of-the-above energy solution: More conservation, more alternative fuels, more biomass, more wind, more solar—yes, and more oil, more coal, more shale.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SARBANES. Mr. Chairman, the desire to move forward with the reauthorization of No Child Left Behind is one that certainly we shared on this side of the aisle, and we are prepared to do that this year. The problem is that the administration, for the last 2 years, sent budgets which suggested there wasn't going to be the resources behind that effort that needed to be there, and so we're where we are. But that doesn't mean that we can't, as we're going to do with this bill, begin to set the table for what can be a very comprehensive and meaningful reauthorization of the Elementary and Secondary Education Act next year. And what I'm so excited about is, if we put our stamp on this bill today, we're going to be sending a very powerful message that environmental education should be part and parcel of that reauthorization next year.

I would like to thank, again, the members of the No Child Left Inside Coalition, as I noted, over 700 organizations across the country representing upwards of 40 million people. These are folks who just want to see this happen. They understand how important it is to get our children outdoors and into nature. I want to thank them for all the work that they did to make this possible, to get this to the floor. It would not be here without the work that they have done.

I want to close by noting some of the benefits of this. I've talked about the contents of the bill, but I want to talk more generally about the benefits that it offers.

Many of the witnesses that we heard from, many of the advocates who are behind this bill are public health advocates. They're pointing to epidemic levels, for example, of childhood obesity that we see now across the country. Kids just aren't active. One of the benefits of getting children outdoors, getting them engaged in environmental activities is they start to become more active, and that is going to be good for their health and the health of our Nation.

We've talked about the economic development benefits; that environmental education spurs interests, it leads to children wanting to go into science, into technology, and so forth. And so we are going to be unleashing a tremendous economic potential if we put resources into the No Child Left Inside Act.

It is a great way for kids to learn. There is all the evidence that shows that when kids are outdoors, it activates all their senses, it fully engages them, and their performance increases across the board because of that experience. And of course it raises awareness in the next generation of the environment and the need to preserve our environment. The fact of the matter is that the only way we're going to save our environment, the only way we're going to preserve treasures like the Chesapeake Bay in the State of Maryland is if millions of people develop good habits in dealing with the environment. That's what we can impart to our young people, to the next generation.

Let me just finish with two articles, or anecdotes. The first is from the Rochester, Minnesota Post-Bulletin. It's an article titled, ''Program urges kids to ditch couches for canoes.'' It talks about a program that a woman named Sara Grover founded, Project Get Outdoors, where she brings kids outside. She talks about a fifth grader on his first camping trip. She said he was practically crying and he said, ''This is the best day of my entire life.'' There are a lot of good days ahead for a lot of great kids if we get this legislation in place.

Just to put a punctuation mark on this notion of kids going into science as a result of their experiences outdoors, I just got this e-mail on my BlackBerry notifying me that a young man from my district was named a finalist in the science competition for middle school students. His project was, ''The Effectiveness of Limestone Aggregates to Mitigate Acid-Mine Drainage.'' He came up with the idea for this project while rafting and kayaking on the Cheat River in West Virginia.

This is what I'm talking about. This is what's going to happen if we provide our children, our young people, the next generation with the environmental education that they deserve and integrate it fully into the instructional program in their schools.

That's why I'm supporting this bill. That's why I introduced it. That's why the coalition of advocates that supports it is so excited about it. I urge this House to pass H.R. 3036, the No Child Left Inside Act.

Mrs. BACHMANN. Mr. Chairman, today, the House will consider H.R. 3036, the No Child Left Inside Act. I rise in strong opposition to this legislation.

First of all, H.R. 3036 continues our Nation down the ill-fated road of shifting control of school curricula away from the parents and teachers and local school boards who best know what their children need into the hands of Federal Government and its one-size-fits-all approach. To best serve our children's educational needs, local school boards need flexibility to target resources where they are needed most—from school construction and class size reduction efforts to higher teacher salaries and technology in the classroom. The needs of individual school districts are dynamic and complex. They are not homogenous and are most certainly not best understood by bureaucrats in Washington.

I fervently believe that parents and teachers and local school boards know best how to educate our children, and it is time for Congress to stop removing them further and further from the equation. Congress must move back down the path to control, accountability, and authority at a local level for education. H.R. 3036 leads us away from this crucial goal.

Furthermore, while I agree it is important to promote conservation and environmental literacy, especially as America faces a crippling energy crisis, I do not agree that public school is the place to do it. H.R. 3036 would simply add another layer of bureaucracy and Federal mandates to our Nation's already overburdened schools, displacing important educational building blocks with questionable environmental education programs. At a time when American test scores continue to lag behind our global counterparts, can we honestly say that we need less time for the fundamentals of reading, writing, arithmetic? Church groups, scouting, extracurricular organizations, and the family promote conservation, love of and respect for the outdoors, and environmental messages daily. Let the teachers teach; let parents instill values.

Finally, let us not forget that Congress has already allotted funds for environmental literacy through an Environmental Protection Agency, EPA, grant program. Since 1992, that program has allocated over $40 million, or roughly $2.5 million per year. H.R. 3036 would spend an additional $14 million to create an additional grant program administered by a whole new executive branch agency, the Department of Education. Can there be any question that this represents an expansion of the Federal bureaucracy, a duplication of efforts, and a wholly irresponsible distribution of taxpayer dollars?

The No Child Left Inside Act represents a step in the wrong direction, adding the weight of increased Federal bureaucracy to an already sinking educational outlook. Forcing local school districts to direct scarce resources away from core curricula to serve a political agenda will only further suppress the academic performance of America's next generation. I urge my colleagues to oppose this legislation.

Mr. HONDA. Mr. Chairman, I rise today in support of the ''No Child Left Inside Act,'' H.R. 3036.

The 21st century global economy increasingly requires scientific and environmental literacy. Unfortunately, due to the narrowing of curriculum under ''No Child Left Behind,'' schools are struggling to offer a comprehensive curriculum inclusive of environmental education.

I applaud Representative SARBANES for championing H.R. 3036, to help ensure our students are prepared to make informed decisions that impact our future, and I am proud to be a cosponsor of this important bill.

I share the gentleman from Maryland's passion for environmental literacy and environmental education, which are also priorities in a bill I introduced, H.R. 1728, the ''Global Warming Education Act.''

I believe that education is essential to ensuring that the public understands both the short- and long-term environmental consequences of dangers such as global warming.

In my bill, I sought to establish a grant program to create educational materials, develop

climate change curricula, and improve the dissemination of scientific developments in the area of global warming, along with providing practical learning opportunities for people of all ages and from diverse backgrounds.

The ''No Child Left Inside Act'' will also establish grants to help environmental education become more effective and widely practiced, and it will provide professional development and training for teachers to incorporate environmental education activities as part of school curricula.

It is critical that America fosters an environmentally aware citizenry equipped to make informed decisions that will ensure a secure environment for our future generations.

This is why I urge my colleagues on both sides of the aisle to recognize the importance of environmental education by supporting H.R. 3036.

Mr. VAN HOLLEN. Mr. Chairman, I rise today to support the No Child Left Inside Act. I thank my colleague from Maryland, JOHN SARBANES, for his efforts on this important initiative.

Mr. Chairman, our Nation faces great environmental challenges. We need to combat global warming, curb pollution, and expand conservation and energy efficiency. And to confront these challenges, we need to ensure that students graduate from our schools with an understanding of the environment. We need hands-on outdoor learning opportunities to inspire students to enter science fields and develop innovative solutions.

Today's bill extends the authorization for the National Environmental Education Act and enhances the Environmental Education and Training Program with teacher training and the opportunity for partnerships between teachers and working professionals in environmental fields. It also establishes the National Capacity Environmental Education Grant Program to assist States and local education agencies as they work to develop environmental literacy plans and student academic achievement standards. It encourages partnerships between states, schools, and institutes of higher education and creates and disseminates best practices for environmental education programs.

No Child Left Inside will give our students the opportunity to interact with and understand their environment. It will encourage their interest in science and prepare them to solve 21st century environmental challenges. I urge my colleagues to join me in voting for this bill.

Mr. BRALEY of Iowa. Mr. Chairman, I rise in strong support of H.R. 3036, the No Child Left Inside Act. This legislation is vitally important to better prepare our students for the environmental, energy and natural resource challenges facing our country, and also for the career opportunities these challenges open up.

Mr. Chairman, I am proud to represent Iowa's First Congressional District. Our district is noted for its rolling farmlands of corn, soybeans and other crops, our border on the Mississippi River, the largest river in North America, and for the businesses that have come to the Quad Cities, Dubuque, and the Cedar Valley. Our citizens have a deep appreciation and respect for our natural resources and recognize the important opportunities that are opening up in the fields of bio-energy and other agriculture-based, renewable energy resources. That's why I introduced the National Endowment for Workforce Education in Renewables and Agriculture Act to help our community colleges support the education and training of technicians in these areas. I was happy to see this bill included in the 2008 Farm Bill which was signed into Public Law.

I also recently toured the University of Dubuque's Environmental Science Education center, a great example of college level environmental education. This center provides college students with State, regional, and national benefit through educating undergraduate- and graduate-level students in the environmental sciences, and helping to create the next generation of science professionals. The Environmental Science Center allows the University to expand on its proven record of educating national scientific leaders. The Center specializes in hands-on, applied learning for current science teachers, environmental agency personnel, undergraduate environmental science majors, and education majors to teach the next generation of American scientists.

I'm proud to represent a University that has taken a leading role in educating the next generation of scientists and environmentalists, and I'm pleased to support this bill because schools like the University of Dubuque will benefit from the competitive grant program authorized in this legislation. These grants would be awarded to higher education institutions and would be used directly for the study of environmental education. The University of Dubuque could use this grant program to better improve their already succeeding Environmental Education Center.

In addition to higher education, we also need to ensure that our next-generation of leaders have a basic understanding of the environment and our natural resources, before they graduate from high school. These are the students currently in our elementary and secondary schools and the students who will be coming to our community colleges and universities in the coming years. This legislation will also provide learning opportunities for these students.

This bill authorizes much-needed resources to educate students at the K–12 levels about the environment, energy and natural resources and to help teachers, schools and school districts provide the best experiences and instruction for their students. It would begin to implement the recommendations of several reports by the National Science Foundation, the National Environmental Education Advisory Council, and the National Council for Science and the Environment to enhance environmental education in our schools. And it would help improve student achievement and enthusiasm for learning as several studies have demonstrated.

Mr. Chairman, I rise in strong support of this legislation that will improve environmental education for both K–12 students, and students in our Nation's colleges and universities. I urge my colleagues to join me in supporting this legislation.

Mr. HOYER. Mr. Chairman, I rise today in support of H.R. 3036, the No Child Left Inside Act. This legislation, introduced by Representative JOHN SARBANES, would provide sorely needed assistance to States, elementary and secondary schools and others to help teach our children about the environment and instill within them an appreciation and sense of stewardship for our planet.

The case for extending and enhancing environmental education is quite clear. Several recent studies indicate that students perform better in science, reading, math and social studies, when environmental education is integrated into the core curricula. Indeed, Hollywood Elementary School, located in Maryland's 5th Congressional District, was part of an intensive study by the State Education and Environment Roundtable published in 1998 that documented how 40 schools in 12 States achieved remarkable results by implementing an environmental education program. The study also found that environmental education increased students' enthusiasm for learning and enhanced their creative thinking skills.

Getting kids outdoors to exercise, play and experience their natural world is also an important tool to prevent childhood obesity, reduce attention deficit disorder, and address other related health problems. Research shows that kids today are spending more than 6 hours a day inside plugged in to electronics—but only minutes a day outdoors. That could have serious consequences for our children's physical and mental development.

Just as important, environmental education prepares children to be responsible stewards and citizens. We face enormous environmental challenges including global warming and pollution in the Chesapeake Bay. To take on those challenges, the next generation needs a solid understanding of environmental Science.

But even though environmental education is desperately needed, for all of those reasons, our Nation has seen it go into decline. In recent years, the overall level of federal support for environmental education in both policy and funding has unfortunately been woefully inadequate.

The No Child Left Inside Act seeks to remedy this situation by providing new support and funding for environmental education in the Nation's public schools in three areas: teacher training, enhanced programs, and the development and implementation of State environmental literacy plans.

Specifically, this legislation reauthorizes the National Environmental Education Act of 1990 and authorizes funding for the Environmental Protection Agency's Environmental Education and Training Program. It also creates a new National Capacity Environmental Education Grant Program to be administered by the Department of Education, awarding matched grant funds to local and State educational agencies, colleges and universities, and nonprofit groups to develop curricula, disseminate information about model programs, and increase the number of environmental educators.

Our looming environmental problems demand a strong generation of scientists, researchers, public servants, and citizens. By passing this bill, we can help to build that generation and improve our children's health and quality of life at the same time.

I commend Representative SARBANES for introducing this measure and I urge my colleagues to join with me in voting for the No Child Left Inside Act.

Mr. GRIJALVA. Mr. Chairman, I wish to express my strong support of H.R. 3036, the No Child Left Inside Act, and the opportunities it provides students for a strong environmental education. I have been a strong supporter of the No Child Left Inside Act. As a member of Education and Labor and Chairman of the Subcommittee on National Parks, this act represents an important confluence of my interests, and I am happy to support this legislation. I attended the field hearing for this legislation, and have taken a personal interest in its passage through the many steps it has taken to the floor. Though I am unable to participate in the vote on final passage today, I wish to make it clear that I remain a steadfast proponent of the No Child Left Inside Act, and am pleased with its consideration by the House today.

This act will promote environmental literacy and hands-on educational experiences, while at the same time promoting core learning of critical skills. These programs have also been linked to meaningful improvements in student cooperation, conflict resolution, motivation to learn and positive behavior. Additionally, these programs add to the encouragement of a healthy and active lifestyle of outdoor recreation.

No Child Left Inside promotes environmental literacy where it is most effective—in nature. This, in turn, promotes children's health, increases their knowledge of the natural world, and encourages students' interests in the lesson. NCLI provides educators with the necessary skills to teach environmental education, and provides grants for State and local agencies to acquire the needed capacity for effective environmental education.

The benefits of this program have a measureable impact on students' core curriculum—improving performance in science, math, reading and social studies. The No Child Left Inside Act is important for our environment, as it educates the next generation, who will inherit a planet whose fragile habitats will increasingly need our help and protection.

Mr. HARE. Mr. Chairman, I rise today in strong support of H.R. 3036, the No Child Left Inside Act, introduced by my good friend and freshman colleague, Representative JOHN SARBANES of Maryland.

Mr. Chairman, global warming is one of the greatest environmental challenges facing our Nation today. But, as the impact of global warming becomes more and more visible, our children are increasingly disconnected from nature and the world around them.

Kids today spend less time playing outdoors than any previous generation. The Kaiser Family Foundation found kids ages 8 to 18 spend an average of 6½ hours a day glued to the TV, playing video games, surfing the Internet, and talking on cell phones, leading to what has been called a ''nature deficit disorder''.

The No Child Left Inside Act addresses critical environmental challenges by strengthening and expanding environmental education in the classroom. This bipartisan bill provides schools with more resources and teacher training for environmental education.

Using environmental education in the classroom, we can transform playgrounds and parks into learning laboratories and recapture the interest and enthusiasm of students in the world around them.

Not only has environmental education raised test scores in math and reading, but it has also inspired school age children to become future stewards of the Earth.

Mr. Chairman, H.R. 3036 is an important step toward combating childhood obesity, promoting an environmentally-conscious society and improving the health of our planet.

I am proud to be a cosponsor of this bill, and I strongly urge my colleagues to vote for the No Child Left Inside Act.

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of H.R. 3036, the No Child Left Inside Act, which would amend the Elementary and Secondary Education Act of 1965 to promote the expansion and development of environmental education in our classrooms from kindergarten to grade 12.

Environmental education is so important for our students, especially with the growing crisis facing our climate. Yet across the country, these types of programs are facing cuts due to school budget woes. H.R. 3036 helps alleviate this problem by extending the National Environmental Education Act through 2009 and strengthening the Environmental Education Training program under current law. This legislation also establishes the National Capacity Environmental Education Grant Program, which would authorize the Secretary of Education to award 1–3 year competitive grants to nonprofit organizations, state educational agencies, local education agencies, or institutions of higher education.

The No Child Left Inside Act will help our students see the real world beyond the classroom and better prepare them for the 21st century. I am proud that my home State of Rhode Island already stands out in this area because of its steadfast commitment to protecting its resources—the Narragansett Bay, beaches, parks and forests, lakes and rivers, and other beloved spaces. Rhode Island has been ahead of the curve in promoting renewable energy sources and conducting climate change research. Now we must work to make sure this legacy is passed on to future generations. Just as we have worked in our cities and towns to preserve the environment, we must ensure that our national policies build on these actions. With so many teachers and students already involved, the No Child Left Inside Act will only boost our work in Rhode Island.

I would like to thank my colleague, Congressman SARBANES, for introducing this bill, as well as my colleague and fellow Rhode Islander, Senator JACK REED, for introducing the companion bill.

Mr. Chairman, this bill has bipartisan support and both environmental groups and schools are ready to implement these programs. I encourage my colleagues to support this bill.

Mr. BLUMENAUER. Mr. Chairman, I rise in strong support of H.R. 3036, the No Child Left Inside Act of 2008. This bipartisan legislation extends the National Environmental Education Act through 2009 and strengthens the Environment Education Training Program. It also establishes a capacity building grant program to help States and school districts expand environmental education.

Today's students are our future workforce and they must be quipped to face the myriad of challenges that threaten our Nation. Our country faces an energy crisis, air quality concerns, climate change, and diminishing natural resources. It is vitally important that environmental education become an integrated part of the curriculum, and that our students be trained in the tools necessary for future careers in green technology.

In my home State of Oregon, Portland State University has a renowned sustainability program that has just been boosted by a $25 million foundation challenge grant. PSU already partners with schools throughout the community to teach children about environmental sustainability. Because of today's legislation, schools across the country will have similar opportunities as those students in Oregon to learn the value of our resources and gain the skills necessary to be key players in America's future green economy.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today in full support of passage of H.R. 3036, the No Child Left Inside Act.

I worked with Chairman MILLER and Mr. SARBANES, the sponsor of the bill and a member of my subcommittee which has jurisdiction over environmental education.

It is a pleasure to support the professional development of environmental educators and expand the capacity of these teachers and the States in which they work to bring environmental education to our Nation's young people through this bill.

The No Child Left Inside Act seeks to improve the professional development opportunities of our Nation's environmental educators. We know that teachers make the difference in the educational experience of young people and their educational outcomes. By creating professional development opportunities that are meaningful and relevant for our teachers, they in turn will make environmental education meaningful and relevant for their students. These students evolve into the voting citizens who will craft our Nation's future. The bill contributes to ensuring a scientifically literate society through ensuring a more scientifically literate teaching force.

The National Academies of Science recently released a report titled ''Public Participation in Environmental Assessment and Decision Making.'' The first conclusion states that ''When done well, public participation improves the quality and legitimacy of a decision and builds the capacity of all involved to engage in the policy process. It can lead to better results in terms of environmental quality and other social objectives. It also can enhance trust and understanding among parties. Achieving these results depends on using practices that address difficulties that specific aspects of the context can present.''

This is a description of democracy at work.

It is important to ensure that our society is scientifically literate and therefore capable of not only understanding, but critically assessing, scientific data and weighing the societal consequences of these decisions. Science education is critical for the future of our Nation. So many of the skills taught and utilized

in science are used and necessary for success in the global knowledge economy. We know that students learn so much and may even be more inspired when presented with opportunities outside the classroom and programs like these are often what sparks a student's interest in science. H.R. 3036 has a role here.

Beyond professional development, the bill contains a grant program to make environmental education more effective and more widely practiced. These grants will have local, regional, and national impact, and will increase the number of young people who understand the importance of the environment and our interaction with it. To keep American competitive and number one, we must have a scientifically literate society, and H.R. 3036 works to ensure this. I ask my colleagues to join me in a yes vote on this bill.

Mr. HOLT. Mr. Chairman, I rise today in support of H.R. 3036, the No Child Left Inside Act of 2008.

Today our Nation faces a number of pressing environmental issues, including clean water, clean air, open space preservation, and the looming threat of global warming. Addressing these problems will become one of the dominant issues and challenges in the 21st century and our workforce needs the knowledge and skills to understand and address these complex environmental issues.

I would like to commend my colleague from Maryland, Representative JOHN SARBANES, for his hard work on H.R. 3036, to expand and enhance environmental education. This Federal investment in environmental education will help prepare our Nation's youth as responsible citizens who will value and protect America's resources and landscapes. Environmental education is about more than just science; these programs can be designed to have a positive effect in reading, math, and social studies.

Environmental education is best understood by those who have had the opportunity to touch it, breathe it, and live it. Where better to learn about the importance of our national resources than in our Nation's most special and protected places? Imagine seeing the effects of climate change firsthand at Glacier National Park rather than learning about it in the abstract in a classroom, or learning about the ecosystems in Great Swamps National Wilderness Refuge in my home State of New Jersey, or learning about the human genome project in Yellowstone where crucial breakthroughs about DNA were made.

As a member of the Committee on Education and Labor, I had the privilege of working on this legislation when it passed through our committee. My colleague from Indiana, Representative MARK SOUDER, and I successfully offered an amendment to H.R. 3036 which would allow schools and local education agencies to partner with Federal agencies, including national parks, when developing and administering their environmental programs.

I would like to share a letter of support from one of my constituents. John from Pennington, New Jersey, wrote "As parents of a 7-year-old, we see how positive is the time he spends out back building his tree fort, or playing in Curliss woods, or attending summer camp at the Watershed . . . and how often his time before the TV seems deadening by contrast."

I firmly support H.R. 3036, and I urge my colleagues to support it.

Mr. SAXTON. Mr. Chairman, I rise today in support of H.R. 3036, the No Child Left Inside Act. Last week, I inadvertently voted against this legislation, of which I am original cosponsor. I regret that error, and want to make clear that I support this reauthorization of the National Environmental Education Act—both the continuation of important programs at the Environmental Protection Agency, and newly authorized programs at the Department of Education.

Environmental education is important to our children's future, has a positive impact on their educational achievement, and also helps promote healthier lifestyles. H.R. 3036 assists state and local efforts to improve and expand upon these important goals by creating new grant programs and increasing professional development in order to ensure that environmental education is a subject area that becomes more widely and effectively practiced.

Again, I strongly support the No Child Left Inside Act, and intended to vote "yes" on its final passage.

Mr. SARBANES. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Ms. DEGETTE). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3036

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Child Left Inside Act of 2008''.

SEC. 2. NATIONAL ENVIRONMENTAL EDUCATION ACT AMENDMENTS.

(a) DEFINITIONS.—Section 3 of the National Environmental Education Act (20 U.S.C. 5502) is amended—

(1) in paragraph (12), by striking ''and'' at the end;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(14) 'principles of scientific research' means principles of research that—

''(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

''(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

''(C) include, appropriate to the research being conducted—

''(i) use of systematic, empirical methods that draw on observation or experiment;

''(ii) use of data analyses that are adequate to support the general findings;

''(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

''(iv) strong claims of causal relationships, only with research designs that eliminate plausible completing explanations for observed results, such as, but not limited to, random-assignment experiments;

''(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

''(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

''(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions;

''(15) 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research;

''(16) 'State' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965; and

''(17) 'State educational agency' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.''.

(b) ENVIRONMENTAL EDUCATION AND TRAINING PROGRAM.—Section 5 of the National Environmental Education Act (20 U.S.C. 5504) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''creating opportunities for enhanced and ongoing professional development and'' before ''classroom''; and

(ii) by inserting ''(including integrating scientifically valid research teaching methods and technology-based teaching methods into the curriculum)'' after ''practices'';

(B) in paragraph (3)—

(i) by striking ''curriculum, including'' and inserting ''curriculum (including'';

(ii) by striking ''groups;'' and inserting ''groups) which—''; and

(iii) by adding at the end the following:

''(A) are aligned with challenging State and local academic content standards to the extent such standards exist; and

''(B) advance the teaching of interdisciplinary courses that integrate the study of natural, social, and economic systems and that include strong field components;'';

(C) in paragraph (7), by striking ''and forums;'' and inserting ''forums, and bringing teachers into contact with working professionals in environmental fields to expand such teachers' subject matter knowledge of, and research in, environmental issues;'';

(D) in paragraph (8), by striking ''; and'' and inserting '', including environmental education distance learning programs for teachers using curricula that are innovative, content-based, and based on scientifically valid research that is current as of the date of the program involved;'';

(E) by redesignating paragraph (9) as paragraph (13);

(F) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(G) by inserting after paragraph (3) the following:

''(4) encouraging individuals traditionally under-represented in environmental careers to pursue postsecondary degrees in majors leading to such careers;''; and

(H) by inserting after paragraph (9) (as so redesignated) the following:

''(10) establishment of programs to prepare teachers at a school to provide environmental education professional development to other teachers at the school and programs to promote outdoor environmental education activities as part of the regular school curriculum and schedule in order to further the knowledge and development of teachers and students;

''(11) summer workshops or institutes, including follow-up training, for elementary and secondary school environmental education teachers;

''(12) encouraging mid-career environmental professionals to pursue careers in environmental education; and''; and

(2) in subsection (c)(1), by inserting '', in consultation with the Secretary,'' after ''Administrator''.

(c) AUTHORIZATION.—Section 11(a) of the National Environmental Education Act (20 U.S.C. 5510(a)) is amended by striking ''Act'' and all that follows through the period at the end and inserting ''Act, except for section 11, $14,000,000 for fiscal year 2009.''.

(d) NATIONAL CAPACITY ENVIRONMENTAL EDUCATION GRANT PROGRAM; ACCOUNTABILITY.—The National Environmental Education Act (20 U.S.C. 5501 et seq.) is amended—

(1) by redesignating section 11 as section 13; and

(2) by inserting after section 10 the following:

''SEC. 11. NATIONAL CAPACITY ENVIRONMENTAL EDUCATION GRANT PROGRAM.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to nonprofit organizations, State educational agencies, local educational agencies, or institutions of higher education that have demonstrated expertise and experience in the development of the institutional, financial, intellectual, or policy resources needed to help the field of environmental education become more effective and widely practiced. Notwithstanding any other provision of this section, a State educational agency, a local educational agency, an institution of higher education, or a not-for-profit organization may use funds provided under this section to coordinate with any program or unit operated by a Federal Natural Resource Management Agency to carry out environmental education programs based on the full range of the resources and mission of the Agency.

''(2) DURATION.—The Secretary shall award each grant under this section for a period of not less than 1 year and not more than 3 years.

''(b) USE OF FUNDS.—Grant funds made available under this section shall be used for 1 or more of the following:

''(1) Developing and implementing challenging State academic content standards, student academic achievement standards, and State curriculum frameworks in environmental education, including the need to balance conservation of the environment with the development of the Nation's energy resources.

''(2) Replicating or disseminating information about proven and tested model environmental education programs that—

''(A) use the environment as an integrating theme or content throughout the curriculum;

''(B) provide integrated, interdisciplinary instruction about natural, social, and economic systems along with field experience that provides students with opportunities to directly experience nature in ways designed to improve overall academic performance, self-esteem, personal responsibility, community involvement, personal health (including addressing child obesity issues), or their understanding of nature;

''(C) provide integrated instruction on waste reduction, reuse, recycling, and composting programs and, when possible, promote such activities within the school; or

''(D) address issues of environmental justice, including policies and methods for eliminating disparate enforcement of environmental laws and regulations with respect to minority and low-income communities, with particular attention to the development of environmental justice curriculum at the middle and high school level.

''(3) Developing and implementing new policy approaches to advancing environmental education at the State and national level.

''(4) Conducting studies of national significance that—

''(A) evaluate the effectiveness of teaching environmental education as a separate subject, and as an integrating concept or theme;

''(B) evaluate the effectiveness of using environmental education in helping students improve their assessment scores in mathematics, reading or language arts, science, and the other core academic subjects; or

''(C) evaluate ways to coordinate activities under this Act with existing Federal science teacher in-service training or professional development programs.

''(5) Executing projects that advance widespread State and local educational agency adoption and use of environmental education content standards, including adoption and use of such standards in textbook selection criteria.

''(6) Developing a State environmental literacy plan that includes the following:

''(A) A description of how the State educational agency will measure the environmental literacy of students, including—

''(i) relevant State academic content standards and content areas regarding environmental education, and courses or subjects where environmental education instruction will take place; and

''(ii) a description of the relationship of the plan to the secondary school graduation requirements of the State.

''(B) A description of programs for professional development for teachers to improve the teachers'—

''(i) environmental content knowledge;

''(ii) skill in teaching about environmental issues; and

''(iii) field-based pedagogical skills.

''(C) A description of how the State educational agency will implement the plan, including securing funding and other necessary support.

''(7) Developing evidence-based approaches to build capacity to increase the number of elementary and secondary environmental educators.

''(c) APPLICATIONS.—Each nonprofit organization, State educational agency, local educational agency, or institution of higher education desiring a grant under this section shall submit to the Secretary an application that contains a plan to initiate, expand, or improve environmental education programs in order to make progress toward meeting State standards for environmental learning (to the extent such standards exist) and environmental literacy and contains an evaluation and accountability plan for activities assisted under this section that includes rigorous objectives that measure the impact of activities funded under this section.

''(d) REQUIREMENTS.—

''(1) ANNUAL REPORT.—In order to continue receiving grant funds under this section after the first year of a multi-year grant under this section, the grantee shall submit to the Secretary an annual report that—

''(A) describes the activities assisted under this section that were conducted during the preceding year;

''(B) describes the results of the grantee's evaluation and accountability plan; and

''(C) demonstrates that the grantee has undertaken activities to accomplish at least one of the following:

''(i) Responsibly preparing children to understand and address major challenges facing the United States, such as increasing the supply of clean energy, climate change, environmental health risks, and environmental disaster and emergency preparedness.

''(ii) Supporting systemic education reform by strengthening environmental education as an integral part of the elementary school and secondary school curriculum.

''(iii) Helping ensure that all students meet challenging State academic content and student academic achievement standards in environmental learning.

''(iv) Supporting efforts to enable students to engage in environmental education.

''(v) Leveraging and expanding private and public support for environmental education partnerships at national, State, and local levels.

''(vi) Awarding grants to initiate, expand, or improve environmental education programs for elementary and secondary students.

''(vii) Restoring and increasing field experiences as part of the regular school curriculum and schedule in order to improve students' overall academic performance, self-esteem, personal responsibility, community involvement, personal health (including addressing child obesity issues), and understanding of nature.

''(2) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the grant funds made available to a nonprofit organization, State educational agency, local educational agency, or institution of higher education under this section for any fiscal year may be used for administrative expenses.

''(3) STATE ENVIRONMENTAL LITERACY PLANS.—

''(A) IN GENERAL.—A State educational agency receiving a grant under this section shall—

''(i) have a State environmental literacy plan that is consistent with the requirements of subsection (b)(6) and that is peer reviewed within the State by a panel composed of experts in environmental education and representatives from other related State agencies; or

''(ii) develop a State environmental literacy plan described in subsection (b)(6) with funds made available under this section prior to using the grant funds for any other purpose.

''(B) PEER REVIEW.—If an environmental literacy plan described in subparagraph (A)(i) has not been peer reviewed within the State, the State educational agency, notwithstanding subsection (b), shall use funds made available under this section to complete such review, as described in such subparagraph, prior to using the grant funds for any other purpose.

''(C) OTHER GRANTEES.—An applicant for a grant under this section that is not a State educational agency and applies for funding to be used for the purpose described in subsection (b)(6) shall demonstrate in the application that the applicant has consulted with the State educational agency about such use of funds.

''(e) ADMINISTRATIVE PROVISIONS.—

''(1) FEDERAL SHARE.—The Federal share under this section shall not exceed—

''(A) 90 percent of the total cost of a program assisted under this section for the first year for which the program receives assistance under this section;

''(B) 75 percent of such cost for the second; and

''(C) 50 percent of such cost for each subsequent such year.

''(2) REPORT TO CONGRESS.—Not later than one year after enactment of this bill, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that—

''(A) describes the programs assisted under this section;

''(B) documents the success of such programs in improving national and State environmental education capacity; and

''(C) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this section.

''(3) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this section shall remain available until expended.

''(f) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, any other Federal, State, or local funds available for environmental education activities.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009.

''SEC. 12. ACCOUNTABILITY.

''(a) QUALITY INDICATORS.—The Administrator, the Secretary, and the Foundation each shall establish indicators of program quality for the programs and activities funded under this Act (other than fellowship awards funded under section 7) that such official or entity administers.

''(b) MINIMUM INDICATORS.—Such indicators of program quality, at a minimum, shall—

''(1) enhance understanding of the natural and built environment;

''(2) foster a better appreciation of the interdisciplinary nature of environmental issues and conditions;

''(3) increase achievement in related areas of national interest, such as mathematics and science;

''(4) increase understanding of the benefits of exposure to the natural environment;

''(5) improve understanding of how human and natural systems interact together;

''(6) broaden awareness of environmental issues; and

''(7) include such other indicators as the Administrator, Secretary, or Foundation may develop.

''(c) REPORT.—Each recipient receiving funds under this Act, other than fellowship recipients under section 7, shall report annually to the Administrator, the Secretary, or the Foundation regarding progress made in meeting the minimum indicators of program quality established under subsection (b). The Administrator, the Secretary, and the Foundation shall disseminate such information widely to the public through electronic and other means.''.

(e) RESTRICTIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.—The National Environmental Education Act (20 U.S.C. 5501 et seq.), as amended by subsection (d), is further amended by adding at the end the following:

''SEC. 14. RESTRICTIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

''(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, specific instructional content, academic achievement standards, assessments, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

''(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—No funds provided to the Administrator or Secretary under this Act may be used by the Agency or Department of Education to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

''(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—No State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

''(d) RESTRICTIONS ON PARTISAN POLITICAL INFLUENCE.—

''(1) IN GENERAL.—In carrying out the activities described in this Act, the Administrator and Secretary shall ensure that such activities—

''(A) conform to high standards of quality, integrity, and accuracy;

''(B) are objective, neutral, and nonideological and are free of partisan political influence; and

''(C) do not advocate a particular political viewpoint.

''(2) ACTIONS TO IMPLEMENT AND ENFORCE.—The Administrator and Secretary shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced.''.

(f) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the National Environmental Education Act (20 U.S.C. 5501 note) is amended by striking the item relating to section 11 and inserting the following:

''Sec. 11. National capacity environmental education grant program.
''Sec. 12. Accountability.
''Sec. 13. Authorization.
''Sec. 14. Restrictions on Federal Government and use of Federal funds.''.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–854. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SARBANES

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–854.

Mr. SARBANES. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. Is the gentleman from Maryland the designee of the gentleman from California (Mr. MILLER)?

Mr. SARBANES. Yes, Madam Chairman.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SARBANES:

Page 10, strike lines 1 through 8 and insert the following:

''(D) address issues of environmental justice, including policies and methods for eliminating disparate enforcement of environmental laws and regulations, including with respect to low-income communities.

Page 10, strike lines 9 through 11 and insert the following:

''(3) Developing and implementing new policy approaches to environmental education, which shall include a discussion of—

''(A) the benefits and costs to the environment and to consumers regarding increasing the supply of energy produced in the United States from—

''(i) oil and gas drilling;

''(ii) nuclear power;

''(iii) new coal technologies; and

''(iv) clean renewable and alternative sources of energy, including wind, solar, geothermal, hydropower, and advanced biofuels; and

''(B) the best strategies for reducing energy consumption through an enhanced emphasis on efficiency and conservation.

The Acting CHAIRMAN. Pursuant to House Resolution 1441, the gentleman from Maryland (Mr. SARBANES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. SARBANES. Madam Chairman, this amendment would seek to strengthen and improve the legislation in a number of ways.

First, it clarifies that funds that are issued under the National Capacity Environmental Education Grant Program, which is the new program that's being created here under the U.S. Department of Education, that those funds can be used to address environmental justice issues that may arise in low-income communities.

We heard earlier from Representative CLARKE of New York, who has made this issue a passion of hers and introduced the underlying amendment in the mark-up at the committee level. This is an important additional element for the bill.

Secondly, the amendment clarifies that funds used to develop and implement new policy approaches to environmental education will include a discussion of the benefits and the costs to the environment and to consumers with respect to increasing the supply of energy produced in the United States from a variety of sources.

This is, again, an important amendment. It signals, I think, that good quality environmental education—almost by definition—is going to focus the next generation on dealing with these very challenging issues and what the proper balance needs to be between developing our energy sources and conservation and other environmental issues, which is, frankly, at the heart of much of the debate that we're having these days. So this is also, I think, an important addition to the bill.

And thirdly, the amendment that we are proposing here provides that the policy approaches developed under this bill must also include a discussion of the best strategies for reducing energy consumption. Again, any meaningful environmental education should include looking at all of these various policy approaches.

With that, Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I claim the time in opposition to the amendment, although I will not oppose it.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume.

I want to thank Chairman MILLER for offering this amendment, and Mr. SARBANES for filling in.

This amendment clarifies that the Federal Government will not impose an environmental justice curriculum on

our Nation's schools. This issue was debated during the committee consideration of the bill and it was an issue on which there was disagreement between the majority and the minority. I believe that the bill approved by our committee went too far in this regard because it could have required State and local officials to develop specific environmental justice curricula.

We have long believed that specific curricula—which is taught in individual classrooms—is best determined at the local level. And while this bill contains a broad prohibition on Federal curriculum development, I believe it was necessary to clarify the environmental justice language as well so that there would be no confusion as to what the Federal Government is or is not demanding of our schools. Chairman MILLER worked closely with me to refine this language, and I want to thank him for his willingness to do so.

This amendment also contains some interesting language that was added earlier this week, presumably in response to efforts on our side of the aisle to ensure this bill does not ignore critical energy issues.

Republicans proposed amendments to advance the understanding of the environmental and economic benefits of clean coal and oil shale production, energy production in the ANWR, and energy production on the Outer Continental Shelf. We proposed amendments to advance the understanding of the environmental and economic benefits of nuclear power, and of American-made energy, and of the all-of-the-above energy strategy, which would increase production, promote conservation, and expand innovation. We think that each of these issues deserves a full and open debate because an all-of-the-above energy strategy does not ignore any aspect of energy reform.

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Although our amendments were not made in order, I was pleased to see that the Miller amendment now includes language to ensure that environmental education programs include a discussion of the costs and benefits of oil and gas drilling, of nuclear power, of new coal technologies, and of renewable energy sources. While this language is not as strong and comprehensive as what the Republicans had offered, I appreciate its inclusion nonetheless.

The truth is we need to be talking about energy more, not less. We passed an energy bill earlier this week that won't increase energy production. We passed an energy bill that puts American resources under lock and key instead of opening them up to environmentally safe production that will create jobs and that will bring down energy prices. This sham of a bill that we passed raises taxes and stands to drive consumer prices up, not down.

So I'm glad we're going to be talking to our children about the benefits of American energy production. It's a conversation we should be having here in Congress as well.

Once again, I want to thank Chairman MILLER for working with me to clarify the environmental justice aspect of this legislation, and I look forward to supporting this amendment.

I reserve the balance of my time.

Mr. SARBANES. Does the gentleman have any additional speakers? I'm prepared to yield back, and I would reserve the right to close.

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

Mr. SARBANES. Madam Chairman, again, I would urge the passage of this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. SARBANES).

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

Mr. SARBANES. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

The Chair understands that amendments No. 2 and 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MR. WELCH OF VERMONT

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–854.

Mr. WELCH of Vermont. Madam Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WELCH of Vermont:

Page 8, line 7, insert ''municipalities,'' after ''agencies,''.

Page 8, line 15, insert ''a municipality,'' after ''education,''.

Page 12, line 8, insert ''municipality,'' after ''Each''.

The Acting CHAIRMAN. Pursuant to House Resolution 1441, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. My amendment is quite simple.

It would add municipalities to the list of entities eligible for the National Capacity Environmental Education Grant Program. Keep in mind, anyone who is going to be successful has to go through a competitive grant process.

The reason for that is the municipalities are the ones that at the grassroots level oftentimes provide these services. Obviously, we all live in towns or in cities, and this environmental education initiative outlined in the legislation is being offered, in many cases, by small towns in rural America and in large towns elsewhere. In fact, in smaller towns, it's the local Parks and Recreation Department. That's a subset, obviously, of the municipality and who is the ultimate intended beneficiary of this opportunity. It's the Parks and Rec Department that takes the lead in providing environmental education to our kids. This amendment would allow those agencies to participate.

According to the National Park and Recreation Association, an entity that has endorsed this amendment, municipal park systems are the best and most logical partners for schools and for other educational agencies across the country to develop effective environmental education programs.

In my own State of Vermont, environmental education programs are offered by almost every town during their summer programming. The programs are great for the kids in helping them appreciate the environment and the value of protecting it. The town of Colchester, for instance, boasts four summer environmental education offerings. Killington, Vermont did a survey, and it revealed that the majority of citizens thinks their town should offer through parks and recreation such an education program.

Such programs are committed to providing diverse, accessible and effective environmental education at the grassroots. This amendment will bolster these efforts by assuring properly trained staff and the best materials. Tested instruction strategies are available for and are integrated into environmental programming.

I ask my colleagues to support this amendment and the underlying bill.

I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

The bill before us is about environmental education. Specifically, it is about teaching elementary and secondary students about the world in which they live, about the natural resources of our great Nation and about the stewardship of our environment and of our resources for the future.

This legislation provides grants to State and local education agencies, to institutions of higher education or to nonprofit organizations. The resources are targeted to ensure they will directly benefit students. This amendment, as I understand it, would make ''municipalities eligible for these grants as well.'' Unfortunately, that term is not defined, leaving open to interpretation just exactly how far we would be expanding this program.

Without a clear and narrow definition, this amendment could open up the funding to any number of entities, including cities, townships, districts or county governments, to name just a few. In other words, this amendment opens the limited resources under the bill to organizations that may or may not provide the direct services to students that we're seeking.

I support local control and local partnerships. That's why I support the Courtney amendment, which allows partnerships with State and local park departments. Through that model, we provide grants directly to educational organizations, which can then partner with the local organizations we're talking about now that can enrich the environmental education experience.

I understand what the gentleman is trying to accomplish with this amendment, and I'd like to work with him to see if we can get there, but at this time, I'm opposed to this amendment because it's not clear enough about prioritizing funds for educational entities that provide direct services to students. I know that the majority is working with us to clarify the definition of ''municipality.''

As this bill moves forward, I look forward to working with them to ensure we do not dilute the limited resources of this program away from the students they're intended for.

I reserve the balance of my time.

Mr. WELCH of Vermont. I appreciate the concerns expressed by the gentleman from California, but I think I can assure him that the definition won't dilute the program, and there are two reasons.

One, the term ''municipality'' does have a legal definition. It's a city, basically, or an entity as defined in the code of the applicable State. In Vermont—and I think this is pretty much true around the country—you have subdivisions. You have the Parks and Rec Department. The point here is that it is the Parks and Rec Department that is oftentimes doing this kind of work.

So what this amendment would do, I think, is it would achieve that goal of local control and delivery at the most elemental and local of levels, which I think is an objective that the gentleman from California and I share.

The other thing that gives me some reassurance—and it may not quite reach the level of assurance that the gentleman from California looks to—is that the grants will be competitive, so there will be a process that applicants have to go through, whether they're a municipality or whether they're any other entity making an application. It will be reviewed by an impartial authority. Let's certainly hope that's the case. Then the merit-based decision will be that this application looks like it's going to help a lot of kids and be effective, and it will be granted on that basis, not on the name of the applicant or on that of the particular entity.

So I really do appreciate the concerns that were offered. I have more comfort with the constraints of the definition of ''municipality,'' apparently, than does my friend from California, but ultimately, the backstop here is that independent review that is going to be the final arbiter of who gets these competitive opportunities.

I reserve the balance of my time.

Mr. MCKEON. I appreciate the gentleman. As I said, I appreciate his amendment, and I appreciate his effort in this regard.

This points out, once again, to me that we have a large country with 435 congressional districts. Just within my congressional district, we have cities; we have counties; we have towns; we have towns that really don't have a government responsibility, but they're kind of granted that, and that's just in my district. I haven't had the opportunity to visit your district. I'm sure that in each of the 435 districts we would find different ways that this would be treated, and that is my concern is how we define that.

I think the gentleman's bill is directed towards students to help students get the education of environmental studies that he would like to see and that I support. The concern that I have again is that, if we direct it as your amendment would, it may be directed away from students. I think that this could be worked out. As we know, we are not going to finish this up in this Congress anyway, so it will be something that will carry over next year. Should we all happen by some circumstance to win our elections, we'll be back here in a few months, working on this again, but at this point, I would still have to oppose the amendment, hoping that we could work this out in the future.

I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman from California has the right to close.

Mr. WELCH of Vermont. I yield back the balance of my time.

Mr. MCKEON. I think I've said everything I needed to say.

I would yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. COURTNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–854.

Mr. COURTNEY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 12, line 19, after ''section.'' insert the following: ''Such application may describe how the applicant has partnered, or intends to partner, with a State and local park and recreation department.''.

The Acting CHAIRMAN. Pursuant to House Resolution 1441, the gentleman from Connecticut (Mr. COURTNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. COURTNEY. Madam Chairman, this is the ultimate friendly amendment to this very solid bill, on which I commend the gentleman from Maryland for his leadership. Based on Mr. MCKEON's positive comments earlier, I should probably make this very short and sweet.

In a nutshell, what this amendment does is it encourages organizations that apply for this environmental education grant program to describe on their application for Federal grants how they have partnered or how they intend to partner with a State or with a local park and recreation department.

As was mentioned in the earlier colloquy, Park and Recreation Departments all over the country already are very involved in environmental education programs, and that certainly holds true also for State park systems.

In Connecticut, we actually have a program, by coincidence, called the No Child Left Inside Program, which was instituted in 2006 by the Republican Governor of Connecticut, Jodi Rell, and by her outstanding commissioner of the Department of Environmental Protection, which again is following exactly the same mission that Mr. SARBANES' bill is following, to encourage children to get outside, to experience nature, to learn about nature, and to hopefully stimulate an interest in environmental science, which again, as has been said many times here during the earlier debate, is an important way to make sure that we get children engaged and involved in science, technology, engineering, and math, which the education committee has spent many hours wrestling with because we clearly have an educational system which is not producing enough scientists and engineers to meet the workforce challenges of our country.

The Connecticut program utilizes State park systems which, again, are perfectly established right now to provide trained personnel, transportation equipment and programs funding to again provide a very solid and an enriching experience in nature. They work together with school systems in a variety of programs.

The Appalachian Connection program, which again uses the Appalachian Trail which goes through Connecticut, works collaboratively with school systems to bring children out to the Appalachian Trail. It's just an extraordinary part of Connecticut's environment.

In Bolton, Connecticut, they have the geography in October program. In Preston, Connecticut, there is a recycling program, which again is operated through the No Child Left Inside Program.

There are many examples of where working in collaboration between the State's park system and local school boards has really, again, provided a perfect model and an example of what this legislation seeks to achieve.

The National Recreation and Park Association and local parks departments all over the country have endorsed this amendment. It's a ''may'' not ''shall'' amendment, so it is purely voluntary in terms of encouraging local school districts to participate.

□ 1615

In conclusion, I just wanted to comment on some of the prior discussion regarding the energy needs of this country and how come we are taking up a bill like this.

In my State, where we have an active nuclear power plant that provides 40 percent of the power of the State, we build nuclear submarines in my district, if you talk to people in the industry, an industry which in America has not built a nuclear reactor since 1973, in fact the biggest challenge is not financing or national energy policy, because we have over 20 new applications for new nuclear reactors before the NRC today. If you talk to the people in the industry, their biggest challenge is human capital, that the average age of a nuclear engineer in this country is over age 55.

Because of that gap, which has existed because for a million different reasons, if we are really serious about promoting nuclear power as an avenue in the future, and with the cap and trade debate that is looming on the horizon in the future I believe it is going to be part our energy portfolio, the fact of the matter is we have to get serious about getting kids engaged and involved in science and engineering. And Mr. SARBANES' legislation is all about that. It is exactly focused on the real energy needs that we have in this country, which is to create the scientists and engineers that are going to provide the solutions in all of the above avenues.

Madam Chairman, with that, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I claim the time in opposition to the amendment, although I will not oppose it.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Madam Chairman, as I stated earlier, I support the gentleman's amendment and commend him on it.

Madam Chairman, over the last several years, the National Park Service has increasingly relied on partnerships with outside entities to fulfill its mission and foster a shared sense of stewardship for our environment and natural resources. In fact, a number of National Park Service programs operate almost exclusively through partnerships.

One way the National Park Service is supporting environmental education is through professional development opportunities for teachers. These include helping teachers utilize park resources in the classroom or preparing classes for a park visit. Most of these workshops are accredited and can be taken for college credit, and are structured to meet the needs of today's teacher—teaching to academic content standards while making the material engaging and relevant.

Because of the existing commitment on the part of the National Park Service to provide educational enrichment, the bill allows grantees to enter into National Park Service partnerships as a means to increase the knowledge and understanding of environmental education.

The Courtney amendment goes beyond this focus on the National Park Service, by allowing grant applicants to discuss through the grant application process how they have partnered, or intend to partner, with a state and local park and recreation department.

I support this amendment because it maintains the current funding structure—in which we provide grants to educational organizations—while making clear that students can benefit from the creativity, experience, and resources of local programs. These types of partnerships could benefit students by enriching their environmental education experience, and I thank the gentleman for offering this amendment to clarify that these partnerships are permissible, and welcome, under the legislation.

This amendment builds on the existing emphasis we have placed on partnerships with the National Park Service, and I am happy to support it.

Madam Chairman, I yield back the balance of my time.

Mr. COURTNEY. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. COURTNEY).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. SARBANES

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on amendment No. 1 printed in House Report 110–854 by the gentleman from Maryland (Mr. SARBANES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 383, noes 23, not voting 32, as follows:

[Roll No. 612]

AYES—383

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel

Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOES—23

Aderholt
Akin
Boyda (KS)
Broun (GA)
Burton (IN)
Cannon
Cantor
Conaway
Deal (GA)
Doolittle
Duncan
Foxx
Gingrey
Hoekstra
Johnson, Sam
Lewis (KY)
Manzullo
Miller (FL)
Miller, Gary
Moran (KS)
Paul
Tancredo
Weldon (FL)

NOT VOTING—32

Biggert
Bishop (UT)
Brady (TX)
Burgess
Castor
Cramer
Crowley
Cubin
Dreier
Faleomavaega
Feeney
Fortuño
Grijalva
Hastings (FL)
Hastings (WA)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Kingston
Lampson
Mahoney (FL)
Marchant
Nunes
Pence
Peterson (PA)
Pitts
Poe
Pryce (OH)
Sestak
Udall (CO)
Wu

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in the vote.

□ 1647

Messrs. CANTOR, MORAN of Kansas, ADERHOLT, MILLER of Florida, MANZULLO, Mrs. BOYDA of Kansas, Messrs. GINGREY and BURTON of Indiana changed their vote from ''aye'' to ''no.''

Messrs. TIAHRT, CAMPBELL of California, GOHMERT, FLAKE, BONNER, KING of Iowa, WALBERG and ROHRABACHER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Ms. DEGETTE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3036) to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes, pursuant to House Resolution 1441, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PRICE of Georgia. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Price of Georgia moves to recommit the bill H.R. 3036 to the Committee on Education and Labor with instructions to report the same back to the House forthwith, with the following amendments:

Page 20, after line 17, insert the following:

(f) PRIORITIES FOR AND PROHIBITIONS ON THE USE OF FEDERAL FUNDS.—The National Environmental Education Act (20 U.S.C. 5501 et seq.), as amended by subsections (d) and (e), is further amended by adding at the end the following:

''SEC. 15. PRIORITIES FOR AND PROHIBITIONS ON THE USE OF FEDERAL FUNDS.

''(a) PRIORITY FOR FEDERAL FUNDS.—In distributing funds under this Act, priority shall be given to applications from local educational agencies before funds are awarded to other eligible applicants.

''(b) PROHIBITION ON LOBBYING.—No funds made available under this Act may be made available to an organization, defined to include any affiliated organization, that lobbies or retains a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer, including lobbyists employed or retained to advocate against the production and exploration of American energy.

''(c) BALANCED PRESENTATION OF INFORMATION.—No funds made available under this Act may be made available to an organization, defined to include any affiliated organization, that, in its information and publications (including paper, electronic, web-based and any other format), fails to provide a balanced presentation of environmental issues by providing readers with the full spectrum of scholarly viewpoints on the subjects examined.''.

Page 20, line 18, strike ''(f)'' and insert ''(g)''.

Page 20, in the matter following line 21, after the table of contents item relating to section 14, insert the following:

''Sec. 15. Priorities for and prohibitions on the use of Federal funds.''.

Mr. SARBANES (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

Mr. PRICE of Georgia. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, environmental education increases awareness and knowledge about environmental issues while providing needed skills to make informed decisions. When utilized appropriately, it enhances critical thinking and problem solving but does so without advocating a particular viewpoint or a course of action.

But the bill before the House today is establishing a framework that could become ripe for abuse, with outside factions directing learning in the classroom. It is why Republicans are offering this motion to recommit in order to ensure there is no undue political influence in the classroom while protecting the interest of taxpayers.

This motion to recommit is a commonsense package of safeguards aimed at protecting taxpayers' wallets, limiting special interest influence, and taking partisanship out of the classroom. Currently, none of those safeguards are present in this bill.

The first safeguard ensures that priority funding goes to local school districts first. Since 1992, more than 50 percent of environmental education grants have gone to nonprofit organizations. American taxpayers are paying for these programs, so it makes sense that their dollars go to local schools and children before third parties.

The second safeguard prohibits funding to any organization that lobbies or retains a lobbyist, especially those special interests that routinely advocate against more American-made energy for Americans. It is no coincidence that the same groups and affiliates which are suing to block oil and gas leases are also lobbying and receiving funds for environmental education.

And the final safeguard makes certain that information in the classroom is fair and balanced. Its aim is to ensure that classrooms remain free of partisan or political influence and that science, not a political or ideological agenda, is what students are taking away from their learning experiences.

In committee I raised the point that certain organizations, textbooks, and curricula have misinformed students by advocating erroneous specific measures to address environmental problems. Even worse, environmental information has been presented with unbalanced or scientifically inaccurate data.

On this side of the aisle, Republicans do not want such uneven portrayal. But there is a greater reason for offering this package of reforms: Republicans do not want the very same radical special interests that are directing energy policy in the United States to have the same influence in our classrooms.

The high price of gasoline is squeezing family budgets. And this Congress has yet to cast a vote during this energy crisis that truly expands exploration and the production of American-made energy.

Republicans have a plan to increase domestic production, provide tax credits to promote clean and reliable sources of energy, and encourage conservation to ease demand for gasoline. But roadblock after roadblock has been erected.

Mr. Speaker, it has been nearly 50 days since the Speaker and this majority, the majority party, turned off the microphones, turned off the cameras, and turned down the lights and silenced the will of the American people on the House floor. Nearly 50 days since the good folks across the aisle made it abundantly clear that election year special interests are more important than the public interests.

Republicans are going to continue to champion for an all-of-the-above energy solution. But this is a moment in which the House can make certain that those who are writing our Nation's anti-energy policies are not directing learning in the classroom as well.

Republicans want to hold these programs to the highest standards of quality, accuracy and neutrality. This will only happen if funding is going to schools first, special interests are not shaping the education agenda, and there is a balanced presentation of information.

In conclusion, this motion to recommit is a trio of commonsense ideas that keeps children at the forefront while maintaining high standards for science in the classroom.

I urge my colleagues to adopt this forthwith motion to recommit.

I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, there are two ways to effectively kill a bill. One is to make a motion ''promptly,'' which would send it back to committee. That is not what has happened here. This is a ''forthwith'' motion which brings it right back with the instructions that have been put on it. But the other way to kill a bill is to put instructions on it that essentially gut it and completely undermine what it is supposed to do, and that is the nature of this particular motion to recommit.

I object to it on a number of grounds. First of all, the provision relating to priority with respect to LEAs, there are a number of eligible entities under this bill that can participate in the competitive grant process, local education agencies, State educational agencies, higher education institutions, nonprofits and so forth. They all should be part of the same competitive bidding process to get these dollars to try to fund environmental education.

Secondly, I object because this second provision that has to do with lobbying in fact will end up having the effect that some of the very organizations that are in the best position to provide good strong environmental education to the next generation will be prohibited from delivering. And as far as that goes, it means that A and B are internally inconsistent because A would give a priority to the very kind of organization that B seeks to prevent from getting these funds. So it doesn't make sense on its face.

So I would urge very strongly that my colleagues oppose the motion to recommit forthwith.

This is a good bill. It is an important bill. You don't have to take my word for it. There are 750 organizations across the country that are part of the No Child Left Inside Coalition. This is made up of public health advocates, sportsmen, environmentalists, educators, all recognizing the need to provide this critical education to the next generation.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. SARBANES. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I just want my colleagues to fully understand.

This is a bill that is designed for environmental education. I understand the gentleman doesn't like the bill. He voted against it in committee, one of the few Republicans that did. He doesn't like it. They are disappointed because we passed comprehensive energy reform and they have lost their energy debate.

But most importantly this: under this amendment, a school could not get money for environmental education. The Governors Association could not get money for environmental education, universities could not get money for environmental education, so who the hell would get the money for environmental education because under this amendment the very organizations that are supposed to be developing the program are prohibited because they hire lobbyists. Yes, the Governors have a lobbyist; universities have a lobbyist; school districts have lobbyists for the State or what have you. They are immediately excluded.

So here we are again. The gentleman from Maryland has presented a comprehensive bill, a well-thought-out bill that has incredible support across the board by educational organizations and nonprofits and others who want to engage and step up the environmental education in this country. This amendment would absolutely prohibit these organizations from participating.

I thank the gentleman for yielding.

□ 1700

Mr. SARBANES. Just to reiterate, Mr. Speaker, I oppose this motion vehemently. This bill will provide so many benefits to the next generation, public health benefits by getting our kids outside and into nature and active, economic development benefits because we're going to be educating the next generation of scientists and entrepreneurs that are going to make the difference when it comes to pursuing alternative sources of fuel and renewable sources of fuel. It will engage kids in learning, activate all their senses.

And finally, finally, it's going to raise awareness about the environment. The only way we're going to save our environment, save treasures like the Chesapeake Bay in Maryland is if millions of people develop good habits when it comes to the environment. Our children are the ones that are going to do it, but they can only do it if we provide them with this educational support.

I urge my colleagues to vote against the motion to recommit.

I yield back.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3036, if ordered; and motion to suspend the rules on H.R. 6460.

The vote was taken by electronic device, and there were—ayes 172, noes 230, not voting 31, as follows:

[Roll No. 613]

AYES—172

Aderholt	Alexander	Bachus
Akin	Bachmann	Barrett (SC)

Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Paul
Pearce
Peterson (PA)
Petri
Pickering
Platts
Porter
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—230

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

NOT VOTING—31

Biggert
Bishop (UT)
Brady (TX)
Burgess
Cramer
Crowley
Cubin
Dingell
Dreier
Flake
Grijalva
Hastings (FL)
Hastings (WA)
Hinojosa
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Kingston
Lampson
Marchant
Markey
Nunes
Pence
Pitts
Poe
Pryce (OH)
Ryan (OH)
Sestak
Shays
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining on the vote.

□ 1717

Mr. HALL of Texas changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SHAYS. Mr. Speaker, on September 18, 2008, I missed one recorded vote.

I take my voting responsibility very seriously. Had I been present, I would have voted "no" on recorded vote No. 613.

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 613, had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 293, nays 109, not voting 31, as follows:

[Roll No. 614]

YEAS—293

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)

Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—109

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Broun (GA)
Brown (SC)
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Duncan
Ellsworth
Emerson
Fallin
Feeney
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kline (MN)
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCotter
McHenry
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Paul
Peterson (PA)
Pickering
Price (GA)
Radanovich
Rehberg
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Walberg
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—31

Biggert
Bishop (UT)
Brady (TX)
Burgess
Cramer
Crowley
Cubin
Dreier
Everett
Flake
Grijalva
Hastings (FL)
Hastings (WA)
Hulshof
Hunter
Issa
Jackson-Lee (TX)
King (NY)
Kingston
Lampson
Marchant
McCrery
McMorris Rodgers
Nunes
Pence
Pitts
Poe
Pryce (OH)
Richardson
Sestak
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining in this vote.

□ 1725

Mr. BROWN of South Carolina changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to reauthorize and enhance the National Environmental Education Act, and for other purposes.''.

A motion to reconsider was laid on the table.

GREAT LAKES LEGACY REAUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6460, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 6460, as amended.

The question was taken.

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

RECORDED VOTE

Mr. UPTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 371, noes 20, not voting 42, as follows:

[Roll No. 615]

AYES—371

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

NOES—20

Barrett (SC)
Broun (GA)
Campbell (CA)
Cannon
Carter
Coble
Conaway
Deal (GA)
Foxx
Franks (AZ)
Garrett (NJ)
Johnson, Sam
Lamborn
Lungren, Daniel E.
Mack
Neugebauer
Paul
Sali
Tancredo
Westmoreland

NOT VOTING—42

Biggert
Bishop (GA)
Bishop (UT)
Brady (TX)
Burgess
Conyers
Cramer
Crowley
Cubin
Dreier
Everett
Flake
Frelinghuysen
Gingrey
Grijalva
Hastings (FL)
Hastings (WA)
Hulshof
Hunter
Issa
Jackson-Lee (TX)
King (NY)
Kingston
Lampson
Marchant
McCrery
McMorris Rodgers
McNerney
Napolitano
Nunes
Pence
Pitts
Poe
Pryce (OH)
Reynolds
Roybal-Allard
Sestak
Shadegg
Shea-Porter
Velázquez
Walden (OR)
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining in this vote.

□ 1733

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. ROYBAL-ALLARD. Madam Speaker, I was not present for rollcall vote 615 on Thursday, September 18, 2008. Had I been present, I would have voted "aye" to suspend the rules and pass H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008.

Mr. REYNOLDS. Madam Speaker, on rollcall No. 615 I was inadvertently absent. As a representative of a Great Lakes State, a cosponsor of H.R. 6460, and a strong supporter of the Great Lakes Basin, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. NUNES. Madam Speaker, today, September 18, 2008, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 612, "no"; rollcall 613, "no"; rollcall 614, "nay"; rollcall 615, "aye."

REPORT ON H.R. 6947, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2009

Mr. PRICE of North Carolina, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110–862) on the bill (H.R. 6947) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Ms. BERKLEY). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. I yield to my friend, the majority leader, to give us an update on what we intend to do next week.

Mr. HOYER. I thank the whip for yielding.

On Monday, the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Tuesday, the House will meet at 9 a.m. for morning hour and 10 a.m. for legislative business.

On Wednesday and Thursday, Mr. Speaker, the House will meet at 10 a.m. for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by close of business tomorrow. We will also consider H.R. 5244, the Credit Cardholders' Bill of Rights Act of 2008; the fiscal year 2009 Department of Defense Authorization Act; and a continuing resolution for fiscal year 2009.

In addition, we will consider any bills we get back from the Senate, including an energy tax extender bill, the alternative minimum tax bill, and the mental health parity bill.

Mr. BLUNT. I thank the gentleman.

On the Department of Defense Authorization Act, would that be a conference report we'd expect?

Mr. HOYER. We're hopeful. As you know, the Senate has passed it but has not, as I understand it, agreed to go to conference. So we may have to just have an informal conference, as I call them, or others call it ping-ponging. In other words, I think Mr. SKELTON and Mr. LEVIN and the ranking members are working to see whether they can agree on a form of the bill that would then pass from here again to them, and they would then pass it finally. It's effectively a conference, but the Senate has not gone to conference. So we can't very well have a conference report if the Senate doesn't go to conference. But both Mr. SKELTON and Mr. LEVIN and I believe the ranking members as well want to get the reauthorization bill done.

Mr. BLUNT. I thank the gentleman for that. I am tempted to go into the whole topic of the informal conference. It's so frustrating to all of us.

Mr. HOYER. I know you have time constraints that would dictate against that.

Mr. BLUNT. This may very well be the last time, certainly before the election, we have a chance to talk about the work we get done in the next few days, and so I do have some questions, and I won't go there, but I would like to see us get that Defense authorization bill done. I do think it's a shame that we can't do that in an appropriate conference and go through the regular process.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I yield.

Mr. HOYER. I share his angst about not getting this bill done. As you know, I gave Mr. SKELTON on May 18 of this year to do that bill. The committee brought the bill out on May 18. We passed the bill. It's been in the Senate ever since, and I think we both share a concern that that hasn't been done, but of course, as you know, the Senate just passed it a few days ago, yesterday as a matter of fact.

Mr. BLUNT. I thank the gentleman for that.

On your indication the House will and of course has to consider some way to continue funding the government with the fiscal year ending at the end of this month and no appropriation bills passed up until now, we would be considering a continuing resolution next week. Does the gentleman have a sense of whether that would be a continuing resolution with other items on it and what any of those other items might be?

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

I expect it to be a continuing resolution as opposed to an omnibus, an omnibus, of course, being the cumulative bills put into a very large bill. I don't expect that to be the case. I expect it to be a CR, but I do expect to have additional items on that continuing resolution. The extent of that has not yet been determined. There's a lot of discussion, as I'm sure you're well aware of discussion on your side as well, about things that people would like to have on the bill.

In addition, there are discussions between the White House and the Appropriations Committee, Mr. OBEY and Mr. Nussle, the OMB director. I have had discussions with the White House about items, some are called anomalies, that is, things that otherwise would have been done if we had done the regular bills, that the White House believes need to be done. There are a number of things that are being discussed of that kind.

In addition, we're going to have discussions about anything that we may need to do in the short term with reference to the extraordinary calamity that has confronted our economy. Whether anything addressing that will be in the CR or not is unclear at this point in time, but that's a possibility.

So I tell the gentleman, it will not be an omnibus in the sense that you and I understand an omnibus and the body understands an omnibus. For the most part, we will probably be looking at spending being at last year's levels for most of the items that we're talking about.

Mr. BLUNT. The House has, I guess, passed one of the 12 appropriations bills. Would the gentleman anticipate that any other bills in addition to that one might be included in the continuing resolution, and if so, which ones might we be looking at?

Mr. HOYER. It is possible, but I think given the time frame that there is some concern about the time it will take to consider more lengthy pieces of legislation would impede getting the CR done. So that there may not be full bills, as I indicated. Obviously we do want to ensure funding of the government. We want to continue further operations of the government, both on the national defense side and the national security side, homeland security side, as well as all other departments of government.

At this point in time, I really can't answer that question, but I can tell you that my belief is at this point in time that we would be largely dealing with bills at last year's level.

Mr. BLUNT. Would the gentleman anticipate that we would be dealing with the continued funding of the government again in this session of Congress? In other words, would the time frame be mid-November or do you anticipate a time frame well into next year?

I would yield.

Mr. HOYER. I think mid-November is obviously an option. There have been discussions, as you know, on timing with the White House. I don't know whether you know, but I've had discussions with the White House on timing. I think they're relatively flexible on timing. Nobody has said this time or that time. There is obviously a wide variety of dates being discussed, mid-November being one. The Speaker and I, and I think Senator REID has also expressed himself on this issue, but the Speaker and I are hoping that we would do a February date or even a March 1 date, so there would be some clarity in where we're going, whoever is elected President.

The date, though, is still obviously not resolved. We will have to discuss that with the White House and see what we can get through the House and the Senate, but November is obviously a possibility.

I will tell the gentleman we will be back here. I hope my office has had these discussions with you. But we're looking at, as we usually do, the week before Thanksgiving, about a week-and-a-half, 10 days after the election, the week of the 17th as the date when we would come back and organize, which would also be a week available for session if it was needed.

I might also add, if I could, further, that we had discussions today and we're all very, very concerned, and you and I are going to be meeting on it later tonight, very concerned with the economic conditions that confront our Nation at this point in time. So we are going to be ready to come back in October, if necessary, depending upon what discussions we have and what, hopefully together, in a bipartisan way, we believe needs to be done to respond to the crisis.

Mr. BLUNT. I'm grateful to have that potential to be back in October, and we have very few scheduled work days from the 1st of August to the end of the year, but clearly this economic situation we're in could very well bring us back.

The gentleman mentioned that list of—we call them here anomalies, but they're really the things that wouldn't necessarily be part of or perhaps should be part of a straight extension of funding. I know one of those on the energy front that's been discussed a lot would be the moratorium on using money to begin the process of leasing and exploration on either the Outer Continental Shelf or the so-called oil shale moratorium in the West. Does the gentleman have a sense of whether those moratoriums would be included in the CR or, as the administration has asked, that they not be included in the CR?

I would yield.

□ 1745

Mr. HOYER. I thank the gentleman for yielding.

We've had discussions about this. As I said at my press conference on Tuesday, there have been no discussions about including that moratoria in a CR. I want to make it clear; there haven't been discussions about it that we won't or we will. My expectation is, though, we passed a bill, we think it is a good bill, we think it opens up drilling. And there will be some discussions both on the Senate side—we don't know what the Senate side is going to do with it—and with the White House on that issue.

We've had pretty open discussions with the White House on this issue. I know there's been a letter signed by a large number on your side about that issue. The White House is obviously sensitive to that, but I don't think that's going to be a stumbling block.

Mr. BLUNT. If it's not there, it won't be a stumbling block for our side, based on the letters you've seen and other things. That's for sure.

Tomorrow, at one point we were believing that some issues could be included in what was being called an economic stimulus package could be on the floor. That's not happening now. Would you see some of those issues also as likely things that might be added to the continuing resolution?

I would yield.

Mr. HOYER. Those are some of the items that, yes, as I said, could well be added to the CR. We're going to have discussions. I'm going to have discussions with your side—with you, in particular—on this issue.

Again, I think there's nobody who wants to shut down government. And there's nobody, frankly, that doesn't want to make sure—for instance, let me give you an example: Unemployment insurance. We're very concerned about people who are going to be running out of their unemployment insurance. If we're not here, we want to make sure that there is authorization for the dollars—that are available, obviously—to be spent for extension benefits for people that run out because they can't find employment in the context in which we are now finding ourselves. So yes, that is possible.

Mr. BLUNT. I would say, just to clarify on that topic, what they would be running out of would be the end of the first 13-week extension on top of the normal unemployment.

Mr. HOYER. That's correct.

Mr. BLUNT. So the unemployment fund would not be running out of money——

Mr. HOYER. That's correct. You would have to authorize the additional 13 weeks.

Mr. BLUNT. But the people who already used one extension, that extension we agreed to 9 or so weeks ago would reach its 13-week conclusion is what the gentleman is discussing?

Mr. HOYER. Yes, sir. We won't be here on that particular date, or week, and therefore, we might have to make accommodations for that.

There are other things, obviously, that we have talked about that we are having concerns about: creating jobs, providing for jobs in our economy. We're doing a lot of investing in, some would say ''bailing out'' companies that had a whole lot of assets, but now we have people who don't have a whole lot of assets, have lost their home and who are facing heating bills that are spiking up very seriously, facing a tough time buying groceries because grocery prices have spiked, and they may be out of a job.

There are a number of issues that we are concerned about. We have been faced with Lehman Brothers and AIG and Fannie Mae and Freddie Mac. But there are a lot of little people who are having equal problems for them, and we want to make sure that we address them, and I know you do as well.

Mr. BLUNT. On that list of things we discussed, I don't know that we have specifically discussed it, but some kind of redefining the previously authorized loans to auto companies could be in that effort of things we look at on the CR?

I would yield.

Mr. HOYER. Redefining, as much as both clarifying what is available, and funding.

As you know, we authorized, in the 2007 bill, $25 billion in guarantees for modernization to comply with more efficient automobiles, which we believe is a very important aspect of becoming energy independent, reducing the demand for petroleum products. And, yes, that may well be there as well. Hopefully we can get agreement with the administration, your side, and our side on what that ought to be.

Mr. BLUNT. The only specific question I had from a Member right before we started was whether or not, in the suspensions for next week, the Great Lakes Compact could be included in that. I think we sent that message over that I might be asking about that.

Mr. HOYER. It's possible. I'm smiling because——

Mr. BLUNT. I was hoping for a little more definition than that.

Mr. HOYER. I understand that, and I'm sure you would like that. I'm smiling because every time I walk on the floor I have at least 50 Members who

ask me if it's possible that a suspension bill will be on the Suspension Calendar next week. We're working to try to get a workable list that both sides can agree with and we can facilitate the passing of policies that are not controversial, but just need time to get done. And so I say it's certainly possible.

Mr. BLUNT. On that issue, it's my understanding, at least, that Chairman OBERSTAR and the Great Lakes delegation is substantially in favor of that. Hopefully that has removed whatever obstacle that we've been dealing with with that issue.

And I yield back.

Mr. HOYER. I thank the gentleman.

ADJOURNMENT TO MONDAY, SEPTEMBER 22, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Wednesday, September 17, 2008:

House Resolution 1432; H.R. 6681; H.R. 6229; H.R. 6338; S. 171; H.R. 6772; House Resolution 1356; House Concurrent Resolution 408; H.R. 3986; and Senate Joint Resolution 35.

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

There was no objection.

The SPEAKER pro tempore. Without objection, sundry motions to reconsider are laid on the table.

There was no objection.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–148)

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2008.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 18, 2008*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING COACH DON HASKINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, I rise to honor one of the greatest figures in American sports history, a coach who shattered racial barriers and forever changed the game of basketball. He led an all-African American starting lineup to victory against an all-white powerhouse team in the 1966 NCAA Basketball Championship.

Coach Don Haskins, better known to us as The Bear, passed away on Sunday, September 7, in El Paso, Texas at the age of 78. I had the privilege of calling Coach Haskins a friend, and I join all of El Paso and his many fans across the Nation in mourning his passing.

Although he never saw it or intended to be one of the greatest civil rights pioneers in sports, his commitment to playing the most talented athletes regardless of skin color in the 1966 championship was a major turning point in American sports and the civil rights movement.

The landmark game between Texas Western College—which is now proudly known as the University of Texas at El Paso—and the University of Kentucky at that time is often regarded as one of the greatest moments in sports history and the most important game in college basketball.

For those of us from El Paso, Don Haskins was more than just a coach. He was a community icon that put a little known west Texas town in the national spotlight. He was fiercely a loyal supporter and has always been a diehard fan of the University of Texas at El Paso and could be seen often in the stands cheering on his beloved Miners.

Coach Haskins arrived at Texas Western College in 1961 and retired in 1999 after 38 seasons with a record of 719 wins and 353 losses. He led our Miners to seven Western Athletic Conference Championships, 14 NCAA Tournament appearances, and seven appearances in the National Invitational tournament. Couch Haskins also served as an assistant coach in the 1972 U.S. Olympic team.

On September 29, 1997, Coach Haskins was inducted into the Naismith Memorial Basketball Hall of Fame. Ten years later, the entire 1966 Texas Western team joined their coach in this honor, becoming just the sixth team in the history of basketball to do so.

Though known for his ferocity on the court, off the court Coach Haskins was humble, compassionate, and witty. He never relished in celebrity, even after his story and that of the 1966 Texas Western team made it to the big screen in the 2006 Disney production of Glory Road.

He touched many lives, and never hesitated to help any person in need. He was known for visiting coffee shops around our town—many of them in poor areas—and would order a single cup of coffee, but leave a $20 tip. He never once bragged or boasted about what he did for others.

At Coach Haskins' memorial service, the University of Southern California basketball coach, Tim Floyd, a former UTEP assistant coach under Coach Haskins, shared a very moving story that demonstrates the kinds of deeds that Coach Haskins did for people often in need. It is told that one day Coach Haskins was driving to El Paso from Van Horn, Texas—which is approximately 120 miles from El Paso. He was driving, as all of us that knew and loved him, in his signature white pickup truck. While driving, he noticed that a station wagon had broken down and was stranded on the side of the road; it was a single mom with four children.

□ 1800

Coach Haskins, typically, pulled over, and he asked the mother if she needed help. She told Coach Haskins that she was trying to get to Los Angeles, but her car had broken down. Coach Haskins squeezed all of the four children and the mom inside the cab of his pickup and drove them to El Paso. He put the family up in a hotel, arranged for their car to be towed and repaired, and he gave the mother $1,000 to help her get to Los Angeles.

Coach Haskins never mentioned this to anyone, including to his wife. It wasn't until the mayor of Van Horn called the coach's office and the now Coach Tim Floyd answered the phone that he found out what had occurred. Coach Floyd never shared this story while Coach Haskins was alive because he knew that Coach Haskins wouldn't want anyone to know about it.

This is but one example of the hundreds of stories that people tell about our legendary coach.

Mr. Speaker, when reflecting on his decision to start five African American players, Coach Haskins simply said, ''I just played my five best players.''

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). The time of the gentleman has expired.

Mr. REYES. I ask unanimous consent for an additional minute.

The SPEAKER pro tempore. The Chair cannot entertain that request. The gentleman will finish his remarks.

Mr. REYES. I'll file the rest for the RECORD. Thank you.

PARLIAMENTARY INQUIRY

Mr. HUNTER. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HUNTER. Could I be recognized for 1 minute and then yield it to my friend from Texas?

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 1 minute.

There was no objection.

Mr. HUNTER. Thank you, Mr. Speaker.

I would yield to the gentleman.

Mr. REYES. I thank my friend from California.

Coach Haskins never sought or wanted credit for changing college basketball, and he would always say, ''I just wanted to win the game.''

Like many of history's greatest role models, it was the humility and unassuming personality after achieving unprecedented success that, today, he inspires us all.

He is survived by his lovely wife, Mary, and was the proud father of Brent, David, Steve, and Mark. Although he is no longer with us, we know that his spirit will always live on at UTEP and that his legend and legendary stories will forever remain an important part of our country's history.

God blessed us with Coach Haskins, and now we ask for God's blessing for our coach.

AWARDING THE MEDAL OF HONOR TO SERGEANT RAFAEL PERALTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I think it's appropriate that I follow the remarks of my great friend SILVESTRE REYES, who was a great veteran of Vietnam and who was a wonderful leader, I think the best leader in the history of the Border Patrol, and who is a great Member of this body, but he is a gentleman who has been to Iraq many times and to Afghanistan many times.

Mr. Speaker, I take the well to comment on an event that occurred in San Diego, and that is regarding Sergeant Rafael Peralta, who was killed on November 14, 2004 in the now famous battle of Fallujah. He was killed, and absorbed the blast by an enemy grenade when, during house-to-house fighting, he was thrown into a small room while he and three other marines were working their way through this series of fire fights.

According to the eyewitnesses and to the citation that he received, he pulled that grenade to his body and absorbed the full concussion and the full explosive power of that grenade on his own body and, thereby, saved his fellow marines.

Now it has just been announced that he was awarded the Navy Cross, the second highest award for heroism, but not the Medal of Honor.

Mr. Speaker, the last person who did that same act, in fact, who was a marine and who did that incredible act of sacrifice in Anbar province, was Corporal Jason Dunham of Scio, New York. He was given the Medal of Honor—awarded it by President Bush in the White House—for falling on a grenade, for taking the shock and the deadly power of that grenade, thereby saving his colleagues.

That is the standard that we have traditionally placed and the metric that we have traditionally placed on this act of heroism of a soldier or of a marine who falls on a grenade or who pulls a grenade under him when it's in close proximity to his buddies, knowing full well that that grenade will most likely kill him but making that split-second decision to give his life for his colleagues and for his country.

Sergeant Rafael Peralta made that decision.

Mr. Speaker, it appears to me that he should have been awarded the same award that Jason Dunham and many before him have been awarded in Vietnam—the same theater that Mr. REYES fought in—in Korea, in World War II. Where we have recognized that standard of a soldier or of a marine who falls on a grenade or who pulls it to him to save his colleagues, we have traditionally recognized that act of heroism, that act of sacrifice with the Medal of Honor.

So, Mr. Speaker, I intend to ask the President—and I hope a number of other people join me to ask the President—to review this award and to award to Rafael Peralta, posthumously, the same award that we awarded just a few months ago to Corporal Jason Dunham.

FEDERAL FUNDING SHORTFALLS CRIPPLING NATIVE AMERICAN COMMUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) is recognized for 5 minutes.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise today to address an issue that has reached crisis levels in many Native American communities: the Federal funding shortfalls crippling tribal law enforcement and justice systems.

Native American families, like all families, deserve safe and secure communities. Tragically, there is a pervasive sense of lawlessness in too many areas of Indian country. As the at-large Member of Congress for South Dakota, I am proud to represent nine sovereign native nations.

The Federal Government has a unique relationship with the 562 federally recognized tribes. This government-to-government relationship is established in the U.S. Constitution, is recognized through treaties and is reaffirmed through executive orders, judicial decisions and congressional action.

Law enforcement is one of the Federal Government's trust obligations to tribes. Yet, on many counts, we are failing to meet that obligation. Less than 3,000 law enforcement officers patrol more than 56 million acres of Indian country. Let me repeat: 3,000 officers for 56 million acres. That reflects less than one half of the law enforcement presence in comparable rural communities.

A recent master plan for justice services in Indian country found that crime is increasing. The report notes that drug cartels deliberately base their operations in Indian country because of the lack of law enforcement. Once drug producers gain a foothold in reservations, they can sell drugs throughout the United States. Drug trafficking demonstrates that weak tribal law enforcement systems are not just a problem for Indian country; they affect us all.

In addition to drug activity, the rates of crime against women are staggering. In June 2007, Amnesty International released their report, entitled ''Maze of Injustice,'' which documents what native women have long known before and have fought against. The figures suggest that 34 percent of native women will be raped in their lifetimes. Even more women will be victims of domestic violence. When tribal law enforcement departments are understaffed, there are delays in responding to victims and to collecting evidence.

At a 2007 Natural Resources Committee field hearing, we heard from Georgia Little Shield, director of the Pretty Bird Woman House on the Standing Rock Reservation, which was named in honor of a Lakota woman who was brutally raped and murdered in that community.

Ms. Little Shield told of a woman who was beaten by her partner and who had called her for help in filing a police report. They called the police and were told, when an officer becomes available, he would take her statement. After 2 hours of waiting, they called again. The one officer on duty had been sent to the scene of a traffic accident. After waiting 2 more hours, they called yet again. In the end, the police officer never came to take her statement.

Large land-based reservations are hit especially hard by insufficient funding. For example, the Cheyenne River Sioux tribal chairman has testified that his tribe has only three officers per shift to cover an area almost the size of Connecticut. These situations and statistics show that the extent of these problems far exceed the level of appropriations.

I applaud the interior appropriations subcommittee Chairman NORMAN DICKS and the entire Appropriations Committee for increasing tribal law enforcement and justice funding by $28.7 million from fiscal year 2007 to fiscal year 2008. However, we have much more to do.

In 2004, the Interior Department Inspector General reported on the deteriorating conditions of tribal detention facilities. Four years later, not much has changed.

Last month, the BIA jail in Pine Ridge, South Dakota was closed for safety reasons after years of insufficient maintenance by the Federal Government. It's estimated that the tribal detention system alone will require $8.4 billion to address our current deficiencies.

In conclusion, fully funding tribal law enforcement will not fix every problem such as the lack of transparency and accountability at the BIA. That is why I am proud to sponsor the Tribal Law and Order Act. This act was written by Senator DORGAN, chairman of the Indian Affairs Committee in the Senate. I look forward to working with him to ensure the bill becomes law.

The immediate challenge facing tribes is the insufficient Federal funds that leads to too few officers, to jails too unsafe for inmates and staff and to tribal courts nearly overwhelmed with caseloads.

Let me say again: Native American families, like all families, deserve to raise their children and to live their lives with a basic sense of security and safety. Congress must meet our trust responsibilities by fully funding tribal law enforcement and justice systems.

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY. I thank the Speaker for his recognition, and I thank the minority leader for yielding the time for me to speak on such an important issue this evening.

Of course, that is the ongoing problem with the crisis as to our price of energy, as to the price of gasoline at the pump, as to the price of heating oil, particularly as we get into the winter months approaching in the northeast, and people are continuing to struggle.

Mr. Speaker, I think it's important in any discussion about energy to let the American people know this through the Members of this great body on both sides of the aisle, at the end of this 45 minutes to 1-hour period of discussion on the issue, who hopefully will be able to go back home and in a very frank, honest way discuss with their constituents what exactly we've been doing up here in the people's House over the last couple of months. I'll tell you, from my perspective—and I think it would be hard for anybody to disagree—the answer is not very much, not very much, indeed.

As you know, Mr. Speaker, in the first week in August, we left Washington for that traditional August recess, which actually was more than a month. It was actually 5 weeks when you included the Labor Day weekend. So we were going to be out of here for 5 weeks. At the time, people were paying $4, more in some places, a little less in some places, but on average, it was $4 a gallon for regular gasoline; for diesel fuel, it was even higher than that. People certainly couldn't afford to take a vacation.

□ 1815

We didn't see nearly as many people here in the Nation's Capital during month of August because of this.

The Republican minority party had introduced a bill actually a month before that, and it was called, as you recall, Mr. Speaker, the American Energy Act, or the all-of-the-above act, which included certainly as a cornerstone drilling, and a lot of people picked up different mottos like ''drill, baby, drill,'' ''drill here, drill now,'' ''save money.''

The point of all that was to try to emphasize the fact that we do, even though we have this tremendous dependency for our fossil fuel needs, particularly petroleum and natural gas from other countries, 60 percent of what we use, our daily utilization is being imported from other countries, and they don't all like us very much, unfortunately, and that gives them sort of a stranglehold on our economy.

So this bill does have a strong component of going after our own natural resources, be they natural gas or petroleum products, or converting other things, unconventional things like shale rock or coal-to-liquid petroleum or to natural gas.

We kept asking and saying to the leadership, the Democratic leadership, look, let's don't go home on August 1st. This August recess is a 5-week period of time. Members certainly want to get back in their districts, and all of us really are up for reelection. Some have tough reelects, both Democrats and Republicans, and we all understand the need to get back and be in the community. But if we are not doing their work, if we are not solving their problems, if we are not making sure that when the school doors open the day after Labor Day, or in fact mid-August in most places, that the kids are going to be able to go to school five days a week and not four, that they are going to be able to ride the school buses and they are not going to be shut down at the school barn because there is no gasoline or diesel fuel to put in them, so let's stay here another week if it takes it, three days, whatever, we are smart people, and let's get this done. Then we can go home.

It is kind of like you don't want to leave campus until you have passed your last exam. How can you go home for, say, Thanksgiving or Christmas and relax, knowing that when you get back you have still got your work to do? It just made no sense. But, anyway, as you know, Mr. Speaker, the Democratic majority made the decision and moved for adjournment basically that day, that Thursday or Friday afternoon, cut off all debate.

So what the Republican minority decided to do, it was kind of a spontaneous thing, really, it wasn't planned

ahead, we said, well, we are not going home. We are not going to take recess until we have done our homework.

So there were, I don't know, 40 or 50 Members just kind of mulling around. And, lo and behold, the lights got turned off, the microphones got turned off, the C–SPAN cameras weren't showing no video. But these brave men and women, all on the Republican side, but we kept asking for our colleagues on the Democratic side, Mr. Speaker, to join us, because we know, we know full well that there is like-mindedness on this issue on both sides of the aisle, but for the stranglehold that they have with their leadership.

So we came back. We would fly, go home, go work a couple of days, jump on a plane, come back up there, stand right here. We would bring people in from the gallery. Not just this gallery, but out in Statuary Hall. People were taking tours through the Capitol. They marched in here in droves and sat in our seats and listened to us. And Members would speak 10 minutes, 15 minutes, a tag-team approach, trying not to be partisan, but just say, look, we have a job to do and we are not doing it. And when you go back home, particularly if you are a Democrat from the Midwest or the Northeast or you are a Republican from the Southeast or the Far West, or just an independent voter, let your Congressmen and Congresswomen know, let your Senators know that you want something done about this, that you are suffering, your grocery prices are through the roof.

So this is how it all got started. We kept thinking, I kept thinking that any day people would ask, how long are you Republicans going to keep this up now? How long can you go? Is it going to be 5 weeks? I said, well, I sure hope not. I hope that Ms. PELOSI is listening, Mr. HOYER is listening. They are intelligent people, no question about it. They wouldn't be in these positions of leadership if they are not.

I thought, well, the force of public opinion, these polls taken all across this country, Mr. Speaker, are saying that 85–88 percent of the American people want us to do this. They don't want us to be dependent on Venezuela and Iran and Russia. They don't mind us importing a little oil from Canada and a little oil from Mexico, but they fully agree that if we have got this product, this natural resource right here in River City, why wouldn't we use our own? So if you believe in the law of supply and demand, you increase that supply from anywhere in the world, in fact, and you will help balance some of that demand and bring down prices. But even better, if you increase your own domestic supply, then you are a player. Then you are a player. So that is what we were all about.

Well, as we came to the end of the August recess, we began to hear little tidbits of sound bites from Ms. PELOSI, and it sounded like maybe that she finally was getting the message, either from the Republicans in Washington or maybe some individual late-night phone calls from her own conference, particularly the Blue Dog Members who I felt may have wanted to come up here and join us and speak. So Ms. PELOSI said, well, we will maybe look at drilling when we get back.

Lo and behold, we get back now, we had three weeks, three weeks, we thought 15 days, but as it turns out it is only going to be at the most 13, because they cut us short Friday of last week, they are cutting us short Friday of this week, and maybe we will go 5 days next week. But 13 days working out of five months, from August 1st. There are no plans that I know of for any kind of session after we end here next Friday. We won't come back to this body, Mr. Speaker, until after the new President, the new administrative team is sworn in.

So to think we are working full time for the taxpayer, and that by definition is what we do and we are not really permitted to go back home and have another job, and here we are working 13 days in five months, there is something wrong with that math, something very wrong with that math.

So I cannot tell you in strong enough terms, Mr. Speaker, how disappointed I was when I got back and looked at this bill, this none-of-the-above energy bill, not all-of-the-above, but none-of-the-above, that none-of-the-above, the acronym is NOTA, NOTA energy bill that was presented to us on this floor that we voted on this week, and it does very, very little in regard to drilling.

I tell you, I feel blessed tonight to have with me one of my colleagues from Tennessee, a Member that has been here probably twice as long as have. He is twice as young as I am. He is not nearly as good looking. But he is a very good member of the Energy and Commerce Committee and he knows this subject inside out and backwards.

I am happy at this point to yield to my friend from Tennessee, ZACH WAMP. Then we will kind of do a colloquy and further discuss this issue.

ZACH, take it away.

Mr. WAMP. Well, I thank the gentleman for yielding. I even come over to the Democratic side to begin my commentary tonight, because in my 14 years here, I have developed extraordinary relationships across the aisle.

I actually grew up a Democrat. Ronald Reagan made me and many people in my family members of the Republican Party. And I constantly say here that I don't think either party has an exclusive on integrity or either party has an exclusive on ideas, and at different times both parties have really let the American people down. But I think it is important right now to analyze where we are and what the important issues are that are not adequately being addressed here in the United States Congress at a real critical time for a whole lot of people.

This is not just talk. This is a fair assessment and analysis about where we are. As a matter of fact, National Public Radio interviewed me today and asked for my honest analysis about this new Democratic Congress that took over 2 years ago, because I was very blunt and candid and critical about the Republican majority of which I was a part over the last few years of our majority, because I felt like, and I stated it, that we were more interested in protecting ourselves for a period of time than the fundamental principles that brought us into a majority in 1994, and I knew we were sinking and I knew, frankly, we were going in the wrong direction.

Sure enough, we lost. The voters really didn't vote for the new Democratic majority as much as they voted against us. So I gave a fair assessment today of this new Democratic Congress that we have been under now for almost 2 years.

The success formula in life is sometimes defined as preparation and opportunity meeting each other. You hear a lot of other definitions of what success is. One definition of success in politics and public service might be to under-promise and over-deliver. And I have to tell you that what I really have seen here in the last 2 years is over-promising and under-delivery.

This new majority, and I am not a critic, I am rarely critical, and I am not a blamer, I rarely blame, but I have to tell you, it is unbelievable how bad things have gotten here in the Congress in the last several months.

The tradition of bringing the appropriations bills to the floor, taking them through the committee, having an opportunity to amend them, has basically just been thrown out the window. They came in ballyhooing that they were going to have the most ethical Congress in the history of the country; that no earmarks would ever be dropped in straight on the floor that weren't properly vetted and gone through the committee; that nothing would come to the floor straight from the Rules Committee under a closed rule that is not an open process where the people who are rightly elected would have access to offering substitutes; that they wouldn't strong-arm their own Members to vote against things that they had actually cosponsored.

I have to tell you, all of those things that I just said they had promised were violated, not just in the last 2 years, but this week. Every single thing that I just mentioned was violated by the majority this week, and it was an ugly week here in Congress when we finally got to the most important issue of the year, which is energy.

I want to tell a couple of stories. Three years ago, after Katrina hit, I

was on two appropriations subcommittees that had jurisdiction to the aftermath of Katrina, the Interior Appropriations Subcommittee and the Energy and Water Appropriations Subcommittee.

When Rita was bearing down, the second hurricane, on Galveston, they called an emergency meeting of our two subcommittees and called us into a room and they said, if Hurricane Rita continues on the track it is on and it hits Galveston head-on, we need to inform the committees that by next week we will not have gasoline across the eastern seaboard in some places. And it was an emergency crisis kind of a call.

I have to tell you that after Ike last week, in a small way, but in a very meaningful and unfortunate way, that happened in Tennessee. Prices spiked to $4.99 a gallon. In some stations there was no gas whatsoever. And that was from Ike, that did less damage than was feared, and it just proves how vulnerable we are as a nation because of energy.

This issue is now bringing us to our knees economically. So many people on fixed income are hurting so bad. And even the markets. You wonder about Wall Street and what has happened and the mortgage industry.

Listen, credit has been overextended, and those people ought to be held accountable and the government shouldn't come in and bail out the private sector. But I can tell you one reason why the credit is not being honored and the bills are not being paid, is because the cost of energy for American consumers has soared so much that they can't meet their obligations and people are being foreclosed on, credit is not being paid on time. And these big institutions like AIG and Bear Stearns and Lehman Brothers, they have all consolidated and they have overextended credit. But it is a huge problem, and most all of it is driven by energy. And if we don't diversity our supply, if we don't increase our domestic production, if we don't throw the ball deep on energy, we are going to continue to come to our knees economically.

Now, you might ask, why would the refineries not be able to give the output if one or two of them are down or if there is a hurricane that comes in? Let me just say that all of the new permit applications to explore for oil and gas or bring on new refineries face litigation from these extreme groups that are lined up with lawyers 10 deep to stop new oil and gas production in this country.

□ 1830

That's the truth. That's the truth. That is a special interest that has a foothold in the Congress with this new majority. That's the truth. They score their votes, they rate them, and this week they pressured them to vote against a new capacity bill that was bipartisan, created by dozens of Members from both parties and, frankly, they voted against the bill that they actually wrote.

Now, how can you get Members to do that unless those special interests, the radical environmental groups that file suit over all this new oil and gas supply that we have access to, but we have locked it up, and we want to unleash it, this is the critical issue of our time. Our way of life is at stake.

This is that important, and you are seeing a sinking of our economy, a loss of our competitiveness. Without natural gas resources, our manufacturing base is leaving this country, without the ability of our people to move around and make a living. Let me tell you, Dixie Produce, Lee Pittman, a small businessman and an excellent entrepreneur, pays his bills on time, works hard. He can't make a go of it because gasoline is too high for him to make a profit. He has nowhere to turn.

I feel for these people. I want this Congress to respond. I want us to throw the ball deep on energy.

Now the Democrats typically say all you all want to do is drill, and we want renewables. Listen, I am the cochairman of the Renewable Energy Caucus. I have been for 8 years. I have promoted more than anybody on our side, maybe ROSCOE BARTLETT and I, the expansion of tax credits and incentives for renewable investments, but they are not quite ready for the marketplace.

The total percentage of all energy is only 6 percent, and you can't increase it to 20 overnight. I would ask the new majority, if they really believe that much, why have they not extended the renewable tax energy credits and incentives all year long. We are still waiting for that. It's supposed to come up next week, they say.

Now today we hear they want to adjourn next Friday and put that off until after the election too. They are also talking about a new economic stimulus, which they say means unemployment compensation and other social-type programs. I know we have got to help people that need relief, but the most important economic stimulus we can do is pass the American Energy Act, creating thousands and thousands of new production jobs in manufacturing and energy technologies for the whole world, for our country and the world. That's throwing it deep and going after it for all the right reasons.

Listen, this place is broken down to where for months now, this Democratic majority has been in retreat over this issue of energy because the radicals, the extremists, have basically convinced them that the higher the price of gas goes, the better off we are. People will quit driving and quit using fossil fuels if the prices go that high.

We don't believe that's in America's best interests. We believe we have got to build a bridge to the future by bringing on some new oil and gas supplies, diversifying our supply, go after the renewals in hydrogen and the new advancements and build nuclear plants, but we believe you have got to do it all.

This week they watered down a bill so bad that it has very, very little, if any, oil in it, even if you could do it. They passed it so the Members could go home and say we voted to drill. Please re-elect us and keep us there.

That's not really what the American people deserve or expect. I am not saying that Republicans are smart and Democrats are dumb, or we are good and they are bad. I am saying that they are not doing a good job representing what our country needs. They are not bringing the legislation to the floor, and they are playing politics with this thing, and we have got to have a bill soon to the President, because we can't put this off for any longer time.

Mr. GINGREY. I thank the gentleman for his remarks.

You know, Representative WAMP made one statement, there are actually people, I know this is hard to believe, I know it is, in these trying economic times, that want the price of gasoline to be high, that want to make it so high that we eliminate all fossil fuel. Look at this quote from Carl Pope, the executive director of the Sierra Club, a strong environmental club. ''We're better off without cheap gas.''

I mean, it's not just him. Ms. PELOSI herself has said many times that any bill that includes drilling is a hoax, and that she is more concerned with saving the planet. That is a direct quote on the national news network, my passion is to save the planet.

Then HARRY REID, the majority leader of the Senate says, and this is almost a verbatim quote, fossil fuel is poison. Fossil fuel is poison, and it needs to be eliminated completely by the year 2020. That's the kind of thing that Representative WAMP was talking about, and the nonsense that we are hearing from the other side.

Before I yield to one of my other colleagues, I just want to make this comment. When the 110th Congress began in January of 2007, I happened to sit on the Science Committee as well as the Armed Services Committee. But our first Science Committee hearing of the year, our witness was—and this is pretty unusual, I have been up here 6 years, I have never seen this happen before, that the Speaker of the House would be a witness, or the sole witness before a standing committee—Ms. PELOSI.

It was all about global warming, and it was all about her plan to save the planet from carbon dioxide and greenhouse gases. She told us about the fact that she was going to create a commission of Congress, a bipartisan commission, I think. Ultimately she did, and

Mr. MARKEY assumed chairmanship of that committee, even over the objection of the most venerable, distinguished long-serving member of this body, JOHN DINGELL from Michigan, who chairs the Energy and Commerce Committee.

But that was the kind of focus that Madam Speaker had at the time, when, of course, the price of gasoline was about $2.33 a gallon.

A couple of weeks later, our second hearing in the Science Committee, who did we have again, a single witness. Guess who it was, former Vice President Al Gore just after he had gotten his Oscar award for that documentary film, ''An Inconvenient Truth,'' about global warming. That's all they wanted to talk about was Kyoto Protocol and cap and trade and how we were going to eliminate the carbon footprint from this country.

It's a little hard, I mean, as we sit here tonight, talking, we are expelling, we are breathing out carbon dioxide. There are greenhouse gases all over the environment that are not necessarily created by what human beings do.

But, again, I think that certain people had drank all of the Kool-Aid in regard to global warming. Maybe when gasoline prices are low and $2 a gallon, you can afford to do that. Do you remember the old expression, I can't be worrying about draining the swamp when I am up to my elbows in alligators?

Well, I think that's kind of the analogy of where we are right now. They are still worrying about draining the swamp, and we are up to our elbows in alligators with these prices that are literally killing the American people. They can certainly starve to death a whole lot quicker than they can choke to death from greenhouse gases over the next 100 years. I think it's important that we put that into perspective.

At this time, I see I have been joined by a couple more of my colleagues that do such a great job on the floor, one of our newest Members, but you would never know it by hearing him speak and the level of participation that he engages in, and that's my good friend from Ohio. I yield to BOB LATTA, Congressman BOB LATTA.

Mr. LATTA. Well, I thank my friend from Georgia for hosting this tonight because, once again, energy is the number-one topic on everyone's mind in this country. It has been a number-one topic since I have gotten here, and I think it's going to be topic for years to come. It's really important for me.

My district, as a lot of you already know, I represent the number-one agriculture district in the State of Ohio, and I also represent one of the top 10 manufacturing districts in Congress. If we don't have energy in my district, we are not going to survive. If we don't have energy for those farmers, they can't get out there and plant those crops.

To tell you a couple of examples that have been going on, I have had meetings across my 16 counties, talking with farmers all over the entire district. Right now I have talked to many a farmer that when they go out with their tractor in the morning, and by the time they get back at night, they have put $800 to $1,000 of diesel fuel through their equipment in 1 day.

They talk about their fertilizer, they talk about the chemicals that they have to put on that land and make that land productive. They are coming back, and they are saying, you know, we are paying two and a half to three times more than we did 2 years ago for the same product.

The question is, well, these farmers are all getting rich right now. No, they are not, because they are out there having to pay all these high prices for diesel. They have to pay all these high prices when it comes to fertilizer. They have to pay all these high prices when it comes to chemicals, and they can't afford it.

What is happening, of course, is when people go to the store, and they buy that loaf of broad, when they buy that gallon of milk, they are saying, gee, why are prices going up? I can tell you why prices are going up, because these energy prices are out of control in this country. These energy prices are out of control because this Congress, this Democrat-controlled Congress, is not acting today to make sure that we can put food on the table and keep this price cheap for Americans.

We were able a few years ago, and up to this year, say that most people within 42 to 43 days were able to pay for all of their food in those first 42 to 43 days of the year. That's what we need to do in this country, because if we don't, it's the same thing that is going to happen on manufacturing side, we are in that same situation where right now the United States is the number one manufacturing country in the world.

Well, guess what, next year we drop to number two, and we all know who number one will be, and that will be China. They have been out there making sure they have that supply, but also they have that supply of energy that they have for the future.

So it's very, very important for not only the Fifth Congressional District of Ohio, but it's also important for this country of ours, this great country, to make sure that we can meet the energy needs of the future. I know that one of our Members not too long ago told us a story about a trucker, a long-haul trucker in his district. He said he got a load to go from Texas to California and back.

He was paid $1,700 for the entire load. Well, it cost him $1,500 in fuel, so by the time you figure the cost of insurance, buying that truck and everything else, it would have been cheaper for him to let that truck stay at home and just leave the keys in it. Now, I have had truckers call me, independent truckers, saying you know what, Bob, we have got real problems out here. We are actually turning our keys back over to the finance company because we can't afford to even run our trucks anymore. We can't afford to do our job.

In Ohio, when we have 80 percent of all products being delivered by truck, how are we going to get things to the consumer, how are we going to get the product to market? So that's what we have got, massive problems right here, not only in Ohio, but across this country.

As has been mentioned a little bit by the gentleman before from Tennessee, we are talking about renewables. I am 100 percent behind renewables, because it is kind of interesting in my district, we already have one solar manufacturing plant in business right now. We have another one that's going to be online next year.

We also have a company working on a hydrogen engine, we have the only four wind turbines. I can see from them from the backyard of my house in Bowling Green. We also have two ethanol plants in my district.

The one thing is a lot of people like to think on the other side of the aisle, and some of the environmentalists, all this is going to happen overnight. It's not.

I was privileged to be one of the Members that went up to ANWR not too long ago, but we stopped in Colorado first at the National Renewable Energy Laboratory. When we were there, it was interesting, because I was fascinated because everything I just mentioned from solar to wind to hydrogen to ethanol, that's what they are doing out there right now.

Every time that we talked about something, they showed us something, for instance, we were talking about on the hydrogen side. They said this is what we would like to do on the hydrogen. It was kind of fascinating, because, well, we could create the hydrogen, because we could take a wind turbine and break down that electricity, break them into hydrogen, and we could run it down to like a hydrogen filling station so you could fill your car up right there.

But the same question I always asked every time we got through a subject is how long and how far are we? They said, we are not there yet. We are not there yet. We are off for quite a ways. It's just like the electric cars, they showed us electric cars.

A lot of us in northwest Ohio, and I know across this great country of ours, a lot of people have to drive more than 50 miles one way to work. Well these cars, you can only go 60 miles before you have got to plug them back in. Well, that's a real problem.

You can't just go 60 miles in my district because you would never get

home that night. If you are driving 100 miles one way, you have got a problem there. You know, but those are things we are working on for the future. As my friend from Tennessee mentioned earlier, these things are down the road, we are not there yet.

It's the same way when we talk about the wind side. You know, we have seen a lot of commercials on TV, from T. Boone Pickens and how much we would like to have, in the near future, by wind power. Well, the problem with that is it's going to take maybe 150,000 to 200,000 wind turbines to get us to that point. We are not there, next year or the year after, or the year after that. We are talking maybe 2020 or 2030.

We have got to have energy now. If we are not going to have energy now, we are not going to be able to manufacture. We are not going to have farmers in the field. This winter we have people telling me right now that we are not going to have the fuel to put in their tanks at home to make it through the entire winter when it comes to home heating oil.

We have a lot of work we have got to get done, and we have got to get it done now. When we went to ANWR, it was really fascinating in that when we were up there we flew up by Fairbanks into Prudhoe Bay. When Prudhoe Bay first came on line, they were talking about it might only produce around 9 to 10 billion barrels of oil. Now they have revised that, it could be up to 13 to 15 billion barrels.

The pipeline up there, you know, it's 800 miles long. That brings that lifeline down to the lower 48 to make sure that we have fuel. At its peak it was bringing down about 2.1 million barrels a day. Today it's only bringing down 700,000 barrels a day.

□ 1845

The thing that really concerns me when I hear that, when that number gets down to 300,000 barrels a day, and we are losing about 15 percent capacity every year up there, when it gets down to 300,000 barrels a day, that pipeline won't be able to flow any more. If there is oil in the pipeline, it will clog it up and they won't be able to go back in there and clean out the pipeline. That means that the pipeline is finished. When we are importing 70 percent of our oil every day into this country, we can't afford to shut that pipeline off.

It has also been demonstrated why we need diversification from where we get our oil in this country. When you have a hurricane and you have to shut down oil rigs in the gulf, and the refineries are out there, we have a problem. We have to diversify. We have to be up in Alaska. We know there is a known source of about 10.3 billion barrels.

So we have to drill and make sure that we have that oil for the future. Just real briefly in summation, when we are talking about what we want to do up there, we are talking about ANWR which is 19 million acres, the size of South Carolina. Section 10.02 land is about 1.5 million acres, and we need 2,000 acres to get this oil out. We have to make sure that we can get this done so we have a future for this country.

I applaud my friend for having this all-important special order tonight to bring up this subject about why we need energy for this country.

Mr. GINGREY. I thank my friend from Ohio. As Representative LATTA described, he and a number of Members did go up to Alaska in August and had an opportunity to meet the governor of Alaska, Governor Palin, and see what she had done in regard to getting that natural gas pipeline and that natural gas flowing down to the lower 48.

I feel refreshed and energized, not to use a pun, to think that Senator MCCAIN and Governor Palin understand this issue very well and have the wisdom and the strength of character and the force of leadership to deal with big oil, to deal with the environmentalists and to help us solve this problem as we go forward. So my colleagues, Mr. Speaker, I truly believe that hope is on the way.

Before I turn to my good friend and colleague from Louisiana, I want to say one other thing about this bill that Speaker PELOSI finally brought to us when we got back from this August recess, and certainly not by the regular process, not by going through the Energy and Commerce Committee and listening to the wisdom of JOHN DINGELL and JOE BARTON and others who have worked so well in a bipartisan manner to come up with a bill that we could all be satisfied with and that was good for nobodies' politics, or maybe everybody's politics, but more importantly, good for the American people.

It wasn't done that way. Unfortunately, the bill was drawn strictly by the Democratic leadership behind closed doors. If any of my colleagues can remember the song ''The Green Door,'' behind the green door, and it was a 290-page bill and no Republican had any input. Indeed, no committee of jurisdiction.

But the ironic thing about that was that Ms. PELOSI, when she was trying to lead her troops to the majority, to the promised land back in the fall of 2006, she made some rather outstanding quotes, very attractive quotes like ''bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority,'' that would be us Republicans, we Republicans, ''the right to offer its alternatives, including a substitute.'' This is Speaker PELOSI, a new direction for America.

How quickly we forget.

Another quote from Madam Speaker, ''Members should have at least 24 hours to examine a bill and a conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day.'' A quote from Ms. PELOSI back in 2006.

We have far more important things to talk about than process, so I yield to a physician colleague of mine from the great State of Louisiana. And if anybody knows about energy and refineries and what goes on in hurricane alley, Congressman CHARLES BOUSTANY does. And he probably spent a lot of time in his home in St. Charles after Ida and Gustav and the destruction and probably working in one of the Red Cross shelters trying to help victims of the hurricanes. But he did not lose sight of the ball in regard to energy. It only strengthened his resolve, and I yield to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my friend and colleague from Georgia. A little bit about my district. My district is the 7th Congressional District of Louisiana. It is southwest Louisiana. So I am on the border with Texas. I am on the gulf coast, and we have been a long time leader in the oil and gas industry.

We have about 3,800 drilling platforms out in the Gulf of Mexico. Most of those are located off the coast of my district. I have one of the Strategic Petroleum Reserves in my district, and it accounts for one-fourth of the oil that we hold. I also have a confluence of pipelines called the Henry Hub which is the pricing point for natural gas for the entire country.

We have a number of refineries along the Calcashoe ship channel located throughout southwest Louisiana, so we have a significant amount of the refining capacity that supplies refined products to this country.

The oil and gas industry is about jobs. Every time I fly back and forth to my home in Lafayette, Louisiana, I run into four or five gentlemen typically who work in the oil and gas industry, and when I ask them where they are working, they are telling me that they are coming from or going to countries all over the globe, Angola in Africa, Equatorial Guinea, Thailand, Vietnam, and countries throughout the Middle East.

I ask them why is that? Why are you out there?

They tell me I used to work in the oil and gas industry off the gulf coast, and after the imposition of the windfall profits tax in the 1980s which devastated the oil and gas industry, they lost their jobs in the gulf coast area and they ended up going off and working all over the globe.

We have expertise all over the world in the oil and gas industry, and every one of these gentlemen when I talk to them wishes they could come back home and work in the United States, to be close to their families, to work in an

area that they are comfortable with rather than being off in foreign countries and having to do all of that travel that oftentimes takes 2 or 3 days of their time, often at their own expense.

So getting a comprehensive energy policy is about good, high-paying American jobs. It is about keeping jobs in the United States. It is about growing new jobs. It is not just about the oil and gas industry.

What we have been advocating is a comprehensive, all-of-the-above energy approach, an energy approach that looks at oil and gas because we are dependent on oil and gas for most of our transportation needs, much of our electricity, and really for a good part of all of our energy needs. Oil and gas are a critical part, but at the same time we also have to look at good, tried and true methods of conservation. And we have to look at alternative fuels and renewable energy and nuclear power and clean coal technology. All of the ideas that are out there, we should be unleashing individual American genius because that is what has made this country great and has helped to solve problems of the past, and is what will help us pull out of this energy crisis that we are seeing. Families and seniors and small businesses and our schools, our local governments are struggling with the high cost of energy.

I talked to a senior not long ago who told me it was getting difficult for her to afford gas and make the usual runs to the grocery store. And she was paying high food prices on top of that, so she teamed up with folks in her neighborhood and they are still struggling with the cost of gas. This is just unacceptable. In a country that has the brilliance that the American people have and the entrepreneurship, we shouldn't be struggling with this. The sad thing is that the only thing blocking it is good policy, and this Congress has it within itself to move forward on a good, comprehensive energy policy. It distresses me it has been blocked. We have not had an opportunity to bring a comprehensive energy bill to the floor of the House.

This country has had one energy shock after another. There have been about six of them since the end of the Second World War. A number have caused significant price spikes, when you talk about 1973 with the Arab oil embargo, 1979 when the Iranian problem came up, the 1990 gulf crisis, the windfall profits tax thrown on top of the oil industry in the 1980s, and of course recently what we have seen with real high price spikes.

Mr. GINGREY. Dr. BOUSTANY, please address the issue in regard to the refineries and the run up in prices just because of the recent hurricanes, and what a problem it is to have all of those refineries located in one area.

Mr. BOUSTANY. I am glad you brought that up. Clearly, having a whole lot of refineries concentrated on the gulf coast, in Texas or on the coast of Louisiana, we have a very soft underbelly. We have a true vulnerability with key energy infrastructure. Many refineries, while they were not damaged, they had to be shut down for a period of time. We don't have large inventories of gasoline in this country. We don't have it. So when you shut refineries down, particularly a large number of them, you end up with shortages of gasoline and this country has had to start importing gasoline to a much greater extent than we used to.

Mr. GINGREY. So the refined products?

Mr. BOUSTANY. Diesel as well, and other refined products. So this a significant problem. If we had true destruction of those refineries, which could have easily happened, we are talking about a real vulnerability, real price shocks at the pump, and a long time before we can get this infrastructure back up and running.

The point is with a comprehensive energy policy, we are going to diversify our sources of energy. We need to expand refining capacity and build out in other areas of the country. We need to invest in the alternative fuels that will give us alternatives to gasoline, but it takes time for those investments. Clearly, it is important that we start the process.

In my district, a large oil company has just recently put a significant investment into an alternative fuel company that is going to be making cellulosic ethanol. It is the first cellulosic ethanol facility in the entire country. They are ramping up and there is a lot of excitement about it, and it offers great possibilities, but we have to develop this and we have to develop the infrastructure. That is going to take time. So what we have to do is strategically manage our dependence on fossil fuels right now as we transition to the next energy economy which will involve alternatives and renewables.

Mr. GINGREY. That is exactly right. I think you used the key word, and that is ''transition.'' We are talking about transition. It is just that some people want to transition just a little too quickly.

I wish you would speak a little bit and reference this slide that I am showing right now in regard to the revenue-sharing issue. This goes back to the Energy Security Act of 2006 regarding the gulf coast States and the energy sharing. And I know that you have talked with me and other Members of the conference about what Louisiana does with that revenue sharing and how important it is to the State.

As I close out, I will talk about this ''NOTA'' energy bill. I like to call it a ''nota,'' none-of-the-above act that we passed this week, and one of the key problems was the lack of any revenue sharing for the States on the east and west coast. If you don't mind addressing that, I appreciate it.

Mr. BOUSTANY. First of all, as we try to transition, we still need oil and gas, and we should be investing in this country and in the United States, looking at our own natural resources. A large part of the oil and gas that is available is off our Outer Continental Shelf, in the gulf coast area, as we have seen off the coast of Louisiana and Texas, Alabama, Mississippi, but also east coast and west coast. We ought to be taking advantage and using those resources as we transition.

One of the key features that we fought for, I say ''we,'' the Louisiana delegation, for 50 years we fought to get revenue sharing whereby the tax revenue that comes to the Federal Government, some of it is shared with the States.

For instance, in Louisiana now with new production, we have the opportunity to share in 37.5 percent of revenue that will go to the State to help the State do environmental repair along the gulf coast. It will help us invest in infrastructure, and it also provides an opportunity to invest in alternatives fuels. That provision was enacted in the Energy Security Act of 2006, something we fought very hard for and it is a very good bill.

It is critically important that States along the coast have that revenue-sharing option available to them. That is the incentive for them to allow drilling off their coast.

□ 1900

And that helps them build their infrastructure. The Democrat bill earlier this week didn't allow that. And that's one of the reasons why I think this was a sham approach. It was saying, we'll give a little lip service to drilling in the Outer Continental Shelf, but we're going to restrict certain areas of the Outer Continental Shelf, and we're not going to allow revenue sharing, which is something the States all want. And that's the essence of federalism. That's a great way to do it.

Mr. GINGREY. Reclaiming my time for a second, that's what I've depicted on this slide on the bottom, this new bill that we just passed this week. Everyone else, nada, again, zero, nothing, no revenue sharing. So where is the incentive for one of these States, Georgia, we've got 130 miles of shore line on the Atlantic Ocean. California, I mean, there's just not going to be the incentive to do it.

Mr. BOUSTANY. And I would say for folks back home in Louisiana who may be listening to this, our 37.5 percent revenue sharing was also jeopardized by this Democratic bill. So after 50 years of fighting to get revenue sharing for Louisiana in the 8.3 million acres that were opened up in the eastern Gulf of Mexico, we could suddenly lose that if that bill were to go all the way

through the Senate and the President signed it. Fortunately, the President says he's going to veto it, but our own Democratic Senator, MARY LANDRIEU, has said this bill is dead on arrival.

Mr. GINGREY. Well, I'll reclaim just for a second. Let me make sure I understand this now. You're saying that currently, under this Energy Security Act of 2006, as I point to this slide, again, GOMESA, that Alabama, Mississippi, Louisiana, you've said you fought hard for it many years, Texas, you get 37 percent revenue sharing, 37.5 percent.

But are you telling me now that in that area in the Gulf of Mexico, when the oil companies go out and build new rigs and purchase new leases, then, according to this no energy bill that was passed this week, you wouldn't get any revenue on those new sites?

Mr. BOUSTANY. It is my understanding that that revenue sharing is at risk.

Mr. GINGREY. Well, that's what I'm thinking too. And I'm not glad to hear you say that, but I think you're right. I think that's absolutely right.

Mr. BOUSTANY. There is no assurance that that revenue would be retained. And that's a very important incentive to get the States to play ball with this. And let's take advantage and use those natural resources that we're so fortunate to have. We're at a time right now where oil reserves are being depleted around the world, and oil infrastructure is really in a state of decay in many of these countries. It's the free market companies, the big companies that are around the world that have the kinds of technology that we need to get in there and do this. But with everything else in decline, we need to be taking advantage of using our own resources while we transition, and increase investment in alternative forms of energy, alternative fuels, whether it's biofuels, because there's a whole host of new generation biofuels that we're on the cusp of working with. We need to invest in that, but it's not going to happen overnight. So that's why it's critically important right now to make strategically good decisions about how we use our resources.

We owe that to the American people. This Congress will be irresponsible. Our Democratic friends will be irresponsible if they don't allow a comprehensive energy reform package to come to the floor of the House.

Mr. GINGREY. Well, I just want to thank my colleague. And of course, we're both physicians, Dr. BOUSTANY, a cardiothoracic surgeon, myself, an OB/GYN doctor for many years before we had the distinct honor of getting elected to the Congress and working in the people's House and representing the folks we represent.

And I, again, CHARLES, I think about this a lot of times, when I started the hour talking about how our leadership, Ms. PELOSI, Speaker PELOSI, Representative, I mean Senator HARRY REID, Majority Leader HARRY REID, former Vice President Al Gore and others were so focused on saving the planet and global warming and climate change. And I understand there's some concerns there, and I'm not oblivious, although all scientists don't agree with that. But, you know, it does really become a matter of priority. And you and I, as physicians understand that people literally without a job, without a home, without a warm set of clothing, they can starve to death. They can die a lot quicker from that than they can over maybe a 75- to 100-year period time from inhaling a little bit of an environment that's not healthy for their lungs.

So we care about it. We care about childhood asthma. We care about chronic obstructive pulmonary disease and emphysema and lung cancer and all those things.

But it becomes, really, a matter for leadership of the Congress to make these decisions and place priorities on things. We don't want the planet to increase 1½ degrees Fahrenheit over the next 75 years because there may be a scintilla rise in the level of the water and some remote island may get flooded and 50 people lose their lives.

Now, I understand all that science. But right now what I really understand, and I think you do too, is the job loss, the unemployment rate, the economy, these wild gyrations that are occurring in the stock market, the food prices, the oil prices. This is the crisis of the day, the crisis du jour, and I think real leadership should recognize that, don't you, Dr. BOUSTANY?

Mr. BOUSTANY. I fully agree with you. And we in Louisiana know that good energy policy can march hand in hand with environmental policy that's sensible, and it's also good for the economy and it grows jobs. We have seen that. We've seen what happens when bad policy affects an industry like the oil and gas industry and you lose jobs. We've seen that kind of cycle. And there's no reason for that. Those are policy decisions made by those who are truly uninformed.

What the American public has already very clearly stated is that they want a comprehensive energy policy. And we have it within ourselves to do that. This is not rocket science.

Mr. GINGREY. Well, I think, and I want to thank you for your contribution tonight because I think you said the key word when you said transition. And we are going to transition. And I think that, you know, 50, 75, 100 years from now we may not be burning much fossil fuel. But you can't do that overnight. You can't, all of a sudden say we're going to, by 2020 we're not going to burn any fossil fuel. Coal is fossil fuel. Petroleum products, diesel fuel, gasoline. We would have no transportation and we have no electricity. We'd be back using kerosene lanterns and bicycles and skateboards, I guess, to get around in this country.

Well, Dr. BOUSTANY, thank you so much. I had a few more remarks to make as we concluded. I think we have, Mr. Speaker, do we have about 10 minutes left?

The SPEAKER pro tempore. The gentleman has 6 minutes remaining.

Mr. GINGREY. Six minutes. Well, I would rather yield to my friend from Texas than to use any concluding remarks, because I'll tell you, this gentleman from east Texas, again, knows of what he talks about. The Strategic Petroleum Reserve is located in Congressman BOUSTANY's State of Louisiana and Congressman GOHMERT's State of Texas. So he's been working very hard on this issue. And I want to yield at least 5 minutes to the gentleman from Texas.

Mr. GOHMERT. I thank my dear friend from Georgia for yielding.

This has been a really difficult week. Having spent the weekend with my constituents that were hit by a hurricane in east Texas, and then coming here to Congress and figuring, surely we can put party issues aside because, frankly, when I was in the district, it was around, I don't know, the wee hours, and one sheriff that was helping said, now, you know I'm a Democrat. I said, you know I don't care. It doesn't matter. And then I get back to Washington and that's all it's about. You know, the Democrats have the majority and they were determined to shut out any ideas from the Republicans.

There was a wonderful bipartisan bill, as you pointed out, the Abercrombie/Peterson bill had 38 Democratic cosponsors that understand the importance of energy. Twenty-four of them voted against their own bill when that was made as a substitute.

And it's just incredible how something is being rammed down on the Nation when we can't afford it. People need gasoline. They need diesel. Some of those guys pointed out, they've lost power. There are no hybrid generators, and that's what's keeping about a third of my district going.

Mr. GINGREY. I'll reclaim my time, Representative GOHMERT, just for a second and yield right back to you, because what the gentleman from Texas is talking about, of course, is this, the bill that was passed by the Democratic majority. And I have a little poster up here comparing the Republican bill, the American Energy Act, to the bill that was actually passed. And I just want to quickly run through this before I yield back to my two colleagues.

In the American Energy Act, real offshore exploration, yes. Democratic energy plan, no. Renewables, without tax hikes, our bill, yes. Their bill, no. Real oil shale exploration. I won't get into details of that, but our bill, yes. Their

bill, no. Arctic coastal plain, the ANWR. Our bill, go after that petroleum. Their bill, nada. Emission-free nuclear, our bill, yes, their bill, no, no, no, can't have nuclear. Clean coal technology, coal-to-liquid or coal-to-gas. Yes in our bill. No in their bill. New refinery capacity, Dr. BOUSTANY and I talked about that. Our bill, yes. Their bill, no. No energy tax hikes, yes for Republicans, no for Democrats. No electricity price spikes. Yes for Republicans, no for Democrats. Lawsuit reform, yes in the Republican bill. No in the Democratic bill.

So what Representative GOHMERT and Representative BOUSTANY are probably going to talk about now is when we had one, we had no amendments. We had a motion to recommit with instructions with a bill. And they've just referred to it, the Abercrombie, Democrat from Hawaii, Peterson, Republican from Pennsylvania that had 39 Democrats cosponsoring the bill. And when we offered that as a substitute, which we felt that each one of them, they had already signed on to the bill, surely they were going to vote for it. And I'd like for my colleagues to tell the rest of us what happened.

Mr. BOUSTANY. I thank the gentleman for yielding. I just want to mention to my friend from Texas that we're with you on this. My State got hit by four hurricanes, two really devastating hurricanes in 2005, Rita and Katrina, and now Gustav and Ike. And folks are suffering back home on top of the suffering that they've had as a result of high prices at the pump. And I have to say, it frustrates the heck out of me to come up here to try to get something done to help folks back home and around the country suffering with these high gas prices, and we can't get it done. We're playing political games up here because of the leadership on the other side. It's very frustrating because folks in Texas, my friend's State, my home State of Louisiana, are really suffering doubly because we have born the burden of providing energy for this country in Louisiana and in Texas. And yet, folks back home are saying, what's wrong with the rest of the country? What's wrong with the Democratic leadership? Why won't they give us an energy policy.

Give us a vote. We've got the bills. We've got the answers. Give us a vote. That's all we're asking. And I yield back to my friend from Texas.

Mr. GINGREY. I yield to the gentleman from Texas.

Mr. GOHMERT. Thank you. I know we're running out of time. But one of the comments that was made about Ike, making it so scary, it was a hurricane that was coming in the middle of the night. And when it comes in the middle of the night, it is scarier. And that's exactly what happened with this Democratic energy bill. It was filed at nearly 10:00, and it was a hurricane disaster for this country.

Mr. GINGREY. And it indeed is scary. And with that, Mr. Speaker, we'll yield back. We don't have any time to yield back. We'll just shut up. Thank you very much, and we'll say good night from this side.

IMPROVING OUR HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes as the designee of the majority leader.

Mr. CONYERS. Mr. Speaker, and Members of the Congress, I am delighted to come here this evening to have listened to two doctors and a judge talking about a subject that is of great interest to me as well. And the reason that I mentioned their names is that the subject matter that brings me to the well tonight with other colleagues is how we improve the health care system.

□ 1915

And when I hear Judge LOUIE GOHMERT, who serves with distinction on the Judiciary Committee, I always love to try to involve him in what we're doing. And of course we have great respect for Representative GINGREY, the gentleman from Georgia, who is a physician, a medical doctor; Dr. BOUSTANY of Louisiana. All of these are gentlemen whose attention I would like to draw and invite to join us in this and future discussions about the state of health care in the country. I will be making every attempt to communicate with them on it.

We happen to have a doctor here on our side, Dr. DONNA CHRISTENSEN from the Virgin Islands, a medical doctor as well. And so just think of the exciting exchange of views that might have otherwise occurred.

But this is nevertheless an opportunity to take special orders to review, Mr. Speaker, that over 45 million Americans are currently without any form of health insurance whatsoever. More than eight out of ten of these Americans are members of working families, of all things. And then another 50 million Americans are underinsured and face possible financial ruin due to an unexpected medical bill for hospitalization or other emergencies that might occur.

And so for many Americans, the cost of health care, the cost of insurance, the insecurity of employer-based coverage—because many companies are downsizing or moving out of the country entirely—and these factors limit their most important choices in life: staying well and staying healthy, their decisions to work, to raise a family, to return to school, to have children, to retire early or not, to change careers. And the fact of the matter is that health care is the number one subject for nearly everyone in this country.

And so it is truly odd that some of my colleagues seem to believe that health care for all is somehow divorced from what they perceive to be the ''American Dream.'' Indeed, the American Dream is posited on the notion that you would be healthy. Before you would become educated, prosperous, rich, accomplished, you have to have good health. Physical and mental as well.

And so I begin our discussion underscoring the fact that the American Dream assumes that we're in good health and that good health, continued good health is available to all.

One of the Presidents of the United States once stated that Americans already have universal health care because the emergency rooms cannot legally refuse to treat patients. That is the sitting President of the United States that made that statement, the 43rd President of the United States. And there's only one way that he could have made that statement, and that is that he's never had to use the emergency room for health care or it would be very clear to him that this is the most expensive and immediate and emergency-type circumstance that a person could receive medical care.

I wish he would come with me—if I had one wish, I would probably wish something else other than coming with me to the hospital to an emergency room to find out what it's like and how limited the treatment of necessity is because the hospital is defective or the doctors are not fully prepared—but they're under the stress of all emergencies coming from anywhere in the area to come in.

So that sort of reminds me of the phrase ''Let them eat cake.''

''Go to the emergency room. What is the problem?''

Well, the problem is that many emergency rooms cannot handle all of the cases for people who don't have insurance. And I am sorry to report that on some occasions, they are not able to entertain the health needs of the people that seek emergency room medical treatment.

And so we, in our office, have been bombarded with the tales, the tragic stories from people who are facing permanent injury, unemployment, death, bankruptcy, foreclosure, even the breakup of families due to the unaffordable health care costs.

So during this discussion this evening, we want to share—I invite that we share with each other the experiences that have been related to us, Mr. Speaker, that have come from the American people because nothing has become clearer in the course of my experience here that before we can discuss policy options to reform our

health care system, Congress needs to hear from patients and citizens and constituents who suffer under our current non-system, broken way that we deliver health care in the United States.

And so it is in that spirit that we begin this discussion.

I want to just relate one, and this is entitled ''Robin's Story.''

''My son was 16 when he was diagnosed with a rare form of liver cancer (undifferentiated sarcoma of the liver). I was married. My husband and I were both working and we had health insurance through my husband's employer,'' Robin says. ''I had recently lost my job as a professor at a business college and was trying to start up my law practice from my home office. When Taylor got sick, we were barely making ends meet.

''The doctors had told us Taylor,'' 16 years old, ''Taylor didn't have cancer but they weren't sure what the mass in his liver was. When they opened him up, they knew it was cancer but it took 5 days to determine the exact type of cancer. They had to close Taylor up without removing the tumor because it was so intertwined with his major blood system. They would have killed him,'' they thought, ''if they tried to remove it.

''As I sat next to Taylor's bed at about 3 in the morning, we both were awake because we couldn't sleep. My husband and I had words. We were so stressed over the uncertainty of our future. We were facing the possibility of losing our son to cancer and we couldn't even pay our bills, let alone pay for the medical bills we were already facing from the surgery and hospital stay. Then to have to pay the cost of cancer treatment was overwhelming.

''Apparently Taylor had heard parts of our conversation. He lay on the bed, barely able to get up to go to the bathroom, facing an uncertain future. He said, 'Mom, I'm so sorry about the money.'

''I can't begin to explain how inadequate I felt. I couldn't take care of my own son. He should be focusing on recovering from this major surgery and on gathering his strength to fight the biggest battle of his life. Instead he was worrying about how we were going to pay for all of this.

''We had insurance but we had a large deductible and co-pay. The cost of his treatments over the next year was a quarter of a million dollars. Even though we only had to pay a percentage, 20 percent of an astronomical figure is astronomical. Our phone rang constantly with creditors and collection agents wanting to know when we were going to pay our bills. I was unable to work much because Taylor's treatments and the everyday issues of cancer were as much as I could handle. So in addition to extra bills, we had a fraction of our previous income.

''After Taylor's first surgery and chemo treatment, we were preparing to leave the hospital. We were told we would have to administer a shot to Taylor every day to try to keep his blood counts high enough to continue his cancer treatment. It was stressful to consider giving your son a shot every day. That doesn't compare to the moment the first 14 shots were delivered to our hospital room along with a statement for $6,122! My heart sank to my stomach. I asked the delivery person if I had to pay them right then. He said they would bill us. Thank God. I can only imagine having to decide whether we would pay our mortgage payment and electricity, or give our son a shot that might save his life.

''We eventually got to the point we couldn't pay our mortgage. Our electricity was turned off many times. Each time, I had to pay the amount due plus an extra $100 cut-off fee. If I couldn't afford the original bill, how would I afford the additional $100? Friends and family raised money to help us. It didn't even begin to touch the amounts we owed. And as he turned the corner towards survival, everyone believed that the crisis was passed and stopped helping us.

''We are so blessed because our son survived cancer. It is truly a miracle. But our family didn't survive. After 23 years, my marriage dissolved. The financial pressures were more than the marriage could stand. I still have all of the medical debts and other debts on top of that. I try to just get through each day. I know that I am one of the lucky ones. Although I didn't survive cancer, my son did. I know many families who lost their child and then are also financially devastated. . . . probably even more so than I because they had years of medical treatment that failed to save their child.

''We tried to keep our insurance coverage. But we had to go on COBRA coverage, which was over $1,000 per month in addition to the medical bills. So both Taylor and I and Taylor's father have no insurance. After treatment, Taylor went in for a checkup every 3 months. Each checkup costs $6,000. We are now on six month checkups and hope to go to one a year next year.

''However, all of the other medical issues will just have to be placed on hold. Because I don't have health insurance, I don't take care of medical issues I used to address as they arose. Last summer I fell. I may have broken my wrist or at least tore ligaments. I didn't go to the doctor but just let it heal on its own. My wrist will always be a problem because it didn't heal right. Taylor's beautiful teeth that we worked so hard to straighten with braces will just have to be dealt with later.

□ 1930

''I just pray Taylor or I don't have a major medical problem. I live in fear for both of us because I know what treatment can cost.

''What I learned through our ordeal is that the individual is expected to pay for an inflated 'retail' price for health care but the insurance companies, the ones who have the financial ability to pay, have made deals with the providers to pay a fraction of the 'retail' price. As an 'insured,' we received an explanation of benefits showing that the insurance company was given a 'discount' and they usually only paid one-third of the amount paid by an individual with no insurance. That is so wrong. That means that the individual is paying the price for the insurance companies' 'discounts.'

''This insanity must stop. We need to tell our story. The insurance companies and providers are making money on the backs of individuals already in crisis, facing life threatening illness and financial struggles because their income is reduced. I knew that survival is related to attitude. I assure you we are losing lives because it is hard to have a positive attitude through financial crisis on top of medical crisis. I want to help tell the story.''

A similar wind is now blowing in the 21st century. I believe the people, not special interests, should decide what type of health care system exists in this country. I believe this wind of change will usher in a new day; a day when hope for the just treatment of all of our brothers and sisters will be reborn.

A truly open and democratic process is needed as we pursue this endeavor to ensure equal, just, and comprehensive care for all. To this end, I implore the inclusion of the American people in this discussion, so that the singular, resounding voice of those who believe in change, who believe in moral responsibility, can reverberate across the nation loudly enough so as to drown out those who would profit from continued injustice.

The struggle for health care for all is the civil rights struggle of the 21st century. Let there be no doubt: the powers aligned against us are powerful and vast; the coming struggle will be long and hard. But, we have been down this road before, and we have succeeded. We shall succeed once again, because as Fannie Lou Hammer once said, we are sick and tired of being sick and tired.

KATHRYN'S STORY

My sister was 46 when she saved enough money and was able to go to her doctor for a physical. Her doctor discovered an orange sized mass in her uterus. He recommended that she have an ultrasound. She said she would when she had saved more money. This was August 2005. She continued to work two part time jobs, one at a hospital as a housekeeper in the operating room on the OB/GYN floor. The other job was working for the State of Michigan as a maintenance worker cleaning restrooms. She worked hard and was a loyal employee. Unfortunately, both jobs were part time, so no benefits were offered. She also didn't qualify for aid from the county or State because she worked too much! By September 2006, she was dead. The mass was cancerous, spread to her ovaries, and finally to

her lungs. She died three months after diagnosis. Medicaid was approved after her death.

CONCLUSION

My friends, the vital issue of the health care crisis in this country is rising to the surface; the plight of the uninsured and the underinsured can no longer be ignored. As the election season continues to progress, and as we draw nearer to a new administration, the time is now for Members of the House to call for serious, comprehensive health care reform.

Martin Luther King, Jr. once said, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." I am privileged to have known Martin Luther King, Jr. and to have worked closely with him on civil rights issues. Madam Speaker, health care is a civil right.

It is the spirit of the civil rights crusaders of the past from which we should draw inspiration and strength. Abolitionists did not settle for piece-meal appeasements or token change. Rather, a dynamic and sweeping wind reshaped the Nation for the better, capitalizing on a nagging conscience that Americans, both black and white, knew was the moral and just thing to do.

I'd like now to turn to the gentlelady from the Virgin Islands, Dr. DONNA CHRISTENSEN, who not only serves on two very important committees in the House of Representatives, but in addition, she chairs the Congressional Black Caucus Health Caucus, and I've had the honor of working with her across the years, and I would yield to her.

Mrs. CHRISTENSEN. Thank you, Congressman CONYERS.

Mr. Speaker, I rise with Chairman CONYERS and my esteemed colleagues to stress the need for comprehensive health care reform that not only tackles the core issues but substantively transforms the foundation upon which this Nation's health care crisis is existing. And the story that Congressman CONYERS told about Taylor could be repeated over and over again across this country.

The pursuit of and desire to have good health and access to reliable, high quality health care cuts across geography and gender; across race and ethnicity and political affiliation. These wants and needs are basic to all human beings. And because they are basic human needs, the time has come for health care to be affirmed as a basic human right.

As an American and as a physician, I am embarrassed that, today, the United States is the only industrialized Nation that does not guarantee access to health care as a right of citizenship. So I think that we have much to learn from the industrialized nations who, through either single payer universal health care systems or a multipayer universal health care system, have put the health and wellness of their residents at the top of their agendas and, as a result, are healthier than we are today.

For example, compared to the rest of the world, the United States ranks 41st in maternal mortality rates, which means that 40 other nations, most of which have fewer resources than we do, have lower mortality rates than us.

Additionally, we are ranked 42nd in infant mortality, which means that 41 nations, including Cuba, the United Kingdom, Anguilla, Japan and Singapore, have a lower infant mortality rate than we do.

The underlying reason for these shameful numbers is this country's failure to address health disparities and to put into place effective, comprehensive and culturally appropriate programs to eliminate them. Not only do people of color make up most of the 45 million uninsured and the additional 50 million underinsured, but because of this as well as because of discrimination and the lack of culturally and linguistically appropriate care, they also are the majority of those who die prematurely from preventable causes in this wealthy and technologically advanced country.

It's very important to note that the millions of Americans who comprise our Nation's un- and underinsured population are not people who are lazy. They're not people who are looking for a handout. They are hardworking, honest Americans. The overwhelming majority of the uninsured are members of working families who do not have access to employer-sponsored health coverage. In fact, more than 8 out of 10 uninsured Americans make too much money to qualify for Medicaid but not nearly enough to purchase health care insurance on their own.

The provision of health care to Americans living in the territories paints an even worse picture. And that's my individual story this evening, the story of 4.5 million people living in offshore areas.

Those of us who live in the offshore areas of the United States have an additional burden when it comes to accessing health care services. For Guam, American Samoa, the Commonwealth of the Northern Marianas, Puerto Rico, and the U.S. Virgin Islands, Medicaid and the Children's Health Insurance Program is capped, and it is capped far below what is needed to provide the most basic of services to those who are at or below the poverty level.

So, even in those families at 100 percent of poverty, they can't qualify. There's not enough money in our programs. Many who need long-term care cannot get it because our Medicaid program cannot afford it. Other programs that are taken for granted in the States are not available to us because the funds are just not there to cover them. And in fact, the level of funding per Medicaid patient, even at the low numbers that are enrolled, is one-tenth of that spent on Medicaid beneficiaries in the States. Many of those States are richer than we are and have lower health care costs, and yet they get 10 times more funding per Medicaid beneficiary.

Both on the mainland as well as in the offshore areas, our Nation's un- and underinsured Americans are paying the ultimate price for the absence of universal health care. They pay more out-of-pocket health costs, as we heard, and worse, they pay for it with poorer health and even with premature disability and death.

And everyone, including those who have insurance, pay for it in rising premiums, higher deductibles and co-pays, and reduced quality of health care services for everyone.

The grim statistics and analyses prove one thing: We need to expand access to health care and completely eliminate un- and underinsurance in this country. The only way to accomplish this is through universal health care.

Access, however, is but one issue that we need to address within a comprehensive health care reform package. There is another issue that must be addressed because it, too, has to be an integral component of our health care reform discussions and efforts. And that issue is health disparities.

The direct and indirect impacts of health disparities are well-known, and we know that they cut across every aspect of life. Additionally, we know that these disparities leave millions of African Americans, Native Americans and other people of color, women and rural Americans also, in a particularly precarious position as it relates to their health and health care. Not only are those most affected by health disparities disproportionately more likely to be un- and underinsured, as I mentioned, but they also are disproportionately less likely, far less likely to receive the high quality of health care services and treatments available for everyone else.

For example, the rates of hospital admissions for uncontrolled diabetes, which is an indicator of the quality of care received, for Hispanics and African Americans were more than three and five times, respectively, higher than the rate for Whites.

The same scenario holds true for hospital admissions for asthma. African American children and adults have hospitalization rates for asthma that are five and four times, respectively again, higher than Whites.

African American diabetics and Native American diabetics are three times more likely than White diabetics to have lower limb amputations.

The differences in health care quality are not just evident in the hospitalization rates, but also in the disparate rates of utilization of services and treatments. African Americans are disproportionately less likely than whites to be referred to undergo cardiac catheterization or to receive more aggressive treatments for lung cancer or

colorectal cancers, although they are known major causes of death in the African American community.

In fact, studies confirm that across several dozen health care quality measures, African Americans receive a poorer quality of care than whites almost half, 43 percent, of the time for African Americans; for Hispanics, they receive a lower quality of care more than half of the time, 53 percent of the time; and for American Indians and Alaska Natives, they receive a lower quality of care more than one-third of the time, 38 percent.

These differences in quality, like the differences in access, have a profound and detrimental impact on their health, wellness and ability to achieve their full lives' potentials. Additionally, these racial and ethnic differences in quality persist, even when insurance status, educational level, socioeconomic status, and disease severity are taken into consideration.

Mr. Speaker, the time for comprehensive health care is upon us, and the time to ensure that our efforts not only surmount access barriers but also achieve health equity is now.

As we as a Nation engage in increased discussions about health care reform, propose solutions to our under- and uninsurance plight and mounting health care costs, and finally move the idea of universal health care from concept to reality, we must address the health disparities and the root causes of health inequities, the social determinants of health, in order to be successful.

The Nation's public health and health policy experts agree that a health care reform effort that fails to incorporate and integrate health disparity elimination as a core benchmark and objective is an effort that is flawed.

So I urge my colleagues on both sides of the aisle and all of our friends off the Hill to work together to ensure that as we work towards a health care system where everyone is in and no one is out and to reform the system, that we do so in a manner that positively transforms the lives of the millions of Americans for whom quality health care has been denied and deferred for far too long.

I thank Chairman CONYERS for holding this Special Order this evening on this very important issue.

Mr. CONYERS. Thank you, Dr. CHRISTENSEN. ''Everybody in, nobody out.'' I know a doctor in Chicago that uses that term very frequently.

Mrs. CHRISTENSEN. I picked that up from the American Student Medical Association. I believe that was their slogan.

Mr. CONYERS. I'm pleased now to yield to the distinguished gentleman from Illinois (Mr. DAVIS), who I had the great privilege to be in the White House when his Second Chance bill was signed into law after many years of working in this body and the other body to see that it came to fruition. It derived from his long experience as a civil rights activist, as a commissioner, a county commissioner in Chicago, and as a community health worker in community clinics for a considerable period of time. I'm so proud that he's an original cosponsor of H.R. 676, and I yield to him.

Mr. DAVIS of Illinois. Thank you very much, Chairman CONYERS, and you know, as you and Representative CHRISTENSEN were talking about, everybody in and nobody out, of course you were talking about Dr. Quinton Young, who kind of coined the slogan, who started the Student Medical Association. So I can understand how DONNA would have picked it up.

Mr. CONYERS. And Physicians for a National Health Plan, PNHP.

Mr. DAVIS of Illinois. Unequivocally and without a doubt. So it has been an absolute pleasure to know and work with Dr. Young for a number of years. Those of us who considered ourselves to be health activists always wondered how Quinton practiced medicine, I mean, because he was so engaged and so involved, and yet he was engaged in the private practice of medicine part of the time. And of course, he was the medical director also at Cook County Hospital and a leader in the American Medical Association; although, he was considered a renegade.

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Mr. CONYERS. We're expecting his presence at the 38th Congressional Black Caucus event next week in which we will be having a forum on universal single-payer health care.

Mr. DAVIS of Illinois. Well, I should look forward to seeing him.

But I also want to commend you for your tremendous leadership. As a matter of fact, you have been a hero of mine on these issues long before I came to Congress, and even before I had the opportunity to really know who you were.

As a matter of fact, when I think of you, I often think of one of my favorite Biblical Scriptures that says, ''They that wait on the Lord shall renew their strength; they will mount up like the wings on an eagle; they will run and not get tired; and they will walk and not faint.'' And you have been running on these tracks for a long time. And still, while most Members have gone home, have gotten their flights and have made their way back—or trying to make their way back—here you are on the floor, late in the evening, leading a discussion on the need for national health insurance, or universal health care, and I can't help but commend that.

Mr. CONYERS. Thank you.

Mr. DAVIS of Illinois. You know, as I think about the issue of health and all the problems that we face individually and collectively, I think of how unfortunate it is when individuals are illiterate because it cuts them off from the ability to communicate with the rest of the world; and how unfortunate it is when people live in substandard housing because they don't have the sanctuary or they don't have the feeling of knowing that at the end of the day they can come in out of the rain or out of the cold or come in from a society that may not be as comforting as they would like for it to be.

It's so terrible when children don't have access to good schools and decent education and can't be in a position to compete effectively with other members of society. And then to be unemployed, not have a job to go to, not be able to sustain oneself, not be able to know that you have the resources that you need. But then to be sick on top of all that means that your life is relegated, for all practical purposes, to a level of despair and uncertainty for which you can find or see no way out. The child who is sick at school and can't see a physician or go to a clinic.

There is no point to the teacher talking about, ''Johnny, study hard,'' because Johnny doesn't feel like studying. I mean, Johnny's stomach is hurting, or Johnny can't see the board. And so telling Johnny to study hard doesn't mean a great deal to Johnny. Or the guy who wakes up in the morning and turns on the radio and the blues singer is saying, ''get a job.'' ''Every morning about this time you bring my breakfast to the bed crying. Get a job.'' Well, that person doesn't feel like going out looking for a job because they're sick. They don't feel like it; they're despondent, they're in despair. And so they're not going to get a job. They're not even going to go out and look for a job because they don't feel like going to work.

And so health care, as far as I'm concerned, and for my money, is the most important aspect of life, because without a sense of well-being, one cannot challenge or confront the rest of societal needs.

Our health is the foundation of everything that you can think of. I often believe that my mother died prematurely because she had to travel 100 miles to go to the hospital for her dialysis treatment because that was the closest hospital to where she lived where she could get the treatment. And so not having access to health care has limited, in so many different ways, the ability for people to just have hopes of the American Dream, to just believe that they can experience it.

Yeah, there are those who take the position that we could never have universal health care; I mean, they say, ''never, ever.'' But, you know, I remember when people said that you could never put poor people into managed care. I remember when people said

that HMOs would not survive, that they would never, ever make it. I remember when people said that you really couldn't have the proliferation of clinics. I worked in a community health center, and I remember when those were getting started. They were part of the ''Great Society'' programs, part of the legislation that came out of the marches and demonstrations led by Dr. Martin Luther King that came after John Kennedy had been elected President, assassinated, and then Lyndon Baines Johnson became President. And Democrats—I mean, they were Democrats—embarked upon a new program, something called the ''Great Society'' programs, just as years before a fellow named Franklin Delano Roosevelt kind of led the Nation towards social reform that brought us Social Security and some other protections that we didn't have.

Well, I think that right now is the best possible time for us to take another giant step, a quantum leap, if you will, and make sure that no single individual in our country, no matter who they are, where they come from, how wealthy they are, how poor they are, how without resources they are, no single individual should have to live in the United States of America without adequate protection for health care.

I mean, we are the wealthiest Nation on the face of the Earth. We are the most technologically advanced Nation. Yes, we are hurting in some ways. And of course we are hurting because we have not seen the distribution of the resources be as adequate as we need to see them. We have not seen as many people with access to the goodness and the greatness of this country. But when 41 percent of working age adults have a problem paying their medical bills or have a medical debt that they will never be able to pay, then something is wrong.

And we have not seen what we are capable of seeing. I was just thinking of some of the things that people have been telling us about their experiences. And I guess if you live in an environment that I live in and where I live, you individually know these people. It's not a matter of reading it in the newspaper or reading it in the magazine, you know the individuals personally who are having these kind of problems. For example, Jerome. Jerome said to us, ''My wife was diagnosed with melanoma in September and died in November. I believe preventive health care and better diagnosis might have prolonged her life or provided a cure. She saw two dermatologists last year, and both failed to diagnose her condition. She went on to have moles and a cyst evaluated and removed. In addition to the failure to diagnose, the cost of insurance and deductibles exceeded $40,000. Prior hospital visits in the past 5 years for a stroke resulted in medical bills of approximately $100,000, which brought us to the verge of bankruptcy.

''Fortuitously, I received an inheritance last year which enabled me to pay the current bills. However, since being downsized 5 years ago at age 56, I have been unable to obtain employment. And my wife was unable to work due to the stroke and subsequent illnesses. I am a relatively well-educated man and I'm willing to work; however, I do not feel our current economic system values my experience and education. I am a certified financial planner. I have worked over 30 years with approximately $150,000 accumulated in retirement savings, all of which has been used for medical expenses. Without my inheritance, I would have my home, worth about $250,000, as my only asset.''

Julia writes, ''I've been fighting ovarian cancer for 19 years. I developed a secondary blood cancer last year and had to have a bone marrow transplant in January of 2007. Medicine is outrageously expensive. Luckily, I have mail order service that only costs $5 a prescription; otherwise, my medication would cost over $1,000 a month.

''Our insurance premiums cost $965 a month. My COBRA, just for me, is $565 a month. My husband and two children, which my husband pays for, $400 a month. My deductible is low, $250, but my family's is over $1,000. I am dreading if I am unable to work before COBRA runs out. I don't know what I will do for insurance as I am a teacher and don't know if I can get Medicare. I can't go on my husband's insurance as he works for a small company. They will get dropped by the insurance company if I am added. This has happened twice before.

''The medical system is broken. People shouldn't have to choose between health care and bankruptcy, which is the case for many who go through bone marrow transplants.''

Well, Congressman CONYERS, as long as there are people like these in America, as long as there are individuals for whom the American Dream continues to be a tremendous nightmare, as long as there are people who have, in many instances, lost hope and given up, as long as there are individuals who can't see their way out no matter how much they struggle, how long, how hard and how difficult the challenges, and as long as there are people like you, who are willing to fight for every American, as long as there are people like you, I am going to be willing to join you.

And so I'm pleased that I was able to be here this evening to share with you and with Americans all over the country that health care should, in fact, be a right and not a privilege, that we must have a system where everybody is in and nobody is out.

I thank you. And I yield back the balance of my time.

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Mr. CONYERS. I thank the gentleman for his kind references.

I ask unanimous consent to include any other materials in the body of our discourse today.

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

There was no objection.

Mr. CONYERS. I return the balance of our time.

DISASTER TORNADOES AND FLOODING IN IOWA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. BRALEY) is recognized for 60 minutes.

Mr. BRALEY of Iowa. Mr. Speaker, I rise tonight to address a major tragedy that occurred earlier this year.

In May and June, Iowans suffered unprecedented tornadoes and flooding, which has directly impacted the lives of hundreds of thousands of Iowans. The magnitude of this disaster places it in the top dozen or so all-time natural disasters, and the amount of damage in this State is unparalleled.

Along with my staff and other members of the Iowa delegation, I've worked tirelessly to provide assistance in every way possible to impacted Iowans, from helping to remove debris in Parkersburg, to filling sandbags in Waterloo, to working to pass a $2.65 billion supplemental disaster relief bill, to holding this administration accountable for its promises, to bringing Speaker PELOSI to the First District last week.

I want to thank the Speaker for visiting Iowa's First District, and I appreciate her strong words of support as we struggle to recover from these disasters.

While I'm proud of the efforts so far to pass the initial $2.65 billion in disaster relief, there is still much work to be done. Most notably, the Bush administration needs to release these congressionally passed funds as quickly as possible, and administration bureaucrats must stop dragging their feet while Iowans wait for needed assistance.

Secondly, this Congress must pass another round of disaster relief as the first round of $2.65 billion will fall far short of meeting the needs of the Midwest following these multiple tragedies.

On June 13, while I was at the Cedar Rapids Airport during the peak flooding, White House Budget Director Jim Nussle told me that FEMA had nearly $5 billion for Federal disaster programs that would be available to meet the needs of Iowans. Since that meeting, Congress has passed another $897 million more in FEMA funding. Yet FEMA has only recently passed the $500 million in assistance to Iowa while at the

same time denying many claims in Iowa for assistance.

It's time for our President to move Iowa's money out of the hands of bureaucrats and into the hands of needy Iowans. This is not the only piece of the $2.65 billion package that sits on the desks of Federal bureaucrats. There is $52 million in economic development administration funding of which Iowa is eligible that the administration is holding onto for another 2 months.

In addition, I've been urging HUD to release $300 million in Community Development Block Grants for months now, and that money still sits in the hands of administration bureaucrats.

In addition, I have personally invited President Bush to come to the First District, which, so far, he has refused to do. However, the President's physical absence from the First District is not his only neglect of the needs of Iowa citizens. We have yet to receive a budget request from the President to Congress outlining what he believes the funding legislation to meet these disaster needs in Iowa and in other Midwestern States should look like.

I have made my funding priorities clear. My Iowa and Midwestern colleagues have done the same. Where is the President's request? Actually, I can tell you the President's current budget request for Iowa disaster relief. Zero dollars. While I feel the administration has acted poorly in responding to Iowa disasters, I also do not let Congress off the hook.

The initial $2.65 billion package, while welcomed, is clearly not enough to meet the needs of Iowa residents and business owners. That's why I am committed to ensuring that Congress passes additional disaster relief for Iowa as soon as possible. I look forward to Congress passing additional disaster relief and to seeing this money reach Iowans in need. Only then can we achieve the victory of recovery.

I would like to thank Speaker NANCY PELOSI for spending last Monday in Iowa in the First District, in the Second District and in the Third District, witnessing firsthand the devastation that has occurred, meeting and talking to Iowans in need, and hearing their stories. I'm going to be sharing tonight some of those stories from residents and business owners in the First District of Iowa, showing the American public exactly what has been going on and why this need is so great and why it needs to be met.

There is no better time to have this discussion than in the wake of what has been going on down in the Gulf Coast, in the aftermaths of Hurricane Gustav and Hurricane Ike, where the needs are also great.

I hope that my colleagues in the House and that people around the country who appreciate the needs of responding to emergency disasters like this will start to gain a deeper appreciation of why this funding is so necessary and why it's so urgent and will wake up Congress and the American people to the fact that more aid is needed to meet the needs of people in distress.

Iowa's needs are vast: from helping displaced residents find quality temporary and permanent housing, to repairing critical infrastructure—we'll see some examples of that—to things like roads, bridges and railroads, to helping small businesses, farmers and local economies get back on track, to rebuilding clinics, libraries and schools like the Aplington-Parkersburg High School and the Waverly-Shell Rock schools, to fixing wastewater treatment facilities in towns like Elkader, Evansdale, Anamosa, and Clermont, to helping towns like Buffalo, Davenport and Waterloo make sewer improvements and prepare for future flooding events.

Along with the other members of the Iowa delegation, I pledge to continue fighting to help Iowa recover until every home is rebuilt, until every school is reopened and until every small business has its shelves stocked.

To give you some idea of what type of double disaster we've been dealing with in the State of Iowa, I want to start by showing this wall cloud that contains an EF–5 tornado, the most powerful tornado that's classified under the system.

This tornado started on the west edge of Parkersburg, Iowa on May 25, the day before Memorial Day, a day that I will never forget because it happened to be the day of my son's high school graduation-open house. When that day started, our biggest concern was what we were going to do if it rained that day. As everybody was leaving our home and as they were heading back to their own homes and as we were getting everything picked up and put away, the news on television caught my attention as that day this disaster started to unfold in the fields of Butler County in the northwest corner of the First District of Iowa.

As this tornado gained momentum and started to enter the town of Parkersburg, it cut a path of devastation from Parkersburg to New Hartford to the town of Dunkerton and on to Hazleton before it went off and split into two separate tornadoes. The devastation in the wake of this tornado was almost impossible to comprehend if you didn't see it with your own eyes.

This overhead shot shows the south half of Parkersburg that was literally obliterated and wiped off the face of the Earth. You can see the high school track and the high school next to it, which was completely destroyed.

The people in Parkersburg are very proud of the fact that, along with their sister community of Aplington, their high school football team at Aplington-Parkersburg has four players who are starters in the National Football League from a town of less than 2,000 people. They're very proud of their community, and that pride was evident this year when they held their very first football game on this field with no high school while the students had been temporarily relocated to Aplington, to the middle school. This game and the significance of that game to this community was so great that the game with West Marshall and Aplington-Parkersburg was covered by ESPN, CBS, ABC, and it was the subject of intense national sports coverage.

You can see that the entire business corridor along the highway south of Parkersburg was wiped out. One of my neighbors, Dan Summerhayes, was on his way through Parkersburg on that highway while on his way to another graduation-open house in the town of Ackley, which is west of Parkersburg. As he saw this tornado approaching, he turned his pickup around and drove back to Parkersburg, to the Pizza Ranch which is out on the southwest corner of Parkersburg.

He parked his truck, and ran into the Pizza Ranch as other people were starting to seek shelter in the men's bathroom. As he pulled the door shut, he saw his pickup fly by outside in the tornado, and 13 people huddled inside that bathroom as another vehicle landed on the roof of the Pizza Ranch, and the whole structure collapsed on top of them. Miraculously, all 13 crawled through the rubble, and their lives were saved, but other residents in Parkersburg were not that fortunate.

Six people died in this tornado, and two more died near New Hartford. There were many other stories of heroic acts that took place and of people whose lives were saved. At one of the homes of the people we visited the day after the tornado, the person was standing right on top of the foundation of what was left of his home.

The owner of this house turned to me and to the Governor and to Senator GRASSLEY and to Senator HARKIN and said, ''I don't want to ever hear anybody complain about those warnings on TV, because they saved my life.''

There was a bank that was completely obliterated along this same highway, and all that was left after the tornado was the vault where the bank had its valuables stored, and everything else was destroyed.

This shows you the extent of the devastation of so many of the homes near Parkersburg. The power of this tornado was so severe and the carriage of objects went so far that objects that were originally from homes in and around Parkersburg showed up in Prairie du Chien, Wisconsin, which is over 100 miles to the east of where Parkersburg is located.

Many people came from all over the State and from all over the country to

help out the citizens of Parkersburg. I took my chain saw up to help cut down some of the trees that had been destroyed in and around the homes.

This photograph shows you the extent of the devastation all throughout the community. This was a couple who had lost everything that they owned. As we picked up the debris in their basement, I kept holding up items and saying, ''Do you want to save this?'' They would look at me and say, ''This isn't ours.'' That was going on all over the city of Parkersburg.

In addition, the town of Lamont escaped the damage from the tornado, but it had 8 inches of rain in a short period of time on the front edge of these storms. You can see the terrible damage that occurred to bridges and to roads and to streets and to other public improvements in the town of Lamont, which also got 4 inches of rain that same week for a total of 12 inches, which had an enormous impact on the homes and businesses in the town of Lamont.

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And if things weren't bad enough from the tornado, less than 10 days later Iowa had the historic flooding that was greater than any other in modern history. In between the Mississippi and the Missouri Rivers, which frame the east and west coasts of Iowa, are nine inland rivers, all of which were out of their banks at record levels during this peak flooding.

The town of New Hartford, which was hit by the tornado, was completely submerged in the wake of this flooding event. This photograph shows you some of the businesses downtown.

One of the tragedies of a disaster like this is the businesses that make a community a community, like the hardware store, the convenience store, have left the City of New Hartford and aren't planning to return, and those losses have an enormous impact on the quality of life in those communities and are one of the principal reasons why it is so important to get Federal disaster money released into these communities as soon as possible, to give them a chance to retain businesses and rebuild before they lose their population base and lose their tax base.

One of the most beautiful communities in my district is Elkader, along the Turkey River in Clayton County, and this photograph illustrates the enormous damage from the flood that occurred in June in Elkader.

One of the things you can see is the downtown area, the beautiful Catholic Church, the grain elevator. Elkader was devastated because the only grocery store that serves this town was completely wiped out in the flooding. One of the banks down here in the business community had water up over the top of the counters. And when you have your critical businesses lost in a community like this, there is no place else for residents to go to meet their basic needs. In addition, there was major damage to athletic facilities and high school facilities that provide all of the quality-of-life services to that community that will take years to recover.

The town of Waverly, which is north of Waterloo, where I live, also had record flooding along the Cedar River. You can see the devastation to the downtown, to the businesses that are still struggling to come back. Many residents were displaced from their homes. One of the grade schools still isn't open yet because of the widespread flooding damage. And this is just one example of many, many communities in the First District of Iowa that had similar flooding events of historic proportion.

This photograph in downtown Waverly is a good example of the impact on infrastructure that these flooding events had had. Here you see a collapsed asphalt road surface. The sidewalk is completely collapsed. There are damages to the businesses that will take many, many months, if not years, to restore.

Downstream on the Cedar River is the City of Cedar Falls, which is home to the University of Northern Iowa. This is a utility plant, Cedar Falls Utility, that provides most of the power to the City of Cedar Falls and has sustained millions of dollars of damages to its power plant, which serves the basic needs of the community and will take months and months to bounce back.

We were talking about infrastructure needs. This is a railroad bridge in downtown Waterloo. I spent one night back in Waterloo sandbagging in the downtown area to shore up levees that had been built in the mid-sixties during another record flood event.

Waterloo is fortunate in that much of the downtown was protected from massive flooding because the levees held, but because of the immense pressure on the storm sewer system, there was back flooding in the downtown area that caused major devastation to businesses downtown, including the Dan Gable International Wrestling Museum in downtown Waterloo, the Happy Chef next to Young Arena where the hockey teams play, and many, many other downtown businesses. These type of infrastructure needs are critical to the local economy.

One of the major employers in my district is Deere and Company, which has a number of factories in Waterloo and Cedar Falls and an industrial equipment factory in Dubuque and another operation in Davenport and its world headquarters in Moline on the opposite side of the Mississippi River from downtown Davenport.

Many of the products manufactured at the Waterloo tractor facility are shipped out across this rail line, so there are enormous added shipping expenses, not just to John Deere, but to many, many other businesses and farmers who utilize this railroad to ship their commerce across this country and around the world. That is why the needs are so great.

I want to share now some of the testimonials from citizens and constituents of mine who are going to put a human face on the extent of the devastation that I am talking about and hopefully give greater importance to the cause of coming to the floor next week and bringing a disaster bill that will address these acute needs.

This is from Lorrie Martin in New Hartford, Iowa, which had the double whammy of both the largest tornado to hit the country this year and record flooding.

''We are the face of disaster. On May 25th, our home in new Hartford, Iowa, was damaged by an EF–5 tornado. I was in the Mayo Clinic in Rochester with my son, Zak, who is 21 and had just been diagnosed with cancer. We returned home on June 7th, and on the morning of June 8th the flood destroyed our home and all of our possessions. We walked out with a purse and cell phone for me and a hat and book for Zak.

''For three months we have been staying in a gutted-out two room house in Dike, Iowa, sleeping on mattresses on the floor, with no kitchen or bath facilities. 4,200 hundred families raced to grab a few cheap rentals, while over 300 FEMA officials lived high on the hog in all available hotel rooms. There are two families living in an abandoned hardware store in Dike.

''We thought our government would be our salvation, but in fact it has almost been the death of us. I have now been diagnosed with an autoimmune disease with precursors for cancer from stress.

''FEMA has been a roadblock, making empty promises, placing us in harm's way and causing us to lose hope. They lost my paperwork twice and I had to fax my documents to them repeatedly. I called over and over again, and they finally admitted their scanning system was 2 weeks backlogged.

''This is outrageous, and the system needs to be overhauled. We are suffering crushing depression, extreme anxiety and we can't sleep. If anyone tells you they don't contemplate suicide after a disaster like this, they are lying.

''We have lost our dignity and have begged at charities, churches and the Red Cross. The Red Cross spent tens of thousands of dollars flying in representatives from other States. This money should have come to disaster victims directly. Everyone we talked to has gotten amounts from $80 to $800, with no logic to the amount.

''There needs to be a central location for all the aid that stays in place until

the last person is helped. Truckloads of supplies have come in earmarked for New Hartford, but were rerouted. Federal, State, county and city government officials should sleep in the trenches with us until resolution. They can use their Blackberries and laptops to correspond with their offices and families.

''I am but one person, living a life no longer worth living. I am bitter toward my elected officials. I hope they enjoyed their vacation while we fought to survive. I do not have faith that there will be change, but I have hope that you will listen.''

This is from the Mayor of Green, Iowa, another community that lost its grocery store, its post office, and many of its key downtown businesses in record flooding.

''The June 2008 flooding has had a huge impact on our small community. Luckily, we are in Butler County, the same county that had the devastating tornado that hit Parkersburg only 2 weeks earlier. This meant we could get immediate help from FEMA, as a disaster declaration was already in place.

''That being said, one of our biggest problems that we will have is a huge impact in our community that FEMA will deduct from our claims anything that should have carried flood insurance. We did not realize that we were required to carry flood insurance on our properties. We have never filed a FEMA claim on any buildings before. We have employees that have worked here for 30 years, and no one was aware of this requirement. Needless to say, this will greatly decrease any claims we have, making it almost impossible for some of the repairs that are necessary.

''We had equipment at a waste water lift station that was destroyed. If the equipment had been outside, it would have been uninsurable, making it eligible for a FEMA claim. But since we chose to put the equipment in a building, thinking we were making a reasonable choice, it was considered uninsurable and we are losing thousands of dollars on this claim just because we tried to take care of this equipment in the first place. We have never had a flood of this magnitude, and many situations are different than ever before.

''Another big concern of ours is the availability of help for our local small business owners. Some of our business owners lost their homes and their businesses. We are a small community that is very independent, yet very dependent on our local businesses. We are still without our one and only grocery store, our Post Office, which fortunately just reopened this week, and a convenience store. The added expense to residents to get their mail and groceries out of town is a hardship to many senior citizens and families.

''Some of our businesses just moved back into their original locations, but just as many are still operating out of other locations. How are these people supposed to recoup from such devastation without some sort of help from somewhere? If these were corporations, there would be funds available, tax breaks or some sort of assistance. More than likely, farmers would receive some sort of disaster payments. But our small businesses are ineligible for anything other than a loan. Most of these businesses are, for the most part, surviving day-to-day the way it is, without the added burdens of flood expenses and no relief of any kind from anywhere.

''On a personal note, being one of the first communities that experienced flooding in our State, we really felt like we were ignored by some of our local officials. We hadn't been through anything quite so serious, and we appreciate the help that we received.''

This is a letter from Tom Poe, who is the president of Crystal Distribution Services in Waterloo, Iowa, which had facilities in the old Rath Packing Company located right along the banks of the Cedar River in downtown Waterloo near the railroad bridge that collapsed that I showed you earlier.

''During the week of June 9th, 2008, I, along with all 55 of my employees, watched anxiously as the Cedar River level rose due to the extremely harsh winter, coupled with massive rains in the spring. Crystal Distribution is located adjacent to the Cedar River on the former Rath Packing plant site.

''When Rath closed, we made a substantial investment in renovating the former meat plant's buildings into our refrigerated warehouse operation in this Brownfield area of Waterloo. As the week began, it appeared that the flood levee would hold and we would be spared a colossal flooding disaster. Unfortunately, during the morning of June 11th and the morning of June 12th we received a major storm that dropped an additional 3 inches of rain onto an already swollen system and water table.

''At this time, water began to back up into our lower level of our refrigerated warehouse. As we did everything possible to minimize the effects of the backup, we couldn't keep up with the intake of water, and before long were unable to mitigate further damage to the 100,000 square feet of refrigerated warehouse space. The entire lower level was full of retail ham, bacon and other boxed meat products. As the water level rose to over 4 feet, it was obvious that the vast majority, if not all of the product, would be unsalvageable.

''We immediately contacted our USDA compliance agents and they were soon on the site. At that point, each affected customer, there were 10 in all, were contacted, and they all inspected their product and determined that, for food safety reasons, the meat needed to be taken to the landfill. The total loss amounted to over 3.5 million pounds of product. We immediately began the process of disposal and cleanup. Crystal paid up front for the landfill, trucking and building renovations to facilitate the disposal, along with many other costs, which were over $250,000 in direct expense to us.

''Crystal immediately applied with FEMA and received an SBA loan application number. I worked with my accountant, attorney and banker to complete the rather lengthy application. After several weeks, I was told that the SBA may be able to offer a $279,000 3-year loan at 8 percent. We were hoping for something more favorable that would be able to help us replace the lost space, not to mention the loss of revenue to date since this event and the lost product value for our customers, some of which held no insurance coverage.

□ 2030

''We are still in limbo between our customers, insurance company and local, State and Federal agencies, with no real input as to how this will all turn out.

''Our first choice would be to rebuild and grow on this site, but we do not dare to do anything until we have direction as to what will happen to the existing storm sewer, river gates and city pumps in this area. I, along with most Iowans, are not accustomed to having to ask for help, and we certainly don't like to be in a position of having to do so.

''However, due to this enormous, natural disaster, my livelihood and the livelihood of all my employees depends on our ability to bounce back quickly and to be able to put this event behind us.

''My frustration lies with the fact that after 3 months we have not heard anything positive that we can move towards in rebuilding our business and to reestablish our customers' confidence to safely restore their goods in this area of Waterloo.

''I realize there are many horror stories of people's houses being lost along with all of their belongings. Our situation at Crystal Distribution in Waterloo, Iowa is one of many. Unfortunately, I have yet to see or hear of much, if any, real help to those who have been devastated. It appears that the business community has fallen between the cracks of red tape and inaction. Hopefully I have given you a decent, general description of what happened to us back in Iowa. I can only pray that some form of help will become available to assist us in our recovery from this overwhelming disaster.''

Next I am going to read from Marvin and Darlene Young in Littleton, Iowa. ''I would like to say that I, like many others, went through a devastating flood in the summer of 2004. My wife

and I would like to just ask our U.S. Government to please take another look at trying to give us the help that we so desperately need. Not just us from 2004, but also help in allocating more funds for the buyout program and more funds for disaster relief to help recent victims.

''It has been 4 long years of hell, and these people were devastated by flooding 4 years ago.

''We were forced from our home via condemnation, and we were promised help would be coming. Yet we still have to pay property taxes and lot rent and had to incur debt by purchasing a new home. We have to keep telling people that we owe to please be patient and wait a little longer to be paid. We just feel that we have fell through the cracks, and no one cares, because the people who are in charge in Iowa and Buchanan counties can move on because it didn't happen to them.

''We have been to every government agency that we were told about that could help us, and all we keep getting is there are no funds available to help.

''What we cannot understand is how our government can be so apt to help out other countries around the world with money that they tell us our government does not have. We would like our Congress to please tell us where they keep getting this money to help them, but not us American people.

''Our son can sign up to defend this country, and recently was and currently is deployed, to put his life on the line for a government that can't help his parents in a time of such devastation. We have nowhere left to go to ask for help. The disaster of 2004 has put us so far into debt, we don't know what to do. It wouldn't be that big of a deal if we weren't told to leave our home and told to leave our belongings because it wasn't safe.

''However, the government agency, FEMA, which is running the operation, informed us not to worry because they were there to help. How were we to have faith in the systems that are set up to help the American people, when here we are, 4 years later, and in a bigger mess than we were due to the government agency running the operation. I hope you can put our concerns into serious consideration. I am sure that we are not the only ones out there.''

The next letter is from Brenda Leonard, who is the emergency management coordinator in Jones County. When I was in Jones County during the peak of the flooding, I visited the communities of Stone City, Anamosa, the county seat, Monticello, Olin and Oxford Junction, all of which experienced record and overwhelming flooding.

''My name is Brenda Leonard, and I am the Jones County Emergency Management Coordinator in eastern Iowa. During the flooding in June, the cities of Anamosa, Monticello, Olin and Oxford Junction saw record levels of flooding on our two rivers, which cover over 90 miles. In fact, the Maquoketa River has risen out of its banks almost a dozen times this spring and summer.

''Our monitoring system for the river and creek levels involves one automated gauge and residents along the Wapsipinicon River. The Maquoketa River does not have a gauge in our county, so we have to rely on residents of the county to keep us updated as to the changing levels and rainfall amounts. We also rely on a network of volunteers and other counties upriver from us. Even with this information from the volunteers, there was no way we could have foreseen the amount of water we were inundated with.

''These record levels have caused great damages to three city wastewater plants, over 350 homes, 20 businesses, and ranked our secondary roads department as second in the State for damages. This is tremendous devastation in a county with a population of 20,221. I would also like to say that our residents have portrayed the great Midwest spirit by helping their neighbors for preparing for, fighting, and recovering from this monumental of event.''

To show you the kind of county Jones County is, approximately 15 percent of the residents of Jones County are veterans of our armed services who serve their country with great pride.

The next letter is from Sarah Powell, a resident of New Hartford, Iowa, who had the double whammy of both the most powerful tornado in the United States this year, and a record flood in the span of 10 days, Sarah Powell.

''My biggest frustration with FEMA is that New Hartford was the first town to get hit by the flood and are now the last people to get taken care of. FEMA told me in the beginning, right after the disaster, that I would be put on an emergency housing list and asked if I was willing to travel. I told them 'no,' that we needed to be placed in Butler, Grundy or Black Hawk counties.

''FEMA told us we would be put on a waiting list. They have called numerous times and have told us that we were still on the list, but had no trailer for us at this time. They called and asked if we wanted to move to Cedar Rapids, Marion or Linn County.''

Just parenthetically, Cedar Rapids has 400 square blocks of devastation from epic levels of flooding in that community, the second largest city in Iowa.

''I told them 'no,' we weren't able to travel that far. Why are there trailers and places to live in Cedar Rapids, but not available places here for the people that were affected by flooding first? It is now September, and I still do not have a place to live. I know that New Hartford is a small town and does not have as big of a population, but we were still affected by the disaster, and we are people in need of help and assistance. I am also frustrated that FEMA has denied us for most of help that I applied for because I had flood insurance. I have always been under the impression that FEMA is there to help people with their personal property because flood insurance does not cover personal property.

''FEMA has told me that I have been denied for assistance because of insurance. I lost my house and everything that I owned. FEMA would only allow me $5,000 for all of my personal property. My insurance company assessed our damage to be almost $40,000, and FEMA assessed damages to be only $18,000.

''How can there be that large of a difference between the two assessments? The people that had no flood insurance have been helped out more than the people that do have flood insurance. If FEMA is not going to be fair and willing to help those affected by the disasters, what are they for?

This letter is from Jackie Heins, who is a resident of Waverly and runs the Kinetic Energy School of Movement & Music, a small business, located in Waverly.

Jackie's business, Kinetic Energy School of Movement & Music, was hit hard by the recent flooding in Waverly. Her location is right off Bremer Avenue, less than a block from the river.

When the flooding hit, Jackie's storefront was inundated. Jackie sustained not only severe damage to her dance floor, but the heating, cooling system and her electricity were both taken out for almost a month. Since the flood, Jackie has been working hard to get her business back and running. The dance floor had to be replaced, and some of her summer classes had to be cancelled.

On September 2, classes were restarted. However the back of her store is still torn up and, as she put it, we still have a ways to go yet. When asked what would have been more helpful to her, as a small business owner hit by this disaster, she replied that she would have liked to have been given much more clear information about what exactly her options were right after the flood hit. ''Everyone tells you call FEMA, but unless you have a very specific question in mind, or already know exactly what you are planning to do next, FEMA only gives you general guidance.''

The next letter is from Lorista Ambrose of Cedar Falls, Iowa. ''We lost two homes to the flood-nado (this is what we call it) in New Hartford, Iowa. First, the tornado, then the flood after we moved into town and rented a house. So we had two disasters. Not one.

''What we encountered with the FEMA process was inexcusable and way too complicated. I am going to walk you through our process, register

for FEMA and get a number. I understand that. Let them know if we got insurance money and how much.

''Then they sent me to register for SBA. I don't know why we would want a loan to pay ourselves back with interest. This was our tax money we paid in for things like this to help. But we did it.

''Can't get help from FEMA unless you were turned down for a loan (can't understand why that should matter.)

''Wait for inspections of tornado house by both agencies. SBA inspection was done right away. Eligible for a loan.

''Turned down for FEMA before inspection. We have been told the denial is always sent out. Appeal.

''FEMA inspector never came until after we went back into the FEMA office many times, still being told by FEMA we were eligible for help. They knew we had insurance money and how much.

''June 8—we were flooded out of the house we rented. We moved to a hotel.''

This was after their house was destroyed in the tornado.

''Told by FEMA to register again for more damages because now we were in two disasters.

''Call FEMA to register again. The file is a complete mess now because FEMA process does not allow for two different addresses under one number, but we were made to do it that way anyway. Now every time we call, no one understands what we are talking about.''

Because they were moved out by the tornado and then by the flood.

''FEMA wants to inspect the tornado house now, even though they haven't already told us why we are not eligible. Why?

''Still no money.

''Not eligible. We have been in two disasters, lost everything twice, and can't get help. Now a month has gone by.

''Rented house gets inspected and our address gets changed in our file.

''Got a check for $13,000. We don't know what it is for, no address on the letter for what it's about. We were told we were not eligible. Go to a FEMA office, ask for help, and they don't know what this is for either. Sent e-mail for a confirmation of what this was for. No answer.

''Call a FEMA office, and a supervisor was able to tell us they made a mistake and to send the check back. It was for the rented house. We did.

''We give free help to other countries with no strings. Why aren't we doing this for our own people? Why can't we get a grant for the difference between what our insurance pays and the cost to rebuild the same house? Why a loan? We give grants for the mating habits of a bullfrog, but not for a disaster. Insurance does not cover the full cost on a 40 year-old house. Building costs went up so much in a year because of gas, and we could not have foreseen this. Now more disasters will make it go up even more as supplies are needed to rebuild.

''From the American standpoint, FEMA is worthless. What in this process with FEMA is urgent or addresses an emergency? It took us 2 months, countless letters and many hours at a FEMA office for no results. This needs to change.''

This letter is from Tony Mendez in Buffalo, Iowa, which is south of the City of Davenport, the southernmost town in the First District of Iowa.

''My name is Tony Mendez. I am the proud owner of a local small business in Buffalo, Iowa, that has been a core institution of our town for decades. Clark's Landing Restaurant is our name, and providing a local gathering place for our community is our privilege.

''Clark's Landing rests on a location of historical significance. In 1833, Captain Benjamin W. Clark, our restaurant's namesake, chose our site to erect a claim cabin to establish what is now known as Buffalo, Iowa. I have had the privilege of ownership since June 30, 1993.

''Since that time, we have battled the rising waters of the mighty Mississippi four times. With the extraordinary efforts of our community, we have survived these trials time and time again. I am often asked, after the water has receded, the cleanup and repairs have been made, and we welcome back our families and friends to our humble establishment: 'Don't you ever get tired of it and just want to give up?'

''My answer is always an emphatic 'no . . . ' I consider it a position of honor to be a guardian of what makes this country great. I will continue to protect one of our town's treasures and hope to pass on this time-honored position to my daughter, Mercedes, when she is ready.''

This letter is from business owners Darin Beck, Aaron Schurman and Dale Folkers with Phantom EFX corporation in Cedar Falls Iowa.

''We are writing this letter regarding the catastrophic flooding that occurred in Iowa this year. Before discussing the economic impact upon the community as a whole, and our firm in particular, allow me introduce us.

''Genesis Communications, Inc., which does business as Phantom EFX, is an advanced technology company that develops, manufactures and markets video games in the family entertainment category.

''We are located in Cedar Falls, Iowa, employing 40 people. We have been in business for over years. During those 10 years we have seen and weathered many changes in the national, State and local economies, as well as our particular industry.

□ 2045

No single event has been as devastating as the flood of 2008. As the floodwaters rose, families and businesses scrambled to save what they could and get out of harm's way. In the city of Cedar Falls, volunteers flocked to sandbag around the clock. These efforts saved our vibrant downtown business district, but many families and businesses were not so fortunate. In the part of town we were located in, the waters was unrestrained, resulting in massive losses of homes and business.

The loss to Phantom was over $1 million in inventory, furniture and fixtures. The real estate we occupied, valued at over $1.7 million was a total loss. The true loss due to business interruption is incalculable.

The Federal Government's response has been too little, too late, and nearly nonexistent. It is time for our government to step in to help, protect and defend its citizens.

Last Monday, as I mentioned earlier, I was pleased to have Speaker PELOSI visit Iowa to see firsthand the devastation caused by the floods and tornadoes. She visited Parkersburg, New Hartford, Sinclair, which had its grain elevator destroyed, Cedar Falls, and Waterloo in the 1st Congressional District. And you saw earlier the images of devastation in those communities.

Speaker PELOSI stressed her commitment to passing additional disaster relief, and I will keep working to ensure this funding is passed.

Speaker PELOSI also joined my calls for the President to decrease the Federal/State cost-share agreement for Iowa's disaster recovery efforts. And I am happy to report that after our collective urging last week, FEMA changed the Federal/State cost-sharing agreement to 90 percent Federal, 10 percent State funding.

Last week, I also joined the entire Iowa congressional delegation to urge President Bush to file a formal disaster request for funding for Iowa. I am continuing to push the administration and the FEMA bureaucracy to quickly release all of the funding that we have already secured for the State of Iowa, and I am hopeful that FEMA will release the first $85 million in the next week, and I want to continue to push HUD to release the other $200 million as soon as possible.

Hundreds of millions of dollar that Congress already passed for Iowa is being held up by the administration instead of being used to help rebuild Iowa. I am going to continue fighting to cut through the bureaucratic red tape and ensure that Iowa quickly receives the funding that Congress has already passed. Iowa needs more Federal help now, and I am going to continue working with Speaker PELOSI and the entire Iowa delegation to provide more disaster relief for Iowa.

In addition to the $2.65 billion flood relief package that has already been passed, we need to pass a second emergency flood relief bill. We have been working on that and need to get it out on the floor next week.

I have also worked with my colleague, Congressman DAVE LOEBSACK from Iowa's 1st Congressional District, to help Iowa railroads repair and rebuild bridges that were destroyed, and that bill is called the Back on Track Act. You saw the photograph of the railroad bridge that collapsed in downtown Waterloo. And as I mentioned earlier, the economic impact of those collapsed bridges is enormous.

We also need to continue pushing for FEMA to take a greater share of disaster relief with the delegation pushing the President to have the Federal Government assume 100 percent of the cost of the disaster relief to lessen the burden on Iowans.

In the wake of the flooding disaster, I traveled to dozens of towns and inspected the flooding to check on the folks that I represent and see if they had their immediate needs met. In that time I visited the communities of Waterloo, Cedar Falls, Evansdale, Gilbertville, La Porte City, New Hartford, Waverly, Greene, Shell Rock, Clarksville, Independence, Elkador, Anamosa, Olin, Oxford Junction, Stone City, Clermont, Davenport, Buffalo and more.

In addition, we met with the director of FEMA, the governor, both senators, the acting administrator of the Small Business Administration to address these needs, but acting in Congress will not get funds to the people who need it in Iowa unless administration officials do their jobs and start freeing up money that needs to get in the hands of the people who need it.

To give you some idea of what I am talking about, in FEMA alone as part of that $2.65 billion package we passed in June, $897 million in FEMA disaster relief funding was allocated. On July 1, 2008, FEMA's disaster relief fund had a total of almost $4 billion in undistributed funds. That's the most recent disaster relief report available from FEMA.

As of right now, FEMA has only given away a little over $500 million to Iowa and has in its possession billions of dollars of undistributed disaster relief funds which need to get to the people in need, in addition to the new people in crisis in the gulf coast.

Now let's talk about the Community Development Block Grant. Of that $2.65 billion package in June, $300 million was allocated for CDBG funding, and the importance of that is it gets it into the hands of local officials who can target and set up criteria to make the most direct impact in their communities. None of that $300 million in CDBG funding that we passed more than 2 months ago is currently in the hands of Iowans in crisis.

Then let's talk about the Economic Development Administration also known as the EDA. Of that $2.65 billion package, nearly $100 million was allocated for EDA funding, and none of that $100 million in funding passed 2 months ago is currently in the hands of Iowans in need.

In addition there may be additional delays with the distribution of other funds in that $2.6 billion package, including $606 million for the Army Corps of Engineers, $267 million for the Small Business Administration disaster loans, and $480 million for agricultural assistance. And until the crop harvest is completed and we know the true extent of the impact on agriculture in Iowa and other midwestern States, the extent of those damages is unknown.

But we do know this: the disaster season in the United States continues. And as we continue as a Federal Government to respond to the needs of U.S. citizens in crisis, it is incumbent upon every Member of Congress, no matter where they live, to recognize the fact that we are at our best when we respond to these needs with the heartfelt response that Americans expect in their time of crisis. That's why I call upon the Speaker, Minority Leader BOEHNER and every Member of this body to come together next week in the spirit of harmony and the spirit of goodwill to do what is necessary to address the needs of Iowans who have felt the brunt of this disaster in ways they have never felt before, the needs of other people in the midwest, the southeast, the southwest and the gulf coast, to respond to them and make sure that their needs are being addressed so they finally have faith that their Federal Government is there for them when they need it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONYERS (at the request of Mr. HOYER) for today until 4 p.m.

Ms. JACKSON-LEE of Texas (at the request of Mr. HOYER) for September 15 through 18 on account of business in district related to Hurricane Ike.

Mr. BRADY of Texas (at the request of Mr. BOEHNER) for September 17 and today on account of Hurricane Ike recovery efforts in the district.

Mr. DREIER (at the request of Mr. BOEHNER) for today on account of the death of his mother.

Mr. NUNES (at the request of Mr. BOEHNER) for today after 4 p.m. on account of attending a funeral in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. REYES) to revise and extend their remarks and include extraneous material:)

Mr. REYES, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. HERSETH SANDLIN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

(The following Members (at the request of Mr. WAMP) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 24.

Mr. JONES, for 5 minutes, September 24.

Ms. FOXX, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

ADJOURNMENT

Mr. BRALEY of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until Monday, September 22, 2008, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8465. A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule — Availability of Lists of Retail Consignees during Meat or Poultry Product Recalls [FDMS Docket Number FSIS-2005-0028] (RIN: 0583-AD10) received August 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8466. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Item Identification and Valuation Clause Update [DFARS Case 2007-D007] (RIN: 0750-AF73) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8467. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Ship Critical Safety Items [DFARS Case 2007-D016] (RIN: 0750-AF86) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8468. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Competition Requirements for Purchases from Federal Prison Industries [DFARS Case 2008-D015] (RIN: 0750-AG03) received August 6, 2008, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Armed Services.

8469. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements — New Thresholds [DFARS Case 2007-D023] (RIN: 0750-AF89) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8470. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8471. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8035] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8472. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8473. A letter from the Director, Office of Legislative Affairs, FDIC, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Financial Education Programs That Include the Provision of Bank Products and Services (RIN: 3064-AD28) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8474. A letter from the Acting Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — COMMISSION GUIDANCE ON THE USE OF COMPANY WEB SITES [Release Nos. 34-58288, IC-28351; File No. S7-23-08] received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8475. A letter from the Department of Education, transmitting the Department's final rule — Improving the Academic Achievement of the Disadvantaged; Migrant Education Program [Docket Id 2007-ED-OESE-130] (RIN: 1810-AA99) received August 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8476. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Improving the Academic Achievement of the Disadvantaged; Migrant Education Program [Docket Id 2007-ED-OESE-130] (RIN: 1810-AA99) received August 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8477. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Service of Process — received August 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8478. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; Soluble Fiber From Certain Foods and Risk of Coronary Heart Disease [[Docket No. FDA-2008-P-0090](formerly Docket No. 2006P-0393)] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8479. A letter from the General Counsel, FERC, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices and Communication Protocols for Public Utilities [Docket No. RM05-5-005; Order No. 676-C] received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8480. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Mandatory Electric Filing of Export and Reexport License Applications, Classification Requests, Encryption Review Requests, and License Exception AGR notifications [Docket No. 0612242559-8545-02] (RIN: 0694-AD94) received August 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8481. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Federal Government Participation in the Automated Clearing House (RIN: 1510-AB00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8482. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule — FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM (RIN: 3206-AL03) received August 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8483. A letter from the Chief, Branch of Listing, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Northern Spotted Owl [FWS-R1-ES-2008-0051; 92210-1117-0000-FY08-B4] (RIN: 1018-AU37) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8484. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Utah Regulatory Program [SATS No. UT-044-FOR; Docket ID: OSM-2007-0014] received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8485. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Utah Regulatory Program [UT-042-FOR; Docket ID OSM-2008-0016] received August 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8486. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Electronic Payment of Fees for Outer Continental Shelf Activities [Docket ID: MMS-2007-0MM-0065] (RIN: 1010-AD43) received August 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8487. A letter from the Chief, WO Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Poa atropurpurea (San Bernardino bluegrass) and Taraxacum californicum (California taraxacum) [FWS-R8-ES-2007-0010; 92210-1117-0000-B4] (RIN: 1018-AV04) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8488. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Sierra Nevada Bighorn Sheep (Ovis canadensis sierrae) and Taxonomic Revision [[FWS-R8-ES-2008-0014] [92210-1117-0000-B4]] (RIN: 1018-AV05) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8489. A letter from the Director Office of Protected Resources, NMFS, NOAA, Commerce, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to a U.S. Navy Shock Trial [Docket No. 080220219-8829-02] (RIN: 0648-AT77) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8490. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 060824226-6322-02] (RIN: 0648-AX02) received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8491. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area [Docket No. 070917520-8831-03] (RIN: 0648-AW06) received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8492. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ36) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8493. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Nantucket Lightship Scallop Access Area to Scallop Vessels [Docket No. 071130780-8013-02] (RIN: 0648-XJ51) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8494. A letter from the Acting Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Atlantic Highly Migratory Species; International Trade Permit Program; Bluefin Tuna Catch Documentation Program [Docket No. 080221247-8524-02] (RIN: 0648-AU88) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8495. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial

Period 1 Quota Harvested [Docket No. 060418103-6181-02] (RIN: 0648-XJ82) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8496. A letter from the Deputy Under Secretary and Deputy Director, Department of Commerce, transmitting the Department's final rule — Revision of Patent Fees for Fiscal Year 2009 [Docket No. PTO-C02008-0004] (RIN: 0651-AC21) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8497. A letter from the Acting General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Inflation Adjustment to Size Standards, Business Loan Program, and Disaster Assistance Loan Program (RIN: 3245-AF41) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8498. A letter from the Acting Chief, Trade and Commercial Regulations, Department of Homeland Security, transmitting the Department's final rule — FIRST SALE DECLARATION REQUIREMENT [Docket No. USCBP-2008-0062 CBP Dec. 08-31] (RIN: 1505-AB96) received August 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8499. A letter from the Acting Chief, Trade & Commercial Regulations, Department of Homeland Security, transmitting the Department's final rule — ENTRY REQUIREMENTS FOR CERTAIN SOFTWOOD LUMBER PRODUCTS EXPORTED FROM ANY COUNTRY INTO THE UNITED STATES [Docket No. USCBP-2008-0052 CBP Dec. 08-32] (RIN: 1505-AB98) received August 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8500. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — UNITED STATES-MOROCCO FREE TRADE AGREEMENT [Docket No. USCBP-2007-0056 CBP Dec. 08-29] (RIN: 1505-AB76) received August 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8501. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.179-1: Election to expense certain depreciable assets. (Also: 168, 179; 1.168(k)-1) (Rev. Proc. 2008-54) received September 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8502. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Unified Rule for Loss on Subsidiary Stock [TD 9424] (RIN: 1545-BB61) received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8503. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transition Guidance for New Funding Rules and Funding-Related Benefit Limitations under PPA '06 [Notice 2008-73] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8504. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — S Corporation Guidance under AJCA of 2004 and GOZA of 2005 [TD 9422] (RIN: 1545-BE95) received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8505. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Revisions to the Medicare Advantage and Prescription Drug Benefit Programs [CMS 4138-IFC] (RIN: 0938-AP52) received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 1650. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; with an amendment (Rept. 110–860, Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 6159. A bill to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes; with an amendment (Rept. 110–861) Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of North Carolina: Committee on Appropriations. H.R. 6947. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes (Rept. 110–862). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII Committees on Transportation and Infrastructure and Energy and Commerce discharged from further consideration. H.R. 1650 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska:

H.R. 6936. A bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. BUYER (for himself, Mr. MICHAUD, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. LAMBORN, Mr. SALAZAR, Mr. WALZ of Minnesota, Mr. BILIRAKIS, Mr. BROWN of South Carolina, and Mr. HARE):

H.R. 6937. A bill to improve energy and water efficiencies and conservation throughout the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself, Mr. GRIJALVA, Mr. ABERCROMBIE, and Mrs. NAPOLITANO):

H.R. 6938. A bill to amend the Immigration and Nationality Act to promote family unity, and for other purposes; to the Committee on the Judiciary.

By Mr. FILNER (for himself, Mr. JONES of North Carolina, Mr. MICHAUD, Mr. HARE, and Mr. WALZ of Minnesota):

H.R. 6939. A bill to amend title 38, United States Code, to provide two-fiscal year budget authority for certain medical care accounts of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RADANOVICH (for himself, Mr. NUNES, Mr. COSTA, Mr. CARDOZA, Mr. MCCARTHY of California, Mr. ROHRABACHER, Mr. CALVERT, and Mrs. MCMORRIS RODGERS):

H.R. 6940. A bill to provide flexibility for the operation of the Bureau of Reclamation C.W. ''Bill'' Jones Pumping Plant and the Harvey O. Banks Pumping Plant of the State of California in times of drought emergency, to support the establishment of a fish hatchery program to preserve and restore the Delta Smelt in the Sacramento-San Joaquin Delta, and for other purposes; to the Committee on Natural Resources.

By Mr. MCDERMOTT:

H.R. 6941. A bill to amend title XI of the Social Security Act to provide for an improved method to measure poverty so as to enable a better assessment of the effects of programs under the Social Security Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS:

H.R. 6942. A bill to amend section 5112 of title 31, United States Code, to provide for the return of the half-dime as the new 5-cent circulating coin, and for other purposes; to the Committee on Financial Services.

By Mr. BILBRAY (for himself, Mr. KENNEDY, Mr. BARTLETT of Maryland, Mr. ISSA, Mr. HUNTER, and Mrs. BONO MACK):

H.R. 6943. A bill to amend the Internal Revenue Code of 1986 to provide for a credit for algae derived fuels, and for other purposes; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 6944. A bill to transfer administrative jurisdiction over the Joliet Training Area in Will County, Illinois, to the Secretary of Agriculture for inclusion in the Midewin National Tallgrass Prairie, to provide for the conveyance of several parcels of the Joliet Training Area, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Agriculture, Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCALISE:

H.R. 6945. A bill to amend title 38, United States Code, to expand access to hospital care for veterans in major disaster areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DINGELL (for himself, Mr. BARTON of Texas, Mr. MARKEY, Mr. STEARNS, Mr. GORDON, and Mr. SHIMKUS):

H.R. 6946. A bill to make a technical correction in the NET 911 Improvement Act of 2008; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY:

H.R. 6948. A bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. GERLACH, Mrs. CAPPS, Mr. EVERETT, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mr. LIPINSKI, Mr. KENNEDY, Mr. MOORE of Kansas, Mr. FRANK of Massachusetts, Mr. GALLEGLY, Mr. MCCOTTER, Mr. KIRK, Ms. SCHAKOWSKY, Mrs. BIGGERT, Mr. MORAN of Virginia, Mr. MCGOVERN, and Ms. MCCOLLUM of Minnesota):

H.R. 6949. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture.

By Mr. STARK (for himself, Mr. CAMP of Michigan, Mr. RANGEL, Mr. MCCRERY, Mr. CLYBURN, Ms. KILPATRICK, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. KIND, Ms. SCHWARTZ, Mr. MCDERMOTT, Mr. RAMSTAD, Mr. MCNULTY, Ms. BORDALLO, Mr. COOPER, Mr. WILSON of Ohio, Ms. ROS-LEHTINEN, Ms. SUTTON, Mr. PASCRELL, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. SERRANO, Mr. POMEROY, Mr. UPTON, Mr. MEEK of Florida, Mr. EMANUEL, Mr. LEVIN, Mr. TIBERI, Mr. MCGOVERN, Mr. REYNOLDS, Mr. PASTOR, Mr. LARSON of Connecticut, Mrs. CHRISTENSEN, Mr. DAVIS of Alabama, Mr. ENGLISH of Pennsylvania, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Ms. LEE, Mr. TOWNS, Ms. CLARKE, Ms. WOOLSEY, Ms. WATSON, and Mr. WATT):

H.R. 6950. A bill to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Ms. WOOLSEY, Mr. HINCHEY, Ms. WATERS, Mr. MCGOVERN, Mr. MCDERMOTT, and Mr. GRIJALVA):

H.R. 6951. A bill to prohibit the use of funds by the Central Intelligence Agency or the Department of Defense to provide covert or clandestine assistance for the purpose of overthrowing the Government of Iran; to the Committee on Armed Services, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 6952. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize pilot or demonstration programs to prepare high school students to pass the United States citizenship exam; to the Committee on Education and Labor.

By Mrs. BACHMANN:

H.R. 6953. A bill to authorize the President to review and approve oil and gas exploration, development, and production projects under existing Federal oil and gas leases, both onshore and offshore, and to limit administrative and judicial proceedings with respect to such projects, upon finding that such a project complies with all applicable Federal laws, and for other purposes; to the Committee on Natural Resources.

By Ms. BALDWIN (for herself, Mr. GOHMERT, Mr. CONYERS, Mr. SMITH of Texas, and Mr. SCOTT of Virginia):

H.R. 6954. A bill to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of South Carolina (for himself, Mr. BACHUS, Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. NEUGEBAUER, Mr. MCHENRY, Mr. MANZULLO, Mr. JONES of North Carolina, Ms. GINNY BROWN-WAITE of Florida, and Mr. ROSKAM):

H.R. 6955. A bill to suspend contributions by the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation to the Housing Trust Fund during any conservatorship of such enterprises and to ensure full repayment to the Federal Government for costs of any such conservatorship and costs of HOPE for Homeowners program; to the Committee on Financial Services.

By Mr. BARROW (for himself, Mr. BISHOP of Georgia, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. GINGREY, Mr. JOHNSON of Georgia, Mr. KINGSTON, Mr. LEWIS of Georgia, Mr. LINDER, Mr. MARSHALL, Mr. PRICE of Georgia, Mr. SCOTT of Georgia, and Mr. WESTMORELAND):

H.R. 6956. A bill to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. BOOZMAN (for himself and Mr. MEEKS of New York):

H.R. 6957. A bill to amend the Foreign Assistance Act of 1961 to provide funding for capacity-building to microfinance service providers; to the Committee on Foreign Affairs.

By Mr. BRADY of Texas (for himself, Mr. PAUL, Mr. MCCAUL of Texas, Ms. GRANGER, Mr. GOHMERT, Mr. CULBERSON, Mr. POE, Mr. SAM JOHNSON of Texas, Mr. SMITH of Texas, Mr. AL GREEN of Texas, Mr. ORTIZ, Mr. THORNBERRY, Mr. GONZALEZ, and Mr. CARTER):

H.R. 6958. A bill to provide tax relief for the victims of Hurricane Ike, and for other purposes; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. KAGEN, Mr. LOEBSACK, and Mr. LATHAM):

H.R. 6959. A bill to amend the Higher Education Act of 1965 to clarify the procedures for awarding grants and contracts for Federal Trio Programs; to the Committee on Education and Labor.

By Mr. CLEAVER (for himself, Mr. CARNAHAN, Mr. CLAY, Mr. HULSHOF, Mr. GRAVES, Mr. AKIN, Mr. SKELTON, Mrs. EMERSON, and Mr. BLUNT):

H.R. 6960. A bill to establish the World War I centennial commission to ensure a suitable observance of the centennial of World War I; to the Committee on Oversight and Government Reform.

By Mr. CROWLEY:

H.R. 6961. A bill to amend the Internal Revenue Code of 1986 to allow certain public employees a deduction for distributions from governmental plans for health and long-term care insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. DELAHUNT (for himself, Mr. FLAKE, Mr. BERMAN, Mrs. EMERSON, Mr. MCGOVERN, Mr. LAHOOD, Ms. DELAURO, Mr. MORAN of Kansas, Mr. PAYNE, Mr. PAUL, Mr. FARR, Ms. HARMAN, and Mr. MEEKS of New York):

H.R. 6962. A bill to facilitate the provision of humanitarian relief to Cuba; to the Committee on Foreign Affairs.

By Mr. FORTENBERRY (for himself, Mr. BURGESS, Mr. SESSIONS, and Mr. TERRY):

H.R. 6963. A bill to amend title XXI of the Social Security Act to expand coverage options under the State Children's Health Insurance Program (SCHIP) through premium assistance; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX (for herself and Mr. CUELLAR):

H.R. 6964. A bill to amend the Unfunded Mandates Reform Act of 1995 to ensure that actions taken by regulatory agencies are subject to that Act, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, the Budget, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 6965. A bill to extend the authorization of the national flood insurance program, and for other purposes; to the Committee on Financial Services.

By Mr. LARSON of Connecticut (for himself, Mr. MURPHY of Connecticut, Ms. DELAURO, Mr. COURTNEY, and Mr. PASCRELL):

H.R. 6966. A bill to require continued application of budget neutrality on a national basis in calculation of the Medicare urban hospital wage floor; to the Committee on Ways and Means.

By Mrs. MCMORRIS RODGERS (for herself and Mr. MCCOTTER):

H.R. 6967. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require that, for a fiscal year, the total amount of money dedicated for earmarks may not exceed the estimated budget surplus for that year; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE of Wisconsin (for herself, Mr. MCGOVERN, Mr. GRIJALVA, Ms. BORDALLO, Ms. WOOLSEY, Mr. RUSH, Mr. FILNER, Ms. SCHAKOWSKY, Mr. KAGEN, Mr. ABERCROMBIE, Mr. SESTAK, Ms. LORETTA SANCHEZ of

California, Mr. KUCINICH, and Mrs. NAPOLITANO):

H.R. 6968. A bill to require the Secretary of Defense to conduct a demonstration project regarding access to mental health services by members of the Armed Forces; to the Committee on Armed Services.

By Mr. NEAL of Massachusetts:

H.R. 6969. A bill to amend the Internal Revenue Code of 1986 to disallow the deduction for excess non-taxed reinsurance premiums with respect to United States risks paid to affiliates; to the Committee on Ways and Means.

By Mr. REGULA (for himself and Ms. HERSETH SANDLIN):

H.R. 6970. A bill to authorize a comprehensive program of nationwide access to Federal remote sensing data, to promote its use for education, workforce training and development, applied research, and to support Federal, State, tribal, and local government programs; to the Committee on Natural Resources.

By Mr. RYAN of Ohio (for himself, Mr. ISRAEL, Mr. WEINER, Mr. RODRIGUEZ, Ms. SHEA-PORTER, and Mrs. BOYDA of Kansas):

H.R. 6971. A bill to establish a Public Service Scholarship Program, and for other purposes; to the Committee on Education and Labor.

By Mr. RYAN of Ohio (for himself, Mr. ISRAEL, Mr. WEINER, Mr. RODRIGUEZ, Ms. SHEA-PORTER, and Mrs. BOYDA of Kansas):

H.R. 6972. A bill to amend the Internal Revenue Code of 1986 to provide for a standard home office deduction in the case of certain uses of the office; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. WAXMAN, Mr. GALLEGLY, Mr. SHERMAN, Mrs. NAPOLITANO, Mrs. CAPPS, and Mr. BERMAN):

H.R. 6973. A bill to require rail carriers to develop positive rail control system plans for improving railroad safety and to increase the civil penalties for railroad safety violations; to the Committee on Transportation and Infrastructure.

By Mr. SIMPSON (for himself and Mr. SALI):

H.R. 6974. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO:

H.R. 6975. A bill to require aliens to attest that they will not advocate installing a Sharia law system in the United States as a condition for admission, and for other purposes; to the Committee on the Judiciary.

By Mrs. TAUSCHER (for herself, Mr. DAVIS of Alabama, and Mrs. MCCARTHY of New York):

H.R. 6976. A bill to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes; to the Committee on Agriculture.

By Mr. TIERNEY:

H.R. 6977. A bill to amend the Truth in Lending Act to protect consumers from usury and unreasonable fees, and for other purposes; to the Committee on Financial Services.

By Mr. TIERNEY:

H.R. 6978. A bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes; to the Committee on Financial Services.

By Mr. KUHL of New York:

H.J. Res. 98. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of times Senators and Representatives may be elected; to the Committee on the Judiciary.

By Mr. MCDERMOTT:

H. Con. Res. 420. Concurrent resolution expressing the sense of Congress regarding the need to re-weave America's social safety net to respond to the needs of the 21st century economy and labor market; to the Committee on Education and Labor.

By Ms. SCHWARTZ (for herself, Mr. SHUSTER, Mr. GERLACH, Mr. MCCOTTER, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. GINGREY, Mr. PITTS, Mr. DAVIS of Alabama, and Mr. LIPINSKI):

H. Con. Res. 421. Concurrent resolution calling on the International Olympic Committee to designate a new venue for the 2014 Winter Olympic Games; to the Committee on Foreign Affairs.

By Mr. SCOTT of Georgia (for himself and Mr. BERMAN):

H. Res. 1461. A resolution recognizing the 10th anniversary of the terrorist bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and the memorializing of the citizens and families of the United States, the Republic of Kenya, and the United Republic of Tanzania whose lives were lost and injured as a result of these attacks; to the Committee on Foreign Affairs.

By Mr. MCGOVERN (for himself, Mr. GARRETT of New Jersey, and Mr. MILLER of North Carolina):

H. Res. 1462. A resolution condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan; to the Committee on Foreign Affairs.

By Mr. PLATTS (for himself and Ms. MATSUI):

H. Res. 1463. A resolution recognizing the benefits of service-learning as a teaching strategy to effectively engage youth in the community and classroom, and supporting the goals of the National Learn and Serve Challenge; to the Committee on Education and Labor.

By Mr. GEORGE MILLER of California:

H. Res. 1464. A resolution recognizing and honoring the 50th anniversary of the founding of AARP; to the Committee on Education and Labor.

By Mr. KIRK:

H. Res. 1465. A resolution recognizing the work of the law enforcement officers in Lake County, Illinois, their cooperative work with the Bureau of Alcohol, Tobacco, Firearms and Explosives agents, and expressing congressional support for their ongoing work protecting Lake County communities from drugs and gangs; to the Committee on the Judiciary.

By Ms. EDWARDS of Maryland:

H. Res. 1466. A resolution honoring Dr. Guion S. ''Guy'' Bluford, Jr., and the 25th anniversary of his historic flight as the first African-American in space; to the Committee on Science and Technology.

By Ms. ESHOO (for herself, Mr. WOLF, Mr. KNOLLENBERG, Mr. FORTENBERRY, and Mr. MCCOTTER):

H. Res. 1467. A resolution expressing the concern of the House of Representatives for the plight of Iraq's vulnerable ethno-religious minorities, and urging greater measures to protect the members of such minorities who have become refugees, asylum seekers, or internally displaced persons; to the Committee on Foreign Affairs.

By Mr. HALL of New York (for himself, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. GALLEGLY, Mr. MAHONEY of Florida, and Mr. WEXLER):

H. Res. 1468. A resolution congratulating the U.S. Equestrian Team on winning the Gold Medal in team show jumping in the Games of the XXIX Olympiad; to the Committee on Oversight and Government Reform.

By Mr. KENNEDY:

H. Res. 1469. A resolution to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself, Ms. SUTTON, Mr. REGULA, Ms. KAPTUR, Mr. OBEY, Mr. KUCINICH, Mr. CONYERS, and Mr. UDALL of Colorado):

H. Res. 1470. A resolution recognizing and honoring the achievements and legacy of former Representative John F. Seiberling, and expressing deep condolences to the Seiberling family for their loss; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. GUTIERREZ introduced a bill (H.R. 6979) for the relief of Gloria Ayala Cuyuch; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. CHILDERS.
H.R. 192: Mr. WITTMAN of Virginia.
H.R. 332: Mr. WITTMAN of Virginia.
H.R. 333: Mr. KLEIN of Florida.
H.R. 661: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 676: Mr. HOLT.
H.R. 891: Mr. ENGLISH of Pennsylvania, Mr. PAYNE, and Ms. GIFFORDS.
H.R. 1014: Mr. LAHOOD.
H.R. 1039: Mr. SNYDER.
H.R. 1078: Mr. SMITH of New Jersey.
H.R. 1110: Mr. BARRETT of South Carolina and Mr. BLUNT.
H.R. 1134: Mr. HERGER and Ms. CASTOR.
H.R. 1157: Ms. HIRONO, Mrs. DRAKE, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. BOREN, and Mr. DICKS.
H.R. 1185: Mr. ROSKAM.
H.R. 1246: Mr. CONYERS.
H.R. 1280: Mrs. BIGGERT, Mr. MITCHELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. PORTER, and Mrs. LOWEY.
H.R. 1306: Mr. HERGER.
H.R. 1386: Mr. GONZALEZ.
H.R. 1439: Mr. PLATTS.
H.R. 1552: Ms. CASTOR.
H.R. 1576: Mr. BUCHANAN.
H.R. 1618: Mrs. BONO MACK.

H.R. 1655: Mr. MORAN of Virginia.
H.R. 1671: Mr. ALLEN and Mr. CLEAVER.
H.R. 1820: Mr. CONYERS and Ms. VELÁZQUEZ.
H.R. 1846: Mr. MARCHANT.
H.R. 1881: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2169: Ms. HARMAN.
H.R. 2221: Mr. CLYBURN.
H.R. 2238: Mr. NUNES.
H.R. 2564: Mr. BROWN of South Carolina.
H.R. 2860: Mr. DICKS.
H.R. 2870: Mr. MCGOVERN.
H.R. 3010: Mr. HARE.
H.R. 3014: Mr. TIERNEY.
H.R. 3109: Mr. STUPAK.
H.R. 3212: Mr. HASTINGS of Florida, Mr. RUSH, and Mr. KIND.
H.R. 3363: Mr. MILLER of North Carolina and Mr. MCCOTTER.
H.R. 3423: Mr. DELAHUNT, and Mr. PASTOR.
H.R. 3660: Mr. BOOZMAN.
H.R. 3700: Mr. BUTTERFIELD.
H.R. 3797: Mr. DICKS.
H.R. 3871: Mr. CAZAYOUX.
H.R. 3929: Mr. NEAL of Massachusetts.
H.R. 4450: Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. BUTTERFIELD, and Mr. BISHOP of New York.
H.R. 4544: Mr. NEAL of Massachusetts, Ms. SHEA-PORTER, and Mr. MCCARTHY of California.
H.R. 4836: Mr. GRIJALVA.
H.R. 5161: Mr. HINCHEY.
H.R. 5268: Mr. MEEK of Florida and Mr. RUSH.
H.R. 5443: Mr. CARTER.
H.R. 5447: Mr. MURPHY of Connecticut.
H.R. 5469: Mr. WEXLER.
H.R. 5596: Mr. CARTER.
H.R. 5606: Mr. KUHL of New York, Mr. LATHAM, and Mr. BRADY of Pennsylvania.
H.R. 5673: Mr. MILLER of Florida.
H.R. 5734: Mr. CAPUANO.
H.R. 5793: Mr. REHBERG and Mr. BILIRAKIS.
H.R. 5852: Mr. MORAN of Virginia.
H.R. 5868: Mr. THORNBERRY.
H.R. 5901: Mr. SESTAK and Mr. CLAY.
H.R. 5924: Mr. RUPPERSBERGER.
H.R. 5946: Ms. SHEA-PORTER.
H.R. 6066: Mr. SHAYS, Mr. CONYERS, Mr. YARMUTH, and Mr. MCNULTY.
H.R. 6100: Mrs. CAPPS, Mr. SERRANO, and Mr. MCGOVERN.
H.R. 6145: Mr. BARTLETT of Maryland, Mrs. CAPITO, Mrs. BONO MACK, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Kentucky, Ms. GRANGER, Mr. KELLER, Mr. MACK, Mrs. MYRICK, Ms. ROS-LEHTINEN, Mr. SHIMKUS, Mr. CASTLE, Mr. HUNTER, Mr. WOLF, Mr. JOHNSON of Illinois, Mr. GERLACH, and Mr. BACHUS.
H.R. 6179: Mr. WITTMAN of Virginia.
H.R. 6192: Mr. GALLEGLY.
H.R. 6202: Mr. GRIJALVA.
H.R. 6258: Mr. BISHOP of Georgia.
H.R. 6408: Mr. PALLONE, Mr. BISHOP of New York, and Mr. COSTA.
H.R. 6478: Mr. ALTMIRE, Mr. LAMPSON, Mr. WILSON of Ohio, and Mr. WAMP.
H.R. 6485: Mr. PASTOR, Mr. HODES, and Mr. RAHALL.
H.R. 6517: Mr. PERLMUTTER.
H.R. 6551: Mr. DAVIS of Illinois.
H.R. 6562: Mr. CARNAHAN.
H.R. 6567: Mr. GOODLATTE.
H.R. 6581: Mr. HARE.
H.R. 6594: Mr. PASTOR.
H.R. 6603: Mr. MCHUGH and Mr. MCNULTY.
H.R. 6617: Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, and Mr. HASTINGS of Florida.
H.R. 6640: Mr. BRADY of Texas and Mr. HASTINGS of Florida.
H.R. 6654: Mr. PRICE of North Carolina.
H.R. 6680: Mr. BRADY of Pennsylvania, Mr. CAPUANO, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 6691: Mr. SMITH of Texas, Mr. NUNES, and Mr. CALVERT.
H.R. 6694: Ms. ZOE LOFGREN of California and Mr. SHIMKUS.
H.R. 6702: Mr. BARTLETT of Maryland and Mrs. LOWEY
H.R. 6725: Mr. KIND, Ms. DEGETTE, Mr. GENE GREEN of Texas, and Mr. GORDON.
H.R. 6748: Ms. CLARKE.
H.R. 6749: Mr. ISRAEL.
H.R. 6755: Mr. KIND.
H.R. 6831: Mr. MICHAUD and Mr. MELANCON.
H.R. 6835: Mr. COHEN.
H.R. 6836: Mr. UPTON.
H.R. 6837: Ms. BERKLEY.
H.R. 6844: Mr. REICHERT.
H.R. 6849: Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. SCOTT of Georgia, Mr. COURTNEY, Mr. DAVIS of Kentucky, Mr. ROSS, Mr. BOUSTANY, Mr. CUELLAR, Mr. HARE, Mr. EVERETT, Mr. CHANDLER, Mr. DONNELLY, Mr. SPRATT, and Mr. WALBERG.
H.R. 6856: Mr. COHEN.
H.R. 6865: Mr. CAPUANO.
H.R. 6869: Mr. HINOJOSA, Mr. HINCHEY, Mr. DEFAZIO, and Ms. JACKSON-LEE of Texas.
H.R. 6873: Mr. LATOURETTE, Mr. MCGOVERN, Mr. SERRANO, Mr. ENGEL, and Mr. MAHONEY of Florida.
H.R. 6884: Mr. MURTHA, Ms. HIRONO, Mr. PLATTS, Mr. RUPPERSBERGER, Mr. FRANK of Massachusetts, and Ms. ESHOO.
H.R. 6913: Mr. SHAYS, Ms. DELAURO, and Mr. MCGOVERN.
H.R. 6928: Ms. BERKLEY.
H.R. 6930: Mr. WOLF, Mr. SMITH of New Jersey, Mr. SESTAK, and Mr. LEWIS of Georgia.
H.R. 6932: Mr. KIRK, Mr. ACKERMAN, Ms. SCHAKOWSKY, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. HONDA, Mr. ENGEL, Mr. KLEIN of Florida, Mr. CHABOT, and Mr. COHEN.
H.J. Res. 22: Mr. CARTER.
H.J. Res. 79: Mr. CLAY.
H. Con. Res. 70: Mr. MCINTYRE.
H. Con. Res. 301: Mr. GILCHREST and Mr. SMITH of Texas.
H. Con. Res. 362: Mr. LEVIN and Mr. MCNERNEY.
H. Con. Res. 378: Mr. HALL of Texas.
H. Con. Res. 383: Mr. MCNERNEY.
H. Con. Res. 393: Mr. SHIMKUS, Mr. MORAN of Kansas, Mr. SHUSTER, Mr. SULLIVAN, Mrs. WILSON of New Mexico, Mr. MCCOTTER, Mr. MCCARTHY of California, Mr. NUNES, Mr. KINGSTON, Mr. FOSSELLA, Mr. FORTENBERRY, Mr. MARKEY, Mr. SHADEGG, Mr. CRENSHAW, Mr. FERGUSON, Mr. HUNTER, Mr. RADANOVICH, Mr. HALL of Texas, Mr. YOUNG of Alaska, Mr. KIND, Mr. LEWIS of Georgia, Mr. RYAN of Ohio, and Mr. TIBERI.
H. Con. Res. 397: Mr. TIERNEY, Mr. SHULER, Mr. BARTLETT of Maryland, Mr. WOLF, Ms. MATSUI, and Mr. COSTA.
H. Con. Res. 405: Mr. MCGOVERN.
H. Con. Res. 407: Mr. MEEKS of New York, Mr. CROWLEY, Mr. SIRES, and Ms. LINDA T. SÁNCHEZ of California.
H. Con. Res. 411: Mr. CARSON, Mr. CALVERT, and Mr. COHEN.
H. Con. Res. 416: Mrs. BONO MACK and Mr. DOYLE.
H. Con. Res. 417: Mr. MARIO DIAZ-BALART of Florida, Mr. KELLER, Mr. ROGERS of Michigan, Mr. TURNER, Mr. FERGUSON, and Mrs. DRAKE.
H. Con. Res. 418: Mr. EHLERS, Ms. GIFFORDS, Mr. BISHOP of Georgia, and Mr. REYES.
H. Res. 556: Mr. WAMP, Mr. PORTER, and Mr. CAMP of Michigan.
H. Res. 988: Mr. MCINTYRE.
H. Res. 1042: Mr. BARRETT of South Carolina, Mr. RYAN of Ohio, Mr. HERGER, Mr. SCALISE, and Mr. GERLACH.
H. Res. 1227: Ms. ESHOO.
H. Res. 1258: Ms. JACKSON-LEE of Texas and Mr. FILNER.
H. Res. 1272: Mr. EHLERS.
H. Res. 1345: Mr. FILNER.
H. Res. 1352: Mr. SMITH of Texas, Mr. CASTLE, and Mr. DENT.
H. Res. 1375: Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. GERLACH.
H. Res. 1381: Mr. SALAZAR, Mr. ORTIZ, Mr. CUELLAR, Mr. STARK, Ms. MCCOLLUM of Minnesota, and Mr. RYAN of Ohio.
H. Res. 1386: Ms. BEAN and Mr. LUCAS.
H. Res. 1390: Mr. KUHL of New York and Mr. BERMAN.
H. Res. 1392: Mr. PUTNAM, Mr. ALTMIRE, Mr. MURTHA, Mr. HOLDEN, Mr. CARNEY, Mr. EHLERS, Mr. DOYLE, Mr. SMITH of New Jersey, Mr. POMEROY, Mr. SESSIONS, Mr. LEWIS of Kentucky, Mr. MATHESON, Mr. DAVIS of Kentucky, Mr. WU, Ms. BERKLEY, Mr. ROSKAM, and Mr. PAUL.
H. Res. 1406: Mr. GENE GREEN of Texas, Mr. CAPUANO, Mr. FRANK of Massachusetts, Ms. LINDA T. SÁNCHEZ of California, and Mr. SMITH of Washington.
H. Res. 1410: Mr. HONDA.
H. Res. 1414: Mr. BRADY of Texas.
H. Res. 1416: Mr. POE and Mr. GENE GREEN of Texas.
H. Res. 1421: Mr. WOLF, Mr. SHULER, and Mr. NADLER.
H. Res. 1427: Mr. PLATTS and Mr. MILLER of Florida.
H. Res. 1428: Ms. HARMAN, Mr. HAYES, Mr. ETHERIDGE, Mr. MCCAUL of Texas, Mr. SESSIONS, and Mr. BRADY of Texas.
H. Res. 1436: Mr. BRALEY of Iowa, Mr. BROUN of Georgia, Mr. ETHERIDGE, Mr. FILNER, Mr. FOSTER, Mr. GRIJALVA, Mr. HARE, Mr. LARSON of Connecticut, Ms. MOORE of Wisconsin, Mr. SNYDER, Mr. WALZ of Minnesota, Mr. YOUNG of Alaska, Mr. COSTA, Mr. MARSHALL, Mr. LIPINSKI, Mr. LINCOLN DAVIS of Tennessee, Mr. WILSON of Ohio, Mr. SIRES, Mrs. NAPOLITANO, Mrs. BOYDA of Kansas, Mr. DAVIS of Alabama, Mr. PALLONE, Mr. MCNERNEY, Mr. MITCHELL, Mr. HILL, Ms. HOOLEY, Mr. DONNELLY, Mr. HAYES, Ms. HARMAN, Mr. MELANCON, Mr. TAYLOR, Mr. LAMPSON, Mr. JOHNSON of Georgia, and Mr. BACA.
H. Res. 1437: Mrs. BOYDA of Kansas, Mr. ROSS, Mr. MCGOVERN, Mr. JONES of North Carolina, Mr. WALZ of Minnesota, Ms. MATSUI, Mr. WESTMORELand, Mr. SPRATT, Mr. BOOZMAN, Mr. MCINTYRE, Mr. OLVER, Mr. KIND, Mr. SNYDER, Mr. ARCURI, Mr. MORAN of Virginia, Mr. LOBIONDO, Mrs. MCCARTHY of New York, Mr. BERMAN, Ms. SUTTON, Mr. BISHOP of Georgia, Mr. WILSON of Ohio, Mr. TANNER, Mr. TOWNS, Mr. FARR, Ms. NORTON, Mr. GOODE, Mr. GOHMERT, Mr. GORDON, Mr. LEVIN, Mr. CONAWAY, Mr. TERRY, Mr. MATHESON, Mr. PRICE of Georgia, Mr. BOUCHER, Ms. GIFFORDS, Mr. UPTON, Mr. ETHERIDGE, Mr. GONZALEZ, Mr. EHLERS, and Mr. GRAVES.
H. Res. 1438: Mr. MCNERNEY.
H. Res. 1440: Mr. MITCHELL.
H. Res. 1446: Ms. BORDALLO.
H. Res. 1450: Mr. GARRETT of New Jersey.
H. Res. 1451: Ms. SUTTON, Mr. KIRK, Ms. WOOLSEY, Mr. MCNULTY, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. PASCRELL, Mr. HONDA, Mr. COHEN, Ms. ROYBAL-ALLARD, Mr. LYNCH, Mr. WEXLER, Mr. PITTS, Ms. BORDALLO, Mr. FORTUÑO, Ms. LEE, Mr. HINOJOSA, Mr. CARSON, Mr. KLEIN of Florida, Mr. CUMMINGS, Mr. ADERHOLT, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr.

ROHRABACHER, Mr. MANZULLO, Mr. ROYCE, Mr. CHABOT, Mr. TANCREDO, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. BARRETT of South Carolina, Mr. BILIRAKIS, Mr. MCCAUL of Texas, Mr. BARTLETT of Maryland, Mr. MCNERNEY, Ms. MOORE of Wisconsin, Ms. TSONGAS, Mr. DELAHUNT, Ms. WATSON, Mr. CLEAVER, and Mrs. CAPPS.

H. Res. 1452: Mr. HENSARLING, Mrs. BACHMANN, Mrs. BLACKBURN, Ms. FALLIN, Mr. BROWN of South Carolina, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. GOODE, Mrs. SCHMIDT, Mr. DAVIS of Kentucky, Mr. MCCOTTER, Mr. BARRETT of South Carolina, Mr. BROUN of Georgia, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. GINGREY, Mr. DOOLITTLE, Mr. HERGER, Mr. FLAKE, Mr. BILBRAY, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. ALEXANDER, Mr. MCCRERY, Mr. PORTER, Mr. NEUGEBAUER, Mr. GERLACH, Mr. DENT, Ms. FOXX, Mr. TURNER, Mr. CONAWAY, Mr. MACK, Mrs. BONO MACK, Mr. SMITH of Nebraska, Mr. LATOURETTE, Mr. BURTON of Indiana, Mr. SHADEGG, Mr. MCKEON, Mr. SALI, Mr. YOUNG of Alaska, and Mr. SAM JOHNSON of Texas.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. TANCREDO on House Resolution 1240: Virgil H. Goode, Jr.

Petition 17 by Mr. CANNON on the bill (H.R. 6211): Terry Everett, Ken Calvert, Ralph M. Hall, W. Todd Akin, John E. Peterson, Wally Herger, John Campbell, Todd Tiahrt, John T. Doolittle, Mark E. Souder, Jo Ann Emerson, Cliff Stearns, Dan Burton, Donald A. Manzullo, F. James Sensenbrenner, Jr., Jerry Lewis, Mac Thornberry, Cathy McMorris Rodgers, Lamar Smith, Zach Wamp, Patrick T. McHenry, Bob Goodlatte, Doug Lamborn, John Kline, Robert E. Latta, Howard Coble, Phil Gingrey, Michael K. Simpson.

Petition 18 by Mr. PEARCE on the bill (H.R. 5868): Joe Wilson, Cathy McMorris Rodgers, Chris Cannon, Bob Goodlatte, Lincoln Diaz-Balart, John Kline, Robert E. Latta, David G. Reichert, Thaddeus G. McCotter, Mike Rogers.

SENATE—*Thursday, September 18, 2008*

(Legislative day of Wednesday, September 17, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The guest Chaplain, Rev. Peter Marshall, Jr., Orleans, MA, offered the following prayer:

Let us pray.

Heavenly Father, I pray for the men and women of this Chamber, who by Your mercy have been granted the high privilege of being a U.S. Senator. Make them mindful, O God, that they hold their office as a public trust; that they are first responsible, not to their constituents or each other, but to You, as men and women who will one day stand before Your throne to give account for their lives. Father, if any of them are laboring under the jaded cynicism that can come from years spent in the political process, cleanse them from it. Father, grant them a renewed vision of the nobility of a life spent in public service. Fire their hearts, O God, with the love of truth and honest dealing, that they may rise above mere vote trading and the blandishments of lobbyists and do that which is right in Your sight.

Through Jesus Christ, our Lord, Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 18, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of the two leaders, the Senate will proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

I have been in contact with the Republican leader. We hope, in the near future, to be able to enter a unanimous consent agreement to move forward on the tax extenders legislation, with limited debate. We also were unable to reach an agreement to consider the Advance America's Priorities Act. I am expecting a call from Senator COBURN momentarily to see if we can work our way through that. If we are unable to reach an agreement today on the extenders package—and we certainly think it would be possible, with an agreement, to work through the Coburn problems, but if we cannot do that, we will have to have a cloture vote in the morning on S. 3297. I hope that is not necessary.

I remind everybody that the adjournment date is next Friday. Everyone who holds things up must be very careful that they are not holding up our getting out of here on time. We have to do the extenders. We have to do the energy legislation. We have to do work on the stimulus bill, a CR, and a few other things that are absolutely necessary. I have spoken to the House leadership, and they want to be out by next Friday. But we have to send them some things before we can be out by next Friday.

I remind everyone that it is possible that we might have to work the next few days. There is nothing to change that at this stage. Monday, there will be no votes. I announced that some time ago. That being the case, whatever we do this week, then we have next Tuesday, Wednesday, Thursday, and Friday, and that is our adjournment date. If we don't finish our work by next Friday—or Saturday, if that is the case—the following week is a Jewish holiday, Rosh Hashanah, which means we would have to come back the following Wednesday. So I hope everybody understands how difficult this is. One of the Senators said to me: Why aren't you more definite in what you are scheduling? I just cannot be, with the procedures in the Senate. One or two people can really throw a monkey wrench into how we move forward.

I hope we can have a very productive day. It is possible that we can complete the tax extenders and the energy legislation today. We could do that all today. There is no reason we can't. We know what we need to do. We need to pass the paid-for extenders on energy. We need to have a vote on AMT, whether we are going to pay for that, and we need to have a vote on the rest of the extenders package. Time limits are in the proposed unanimous consent agreement. We can do that quickly, and we can then move to have the votes on the energy package. Senator BINGAMAN has an amendment. We have a House bill. We could move to substitute the Bingaman amendment for that. The Republicans have something they want to do on drilling. And then we will see if there is going to be the alternative offered by the Gang of 10. We could do that all today. We may go into the evening a little bit. But I hope Senators realize that every little bit of time that we don't have an agreement to move forward with legislation, it makes it more apparent that we are going to have to be here tomorrow, maybe Saturday, and certainly after the adjournment date.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

MAXIMUM COOPERATION

Mr. MCCONNELL. Mr. President, let me say to my good friend the majority leader that he can expect a high level of cooperation from this side on moving forward on the extenders package, as we have essentially reached an agreement, which has basically been drafted. We will be working on a way to go forward, procedurally, on that measure at the earliest possible time. He will also get maximum cooperation from us on a variety of different matters he would like to consider prior to next week. So we will stay in constant communication and try to see what we can accomplish on a bipartisan basis in the rather small amount of time we have remaining.

THE ECONOMY

Mr. MCCONNELL. Mr. President, on the front page of every newspaper in towns and cities throughout the country, Americans are reading stories about our economy and they are looking for answers. They are looking for leadership. They are looking for a sign that everything is going to be OK—or, at the very least, a sign that their elected officials are committed to fixing the problem.

I know that, in Kentucky, it is not the hard work that bothers them. They have always held up their end of the bargain. It is what they can't control that makes them nervous. They want to know that their pensions, their savings, and their families are going to be OK. They want to be reassured that the investments taxpayers made this week were the right thing to do.

Considering what the American people have seen from some of our colleagues on the Senate floor this week, I understand their nervousness. Instead of working to ease the anxiety Americans are feeling about the economy, some are using the anxiety to continue their everlasting campaign. Instead of coming together to face this problem head-on as a country, some colleagues have taken to the Senate floor to blame Republicans for the bad news.

It is little wonder why Americans hold this Congress in such low regard. We can all come up with a million reasons to blame someone for bad news, but it doesn't change the fact that we all face these challenges together. It is time to confront the problem rather than point fingers.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Montana is recognized.

IN THE LAST MINUTES

Mr. BAUCUS. Mr. President, as the old saying goes:

> If it were not for the last minute, a lot of things would not get done.

Well, God willing, we are nearing the last minutes of this Congress and, God willing, we are close to getting a lot of things done.

For the better part of this Congress, we have been working on passing three major tax bills. One has been to put America on sounder energy policy. The second has been to prevent the AMT from raising taxes for millions of American families. The third has been to extend a series of tax incentives that are vital to American jobs and families. Frankly, on these matters, what unites us is far greater than what divides us. And now, at the last minute, it is time to get these bills done.

With this in mind, I have worked with my good friend CHUCK GRASSLEY, the ranking Republican member of the Finance Committee. Together, we have worked with the majority leader and with the Republican leader. We have worked with Senator DURBIN and with Senator KYL. All of us have come together on a way to get these major tax bills done.

What has divided us on tax measures has been mostly whether to pay for them. Democrats have said we should. Republicans have said we should not. So we and the leaders have come up with an honorable compromise. We propose that we pay for the energy tax bill, that we not pay for the AMT bill, and that we pay for roughly half of the tax extenders bill. With this structure, we believe we can pass these bills, we can get a lot of things done, and we can help to bring on the last minutes of this Congress.

Passing these bills would get a lot of things done. The Energy bill would help to create well-paid jobs in the growing field of new energy technologies. It would help to secure America's independence from high-priced foreign oil. It would help us to move closer to addressing global warming.

The AMT patch would keep some 21.5 million taxpayers from being hit by a tax increase. We must not let more families fall into the AMT.

The tax extenders package would help provide relief in a time of economic uncertainty. The economy clearly is struggling and so are America's working families. Markets are experiencing volatility. In times such as these, Americans need tax cuts they have come to count on to help them get by. The tax extenders package includes the research and development tax credit to spur new, high-paying jobs. It includes a teacher expense deduction to help teachers who put out money from their own pockets to buy school supplies. It includes a tuition deduction to give families needed relief from rising college costs.

As well, this package includes the mental health parity bill. The bill has been a long time in coming. We must pass this bill for many reasons. It would ensure that families facing mental health challenges would receive fair treatment—treatment the same as those facing other health challenges. This legislation is a tribute to the hard work of Senators Paul Wellstone, TED KENNEDY, and PETE DOMENICI.

This package also includes disaster relief. It would aid the victims of the Midwest floods. It would help the victims of all recent federally declared disasters. It includes relief for the victims of Hurricane Ike and Gustav.

This is a good package. It would make real progress on energy policy. It would extend needed tax relief in hard times. It would give us a chance to show American families that Congress can work for them.

So let's hasten the last minutes of this Congress. With that, let's finally get a lot of things done. Let's do the work of governing that the American people sent us here to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. CORNYN. Mr. President, this week I witnessed the devastation and destruction of Hurricane Ike in Texas, and, of course, that destruction has extended beyond the State of Texas to other parts of the country as well, leaving thousands of people without homes, millions without electricity, and countless without water and the necessities of life.

I traveled with the Secretary of the Department of Homeland Security, Michael Chertoff, the head of the Federal Emergency Management Agency, the Secretary of Health and Human Services, and the President of the United States over the past few days surveying this devastation and trying to do everything we could collectively, together with the Governor of Texas, the National Guard, the Red Cross, and many volunteers, to get people back to their regular routine, hopefully back in their homes, back to work with power restored and the necessities of life being provided as soon as possible.

There are a lot of people working to make that happen, from private businesses to the electric utilities that are trying to get power back online to the oil companies. All are working as hard as they can to get life back to normal as soon as possible.

I also witnessed firsthand the importance to the Texans who were personally affected by this catastrophe of a calm, reassuring response from the Government, a disciplined approach to the problems, and a sense of optimism from their leaders about the future. What people want from their Government is not panic, is not hyperbole, is not partisan attacks and the blame game. What they want is their leaders to talk about how we are going to methodically work through this challenge and find a solution to the problem.

Unfortunately, in Washington, we are facing a very different but nevertheless very real storm in our financial markets. The problem is, we have witnessed the most recent string of failures that have not seen any precedent since perhaps the Great Depression.

The collapse of companies such as AIG and Lehman Brothers, the purchase of Merrill Lynch by the Bank of America, the probable sale of Washington Mutual, all on the heels of a massive Government takeover of Fannie Mae and Freddie Mac, point to a financial system in serious trouble.

Today we do not yet know where this will all lead, especially how far the fallout from the troubled subprime mortgage industry will reach. The irresponsibility of so many financial institutions has touched almost every segment of our economy, and the effects are far from over.

While I have heard from many of my colleagues demand for quick Government action to counter this downturn, I would caution all of us that the most important approach is to take a deep breath, to consider the facts, and then to act carefully and deliberately, working together across the aisle to identify the actual causes of this crisis and what we might do to make things better.

The first thing you need to do in a crisis is to take stock of the situation and identify the specific problems that need to be addressed so we can be sure or as much as humanly possible that we don't overreact or actually try to treat a problem that doesn't exist or to make something bad even worse, indeed.

Now, if there ever were a time, is a time for level heads and bipartisan cooperation, not overreaction and not partisanship. Now is the time for an earnest and probing discussion.

It is clear that many factors have contributed to this problem, and I have to say both political parties share part of the blame. In the 2 years since our Democratic colleagues have taken over, Congress has failed to address the rising debt of the Federal Government, with deficits at record levels, important tax relief that has not been made permanent and which will expire in 2011, and all attempts at addressing American energy production and, of course, rising prices at the pump. All of those efforts have effectively been blocked.

But rather than engaging in the blame game, which is a world class sport in Washington, and pouncing on this crisis as an opportunity to point fingers, the American people need for us to come together and have a serious, nonpartisan discussion, investigation, and resolution of these challenges.

One thing that should be crystal clear, however, is that mixing public purposes and private enterprise in a quasi-governmental entity is a dangerous business, if not more so, than the free market itself. The unprecedented collapse of Fannie Mae and Freddie Mac has sent shock waves throughout our financial system.

That is why 2 years ago I joined several of my colleagues in an attempt to reform government-sponsored entities. That is what these two entities, Freddie Mac and Fannie Mae, are called, government-sponsored entities. Unfortunately, folks on the other side of the aisle blocked every attempt at that time to reform this broken system. At the time, I suppose things seemed to be working pretty well. But as we know now, these institutions were rotten to their core and destined to ultimately fail. Looking back on those actions then, they seem even more urgent now than they did then.

Now that these institutions have failed, my colleagues on the other side of the aisle are calling for investigations they rejected 2 short years ago. Representative BARNEY FRANK at that time said:

> These two entities—Fannie Mae and Freddie Mac—are not facing any kind of financial crisis. The more people exaggerate those problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.

I have said things in the past that I have later on learned to regret or had cause to revise and correct. I bet BARNEY FRANK wishes he could take those words back today. We have colleagues in this body who went so far as to ask the President to immediately reconsider his ill-advised reform proposals. They are the reform proposals we have now enacted, unfortunately now that the horse is out of the barn and Fannie and Freddie have failed.

It is difficult to think that we may have had a chance to head off the collapse of Fannie and Freddie and prevent a lot of turmoil we are facing now. But, indeed, with the benefit of hindsight, if we had acted 2 years ago or even 5 years ago to implement the reforms we have now since implemented, we could have headed off this calamitous failure of these two huge quasi-governmental institutions.

Then, of course, there is the fact that Fannie and Freddie faced increasingly well-documented corruption and mismanagement. In 2006, some of the very leaders of those entities paid huge civil fines for basically cooking the books to make the profit look better than it actually was in order to reap huge financial bonuses. Yet for some reason, the Department of Justice gave them effectively a slap on the wrist, a civil fine rather than prison time and true accountability.

Because of the intertwining nature of these quasi-governmental entities, Fannie and Freddie, they developed ultimately a powerful lobby group and became institutionalized in the Government. They developed, in effect, a political shield that made them invulnerable to the kind of scrutiny that private enterprise ordinarily would have and that proper oversight would produce.

I have sent a letter to the Attorney General of the United States asking for a full investigation into what happened with Fannie and Freddie and to find out how two institutions that are so central to the issuance of mortgages in the United States could have been so poorly managed that they had to be bailed out by the American taxpayers.

Fannie and Freddie have proven that direct governmental involvement does not necessarily mean better management, nor does it preclude financial disaster. In fact, the Government involvement itself may have created a false sense of security that made it less obvious that these entities were, indeed, increasingly a house of cards.

What was the result? The result is now at least an estimated $200 billion tab for the Federal taxpayers, maybe higher in the end. All told, Reuters has estimated the Federal Government bailouts to date have totaled roughly $900 billion. Between Fannie and Freddie, Bear Stearns, the FHA, and an assortment of other programs, we will spend almost $1 trillion of the American taxpayers' money. This kind of spending on private entities and loans cannot protect the economy and will only result in higher taxes to pay for it and further dwindling of the value of the dollar.

That is why rather than reacting hastily and increasing the cost to the taxpayers, we need to cool down, take a breath, and look at the economy more closely.

No one suggests that regulation is not appropriate in the right circumstances, but the Democratic candidate for President, Senator OBAMA, used the word ''regulate'' or ''regulation'' or a variation of those words 26 times in a single speech this last week—26 times. What we need to ask ourselves is if we have the right systems in place to oversee and effectively regulate industry where necessary.

Anyone who has studied corporate law can tell you there are plenty of laws and regulations governing the conduct of business entities. The question we ought to be asking is, are they working effectively or is the redtape and bureaucracy self-defeating? What can we do to improve the regulatory regime, not necessarily use it as an excuse to grow the size of Government along with an increase in the tab the taxpayers invariably will pick up?

Rather than taking over businesses and guaranteeing against failure, how can we, working together in a nonpartisan fashion, create a more effective framework to help business succeed?

The most important thing to remember is that the free enterprise system

will weather any storm and will bounce back if we let it. But if we use this as an excuse to grow the size of Government, to create new bureaucracies, to create more redtape, and to create an increase in the cost of Government, then it will crowd out the new job creation we need in order to keep this economy strong.

So instead of trying to box in our economy and control it from Washington, DC, how it works in every minute detail, we should be creating the most fertile environment for the economy to grow. Overregulating the economy is like planting an oak tree in a flower pot. Even if it survives, it will never get very big.

There are some things Congress can do and can do quickly. We can reassure the American worker that we will keep taxes low rather than allow them to grow and increase. We can keep taxes low for individual Americans, for corporations, for small businesses. We can make sure the capital gains rate is low. We can do what Senator MCCAIN has proposed and lower the corporate tax rate, which is the second highest in the world.

Does it make sense to increase corporate taxes because we can stand up here and rail against corporations and excess of the market or does it make sense to make it more likely that these corporations will actually create jobs in America because of a more favorable tax regime rather than go abroad and create those jobs because the cost of doing business is too high here?

Another thing we can do is we can help cut out-of-control Federal spending. That would help the economy. Spending more Federal dollars will only take away from the people the resources we need to strengthen the economy—the small businesses that innovate and drive competition, the workers who make industry run, and the consumers who return money to the economy.

Another thing we can do is commit to free trade. Free trade creates jobs in America from the agricultural produce we grow to the products we manufacture that we have new markets for in other parts of the world. If we make a commitment to open new markets to fair and equal trade, we give new outlets for American goods and produce. Trade has always helped businesses grow, and it creates new jobs and higher wages right here in America. That is why one thing we could do to help stimulate our economy and get the economy back on track is to pass the Colombia Free Trade Agreement, something that Speaker PELOSI has blocked for many months now.

We can open America's energy resources for more domestic exploration and production.

Mr. President, I ask unanimous consent for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, we can open America's energy resources right here at home so that we would have to spend less money buying that oil from the Middle East or from Hugo Chavez in Venezuela.

Americans are feeling the pinch of high gas prices, and not just when they fill their gas tank. They feel it at the grocery store, and in the cost of fuel for the schoolbuses run by the school districts around the country, even for our law enforcement officials who drive police cruisers. These high gas prices affect all of us, and we could do something about it today, right here in Congress, by our being part of the solution and eliminating the moratorium on offshore exploration and development of the oil shale out in the Midwest and up in the Arctic, where we could produce as many as 3 million additional barrels of oil a day right here at home, and reduce the amount of money we send to the Middle East to buy that oil. We know also that it would create jobs here in America to produce it.

So there are a number of things we can do right here in the United States at this time that do not result in overregulation and strangulation of an already struggling economy.

We have seen financial institutions, such as the Bank of America, stepping in and shoring up the market and preventing some of the losses. And while there is no doubt this consolidation of the financial markets is painful for many, we have to focus on long-term solutions that will put the economy back on track. Again, this situation calls for a calm, nonpartisan discussion that looks for the real root of the causes of this crisis and the best ways to recover from it. We should remember the old carpenter's adage to measure twice and cut once. We can't afford to make hasty decisions that may in the long run hurt our economy.

We may never be able to foresee every crisis that our country or our economy will face, but I do know that America is built to weather any storm. American ingenuity and the engine of capitalism will always rebound, if we will let it.

Mr. President, I yield the floor

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

FISCAL RESPONSIBILITY

Mr. BROWN. Mr. President, I am always both amused and amazed to hear my friends on the other side of the aisle talk about taxes, because they are always talking about cutting the corporate tax rate. They always say our corporate taxes are higher than anyplace in the world. But that is on paper that they are the highest. The effective tax rate, what corporations are paying, is much lower. They know that and we know that.

It is so often a smokescreen. Senator MCCAIN and my friends on the other side of the aisle always want to talk about tax cuts. It is always a smokescreen to cut taxes for the wealthiest Americans while the middle class, again, bears the brunt. The Obama tax cuts are all about the middle class. He wants to cut taxes on people making $30,000 and $50,000 and $100,000 and $150,000 a year.

Certainly people making $300,000 a year can afford a little more, and that is exactly the way Senator OBAMA has looked at it, and the way so many of us have looked at it as well.

We want to get our fiscal house in order. We have seen what happens with President Bush and Vice President CHENEY. We have seen what happens with the Federal budget. We are spending close to $3 billion every week on this war in Iraq. These tax cuts, which have gone overwhelmingly to the richest citizens, have put us behind the eight ball. And we have seen our budget surplus—the day George Bush was sworn in—go to more than a $1 billion a day budget deficit. That is because of tax cuts for the rich. Not for the middle class, tax cuts for the rich. We want to move some of that money to middle-class tax cuts. And as we exit the war in Iraq and we begin to free up money, we want to use that for the domestic needs many of us have talked about.

The real reason I came to the floor, though, was to talk about what has occurred this week, what has happened on Wall Street. I am fairly incredulous that some in this body would still be saying we have too much regulation. It is pretty clear the cowboys on Wall Street and the deregulation of the Bush era—the Bush years—have led us to these problems. Not that this leads us to a Great Depression. I don't believe that. But it has led us back to some of the same kinds of unparalleled zealous greed on Wall Street which we haven't seen since the 1930s.

But what concerns me is that I remember 3 years ago, in early 2005, George Bush, DICK CHENEY, and JOHN MCCAIN barnstormed the United States and campaigned all over the country for Social Security privatization. They worshipped at the mantle of how important it would be to have these private accounts; that if only people on Social Security invested in the stock market, think how much better off they would be. That was in 2005. Imagine if Bush and CHENEY and MCCAIN, and others around here, had succeeded in that endeavor. Imagine what people would be doing today if we had privatized Social Security. When people opened their statements—if they had private accounts—imagine what they would be feeling today with what has happened in the stock markets.

That, to me, is the biggest contrast between the direction the country is

going in now, the direction JOHN MCCAIN and George Bush wanted to take also, and the direction so many senators, such as Senators WHITEHOUSE, MCCASKILL, and others in this body want to take us. Do we want to privatize Social Security, put senior citizens at the mercy of Wall Street? What would happen to their solid, guaranteed Social Security payments? Do we want to do that or do we want to make sure we will protect those Social Security payments?

I can't get Social Security out of my mind this week as I have seen what has happened with AIG, and what happened a few weeks ago with Bear Stearns, and what happened with Lehman Brothers and the stock market, and that we would possibly put people into private Social Security accounts. That is what JOHN MCCAIN wants to do. That is what they tried to do in 2005.

That is why I am so thankful that enough people in this body and in the House of Representatives, where I was in those days—and, more importantly, enough people in the United States, enough citizens—pushed back and said no to the Bush-Cheney-McCain privatization of Social Security. It wouldn't have worked then, and it clearly won't work now. It is a bad idea. It is one of the major issues I think we will see in the fall campaign, this whole idea of privatizing: privatizing Medicare, privatizing Social Security, privatizing the military, and all these contracts that Halliburton-Bechtel have.

Senator MCCASKILL, who will speak in a few moments, has done a great deal of work in trying to root out all the waste and all the illegalities, if you will, in some of these private military contracts. This whole effort to privatize has clearly cost taxpayer money. It has caused great risk for far too many people in Medicare. Thank God we were able to stop the Social Security privatization. If they had had their way in 2005, seniors would be much more worried about the cuts and the decline and the disintegration and the disappearance of their dollars if we had instituted private accounts, coupled with higher gas prices and food prices, and all that we have seen.

So again, I remind my colleagues that they have not given up on their idea in 2005. We know they will try it again. If they have a majority, and if Senator MCCAIN is elected, we know they will try privatization again. It was a bad idea then, it is a bad idea now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

WORDS MATTER

Mr. ISAKSON. Mr. President, I want to open my remarks by simply stating that words matter. And to the distinguished Senator from Ohio, for whom I have the greatest of respect, I gained a lot of concern yesterday when I heard the words used in so many speeches given on the floor, especially at this disconcerting time, when the American public is so worried about our marketplace and our financial markets.

As Members of the Senate, I think it is very important we be conscientious, that we be positive and prudent in every word we use. Words matter. We have seen a savings and loan in California fail because words got out that there might be a failure and it became a self-fulfilling prophecy. We have seen things happen in the economy in large measure that were reactions to words that were said which should not have been said at all.

In making that statement, I am going to make a speech about what is happening right now on Wall Street and about our role in the Senate, and I will remember the admonition I gave that words matter. The words I want to use are words that I think are in the best interests of the people of the United States, but more importantly of this institution.

We can't play this historical blame game and set a precedent for the cause of what is going on in the financial markets today. We have to recognize that we equally, as Republicans and Democrats, have a responsibility to work together and to recognize the things we have done that have contributed to the problem. And I will give some examples.

One of the problems with the American economy today is the deficit of $407 billion, which we will realize at the end of this month when the fiscal year ends. Yes, part of that deficit is because we have been at war. And had we not gone to war, we might be in the throes of terrorism. But that is another debate. But a lot of that deficit is about Federal spending. A lot is about the budget process. As Members of the Senate, we have yet to take up a single appropriations bill on the floor of the Senate, yet in less than 2 weeks, this fiscal year will end. I think it is our responsibility at a time of deficit, at a time of spending difficulties to get that debate to the floor of the Senate and for all of us, Republicans and Democrats alike, to recognize we have a role in what that deficit is.

Secondly, the concerns regarding the financial markets now started back in May and June, when oil prices went to $147 a barrel. We are within a week, almost a week, of adjourning, yet it is patently clear there will be no resolution by Congress to any way forward in terms of domestic exploration or dealing with all the other energy issues out there. Those are two things that, had we been doing them this month and in the months previous, might have helped to ameliorate at least part of the concerns on Wall Street.

So I think all of us, Republicans and Democrats alike, must understand that we share part of the blame as an institution, and not just as one political party blaming the other. It is time for cool heads and prudent minds in the Congress to prevail. Americans are concerned. We should not play politics with their future. By way of example, the previous speaker brought back the entitlement debate of 2005 and the challenge of privatization. We must remember today that the debate we had was about one of the problems that Congress has contributed to, and that is a Social Security system from which we have borrowed all of its trust fund and spent all of its money. Because of the way we have managed the fiscal house of the United States, we will dissipate the trust fund in its entirety by 2043. That is something we ought to be addressing. We can have differences on the way to address it, but to try to stigmatize a sitting President or a future candidate when they were trying to address a problem that we all know exists is not the way to deal with these financial difficulties.

On the question of regulation, I am not so sure it is a question at all of needing more regulation as much as it is a question of using the regulatory powers that we now have to address some of these problems. I will give a couple of examples.

On Wall Street, within the Securities and Exchange Commission, there used to be an uptick rule. And the uptick rule basically was that as the market was going up, you could play the market game with speculation. But if it was going down, you couldn't short sell it. What is happening on Wall Street now is there are a lot of people selling short, and they are selling short to the detriment of the American people but to the benefit of the individuals themselves. That is part of the problem. We should ask the Securities and Exchange Commission to look deeply into regulations that worked in the past and see if they can't bring back the uptick rule to stop what has been an abuse in terms of short selling.

Secondly, I have said on the floor of the Senate three previous times—and I will repeat it today because I believe it strongly, and because I think it is more true now than ever before—a significant contributor to the problems we are facing today is an absence of transparency and accountability on behalf of investment banking. The subprime securities that were created on Wall Street, and were rated investment grade by Moodys and Standard & Poor's, are the fundamental foundation of these financial collapses not just in the United States but around the world because those securities were bought as capital basis for many of the lending and financial institutions.

As we look to the future, and the recovery which we will see—because America always recovers—it is important that we never allow something

like the securitization of high-risk paper and rating as investment grade to ever happen again without some level of transparency and an absolute level of accountability on behalf of the institution.

I want to tell a brief story, only for the purpose of letting people know what a small world we live in and how our words matter and the consequences to our actions. I traveled to Kazakhstan in August with the majority leader, Senator REID. It was an educational trip of immense benefit to me, and I think of immense benefit to the country, in terms of what we did. Kazakhstan is a country of 16 million people with the largest find of oil in all of Asia. It is a wealthy country that built its capital city of Astana from scratch 10 years ago.

When we landed in Astana and left in a vehicle provided by the embassy and drove into town, there were landscaped gardens, beautiful buildings, gold-domed mosques—obviously, the best of everything because of the wealth they had.

But I noticed something interesting. I counted 17 buildings, midrise and high-rise, partially completed, cranes up, with nobody working. When we got to the embassy I asked our ambassador when he said, Are there any questions: Is there a holiday?

He said: No. Why do you ask?

I said: Nobody is working on all these unfinished buildings. Why is that?

He said: The U.S. subprime mortgage crisis.

I said: I don't understand.

He said: The bank of Kazakhstan bought a bunch of the subprime securities in the United States, and when Merrill Lynch wrote their portfolio down to 22 cents on the dollar, the bank of Kazakhstan did the same thing. And when they did, they had to stop funding construction and stop funding mortgages.

If we do not think we live in a small world, if we don't understand the consequences of our words and the policies that are initiated in terms of our financial products, we have another thought coming.

Last, I compliment the Congress and use as an example the housing bill, where we have the power to address and strengthen our economy. In July, this Senate passed, by a vote of what I remember to be 83 to 14—it may have been slightly different—a bipartisan housing bill that did a number of things: It modernized FHA, raised loan limits, provided a refinance mechanism for subprime loans rather than foreclosure, but also answered the question of Freddie and Fannie and provided an opportunity for the Secretary of the Treasury and the Federal Reserve to address Freddie Mac and Fannie Mae should those institutions get in trouble.

While we were gone in August they got into trouble. They got in trouble in part because of their own doing but in trouble in part also because of a lack of confidence. If we had not passed that bill that allowed Secretary Paulson to come in and stabilize Freddie and Fannie, the source of mortgage money for the people of the United States of America, the problems we are experiencing now are nothing compared to what would have happened.

Our actions matter and our words matter. We should be careful to understand that in a time of uncertainty in our financial markets and of concern by all Americans, rich and poor, Republican and Democrat, our words matter. We should work diligently to give people confidence in our system of government and our financial system, provide the intervention and the appropriate aid while necessary but not overregulate or stigmatize a system that has worked for the better part of two and a quarter centuries.

I love this country, and I appreciate the people I represent. I suffer as they do today with the uncertainties in the financial markets. I hope all of us will commit ourselves to do those things within our grasp to see to it that we have a sounder economy, a sounder dollar, and a sounder America. Let's do our appropriations. Let's have an energy policy that works. Let's look at those positive things that have happened in the past on Wall Street that can bring back a level of accountability and transparency that are absolutely essential in the United States of America.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

THE ECONOMY

Mrs. MCCASKILL. Mr. President, I would like to talk about what is going on in our economy right now. I think it is important that we point out a couple of things at the outset.

First, I had the opportunity yesterday afternoon to spend some time with some great community bankers from my State. They said something to me that really resonated, and that is: I don't think we have done enough to tell America the difference between deposit banks and investment banks. There are a whole lot of folks I represent right now who are nervous. My sister caught her mother-in-law with cash in her pillowcase this week.

The reason they are nervous is, frankly, a lot of them don't understand that the problems caused here were not because of deposit banks. Deposit banks are highly regulated. Deposit banks have both State government and Federal Government looking over their shoulders every single day. Deposit banks are fine in the United States of America—partly because of appropriate regulation and oversight by State and Federal Governments. And they are insured. Every account in America that is in a deposit bank is insured by the Federal Government for up to $100,000.

In fairness to all those great community banks and the banks in my State that have used sound business practices, that have not let greed be their watchword, that have served their communities well, let me reassure all the people who bank at those great banks that they can take a sigh of relief today because the problem we have in our economy is not with deposit banks.

Let's step back and see what has happened. There are three things that have happened. No. 1 was massive deregulation of exotic financial instruments in investment banks and insurance companies. No. 2, there was a huge amount of greed. And, No. 3, no one was watching out for the taxpayers.

I heard my colleague from Georgia talk about short selling and naked short selling and saying we need to tell them to enforce the law.

Think about that for a minute. We need to tell somebody to enforce the law as it relates to trading? I heard just an hour ago that today the SEC is going to enforce naked short selling rules. Naked short selling—it would take longer to explain than I have this morning, but suffice it to say, it is wrong and bad because when you are hedging, when you are long selling and short selling, you need to take delivery. That is how this works. There are rules against naked short selling, but they were not enforced.

They are enforcing it today. Why wasn't it enforced last week? Why weren't the rules enforced the week before? Why weren't the rules enforced last year? They didn't want to. It is pretty simple. Nobody wanted to enforce the rules. Why not? Because the titans of Wall Street were in charge. The titans of Wall Street have had their way with this White House.

Facts are stubborn. If the law is on the books and this administration is not enforcing it, they need to explain to the American public why the taxpayers are now on the hook for hundreds of billions of dollars because these guys didn't think it was important to enforce the rules against their friends.

Credit default swaps is another exotic financial instrument that came in vogue after the massive deregulation of this administration. It was made possible by the deregulators.

Here is the thing that is killing me—it is just killing me. All of the folks who have been screaming: Deregulation, get government off our backs, evil government off our backs, big bad government off our backs, deregulate, deregulate, deregulate—in the last 24 hours there has been—do you remember the transformer toys that went

from an animal to a massive machine? We have transformers around here. These massive deregulation advocates all of a sudden say: We have to enforce rules on Wall Street. We have to regulate.

Come on. Do you think we are dumb? You can't transform overnight from a big bad deregulator to I am now the cop on the beat; I'll take care of Wall Street. It is not honest. Be principled. If you are a deregulator and you want to live with these consequences, you want to say to the American people: Hey, when we deregulate, this is the risk. This is the risk we are taking with your money.

They are going after the status quo. Many of my friends on the other side of the aisle, they are fighting the status quo. Guess what. They created it. This was their plan. It didn't work. It didn't grow our economy. It didn't create our jobs. American families, for the first time in our history, have gone down in terms of their average income. For the first time in our history America is not growing. Our prosperity is not growing.

Senator Phil Gramm marshaled through the bill that allowed investment banks and insurance companies to run wild. I have Missouri families who have lost jobs. I have a lot of autoworkers who are losing their jobs in Missouri. One of the things that is hard—one of Senator MCCAIN's economic advisers, Senator Gramm, did this massive deregulation. We have another one who was a CEO of a major corporation who walked away from a company with $42 million in her pocket. Because she did well? Because she got that company to the stratosphere? No. She was fired. The board of directors fired her and then gave her a $42 million payday.

I have to tell you, in Missouri that doesn't compute. It just doesn't compute. When you lose your job because you haven't done a good job, you should not get paid for it. I know I am offended at the notion that any of this taxpayer money is going to go to multimillion-dollar payouts to anybody who ran any of these companies. It is one of the things we have to pay very close attention to because now that taxpayer money is on the line, we have to make sure it is spent appropriately.

CEO salaries are out of control in this country, and it is not a matter of being competitive. It is not that we have to pay our CEOs so much more because everybody else is. Right now in America a CEO is making 40 times the average worker's salary. Do you know what it is in Japan, one of our competitors? Ten times. It is only ten times.

I want to mention Social Security because my colleague from Georgia mentioned Social Security. I want everyone to dwell just a minute on this notion. At the same time Senator MCCAIN, Senator Gramm, and many others were saying deregulate, deregulate, what else were they saying? The future of Social Security depends on privatization. Privatization of Social Security was our ticket to the promised land for stability in the Social Security Program. Think about that today. Think about what that means today, yesterday, Monday. Think about the consequences. We need to realize we have to learn from our mistakes. We have to fix what is broken and, for gosh sakes, we cannot talk about privatizing Social Security on Wall Street right now. I am hopeful this will be a wake-up call to all those people who advocate the privatization of Social Security.

They say: Deregulate, get government off our backs, free market, lax enforcement, big government, bad government, deregulate, deregulate, get government off our backs, big government, bad government—until their friends get in trouble. Do we have a free market with oil? No, we don't have a free market for oil. We subsidize oil companies. Do we have a free market for the pharmaceutical companies? No, Medicare D was a huge profit subsidy for drug companies in this country. Do we have a free market for Wall Street? No, we are rushing in to save them.

When their friends get in trouble, who comes to the rescue? Who comes to the rescue when trouble arrives at the doorstep? The taxpayers of the United States of America, and that, in fact, is the rub.

What we have to have is reasonable regulation. We have to enforce our laws—both our competitive laws and our regulatory laws—and we have to make sure now that we watch the taxpayer money and make sure not a dime of it goes to a payout to anybody who doesn't deserve it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to speak about the American economy. I think most of us are talking about it. Most everybody is thinking about it. With the financial markets in turmoil, the confidence of investors and consumers across my home State of Missouri, the Nation, and the globe is being challenged. Most of the media focus is on the struggles in Wall Street. My concern is for American families, anxious about their security, the security of their savings, their retirement, their assets, and their pensions.

I was disappointed to see that Leader REID, just a day or so ago, said no one knows what to do at the moment. There are steps taken in an emergency matter. The fire department in this matter has been the Federal Reserve and the Treasury. We will look at and evaluate their judgment, but it appears they have at least stemmed the tide at this point.

But there are a lot of things that we ought to be talking about doing now. There are changes that need to be made. There are changes that need to be made in regulation, there are changes that need to be made by legislation, there are changes that need to be made in attitudes.

If you want to get into the blame game, I assure you there is plenty of blame to go around. This concept, the original concept of government-sponsored enterprises, well, that is one that certainly got off the track. My colleagues on both sides of the aisle sponsored GSEs. But they got themselves trapped way out in financial derivative speculation and got outside their charter. The regulation was inadequate. There are some of us who called for a strong regulator. Others who were defending the GSEs said: No, no, no, we like having an ineffective regulator. There are a lot of examples of that. But this is not the time to point fingers. The American people want solutions because these are serious and difficult times for everyone. As I said, families are worried about their personal finances and savings.

American families are already struggling with the housing crisis as well as high energy prices, which lead to food and other cost increases, as well as health care and education. Those have to be foremost in our minds. I understand. I have listened to the people in my State. I have heard their concerns.

These families need to know that the country's leaders take their concerns seriously and are working together to make the right response to this crisis. We have to instill confidence in the public that our actions are also driven by the best interests of taxpayers so they and future generations are not saddled with debts driven by unnecessary bailouts and that Government has a plan to avert similar future crises. To instill confidence, we must show true leadership and, I would hope, put aside the politics of blame and partisanship. We have had enough of that already. The American people have had too much of that. Enough. That ought to be it. Leadership should be about bringing people together and coming up with real solutions driven by the best interests of our families and country.

Leadership is needed now more than ever. I call for my colleagues in the Senate, the House, the administration, the SEC, the Federal Reserve, and others in the public and in the private sector to come together to share ideas and discuss them.

Let me share some of the ideas I laid out in a letter I sent out yesterday to Treasury Secretary Henry Paulson, SEC Chairman Chris Cox, Federal Reserve Chairman Ben Bernanke, and the House and Senate chairmen and ranking members of the Banking Committee, because everybody needs to be in it.

First, we must all recognize that America's financial system is struggling under the weight of greed, laced with regulatory loopholes, and compromised by complexity. Only fundamental reform of those excesses will prevent abuse from returning. We need reform to provide greater oversight, transparency, and accountability so that our economy, housing system, and consumers are adequately protected. The status quo is clearly unacceptable, and taxpayer-funded bailouts are not the answer. It is time that we reform our antiquated regulatory system to close loopholes to prevent the same type of problems we are currently experiencing, by taking a number of actions to address our regulatory system, ensure better market stability, and protect consumers.

Regulation needs to be carefully considered because there are very strong arguments that some of the problems today where some of the major institutions were put in a trap are the result of the post-Enron wave of trying to make everything bad illegal. Mark-to-market accounting was one of the things that has been instituted well depending upon how you apply it when you are in a meltdown. Right now, the value of a house covered by a mortgage may have declined 10 to 20 percent. But if nobody is buying that mortgage, if there is no market today for that mortgage, it might be marked to zero—to zero—when, in fact, the real value is probably no less than 75 or 80 percent. That puts a hit on the balance sheets, and that has repercussions throughout the system. That may be part of the cause. We need to look at that.

We need to see if excessive regulation in mark to market has put businesses at risk that should not be at risk, that should not be pushed into bankruptcy. Just as the Sarbanes-Oxley bill, designed to curb excesses—which were actually punished under existing law—has driven many of our financial institutions offshore, we have to be concerned about what the impacts of the regulations are. But I firmly believe that corporations must be held accountable for their bad decisions.

Similarly, we must find a way to prevent the use of golden parachutes to reward executives for their failed leadership. I think we were all outraged to hear the golden parachutes that were going to be given to the leaders of the GSEs who had been responsible for their institutions being wiped out essentially and put into conservatorship. I do not want a single taxpayer dollar going to pay them bonuses. If a baseball manager does a bad job, he gets fired. When we have a bad job being done by a financial institution head, the taxpayers sure ought not be called on to give that executive millions of dollars in a golden parachute.

But we also must find a way to restore personal responsibility in society. Responsible investors have an obligation not to enter into investments they do not understand. Responsible private citizens have an obligation not to take on debt they cannot afford.

Mortgage brokers should no longer receive special treatment allowing them to escape regulation and licensing requirements standard for brokers of other financial products. The Treasury's Regulatory Blueprint issued last March contains many positive recommendations, such as the creation of a new Federal commission, the Mortgage Origination Commission, which I support. I plan to introduce legislation to establish the Mortgage Origination Commission.

The Federal Government must step up its efforts in financial literacy and education, and pre- and post-purchase housing counseling. Most borrowers made responsible decisions in selecting appropriate financing vehicles for purchasing their homes and other major assets. Unfortunately, a large number of borrowers either knowingly or unknowingly agreed to loans that were detrimental to their families and their credit.

Mr. President, I stand ready to work with my colleagues here in the Senate on working on real solutions so that our Nation has confidence that we are here for them.

We have talked about the American dream. There are some who, in the name of the American dream, have pushed home ownership on people who could not afford it. Clearly, home ownership is part of the American dream, and in assisting families and individuals, we should do all we can to achieve that. I have worked for that as lead appropriator on housing on this side of the aisle for many years.

However, we have seen that American dream become the American nightmare when people have been given too-good-to-be-true offers for mortgages and asked to take on mortgages that consume all of their available income.

Well, I will tell you something, having a little experience in owning homes. Along with home ownership comes some potential financial responsibilities. A couple of weeks ago, we had to have our basement pumped out. That costs a lot of money. In the winter, I have had furnaces go down, or if we have a family emergency, that may make the mortgage payments unaffordable. We must ensure that, to the greatest extent possible, people understand that the benefits of home ownership are balanced against the risks and the costs to the homeowner, the neighbors, the communities, and even the financial marketplaces. Home ownership must be promoted, not on the basis of getting the number of homeowners up to an arbitrary level but in a responsible manner focusing on the best interests of families and not on investors or others pushing mortgages.

You can live in rental housing until you have the funds to buy a house. I have lived in rental housing. Many people live in rental housing. Before you decide to buy a home, if you are not financially well experienced, there are a lot of good counseling concerns around that can help you determine if you can buy a home and help you determine how much you can afford to pay and what kind of mortgage you can afford to take on.

I worked with Senator DODD last year to get $180 million for counseling for homeowners facing foreclosure. Well, that is working, and we are seeing a tremendous need for that counseling. I have visited with homeowners being counseled by housing counselors, with housing advocates, with community leaders, local officials who are worried about their communities going down, and the one thing every one of those people say is: We need counseling not just at the time of possible foreclosure but before they purchase the house so they do not get in the crack of foreclosure.

Well, I think we have to strengthen the oversight, the regulatory oversight of the housing finance market. The creation of a new regulator with more expansive powers to oversee the two mortgage government-sponsored enterprises, Fannie Mae and Freddie Mac, if they continue to exist, was a long overdue and necessary step.

While the importance of making this legislative change cannot be understated, I emphasize the critical need to ensure that the new regulator not repeat the same mistakes made by its predecessor. That regulator did not examine, did not look at the practices, did not call attention to the practices that the GSEs were engaged in, which may have provided some short-term profits to their shareholders and certainly healthy returns for their executives, but they failed to identity and said that these were sound operations.

Mr. President, I ask unanimous consent to have the letter I referred to earlier printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 17, 2008.

Hon. HENRY PAULSON, Jr.,
Secretary,
Department of the Treasury.
Hon. BEN BERNANKE,
Chairman, Board of Governors,
The Federal Reserve.
Hon. Chris Cox,
Chairman,
Securities and Exchange Commission.

DEAR SECRETARY PAULSON, CHAIRMAN BERNANKE, AND CHAIRMAN COX: America's financial system is groaning under the weight of greed, laced with regulatory loopholes, and compromised by complexity. Only fundamental reform of these excesses will prevent abuse from occurring again. Thank you all for your leadership in these uncertain times.

As a long-time participant in housing policy and oversight issues, I offer my assistance in the hard work of reform that is too often left undone after the crisis recedes.

This week's turmoil in the financial market is the latest in a series of events that has shaken the confidence of investors and consumers throughout the nation and the world. While the media focuses on the struggles of Wall Street, my concern is for American families anxious about the security of their savings, retirement, assets, and pensions. These American families—already struggling with a housing crisis and high gas, food, health care and education costs—must be foremost in our minds as we address the credit crisis. Our actions must be driven by the best interests of the taxpayers so that they and future generations are not saddled with debts driven by unnecessary bailouts. The public must know their government has a plan to avert similar future crises.

Any reform must provide greater oversight, transparency, and accountability so that our economy, housing system, and consumers are adequately protected. The status quo is unacceptable. Taxpayer-funded bailouts are not the answer. Loopholes in our antiquated regulatory system must be closed to prevent the same type of problems that we are currently experiencing.

CORPORATE AND PERSONAL RESPONSIBILITY

Excessive greed and abuse call for greater accountability at all levels of government and private life. We must end the troubling cycle of rewarding corporate failure with taxpayer-funded bailouts. Corporations must be held accountable for their bad decisions. Executives should not be rewarded with golden parachutes for their failed leadership. We must also restore a sense of personal responsibility in society. Investors have an obligation not to enter into investments they do not understand. Private citizens have an obligation not to take on debt they cannot afford.

STRONGER REGULATOR OVERSIGHT

We must strengthen regulatory oversight of the housing finance market. The creation of a new regulator with more expansive powers to oversee the two mortgage government-sponsored enterprises—Fannie Mae and Freddie Mac—was a long overdue and necessary step. We must also ensure that the new regulator—the Federal Housing Finance Agency (FHFA)—not repeat the same mistakes made by its predecessor—the Office of Federal Housing Enterprise Oversight (OFHEO). It is critical that FHFA have adequately-skilled staff and strong, competent leadership. OFHEO leadership delayed issuing risk-based capital standards and consistently stated that the enterprises' financial condition was healthy, and adequately capitalized to continue meeting America's housing needs. They were wrong on all counts.

OVERSIGHT OF ALL MORTGAGE ORIGINATORS

In addition, I support Treasury Secretary Paulson's efforts to address gaps in mortgage origination oversight. The mortgage brokers who originated many of the subprime and Alt-A loans that are major sources of the housing crisis were not subject to adequate federal oversight. Mortgage brokers should no longer receive special treatment allowing them to escape the regulation and licensing requirements standard for brokers of other financial products. The Treasury's Regulatory Blueprint issued last March contains many positive recommendations, such as the creation of a new federal commission (the Mortgage Origination Commission). I will introduce legislation shortly to establish the Mortgage Origination Commission and ask for your support in moving this legislation through the Congress.

ELIMINATING ABUSIVE SHORT-SALE PRACTICES

Excessive speculation that asset prices will fall, or ''short-selling,'' is artificially destroying the value of investments and companies. Actions to consider curtailing short-selling abuse include reinstating the ''uptick'' rule and protections on short sales. The uptick rule was established back in 1929 to provide stability to the marketplace. The SEC eliminated the uptick rule last year. Some experts believe that the elimination of this rule has contributed to the volatility in the stock market and the record levels of shorting. Accordingly, the SEC should reexamine its decision and reinstate this important rule. The SEC is now in the process of finalizing two rules to strengthen protections against short-selling. They should finalize these rules as quickly as possible and strongly enforce regulation of ''naked short sellers.'' Other experts believe that mark-to-market accounting regulations need to be reviewed to see if they have been inappropriately applied. I urge you to review mark-to-market and to recommend any needed changes. We must also increase oversight of hedge funds to assure transparency, accountability, and avoidance of abusive practices.

CONSUMER CONFIDENCE AND FINANCIAL EDUCATION

The Federal government must step up its efforts in financial literacy and education, and pre- and post-purchase housing counseling. Traditionally, borrowers have made responsible decisions in selecting appropriate financing vehicles for purchasing their homes and other major assets. Unfortunately, in recent years a large number of borrowers either knowingly or unknowingly agreed to loans that were detrimental to their families and their credit. To address this problem, I recommend that you aggressively promote financial literacy and homeownership counseling to consumers and promote greater transparency in the loan process by reforming the Real Estate Settlement Procedures Act (RESPA).

Confidence in our financial markets is being severely challenged during these difficult times. As the Federal government's financial leaders, your commitment to address the regulatory structure and educate consumers will be critical not only to guide our nation out of this economic downturn, but to mitigate future crises. While regulatory reform and additional resources for counseling and financial literacy are needed, we should also rethink our policy emphasis on homeownership. Homeownership is the linchpin of the American Dream. Assisting families and individuals achieve that dream should continue. However, we must ensure that the dream does not become a nightmare. Housing policy must be re-examined so that the benefits of homeownership are appropriately balanced against its risks and costs to homeowners, neighbors, communities, and the financial markets. Homeownership must be promoted not on the basis of increasing the homeownership rate to an arbitrary level, but in a responsible manner that focuses on the best interests of the individual and family, and not on investors.

The leadership you have shown during this financial crisis is commendable. Now we must work together to bring about further reform to financial and housing markets. Thank you in advance for considering my suggestions. I look forward to working with each of you to restore Americans' trust in their financial institutions and in their government.

Sincerely,

CHRISTOPHER S. BOND,
U.S. Senator.

The PRESIDING OFFICER (Mr. BROWN.) The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, as we speak, people are losing their jobs, losing their homes, and often losing the hope that their situation will improve anytime soon. According to many, the worst may yet be ahead of us. For the first time in generations, we Americans can no longer promise our children they will be better off than we are. That prospect strikes at the very heart of the American dream.

In less than 2 months, Americans will elect a new President who will inherit an economy indelibly marked by the negligent and incompetent decision-making of the Bush administration. No matter what one Presidential candidate may think, the fundamentals of our economy are far from strong. Our economy is off the rails. I believe it is important to take a few minutes to consider how it got dragged off the rails and, more importantly, what must now be done to restore Americans' faith in our economy and put our country back on more solid fiscal ground.

President Bush's successor, whoever he may be, will confront four serious problems: an out-of-control financial market, a staggering Federal debt, a looming crisis in health care costs, and an increase in Social Security obligations.

For the past 8 years, the Bush administration has preached over the financial markets a gospel of uncontrolled deregulation. Simply leave the banks and the financiers and the lenders to their own devices, they said, and all will be well.

Well, all is not well. Markets are places where people come to make money; they do not come for altruistic motives. And some are clever enough when they come to those markets to try to rig or game the market in their favor, to gain monopoly power, to hide information, to cheat, to create special advantage—in short, to find a way to gull the suckers. Markets need to be defended against that age-old risk. Markets have to operate honestly, transparently, and reliably. That is where regulation comes in. That is how markets are defended against crooks and schemers. That is why we have an FTC, an SEC, a CFTC, a FERC, to keep markets honest. Special interests constantly seek special advantages, and it is the regulators' job to push back. In that constant struggle of the special interests against the regulators, the Bush administration always took the side of the special interests. They have systematically undercut the regulators in their efforts to keep markets safe. And now here we are.

Senator MCCAIN has been against the regulators, even back to the savings and loan scandals of the 1980s. The schemers, the manipulators, the Enrons, the subprime mortgage packagers, the oil market speculators, the credit default swap artists—they all found a friend in the Bush administration. They all found an ally in the Bush-McCain policies of deregulation. And now here we are.

Under an administration that cared more about protecting big investors than protecting consumers, one might expect that at least the stock market would have thrived. But after 225 percent growth during President Clinton's 8 years in office, the stock market now hovers just about where it stood in 2001, when President Bush took office. Instead of growing by leaps and bounds, as we in America have come to expect, under the Bush administration, our economy stood still. I ask my colleagues: Would investors prefer 225 percent growth and then paying a responsible capital gains tax, or would they prefer having big fights about what the capital gains tax rate should be while nobody makes any money? There is a lesson here. Bad economic policy is not cured by mindless tax cuts. Anybody in their right mind would rather be here than here, if they are in the market.

The month George Bush became President, the Congressional Budget Office, the nonpartisan accounting arm of Congress, projected we would see surpluses straight through the decade. These budget surpluses, the product of President Clinton's responsible governing, were projected to be enough to completely wipe out our national debt by 2009—to completely wipe out the national debt by 2009. Instead of maintaining the surpluses and paying down the national debt, President Bush chose tax cuts for the wealthiest Americans, a war he wouldn't pay for, and bad economic policies to amass a mountain of debt that he will leave to the next generation.

This chart shows the difference between the budget left by President Clinton and the one President Bush created. The difference between the two lines, this red area, is the measure of the cost of the Bush Presidency. The difference between the surpluses left by President Clinton and the deficits run by President Bush and his Republican enablers in Congress is a staggering $7.7 trillion. Perhaps the more tangible number is $260 billion, the interest we will have to pay next year on this Bush debt, $260 billion in interest, much of it to foreign nations such as China and Saudi Arabia that do not have our best interests at heart. If we could have used that $260 billion that we now need to pay interest on the Bush debt for other national priorities, here is what we do could have done: fixed almost every unsound bridge, doubled enrollment in Head Start to help kids get ready for school, doubled all Pell grants to help kids get access to college, and provided every American with health insurance—all of it. That is how big $260 billion is, and that is what we are blowing on the Bush debt.

The nonpartisan Congressional Budget Office recently estimated that the national debt will go up by another $2.5 trillion over the next decade. The next administration is going to have to figure out how to deal with that mountain of debt. I think we need a Bush debt repayment authority to study the possibility of bringing the Bush debt off budget, to handle it responsibly, to remind the American public what this Presidency has cost them, to pay the Bush debt down responsibly over time. But we must do something.

In addition, as the baby boom generation reaches retirement, we also face a tidal wave of health care costs that threatens to drown the Treasury and force unthinkable choices about health care for the citizenry. According to an analysis conducted by the nonpartisan Government Accountability Office, we have $34 trillion in unfunded future Medicare liabilities alone. That is unsustainable. And the longer we wait to reform the system, the worse it will become. President Bush has wasted the better part of a decade standing idly by as this problem exploded, as health care costs grew and opportunities for reform came and went. Time is not on our side. The need is pressing, and we have spent 8 years making no progress at all.

I have said over and over on many occasions in this Chamber that our health care system needs fundamental change. I will not pursue that point at this juncture, but let me say, our health care system is itself broken. It delivers unsatisfactory results at vast expense, and we need to fix it.

As we prepare for a new administration, we need to prepare for the wave of health care costs coming at us. Systemic reforms—a health IT infrastructure, payment reform, major quality improvements—must be at the heart of that effort.

Finally, the next administration must grapple with the challenges of Social Security. As with all these issues, the choice of President will make all the difference. Senator OBAMA will ensure that Social Security remains a strong bedrock of retirement security for generations to come. But Senator JOHN MCCAIN supports privatizing Social Security, putting it in the stock market. This is an important point. Senator MCCAIN and his Republican allies prefer to invest seniors' Social Security funds in the stock market that just dropped by 500 points the day before yesterday and another 450 points yesterday, the very same stock market that stagnated through the entire Bush Presidency while costs and prices rose by double digits. That is not a solution. That is more of the same problems.

As for the blame game, which I have heard a bit about on the floor this morning, it is bad enough that bad economic policy caused this preventable disaster. It is worse if we should fail to learn its lessons. I can understand why the proponents of the economic theories that brought us here don't want that talked about, but it would be wrong and irresponsible not to learn from this disaster. It was preventable. We made mistakes. It was economic folly that brought us here and regulatory irresponsibility. To now allow that entire lesson to pass would be an added shame for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my friend from New Hampshire, Senator JUDD GREGG, for allowing me to speak, rather than going back and forth. I ask unanimous consent that he be recognized following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I rise to discuss the recent collapse in the financial markets and the Republican economic policies that have brought us to this point.

On Monday, Lehman Brothers filed for the largest bankruptcy in American history. This collapse will hurt hardworking Americans' ability to access credit and could deteriorate their pension plans. For example, the city of Detroit's general retirement system that had invested in the bank could lose up to $25 million.

Can you imagine what would have happened if Social Security had been privatized?

This failure occurs as Bank of America announced that it was buying Merrill Lynch and the Federal Reserve announced it was taking over the world's largest insurer, AIG, for the staggering cost of $85 billion. Washington Mutual is still struggling to survive their investments tied to the mortgage market.

As a result of these events, the Dow Jones dropped more than 500 points on Monday—the biggest drop since September 11, and Wednesday it dropped almost 450 points.

These announcements come as middle-class families face the highest unemployment rate in 5 years, record home foreclosures, and skyrocketing gas and grocery prices.

Despite these conditions, our colleague, Senator MCCAIN responded that ''the fundamentals of our economy are strong.'' I would like him to tell that to the 84,000 Americans who lost their jobs, or the 91,000 families who lost their homes last month, or the 605,000 Americans who have lost their job since January.

And now, Senator MCCAIN's solution is to create a commission to study the problem. Middle-class families don't

need a study to tell them that we're in an economic crisis.

They see it every day when they try to fill up their gas tanks or put food on the table.

They have known it for the past 8 years, as they have watched jobs sent overseas and their pensions disappear.

Unlike Senator MCCAIN's economic adviser, Phil Gramm, middle-class families don't need a study to tell them that this isn't a ''mental recession.'' What they need are real economic solutions and not 4 more years of the same failed economic policies.

So one of the question I know Michigan families have is, how did we get here? Unfortunately, these failed policies go back for some time.

One example can be seen under the Republican Congress, when MCCAIN's former economic adviser Senator Phil Gramm slipped a provision known as the ''Enron loophole'' into the 11,000-page appropriations bill on a Friday night before recess.

This provision allowed financial institutions to trade an unlimited amount of energy commodities on dark, over-the-counter markets that are beyond the jurisdiction of the Commodities Futures Trading Commission.

Only now, with Democrats in the majority, are we seeing any accountability as we closed the Enron loophole. However, trading on the bilateral swaps markets and the electronic trading facilities are still conducted on these dark markets with no transparency or regulation.

The Commodities Futures Trading Commission only has the power to get information on these markets on an ad hoc basis so speculative investors continue to pour money into the markets without any oversight.

Yet Republicans continue to oppose providing more authority and resources to the CFTC.

Authority that would allow necessary regulation of our commodities markets and protection against manipulative behavior that could influence the price of food and gas for every American.

This just reiterates the failed philosophy of President Bush, JOHN MCCAIN and Republican economics that believe in less oversight, less accountability—more greed—at the expense of American families.

Nowhere is this seen clearer than what is happening in the housing market— the root of our current crisis. The lack of regulation and oversight by the Bush administration allowed for predatory lending to flourish.

In 1994, Congress gave the Federal Reserve the authority to prohibit these unfair and deceptive lending practices. The Fed waited 14 years before implementing regulations.

Senators SCHUMER, Sarbanes, and DODD introduced legislation to protect homeowners from predatory lending. No Republicans cosponsored these bills.

Then in 2004, despite warnings, the Fed actually promoted nontraditional mortgages over fixed-rate mortgages, resulting in the skyrocketing use of ARM and subprime mortgages.

In 2006, regulators finally finalized rules over nontraditional mortgage products, but it did not apply to subprime mortgages.

The Democratic-led Congress held oversight hearings, spoke out time and time again, and yet the administration still sat back and did nothing.

In 2007, the Treasury was still downplaying the subprime crisis by explaining that it was ''largely contained'' and admitting they ''could have done more sooner.''

The Republican philosophy of no public accountability and unlimited greed created markets where these risky mortgages, that they promoted, were packaged and sold as complex debt securities without any oversight. Then, without any regulation, credit rating agencies were allowed to inflate the value of these complex securities and assign triple-A ratings despite their inherent risks.

Greed continued to fuel the vicious cycle until our financial industry was completely entangled in these risky securities.

When homeowners defaulted on their loans, it sent ripple effects throughout the entire economy, bringing down the large banks that had invested in the mortgage market, such as Bear Stearns and Lehman Brothers.

Time and time again, Democrats have tried to enact changes, but every attempt has been blocked by Republicans.

In 2005, the House of Representatives passed a bill that would have created a new regulator to oversee government sponsored enterprises—providing the authority to set capital requirements and limit portfolio size.

When I was on the Banking Committee, we worked to enact this legislation, but we were blocked by the Bush administration.

This session Democrats introduced legislation to strengthen regulation over government sponsored enterprises, to keep families in their homes and help communities struggling with foreclosures.

Republicans opposed this legislation and, while more families lost their homes to foreclosures, they continued to block the bill for months.

Only after Fannie and Freddie reached the point of crisis did the administration finally lift their opposition, further highlighting the inherent problems with the Bush/McCain economic philosophy—it is always too little too late.

Now while Republicans have let the markets ''work it out,'' small businesses and families are faced with tightening credit markets, job losses, increased foreclosures and a loss of confidence in our economy.

Each of these examples shows the fundamental failures of the Bush/McCain economic policies. Policies that are based on greed as a national virtue and high profits at any cost. Policies that send American jobs overseas while increasing tax breaks for big oil.

Our economy cannot take another 4 years of this failed policy; American families cannot take another 4 years. Out country can do better. It is time for a change.

We are in a very important discussion right now, not only about what we need to do together to move our country forward, but it is important to talk about how we got here, because how we got here matters. Critiquing the philosophy that got us here matters, if we are not going to repeat it in the future. When we sum it up, when I look at what I call ''Republican economics 101,'' it is more deregulation. We heard it again today. I heard it from one of my colleagues today, the problem with all of this is that we need more deregulation, more deregulation. Lack of accountability, I call it, lack of transparency. More home foreclosures have come from Republican economics 101, more jobs lost, more tax breaks for the wealthy. That seems to be the answer to everything: Lose your job, let's have another tax cut for the wealthy. Lose your house, let's have another tax cut for the wealthy. Can't pay for gas at the pump? How about another tax cut for the wealthy. Financial markets exploding? Let's have another tax cut for the wealthy. That seems to be the mantra of the Republican economics 101 theme. More excessive profits for oil companies which have translated into $5 at the pump.

The bottom line is, we don't want more of the same. That is why it does matter how we got here. We do not want more of the same. The American people cannot take more of the same. Enough is enough. That is certainly what the people in Michigan are saying.

Let me specifically speak to what has occurred this week. On Monday, Lehman Brothers filed for the largest bankruptcy in American history. This collapse will hurt the people of Michigan, hard-working Americans' ability to access credit, and could very well deteriorate pension plans. For example, we heard yesterday the city of Detroit's general retirement system that has invested in the bank could lose as much as $25 million. I am sure that is only one example. Imagine what would have happened if President Bush had succeeded, with JOHN MCCAIN's support, in privatizing Social Security. I will never forget what happened after Enron, when I had former employees come in to me who had lost everything, trusted the company, invested in the company, lost everything. They said: Thank God for Social Security. It is the only thing I have left.

Imagine if the Republican philosophy of privatizing had happened. One of the things I am most proud about in working with our Democratic leadership and our majority is we were totally together in blocking the President from proceeding. It was one of the most important achievements as a Democratic majority, stopping the President, JOHN MCCAIN, and others who wanted to privatize Social Security. We now know that the failure of Lehman Brothers occurred as Bank of America announced it was buying Merrill Lynch and the Federal Reserve announced it was taking over the world's largest insurer, AIG, for the staggering cost of $85 billion. Washington Mutual is still struggling to survive their investments tied to the mortgage market. As a result, we have all seen the Dow Jones drop more than 500 points on Monday, the biggest drop since September 11, 2001. Wednesday it dropped almost 450 points.

Most importantly is how this affects families, how it affects middle-class Americans who are working hard every day. They are playing by the rules. They expect our Government to enforce the rules and enforce accountability. They are being hit with the highest unemployment rate in 5 years. It went up again yesterday, unbelievably, to now in Michigan an 8.9 percent unemployment rate. That doesn't count people who have been unemployed so long they are not a part of the system anymore, or the people who are working one job, two jobs, three jobs, part-time jobs trying to hold it all together, hoping maybe one of them will have health insurance, maybe just one of them, for their families.

We have seen record home foreclosures for families, skyrocketing gas and grocery prices. These are the consequences of the reckless policies I am most concerned about.

Despite these conditions, our colleague JOHN MCCAIN responded—and he said it more than once; 16, 17 times at least that I know of—the fundamentals of the economy are strong. He is now saying that he meant the American people, the American worker. I know the American worker is strong and productive and hard-working. But we all know that is not what was meant by that comment, the fundamentals of the economy are strong. He and Herbert Hoover share those comments, the gilded age of the 1920s, when the wealthy got wealthier and wealthier and wealthier, until the system crashed and a great Democratic leader, Franklin Delano Roosevelt, came into office and put the American people first, put people back to work and created Social Security and began to rebuild the country. We are at one of those times where we need that kind of leader to rebuild for the American people and create jobs and put people back to work.

I would like Senator MCCAIN and others who believe the fundamentals of the economy are strong to tell that to 84,000 Americans who lost their jobs or the 91,000 families who lost their homes last month, or 605,000 people who lost their jobs since January, 605,000 good-paying American jobs and counting since January.

Now we hear the solution is to create a commission or to study the problem. That is what we need, to study the problem. We know what the problem is. The problem is, we need to get people back to work. We need to stop this failed Republican philosophy that has made the rich richer, while picking the pockets of every middle-class American and making those in poverty find more and more desperation every day. We know what is happening. We don't need an economic study to tell us that Phil Gramm, a former colleague of mine, chairman of the Banking Committee, was wrong when he said it is a mental recession. We are not making this up. We certainly are not a nation of whiners.

So the question is, how did we get here? Unfortunately, this does relate to failed policies. One example was under the Republican Congress when Senator MCCAIN's former economic adviser and friend, Senator Phil Gramm, slipped a provision called the Enron loophole into an 11,000-page appropriations bill on a Friday night before a recess. That provision allowed financial institutions to trade an unlimited amount of energy commodities in the dark in over-the-counter markets that are beyond the jurisdiction of the Commodity Futures Trading Commission. Only now, with our Democratic majority, have we begun to get accountability back because we have closed that Enron loophole.

However, trading on the bilateral swaps markets, the complicated financial markets, the electronic trading facilities are still being conducted in the dark with no transparency, no regulation, no accountability for investors, no accountability for the American people. The Commodity Futures Trading Commission only has the power to get information on these markets on an ad hoc basis. So speculative investors continue to pour money into markets without any oversight.

Yet Republicans continue to oppose more authority and resources to the CFTC. We have a bill on the Senate floor right now, a speculation bill to stop speculation, that includes providing more authority and resources to the CFTC, and it has been filibustered by Republican colleagues.

This just reiterates the failed philosophy of this President, President Bush, of JOHN MCCAIN, and Republican economics that believes in less oversight, less accountability, and more greed at the expense of the American people.

Mr. President, we have had enough. Nowhere is it seen more clearly than in the housing market, which is the root of the crisis. The lack of regulation and accountability by the Bush administration has allowed predatory lending to flourish. It is important to note that clear back to 1994, Congress gave the Federal Reserve the authority to prohibit these unfair, deceptive lending practices, and they waited 14 years to implement this authority—14 years.

Mr. President, I know my time has come to a close, so I will not go through all of the other things that have happened—the times the Democrats have proposed legislation, the warnings we have given, the fact we have tried over and over and over again to pass housing legislation.

I was here on the floor of the Senate when a Republican colleague talked about the fact that we finally passed housing legislation. But do you know what? We took way too long. The bottom line is this: We have been trying time and time again to enact changes, to bring accountability on behalf of the American people, and we have been blocked over and over again. It is important the American people understand we can do better than these failed Republican policies. It is time for a change.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

The senior Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, obviously, I rise to express some differences of opinion with the prior two speakers, but I want to speak more generally on the issue of where we stand relative to the financial markets. But if ''doing better'' is to follow the proposals of Senator OBAMA, which have been estimated by a very legitimate estimating source to include over $300 billion of new spending annually on new programs that are unpaid for, I do not think that is doing better. If ''doing better'' is to follow a path where we raise taxes on the American people, especially small businesses, I do not think that is doing better.

If ''doing better'' means you approach an issue which is as deep and as significant as what we confront today in the financial markets with a lot of partisan rhetoric about the failure of the Bush administration to make the stock markets function correctly, when this Congress has been controlled by the Democratic Party for 2 years and had more than ample opportunity to address the restructuring of the regulatory entities, and, in fact, proposals were made to restructure Fannie Mae and Freddie Mac, which were rejected by Members from the other side of the aisle, by legitimate leadership on our side of the aisle on that issue, that is not better.

The Nation today confronts a very significant fiscal issue. The finance houses of New York are in disarray, the

credit markets are locked down, and the American people and the world generally are very concerned about their assets and how they are protected and whether they are going to be able to continue to be liquid and viable.

It is not constructive for the Senator from Rhode Island to come to the floor and start pointing to the Clinton years as showing a huge run-up in the stock market and the Bush years as showing a flat stock market, and in the process ignoring the Internet bubble of the late 1990s, which drove the stock market down radically in 2001 and led us into a recession. That run-up occurred under the Clinton years and, obviously, they benefited from that, and the Bush years, regrettably, got socked with a recession.

That is not constructive. It is not constructive to put charts up that claim an economic recovery has not occurred since the Internet bubble burst and the 9/11 attacks occurred. In fact, over the last 6 years, Federal revenues were up until about 5 months ago when we hit this significant economic slowdown. Federal revenues had reached historic highs. We had seen 3 years of the greatest increase in Federal revenues in the history of this country as a result of tax law that encouraged entrepreneurship, encouraged people to do things which are taxable.

Job creation was pretty significant too. Over 8.5 million jobs were created over that time period. Yes, jobs have been lost, and that is not good, in the last few months. But to put that in the context of a partisan atmosphere which says this is all the functioning of an administration, when Congress controls the purse strings and Congress controls a large part of the policy and Congress is controlled by the Democratic Party, is inappropriate, in my opinion.

Furthermore, if you want to look for culprits, the real culprit of this economic disorientation we are going through is that credit was made too easy for too long and, basically, borrowing became an inexpensive event, almost a zero-cost game because of the interest rates which the Fed maintained over a long period of time at such a low level—the Federal funds rate—and, as a result, these dead instruments which were written on real estate were written in a way that basically neither looked at the underlying asset or equity value to support that debt instrument nor looked at the fact in the outyears—as those instruments required reasonable return through interest increases—whether the borrower could support them. So we have had this huge dislocation, this meltdown in the subprime market, which is being followed on by other real estate instruments.

So it is not constructive, and it is certainly a reflection of a lack of leadership when the only answer on the other side of the aisle is to come forward and start claiming they are pure and this side or the President is not, when, in fact, there is more than enough blame to go around as to how we got into this situation.

The Federal Reserve deserves a lot of that. We in the Congress deserve a lot of it for not doing our job in oversight. And, obviously, the administration deserves a lot of it. But it is not unilateral in its placement, to say the least.

So how do we get out of this? Well, I think, first off, we ought to acknowledge that an aggressive effort is being made by the Treasury Secretary and by the Chairman of the Fed to try to control the damage. When they have seen entities such as Freddie Mac and Fannie Mae or entities such as AIG—whose failure would have a systemic effect which would roll through the financial markets of the country, destabilizing not only those businesses but also banks down the road and, in the end, Main Street, and cost Main Street jobs, and cause tremendous disruption on Main Street—they have stepped in and stepped in aggressively. I respect what they have done, and I have supported what they have done.

The markets have also, basically, to some degree, reflected the fact that at least in the Fannie Mae and Freddie Mac area, this was the right action. They still have not digested the AIG issue.

While we are on the AIG issue, I think it is important to point out that we have heard the statement that it is an outrage that $85 billion is going to be put in to basically take over this insurance company—the largest in the country. Well, first off, that money does not come from the Federal Treasury. It comes from the Federal Reserve. The only way it is going to appear on our books, on the Federal Government's books relative to the budget of the United States is if the Federal Reserve pays us less in profit than they annually pay us—and they annually pay us about $25 billion—because of the cost of that action.

Secondly, what the Federal Reserve did was not bail out AIG. They wiped out, for all intents and purposes, the stockholders. All you need to do is look at the primary stockholder in that company, whose net worth dropped by $5.8 billion—which is the report I saw yesterday—as a result of this action. That is a pretty deep loss: a $5.8 billion individual loss. In addition, it is likely the senior debt will lose their position, and it will be wiped out. What will happen is that the parts of that company are going to be sold off in an orderly way, and it is very likely a large part, if not all, of that $85 billion will be recovered and the Federal Reserve won't end up with any cost on its books and may actually make some money on this action. But in the process, more importantly, they will have done an orderly unwinding of that company so you do not have a meltdown of that company, which would lead to a downstream, catastrophic event for literally hundreds of banks in this country—small banks, especially—that have used the AIG insurance to basically solidify the capital on their books. If those banks fail—and they might well have failed if AIG had gone down in an implosion—then Main Street would be affected and jobs would be lost and people would be dramatically impacted.

So this was an effort to pay some money now up front in order to avoid big damage down the road. In my opinion, it was an effort that had to be taken. But for Members of the other side of the aisle to come here and start pounding their chests about how outrageous it is that $85 billion is being spent in this manner, either they do not understand the issue and understand what happened here or they are misrepresenting the issue and in a way that is truly not constructive to settling the markets or to getting a resolution that will be positive.

We still have an issue, and it is fairly significant. The issue is that the underlying credit in the mortgaged area—mortgage-backed securities—is locked up. It is virtually impossible to move these securities off the books because nobody knows the value of these securities. As a result, the marketplace is not working correctly and you cannot move money and you cannot make loans and you cannot get economic activity and thus you cannot create jobs. The engine of our economy has always been our real estate industry.

So we as a government have to be thinking about how we should address that. It may take some significant creativity. I respect the chairman of the Banking Committee in the House who has openly said maybe we should take another look at something like the Resolution Trust Corporation which we had in the 1990s. This may be the type of vehicle we have to take a look at. But to accomplish that, we have to have a mature approach. We have to have an approach that is not a juvenile, partisan attack coming from the other side on initiatives which might constructively resolve this or at least should be debated in an atmosphere where there is some sort of seriousness about the debate besides hyperbole and political advantage trying to be scored.

I am willing to acknowledge and openly acknowledge that I respect the fact that Congressman FRANK has put this concept on the table. It would be nice if somebody on the other side of the aisle who had spoken today—and I did not hear anybody—had come forward and said they respected the fact that the Secretary of the Treasury had been willing to take some aggressive action to try to stabilize Fannie Mae

and Freddie Mac and AIG for the betterment of this country and our economy, but all we are hearing is hyperbole, unfortunately. It is time we had some adult reflection on this around here. Yes, it is an election year.

Mr. President, I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Yes, it is an election year, and we know it is a Presidential year. We know everybody is trying to score points. What we are dealing with here is so big and so important to every American—basically, the fiscal solvency of our Main Streets and the fiscal solvency of the banks that support Main Street—that we can't allow ourselves—or we should not allow ourselves—to devolve into this type of hyperbole and partisanship. It would be nice if people around here would be willing to sit down and acknowledge that there are thoughtful ideas coming at this and there are creative ideas, but they are also going to be controversial; and that in the atmosphere of high partisanship, which I have heard this morning on this floor, we are not going to be able to discuss intelligently thoughtful, creative, and bold ideas because they are going to be savaged by petty partisanship.

We have a job before us as a Congress. Clearly, the Secretary of the Treasury is engaged and the Chairman of the Fed is engaged, and I hope the Congress will get engaged fairly soon, as well, in a substantive and positive way.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I thank my colleague from New Hampshire. His remarks are right on point. I appreciate the tenor of what he is saying, and I thank him very much for his mature and sober judgment.

This is a moment when we should be talking about solutions. This is a serious moment in America. We have hit a very serious financial crisis in this country. The fact is—well, this morning, I was speaking to a group of bankers, a group of business people, and their concern is heightened. What they are seeking is for Government to, first of all, try to provide a backdrop of assurance to the American people. One of the gentlemen I was speaking with was saying his office is getting deluged with phone calls from concerned investors who are wondering if their lifetime of savings is going to be eroded and go away. So what should we do at a moment such as this? Should we heighten the level of tension and crisis or should we talk in mature, serious tones about the need to come together as Americans first, Republicans and Democrats second—as Americans first—to try to find solutions?

I have seen a lot of finger-pointing. I have heard a lot of blame assessing. Much of it I find as logical as blaming President Bush for hurricanes, and sometimes I wonder when that will begin to occur.

Obviously, there have been things that have been done that have not been right. Maybe now we recognize and we can all come together around the idea that we do need a new regulatory framework for our Nation's financial institutions. We have been going on the same ones that were existing since the Great Depression and days after that. So this has now focused our attention on the need for finding ways in which we can find a way of better regulating financial institutions so we can avoid systemic risk—systemic risk—a risk to the financial system.

For those who are playing the partisan game, the big charge seems to be that somehow this administration was against regulation. Well, not to take the other side and become partisan, but let me try to set the record straight a little bit and talk about what happened. I was a part of this administration for the first 3 years of it. During that time, I and other members of the administration, including the then Secretary of the Treasury, Secretary Snow, and others made a mighty effort to try to get the Congress's attention to begin the process of regulating Fannie Mae and Freddie Mac. Now, anyone who looked at that situation—and it was part of my responsibility as HUD Secretary to partially regulate those entities—knew I did not have the authority to regulate them; that the laws were written in such a way that it made it impossible to have an effective regulator over these two giant and growing entities, and their growth has been dramatic, or was dramatic, from the time after I left HUD until the time of their collapse and Government intervention took place. They continued to grow tremendously.

It is very clear there were efforts by Republicans to try to regulate these entities and there was equally strong and better constructed efforts by Democrats to not regulate them and to allow Fannie and Freddie to continue business as usual. Finally, this year, we came together—and I commend Chairman DODD and Chairman FRANK for leading both committees of the House and Senate so we could come together in a bipartisan effort to regulate these two entities. Now, if I had had it my way, that regulator would have been stronger and even more capable than the one we put in place, but thank goodness we did act and we created a regulatory scheme. It was a little late to save them because by then the horse was out of the barn. Had we regulated them back in 2003, when I testified before the Banking Committee of the Senate, the Financial Services Committee of the House, maybe we could have begun a new regulatory scheme then, and we could have today perhaps been in a position where those entities would not have had the problems that they ran into. Our efforts were not taken very seriously at the time, and the record is pretty clear about who was in favor of regulation and who was absolutely dead set against it.

The fact is it does no good for us to today, in the midst of this enormous crisis, to be sitting around finger-pointing and trying to score points. The bottom line is we have a problem ahead of us, and the best thing we can do is to utilize sober judgment to try to come together, as I said, as Americans—not Republicans, not Democrats but Members of the Congress, Members of the Senate who have taken an oath of office—to try to do the right thing by the people whom we represent. How can we address this problem? What can we do? In fact, it may not be that there is much we can do. This is not a governmental problem at this moment in time. There is a need for us to look and see what the future of Fannie Mae and Freddie Mac is going to be. Do they belong as a half private, half governmental agency? Does it make any real sense for them to be partially beholden to their shareholders and partially beholden to the taxpayers? I am not sure it does. So we will need to legislate on that issue in a serious manner as to what the future of those entities should be.

Here is one suggestion I would make today as to how we might begin to ameliorate the problem and how we might begin to work together, bipartisanly, to try to find an answer. I believe, from talking to people in the financial world, that one of the serious needs of today's problem, that would begin to ease all these problems, is for us to begin to look to ending the enormous surplus of unsold homes. The fact is people are not buying houses. The fact is there is an oversupply. The fact is supply and demand is out of whack. So perhaps we could, through tax credits, encourage people to buy homes, to purchase homes, providing them with essentially a tax credit that would encourage them, through the tax system, to purchase a home at this moment in time. If the inventory were to be drawn down, if we had fewer unsold homes sitting in the market, it would make it much easier for the marketplace to then begin to find a bottom—a price floor—that could then begin to ease the burden on all these financial institutions that are holding paper that today is not worth what they thought it would be.

I wish to shift subjects, but before I do, I would make a call that we try to temper a little bit our desire to score a

point today on the backs of the American people who are frightened and who are concerned—and rightfully so—about a very difficult problem and try to, rather than finger-point, join hands; rather than finger-point, let's put our hands together, Republicans and Democrats, to work together toward a solution, toward some honest-to-goodness effort. That is what the American people expect of us. That is why they sent us here, to work together to solve problems; not to try to assess blame and not to try to score political points.

PUBLIC SAFETY

Mr. MARTINEZ. Mr. President, I wish to talk about another matter which has to do with the public safety of our people. Public safety is among the highest priorities of Government. Americans should feel—and have a right to feel—safe in their homes, their neighborhoods, and their communities. Although the national violent crime rate has dropped substantially since 2000, we know any crime is too much crime. As elected officials, we ought to do what we can to prevent criminal acts.

In recent years, my home State of Florida has, unfortunately, seen a rise in violent crime—a very sharp increase. If we look at the numbers in recent years, there is a clear trend: The murder rate in Florida rose more than 28 percent in 2006 and another 6.5 percent in 2007. Instances of armed robbery increased by 13.4 percent in 2006 and nearly 12 percent in 2007. So while the overall crime rate rose only 1.4 percent—and it was the first time in more than a decade—we did see a rise in violent crime.

Many of the crimes committed in Florida are being committed by those with prior records and those who are already fugitives from justice. A U.S. Marshal—a good friend—told me fugitives from justice posed the most risk to society because they have to keep committing crimes in order to keep going and crime then becomes their livelihood.

So that is why, since the creation of the U.S. Marshals Service, their priority has been to capture fugitives. They work closely with local and State law enforcement agencies, they devote the resources necessary to track fugitives across State lines, and they have several regional task forces set up specifically to go after the worst of the worst criminals.

Currently, my State of Florida falls under the purview of the Southeast Regional Fugitive Task Force based in Atlanta, GA. Given Florida's size, its population, and the escalation of violent crimes, we need a special focus to more effectively target those responsible for the most serious of crimes.

Last year, I requested the resources necessary to establish a regional Fugitive Task Force in Florida. We secured $2.8 million, and while not enough to establish a task force, it did provide the resources to increase the Marshals' presence in my State. Over the past 10 weeks, the Marshals Service put those resources to work in an effort that they call ''Operation Orange Crush.''

In Miami, Jacksonville, Orlando, Tampa, Fort Lauderdale, West Palm Beach, and other places, the Marshals Service linked up with other State and local law enforcement agencies and targeted the worst of the worst fugitive criminals.

They went after murderers, rapists, child sex offenders, and gang members, and they very specifically went after violent offenders. The results were absolutely astonishing. Nearly 2,500 fugitives were apprehended. More than 2,900 warrants were cleared, 113 homicide suspects were arrested, and 255 sex offenders were also captured. They also took in 76 firearms and about 100 pounds of illicit narcotics.

Among those captured in Operation Orange Crush was fugitive David Lee Green, an escapee listed on the Marshals' 15 Most Wanted list, and a criminal who has been on the run since the year 2000, out there committing more and more crime. Green was found in Titusville after escaping from a Federal correctional institution in Elkton, OH, where he was serving a 235-month sentence for cocaine distribution. In addition, he was wanted for machine-gun possession.

Another captured fugitive, Rosalino Yanez, was arrested in Okeechobee County.

Authorities in Fort Pierce wanted him for a 2003 murder, when he apparently used a shotgun to fire and kill two men. He is also wanted in Georgia for attempting to commit murder there.

Another arrested was Nolan Woods, who was captured in Miami on a warrant for sexual assault of a minor. So this man was also captured and put behind bars.

These are some of the more than 2,400 arrests that were made. These were made possible because of the additional resources this Congress made available to the U.S. Marshals Service.

Given these statistics and what the Marshals Service was able to do in a 10-week period—in just 10 weeks in my State—demonstrates that there needs to be a permanent Regional Fugitive Task Force in Florida. Rising violent crime rates pose a serious threat to our children, our families, and our communities. These results demonstrate that Florida has a need, and the resources used will yield the desired results.

Establishing a permanent Regional Fugitive Task Force in Florida will require Congress's support through the fiscal year 2009 and beyond. But given the results of Operation Orange Crush and the outstanding commitment of the U.S. Marshals Service, I am very hopeful we can take the results of this task force and make this be a reality in the coming days.

So I am very pleased, and I wish to give a word of thanks not only to the Marshals Service but also to all law enforcement in the State of Florida who worked together cooperatively to make this terrific result happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

THE ECONOMY

Mrs. CLINTON. Mr. President, we have seen the financial landscape in our country reshaped overnight. The titans of Wall Street have been rendered insolvent or even bankrupt. These are firms that survived the Great Depression, world wars, the attacks of September 11, but were no match for a mounting credit crisis that was allowed to escalate in the shadows of our financial system.

The Federal Government has taken over Fannie Mae and Freddie Mac. Bear Stearns had to be rescued by JPMorgan Chase, after the Federal Government guaranteed J.P. Morgan's investment. While they are in talks to keep part of the company viable, Lehman Brothers has declared the largest bankruptcy in U.S. history. Merrill lynch has been purchased by Bank of America, and the Federal Government has agreed to rescue AIG.

This past Monday, we saw the largest drop in the Dow Jones Industrial Average since 9/11. Now even money market funds are affected; for only the second time in our history, one has been valued at less than 100 cents on the dollar. Alan Greenspan called this a ''once in a century event.''

In my State of New York, tens of thousands of hard-working employees have lost their jobs. The livelihoods of tens of thousands more who depend on Wall Street's economy are threatened as well.

New York City and New York State, already facing serious economic and fiscal challenges, will now be forced to contend with a battered Wall Street, the lifeblood of our State's economy. The sudden collapse of these firms and the Government takeover of some has shaken our markets and buffeted the economy as a whole. Many are now asking: What is next? I know that New Yorkers and other Americans are deeply concerned and more than a little bewildered. As our markets have grown more complex and interconnected globally, so, too, have the crises that have emerged. We are still sorting out the details.

One of the consequences of the secrecy and lack of oversight under the Bush administration is that we do not know what we do not know. But it is important to recognize what we do

know about what went wrong so we can assess what needs to be done right now to make it right.

What we have seen over the course of the last 8 years is an administration that refused to recognize the threats that lurked in our economy—no matter what lurked just beneath the surface or what problems were facing middle-class families.

We know that many CEOs are paying lower tax rates than their receptionists. We know that President Bush and those who carry his mantle seek to lower those taxes even further. Middle-class families have seen their wages decline, even as the cost of living has skyrocketed. This administration has the worst job creation record in 70 years. Millions of families were locked into ballooning and unaffordable adjustable rate loans as this administration stood by denying there was a crisis. Regulations designed to keep pace with the markets have been steadily chipped away by Washington Republicans even as companies experimented to the tune of hundreds of billions of dollars in ever-more complex and risky financial instruments. Now, we were reassured that the risk was too diversified and investments too sophisticated to put our economy in jeopardy. Meanwhile, behind closed doors, the cracks were showing as the value of mortgage-based securities slipped day by day. And the President and his supporters in Congress repeatedly chanted—and still chant today—the mantra that the fundamentals of our economy are strong.

The administration waxed philosophic when middle-class families started facing foreclosures at record levels. The administration and its allies derided my proposals over the last 2 years to offer assistance to troubled homeowners seeking refinancing as a ''bailout.'' They dismissed my concerns and the concerns of millions of Americans even as the storm clouds gathered. They said they didn't believe the Government should intervene and provide borrowers an affordable opportunity to avoid foreclosure.

Even when I and others warned the Bush administration repeatedly from the start of this crisis, that decisive action was demanded immediately to help families stay in their homes, that that was the best way to stave off a deepening economic crisis, their only responses were predictions for a ''soft landing'' and that the crisis could be contained.

As I traveled throughout our country, I could see that no soft landing was forthcoming. Many families, hundreds and even thousands of miles from Wall Street, were having their lives turned upside down by the home mortgage crisis and the ripple effect being felt throughout the economy as a consequence of the broken economic policies of the last 8 years.

Unfortunately, the Bush administration waited until this past summer to admit that massive housing relief was necessary. The administration finally supported, in concept, much of what I had proposed—mortgage modifications, freezes for unreasonable mortgage rate increases, and an expanded role for the Federal Housing Administration. But their response was halfhearted, without adequate resources or a commitment to enforcement. So the home mortgage crisis slowly but surely eroded the value of risky debt instruments upon which Wall Street firms were dependent. The house of houses of cards began to fall. My proposals, as well as those of others, were falsely greeted as too much, too soon. Now we are forced to reckon with too little, too late.

When giant Wall Street firms revealed their dire straits and turned to this administration for the exact same help as we had sought for middle-class families—discounted loans, loan modifications, and Government-backed lending to weather the storm—ADAM SMITH was nowhere in sight.

Taxpayers have loaned these banks upwards of half a trillion dollars. After years of laissez-faire policies for the middle class, the Bush administration has acted on behalf of Wall Street, with the largest and most significant Federal interventions in the history of our modern financial system. The largest banks in the world could have closed-door meetings with the White House and Federal Reserve and Treasury Department to discuss their bailout options, but millions of homeowners with mortgages worth more than their homes or who are facing default and foreclosure don't have the same opportunity.

This administration seems to be, once again, paralyzed. I represent both the workers and the homeowners and the investment firms. I wish we had taken action long before this, for the sake of all of my constituents. But now we must have a concerted, focused effort. I don't believe we can wait until the next President. I am extremely hopeful and optimistic that we will have a President who will work with us to resolve our economic challenges, but I don't think we can wait.

However, I do believe we can avoid a deepening crisis. We can take steps right now to address the root causes of what is taking place in our economy to stem the tide of foreclosures, mortgage defaults, and the aggregating consequences in the credit markets, on Wall Street, and throughout the global economy. But we must cast aside the haphazard, halfhearted approach of this administration and bring every stakeholder to the table to seek out and implement the right solutions.

We must be as vigilant on behalf of homeowners and middle-class families as we are on behalf of Wall Street firms. We must chart a new course based on the facts at hand, not the ideology at work for 8 long years. We have tried being reactive. It is now time to be decisive.

No option should be off the table—certainly not because they don't fit into a narrow ideological prism that this administration has abandoned for some at the first sign of trouble. Ideologues in Washington or in the market who thought that the only danger to the marketplace was the Federal Government are now going hat-in-hand to that same Government seeking help to stay afloat.

So to those who suggest that the steps taken thus far are enough, let me be clear: We may need to take even more significant steps to avoid a self-sustaining cycle of depressed home prices and foreclosures, with the consequent effect on the entire marketplace. We have already pumped hundreds of billions of dollars of liquidity into the markets, but we still cannot see the end of this crisis.

The biggest problem now is that our entire financial market is anchored by the mortgage securities that are untouchable. We have seen the banks and the financial institutions that had the largest exposure to these instruments among the first to fail. Now we have begun to see some of the mightiest institutions—even those making a profit—fall by the wayside and the market thrown into upheaval, and others the target of predatory short-sellers.

The Federal Reserve has used virtually every arrow in its quiver, from rate cuts, opening its lending windows, and, in desperation, has even created some new arrows through its new lending facilities. By some estimates, the Fed has put out more than half a trillion dollars through discounted loans, bailouts, and takeovers to stabilize the market and the economy. While necessary to prevent even deeper disaster, we have seen that the benefits of these actions have had limited effect.

This situation reminds me of that old fable where people are standing by the side of a river and they keep seeing babies being rushed down the river in the current. They desperately reach out and try to save as many babies as possible. Day after day, they are reaching out. They get new tools, they build a bridge, they get a ladder, and they are constantly trying to get to those babies, hoping they can save many of them. Finally, someone walks up and says: Who is throwing them in? Go upriver and find out the real problem and stop that.

The real problem has always been the way our home mortgage system got totally out of whack, with new kinds of instruments that were sold many times over, with very little regard to the realities of life, human nature, and the inevitable ups and downs in the economy, with the result that until we reach in and fix the home mortgage

crisis—and we can bail out everybody from here until kingdom come—we will not get a handle on this economic crisis.

Here is what I believe we should do:

First, in light of historic bank failures, even with the largest Federal intervention in the history of the mortgage market, we need a government entity, a modern-day homeowners loan corporation, referred to as HOLC, or we need to build on the Resolution Trust Corporation created to help deal with the savings and loan crisis. I personally believe and was among the very first to suggest that a HOLC, a homeowners loan corporation, could be a preferable way of unfreezing and beginning to fix our struggling mortgage market.

Some of my colleagues and many other respected economists and Government officials have called for the creation of an entity like the Resolution Trust Corporation which was created after the savings and loan crisis to liquidate in an orderly way the virtually worthless assets that the failed S&Ls held.

Yesterday in the Wall Street Journal, Paul Volcker, Eugene Ludwig, and Nicholas Brady made such a proposal. They said a HOLC, RTC—we have to come up with an entity that will assume these debts and burdens and begin to work our way out.

Last spring, when I called for a modern version of the HOLC—that is the Depression-era entity that bought up old mortgages and issued more affordable ones in their stead—most people didn't pay much attention. But I think it is important to note that by the time the HOLC closed its books, that agency had turned a small profit and helped over a million people keep their homes. And this was 70 years ago.

Our population has grown dramatically. Obviously, if we did it right, we would be able to save a lot of homes, and I think if it is administered correctly, it could be actually a net expenditure or even winner for the Federal Government.

With the FHA reforms I long championed and adopted this past summer in our omnibus housing bill, the FHA could be a modern home ownership lending corporation. But we need to look to new ways to revive and, if necessary, create a new market for mortgage securities based on sound accounting, transparent recordkeeping, and responsible lending.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator has used 10 minutes.

Mrs. CLINTON. I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Madam President, I did not know I had a time restraint.

A new government entity such as the HOLC with focus on attacking the source of the problem can serve a purpose of clearing a lot of those toxic mortgage securities from the market. We know there will not be any semblance of a normal or orderly marketplace until we have found a way to resolve these mortgage securities that are metastasizing in the bottom of our markets.

By taking this paper out of the market and quarantining it in this new entity, we will give the market breathing room to recover. We also will be able to set the stage for an orderly sale of these securities and in return allow some of them to recover and regain some of their value. Perhaps as importantly, not only would our financial markets stabilize, but so would our housing markets.

This is an extraordinary measure, but it is not without precedent. This is the greatest market upheaval since the Great Depression. We are, indeed, in crisis, and in times of crisis there are opportunities for leadership. Congress can show the American people that leadership by working with the President to embrace this bold proposal to take immediate action to address the abusive and manipulative short-selling practices that are rattling the markets, threatening firms and jobs, and sending shock waves across the broader economy.

I commend the SEC for yesterday tightening rules against manipulative short selling. The SEC's rulings are a positive step in curbing the heightened volatility casting uncertainty on domestic markets and financial institutions. However, the Commission did not go far enough.

As a Senator from New York, I have a special duty to represent the workers of the financial services industry and to try with all my might to retain New York City as the financial capital of the world. The abuses that have disrupted the markets today will impact the lives of so many far beyond New York. So I think it is necessary for the SEC to take steps similar to the emergency rule it imposed this past July when the Commission ''concluded that there now exists a substantial threat of sudden and excessive fluctuations of securities prices generally and disruption in the functioning of the securities markets that could threaten fair and orderly markets.''

Conditions now pose a greater threat than they did in July. Several of the institutions that the Commission sought to insulate from abuse do not even exist or certainly not in the same form they did 2 months ago.

The situation is evolving rapidly, so we need to stay a step ahead, not a step behind.

I urge the Commission, as I expressed yesterday in a letter to Chairman Cox, to move toward a temporary moratorium on all the abusive and manipulative short-sale practices associated with ''substantial financial firms,'' such as those the Commission identified in July.

A temporary moratorium would allow the marketplace to take a step back, take a deep breath, and it would allow the Commission and other regulators to identify and weed out the sources of these abusive transactions.

Moreover, the Commission should give close consideration to the many calls for the immediate restoration of the uptick rule, whose repeal has been linked to the recent market volatility and proliferation of these short-sale transactions.

I know there are technical problems in moving toward digitalized trading, but we ought to figure out how to handle that.

Third, I am calling on President Bush to convene an economic summit that brings together leaders in the administration and Congress with lenders, consumer advocates, nonprofits, financial institutions, and all the stakeholders. Such a summit, I believe, would restore confidence and demonstrate that the entire country is focused on solving the problem we face.

Fourth, I want to propose once again that we aggressively pursue and encourage mortgage modifications. I have introduced such legislation. I believe it is important. Madam President, 10 million homeowners are underwater today, carrying more than $2 trillion in mortgage debt. That is a huge anchor on our markets and our economy. Modification done right is a strategy that serves lenders and borrowers, as well as the broader markets.

Fifth, it is clear that for too long, the rapid evolution of the securities and banking industry overwhelmed our regulatory framework, resulting in an entire shadow banking system that operated outside of oversight and without accountability.

It is not enough to shift responsibility or move lines on a flow chart. We need a new regulatory framework. We have been living off the one from the Great Depression. Now is the time to create a new framework.

Sixth, I proposed the Corporate Executive Compensation Accountability and Transparency Act to impose new transparency rules on executive pay and the accounting techniques that hide compensation and provide shareholders a say in executive compensation packages.

Finally, and seventh, I am proposing that we require any financial institutions borrowing money from the Federal Reserve's new lending facilities to open their books and ensure accountability and transparency to identify unsound practices.

These banks and other entities have tapped the Fed's new lending windows for over $300 billion in capital. They shifted a lot of that risk onto the backs of our taxpayers. These are unprecedented interventions, and we should

make sure these companies are not using taxpayers' dollars to subsidize golden parachutes or risky investments, throwing your good money after bad. If we are bailing you out, we deserve to know exactly your liabilities, and you have to be part of this new regulatory framework.

This crisis has not abated. It is time for us to start acting like Americans again. There isn't anything we can't solve once we put our minds to it. For that we need leadership. I know that our leader, Senator REID, has said the Senate will remain in pro forma session. We are ready to work with the administration, to work with the other stakeholders to change course and end the failed economic policies and failure of regulatory oversight that brought us to this point.

There is much more we need to do. Individuals have to take responsibility, we know that, but in this dynamic environment, we must work together to stabilize the market, tackle the root causes that have festered too long, and restore confidence in our economy.

We will weather this storm, but let's do it sooner instead of later. Let's try to save as many boats in the water right now instead of cleaning up the wreckage on the banks. I believe we can do that.

I thank you, Madam President, for your attention. I hope we will be able to start seeing action very soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I ask unanimous consent that I be allowed to speak for up to 20 minutes and the Senator from Vermont follow me, and that he be allowed to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, I am astonished at the diatribe by some of our Democratic friends who are charging that our current economic woes are ''the Republicans' fault,'' as if somehow our system of housing finance and the complex mortgage-backed investments were created by President Bush. The American people know better and, frankly, they deserve better.

Similarly off base are efforts by some Democrats to rewrite history by trying to cast Senator MCCAIN and President Bush in the mold of President Hoover. It is, of course, a false and complete misunderstanding of history and I believe nothing more than attempted mudslinging.

There is an excellent history of the Great Depression by Amity Shlaes called ''The Forgotten Man.'' In it she reminds us that Herbert Hoover was an interventionist, a protectionist, and a strong critic of markets. If anything, Herbert Hoover and then Franklin Roosevelt prolonged the Great Depression by their intervention in the free market with their support for more taxes and tariffs, all of which, of course, caused a spiral of deflation.

No one can argue that my colleague Senator MCCAIN is an interventionist or protectionist such as Herbert Hoover. He is a strong critic of the greed and the cronyism that are two things that have led to our current financial problems.

What are the facts about the current situation? Where did it all begin?

I think almost everyone agrees that this financial crisis was precipitated by the housing crisis, the bursting of the bubble of overinvestment and speculation in home mortgages. Housing prices skyrocketed to unsustainable levels as mortgages were given to people who simply could not afford them, and speculators ran up prices even more. All of the experts I talked with agree that until housing prices level out naturally—in other words, not artificially through some kind of Government interference—our financial crisis will not reach a conclusion. That is what is necessary to begin the rebound so that we can recover from the current crisis.

While it is true that both parties took pride in supporting more home ownership, a goal to which all Americans would certainly aspire, Democrats cannot deny that they promoted expanding loans to more and more people who had previously found it very hard to get a mortgage because they could not make a sufficient downpayment or failed to meet other normal loan criteria; in other words, people who were higher credit risks. So it isn't just lenders but also politicians who enticed and encouraged folks to buy homes they could not afford. And this, of course, fueled speculation as well.

It is also true that members of both political parties were strong defenders of Fannie Mae and Freddie Mac, the so-called government-sponsored enterprises, or GSEs. But I can't think of a single Democrat who fought for comprehensive, meaningful reforms of these entities over the last decade.

Fannie and Freddie made huge campaign contributions, and those campaign contributions secured many friends who were willing to stymie even the most modest proposals for regulation, proposals put forth by Republicans both in Congress and in the administration.

I cite, for example, a New York Times article of September 11, 2003. I will quote two brief paragraphs:

> The Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago.

It goes on to say:

> The plan is an acknowledgment by the administration that oversight of Fannie Mae and Freddie Mac—which together have issued more than $1.5 trillion in outstanding debt—is broken. A report by outside investigators in July concluded that Freddie Mac manipulated its accounting to mislead investors, and critics have said Fannie Mae does not adequately hedge against rising interest rates.

The article concludes with a criticism, two paragraphs more:

> Significant details must still be worked out before Congress can approve a bill. Among the groups denouncing the proposal today were the National Association of Homebuilders and Congressional Democrats who fear that tighter regulation of the companies could sharply reduce their commitment to financing low-income and affordable housing.
>
> ''These two entities—Fannie Mae and Freddie Mac—are not facing any kind of financial crisis,'' said Representative Barney Frank of Massachusetts, the ranking Democrat on the Financial Services Committee.

Again, ''These two entities—Fannie Mae and Freddie Mac—are not facing any kind of financial crisis.''

Quoting again:

> The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.

Our friends on the other side of the aisle claim the current financial crisis stems from a lack of regulatory oversight, but they don't mean a lack of oversight over Fannie and Freddie, which they resisted. They don't mean regulations that actually would have headed off the crisis of these GSEs.

I think most of my colleagues would acknowledge that I am one of the most free market Members of the Senate. I am not one to usually call for more regulations. But in the case of Fannie and Freddie, I did. As chairman of the Republican policy committee in 2003 and 2004, I provided two detailed analyses of the potential for catastrophic failure of the GSEs unless they were precluded from taking on more and more questionable debt. I noted that while their executives and shareholders were making a lot of money in the short run, the taxpayers would be on the hook in the long run. And that is exactly what occurred.

The first paper the Republican policy committee released under my watch suggested that the implicit Government guarantee of both Fannie and Freddie allowed the companies to borrow significantly more than they would have without the guarantee, and that they used those resources to invest and trade in risky mortgage securities, not to pass on the benefit to borrowers.

In September 2003, 5 years ago, I recommended that Congress ''improve disclosure requirements and transparency, increase risk-based regulatory oversight; and begin to consider how to create a greater separation between the taxpayers and the business operation of these firms without causing financial dislocation or upsetting the mortgage markets.''

I also warned that without reforms, either or both companies could fail. And I said:

The potential cost to U.S. taxpayers could range into the hundreds of billions of dollars.

I am sorry to report that I was correct. The bailout will cost at least $200 billion. That is the amount that has been cumulatively committed to Fannie Mae and Freddie Mac.

The second paper I released in April of 2004 reported that then-Chairman of the Federal Reserve, Alan Greenspan, had endorsed fundamental reforms for Fannie and Freddie. Greenspan threw cold water on the most often repeated rationale for allowing Fannie and Freddie to continue growing, indeed, for their very existence: that they increase home ownership and reduce mortgage rates. My report, quoting once again ''challenged the Senate to act quickly to reduce the risks to the taxpayer, either by fundamentally altering their relationship with the government, or by establishing a new regulatory regime.''

But the Senate failed to act in 2004, when it could have headed off this crisis.

I also want to highlight the efforts made by Senator SHELBY, the ranking Republican on the Senate Banking Committee, to reform Fannie and Freddie. In 2004 and 2005, Senator SHELBY tried to enact comprehensive GSE reforms of the kind I have referred to only to be stonewalled by then-Senator Sarbanes. First, in 2004, Senator Sarbanes refused to consider the legislation. He said the problem was the receivership provisions. At the time, Fannie and Freddie could only be taken into conservatorship if they failed but not receivership. Fannie and Freddie used their objections to this provision to label my colleague, Senator SHELBY, as anti-home-ownership.

When SHELBY tried again, Senator Sarbanes told him the reforms couldn't move forward because he objected to the portfolio limits that SHELBY's legislation would have imposed on Fannie and Freddie. Same kind of thing I had called for earlier in the report to which I referred. Remember, their portfolios were highly leveraged. Again, SHELBY and those who supported him were castigated as anti-home-ownership. Each time he pressed for these reforms, the supporters of Senator Sarbanes and Freddie and Fannie came up with reasons to oppose them.

When Congress passed the Fannie and Freddie bailout legislation this last summer, we were finally able to secure fundamental reforms, thanks again to Senator SHELBY and to Secretary Paulson, but no thanks to most of the Democrats who worked against the reforms. Unfortunately, by then the damage was already done. The legislation came too late to avoid their collapse. Instead, we had to end up managing their collapse, and their collapse had spread throughout the entire financial system to the point that we now have a whole series of companies that we are having to try to find a way to assist in order to prevent further collapse of our financial system.

Even at this late date, the chairman of the Senate Banking Committee and the chairman of the House Financial Services Committee would only agree to the GSE reforms proposed by Secretary Paulson after Republicans gave in to their demands for billions of dollars to go to groups such as ACORN, the far-left advocacy group that has engaged in voter fraud.

In a last-ditch attempt to save Fannie and Freddie from greater scrutiny, the chairman of the House Financial Services Committee even tried to delay the appointment of the new, more powerful regulator set up in the legislation until next year. Fortunately, on this, Senator SHELBY prevailed. When the two entities were taken into conservatorship this month, the new regulator shut down all political activities of Fannie and Freddie and fired their executives and barred them from getting lavish compensation packages.

That is the kind of thing that should have been done a long time ago, and it is exactly the kind of thing Senator MCCAIN is talking about trying to reform if he is elected President.

One final point about the political entanglement of Fannie and Freddie in Washington. When Senator OBAMA began searching for his Vice Presidential running mate, he tapped former Fannie Mae CEO Jim Johnson to help conduct the search. This wasn't surprising. Johnson had the same role in Senator KERRY's 2004 campaign. But Senator OBAMA had to end his relationship with Jim Johnson after it came to light that Johnson had received at least three sweetheart loans from Countrywide. Remember, Countrywide was accused of pushing many people into home mortgages they could not afford. It ultimately failed, and it had to be acquired by a bank. I should also note that Johnson is credited by many as having built Fannie Mae into the financial giant it became. He built the failed business model that will cost taxpayers hundreds of billions of dollars. When he was CEO, he aggressively hired an army of lobbyists to protect Fannie Mae from any meaningful oversight.

Well, Fannie and Freddie guarantee about $5 trillion now of the approximately $12 trillion in total outstanding home loans in the United States. That amounts to $5 trillion in mortgage-backed securities guaranteed by the pair. Fannie and Freddie sold these to countless different companies not just in the United States but around the world. They were sold as sound investments. But with real estate prices dropping, nobody knows how to value these investments, and that is part of the problem of this continuing crisis. Countless major investors here and abroad are now at risk. Witness the problems with Bear Stearns, Lehman, Merrill Lynch, AIG, to name only the most prominent.

So the problems that several Republicans predicted and tried to prevent have now come to pass. The Treasury has placed Fannie and Freddie in conservatorship, risking up to $1 billion of taxpayer money for each of them. Add to that the $30 billion the United States had to guarantee in the Bear Stearns debt to get J.P. Morgan to acquire the bank, plus $85 billion to nationalize AIG, and you begin to see the degree of commitment the American taxpayers are now obligated to—all of this because several prominent Democrats, and sometimes even Republicans, refused to appropriately and seriously address the problems and dangers posed by Fannie Mae and Freddie Mac.

That is how this all got started. And unless there is a willingness to prevent the GSEs from doing it all over again, with taxpayers guaranteeing against losses, we will not have learned the lesson we should learn from this catastrophic event. I am anxious to see if my Democratic colleagues will agree or whether, as before, they will try to perpetuate the same corrupt system that got us where we are today. I hope, Madam President, this will be an opportunity for us to begin working together, to stop pointing political fingers of blame at each other, to learn the lessons of the past, and to ensure that never again will we allow this kind of situation to develop at the cost of our constituents—the taxpayers of the United States.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I would like to focus on three aspects of the current economic and financial crisis that is wreaking havoc on tens of millions of working families throughout our country and, in fact, people throughout the world. I think the questions we have to deal with are, No. 1, how did this crisis develop; No. 2, what can we do in the short term to address it and to protect middle-class families—people who are scared to death all over our country about losing their 401(k)s, people who are worried about losing their jobs, people who can't afford health insurance today—and, No. 3, what can we do long term to learn from the mistakes of today so that we create an economy where this crisis never erupts again.

I think those are the areas we might want to be focusing on right now.

Madam President, we are here today in the midst of the most serious financial and economic crisis that our country has faced since the Great Depression of the 1930s primarily—primarily—

because of one reason; and that is, over the last many years, especially in the last 8 years of President George W. Bush, government policy, government ideology has been dominated by an extreme rightwing position that tells us—and we have heard it over and over and over again on the floor of the Senate—that government is bad, government is evil, government has to get out of the way so we can allow large multinational corporations and the wealthiest people in this country to do all of the wonderful things they will do to create prosperity for all Americans.

Now, among specific policies, what President Bush and others of that view have said is it is important for us to give huge tax breaks—trillions of dollars in tax breaks—to the wealthiest people and largest corporations in our country so they will then invest in America, create good-paying jobs, and their wealth will trickle on down. That is the trickle-on-down theory of economics.

In fact, my friend, Senator KYL, who just spoke a moment ago, is the lead advocate, along with Senator MCCAIN and many other Republicans, of the repeal of the estate tax that would provides $1 trillion in tax breaks over a 20-year period to the wealthiest three-tenths of 1 percent. Three-tenths of 1 percent receive $1 trillion in tax breaks. That is part of that ideology.

Further, what they have said is, we need to not worry about manufacturing in America because what we should establish is a policy of unfettered free trade. We don't need tariffs. What we need is to allow corporate America the freedom to throw American workers out on the street—people who are making 15, 20, 25 bucks an hour, health care, pensions—because somehow we are going to create wealth in America and good-paying jobs in America as we shut down plants, we move to China, and corporations there pay workers 20, 30 cents an hour, and we bring the products back into this country. Anyone who goes shopping in a mall knows how difficult it is today to find a product made in America, but that is a plus.

I have to say, in that regard, the champion—and he is honest on this one. Senator MCCAIN has been criticized recently for not being the most honest candidate we have seen in terms of his answers and so forth, but he has been honest on this one. He has been the lead advocate of unfettered free trade. This is an important part of this rightwing ideology: that it is good for America that corporations can go to China and bring products back into this country. But the third pillar of this rightwing ideology that I want to discuss this afternoon, and perhaps the most pertinent to the crisis we are now facing, is over and over again what we have heard from President Bush, what we have heard from Senator MCCAIN, what we have heard from many of our Republican friends is, deregulate, deregulate, deregulate; that the government has to get out of the way so that ExxonMobil and the other large multinational corporations can do all of the wonderful things they will do to create wealth in America.

I will just give one example. It is not a major example but a humorous example. All over this country, Madam President, parents who have little kids who play with toys have been worrying about the toys and the quality of the toys coming into this country. It was recently learned that at the Consumer Product Safety Commission, because of that ideology of deregulation, there was one guy, one person whose job it was to test all of the toys, thousands of different types of toys coming in from China and every other country in the world—many of them unhealthy, many of them having toxic ingredients in them. Because of deregulation, because we have great faith in these companies bringing toys in from China, we didn't even have to have a strong regulatory system. I am happy we have moved in that direction in the last few months, but that was the case.

The deregulation mantra goes obviously a lot deeper than toys. Let me focus for a moment on this issue of deregulation because it is at the heart of the current financial crisis we are facing. I want to say a word about the former Senator who, it turned out, was the chief economic adviser to Senator MCCAIN and who actually was the leader on deregulation.

I know in politics things change from yesterday to today. I have not heard Senator MCCAIN's last pronouncement. I guess he wants to regulate everything today. But yesterday and in the rest of his career he was a champion of deregulation and his major economic adviser was a gentleman named Senator Phil Gramm, formally the Senator from Texas.

To review a little bit of what Senator Gramm's role was in pushing us toward this deregulatory society, as chairman of the Senate Banking Committee in 1999, Senator Gramm spearheaded legislation that bears his name. It is not a great secret, it is his legislation, the so-called *Gramm-Leach-Bliley bill, and that broke down critical regulatory safeguards the Government had put in place after the Great Depression to prevent—what? To prevent exactly what we are seeing today. Senator Gramm spearheaded that effort and broke down those firewalls.

Having laid the groundwork for our crisis in the financial sector, the very next year Senator Phil Gramm is credited—and I do not think there is a lot of debate about this—with slipping into a large unrelated bill legislation that deregulated the electronic energy markets, including, of course, oil. There are leading energy economists—who have testified over and over again just this week, among other committee hearings before Congress—who are telling us that as a result of the deregulation of the energy futures market, 50 percent of the cost of oil, when it was at its peak of $147 a barrel—50 percent of that was due to speculation and that speculation was allowed to take place because of the deregulation of the energy futures market spearheaded by Senator Gramm.

We are seeing what deregulation did to the financial institutions, what it has done to energy prices, but that is not enough. Senator Gramm was a very aggressive and a very effective, if I might say so, Senator. As we all know, the Federal Government is in the process of nationalizing AIG and bailing them out to the tune of $85 billion. AIG, as we all know, is the world's largest insurance company.

It also turns out that the AIG situation is closely tied to the same extremist ideology that has been pushing us toward economic disaster. A key part of the responsibility for AIG's collapse lies once again with this same key Member of the Senate, Senator Phil Gramm, and his rightwing ideology. It turns out that Senator Gramm slipped a 262-page amendment—I always find it amusing how you can ''slip'' a 262-page amendment—into a larger bill that was instrumental in creating, and I know this number is a little bit difficult for anybody in the world to digest, a $62 trillion market for very risky, unregulated financial investments called credit default swaps, that are central to AIG's meltdown.

This is extremely complicated. Very few people understand anything about it. But we are talking about an unregulated $62 trillion market for credit default swaps, which played a major role in the collapse of AIG and the fact that the Federal Government is now in the process of bailing that company out.

As an online article from Time Magazine explains, AIG's traditional insurance business was doing well. In other words, when they were in the business that they had historically been in, actually they did quite well. But what AIG got involved in was more than traditional insurance. They got involved in risky derivative schemes called credit default swaps, or CDSs, that allowed big companies to guarantee each other's risky lending practices. The point here in this whole complicated scheme of things is that all of this is deregulated primarily because of the efforts of Senator Gramm. The big, bad Federal Government no longer can protect consumers, can protect our economy because we are going to trust all of these guys who are playing in a $60-plus trillion business.

In order to give the American people a full understanding of the risks posed by these unregulated credit default swaps, I wish to quote briefly from a

September 15 article by Professor Peter Cohen, a graduate of the Wharton School, that details the full scope of the problem we face and the role Senator Gramm had in its creation. Let me quote from Professor Cohen.

Lurking in the background of this collapse of two of Wall Street's biggest names, is a $62 billion segment of the $450 trillion market for derivatives that grew huge thanks to John McCain's chief economic advisor, Phil . . . Gramm. That's because in December 2000, Gramm, while a U.S. Senator, snuck in a 262-page amendment to a government reauthorization bill that created what is now the $62 trillion market for credit default swaps. I realize it is painful to read about yet another Wall Street acronym, but this is important because it will help us understand why the global financial markets are collapsing. . . . CDSs are like insurance policies for bondholders. In exchange for a premium, the bondholders get insurance in case the bondholder can't pay. . . . In the case of the $1.4 trillion worth of Fannie Mae and Freddie Mac bonds, the Government's nationalization last Sunday triggered the CDSs on those bonds. The people who received the CDS premiums are now obligated to deliver those bonds to the ones who paid the premiums.

Professor Cohen continues:

Gramm's 262-page amendment, dubbed the ''Commodity Futures Modernization Act,'' according to the Texas Observer, freed financial institutions from oversight of their CDS transactions. Prior to its passage, they say, banks underwrote mortgages and were responsible for the risks involved. Now through the use of CDSs—which in theory insure the banks against bad debts—those risks are passed along to insurance companies and others . . .

wrote the Texas Observer. I will not go on.

The bottom line is Gramm, who is MCCAIN's leading financial adviser, spearheaded the effort to deregulate financial services that opened up this huge unregulated market. The result of that has played a significant role in placing us where we are right now.

We can go on and on. This is complicated stuff and I am sure there are people who can talk about this for many hours. In my view, the time for hand wringing is over. What we have to understand is the efforts of President Bush to ''deregulate, deregulate,'' and those of Senator Gramm, Senator MCCAIN and many others, was wrong. It largely contributed to where we are today.

It seems to me that Congress right now needs to put an end to this radical deregulation. We need to put the safety walls back up in the financial services market.

I was a member of the Banking Committee in the House in 1999 when this whole issue was discussed. Many of us then—a minority, but some of us then—saw exactly what was in line to occur. Some of us at least voted against it.

What we have to do now is understand that we need to reregulate the electronics energy markets, we need to end the unregulated credit default swaps. Unfortunately, the response we have been hearing from the administration and from Wall Street is not to do that but in fact to move us in another direction, which is to push for further consolidation in the financial services sector.

I have a very simple question. Do I hope I am wrong on this one, but I fear I may not be. That question is: What happens when these now even bigger entities, these multi-multi-multibillion dollar corporations—what happens when they run into trouble in the future? None of us hope that happens, but what happens if that does occur? Once again, clearly, it will be the American people who will be on the hook.

This country can no longer afford companies that are too big to fail. If a company is so large that its failure would cause systemic harm to our economy, if it is too big to fail, then it is too big to exist. What we need to do right now is to assess which companies fall into this category.

For a start, I don't think you need to be a Ph.D. in economics to understand this. I think Bank of America, if I may be allowed to say so, is certainly one of those companies. Let's take a look at Bank of America. It is the largest depository institution in our country. It has assets of $1.7 trillion; $711 billion of that money comes from bank deposits representing over 10 percent of all bank deposits in the entire country—one bank, 10 percent of all bank deposits.

In August, the Bank of America bought Countrywide, the largest mortgage lender in the country. And then last week it bought Merrill Lynch, the largest brokerage firm in America. There is so much concentration of wealth in the Bank of America that clearly, if it were to fall in the future, what do you think the U.S. Government is going to say? You can absolutely expect that the President or the Congress will say: My God, we can't allow Bank of America to fall. Because if they fall, it will impact the entire national economy, the entire world economy. The taxpayers of this country are going to have to bail out Bank of America.

My suggestion is before we allow ourselves to be in that position, maybe we make certain the Bank of America never is allowed to have that kind of power.

In my view, we should not be making Bank of America bigger; we should be breaking it up. We should start that process today and we should be breaking up other large financial institutions that are ''too big to fail.''

Finally, in terms of dealing with this unfolding disaster, we need to make certain that working Americans, the middle class of this country, are not asked to foot the bill for the current economic crisis that was brought to us by these large multinationals. If the economic calamity requires a Federal bailout, it should be paid for by those people who actually benefited from the reckless behavior of people empowered by the extreme economic views of Senator Gramm, President Bush, and Senator MCCAIN.

Right now, today, the wealthiest one-tenth of 1 percent earns more income than the bottom 50 percent. That gap between the very rich and everybody else is growing wider. We have the dubious distinction of having by far the most unequal distribution of income in the world, and on top of that the richest 1 percent owns more wealth than the bottom 90 percent.

The wealthiest 400 Americans—this is a startling figure that for obvious reasons people don't talk about too much, but this is amazing. The wealthiest 400 Americans in this country have not only seen their incomes double, but their net worth has increased by $670 billion since President Bush has been in office. Four hundred families have seen their net worth double and increase by $670 billion since President Bush has been in office.

Amazingly, the wealthiest 400 families in our country are now worth over $1.5 trillion—400 families. On average they earn over $214 million a year. As a result of President Bush's policies and the policies of our Republican colleague, the tax rate for these families has been cut almost in half, to 18 percent.

Amazingly—and this is a clearly a national disgrace—the wealthiest 400 families pay a much lower tax rate than most police officers do, than nurses do, than teachers do, than firefighters do.

Now, what does this say about us as a nation or about our politics, or the power of the wealthy over Government, when the middle class is paying a greater percentage of their income, a middle class which is in decline, a middle class where millions of workers have seen a reduction in their wages, and yet they are paying a higher percentage of their income in taxes than the very richest people in America?

It is this very small segment of our population which has made out like bandits, frankly, during the Bush administration. In my view, we need an emergency tax on those at the very top to pay for any losses the Federal Government suffers as a result of efforts to shore up the economy.

In other words, before we ask the middle class to pay more in taxes, before we ask working families to pay more in taxes, it is obvious to me that it is simply fair and right to go to those groups, that group of people who have benefited most out of Bush's policies, who have seen their incomes and their wealth soar. Let's ask them to help us bail out the economy rather than the working families who had nothing, nothing to do with this crisis, and, in fact, who have suffered under the 8 years of President Bush.

Before I finish, I wish to step back for a moment and examine this current crisis in the context of who our Government represents. What does it say about an administration that is prepared to put $85 billion at risk to bail out AIG but which has fought tooth and nail against programs that benefit working families all over this country? In my State of Vermont, people are worried about going cold this winter. And yet President Bush wanted to make hundreds of millions of dollars in cutbacks for the LIHEAP program that keeps people warm because we did not have enough money to do it.

We have enough money to provide hundreds of billions of tax breaks for the top 1 percent, we have enough money to spend $10 billion every month in Iraq, we have enough money to bail out AIG and Bear Stearns, but somehow we do not have enough money to keep people warm, to make sure that young people can go to college, to make sure that working people have affordable housing?

Since George W. Bush has been in office, nearly 6 million Americans have slipped out of the middle class and into poverty; over 7 million Americans have lost their health insurance; more than 4 million Americans have lost their pensions; over 3 million good-paying manufacturing jobs have been lost; total consumer debt has more than doubled; the median income for working-age Americans has gone down by over $2,000, after adjusting for inflation.

The interesting question to ask is, in the midst of that crisis facing tens of millions of working families, where has President Bush been? Where has his voice been in saying we have got to bail out working families who are seeing the decline in their standard of living and are falling into poverty? We have got to protect old people who are going to go cold this winter. We have to make sure that everyone in our country is able to get a decent education and can afford college. We have got to make sure that all Americans have health insurance. I have not heard the President say we need to bail out the middle class or working families, but he surely has been there to bail out large multinational corporations.

The American people deserve better. We need to reject the failed economic policies and priorities of President Bush and JOHN MCCAIN. We need a government that is not going to allow the wealthiest people and the largest corporations to loot our economy. We need a government that will put regulatory firewalls back in the financial sector and end the use of unregulated credit swaps. We need a government that is going to prevent speculators from stealing from them at the gas pump. We need a government that breaks up corporations that are too big to fail. We need a government that is going to view the problems of ordinary Americans as almost as important as they view the needs of large multinational corporations.

In other words, we need a government that represents the people of this country rather than just the wealthy and large multinationals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

THOMAS VANDER WOUDE

Mr. BROWNBACK. Madam President, we also, I think, need a government that will stand up for the weakest and most vulnerable amongst us as well.

I have got a real story of human heroism that I wanted to share with the body, and then I am hopeful we can agree to a piece of legislation that Senator KENNEDY and I have done that has been rolled into this bigger package that has drawn a lot of difficulty.

But this is a piece Senator KENNEDY and I have worked on for a couple of years now. There is no reason for this to be blocked. So I am hopeful we can then move to it and pass it through this body, move it on forward.

I have got a picture of a gentleman. I want to show you a wonderful man. This is Thomas Vander Woude. This is an incredible story here in the suburbs around Washington, DC. On September 8, Thomas Vander Woude returned from mass that he had gone to in Gainesville, VA. He attended mass regularly and was working in his yard with his youngest son, who is 20 years old, Joseph. He is known by the family as Josie. Josie is a Downs syndrome adult. He fell through a 2 foot by 2 foot piece of metal that covered an opening to a septic tank, Josie did. His dad Thomas immediately rushed to his aid. According to an account in the Washington Post, when he saw that Joseph could not keep his head above the muck, Vander Woude, who was 66, jumped in the tank, ''submerged himself in sewage so he could push his son up from below and keep his head above the muck.''

Tom Vander Woude saved his son, but he drowned in the process. As it is stated so eloquently: There is no greater love than to lay down your life for another. And Tom Vander Woude laid down his life for his 20-year-old Downs syndrome son. This is a beautiful story that has taken place of the dedication of a father for his son, an act of heroism, but in his quiet life of dedication to his son, to his wife Mary Ellen of 43 years, to his six sons, 24 grandchildren, and to his country.

Tom served his Nation as a pilot in Vietnam, and after the war worked as a commercial airline pilot. Around the community of Gainesville, though, he was known as a generous neighbor, a volunteer at church, a basketball and soccer coach for the high school in Manassas that five of his sons attended.

He was also a farmer, something dear to my heart, I know to the Chair, the Presiding Officer as well. Most of all, he was known as Josie's devoted dad. Wherever you found Tom—at a game, at church, helping a neighbor—there was Josie, lending a hand.

Tom Vander Woude knew the value of his son's life. He considered it so precious that he gave his own to save it. He never considered the special care and attention that Joseph required because of his Downs syndrome, he never considered that a burden to the family. On the contrary, ''he always considered Joseph a wonderful blessing to the family,'' a special gift from God who brings out the best in his family and the lives of all of those he touches.

This is true of so many families who have children with difficulties. They find that through all of the difficulty and trial of caring for and providing for their child who has a mental disability, these special individuals are ambassadors of love and of understanding, filled with an openness and unconditional affection that acts as a humanizing force of compassion in their families and in their communities.

But we have to be open to this kind of gift and to the potential of every human life to make our world a better place. Now that I reflect on Tom Vander Woude and the value he placed on the life of his son, I also thought of Sarah Palin and what she said about her son, Trig, born in April. When the Governor and her husband Todd were told last year that the child she was expecting in May would be born with Downs syndrome, they knew that ending that pregnancy was never an option for them. After all, why would it be? ''We understand,'' she was quoted as saying at the time, ''that every innocent life has wonderful potential.''

The problem is that between 80 and 90 percent of the children diagnosed with Downs syndrome in the United States will not make it to the world, simply because they have a positive genetic test in prenatal screening, tests which can be wrong, by the way. I have had a number of people come up to me and say they had a positive Downs syndrome designation and the child was born and the child did not have Downs syndrome.

America is poorer because of this. To deny children with disabilities a chance at life will make us more insensitive, callous, and jaded, and will take away from the diversity of American life. I do not think this is what we were meant to do.

So Senator KENNEDY and I, for about 2 years now, have been working on a bill. What we are trying to do with this bill is to see that more Downs syndrome children make it here and get here. It is a pretty simple bill that establishes a registry of people who are

willing to adopt Downs syndrome children. So that if someone gets that diagnosis and they say, I cannot handle it, fine. The answer is not to kill the child, the answer is to put the child up for adoption. We have got people willing to adopt it, and also to put forward information to people about the current condition of a Downs syndrome child and what all is available, because a lot is available for this child.

So we worked a long time, got the spending lined up—we are in good shape on that—and we are ready to move forward with this so we can get more of these special kids here.

What I was hoping we can do, and we had it almost passed through, and then this got caught up in the clutter of things, was that we could get this bill hot-lined—Senator KENNEDY's sister is a big proponent of this, has done great work with the Special Olympics—that we could do this. It got caught up in this overall package. Nobody objects to this bill. What I would like to see us do is let us take the pieces of this overall omnibus that we can agree to and let's do them. So then we have got some progress that is being shown.

UNANIMOUS-CONSENT REQUEST—S. 1810

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 701, S. 1810, the Prenatally and Postnatally Diagnosed Conditions Awareness Act. The lead sponsors are Senator KENNEDY and myself.

I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table with no interviewing action or debate, and that we can get more of these special children here.

The PRESIDING OFFICER. Is there objection?

Mr. SANDERS. On behalf of the leadership, I object. This bill, as I understand it, is part of a number of bills that are noncontroversial and are going to be included together.

UNANIMOUS-CONSENT REQUEST—S. 3297

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 784, S. 3297; the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. I object.

Madam President, I would say, let's take pieces of that overall big bill that we can agree to.

UNANIMOUS-CONSENT REQUEST—S. 1810 AND OTHERS

I ask unanimous consent that we agree to consider S. 1810 which I cited, and then the PROTECT Our Children Act, and the Effective Child Pornography Prosecution Act—they have all been considered and cleared on both sides—and we move to the immediate consideration of those.

The PRESIDING OFFICER. Is there objection?

Mr. SANDERS. On behalf of the leadership, I object. I understand that is contained within a group of other noncontroversial bills.

Mr. BROWNBACK. Madam President, I hope we could move forward with this. It would show that we can get something done in the body. There is no objection. We have worked on this for multiple years. We have got the funding worked out. This is a time in the country where people have heightened awareness of the genetic discrimination that takes place in utero. We have passed bills here that said you cannot discriminate against an individual for their genetic type once they are born, but in utero they are killed. That surely is not something that people want or defend or think is right.

This is not even a limitation on that. It is saying that all we are going to do here is establish a registry and provide current information if you get a Downs syndrome designation. I hope in the interest of this wonderful gentleman Tom Vander Woude we could see this considered. I am sad that we are not doing that in this particular situation.

The day after Trig was born to the Palins, they released the following statement. I thought it was so beautiful, I will read it here:

> Trig is beautiful and already adored by us. We know through early testing he would face special challenges. We feel privileged that God would entrust us with this gift and allow us unspeakable joy as he entered our lives. We have faith that every baby is created for good purpose and has potential to make this world a better place. We are truly blessed.

All we are asking is that more people would really have that opportunity to do that or, if they don't feel they can handle it, to put that child up for adoption on a registry that we establish. It would be an important thing for us to be able to move forward with. I am sorry we cannot get that piece done here today.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY VOTING PROTECTION ACT

Mr. CORNYN. Mr. President, as the Senate knows, yesterday we voted to pass the Defense authorization bill. However, one of the casualties of yesterday's process—which was unique, to my knowledge; we actually had only two rollcall votes on amendments to the Defense authorization bill, which I don't think has ever happened before, and many important amendments were blocked by the process, amendments that might have been included in the managers' package. I wish to mention just one of those, which is the Military Voting Protection Act.

This was originally offered as a freestanding bill earlier, but then it changed to become an amendment to the Defense authorization bill because we thought it was particularly appropriate, as we were dealing with the needs of the men and women in uniform around the world, that we also respect and enforce their right to cast a vote.

We know from 2006 statistics alone that of all of the eligible civilian and military voters around the world who were eligible and who actually requested an absentee by mail ballot, only 5.5 percent of those votes were actually counted. That is a disgraceful statistic and one we need to do something about.

I compliment Senator LEVIN, Senator FEINSTEIN, and others for working with us during the process of the Defense authorization bill to come together on what I believe was a clear and acceptable amendment to all sides, but because of the bizarre process we found ourselves in yesterday, this bill was basically a casualty of that process, as I say.

So what I am hoping to do is take a bill we worked on that is very important in order to protect one of the most important civil rights of our men and women in uniform—the right to vote—and hopefully, by unanimous consent today, we can pass this bill and get it on its way to the President for signature in due course. I don't see any reason, since we did work together on this on a bipartisan basis and it has been cleared by both sides, there would be any objection.

UNANIMOUS-CONSENT REQUEST—S. 3073

Mr. CORNYN. So let me ask unanimous consent at this time that the Rules Committee be discharged and the Senate proceed to the immediate consideration of S. 3073, the Military Voting Act.

I ask unanimous consent that the amendment at the desk be agreed to—by the way, that is the amendment we worked on with Senator BENNETT, the ranking member, and Senator FEINSTEIN, the chairman of the Rules Committee, together with Senator LEVIN and Senator WARNER. I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Mr. President, I object on behalf of the leadership, as the Rules Committee needs time to look at this and digest this and figure this out to try to work something out. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I am disappointed that the other side would object. This is the same amendment that was already cleared by the Rules Committee, so I don't understand what the process is that the Senator is referring to. I hope this isn't just another delay tactic. It is something that really cries out for us to address.

I have to say, when I travel back to my State and talk to my constituents, they absolutely believe this Congress is dysfunctional. If we can't find some way to come together on a bipartisan basis to pass noncontroversial voting rights protection for our military such as this, I guess there is not a lot of hope for doing other, perhaps more complicated, more involved things.

This is very straightforward. To have an objection to this bill which has already been worked on and cleared through the process and which was a casualty of the bizarre process by which we adopted the Defense authorization bill, without any right, really, to offer any amendments such as this, is, frankly, beyond me.

In the remaining few days this Congress is in session, I hope whatever concerns the Senator was referring to which have not been made known to me will be addressed. I will come back here every day, if necessary, and offer a similar unanimous consent request. I would ask those on the other side who object to the passage of this bill to offer me some explanation for what the specific concern is. If there is a problem we can eliminate by working with them, we would be glad to do it. But to just stonewall this important amendment to protect one of the most basic civil rights for our men and women in uniform—the right to vote—is, frankly, beyond me.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. BINGAMAN. Mr. President, I want to take a few minutes to express my strong support for the so-called extenders package, which includes the Energy Improvement and Extension Act and will come before the Senate, as I understand it, as early as this afternoon.

Passage of this bill is very important for the country and will have wide-reaching impacts. It will reduce U.S. dependence on foreign oil, curb greenhouse gas emissions, create hundreds of thousands of American jobs, promote R&D in our innovative industries, ease fiscal burdens on rural counties, and reduce the tax burden on middle-class families.

The bill demonstrates the critical role that tax incentives can play in addressing our country's most pressing challenges.

Let me focus today on the very robust package of tax incentives for clean, renewable energy, and energy efficiency. Those are incentives I and many of my colleagues have worked on since the beginning of this Congress. We have already taken eight votes this Congress on various versions of this energy tax package. Unfortunately, as the ''green'' energy sector has sat by and production has slowed in that sector, and as skyrocketing gas prices have made our dependence on foreign oil more apparent than ever, our energy tax incentives have been hostage to a broader dispute between the parties concerning whether, and how, to offset the costs of extending various tax provisions. I am very pleased that after a number of false starts, we appear, finally, to have reached a compromise.

The compromise will enable us to become a more energy-efficient nation. It will wean us off of our dependence on fossil fuels. It extends the production tax credit by 1 year for wind energy and by 2 years for other qualified renewable sources. I had hoped we could achieve a longer term extension of the production tax credit, but this is all that could be afforded within the package's cost constraints. Undoubtedly, this bill's extension of the production tax credit will enable our renewable industries to stay afloat. Today, I want to state my commitment again to work for a long-term extension of the production tax credit, which is very much needed, which I hope we can achieve in the next Congress.

This package, however, includes long-term extensions for tax credits that make distributed green energy technologies affordable for American businesses and families. The investment tax credit, which gives businesses a 30-percent tax credit for investing in solar, wind, geothermal, and ocean energy equipment, is extended for a full 8 years. So, too, is the residential energy efficiency property credit, which gives families a 30-percent tax credit for the cost of installing solar equipment at their residences. That is an 8-year extension of that provision, which is very good news for many Americans.

For both of these tax incentives, the bill expands the classes of qualifying equipment. This means businesses and families will have added flexibility in choosing the energy-saving technologies that make the most sense for them. Both credits are expanded to include small wind technologies that are used for onsite energy production, and geothermal heat pumps, which can use the Earth as either a heat source, when operating in heating mode, or a heat sink, when operating in cooling mode. There are already more than 1 million geothermal heat pumps installed in the United States, and those who have installed them can save up to 70 percent annually on their utility bills. So when this bill becomes law, families will be able to choose among installing solar technology, small wind technology, and geothermal heat pumps in their homes, and the 30 percent tax credit will be available for any of those installations. In case of solar electric investments, we greatly improve the incentive by removing the current $2,000 credit cap.

The bill also expands the business credit to include combined heat and power systems, which use a heat engine or power station to simultaneously generate both electricity and useful heat. Businesses that install these systems are able to get both heat and electricity from the same source, which decreases both energy costs and greenhouse gas emissions.

The benefits of these investments, these incentives, go far beyond energy independence, greenhouse gas reduction, and energy cost savings. They will enable U.S. firms of all sizes to add a great many ''green'' jobs on American soil. The Navigant Consulting organization recently put out a report estimating that the 8-year extension of the solar credit that I have just talked about will create 1.2 million employment opportunities in this country, including 440,000 permanent jobs, and $232 billion in domestic investment. Solar energy is already an important economic engine in my State of New Mexico. I am very pleased this extension is anticipated to add an additional 12,000 direct jobs in my State and 7,000 indirect jobs.

Shifting to the need to reduce demand for petroleum, the bill creates a new plug-in electric drive vehicle credit. We are hopeful that plug-in electric vehicles will come to the market next year and that the Government will help individuals purchase these vehicles through tax credits. This bill provides those tax credits will start at $2,500, and they will climb as high as $7,500, depending upon the battery capacity of the particular vehicle.

For commercial vehicles, the bill adds incentives for idling reduction units, which provides an alternative source of power used to heat, cool, or provide electricity to the cab or other parts of the truck. There are more than 200,000 trucks carrying refrigerated

cargo around this country any day. The fleet owners will be incentivized to install advanced insulation on those trucks that can dramatically reduce the amount of gasoline those trucks consume trying to keep that cargo cool. So this is a very important provision.

Finally, the bill addresses our conservation and efficiency needs. It extends credits for energy-efficient improvements to new and existing homes and commercial buildings. Because energy used to heat and cool residential and commercial buildings accounts for nearly 40 percent of U.S. energy consumption—and nearly as much of our carbon dioxide emissions—these tax incentives are especially important. Owners of existing homes will be able to claim a tax credit of up to 10 percent of the combined costs from all qualified electric efficiency improvements, such as installing insulation in their homes, replacing windows, water heaters, and high-efficiency cooling and heating equipment. For new homes, there is a $2,000 tax credit for a home builder who constructs a qualified new energy-efficient home, certified to achieve a 50-percent reduction in energy usage. With new homes likely to remain part of our Nation's housing stock for more than 60 years, we need to make sure that builders have the right incentives to make energy efficiency a top priority. Owners of commercial buildings will continue to be able to deduct up to $1.80 per square foot of building floor area if they achieve a 50-percent energy savings target through energy reductions for the building's HVAC and interior lighting system.

With this addition to the provisions related to energy, American businesses are counting on Congress to enact this package because it contains an extension of the R&D development tax credit. It contains important tax relief for American families. It patches the alternative minimum tax to prevent it from engulfing millions of additional hard-working families. It lowers the income threshold for the $1,000 child tax credit from $12,000 to $8,500. That change alone enables 25,000 New Mexico children to newly qualify and an additional 94,000 to receive a larger credit than under prior law.

It extends the qualified tuition deduction for higher education expenses. That is a deduction of up to $4,000 that helps more than 4.4 million middle-class families meet the cost of sending their children to college.

Finally, the bill includes the secure world schools provisions and the payment in lieu of taxes provisions. These are extremely important for Western States in particular but for virtually all of our States.

As to the payment in lieu of taxes, let me talk specifically about that issue. We increase funding for payment in lieu of taxes in the current fiscal year. We fully fund the program for 4 years. These Federal payments are essential to local governments, including many in my State, in order to offset the losses and property taxes due to nontaxable Federal lands located within their boundaries. This funding is long overdue, and it is more desperately needed now than ever before.

Passage of this legislation, this energy incentives package, will demonstrate to the American people that we are willing to shift our tax priorities in a new direction toward a national energy policy that promotes diversified domestic sources of clean energy.

It furthers the significant progress we made in recent years with respect to promoting investment in efficiency and the renewable energy technologies that can help grow our economy. And beyond energy issues, it addresses key concerns of American families, businesses, and municipalities.

I applaud the various Senators who have had a major part in the development of this legislation, particularly Senator BAUCUS and Senator GRASSLEY, but also our leadership, both the Democratic and Republican leaders, for bringing us together around this package.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—H.R. 6049

Mr. REID. Mr. President, as we speak, the financial turmoil of this country is ongoing. One way we can help is create some jobs, and that is what this legislation regarding the tax extenders would do.

We have waited for months for this legislation—months. It seems to me we should move forward. I am so disappointed that it has taken so long to get where we are. It has been months.

Senators have worked for a long period of time. We had a problem early on about how we were going to pay for it. I admire and respect the work done by Senators CANTWELL and ENSIGN. They have worked very hard. It was a bipartisan effort to move forward. We have Senators BAUCUS and GRASSLEY who have worked very hard, joining with Senators CANTWELL and ENSIGN to move this legislation forward. We have a program to do this.

The longer we wait, the more difficult it is. We are in the waning hours of this legislative session, and there is going to be a lot of hue and cry that we not go home now. There is all this financial turmoil.

I tell everyone here, we should try to complete our work. The committees have a right to meet, even if we are not in session. And if there is something they come up with that we need to do, the President can call us back within a matter of minutes.

So let's try to get the work done that we know we have to get done now. The work we know we have to get done now is to get the tax extenders passed. We have to do something on energy that is nontax related, we have to do something on stimulus, and we have to do something on a CR. There are other issues we can work together to get done. But here it is Thursday afternoon. It is 2:30 in the afternoon.

I am going to ask for consent. It is something I have discussed at length publicly. I have discussed it privately with the Republican leader. We want to get this done. I think that is a fair statement.

It is never quite enough. There are some people who never can quite get enough. They want a little bit more. In the Senate, as it is set up, a person or two can wreak havoc with what is going on around here. I hope people understand that if we don't get this bill done, it is going to add to the financial catastrophe we are facing in our country.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6049, energy extenders, at a time to be determined by the majority leader, following consultation with the Republican leader; that when the bill is considered, it be considered under the following limitations: that there be 60 minutes of general debate on the bill, equally divided and controlled by the leaders or their designees; that the only first-degree amendments in order be the following, with no other amendments in order and that they be subject to an affirmative 60-vote threshold, and that if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if the amendment does not achieve that threshold, then it be withdrawn; that each amendment be subject to a debate limitation of 60 minutes equally divided and controlled in the usual form: Baucus-Grassley substitute amendment regarding energy tax extenders with offsets; Reid or designee perfecting amendment regarding AMT with offset; Baucus-Grassley perfecting amendment regarding tax extenders, amendment without full offset; that it be in order for Senator CONRAD to raise a budget point of order against the amendment; that once the debate time has been used or yielded back, the motion to waive the applicable point of order be considered to have been made;

further, that if the motion to waive is successful, then the amendment be agreed to and the motion to reconsider be laid upon the table; that if the motion to waive is not successful, the amendment be withdrawn, and that Senator CONRAD control up to 10 minutes of time during debate on this amendment; provided further, that regardless of the outcome of the vote with respect to the Baucus-Grassley substitute amendment, the Senate vote in relation to the remaining two amendments covered in this agreement; that the votes in relation to the above-listed amendments occur in the order listed after the use or yielding back of time; that upon disposition of all amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended, if amended, with no intervening action or debate.

I will say this before asking for acceptance of this consent request. It is Thursday afternoon at 2:30. This bill has to go to the House of Representatives. I had somewhat long conversations with the Republican leader. I think this is going to work out fine. The longer we wait, the more difficult time we are having getting this through all the hoops that need to be jumped. So I hope people will allow us to go forward with this bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CORNYN. Mr. President, reserving the right to object, I share the majority leader's hope that we will be on a glidepath toward completion of the Senate's business on a timely basis. I largely support the provisions of this bill.

We have been consulting with the Finance Committee chairman, Senator BAUCUS, and Senator GRASSLEY, the ranking member, and in good consultation with the staff. The problem is that as proposed, my State, the State of Texas, where 2 million people are without power because of the devastation of Hurricane Ike, are being treated in a discriminatory manner under some of the provisions of this bill.

I am hopeful—indeed, I am optimistic—that we can work through these issues. Our initial discussions have been very productive. I expect we will be able to reach some resolution, but we are not there yet.

For that reason, I reluctantly object.

Mr. REID. I ask through the Chair a question: When? That is the question. When is all this going to be worked out, if it is going to be worked out?

Mr. CORNYN. Mr. President, I say to the distinguished majority leader, we have had productive meetings, as I said, with the Finance Committee staff and the Joint Tax staff. We are consulting now with the Governor of our State and with other officials who have responsibilities in the areas most affected by this devastating hurricane.

We think after consultation, hopefully over the course of the afternoon, we can wrap this up. But it is going to take all of us working together to try to reach that resolution. I am hopeful we can get there, but we are not there yet.

Mr. REID. Mr. President, I will say this: I received a call from the Governor of Louisiana and the Lieutenant Governor of Louisiana. Everyone wants more. When is enough enough? We know Texas has been hit hard by this storm, and our hearts go out to the people without homes and without power. We understand that. But this is not the last train through this body. We are going to have a stimulus bill and a continuing resolution. Let's finish this bill. No one wants to leave Texas without the resources they need, but we need to complete this legislation now.

I say, if I heard my friend right, they are going to have to work through the afternoon to do this? What do we do with the State of Louisiana? Do we have to wait now to match that, that they get their fair share, as comparing it to Texas? As I said, there is other business we have to complete before we leave. One of them is a continuing resolution.

I say to my friend, if he doesn't get everything he wants on this bill, wait until then. We need to get this done; otherwise, we are going to be in a bottleneck, and there is no way in the world we can finish this work we have to do by a week from tomorrow.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The objection is heard.

The Republican leader.

Mr. MCCONNELL. Mr. President, let me say to my good friend from Nevada, this is a very legitimate concern that the Texas Senators have. They are working diligently, as the junior Senator from Texas indicated, with Senator BAUCUS and Senator GRASSLEY.

I support this bill; the majority leader supports this bill. It has broad bipartisan support. I assure my good friend the majority leader that there is not an effort here to try to slow down the passage of this extender package. But we would like to get it right, if we can, and this is a legitimate concern the Texas Senators have. I am convinced that they are working as rapidly as possible; that Senator BAUCUS and Senator GRASSLEY are sympathetic to their concerns and, apparently, think they are legitimate concerns that could be addressed. So I would like to try to cheer up my good friend the majority leader that maybe progress is just around the corner.

Mr. ENSIGN. Mr. President, I hope this can be worked out very quickly, and I applaud both the majority leader and the Republican leader for their efforts to get passed the renewable energy tax bill that Senator CANTWELL and I have worked so hard on this entire year. I also want to thank Chairman BAUCUS and Ranking Member GRASSLEY for their work in putting this whole package together. We have been working the last couple of weeks trying to come up with a compromise and we are finally almost there.

The Ensign-Cantwell Clean Energy Tax Stimulus Act passed the Senate by a vote of 88 to 8 back in April. The bill was not paid for at that time, and the House of Representatives did not want to see a bill like this enacted into law without it being paid for. So over the last couple of weeks, we have worked to make sure there was an offset and to make sure this offset was not going to be damaging to further exploration of other new energy. While producing more green energy, we do not want to hurt the production of other types of energy. So we worked hard to do that, and I think we have succeeded in this bill.

This bill will create at least 440,000 permanent jobs just in the solar energy sector alone, and Senator CANTWELL and I are very proud of this legislation. It is critical we get this passed before we leave town. We need to enact proper policies to help create more jobs all over the United States right now. The economy is in trouble, and this is a shot in the arm to the economy which also will produce more green power for the United States, makes us less dependent on foreign sources of energy, and it is the right thing to do.

We want to join together to push this important legislation through, and obviously we have to work to make sure the House of Representatives takes up the bill and passes it in time to get to the President's desk. I am convinced the President will sign it.

The renewable energy tax extenders will be combined with AMT relief and other business extenders that are important for our entire economy, especially to the high-tech sector of our economy.

The American people are calling for bipartisanship. Senator CANTWELL and I have joined together and have been working very hard to get the rest of the Senate, including the two leaders and the Chairman and Ranking Member of the Finance Committee, to go along with us. This is the time for bipartisanship to show that we are Americans first and that we can join together to accomplish important tasks.

I hope we can go to this bill as quickly as possible, get it passed through the Senate and on to the House of Representatives, where I hope they will pass it. Then we can send this bill off to the President so we can see these renewable projects begin—these important projects on solar, on wind, on geothermal, on biofuels, and on so many other things.

In my State, there are a lot of people who would like to add solar panels to

their homes to help produce their own electricity. Current law just doesn't work effectively enough to incentivize that activity. The credits are not right. There is no predictability. Financially, it just doesn't pay off. With the bill we have on the floor, there would be a financial payoff to actually encourage homeowners to put solar panels on their homes where there are States, such as mine, that have a lot of sunshine.

This is an important bill, and once again I thank my colleague from the State of Washington, Senator CANTWELL. She has been absolutely fabulous to work with this on this, both she and her staff. I appreciate both our staffs. Jason Mulvihill on my staff, and Lauren Bazel and Amit Ronen on Senator CANTWELL's staff, are working together on this so that hopefully we can get this bill done as soon as possible.

I yield the floor so Senator CANTWELL can make a few comments.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I do wish to be recognized, along with my colleague from Nevada, to talk about the importance of the passage of this legislation, and not just the extenders—which are good for not only the States of Washington and Nevada as it relates to sales tax and R&D tax credits and county payments and a whole variety of things—but most importantly these renewable energy credits, where we are trying to change the focus and the direction of our country by unleashing the power of the solar industry to help create about 400,000 new jobs for our country. So we do want to get to this package done.

I thank the leaders as well, Senators REID and MCCONNELL, for trying to get this legislation on the floor. I hope we can get through this last hiccup and actually get this legislation before our colleagues and get it passed today—hopefully today—because I think that is how important it is to send out this message.

I certainly thank Senator BAUCUS and Senator GRASSLEY for their perseverance in continuing to try to work through vote after vote on this so we could have a package.

I want to say to the Senator from Nevada, Mr. ENSIGN, how much I appreciate his willingness to engage in this subject starting really the beginning of this year and for understanding what the opportunity was to look at renewable energy and to make sure the tax credits were more predictable and there was more long-term certainty for businesses so that we could take advantage of the manufacturing base that could be created in the United States. I certainly applaud him and his staff for their perseverance in trying to come up with a funding mechanism for this package of green energy tax credits in the last 2 weeks and coming up with a breakthrough on exactly how to pay for them.

So we are at this momentous point now where the bipartisan efforts of working across the aisle have paid off. Frankly, I think we need more of that—working across the aisle—on some of these solutions so that we can actually move legislation. I hope we can come back in the next few hours and actually talk about some more of the specifics of this legislation because it is really breakthrough legislation.

For the first time, we are giving an extension of the solar investment tax credit and fuel cell tax credit that will, I believe, change investment patterns in such a significant way that we will be reaping the benefits of that kind of generation of power to replace what we are currently doing on our grid today.

We also have incentivizing new provisions for plug-in electric cars, which will help in that transition so that people understand our future source of energy and power for our transportation sector has a very bright future. We provide for tax breaks for participating in that transition and help them realize they will be able to drive for $1.00 a gallon in these plug-in electric cars instead of for $3.50 or $4 a gallon using fossil fuel.

In this legislation there is over $10,000 in consumer tax breaks and credits on all sorts of things, from home improvements to making sure that consumers, particularly in the northeast part of our country, get a tax break for moving off of home heating oil and on to wood stoves that will help them reduce the cost in their heating bills in the future.

There are a lot of breakthroughs in this legislation which I hope to get back to this afternoon. So I hope we can get our colleague from Texas to remove his objection and that we will be able to move forward on this important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senators from Washington and Nevada not just for the product of their work but for the way they are working together. I think the American people want to see the Senate focus more on the biggest issues facing our country and work across party lines to get a result.

I was one of the few Senators earlier who voted against the Ensign-Cantwell legislation because I thought it disproportionately favored one form of renewable energy. I think this is a great improvement over what had been done before, and I especially like the fact that solar has a chance to move up the line as a developing energy. It is not proven yet, it is not able yet to do all we hope it will do, but this should help. And the idea that we would use this vast reservoir of unused electricity we have at night around the country to plug in our cars, rather than spend money on gasoline that we send overseas to unfriendly people, is a very appealing idea.

All those ideas have broad support on both sides of the aisle, and Senators Cantwell and Ensign have been persistent in their efforts to fashion a bipartisan result. So I congratulate them for what they have done, and I thank them for it. I feel confident, with the support of the majority and Republican leaders, that we will get to a result.

My colleagues' work on this bill, and the majority leader and the Republican leader's work on this bill, to bring us toward a bipartisan result on one of the largest issues facing our country is in great contrast to some of what I heard this morning from the Democratic side of the aisle about today's financial structure. What I heard was what I call kindergarten politics. It looked as if somebody had been down in the War Room with crayons and paper on the floor coming up with how do we score political points about the financial crisis in the country today, instead of saying: What can we do, working together, to reassure the American people we are going to take every step we need to take here to make certain we restore the vibrancy of our economy?

I came to the Senate, not as a Senator but as a staff member, more than 40 years ago, and what was going through my mind is the way Lyndon Johnson and Everett Dirksen would have worked when Everett Dirksen was the Republican leader and Lyndon Johnson was the President. When it was important, they worked together, and they let the American people know that. So did President Kennedy and Senator Dirksen, when he was the Republican leader. So did Senator Mansfield, from the Democratic side of the aisle, and President Nixon, a Republican.

I remember Senator BYRD telling me that both he and Senator Baker, the Democratic and Republican leaders when President Carter was here, changed their minds about the Panama Canal, and they cast controversial votes because they thought it was the right thing to do. We had a major issue before the country, and some in the country didn't like the result, but they respected the fact that Senators had the instinct to recognize that when something is important, threatening our country, that people expect us not to play kindergarten politics but to put that aside, leave it off the Senate floor, and come here and do our jobs.

The same was true with President Reagan and Tip O'Neill, the Speaker of the House, who had very different points of view. But when Social Security was nearly broken, they worked together.

Now we have a serious financial crisis facing our country, and what do we

get from some of the Members of the other side of the aisle but a lot of kindergarten partisan politics, which should be left in the trash can somewhere. We even had the majority leader criticizing a former Republican Senator for something the majority leader himself voted for. Why was it even being discussed? Because somebody over in the kindergarten room wrote out a press release and handed it to somebody. So instead of seeing what we just saw on the Senate floor a few minutes ago, which was a Democratic and Republican Senator saying: Let's work together on energy, we saw something much different.

From the Republican side of the aisle, we could come and say: Well, this whole financial crisis is caused fundamentally by a collapse in housing prices. And one of the greatest factors in that is the great housing institutions, Fannie Mae and Freddie Mac. When we brought up a bill to reform Fannie Mae and Freddie Mac, all the Democrats voted no and all the Republicans voted yes. We could say that. We could say it was a Democratic President who stopped us from bringing in oil from Alaska 10 years ago, which today would have kept gas prices from going up. We could say it was a Democratic President who encouraged a lot of people to buy homes who didn't have the money to pay it back.

But that is not what we should be doing here. We should put all that aside, and we should say to the President and say to the Speaker and say to each other: We have a serious financial crisis facing our country. What can we do, working together, to reassure the American people we are going to take any step we can to ensure the security of their savings accounts, the values of their homes, the security of their money markets, of their accounts? We can do that. We should do that. That is what most of us are elected to do, or we feel we are elected to do.

So I was very disappointed to see so much of the partisan kindergarten-talk coming from the other side of the aisle this morning. I would much rather see the kind of action that the Senator from Washington and the Senator from Nevada have demonstrated throughout the year and did today, as did the majority leader and the Republican leader when they said: We are very close to having a renewable energy bill that meets the objections many have had. And that is one step we can take to deal with the problem of the high price of energy, because we need to, as we say, find more American energy as well as use less energy, including alternative and renewable energy.

There is one other thing that we could do together and I would like to briefly outline it today. It was pointed out in an article in the Washington Post last week by Susan Hockfield, the President of MIT, one of our great research universities.

I ask unanimous consent that her oped be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. She suggested that we should have a dramatic new investment, a new Federal investment in energy research and development; that our current spending for energy research and development had shrunk, in her words, ''almost to irrelevancy''; and that the $2 billion to $3 billion that the Federal Government is spending annually on energy R&D is less than half of what our largest pharmaceutical company spends on research each year.

Yesterday, I had a visit from the President of Yale University who made the point that, since 1973, we have found as much oil as we have used. Mr. President, 1973 was the year we had the big oil shock. He pointed out the reason we were able to do that was because of extensive science and technology advances.

Most of our wealth since World War II in this country has been created by our brainpower advantage, and we worked together as a Senate and as a Congress, with everyone taking credit, to pass legislation to help. We called it the America COMPETES Act—to help keep America's brainpower advantage so we can keep growing good jobs here.

What the president of MIT and the president of Yale are saying, and most of our research universities would say and most of us know, is we need to keep pushing on science and technology. As we stand here today, thinking about how we deal with high gasoline prices and electricity prices that are increasing and the national security issues that arise from depending so much on other countries in the world for oil; and as we think about the financial markets and how over the long-term we strengthen our country so we are able to withstand any sort of jolt to the system—one of the most important things we should consider doing, and doing in a bipartisan way, is to make a dramatic new Federal investment in energy research and development. I may have more to say about that next week. It is a tremendous opportunity for the next President to take.

Let me give an example of what I mean by it. In May, I went to the Oak Ridge National Laboratory in Tennessee, along with BART GORDON, the Democratic chairman of the House Science Committee. I proposed that the United States set as a goal putting our country on a path to clean energy independence within the next 5 years and do it in a way that we have done it before, with a new Manhattan Project for clean energy independence.

The Manhattan Project was the project the United States launched during World War II to create the atom bomb before Germany did, because we were afraid that if Germany beat us in that, it would blackmail us in the same way many oil-producing countries are blackmailing us today. We succeeded in that. But we did it because we put a clear focus on it, we put an objective, we dedicated the money, we drafted companies, we assembled the best scientists in the world, and we won that race.

We could do the same with energy. What I suggested in May was that we adopt seven grand challenges. First, of course, we ought to do what we already know how to do, which is to drill offshore and create more nuclear power. But then there are some things we don't know how to do, and most of the legislation we are considering—whether it is the legislation that Senators ENSIGN and CANTWELL have proposed or the Gang of 20 legislation or the bill that Senator BINGAMAN and others might propose—does not do much for energy research and development.

Energy research and development would be this, for example: To make, within the next 5 years, electric cars and trucks commonplace—which would mean research on advanced batteries; and to make solar energy competitive within the next 5 years with fossil fuels.

Incentives will help with that. That is in the tax extenders bill that will be coming before the Senate. But in order to accomplish that, we need money for research and development.

Among the other challenges, I suggested carbon capture and sequestration. We need to be able to use our coal plants and we need other ways of capturing carbon than taking it and putting it into the ground. We need it within 5 years as well.

I see my time has come to an end. My point is the same. I like what Senators ENSIGN and CANTWELL have been doing. I like the approach. I would like to see more of that rather than the finger-pointing and blame calling, and one of the areas in which I hope we will work is a dramatic new Federal investment in energy research and development.

EXHIBIT 1

[From the Washington Post, Sept. 11, 2008]

REIMAGINING ENERGY

(By Susan Hockfield)

Almost 70 years ago, as Germany invaded France, President Franklin D. Roosevelt received an urgent visit from Vannevar Bush, then chairman of the National Advisory Committee on Aeronautics and formerly vice president and dean of engineering at the Massachusetts Institute of Technology.

Bush's message was simple: For America to win the war that was to come, it had no choice but to make aggressive, focused investments in basic science. The case was so compelling that Roosevelt approved it in 10 minutes. From radar to the Manhattan Project, the innovations that decision unleashed produced the military tools that won the war.

That same presidential decision launched the enduring partnership between the federal government and research universities, a partnership that has vastly enhanced America's military capabilities and security, initiated many important industries, produced countless medical advances and spawned virtually all of the technologies that account for our modern quality of life.

Today, the United States is tangled in a triple knot: a shaky economy, battered by volatile energy prices; world politics weighed down by issues of energy consumption and security; and mounting evidence of global climate change.

Building on the wisdom of Vannevar Bush, I believe we can address all three problems at once with dramatic new federal investment in energy research and development. If one advance could transform America's prospects, it would be ready access, at scale, to a range of affordable, renewable, low-carbon energy technologies—from large-scale solar and wind energy to safe nuclear power. Only one path will lead to such transformative technologies: research. Yet federal funding for energy research has dwindled to irrelevance. In 1980, 10 percent of federal research dollars went to energy. Today, the share is 2 percent.

Research investment by U.S. energy companies has mirrored this drop. In 2004, it stood at $1.2 billion in today's dollars. This might suit a cost-efficient, technologically mature, fossil-fuel-based energy sector, but it is insufficient for any industry that depends on innovation. Pharmaceutical companies invest 18 percent of revenue in R&D. Semiconductor firms invest 16 percent. Energy companies invest less than one-quarter of 1 percent. With this pattern of investment, we cannot expect an energy technology revolution.

While industry must support technology development, only government can prime the research pump. Congress must lead.

The potential gains—from the economy to global security to the climate—are boundless. Other nations are also chasing these technologies. We must be first to market with the most innovative solutions. We must make sure that in the energy technology markets of the future, we have the power to invent, produce and sell—not the obligation to buy.

How much should we invest? In 2006 the government spent between $2.4 billion and $3.4 billion (less than half of the annual R&D budget of our largest pharmaceutical company). Many experts, including the Council on Competitiveness, recommend that federal energy research spending climb to twice or even 10 times current levels. In my view, the nation should move promptly to triple current rates, then increase funding further as the Energy Department builds its capacity to convert basic research into marketable technologies.

Vannevar Bush's insight was his appreciation of the value of basic research in powering innovation. I believe that we stand on the verge of a global energy technology revolution. Will America lead it and reap the rewards? Or will we surrender that advantage to other countries with clearer vision? I believe we can chart a profoundly hopeful, practical path to America's future—through rapid, sustained, broad-based and intensive investment in basic energy research.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, before I begin, I ask unanimous consent that my remarks be immediately followed by Senator SCHUMER of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. RES. 626

Mr. VITTER. Mr. President, last night the majority leader filed cloture on an unusual bill. It is a bill he drafted, combining 36 completely unrelated bills, making it one big package, the so-called Reid omnibus, which is the anti-Coburn omnibus, or my favorite term, the ''Tomnibus.''

That is a very unusual and suspect way for the Senate to proceed. Senator REID says it is necessary because all these measures are being blocked by one or two Senators. The only problem with that argument is there are other measures that are being blocked by one or two Senators, but he has not included those in his omnibus because they are his Members who are doing the blocking, who are doing the obstructing, who are in the tiny narrow majority on those bills.

I have one of those bills. I wish to talk about it today. That is S. Res. 626. This is very simple, very straightforward and has the support of the huge majority of the American people and the huge majority of the Senate. It is a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided the case Kennedy v. Louisiana and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child.

First of all, I would like to thank my cosponsors in this Senate resolution, Senators CRAPO, BURR, CORNYN, DOLE, SESSIONS, KYL, DEMINT, GRAHAM, and COBURN.

I would like to thank so many other Senators who agree with this important resolution and agree with everything stated therein.

As you know, the Supreme Court, in a very narrowly decided 5-to-4 decision, has now construed the Constitution to categorically bar the imposition of the death penalty for the crime of child rape, even though, of course, the document says nothing of the kind. The majority noted that a child rapist could face the ultimate penalty, the death penalty, in only 6 States and not in any of the 30 other States that have the death penalty and not under the jurisdiction of the Federal Government.

One big problem is that Justice Kennedy's confident assertion about the complete absence of Federal law in this area is wrong. It is completely wrong. It is clear that it is wrong. The Federal Government does have jurisdiction and there is a Federal law applying the death penalty, making that available for the rape of a child. Congress—yes, Congress—revised the sex crimes section of the Uniform Code of Military Justice a few years ago, in 2006, to add child rape as offense punishable by death.

The revisions were in the National Defense Authorization Act of that year. President Bush signed that bill into law and then issued an Executive order which put the provisions of that act into the 2008 edition of the Manual for Courts Martial.

My resolution is simple and straightforward. It asks the Supreme Court to rehear the case of Kennedy v. Louisiana because they got that aspect of Federal law so very wrong. It says that among the worst of all crimes is the crime of child rape and that there is nothing in the Constitution to take away the death penalty from States, in terms of appropriate penalties for that crime.

The Louisiana district attorney's office in Jefferson Parish has asked for a rehearing on this case on July 21, 2008, based specifically on that very false assertion made before the Supreme Court about Federal law, so that rehearing is being actively considered. It is very appropriate in this context, as the Supreme Court considers right now, as we speak, possibly rehearing the case, that the Senate be allowed to speak on the matter; that the Senate make its voice heard on the matter and point out that rehearing should go forward and that the case was erroneously decided.

This is a serious issue. Obviously, on the face of it, child rape is a heinous crime. But it is even more heinous when you look beneath the surface and understand more about the repercussions.

It has been estimated that as many as 40 percent of 7- to 13-year-old sexual assault victims are seriously disturbed. Psychological problems include sudden school failure, unprovoked crime, dissociation, deep depression, sleep disturbances, feelings of guilt and inferiority, and much more.

The deep problems that affect these child rape victims often become society's problems as well. Commentators have noted the clear correlations between childhood sexual abuse and later problems such as substance abuse, dangerous sexual behaviors or disfunctions, inability to relate to others on the interpersonal level and other psychiatric illnesses.

Victims of child rape are nearly 5 times more likely than nonvictims to be arrested for sex crimes themselves; they are 30 times more likely to be arrested for other serious related crimes.

Justice Alito's dissent summed up the impact and horror of the offense of child rape:

> Long-term studies show that sexual abuse is grossly intrusive in the lives of children and is harmful to their normal psychological, emotional and sexual development in ways which no just or humane society can tolerate.

For all these reasons and in light of the clear fact that the Supreme Court

got it very wrong with regard to Federal law on the subject, I believe this sense of the Senate is important to pass. I believe that a huge majority of Senators do and will support it on passage and that it is an important statement to make as the Supreme Court actively considers this possibility of rehearing.

I would simply like the same type of opportunity which the majority leader is giving his Members in bundling these other bills into the so-called Reid omnibus, or anti-Coburn omnibus or ''Tomnibus.'' Why can't this provision, which has bipartisan support, which has very strong supermajority support, be passed in an expeditious way as well, so we can make our voices heard in a timely way, as the Supreme Court considers rehearing this very serious case which they got very wrong?

With that in mind, I ask unanimous consent to discharge the Judiciary Committee from further consideration of S. Res. 626, a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided Kennedy v. Louisiana and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child; that the Senate immediately proceed to consideration of the resolution and that it be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, reserving the right to object and I will object, but I wish to make a comment too. First, without stating whether I would be for or against such a resolution—I have not seen the language—there are Members on the other side—on my side of the aisle who do object and on their behalf I am objecting.

I would say this to my colleague. It would seem to me whether one supports the idea of making sure the death penalty extends to rapists, that the best place, when we are dealing with the Supreme Court, is an amicus brief to the Supreme Court, making the legal arguments—because obviously the Supreme Court is not supposed to just listen to what a body such as this believes but, rather, look at the law.

So that might be the appropriate way to go. But having said that, without taking my own personal position on this, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Mr. President, if I can briefly wrap up, obviously I am disappointed. I understand the Senator's objection. But a great frustration in all of this, in holding bills, in filing secret holds, in everything else, is that we never know on whose behalf those objections are being made.

So I would ask my distinguished colleague if that can be made part of the record. Apparently he did not make the objection on his own behalf, he made the objection on behalf of other Senators. I think it is a legitimate part of the debate and should be an important part of the record to hear on whose behalf these objections are being heard.

With regard to the Senator's comment about an amicus brief, obviously that is being done from a number of quarters. I am participating with groups in doing that. So that suggestion has already been taken up. But I would love to make part of the record on whose behalf any objection is heard.

Again, I would ask the question through the Chair, because it has been a very elusive, frustrating part of this process and this debate, on whose behalf this objection is being made.

Mr. SCHUMER. All I can tell my colleague is more than one Member. And under the rules, I guess that has to be disclosed within 5 days.

Mr. VITTER. Well, I will look forward to that disclosure because that has been a frustrating part of this process and this debate today.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The Senator from New York.

Mr. SCHUMER. First, before I get into the substance of my remarks, I apologize to my colleague from Louisiana. It is 6 days after which objectors are known, not 5. So that was my mistake.

THE ECONOMY

Mr. SCHUMER. Today I rise to discuss the recent turmoil in our financial markets. Over the past few days the upheaval in New York has been extreme, as we have witnessed the bankruptcy of Lehman Brothers, one of the oldest and most well-respected financial institutions in the world, the purchase of Merrill Lynch by Bank of America, and the Government takeover of AIG, America's largest insurance company.

Those stunning developments followed closely on the heels of the Government takeover of Fannie and Freddie a mere 10 days ago. And I watched with great sadness those lining up at some of these companies to take their belongings away after years and years of work and heard the tales of woe from my constituents.

Our job here is to cushion the blow for those who are innocent of any wrongdoing and have lost their jobs. I am trying to do all I can to minimize job loss in New York. But it is also to prevent this from happening again. That is why I rise to speak today, to lay out an outline of principles, and a broad-brush plan that might help us deal with this crisis.

These unprecedented events have made it clear to the country what many of us have been saying for some time. We are in the midst of the greatest financial crisis since the Great Depression. After 8 years of deregulatory zeal by the Bush administration, an attitude of ''the market can do no wrong'' has led it down a short path to economic recession.

From the unregulated mortgage brokers to the opaque credit default swaps market to aggressive short sellers who are driving down prices of even healthy financial institutions based on innuendo, this administration has failed to take the steps necessary to protect both Main Street and Wall Street.

There may not be a silver bullet to fix what is currently dragging down the economy, but we can take steps to mitigate the costs and ensure that the impact of this crisis will be short term. We need to offer a smart, targeted, and timely solution that will help our economy weather this storm and keep as many families from losing their homes in the process as we can.

Every minute matters, and the future competitiveness of the U.S. economy depends on the administration's response. The series of ad hoc interventions in the market over the past 10 days were important to avoid a systemic disaster, but we cannot continue to act in such an uncoordinated and ad hoc fashion.

Furthermore, the Federal Reserve is being asked to do things that go far beyond its mission. I represent 19 million New Yorkers, many of who live on Main Street and work on Wall Street. So I know better than most that our response has to be aimed at both areas. It must protect the downstate economy, and the upstate economy. And the two—whatever one feels or wants to say—are intrinsically linked. Make no mistake about it. The reckless lending practices and irresponsible risk taking conducted by many of our financial institutions during this era of deregulation have proven costly for the U.S. economy and its taxpayers.

The Federal Government cannot and should not write a blank check to the institutions that have exacerbated this crisis. The U.S. taxpayers have already extended $300 billion worth of capital to troubled banks and financial institutions, asking for nothing in return.

So starting today we need to condition the Federal Government's financial lifeline on the institutions' firm commitment to take actions to get us out of our immediate economic crisis. If the Federal Government is going to continue to support the economy, its new formal lending program with financial institutions must address both the need for restoring stability and confidence in the U.S. financial market, and the need to set a floor in our plummeting housing market.

Some people focus on one, some people focus on the other. The fact is we need both. We are not going to get out

of this great mess unless we deal with the mortgage crisis and the homeowner, and we deal with the cycles in our financial system which not only affect Wall Street and its jobs, of course, and my constituency, but affect all of America, because lending is the lifeline of the economy.

Someone from Chrysler told me that right now you need a FICO score of 720—that is a credit rating that is very high—to get an auto loan. If that continues, we would only sell 10 million cars in America next year as opposed to the 15 or 16 million we sell now. That shows you the interrelationship right there. The auto worker is related to the financial institutions. We must fix both in a practical, nonideological solution aimed at getting our economy back on its feet.

The rapid deterioration of the financial sector is fueled by the steep rise in delinquencies and the foreclosure of risky mortgages that have been sliced and diced and sold in complex instruments that are becoming rapidly toxic waste on the balance sheet of our largest financial institutions.

The best way to stop the bleeding is to turn these mortgages into viable assets on a large scale. But the combination of an economic downturn, tumbling home prices, complex mortgage security, and irresponsible underwriting by unregulated mortgage brokers has made this a daunting and so far insurmountable challenge.

Over the past few years we have heard many discussions of a so-called RTC, Resolution Trust Corporation, and RTC-like proposals modeled after the Government-owned asset management company charged with liquidating assets after the 1980s S&L crisis.

Today, Senator MCCAIN made a similar proposal. And before I address that, let me speak for a minute on Senator MCCAIN. He has been a leading advocate for deregulation for a very long time. All of a sudden, he sounds almost like a populist. He seems to reverse course day in and day out.

Two days ago he said: AIG should not be aided by the Government and should go bankrupt. And today he is calling for large Government intervention in the financial markets. It is no wonder that Senator MCCAIN said he does not understand economics. His erratic behavior in the last 2 days is inconsistent—saying one thing on Tuesday and another thing almost directly opposite on Thursday—makes you understand why people would not trust him with the economy.

Today he called for the firing of Chris Cox of the SEC. Well, I have a lot of differences with Chris Cox and with the SEC. They have been far too deregulatory to me. But where does Senator MCCAIN differ in policies with Chris Cox? Does he have a different view on short selling? Does he have a different view on holding company regulations? Who knows? Maybe he will replace Chris Cox with Phil Gramm who considers someone who lost his job a whiner, and considers all of us hurting in this economy a ''nation of whiners.''

It is hard to take the proposals by Senator MCCAIN very seriously unless he backs them up, not only with detail, but with consistency and a philosophy.

But getting back to his proposal today, something of an RTC-like company, the central challenge with that approach, and anyone who is advocating the RTC—and my colleague Senator DODD has outlined this very well recently—is that the Federal Government would take on all of the risk of the bank's troubled assets without addressing the root of the problem, the housing market.

Proposals such as Senator MCCAIN's may help Wall Street but they will do nothing for Main Street. Two major problems exist. First, troubled mortgages have been sold into complex mortgage-backed securities which have themselves been split into pieces and sold to thousands of investors around the world.

In order for an RTC to be able to modify the mortgages, it would have to gather up all of the pieces of every security and put the proverbial puzzle back together. This would be incredibly difficult and virtually impossible. That is why the proposals by Secretary Paulson, as well intentioned as they are, have done very little in the foreclosure area. Because if one investor of the hundreds who hold a piece of a mortgage says ''no,'' there can be no refinancing, no reformulation. It is a huge problem.

Second, even if it were possible for borrowers to have piggyback loans on second mortgages, which is an estimated 50 or 60 percent of the troubled mortgages, the RTC would have to go back and buy the second lines as well in order to work out the loan.

In other words, even with the first mortgage, if you could get all of those hundreds of pieces together, there is a second mortgage in 50 to 60 percent of these troubled mortgages and the second mortgagors or mortgagees are not going to stand for—the first mortgagors are not going to stand for reducing their mortgage while the second mortgage is as large as ever.

In short, the complex structure of the most troubled mortgages underwritten over the past several years would prevent an RTC from being able to help most homeowners. Furthermore, it seems like the RTC is Rashoman these days.

Some propose the name ''RTC'', like the Wall Street Journal financial page, to buy financial instruments; some propose it to deal with the mortgage situation, which is difficult, as I mentioned. And I think when we look at the specifics, the RTC model is not the best way to go. In fact, it might not work at all.

Therefore, I am proposing that we examine a two-part approach that will help suffering homeowners across the country keep their home and restore stability to Wall Street.

First, we must get banks and other financial institutions to drop their fierce opposition to judicial loan modification in exchange for any additional assistance from the Federal Government.

This year my colleague, Senator DURBIN, led legislation in the Senate that many of us cosponsored that would make a simple change to current law to allow judges the authority to modify harmful mortgages on primary residences. The industry adamantly lobbied against this legislation, arguing it would harm the secondary mortgage market. Simply put, this is wrong. Between 1978 and 1993, when such modifications were allowed, the evidence is clear. It had no impact on the secondary mortgage market whatsoever. What is even more absurd, a judge can already modify a mortgage on a second home. So if you own two homes—or seven homes—the bankruptcy court can help. But if you are like Joe and Eileen Bailey and most of us and you only have one home, which is, by the way, also your largest and most important asset, and you find yourself in trouble, there is nothing a bankruptcy judge can do.

This critical solution is achieved by simply removing the bankruptcy law's language that denies relief to homeowners for their primary residence. Court-supervised loan modification is the simplest, fairest, and least expensive way to get all the parties of a mortgage together and modify the loan down to the fair market value of the home with no cost to the U.S. Treasury. This provision also guarantees the lenders at least the value they would obtain through foreclosure, since a foreclosure sale can only recover the market value of the home. In addition, it saves lenders the high cost and significant delays of foreclosure. Because bankruptcy is enshrined in the Constitution and because the bankruptcy judge has the power, unlike the mortgage processor, to require all the parties to come together, this can work and, again, at no cost to the Federal Government.

Second, to restore confidence in financial markets and institutions, rather than continuing to intervene on an ad hoc basis as additional companies face problems, we should look at options to formalize ways for the Federal Government to provide capital injections and secured loans for banks that are struggling. This will give financial institutions the capability to de-lever their balance sheets and write down their bad assets over time. The rapid failure of a large number of financial institutions would have a disastrous long-term effect on the American economy, a situation we must avoid at all

cost. The Government could establish a new agency similar to the Reconstruction Finance Corporation or RFC-like model employed during the Depression. The RFC is far preferable to RTC. But we must condition the development of this formal structure on the agreement of banks to abandon their opposition to judicial loan modifications, and not only banks but others who hold pieces of mortgages as well. An RFC-like agency would receive equity and possibly secured debt from the banks in return for providing capital or liquidity. The equity received by the Government would allow the Government to share in any upside appreciation of the banks and minimize taxpayer costs in the process. The RFC would also get some degree of oversight lending activities of banks it has invested in, and the Government would come first. The Government would get repaid before others in the financial chain.

I represent the State of New York where many of my constituents live on Main Street and many work on Wall Street. Both are in dire trouble. We have the largest city in the country, and we are the financial capital of the world. We have upstate New York which would be the seventh or eighth largest State in the country. In addition, we have the third largest rural population. Right now all are in trouble because in this complicated economy all are interrelated. We have a responsibility to address the problems faced by both homeowners and financial markets. Attempts to solve only one side of the equation will not get us out of this crisis. Without a comprehensive solution that helps keep people in their homes, no amount of money advanced by Uncle Sam will restore the fundamental strengths of the American economy.

Chairman Bernanke has said it over and over again: Until we solve the mortgage problem, we are not going to solve our economic or even our financial problem. But unless we also solve our financial problem, the economy will not recover, and the housing problem will get worse. So we need to do both. Those who say just do one or the other, for ideological or policy reasons, will not come up with a solution. The solution I have proposed does both, and it links the two. To those who say the Government can't get involved in these institutions for no cost, we are making sure there actually is a cost, not only in the repayment plan but in the fact that they will have to treat mortgages differently and help beleaguered homeowners. By doing that, they will help the economy.

To those who propose a plan of just helping the homeowner, worthy as that is and as much as I have worked hard and believe in it, if our financial institutions and our financial lifeblood continues to be brittle, frozen, and sparse, it will be far more difficult to solve the homeowner problem because the economy will get worse, housing prices will go down, and the cost and ability to keep mortgagors in their home will be less.

This solution represents the best way to get us out of our financial crisis in a comprehensive way. It should have appeal to those on both sides of the aisle. Most importantly, it is a solution that deals with the entirety of the problem in a comprehensive way.

Given our economy hurtling southward, given the horrible stories we read in the newspapers every day about those who work on both Main and Wall Streets hurting, we cannot afford not to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. I understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. MENENDEZ. Madam President, because of the hard work of Chairman BAUCUS of the Finance Committee, Senator CANTWELL and several others, we may—I say ''may'' and I will talk about that in a moment—have finally secured a deal to extend the renewable energy tax credits and to temporarily fix the alternative minimum tax. If we can do this, it is a huge accomplishment that will generate hundreds of thousands of new, green-collar jobs, stimulate the economy, improve our energy independence, and lower energy costs for all Americans. And it cannot come too quickly, as we heard from our distinguished colleague from New York.

Unfortunately, in order for the Democrats to secure a deal to do this, we had to agree to a bill that, in my opinion, is not as strong as previous versions of the bill. On eight separate occasions, our Republican colleagues had the opportunity to keep the rapidly developing wind and solar industries growing at an astonishing pace. But, instead, they decided to play politics. Time after time, Republicans filibustered and then voted to block consideration of proposals to extend critical tax credits for wind, solar, biomass, and geothermal energy. So Democrats had to sit down with our colleagues from the other side of the aisle and work out a deal.

I have heard a lot recently about how Washington is broken and how there needs to be a greater spirit of bipartisanship. I agree. But I want the American people to understand that comes at a price. What is often overlooked is there is a price to be paid for that compromise. In this instance, the price being paid is $8 billion over the next 5 years to big oil. In essence, at a time when financial markets are in turmoil, banks are failing, Americans are struggling to make ends meet, Republicans have required a big oil bailout, a bailout for the most profitable industry in history, at a time when they are beating their own record profits.

I also have concerns about some of the oil shale and tar sands provisions of the bill in an environmental context. But on balance, based upon the circumstances of where we are and what is possible, this bill will do a lot more good than harm.

Renewable energy is essential for our environment and our economy. But renewable energy is, most importantly, the opportunity to produce massive amounts of domestic, clean, cheap energy and generate hundreds of thousands of new jobs in doing so. Simply put, renewable energy is a core solution to our energy woes and a massive business opportunity. Don't take my word for it. Just ask landowners in Texas or Minnesota or Iowa or Wyoming who are receiving $3,000 to $5,000 per month for allowing a windmill to be sited on their property. Or ask oilman T. Boone Pickens who is plowing billions of dollars of his own money into wind energy, even though he made his money on oil and has a plan to use renewables to end our addiction to oil.

Last year the United States installed enough wind turbines to power over 1.5 million homes, and the solar power industry is growing at over 40 percent a year. In fact, over one-third of all additional electric power capacity that was added to the grid last year was from renewable sources. So despite claims by the Republican Presidential nominee, these technologies work. They work now, and they are producing an enormous amount of energy.

They have done so in large part because of the leadership and investment by the Federal Government in incentivizing those renewable energy industries. By extending the wind and solar tax credits so these industries can continue their rapid growth, we could easily add 150 gigawatts of installed capacity within 10 years.

What does that mean? That is enough electricity to power over 37 million homes. By 2030, even if we do not pass additional policies to create a national grid or further incentivize distributed energy, we could get well over 25 percent of our Nation's electricity from wind and solar power.

This tax package also has a very important provision to help us transition from oil to renewable fuels. The bill contains a large tax credit for the purchase of plug-in hybrid vehicles, cars such as the Chevy Volt which will be able to run solely on electricity only for the first 40 miles after being plugged in.

If projections by some experts hold true and half the cars on the road in the year 2030 are plug-in hybrids, we could easily cut our use of oil by one-third or more. By this time we would be producing enough renewable energy to power all of these cars and still have

electricity to spare. If we want cheap gasoline, to be free from imported oil, create hundreds of thousands of new jobs, then we need to pass this tax credit extension. It is that simple.

I am relieved in one sense that my colleagues on the other side of the aisle have finally come to the table to let us vote on something that will actually produce energy, but I am concerned that there are still those objecting to us proceeding. This fall, voters, however, are not going to forget that the price the Republican Party has forced on the American people in order to get to these renewable energy sources is to continue $8 billion in subsidies for big oil. When the American voters see that, they are going to have a much different view of what they do in these elections, and we will see a very different Federal Government come January.

I also want to address another essential piece of the tax extenders program, and that is the temporary fix of the alternative minimum tax. New Jersey's hard-working families deserve real tax relief. More than 70 percent of the President's tax cuts have gone to people making over $200,000, while families who earn anywhere between $50,000 and $75,000 have received less than 5 percent of those cuts. Yet the President has done nothing to make the AMT exemption permanent, a tax which, in the next 4 years, would affect nearly every family of four earning between $75,000 and $100,000 if nothing is done.

The President has directed all his efforts, priorities, and the Nation's bank account to tax breaks for the wealthiest, leaving little room, let alone money, for the reforms that will affect nearly 24 million middle-class families.

When Americans wonder why there has been little attention on what most tax analysts refer to as the ''single most important tax issue'' facing the Nation, they should know that it is because tax cuts for the middle class have clearly not been a priority of this administration.

I am glad we are moving in this Democratic majority in a different way. The fact is that, without this bill, middle-class families will be faced with a harsh reality at the end of the year. In my State of New Jersey, where roughly 270,000 families were subjected to the alternative minimum tax in 2006, the number of middle-class taxpayers subject to this tax would explode if no fix is enacted. Average families, who are far from wealthy, could face significantly higher taxes this year if we do not act on the crisis at hand. This fix makes very clear that our priority should be to protect middle-class families from an unintentional tax hike, and that millions of taxpayers should not wake up next tax season to realize they owe more in taxes even though their income has not changed.

Let's remember, this was a tax intended to ensure that those making over $200,000 a year were not able to game the system and avoid paying any taxes toward the common good at all. It was never intended to raise the taxes of average Americans.

So let's send a clear message that the values we embrace are the values of helping American families. Let's embrace fairness and equal treatment for those who are working hard. We can do that in this bill.

Finally, let me thank again Chairman BAUCUS and others for their hard work in crafting this legislation to extend the renewable energy tax credits and to temporarily fix the alternative minimum tax.

But I do urge my colleagues who are objecting to bringing up this legislation to drop their objections. You cannot expect more for oil than even what you have gotten in this bill. These are obstacles the American people clearly cannot afford at this time, that this country cannot afford at this time in one of the worst financial times.

This will be one part of a solution to move us in a direction that creates jobs, that can stimulate our economy, that can break our dependency on oil, that can do something about our environment and, at the same time—and, at the same time—ensure that we give relief to middle-class families through that relief in the alternative minimum tax.

I hope if, in fact, we can get through our colleagues' objections—the majority leader has tried to bring up this bill already—if we are able to do so, we can send a message as this week comes to a close that the Senate is finally on the way to giving relief to American families in a real, meaningful way, and as people are losing their jobs in this economy, we can be at the threshold of creating a new generation of jobs in which people will be able to prosper and the Nation will be able to meet its energy needs for the future.

Madam President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX EXTENDERS

Mr. WYDEN. Madam President, there is extraordinary economic hurt in much of rural America this evening, and that is especially the case in my part of our country in rural Oregon. We are going to have a chance to do something about that with the tax extenders legislation. I come to the floor today to urge its passage.

A number of colleagues have been wondering about the folks in green shirts who are out and about on Capitol Hill this week. These are some of the country's best people committed to making this country a better place, and they are here because they come from communities where the Federal Government owns much of the land and the Federal Government, regrettably, has been talking about breaking its commitment to these communities.

About 100 years ago, the Federal Government entered into an agreement with these communities. In effect, the Federal Government said: When the National Forest System is created, so it benefits people across the country—in Minnesota, in New York, in Florida, and all across the land—because we are going to have property owned by the Federal Government, we will assist those communities with funds for schools and essential services.

That worked for a number of years when the timber cut was fairly high and we were able to get the funds those communities needed for essential services. However, when the laws began to change in the 1990s and timber cut went down, all of a sudden those communities were hard-pressed to keep the schools open in my part of the country and to make sure there was essential law enforcement service—on the beat fighting methamphetamines and providing key services on our Federal lands. So in 2000, I authored a law with our friend and colleague, Senator CRAIG, and brought those communities money for schools, money for essential services, but regrettably, that money has run out. As the revenues and benefits that we receive from our national forests change with the times, Congress simply can't walk away from its responsibility to provide funding to rural counties.

Now, because of the good work particularly of Chairman BAUCUS and Senator GRASSLEY, there will be an opportunity to renew our commitment to these rural communities and to do it in a way that is going to allow these communities, after a few additional years, to get into additional opportunities for economic growth and creating good-paying jobs for their citizens. For example, I have said that if we pass this legislation—and it authorizes $3.8 billion in desperately needed funds for rural schools and essential services—we are going to use those 4 years so that at the end of that period, our rural communities can be involved in a number of other economic development activities that will allow their communities to prosper. For example, we know that in our part of the country—

and this has been true in much of the land where there is great risk of fire—there is a need to thin some of these forests. In our part of the country, it is second growth. It may be different in the Midwest and Minnesota and other parts of the land.

But the point is, they are working together—people in the forest product sector, environmental leaders, scientists, and others—they are coming together and over the next 4 years will act in a fashion that will allow us to say that, on our watch, by making sure we acted today so these communities could survive, we used this period so that they could get into additional opportunities that would allow their communities to prosper and provide good-paying jobs for their people.

Right now, pink slips have been sent out to county workers, teachers, and others, and without the action that has been achieved in the extenders legislation on a bipartisan basis, led by Chairman BAUCUS and Senator GRASSLEY, without their work becoming law, it is my view that the very fabric of rural communities in our part of the country and over much of the United States will be torn asunder.

A number of colleagues have worked hard on this legislation, and that is because this 100-year commitment we have had with rural America has always been bipartisan. The fact is, Americans who enjoy the National Forest System don't come to the forest and get asked whether they are Democrats or Republicans. It has been something that has been beneficial to our Nation, and in return, we said that our rural communities would be given the funds they need for essential services. The fact is, in much of the country where there is not Federal land, where there is not land in Federal ownership, they sell private property, they tax private property, they generate revenue, and they pay for essential services. That is what is different about my home State where the Federal Government owns much of the land. We haven't been able to do that.

I see my friend and colleague on the floor, Senator CRAIG. We worked together to update our commitment to rural America back in 2000. We put in place, for example, resource advisory councils—and Senator CRAIG remembers this well—that brought together people in the forest product sector and environmental leaders. Several of them said: What you were able to do with Senator CRAIG has people working together in the natural resources field who never worked together before.

So this has been a program that has worked. We have tried to extend it on a multiyear basis. I offered legislation previously with Senator CRAIG. We got 74 votes. An overwhelming majority of the Senate supported this legislation. Yet we were not able to get it enacted into law.

Mr. CRAIG. Madam President, would the Senator yield?

Mr. WYDEN. I am happy to yield.

Mr. CRAIG. Madam President, I thank the Senator from Oregon, Mr. WYDEN, for the work he has continually done on behalf of timber-dependent school districts and this uniqueness that Western States have that have these large portfolios of public land and have grown increasingly dependent upon the action taken by the Federal Government and the reaction in the States and the impact on the economy of local communities. When he and I stood together and worked out Wyden-Craig, Craig-Wyden and worked with our timber-dependent school districts and got it funded, we solved a very big problem.

The advisory committees the Senator speaks to were in themselves a phenomenon in the sense that after 2,300 decisions by those groups to do activities on public lands, and not one of them objected to by an interest group or a suit filed to stop them, Senator WYDEN and I grew convinced that we could work together to resolve our public land issues when we put determination and resource behind them, and that is what we did.

I thank Senator WYDEN very much for staying with this. It is my understanding that in the tax extenders package we will consider this coming week, we will see a reauthorization of Wyden-Craig that will get this work done, send a message back to our school districts and our counties that we are here to help, to assist, and to stabilize the very dire economic conditions those school districts and counties are experiencing. I thank Senator WYDEN for sticking to it and with it because it is that kind of resolve that may solve this substantial problem.

I thank the Senator for yielding.

Mr. WYDEN. Madam President, I don't want to turn this into a bouquet-tossing contest, but the fact is that Senator CRAIG and I have been partners in this for some time. We believed we had a good model when we moved to pass it during the Clinton years in 2000. It has exceeded our expectations in terms of bringing people together and helping these rural communities survive.

I simply say to colleagues that as part of this tax extenders package, by extending the program now through 2011, the legislation would give rural communities the certainty they need to plan for the future and get them off this roller coaster of disaster one day, hope the next, that has been the pattern of the last few years.

There are a lot of exciting things going on in the rural West. My friend from Idaho and I, as we sat on the Forestry Subcommittee, have heard the exciting developments, for example, in projects to thin and restore the Nation's forests, have heard about the good work that is being done in terms of biomass, taking essentially woody waste and turning it into a source of clean fuel. We have been working together to make sure the Federal Government gets the right definition of biomass so that we can allow these programs to go forward. Carbon sequestration would be a third opportunity that we know will be a sensible step because it will help improve the climate and create economic revenue.

So as Senator CRAIG and I sat and listened to this testimony all of these many hours about thinning and biomass and carbon sequestration, it became clear to us that as long as our rural communities weren't denied the funds they needed to keep going, which is what we are talking about today, they could use these next 4 years to get into some very exciting and promising fields in the years ahead.

Madam President, I am very pleased that my friend from Idaho has come to the floor, and I know I have exceeded my time for morning business. I simply say to my colleagues that I hope they will pass the extenders package. The funds involved are for secure rural schools, and it is critically needed now so they can use this time to make sure young people, law enforcement, and other essential needs are addressed.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I understand that Senator AKAKA is en route to the floor to speak and possibly put forth a unanimous consent request. He is entering the Chamber now. I know he has time for that consideration. I will not speak as in morning business, but I will close by saying I thank my colleague from Oregon.

The years we have worked together have become a very valuable partnership for the benefit of public land States and for us to recognize the changing world in which we live in these States. But the demand is still on the communities. No matter how the use of public land—or how we apply policy to public land changes, we still have to maintain roads, bridges, and schools if there is going to be vitality in a community that can support new economic opportunity in the coming years. That is what the Senator has so eloquently spoken to. We both recognized that, and we used the Public Land Subcommittee of the Energy and Natural Resources Committee, which I chaired and which he now chairs, as that link and partnership to accomplish a great deal of this. I thank him for that work.

I yield the floor.

Mr. WYDEN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1315

Mr. AKAKA. Madam President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 674 and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken, the text of S. 1315, the Veterans Benefits Enhancement Act, as passed by the Senate on April 24, 2008, be inserted in lieu thereof, the bill, as amended, be read the third time and passed; that a title amendment which is at the desk be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Madam President, reserving the right to object—and I will object because of my concern of the way the given legislation is being handled—this is an issue on which the chairman of the Veterans' Affairs Committee and I have had some difference. At the same time, I clearly recognize the phenomenal commitment of the chairman to veterans and, in this case, to Filipino veterans who served us so gallantly during World War II.

It is my understanding there is a conflict in the House at this minute relating to the passage of legislation the Senate has moved. This is an effort to avert that conflict and bring the bill to a conference committee in a different form by using a House-passed bill. It is a tactic I hoped we would not use to address this important issue. The Senate can and should revisit this issue at another time. I hope we will.

It is with that intent that I object to this unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Hawaii is recognized.

THE VETERANS BENEFITS ENHANCEMENT ACT

Mr. AKAKA. Madam President, of course, I am very disappointed that an objection has been made to this unanimous consent request. The intent of the request is to create a means by which there might be further action on this very important veterans legislation before the Congress recesses next week.

On April 24, 2008, the Senate passed S. 1315, the Veterans' Benefits Enhancement Act of 2007, by a vote of 96–1. Since that time, the bill has languished in the House.

This bill would improve benefits and services for veterans, both young and old. It includes numerous enhancements to a broad range of veterans' benefits, including life insurance programs for disabled veterans, traumatic injury coverage for active duty servicemembers, automobile and adaptive equipment benefits for individuals with severe burn injuries. In addition, the bill includes a provision that would correct an injustice done to World War II Filipino veterans over 60 years ago. It grants recognition and full veterans status to all of these individuals, both those living inside and outside the United States.

In order to cover the costs of S. 1315, the bill would overturn a court decision in a case known as Hartness. That decision allowed for certain veterans to receive an extra pension benefit based solely on their age, a result never intended by Congress. The purpose of the provision in S. 1315 is simply to restore the clear intent of Congress, but some have mischaracterized it as an attempt to withdraw benefits from deserving veterans and grant them to undeserving veterans. This misconception is the main reason that action on S. 1315 has been held up.

I am not interested today in debating the merits of the bill—either the increased benefits or the revenue provisions—but rather ask that the Senator or Senators who object to the request to set up a conference with the House—advise me of their concerns to see if it might be possible to find a way forward. I am very committed to this veterans' benefit legislation and would like to see if we can reach final action before the end of next week. If we are not able to do so, I intend to renew my efforts in the next Congress.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I wish to return to the issue which has been the topic of the day—and should be, obviously—and that is the stress on the financial systems in the United States.

Earlier in the day, I asked why we couldn't have an adult discussion of this subject rather than a lot of hyperbole and partisanship. I doubt it was my comments that energized it. In any event, the Senator from New York, Mr. SCHUMER, did come down and make a couple of points on how he thought we could proceed. I wish to comment on those specific points and elaborate a little bit.

First off, the term ''Resolution Trust Corporation'' has been thrown around a great deal. I am, as I mentioned earlier today, rather familiar with that term because I was Governor of the State of New Hampshire at the time that we had the real estate meltdown in the Northeast and the Resolution Trust Corporation came in, as well as the FDIC under Chairman Seidman. Chairman Seidman did an extraordinary job, by the way, for us. We had to reorganize our banking system. The assets fell into the hands of the Resolution Trust Corporation, which then proceeded to dispose of those assets which basically had caused the banking system to fail in the Northeast and earlier in the Texas area.

I think that vehicle was appropriate to that time. I think what we are hearing today in the term ''resolution trust'' is the concept, not the specifics of that vehicle. Thus, when Senator SCHUMER said it was inappropriate for Senator MCCAIN to throw out the concept of resolution trust as an approach to addressing this extraordinarily critical matter, I think he may—I don't know, I can't speak for Senator MCCAIN—I suspect Senator MCCAIN's purpose was to talk about the concept of a government entity, such as the resolution trust, which comes in and basically relieves the pressure on the financial markets by creating value under assets which nobody at the present time can value. That is what we need. That is exactly what we need.

I would not dismiss the idea out of hand. I would simply say it is a term of art now versus a specific structure, and the term of art is essentially stating that the Federal Government does have a role potentially of coming in and putting value on assets which cannot be valued by the market and which are locked down and which have caused the whole credit market in the Nation to freeze down.

That is what has happened today, of course, in these mortgage-backed securities. Nobody knows the value of the security underlying the mortgage-backed security and, therefore, it is impossible to sell them and, therefore, the fluidity of the economy has been disrupted and, in fact, we are seeing a freezing of the economy as these securities hold in place instead of being traded.

What has been suggested, and actually, interestingly enough, appears to be the suggestion of the Senator from New York, is we create some sort of structure which allows the Federal Government to step in and essentially put value underneath these mortgage-backed securities by using the good faith and credit of the American taxpayer to essentially set a price for

those. He suggested a couple ways of doing this. Let me comment on those suggestions because I think they are worth commenting on.

First, as the price of doing this, he suggests we should change the bankruptcy laws, a proposal debated here at some length earlier in the year, so bankruptcy courts would have the right to write down mortgages in bankruptcy. That is an appealing idea on its face because most of these mortgages are going to be written down anyway. But the issue becomes, what is the cost of that on the marketplace. If the mortgage underwriter knows there is a potential that the mortgagee may file bankruptcy and that mortgage may be adjusted significantly in bankruptcy, then the cost of that mortgage is going to go up and go up a lot because it is going to have to cover the premium and some actuarial estimate of how many mortgages might end up in bankruptcy, might end up being written down.

As we know, bankruptcy doesn't deal with secured assets such as a mortgage in the sense it doesn't write them down. The secured assets come first. This proposal has its upside from a standpoint of being attractive to a way of getting these mortgages performing again. But it has the downside of probably creating a much higher price for mortgages in the marketplace in the initial offerings.

Of course, what we want to do is make mortgages more readily available in a sound and reasonable way, not in a speculative way, the way they were in the last few years under the subprime system.

There may be a way to do this. I wouldn't close the door to it. I simply say, in looking at this, we have to be realistic and recognize that the cost of writing mortgages in this way will go up, and there may be a way to keep that price from being excessive by limiting the availability of that option. So I am willing—not that it is my role, but I would certainly think it is something to look at.

The second idea the Senator suggested was that we allow the Federal Government to basically buy into troubled banks and get what I presume would be equity back by creating a new entity, a new agency to do that.

That is also an interesting idea, and I respect the fact he brought that idea forward. I suggest that is a long, complicated exercise, however, and we are not in a period where we have a whole lot of time. What we need is something that is going to make sense soon and give us some fluidity in the marketplace reasonably quickly.

Probably the only way we are going to accomplish that is to pursue a course of the Federal Government injecting itself into the process by purchasing mortgage-backed securities in some manner, maybe through one of the agencies we have already gotten possession of—Freddie Mac, Fannie Mae, or one of our other agencies—and taking them off the books of these entities and reselling them in some way that recoups value to the taxpayer. That gets liquidity into the process, and it hopefully gets a stability into the pricing mechanism for these mortgage-backed securities which are at the core of our problem.

Honestly, if we had done this or taken this type of route with stimulus 1, where we used $160 billion, we probably could have abated this entire problem or at least muted it significantly because that is a lot of money, $160 billion. If we had not handed it out in $600 increments to everybody to be spent to buy a television made in China so the Chinese benefited from it—we didn't benefit from it—instead, if we had put it on the problem, which is the mortgage issue and the fact there was a lot of debt nonperforming and where you couldn't ascertain the value and use it to settle out that part of our economy, we might have made great strides earlier, and we might not be where we are today, which is in such dire straits.

I think it is good at least that the topic has been opened, and I congratulate Senator MCCAIN for being willing to stick his toe into this rather choppy water and do it in a way that isn't in the tradition of what one would call classic conservative politics. He is basically suggesting we might need to look at a major initiative through the Government to stabilize the situation. That is a departure. He should be congratulated for being strong enough, creative enough, and mature enough to be willing to step into that direction.

I wish, quite honestly, Senator OBAMA was saying something similar. Senator OBAMA continues to talk, unfortunately, in hyperbole on this issue, sort of out here on some other planet, relative to the reality of the on-the-ground problem. At least Senator MCCAIN is talking about the problem in a mature, substantive way. Obviously, the ideas haven't totally evolved or developed yet, but he is opening a dialog that I think is very constructive to the question of how we get to a solution, as Senator SCHUMER, quite honestly, did in his proposal.

As I said, I have outlined what I think is the point to begin the dialog. This may all be moot anyway because there is significant rumor that the Treasury and the Fed are moving much faster than the Congress, which should not be a surprise, which they usually do. That is why we have them. The Treasury did a good job, in my opinion, on Freddie Mac and Fannie Mae, and the Fed did the right thing with AIG.

Another issue that has been raised, however, that is giving us some problems is the short-selling issue. There has been a lot of discussion about short selling, how it has been predatory and inappropriate. It is true. There is no question but that naked short selling is a serious problem. I congratulate the SEC for pursuing aggressive rules on the equity side of naked short selling so people have to cover what they are doing.

But when you do an event on short selling on the equity side, it opens short selling on the debt side. If a short seller thinks a company is a target and they are going to go after that company, a person who is approaching this from a very predatory approach on the equity side and the equity side is shut down by the SEC or, more importantly, by financial houses, with the British action which basically bars short selling from financial houses until the beginning of next year, then that short seller is probably going to move over to the debt side.

Spreads jump dramatically, and the practical effect of that is it becomes virtually impossible for people to borrow money because the spreads are so high, and that is an equally contracting event. It makes commercial paper very hard to move.

I do hope that as we look at the short-selling issue, we not only look at the equity side but we also look at the debt side. In that arena, there are a lot of different ideas that have been suggested. One that I heard is that you should—and I don't know that this works, but I think it is worth throwing out—is that you have to look at the credit default swap arena and have more transparency so people know what the risks are and they know what the value is and they know what is going on in this arena.

That can be done through creating some sort of clearinghouse along the lines of what we do with S&P futures. That has been a suggestion. Maybe that is the way to go.

In any event, we cannot fix half of this equation, in my opinion, and expect the markets to not adjust in a way that actually continues the retardation of the markets or the retardation of the economy because of the lack of transparency on the debt side as to who owns what and what the spreads are. Not the transparency on the spreads but the fact that people are not going to be able to get commercial paper because the spreads will be too high as a result of the short selling.

I am not talking about eliminating it. I am not even talking about chilling. I am talking about making it more transparent, and that I think will be very helpful.

In any event, it seems to me at least we are getting some good and positive discussion on these issues around here, which is a change, and hopefully we can continue on this track. It may be that the Congress will be out of session before anything can be done, and that may actually be good, too, if we don't

have anything good to do. But as a practical matter, I think we have to maintain our flexibility as a government, and we have to be willing to support those who are trying hard in this area to try to get our markets back operating at some level of normalcy, specifically the Secretary of the Treasury and the Chairman of the Fed. And we should not try to hyperbolize this issue and create an atmosphere where the well of opportunity to look at things that are different and creative, maybe outside the tradition of the ideology of one side or the other, is poisoned by excessive partisan discussion.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, we have some startling new figures about how difficult it has become for the middle class to get by. We now have some new numbers, through the Joint Economic Committee and the work of Professor Elizabeth Warren, that in fact the average middle-class family has lost about $2,000 in wages, $2,000 per year, for the last 8 years, and the expenses have now gone up about $4,400 per year. That is a net loss of $6,400 per year. And with family childcare, you add an additional $1,500 per year. This is how much more expensive it was than 8 years ago.

So we are seeing more and more families in debt, more and more families having trouble getting by due to the failed economic policies of this administration, and as we have seen from the events of the past week, the country is facing an enormous financial crisis, probably the largest we have seen since the Great Depression.

Although the administration is still wary to admit this is a recession, we have seen time and time again over the last 8 months more and more jobs lost. Many institutions—some that have been on Wall Street for decades, some for a century—are finding themselves in the same position as many families were when their house was foreclosed on, with nowhere to go, and secretaries with nothing to their name. People had their retirement money in stock in the company. They were depending on that stock for their future but now have nothing to their name. This week we saw things take an even greater turn for the worse.

When Chairman Bernanke was in front of the Joint Economic Committee back in April, days after the Bear Stearns buyout, there was some talk that maybe that would stabilize things. But Wall Street was simply in denial. When you look at this past decade, Mr. President, you can see it was a decade of greed, a decade of risk, and there wasn't much fear in how those deals were made—jumbo mortgages, securities with no backing. Too much, too much, too much.

Look at IndyMac in California, and Fannie Mae, Freddie Mac, Lehman Brothers, Merrill Lynch, AIG, and all of these firms that insisted they were solvent, until the eleventh hour. That practice put everyone's savings at risk.

Next week, in our Joint Economic Committee, we are going to be hearing from Chairman Bernanke and discussing exactly where we go from here. I believe in this country. I believe we will move forward. But I can tell you lax regulation, decaying agencies, and some of the people who were put in charge of them have led us to where we are today.

I saw it firsthand on the Commerce Committee with the Consumer Protection Agency, a shadow of its former self, with 50 percent fewer employees than it had during the Reagan era. Big surprise when these toxic toys started coming in from places such as China. There was no one there to mind the store. There was one guy named Bob in a back room.

When you look at these mortgage instruments, there was no one watching over them, no one to enforce the rules. As a former prosecutor, I know you can have all the laws on the books, but if you don't have people enforcing them and people who are committed to the purpose of making sure that regular people are protected in this economy, it is not going to matter what laws are on the books.

We also had rampant change in some of our regulations—the Enron loophole. We had the chair of the Commodity Futures Trading Commission before a joint meeting with our Agriculture Committee, and I asked him if he didn't want some more tools in his arsenal so he could maybe look at what is going on with these trades and the speculation going on with foreign countries. Even if you don't want to use them, I asked him: Don't you want those tools we can give to you? As a prosecutor, I figured I wouldn't use every law that was on the books, but I always wanted more tools to look at things.

He said: No, we are fine the way we are. It was that attitude, Mr. President, that got us where we are today. So we are going to have to change things in this country. We are going to have to get some balance. I believe in vigorous entrepreneurship. My State is home to nine Fortune 500 companies and many thriving small businesses. We believe in entrepreneurship in our State, but we also believe there must be a balance and there must be fairness and somebody minding the store. And that has been lacking over the last 8 years.

We do have an opportunity as we look at how we are going to get this economy moving. I mentioned there was so much greed and not enough fear in the last 8 years. Well, now we stand on the precipice of where we don't have too much fear, but we want to move forward as an economy, and there is one thing we know we can do immediately in the next few days. We can make sure the incentives are in place to keep moving forward with this new green economy to compete with other countries and have the right incentives in place.

I am talking about the extenders for renewable energy that have really led to a boom in my State. We are third in the country with wind energy. Southwestern Minnesota is home to hundreds of large-scale wind turbines, helping to make us a leader in wind power. Along with biofuels, these wind energy farms have spurred a rural economic renaissance in that part of our State.

Let me give a few examples of this and examples of hope for this economy as we go forward and how we can put incentives in place so we can keep going.

I see my friend from Kansas across the aisle, and I know he has a picture of a wind turbine in his front office. We know there is a future for this country with development in this area.

In 1995—and this is just an example from Minnesota—SMI & Hydraulics, Inc. began their business in Porter, MN, primarily as a welding and cylinder repair shop for the local farmers and businesses. Today, SMI & Hydraulics, which manufactures the bases for the wind towers we see all across this country, just recently expanded a facility to 100,000 square feet and created over 100 new jobs in just this little town. It is a barn with these big wind bases that actually come out of it. It is an amazing success story.

Last year, the renewable electricity sector pumped more than $20 billion into the U.S. economy, generating tens of thousands of jobs in construction, transportation, and manufacturing. Throughout the country, renewable energy has led us down a path toward new jobs, lower energy bills, and enhanced economic development. We need to move this country forward.

For me, and the State of Minnesota and so many other areas across this country, the protection tax credit is critical to realizing this goal. The protection tax credit, in combination with strong State renewable electricity standards, has been a major driver of wind power development in Minnesota. That is why I was so concerned we might actually lose it. All the studies show if you let it go, about 8 months before it is forecasted to go off, you have an enormous drop in investment, and that is exactly what we don't need

now in this country. We need a plan to go forward.

I personally would like to see it go into effect for 3, 4, or 5 years. I have a bill with Senators SNOWE and CANTWELL to put it in place for 5 years. But if all we can agree on today is to extend it for another 1 year for wind, solar, geothermal, and all kinds of renewable products and wasted energy, that is what we should be doing. But I will try. We are working on a bipartisan basis with a group of Senators to extend it for at least 3 years for renewable fuel sources. Because as we struggle with this economy we know, as we say in Minnesota, the approach is not just going to be a silver bullet, it is going to be silver buckshot. It is going to involve all kinds of energy production, increased energy production. But it is also going to involve looking at things in a new way. That has been lacking so much, this long-term look at our economy while other countries have leapfrogged us. While we developed the technology for wind and solar, we have been leapfrogged by other countries. Anyone who watched the Olympics in China knows what we are up against on the world stage for competition. They saw not only the athletes from all over the world but they saw the precision with which the Chinese were able to pull off that opening ceremony in those Olympics.

We have to get our act together. We have to get our act together for our economy and be sensible and not look at 1-day solutions and 1-day spins. We have to have a plan for this economy, and this is a start, but we also have to have some balance in our regulatory system so our economy can function and our businesses can function as they were meant to.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I join my colleague from Minnesota. I have a map that shows the wind energy capital of the world, the Saudi Arabia of wind, right in the middle of our country. I have a nice corner here in Minnesota with some good wind power. We have a lot right here in the middle of the country in Kansas and we want to harvest it. I am delighted to see that the wind energy piece in the production tax credits is in the bill, the tax extenders bill. That is what I wanted to come to the floor, because it is critical to the investment taking place for wind power generation. We are doing that in this particular bill.

I, as well as my colleague from Minnesota, wish to see these production tax credits extended for a series of years rather than one; planning that arrives in a 3 to 5-year window would give a lot better opportunity for capital to come into the business. I think this is a critical piece we have to get done.

I met with my Kansas wind energy associates yesterday, people putting in these units on a big scale, and small scale. They are saying we need to have these credits in place.

I was at Pratt Community College about a month ago. They have put in three midsize wind turbines that are cutting down the community college's electric bill about $1,000 a week. They are looking at it and saying this credit is a great one, it has a nice payoff. It is right in this zone where we have high wind electric generation. It is working and working well.

I do note for my colleagues, on this particular issue you cannot rob Peter to pay Paul. This is the sort of thing where you have to do all the energy issues. You can't punish one or another. We need all of it. We have said that for some period of time. I hope we would start to do that.

The unfortunate piece of the tax extenders is the pay-for provision of it, where it is going at the refining capacity in the United States. I do not think that is wise at all. I want to cover this briefly here.

Of the $17 billion energy portion of this tax package, that is being paid for mostly by tax incentive freezes and adjustments to other sectors of the energy industry, primarily the refining sector. That is not where we should go. We need more refining capacity, not less. It is not the sort of thing that we should rob from one piece of the energy pie and sector to put it in another one. That is not the way to go forward on this. It is to grow the entire energy piece.

This bill will alter current law and freeze a manufacturing tax deduction at 6 percent instead of the current law, which would raise it to 9 percent by 2010 for the sale and exchange of oil, natural gas, or primary refined products. This is something that was going to be used by refineries to expand refining capacity and was going to provide a tax deduction from 6 to 9 percent. That is a good incentive. It will see the refining industry that is important to my State as well that is looked at, a refining industry that has been punished by Hurricane Ike, in rebuilding, to use that money to encourage more refining capacity in the United States. We need to do it rather than to tax it.

That is why I urge, when we look at these in the future, we do not punish one piece of the energy sector to pay for another one. I support wind power generation. It is key and critical. I am very supportive of the wind package in here. I want to make sure that we do all in the energy field because we need all of it in the energy field. We do not want to continue sending $500 billion overseas every year for oil. Much of that goes to countries that do not like us. We need to be able to do more of the production and the refining here in the U.S., and the current state of the technology will allow us to do it.

We have somewhere between 10 and 18 billion barrels of oil available under 2,000 acres in ANWR, along with another 45 billion barrels available in the offshore and deep water areas of the Gulf of Mexico. Unfortunately, many of those proposals, we are not going to be able to vote on here. We need to be able to get at that oil and we need to be able to get at the oil shale production in the western United States—in Utah, Wyoming, and Colorado.

I note to my colleagues, we need to do all of it. On this side of the aisle I think they will find support for all of it, but not to pick pieces of it.

There is another thing I want to point out, and I don't have the map here, but I think it is illustrated by the map I do have here. We have a lot of electric wind power capacity generation, given the strength of wind we have in our State. But we need to be able to move that to markets; we need to be able to move it to markets in my State but also be able to move it across State lines as well to be able to take advantage of this energy production. To do that you need backbone lines to be able to move it.

A lot of times you are going to need that wind to mix with, whether it is natural gas electric production, coal or nuclear production. We need to expand those so you have the base load there to build the wind energy into, to have the pipelines of electricity to move it to various places in the market throughout the country.

We need a 21st century grid. That is going to require not just wind being harnessed to it but also the base power being generated for times in the season and places where wind is not blowing, to be able to move it. I urge my colleagues to look at this as the total package. That is how we move this forward and how we balance the three E's of energy, environment, and the economy. It is all of them working together to get us a more stable economy, having more of this energy production here at home and having a better environment in the process. It is not just throwing any of these out in the process to get that done.

I hope in a new Congress, when we can look at these things, and in a new administration, I hope we can look at these things together and work them all in together, balancing those three E's to move the country forward.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, in the last 18 or 19, 20 months since I have been a Member of the Senate, joined by my friend from Rhode Island, I have held, around my State, about 115 or so roundtables in most of Ohio, all of Ohio's 88 counties, from Mahoning County to Ashtabula to Williams County, from the southeast to the southwest, all over the State, listening to groups of 15 to 20 people for an hour and a half or so tell me about their hopes and their dreams and what we can do to build their communities and help strengthen the middle class in the State.

I hear regularly, in more emphatic terms almost every month, about the anxiety facing our State's middle-class families. They can be as rural as Fulton County or Highland County, they can be as urban as Cuyahoga or Franklin or Hamilton County, or they can be in between, places such as Mansfield and Lima and Zanesville and Chillicothe and Portsmouth. I hear people in Ohio who work hard, who play by the rules, and they are watching too many of their jobs or their neighbors' jobs move overseas. They are seeing their own health care and energy costs soar. In far too many cases, even in unionized plants, they are seeing their pensions disappear.

I hear this sense of betrayal. People understand—intuitively understand—that in most of the last 8 years, especially up until last year but even so, still, how they feel this Government has betrayed the middle class. When President Bush had control of the House and Senate, with the Republican majority in the House and Republican control of the Senate and Bush and Cheney in the White House, they saw the drug companies writing the Medicare laws; they saw the insurance industry dictating health care policies; they saw the oil industry ramming through energy legislation; they saw Wall Street pushing these job-killing trade agreements through the House and through the Senate. They understand, again intuitively, that the Bush-Cheney-McCain ideology that markets can always police themselves is bankrupt.

Every year of the Bush administration and every year of Republican control of the House and Senate, we heard this mantra, this conservative orthodoxy that markets always do the right things; that markets can police themselves; that any regulation is evil; just open our country, no reason for environmental rules, no reason for worker safety rules, no reason for rules, period, governing financial institutions.

Let's take one issue. Imagine if George Bush and Dick Cheney and JOHN MCCAIN had gotten their way 3 years ago, in January 2005—I believe January or February. President Bush and JOHN MCCAIN and Dick Cheney authored their scheme, their legislation—call it legislation—to privatize Social Security. This risky, reckless privatization scheme they were trying to push through Congress met incredible opposition, not just from Democrats in Congress—because we believe strongly in a Social Security that works, not one that is privatized, that Wall Street gets its hands on—but the American people spoke resoundingly, loudly, clearly that they did not want this Social Security privatization.

But go back. Imagine if the voters of Rhode Island or the voters of my State of Ohio—if George Bush and JOHN MCCAIN had gotten their way 3 years ago with that risky scheme to privatize Social Security, imagine what American seniors would think today as their private Social Security accounts disintegrated before their eyes. Imagine the next Social Security statement they would get after we have had a week like this, when they opened up the envelope that was mailed to them that itemized how their private accounts were doing, their Bush-Cheney-McCain private accounts.

Imagine what choices they would face. Their food prices are already going up. Gas prices are through the roof. Heating prices, especially in States such as Rhode Island and Ohio—imagine what seniors in Dayton and Findley and Bowling Green and Akron and Canton would think when they opened their Social Security statements and saw what had happened, as they look forward to the winter and high energy prices.

Look at JOHN MCCAIN's economic advisers. I have not been privileged to serve in the Senate that many years. I was in the House then, and I was not here when Phil Gramm served as a Senator. Phil Gramm was JOHN MCCAIN's economics mentor. JOHN MCCAIN looked to Phil Gramm for advice about economics. Phil Gramm is the one who said we are not in a recession; we are in a mental recession. Americans should just get over this. Then he told Americans to quit whining. It is easy for Phil Gramm who, I assume, has a pretty good pension. I also know he is now an investment banker and adviser to large corporations. I am sure he is making a salary of several multiples of what he was making in the Senate. So, to him, recession doesn't much matter. He is still cashing his bonus checks. I am sure he doesn't whine about his economic situation. But I am equally sure he doesn't understand the economic woes of people in Galion and Cambridge and Bellaire, OH.

I am equally sure both JOHN MCCAIN and Phil Gramm probably own more homes each than almost anybody in any of those communities and don't face these kinds of economic problems. Phil Gramm said he wants to be Treasury Secretary if JOHN MCCAIN is elected.

Look at one of his other advisers, Carly Fiorina, ousted CEO of Hewlett Packard. She pretty much failed at her job, was ousted, and was given a huge golden parachute. She is JOHN MCCAIN's chief economic adviser in the campaign. Phil Gramm was the mentor. Now Carly Fiorina is his chief economic adviser. She said she doesn't think JOHN MCCAIN is capable of running a corporation, and she wanted to be Vice President.

I guess I should not be surprised that Ohio's middle-class families intuitively understand they can't afford four more of Bush, CHENEY, and MCCAIN, of deregulation and privatization, how so many in this institution—and unfortunately, Senator MCCAIN—are so out of touch with the middle class of Ohio, the people he is going to ask to vote for him. I think none of us are fooled by this latest change in rhetoric where Senator MCCAIN is all of a sudden showing an anger at what these companies and Wall Street have done.

As we know, JOHN MCCAIN was one of the cheerleaders not just for privatization of Social Security, he was also a cheerleader for deregulation, saying we have way too many regulations, too many environmental, worker safety, consumer product safety, and health regulations and rules on Wall Street.

We know when you relax regulation of consumer product safety, you get toxic toys coming from China. When you relax regulation on food safety, you get too many cases of E. coli. You get too many contaminated ingredients that end up in drugs such as Heparin that killed several people in Toledo, contaminating prescription drugs. When you weaken environmental laws, we know what happens. When you weaken food safety laws, consumer product safety, all the things that Americans care about, and when you deregulate Wall Street, we know what happens. It is pretty clear but nowhere is it clearer than it is on Social Security. I know the Senator from Rhode Island and I and the majority of people in this Senate want to protect Social Security, don't want to privatize it. JOHN MCCAIN, George Bush, and DICK CHENEY tried to privatize it back in 2005. We know if they get a majority in the House and Senate, they will try to privatize Social Security again. It is bad for the American people.

We saw this week the best illustration yet of what happens if this crowd in Washington, the people who are so out of touch with the middle class—JOHN MCCAIN, George Bush, DICK CHENEY—if they get their chance ever to privatize Social Security, far too many of my constituents will be hurt.

Mr. DURBIN. Will the Senator yield for a question?

Mr. BROWN. Yes.

Mr. DURBIN. I thank the Senator for his comments. This whole concept, the underlying philosophy that you will

hear from President Bush and Senator MCCAIN with his support, is the notion of the ownership society which, to put it in shorthand, means: Just remember, we are all in this alone. They believe when it comes to at least the issue of Social Security, it would be preferable to divert money from current benefits and to put it in the stock market. That was the notion supported by JOHN MCCAIN and President Bush which the American people rejected. It is my understanding as well that Senator MCCAIN has taken this ownership society idea to the notion of health insurance too, that they would penalize employers that provide health insurance and give people a tax break to go out into the market and go shopping for their own health insurance policies.

I ask the Senator if he has any reaction to the notion of individuals and families shopping for health insurance, not as part of some pool where they work but on an individual family basis.

Mr. BROWN. The first thing Senator MCCAIN would do is tax those health care policies that tens of millions of Americans have. In my State there are an awful lot of still pretty good health care policies, health care coverage, often negotiated by unions, often extended voluntarily by employers. Senator MCCAIN wants to tax the worth of those policies. So if you have a policy worth $6,000 for your family, then that would be taxed under the McCain plan. He turns around then and gives some tax breaks in their place. But the net effect simply means it isn't going to work.

It goes to the heart of our philosophy as a people, the values we hold. The values that we hold, in my view, are about communities. We really are in this together. Our country works best when we are cooperating, working together. We pulled together after September 11. We pulled together during World War II. When we pull together and work together, things work for everybody so much better.

Senator MCCAIN is taking up where George Bush and DICK CHENEY left off. They think it is every man and woman for himself or herself: privatization of Social Security, messing with employer-based health benefits as they are, without replacing them with anything that makes any sense. The ''you are on your own'' attitude makes no sense for the American people. The more people know about this, the more upset they are going to be.

Mr. DURBIN. I don't know if the Senator, when he was a Member of the House, ever served with Phil Gramm, who is from Texas. I did. Then Senator Gramm came over and represented the State of Texas in the Senate. For the longest time, Senator Phil Gramm was the economic adviser to JOHN MCCAIN, not just on a campaign basis but on a personal basis. They shared a lot of thinking together. It was Phil Gramm's inspiration that moved us to this moment now where we have a lack of oversight, a lack of accountability when it comes to basic investments and credit institutions. The Gramm-McCain view of the world was government should step aside and get out of the way for the magic of capitalism and the magic of the free market. There is no question that the entrepreneurial spirit is a major part of the success of America, but time and again in history we have seen that if there is not a government entity involved in oversight, demanding accountability, many times the forces in the market go to extremes.

What we have seen in the last 2 weeks are the extremes of the Phil Gramm-John McCain approach to regulation. In fact, Senator MCCAIN prided himself by saying he was one of the leading deregulators in the Senate. In the last couple days, as companies have been crashing and taxpayers have been picking up the bills, he now says he favors regulation. I ask the Senator, isn't this part of the same mindset, privatizing Social Security, privatizing health care, and basically removing the government from market operations that can ultimately damage investors, savers, retirees, and the taxpayers?

Mr. BROWN. There is no question. Earlier we were talking about Phil Gramm, who says we are in the middle of a recession and Americans should quit whining; Phil Gramm, whose income is many times what it was in the Senate, and we are paid very generously in this body. JOHN MCCAIN has followed the policies of the Bush-Cheney administration, but he gets his advice, if he ever strays, from Phil Gramm. Phil Gramm was his mentor on his economic views.

If you remember JOHN MCCAIN said several times in the last couple years, I don't know much about economics. He may or may not. Apparently, he doesn't know much. But what he does know comes from this very corporate, very privatized way of thinking that Phil Gramm has taught him. He has carried that into the campaign as Phil Gramm continues to advise him on economic matters. Just because JOHN MCCAIN is saying some things today that you and I agree with about going after Wall Street and that I want regulation, his whole history is deregulation, fighting for deregulation, doing Wall Street's bidding, doing the oil industry's bidding, doing the health insurance companies' bidding.

Mr. DURBIN. I would ask the Senator from Ohio, is it fair to say when it comes to regulation that Senator MCCAIN was against it before he was for it?

Mr. BROWN. I think he was against it before he was for it. He was for the head of SEC, Chris Cox, and now he is against him. Maybe tomorrow he will want Secretary Paulson fired. I don't know. He has been for a lot of things before he has been against them, unfortunately. I thank the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

TAX EXTENDERS

Ms. CANTWELL. Mr. President, I come to the floor hoping that the two leaders, Senator REID and Senator MCCONNELL, might be close to getting an agreement that allows us to move forward on voting on the tax extenders package, including the critically important energy provisions. While we wait for that, I thought I would take an opportunity to come down and mention some of the key provisions of the bill and also to thank many people who have worked on it.

We are the cusp of breaking this logjam on clean energy tax policy and pushing the United States into more of a leadership position on clean energy technology. Getting to this point took a lot of work and dedication. Senator REID of Nevada, obviously coming from a State that has incredible resources to participate in this, has long been an advocate of renewable energy. He instinctively understands what it is going to take for us to get off of fossil fuels and on to other alternative, more sustainable technologies. He has consistently forged a consensus on critical issues in the Senate. I know Senator REID knows how desperately our Nation needs to get on this path toward energy independence.

I also take the opportunity to thank Senators BAUCUS and GRASSLEY for their commitment and leadership. I don't think there has been a time during this whole process that these two wise leaders of the Finance Committee have waivered, and we have had many votes to try to get to this point where we are today.

I especially want to thank the Finance Committee staff: Cathy Koch, Pat Bousliman, and Mark Prater, who all worked long hours crafting the overall package. While I will not talk about the overall package, I will talk about the energy provisions. I thank them for their hard work. It takes a lot of time and energy. I also thank Senator ENSIGN and his staff, particularly Jason Mulvihill, who spent many hours working with my staff, Lauren Bazel and Amit Ronen, and my chief of staff Maura O'Neill. All have worked on this in a bipartisan effort to try to get this legislation across the finish line.

It is a bipartisan effort that got us here today. And I hope we will continue bipartisan efforts on many of these policies moving forward because that is what it is going to take given the structure of the Senate for us to continue to move forward on important legislation.

What are we doing in this Energy bill that is going to hopefully be before us this evening? First and foremost, we are doing several things that are new, new policies that will help our nation realize a clean energy future. First we are unleashing the power of solar energy. In 2005, we took a very important step by incenting solar energy for 2 years. Now we are doing something much more robust. We are giving an 8-year investment tax credit to the solar industry because we believe that it will unleash the potential of this unbelievable energy source for our Nation. We think that over 440,000 new jobs could be created in the solar industry just in the next 8 years. Much of that growth is coming from new concentrating solar plants, a breakthrough in technology that has great promise to provide affordable and predictable baseload power in rapidly growing parts of the Southwest. Without this bill that is going to be before us, electricity rates surely would have risen in these fast growing parts of the country, and our environment would have suffered.

Now if we pass this bill, States such as Nevada, Arizona, and New Mexico not only will be able to produce emission-free solar power at a stable and affordable rate, but the industry will be a new source of manufacturing jobs for this part of our country. The new 8-year investment credit will also, I believe, unleash a similar opportunity for fuel cell technology because we are giving this nascent industry great predictability.

Second, we are jump-starting the transition to plug-in electric vehicles. This is the first time we are giving tax breaks to consumers who purchase plug-in electric cars, trucks, and SUVs. These are cars that are about to appear on the showroom floor, and may achieve 100 miles per gallon. By giving consumers up to a $7,500 tax rebate per vehicle, we can accelerate the adoption rate and the mass production and, I believe, help this game-changing technology be deployed more quickly.

This provision was part of a bill that Senator HATCH, Senator OBAMA, and myself began working on over a year and a half ago. We recognized that our current electricity infrastructure, when it is matched with plug-in vehicles, could help us displace 6.5 million barrels of oil a day. That is an amount equivalent to 50 percent of our foreign oil imports.

And instead of paying $4 a gallon, as many consumers have paid in the last several months, with a plug-in electric vehicle you can fill up with electricity for the equivalent of only $1 per gallon. Wouldn't that be terrific for our consumers today?

Third, this legislation is a big step forward on giving every American the opportunity to generate their own power. With the advent of distributed generation, now individual homeowners will be able to generate their own electricity, produce their own hot water, and monitor their own energy uses and, consequently, save precious dollars.

This bill contains new incentives for residential solar, small wind turbines, and smart meters—all things that empower the consumer with the ability to control and reduce their own energy costs. For example, consumers can receive a Federal cost share of 30 percent for installing solar photovoltaic or hot water systems on their roofs, and for the first time we are eliminating the cap on residential solar tax credits. Lifting the cap will encourage residential homeowners to put on even bigger renewable solar systems, allowing them to sell clean energy back to the electricity grid used by other families.

We all know about big wind farms. We have seen pictures of them. Some of my colleagues have wind farms in their State. But for the first time, this bill provides a tax credit to homeowners who put small wind turbines onto their property, which can also generate a source of electricity in windy rural farm and ranch areas across our country.

This legislation also incorporates a credit for installing geothermal heat pumps, which is really one of the cleanest and most efficient ways to heat and cool your home. This technology uses the constant heat of the Earth to make or take away the heat in our homes, instead of burning fossil fuels into the sky.

One of the provisions I am very enthusiastic about—and I thank the chairman of the committee, Senator BAUCUS, for including this in the legislation—is smart metering technology. Smart metering, along with these other uses, is going to be so empowering for the consumers because smart meters are an essential component of making our electricity grid more intelligent, making it smarter about how we use electricity, making it less prone to blackouts. By putting smart meters in this tax package, hopefully the adoption rate will also pick up and be spread more quickly. Smart meters will allow for real-time pricing that will let consumers know how much energy they are consuming so that they can adjust their consumption accordingly to lower their electricity bills. The smart grid example I always like to use is to set your dishwasher to turn on at the lowest megawatt rate. Having that capability across a range of technologies could end up giving consumers significant savings.

This legislation also gives consumers access to over $10,000 in tax credits to purchase technologies that can lower their energy bills. For example, this bill allows consumers to use up to a $500 tax credit for installing energy-efficient appliances, windows, and insulation. It also provides consumers incentives for solar PV panels, solar hot water heaters, and residential wind turbines.

There is also a $300 tax incentive for the purchase of clean-burning wood stoves. In fact, I think that provision alone will give Northeast consumers an opportunity to significantly reduce their home heating bills because more efficient, new wood-burning stoves can help consumers get significant reductions to their winter heating bills by moving toward this new state-of-the-art technology, to say nothing of helping the Northeast get off of home heating oil and on to things such as wood-burning pellets, which are renewable and can be much more economical.

So there are other things in this bill about biofuels, about clean energy credits for nonprofit organizations, and I am sure my colleagues will come and talk about other things. But there is one last point I wish to make about this legislation because I really do think we are making a game-changing decision here as it relates to clean energy and our clean energy future. That is because another breakthrough in this bill is that it is the first time I know of that the Senate is voting to take away tax breaks from the oil and gas companies and reallocate those funds to renewable energy sources. This is the first time, I believe, we are truly beginning to level the playing field, taking away subsidies from those mature and profitable industries that I think have had too many subsidies for too long a time. This bill says we want our energy future to be based on more diverse and renewable energy sources that are better for our environment.

In 2005 energy bill—one of the last times Congress considered new energy tax policy—the authors chose to give two-thirds of the tax breaks to the fossil fuel and nuclear industries. This bill flips that ratio on its head. Two-thirds of the tax incentives in this package go to clean energy generation, helping consumers take more control of their own energy costs.

So we are putting our money where our mouth is. We are saying we want to invest in cleaner, more distributed generation that is domestically produced and environmentally friendly.

So I am proud of this energy package—and hopefully tonight we will get it passed—that unleashes the power of solar, that empowers consumers with incentives to reduce their energy use and to be in the production of cleaner energy themselves, for which this legislation gives up to $10,000 in tax breaks, and it certainly helps level the playing field as far as public policy by starting to incentivize clean energy over our historic dependence on fossil fuels.

I hope we can get this legislation passed because not only will it be an economic opportunity for job growth in America and for manufacturing, but it will also provide real opportunities for

Americans to save real dollars on their energy bills. I hope my colleagues will join me in passing this package. I hope we can get it through the House quickly and get it signed by the President so we can get about having the energy relief America deserves.

Mr. President, I also want to highlight the additional tax relief to American families and businesses that we will provide when we finally act on the other tax extenders.

The 2-year extension of the State sales tax deduction is critical to the struggling families in my State who just can not afford to face the potential tax increase they would face if we fail to extend the deduction for State sales taxes.

I am pleased we give taxpayers certainty for 2008 and for 2009.

And I am pleased this deduction means real money for real families.

In 2006, more than 880,000 Washingtonians claimed this deduction. And 49 percent of those folks made less than $75,000.

This deduction meant an average of $600 more in the pockets of Washington State taxpayers.

This is an issue of fundamental fairness and I will continue to work to make this deduction permanent. No one should be left in the dark wondering if the deduction will be extended from year to year. They just can't afford the uncertainty.

I am also pleased to see us restore the R&D tax credit for 2008 and extend it through 2009.

This tax credit has a strong history of supporting much needed high-wage jobs in the United States.

The Information Technology Association of America estimated that if the tax credit was in place during 2008, there would have been $8.5 billion more in economic activity this year.

That is investment that Americans could have greatly benefited from. And it is economic activity we can still benefit from if we act now.

Clearly, given that our economic news only gets worse each day, we can't afford to turn away the $51 million per day in new investments that are at risk if this credit is not extended.

And this bill fulfills the promise we made to support our rural neighbors by reauthorizing our Secure Rural Schools Program and fully funding the Payments in Lieu of Taxes Program.

This will mean an influx of around $47 million a year for 4 years for some of our rural counties that have a very small tax base because Federal lands take up so much of the county.

Facing the expiration of these payments this year, rural counties have been forced to begin laying off teachers, librarians, and county employees that provide critical services.

And these communities cannot absorb the loss of these workers. Nor should they have to deal with further erosion of the sense of community that many of their towns were founded on.

But today we are reversing this trend and helping counties retain county employees and teachers, keep roads safe and maintained, stemming cuts in vital government services, while also providing funding for resource conservation projects, forest service land rescue services, and programs to support economic development.

This bill not only provides new opportunities for American businesses to take advantage of the growing green energy economy, but it provides real opportunities for Americans to save real dollars.

So today I ask my colleagues to join me in voting for a strong, bipartisan tax package that helps move this country forward toward greater energy independence and provides needed tax relief to our families and businesses.

I would also like to take a moment to recognize the mental illness parity provisions in this bill. What they mean is that when Americans need mental health treatment that they will not be faced with higher costs for that treatment than they currently have for medical surgical treatments. This bill would require private insurance plans that offer mental health benefits as part of the coverage to offer such benefits on par with the medical surgical benefits. Any cost-sharing or benefit limits imposed on mental health services must not be any more restrictive than those imposed on medical surgical services.

Your support on all of these provisions cannot wait any longer. We have run out of time, and the time to act is now.

I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, for the information of Senators, we are trying to work things out here. It has been very difficult. At this stage, it appears that the vote on cloture on the Coburn package will be vitiated. We will not have that vote tonight or in the morning.

We are now waiting to see if we can work out an agreement on the extenders. This has been something that the chairman of the committee has worked on all day, and it has been very difficult. We thought we had it worked out on a couple different occasions, and we did not. We now are told that one Senator who had a problem with it is reading the new language. We hope that can be done fairly quickly. That being the case, we will be back and report to the Senate again, hopefully in the next half hour or so.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX EXTENDERS AND DISASTER RELIEF

Mr. CORNYN. Mr. President, earlier the majority leader came to the floor and propounded a unanimous consent request on the tax extenders package, and I told him that while I supported the legislation, there are a lot of good things in the bill, I still had some concerns about the disparate treatment of the State of Texas, especially related to Hurricane Ike.

I am pleased to report that as a result of discussions with the Finance Committee—Senator GRASSLEY, Senator BAUCUS, and their staff—I believe we have achieved our goal of getting fair treatment for the State and the victims of Hurricane Ike. I wanted to come to the floor and express my gratitude to Senator BAUCUS and Senator GRASSLEY. We are reviewing the final language, but subject to that, I think, as far as I am concerned, there is no objection to proceeding to the bill.

As I toured the hurricane-damaged area last weekend——

Mr. BAUCUS. Mr. President, if the Senator would briefly pause, I wish to thank the Senator from Texas. The Senator has been great to work with as we worked out some provisions to help that State, especially the Galveston area, and the coastal States in getting additional disaster assistance. I thank the Senator as well as his colleague from Texas. We will come back to do more at a later date, but we are doing what we can on this bill, and I say thanks to my colleague for working so well with us.

Mr. CORNYN. Mr. President, I appreciate the generous comments of the distinguished chairman of the Finance Committee. I especially enjoyed the part where he said we may come back later for more once we have been able to do further assessments. That is an important part of the rationale for agreement on this bill. We understand we can't do everything that needs to be done in this bill because the hurricane only hit this last weekend. There are a lot of people who have yet to be able to get back to their homes, a lot of folks without power, a lot of damage that is

ongoing that cannot be fully calculated.

I had the chance, when traveling around the damaged area, to witness the destructive capacity of this huge hurricane and hear from a lot of my constituents, a lot of displaced Texans who were trying to find the necessities of life, including food, water, and shelter. Of course, they were very anxious to know about their homes, whether they would be able to return home, when they would be able to return home, and what they would find when they got there.

I appreciate that the chairman of the Finance Committee has included in the extenders package things such as bonus depreciation and expensing. These may seem like arcane subjects, but they actually mean a lot. They will mean a lot to the people of my State when it comes to rebuilding and getting back on their feet and getting back to work.

I understand the unique circumstances we find ourselves in and the need to get the extenders package passed, which, as I said earlier, I support. I offer my congratulations to Senator CANTWELL, who is on the floor, and Senator ENSIGN for their leadership. They have been working hard and long at trying to get this done, and I know we are almost over the goal line.

Included in the package is an extension of the State and local sales tax deduction. This is something that is important to my State and to the other States that do not have an income tax. Because, of course, you can deduct your Federal income tax from your—or your State income tax from your Federal income tax, but if you don't have a State income tax, as Texas does not and, I might add, never will, this provides a level playing field by allowing the deduction of State and local tax.

This also includes an extension of the very important research and development tax credit which helps many companies in Texas and around the country be competitive in the globalized economy.

This measure also includes the extension of several renewable energy tax credits that have helped grow the Texas renewable energy industry. I know my colleagues get a little tired of Texans always bragging about Texas, but I am not going to stop now. We are No. 1 in the production of electricity from wind energy. Many people think of Texas as an oil and gas State, and we are that, but we are much more. We are an energy State. Credits for wind, solar, geothermal, biomass, hydropower, clean renewable energy bonds, fuel cell, and credits for residential energy efficiency home improvements are helping to diversify our Nation's energy portfolio and are a significant contribution toward answering the energy crisis we find ourselves in today.

This measure also supports the clean use of coal. Coal, of course, is cheap. It is domestic. We have a lot of it. We are sometimes called the Saudi Arabia of coal here in the United States. Its use is essential to helping reduce our dependence on imported energy from abroad. Of course, coal can burn dirty, and we need to continue to do the research and development that is so important to finding ways to use that energy with which we have been endowed here in this country in a way that results in not only good and inexpensive energy use, but also a good, clean environment. We need to spur the advanced technology market to capture carbon and sequester it. Of course, the Federal Government has sort of been involved in a start-and-stop effort to try to do that kind of research. As a matter of fact, two cities in Texas, Jewett and Odessa, were finalists in the Federal Department of Energy effort to do an extensive research project into clean coal technology. Unfortunately, that got so big and expensive that the Secretary of Energy decided to basically go another way.

The fact is we have the geology in Texas because of a lot of old oil wells that could sequester carbon dioxide, and we also know that the capture of carbon dioxide has many beneficial uses, particularly when it comes to secondary recovery and tertiary recovery in old oil fields.

Another key part of solving our energy crisis is the transformation of our transportation sector through the use of plug-in electric vehicles and other alternative fuels. This package establishes a new credit for consumers who purchase plug-in electric vehicles. Now, I am still a little bit skeptical of how many people in my State of 24 million people are going to decide to trade in their pickup truck for a plug-in hybrid vehicle that has a battery that will go maybe 40 miles. That won't get you very far, particularly out in west Texas. But I think in a lot of places, that kind of technology, hopefully, will come to the market as soon as 2010. I know GM is going to introduce the Volt and I know other car manufacturers will be introducing their own models of these plug-in electric hybrids, and I think this new credit will provide that choice and that option to consumers in Texas.

So I thank, again, Senator GRASSLEY, Senator BAUCUS, and the Finance Committee staff. I wish to extend my appreciation to my colleague, the senior Senator from Texas, Senator HUTCHISON, for all of her hard work. We have tried to work together, and have worked together, in the best interests of our State, but also in a way that I think creates a win/win for the people of America. I believe this effort is the first step to making Texas whole again, and I trust that our colleagues who have expressed so much sympathy and concern for the people of Texas who were affected by this terrible hurricane will have long memories.

When we come back after this bill is passed, we will continue to work together on other important measures to make sure that each of our States affected by natural disasters, wherever they may be, will be treated in a fair and evenhanded sort of way. Senator HUTCHISON, of course, has been taking the lead when it comes to working on what I anticipate will likely be a supplemental appropriation request. But as I said at the outset, this hurricane is very recent. There are still a couple million people without power, and the assessments are still being done. But we will be back and we will be seeking the further—not only words of support from our colleagues, but something real and tangible in terms of support for the people of our State.

I see my colleague, the senior Senator from Texas on the floor, and I certainly yield the floor to her.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to say to my colleague from Texas that we have been working together all day on the tax extender package, because there are many facets that affect Texas in this tax extender package. Then, on a separate note, I am certainly working with our whole delegation on the appropriations part of the continuing resolution we expect to see next week.

I so appreciate working with the chairman of the Finance Committee, as well as Senator GRASSLEY. Both Senator BAUCUS and Senator GRASSLEY have been very helpful in trying to fashion an addition, actually, to the tax extender bill because, of course, as Senator CORNYN has said, this hurricane hit our State last weekend. We have seen the pictures—all America has seen the pictures—of the streets of Galveston, the former streets of many of our areas, and the residents who still cannot get back into their homes, including 2 million people who still don't have power. So we know the devastation that has hit our area, but we don't know yet what the total cost is going to be, because we can't even get into Galveston to start making assessments. Certainly Port Arthur, Orange, Beaumont, the lower parts of Harris County—all the way through our area, we are seeing the effects of this storm that are not yet calculable.

The Finance Committee has agreed to add into the bill, that was already on the way, the help that Texas and Louisiana are going to need because of Ike in the tax part of the extender package. The disaster part that will be added in is going to be very helpful to the private sector and the ability to start getting the housing up and going in these areas that have been completely wiped out. I think that later, when Senator BAUCUS comes to the floor, we will want to talk about it to make sure it is clearly understood exactly what the effects will be on Texas

and Louisiana. But our delegations have worked very closely together with Senator BAUCUS and Senator GRASSLEY to achieve what I think is a good result.

In addition to the disaster part of the bill, there are important parts of the tax extender package that will affect all of our communities. Certainly in Texas, the sales tax extension that is a matter of equity for States that don't have income tax, to be able to have the same deduction for our sales taxes that income tax State taxpayers have for theirs is a very important component of the tax extender package. Then, again, since Senator BAUCUS has just walked on the floor, I wish to say that I think what has been worked out on the oil and refinery tax issue from the manufacturing standpoint, along with the additional two years of the expansion of refinery tax credit, we are going to be able to continue to build out the refineries that will affect the price of gasoline all over our country, because as we are seeing right now, due to Hurricane Ike, the shutting down of refineries affects the price of gasoline everywhere. If we can add to the capacity of our refineries all over the country—this is not only Texas and Louisiana; this is Michigan and everywhere where there are refineries—if we can add to that capacity, it adds to supply, and it will bring down the price of gasoline. The extension of 2 years is going to be very helpful for refineries to have an incentive to do even more than they have already been committed to do.

Certainly, I think the addition of the manufacturing tax credit, even at the lower level, will also add to the capability as these Gulf of Mexico rigs and refineries are spending millions of dollars, not only on cleaning up the damage and trying to get back up and operating, but they are also helping their employees at a time such as this with the problems they are having with their homes being gone and their living conditions being unable to be sustained.

I thank the Senator from Montana, the chairman of the Finance Committee, for working with us on that. I ask if the Senator is ready to go with a colloquy, or should we wait. I don't know what the status of the tax extender package is at this point, but perhaps he would be able to tell us.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I think someone is getting the colloquy together. We don't have it at the moment. However, I think we can basically have an impromptu colloquy right here to handle most of it, and if we want to do more later, we can do so.

Essentially, the Senator from Texas very correctly and appropriately called me and said we need to do more for Texas, including Galveston, and some other coastal counties. I said to the Senator, if the disaster provisions in the tax bill, which were somewhat patterned—basically patterned—after the Katrina provisions, many of those would apply to Texas. With the consequences of Ike and Gustav, we went back and looked so we could do more.

The slight problem we faced is it takes some time to pinpoint and to write precise tax provisions that affect the areas that are hit by disaster. We don't want to give relief to counties or portions of counties where there is no disaster. That would not be the correct thing to do. In fact, we ran into that problem back during the time of Katrina when the initial request, which was, on the surface, appropriate, but when we looked more closely, there were too many dollars spent inappropriately and not enough spent appropriately. It takes a little time to work that out.

After about 2 months, we talked to mayors, local people, and disaster people to make sure we tailored it well. We ended up with a result that was quite good and appropriate. It wasn't as large as the initial estimate, but the initial estimate was way overblown. It was not well tailored. I mentioned this to the Senator from Texas, and she said she understood. On the other hand, she said, ''We need help here.'' I appreciated that and said: You bet.

I tried to find some ways to provide additional disaster assistance in the bill that I hope we take up on Tuesday. Essentially, what we worked out is an increase in the allocation of low-income housing tax credits, as well as an increase in the allocation of private activity bonds. The total amount is geared for those counties on the coast. I think there are four or five coastal counties which were hit the most.

But to make sure we are not too locked in, we also give the Governor the right to reallocate the benefit of these provisions to other areas in Texas but under the total amount. The thought is that we are helping, that way, tailor the assistance most appropriately and specifically.

I say to my friend from Texas, it was good to work with her to find the combination, as I said to the junior Senator from Texas, and there would be an opportunity to come back later for more if that is appropriate.

Mrs. HUTCHISON. Mr. President, the key provisions that the Senator outlined are exactly what we have agreed to in that we would get extra amounts that would be allocated for the five coastal counties in Texas and into Louisiana. Because the amount is higher, the Governor would have discretion, within the other disaster areas, to allocate that excess. That is indeed part of this because there are areas in Houston, Harris County, Galveston, Port Arthur, and Beaumont that will be in the main bill. There are counties such as Orange, Tyler, Polk, and others in the disaster-declared areas that could make the added excess, and so it would be allocated throughout the area according to the discretion of the Governor.

Mr. BAUCUS. The Senator is correct. That is my understanding, and that is what we intend to provide.

Mrs. HUTCHISON. The tax-exempt bonding authority, as well, and the low-income housing tax credits will bring that housing back on line, which is so important.

Mr. BAUCUS. The Senator is correct. Allocations for both, that is correct.

Mrs. HUTCHISON. Senator CORNYN had mentioned earlier that he might want to address the additional potential, since we all know this happened just a week ago, and we don't have final actual numbers. I ask him if he wants to speak on something that he had been very active in doing.

Mr. CORNYN. I reiterate my thanks to the Senator from Montana, the chairman of the Finance Committee. He described what I had understood, and we are reading the fine print to make sure that is how it is written. I anticipate that we will be able to be satisfied with that. As Senator HUTCHISON knows because she and I traveled the affected area, the two areas most affected were Galveston and Orange County. The fact that specific counties were listed does not limit relief to areas that may have been, as a matter of fact, disproportionately impacted, such as Orange. So I am glad to hear that confirmed for the record because it is very important.

As we have all said, it is still very early and there is a lot of work to be done in just assessing the damage. As a matter of fact, before the storm, there was a projection that the surge of water that would be pushed up by the storm could reach a level of 25 feet—a wall of water being pushed up the Houston ship channel. It was projected that 125,000 homes would be destroyed.

According to the computer models, there was a projection that as much as $81 billion in damage would be done. At that time, we were principally concerned with making sure that lives were saved and, of course, in the immediate aftermath with the search and rescue operation. But that assessment, of course, fortunately, is going to be a lot lower than the computer models projected because the surge was not quite as bad as predicted. The storm hit in a way that didn't push that 25-foot wall of water up the Houston ship channel.

As I said, we are grateful for all of the cooperation. I hope we will be able to come back when we have firmer numbers and a more detailed assessment, and we will experience a similar sort of cooperative spirit in trying to make sure the people of Texas are treated on the same basis that other victims of natural disasters in other parts of the country have been treated.

Mrs. HUTCHISON. Mr. President, I want to just say to Senator CORNYN and to Senator BAUCUS, as we said earlier, there are actually 29 counties that will be in this affected area. What I appreciate so much is that Senator BAUCUS realized that it would be very difficult for us to pass a disaster package and leave out Texas and Louisiana when the devastation is so bad. It is the beginning, and I am sure there will be more. But the fact that Senators BAUCUS and GRASSLEY have understood the enormity of our situation, it gives us great comfort. I talked to the mayor of Houston, also, about this issue. We have been talking to the other mayors, and they so appreciate the Senator's accommodation. We are all going to be able to continue to work together, just as we have in so many of these disasters that keep on having issues, and we want to do it in the right way because that is the American way.

I thank the Senator from Montana. I also thank the Senator from Iowa, Mr. GRASSLEY. We will continue to work with them.

Mr. BAUCUS. Mr. President, I might say to the Senator from Texas that I had a nice conversation with the mayor this afternoon, too. He was helpful in explaining what needed to be done. He appreciated the efforts both Senators from Texas have undertaken. I think he would like more, but he understands where we are.

Mrs. HUTCHISON. I think he understands exactly where we are now. He told me he had a good conversation with the Senator from Montana. We are all working on this together and taking 1 day at a time. We appreciate it.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will offer something at some point. There is not a Democrat here. I am not trying to pull a fast one on anybody. I understand there is an objection to the bipartisan agreement called the Legal Immigration Extension Act of 2008 by one, perhaps, Senator. I want to share some thoughts about that and how we got where we are today.

There are four pieces of legislation that are expiring or are about to expire. After a good bit of work in the Senate Judiciary Committee, we reached an accord that we would not offer any changes in immigration law before we try to recess this year. A lot of us have some real firm views about some things that need to be done, but everybody has basically agreed not to push that. But it is important that a number of things get passed. The most important thing that needs to be passed—and it would be unthinkable were it not to pass—would be the extension of the E-verify program.

It is a voluntary Web-based system operated by the Department of Homeland Security, in partnership with the Social Security Administration. It allows participating employers to electronically verify the employment eligibility of people they would hire, to see if they are presenting a legitimate Social Security number.

More than 84,000 employers voluntarily participate in E-verify and we would get—get this—a thousand new enrollments by employers each week. It is growing in popularity. Because it was a limited program, it is set to expire in November of this year. So the agreed-upon legislation would be to extend the program for 5 years. I note that this program, under the Kennedy-McCain bill, and the subsequent comprehensive bill that was offered on the floor, which was voted down, would have made E-verify mandatory on all employers. This does not do that. This just keeps it as it is.

Presumably, we are going to have to have a real serious talk about what to do next year. Also in the package I just mentioned would be an extension of the ED–5 regional center program. This is a program that says if someone comes to America—and it has been in effect since 1990—and they are willing to invest $1 million in hiring at least 10 Americans, they would be able to get a visa. That program is set to expire, and we have agreed that it would continue for 5 years—not be permanent, but it would be extended for 5 years. It is an additional group of people on top of the 1 million or so we allow in the country every year. It is an additional group on top of that.

Then there is Senator CONRAD's 30 J–1 visa program. Senator CONRAD, in 1994, passed a provision that would allow foreign medical graduates to waive the mandatory return to their foreign residence, and if they were going to practice in a State for 3 years before they return to their home country, they could stay here. Many States have found that to be an advantage.

Again, that is on top of the others. I am a little bit concerned that every time we do one of these programs it is just on top. We are not choosing and prioritizing the people who would best flourish in America, but we are just adding on top. But I have agreed to go along with that and extend that program for 5 years.

There is also the nonminister religious worker visa program. It was passed in 1990, and it allows up to 5,000 workers on top of the people who are already able to come here and be a part of America, and people believe that should be extended. I am prepared to agree to that as part of the package. So that would be what we would do there.

Those were the pieces of legislation that Senator LEAHY and, I think, the entire Judiciary Committee agreed that we should move forward on.

Now, let me mention why the E-verify program is critical.

I have to say to my colleagues that I cannot agree and this Congress and this Senate should not agree to an additional expansion of immigrants into this country as a price to continue the current law. If we are going to do that, then we need to have a full debate about immigration and a full debate about the numbers that should be admitted, and properly so, into our country, and what standards should be utilized. That is the situation we are facing.

E-verify, as included in this bipartisan package, would not be changed in any way. It will remain the program it is today, but it expires on November 30 of this year. It was originally established in 1996, and it must not be allowed to expire. If this Congress allows E-verify to expire, then we will have made a statement to this Nation that the one system that is working today and could be expanded in the future to create a lawful system of immigration is being abandoned. It would rightly cause every American who has been hearing Members of the Senate and the House promising to do something about restoring the rule of law to immigration—they would know we were not serious at all. They would know this is one more flimflam that would be carried out.

I feel very strongly about this issue. The total number of users in corporations today are 84,000, representing 438,985 hiring sites. It is being used quite a bit today in a voluntary fashion.

So far in 2008, there have been over 5.8 million queries run through the system compared to a total of 3.2 million in fiscal year 2007. If you do not want the law enforced, that makes you nervous. Look, it has increased maybe 50 percent in 1 year. More and more people are using it. It is having some sort of impact in the country. If you want the lawlessness to continue, you don't want E-verify to be extended. The growth now continues at 1,000 new users and participants each week.

More and more people are finding it to be a good system. It is voluntary. Companies are finding it works, and it is not burdensome. It helps deter the use of fraudulent documents. Businesses have a difficult time examining documents. They are not document examiners. They are concerned if they deny somebody without a good basis they may sue them. If they don't deny somebody, the Government might fuss at them. This is a way they can do a quick check to determine whether someone is in the country legally.

Both in the 2006 and 2007 comprehensive immigration legislation, this proposal, as I said, would have been made mandatory. However, the legislation we are talking about today certainly is not that; it is only a temporary extension of the existing program. I want to make that clear.

No system is perfect, but we have invested millions of dollars to improve

this system. Many of the kinks have been worked out. The system, I think, could and should be enhanced substantially, and I would like to see it made better, but by all means it should not be killed. We must not let it expire. The employers are relying on it. We must not pull the rug out from under them and undermine the rule of law.

To give a brief background on the E-verify system, the Immigration Reform Act of 1986 made it unlawful for employers to knowingly hire or employ aliens who are not eligible to work in the United States. It required employers to examine the identity and work eligibility documents of all new employees.

Employers are required to participate in a paper-based employment eligibility verification system, commonly referred to as the I–9 system, in which they examine documents presented by the newly hired workers to verify identity and work eligibility and to complete and retain I–9 forms.

Under the current law, if the documents provided by an employee reasonably appear on their face to be genuine, the employer has met his document review obligation. However, the easy availability of counterfeit documents and fake identification has made this a mockery of law. It is not working.

In 1996, Congress authorized a basic pilot program to help employers verify the eligibility of their workers. Participants would verify a new hire's employment authorization through the Social Security Administration and, if necessary, through the Department of Homeland Security databases.

The basic pilot of E-verify was authorized in five States until an expansion of the program was agreed to by Congress in 2003. Now all States and all employers can take advantage of this voluntary and free program.

Let me give some facts on the statistics. There has been a lot of concern that the program does not work fairly. I dispute that most strongly. Mr. President, 94.5 percent of individuals whose numbers are checked are authorized to go to work. There is not a problem. It is done routinely within 3 seconds. One-half of 1 percent are final nonconfirmations. That is, they are identified as not being eligible to work right off the bat. So an employer should not hire them and could commit an offense if they do. Five percent come out of the computer check as tentative nonconfirmations. If a person has that happen to them, they have an opportunity to step forward and show that the computer is wrong and find out what the problem is and fix it. However, the facts are that the vast majority of people who are shown to be tentative nonconfirmations do not contest the matter. What that indicates is they know they are not legal, they know they are not entitled to go to work, and they don't contest it, which proves, I think, that the system is working.

President Bush's Executive order requires contractors of the Federal Government to use the system. It is only right that the Government do business with companies that are not violating our immigration laws. We don't need to let somebody bid on a contract and submit a low bid because they are able to use low-cost illegal labor and defeat the bid of a legitimate American contractor who is using legitimate labor, paying insurance, paying retirement benefits, paying decent wages.

I have had a personal example in the last few weeks in which a businessman told me his company has been losing bids to an out-of-State corporation. This corporation just appeared. He is convinced, and there is evidence apparently, that the corporation is using large numbers of illegal workers, and he cannot win any bids. He said: My people have been working for me for 10 and 15 years. I pay them good wages and good benefits. I want to keep them. I cannot compete. What are you going to do about it? This is one way.

States are on board with the E-verify, and they are beginning to take a look at it. In fact, many of them are encouraging their businesses to use it. Arizona, Arkansas, Colorado, Idaho, Minnesota, Mississippi, Missouri, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, and some others, have passed legislation requiring either explicitly or implicitly that certain employers within those States participate with E-verify.

On Wednesday of this week, the Ninth Circuit, the most liberal circuit in the country and the most favorable circuit to——

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator has used 10 minutes.

Mr. SESSIONS. Mr. President, I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. The Ninth Circuit upheld an employer law in Arizona that revokes a business license of employers caught knowingly hiring illegal immigrants. Businesses in that State do rely on the E-verify program. Killing this program would undermine their law. This is the right thing for us to do.

It is not possible for us at this late date, in light of the agreement we have reached, to have Members of the Senate ask for an expansion, a dramatic expansion of a half a million people to come into our country as a price that must be paid to extend E-verify. That is my concern.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 875, S. 3257; that the bill be read a third time and passed, the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, reserving the right to object, I appreciate what my colleague, Senator SESSIONS, is trying to accomplish. But I think there is another view. That view in large part is expressed by the House of Representatives that sent over in a vote of 407 to 2 a much different and obviously very bipartisan approach toward E-verify. It is one that does what Senator SESSIONS wants to do, which is extend the program for 5 years. But it also had some other critical protections.

No. 1, the protection of the Social Security Administration programs, and in that vote of 407 to 2, realizing there are only 435 Members of the House of Representatives—that is how overwhelming it was—it, in fact, also made sure that funds would be provided for the Commissioner of Social Security by the Secretary of Homeland Security to administer this program. When it is costless—it is not costless to the taxpayers, and in reality it is not costless to the Social Security funds.

The bottom line is these provisions that were passed by the House to extend the life of E-verify 4 or 5 years also have a protection of the Social Security programs. It is one that I believe makes a lot of sense.

It also had to ensure, if you are an American and you get—I know Senator SESSIONS downplayed the percentage of people who get kicked out—but in fact if you are totally eligible to work but somehow through computer error are denied that ability in the first instance, now the burden shifts. The burden goes to an American citizen to prove, in fact, that they have a right to work in the first place.

We might say it is only 5 percent, but 5 percent of millions of people in this country is a lot of people. So the House of Representatives passed in their proposals, in addition to extending E-verify for 5 years and making sure that Social Security funds were held whole, they also passed provisions having a GAO study of this program and ensuring that, in fact, it was improved in a way so that we could understand the magnitude of those individuals who are totally U.S. citizens or legal permanent residents with the full right to work but who are being denied because of computer error.

Those provisions which passed 407 to 2 are ones that I would like to see in an E-verify extension.

Mr. SESSIONS. Mr. President, reclaiming the floor under the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. I will be glad to share with the Senator my thoughts

about it. The House did pass it 407 to 2, I believe. We are not expressing any pride of authorship. Will the Senator accept the bill as passed by the House? I think we can perhaps do that and we can reach an agreement. Just accept the bill passed by the House.

Mr. MENENDEZ. I urge the Senator to consider, and I will make a unanimous consent request when the Senator is finished, that S. 3414, which includes all of the House provisions, as well as H.R. 5569 which would be the EV5 extension, as well as all of the other items the Senator spoke about—the Conrad State 30, the religious workers would be included.

The PRESIDING OFFICER. The Senator's time has expired. Does he wish additional time?

Mr. SESSIONS. Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, and I will not object, but I do, in that reservation, want to be recognized next after the Senator finishes his 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. I would ask the Senator to modify his request so that I be recognized immediately after his 5 minutes.

Mr. SESSIONS. I would be pleased to modify and ask unanimous consent that the Senator from New Jersey be recognized after my 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I thank Senator MENENDEZ for his courtesy, and I think we have an opportunity to reach an agreement. On the House version there are some things he says he likes better than the bill we agreed on in our committee, which I think passed our committee unanimously here in the Senate, but I would be prepared to go forward with that.

I urge my colleague from New Jersey to recognize the proposal he is making would add about 550,000 more people. It would allow that many more to enter the country on a legal basis. We have a million now who enter our country each year, and this would be a huge increase—I think a one-time increase—but it is a huge increase and it is not acceptable. We had sort of reached a stalemate last year when the American people rejected the comprehensive bill. They rang our phones off the hooks. The switchboard of the Senate shut down. There was a general recognition that we needed to do an enforcement system before we started granting amnesty and expanding immigration. That was, I think, a pretty national sentiment. Even Senator MCCAIN, who proposed the legislation, stated that the American people, he understands now, expect us to create a lawful system before we start expanding the system we have and giving amnesty to those who violated the law.

This is a big change from what the Senator has been proposing. I submit that the choice is simple. We will either go forward with the agreement that we reached in committee, without the changes Senator MENENDEZ offers, or we will have to have a real debate. And that would be all right with me, but I don't think it is what our leadership desires at this point in time.

So I say that I would be delighted to continue to discuss this with Senator MENENDEZ, but I feel pretty firmly, I feel very firmly that although I could accept, I am confident, the House version that he has made some comments about, I cannot accept a major alteration of existing immigration policy because that is not the right way for us to go at this point.

It is something I guess we are going to have to talk about next year. I see no alternative to ignoring it any longer than next year. It is time for this Senate to get busy and to create a system that ends the mockery that exists for our legal system today and creates a lawful system that will serve our national interest.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I appreciate the comments of my distinguished colleague from Alabama, but I have to correct some things.

First, we do, under the unanimous consent that I will ask for briefly, under S. 3414, extend E-Verify. We extend it for 5 years. We do it, as the House did, protecting Social Security and protecting U.S. citizens who get rejected by the system and yet have every right to work. So that is one thing.

The second thing is, I heard my colleague talk about extending current law. We heard a lot of business-related elements—investors who have a lot of money and who are going to get visas, businesses are going to have these checks and all these things are going to happen. Well, current law allows a U.S. citizen to claim their immediate family. And as far as family values, it seems to me that the core of what our immigration policy has been and the core of what Members of this body have talked about time and time again in the context of family values is that family reunification is the core of those family values. You can't have family values if you don't have a family in the first place. And the family in the first place is the core essence of that family. That is, in essence, what the current law provides.

So what is simply done, as we look to solve businesses' challenges and problems, and bring in investors who have a lot of money, who now get a visa because they have a lot of money, is to say to a current U.S. citizen that we are going to recapture and use, for the purposes of absolutely legal immigration, under the current law, visas that exist but don't get used because of the way our system is working. This would allow a U.S. citizen to claim their relative using those visas, or a portion of them.

By the way, I would urge my distinguished colleague to look at the numbers. We are not talking anywhere near the number he throws around of half a million. It is more like 300,000. And we have even talked about working on that number and narrowing the universe. So this is about using the existing legal system to have U.S. citizens be able to claim their relatives under the existing system and make sure the visas that exist under the existing system are used in a way that meets the goal of legal immigration.

Now, I don't know why we are so hell bound on giving businesses everything they need and then saying to U.S. citizens they do not have the opportunity to be able to meet some of their challenges. In my mind, that is promoting a lawful system. I know it is very easy to slap up the word ''amnesty'' every time somebody wants to talk about immigration. You can become famous by claiming everything is amnesty, but it doesn't necessarily make it true.

The bottom line is what we are talking about is making sure that U.S. citizens who are presently torn apart from their families, and who under existing law have the right to claim that immediate family, have the wherewithal to be reunified using visas that don't get used but which should be used for this family reunification under existing law. So it seems to me we can do E-Verify, and do it the way the House did it, so Social Security is not hurt in terms of funds; and we can make sure that we improve upon a system that right now rejects a percentage of American citizens who have legal eligibility to work and yet now have the burden of proof shifted upon them.

It changes the whole legal precedent where in our country you are considered innocent until proven guilty. Under E-Verify you are guilty until proven innocent. I would be outraged as a citizen if I had to be challenged about my ability to work when I have every right to work but some system is barring me from that right to work. And that situation exists under E-Verify. Now, it doesn't mean we should do away with E-verify, but we need to make it better, and the House provisions do that.

We also say: OK, you want to give those people who have a lot of money to come here and make investments a visa? OK, we will do that. You want the religious workers, of course, who are not necessarily clergy members, but religious workers? OK, we will do that. You want to bring in doctors? OK, we

will do that. But at the same time let's have a smaller universe of those whose families have been waiting and who followed the law.

This is the interesting part. We can't even seem to incentivize people who follow the law. These are people who didn't come crossing a border, whether it is the southern or northern border. These are people waiting. They have waited and they are still waiting. Yet their U.S. citizen husband or wife or mother and father can't get reunified in what is a core family. We seem to have lost sense of that core value.

So in that respect, I think we are being very reasonable here. And this is not about a broad comprehensive immigration reform. This is not about amnesty. It is not about all those things people like to throw up on the wall and suggest ultimately that is the case and paint it as one big swath. I don't know when U.S. citizens became second-class citizens in terms of being able to be reunified with their families.

UNANIMOUS-CONSENT REQUEST—S. 3414

Mr. MENENDEZ. In pursuit of meeting these goals, redoing E-verify, giving it a 5-year life, doing it the right way, doing those other things, as well as trying to help this small universe of American citizens, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3414, the Visa Efficiency and E-Verify Extension Act of 2008, the Senate proceed to its immediate consideration and to the consideration of H.R. 5569, the E-V–5 extension, which was received from the House, en bloc; further, that the bills be read a third time and passed, en bloc; and the motions to reconsider be laid upon the table, en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, Mr. President, I note that we are talking about some sort of capture of unused visas in the past, which we calculate at about 550,000. Maybe it is 300,000. This is a major alteration of current law that has a certain number of family members, a large number, actually, who can come in every year. This would be a major expansion of that.

Those are the kinds of things I think the Senate has gotten to the point we know we don't need to have a full debate on before we recess this year. Therefore, I consider that addition to the House bill that Senator MENENDEZ wishes to see become law as a nonstarter and would have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. MENENDEZ. Mr. President, I regret my colleague's objection. At the end of the day, I understand how passionately he feels. I hope he understands how passionately I feel. The reality is I find it very difficult when my constituents, U.S. citizens, paying their taxes, being good citizens, come to me and say: We cannot get reunified with our spouse. We cannot get reunified with our mother and father. We cannot get reunified with our son and daughter. That is the universe we are talking about.

If we do not stand for the very core value of family reunification, while we talk about those who have money to invest and who get visas because they have money, well, we have seen what has happened with our system around here when everything is about money, and it is a huge failure. The proposition is that if you have money, yes, you can get a visa. But God forbid we give a U.S. citizen who is claiming their family a visa as well.

I feel very passionately about this. I understand Senator SESSIONS feels very passionately about the way he views it, and I hope we can reconcile our passions and be able to have a little less heat, a little more light, and create an opportunity to be able to move forward in the days ahead. We have time until the end of November, and I certainly look forward to working constructively to make that happen.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 3527 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6049

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, September 23, following a period of morning business, the Senate proceed to the consideration of Calendar No. 767, H.R. 6049, the energy extenders, that the bill be considered under the following limitations: there be 60 minutes of general debate on the bill, equally divided and controlled between the leaders or their designees, that the only first-degree amendments in order be the following, with no other amendments in order, and that they be subject to an affirmative 60-vote threshold, and if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid on table; if the amendment does not achieve that threshold, then it be withdrawn; that each amendment be subject to a debate limitation of 60 minutes, equally divided and controlled in the usual form: Baucus-Grassley substitute amendment regarding energy tax extenders with offset; Reid or designee perfecting amendment regarding AMT with offset; Baucus-Grassley perfecting amendment regarding tax extenders amendment without full offset; that it be in order for Senator CONRAD to raise a budget point of order against the amendment, and that once debate time has been used or yielded back, a motion to waive the applicable point of order be considered to have been made; further, that if the motion to waive is successful, then the amendment be agreed to and a motion to reconsider be laid on the table; if the motion to waive is not successful, the amendment be withdrawn; and that Senator CONRAD control up to 10 minutes of time during debate on this amendment; provided further that regardless of the outcome of the vote with respect to the Baucus-Grassley substitute amendment, the Senate would vote in relation to the remaining two amendments covered in this agreement, that the votes in relation to the above-listed amendments occur in the order listed after the use or yielding back of time; upon disposition of all amendments, the bill be read a third time and the Senate then proceed to vote on passage of the bill as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

I ask unanimous consent that the cloture motions on the motions to proceed to Calendar No. 895 and Calendar No. 767 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are keyed up now to start the energy debate on Tuesday. It has been a long, hard 24 hours. Everyone has been working hard. You have to be patient in this business. I especially extend my appreciation to Senators BAUCUS and GRASSLEY, and it has been difficult.

We have had a terrible natural disaster that has hit. Louisiana—not to denigrate Katrina—they still got hurt, but Texas was devastated. That is the reason this was held up. I understand Senator HUTCHISON and Senator CORNYN being concerned. I would say to them, if this does not take care of all of the problems, we will have to take another look at it because pictures are worth 1,000 words. We have had a lot of pictures about what took place with this terrible wind storm.

So, again, I wish we could have moved this more quickly. But certain things do not happen as you would

want. Next week we have to complete this legislation. We just arrived at a way to move forward on it. We have to do what remains with energy after that. We have to do a CR and maybe a stimulus.

We still have the Coburn package floating around. So we have a lot to do. We will do our best to try to complete our work by a week from tomorrow. I also appreciate the efforts of my colleague, Senator MCCONNELL. It has been difficult for him because the problems have been on his side. But he has been a gentleman about this and has been probably more patient than I have.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, my good friend, the majority leader, should feel good about this. We are on the cusp of a very significant piece of legislation worked out on a bipartisan basis. I, too, feel grateful to Chairman BAUCUS and Ranking Member GRASSLEY for their endless number of hours in crafting this truly bipartisan compromise.

So I think it is something the Senate can be proud of achieving. We are set up to reach that achievement on Tuesday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am very grateful to Senators for working to put this together for several reasons: One, this is going to help to create jobs in America. It is going to very much help American families. Third, it is going to help us move more quickly toward energy independence, something we all need.

On a procedural basis, I very much appreciate that this was worked out on a bipartisan basis. I worked with my good friend from Iowa, Senator GRASSLEY, also with the staffs of the majority leader and minority leader, and other key Senators who worked together to put this together.

I am very grateful, frankly, that we see a glide path now. We are going to get this legislation enacted, hopefully, on Tuesday. Again, my thanks to everyone involved.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to speak for up to 17 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGARDING ENERGY AND NATIONAL SECURITY

Mr. VOINOVICH. Mr. President, I rise today to speak about one of the top issues facing our Nation: the high cost of energy and how it relates to our national security.

There has been much controversy on Capitol Hill regarding the reason why prices have climbed. My colleagues have introduced various pieces of legislation that attempt to address our energy security.

I am hearing loud and clear from thousands of Ohioans how this crisis is directly affecting them and their loved ones. Ohioans are demanding that the Senate have a lengthy and open debate on the issue of high energy costs. They are expecting that we work together in a bipartisan fashion to craft legislation that will address our Nation's long-term energy requirements and set us down a path towards energy independence.

Their urgency is underscored by the fact that this is no longer just a question about the price of oil but also about national security.

Americans are hurting from our addiction to oil, but I am not sure they fully realize the extent our national security; and indeed our very way of life, is threatened by our reliance on foreign oil.

Every year we send hundreds of billions of dollars overseas for oil to pad the coffers of many nations that do not have our best interests at heart, and to some like Venezuela, whose leader has threatened to cut off oil.

In fact, in 2007, we spent more than $327 billion to import oil, and 60 percent of that, or nearly $200 billion, went to the oil-exporting OPEC nations. In 2008, the amount we will spend to import oil is expected to double to more than $600 billion, $360 billion of which will come from OPEC. Let's take a moment to put those import figures into context. When compared to our Fiscal Year 2008 budget for our Nation's defense, which was more than $693 billion, the $600 billion we will spend to import oil in 2008 is nearly equal to our entire defense budget.

There is no question that our dependence on foreign oil has serious national security implications. In addition to funding our enemies—as I just explained—we cannot ignore the fact that much of our oil comes from and travels through the most volatile regions of the world.

A couple of years ago I attended a series of war games hosted by the National Defense University. I saw firsthand how our country's economy could be brought to its knees if somebody wanted to cut off our oil.

In 2006, Hillard Huntington, executive director of Stanford University's Energy Modeling Forum testified before the Senate Foreign Relations Committee, and stated that based on his modeling, ''the odds of a foreign oil disruption happening over the next 10 years are slightly higher [than] 80 percent.'' He went on to testify that if global production were reduced by merely 2.1 percent due to some event, it would have a more serious effect on oil prices and the economy than hurricanes Katrina and Rita.

And our dependence on foreign oil is even more troubling when you consider our Nation's financial situation.

The national debt stands at $9.3 trillion, almost double the $5.4 trillion debt that existed when I came to the Senate in 1999. By the end of 2009, the national debt is expected to have grown to $10.5 trillion.

In July, the Office of Management and Budget projected a $389 billion budget deficit for 2008. And this week even worse numbers came from the Congressional Budget Office. CBO said the Federal Government will finish the fiscal year with a near-record deficit of $407 billion.

These numbers, however, do not include borrowing from the Social Security trust fund and other trust funds to the tune of $184 billion. So the real operating deficit is actually projected at $591 billion—almost three times the $219 billion deficit projected at the start of 2008.

We cannot overlook our ballooning national debt. Today 51 percent of the privately owned national debt is held by foreign creditors—mostly foreign central banks. That is up from just 6 years ago. Foreign creditors provided more than 70 percent of the funds that the U.S. has borrowed since 2001, according to the Department of Treasury. And who are these creditors?

According to the Treasury Department, the three largest foreign holders of U.S. debt are China, Japan, and OPEC nations. With the debt skyrocketing to 10.5 trillion in fiscal year 2009 and the plight of our financial markets we can expect an even greater involvement by these countries in purchasing our debt.

This is insane and it has to stop. We can not afford to allow the countries that control our oil and our debt to control our future. It is time that we took our future into our own hands.

Let's take a moment to think of our Nation like a business. Our feedstock is oil, and our competitors control the supply and price of our oil. We have debt, but our competitors also control our debt. What's to keep our competitors from raising prices, calling in our debt and running us out of business?

I imagine that many have yet to hear of this, but it has been rumored that countries like China, with large financial holdings in Fannie Mae and Freddie Mac, pressured Secretary Paulson to bail out the corporations, by threatening to reduce their security holdings.

This is a very real example of how not only our foreign policies, but even

domestic policies can be stymied due to reckless fiscal policy. I hope it frightens you as much as it frightens me. It certainly has dramatic effects in the present, but portend what it does for our children and grandchildren futures which we continue to mortgage with the irresponsible use of their credit card.

But also keep in mind, that as we sit here and twiddle our thumbs over simply expanding domestic drilling within our own borders, Russia and China are actively and aggressively laying claim to energy resources around the globe.

Russia, the world's second biggest oil exporter, is trying to lay claim to large section of the Arctic seafloor that is believed to contain billion of barrels of fuel equivalent. The country has also made moves to control a larger portion of the world's natural gas reserves. Russia, which has significant reserves of natural gas, is considering the creation of a natural gas cartel similar to OPEC. Venezuela and Iran have expressed interest.

Russia has proven it has no qualms with using energy as a weapon. In 1990, Russia tried to suppress independence movements in the Baltics by cutting energy supplies. In all, Russia has used energy as a tool to further their foreign policy goals on no less than six countries over the last 15 years. And energy is believed to be one of the driving reasons for Russia's military action in the independent nation of Georgia, through which passes a critical oil pipeline.

China as well is moving ahead in securing its energy future. In Africa, China is handing out loans and funding expansive infrastructure projects in an effort to lay claim to lucrative oil reserves. With the help of Chinese investment, Angola recently passed Nigeria to become the largest petroleum producer on the continent.

Can you imagine these countries scratching their heads in disbelief when they see the U.S. with the largest energy reserves in the world debating to drill or not drill?

My friends, we have allowed the environmental lobby to run wild. As a result, we have had a tail wagging the dog environmental policy which has ignored our energy, economy and national security interest.

And why did Congress let them get away with it? Because oil was cheap and some of my colleagues on the other side of the aisle were afraid of the 30 second commercials that would be run against them if they didn't toe the environmental line.

Now the chickens have come home to roost. Ask any Ohioan about the high price of gasoline. They will give you an ear full. Many of them have told me about how both the price of gasoline and the price of natural gas are affecting them where it hurts, right in the pocketbook and in their quality of life. These are the middle class Americans, the elderly and the poor that my friends on the other side of the isle keep talking about.

Addressing this crisis requires nothing less than a Second Declaration of Independence—to move us away from foreign sources of energy in the near term and away from oil itself in the long term. To do this I believe we must find more, use less, and conserve what we have. As T. Boone Pickens said, ''we need to do it all.''

In order to find more and stabilize our Nation's energy supply we must enact policies to increase responsible development of our abundant American resources.

The fact of the matter is that when you take into account our untapped oil shale reserves, we have more oil resources than any other part of the world. The Department of Energy estimates that America's total oil shale resources could exceed 2 trillion barrels of oil equivalent, and there are currently 800 billion barrels of proven reserves. This is three times larger than the total proven oil reserves of Saudi Arabia.

Further, the majority of conventional resources are locked up due to shortsighted congressional moratoria. Eighty-five percent of our offshore acreage and 65 percent of our onshore acreage is off limits.

I was very embarrassed when our President went over to Saudi Arabia, just a few months ago, with hat in hand to beg for them to increase oil production. And last month I spoke with oilman T. Boone Pickens, who was recently in Saudi Arabia. He said they asked him, ''Why is your country asking us for oil, why aren't you exploring your own?''

The Saudis couldn't have been more right. Rather than begging foreign countries for their oil, we need to be utilizing our own. That means opening up areas like the Outer Continental Shelf and ANWR for oil exploration. And that means capitalizing on our vast reserves of coal, oil shale, and tar sands.

While we must increase our production of fossil fuels to relieve costs and reestablish our independence in the short term, in the long term we must reduce our demand for oil.

And with that goal in mind, it is essential that we explore alternative means to meet our Nation's energy needs.

It is long past time for our government to provide the spark to rekindle our Nation's creativity and innovation. Following Russia's launch of Sputnik, President Kennedy challenged our country in 10 years to be the first in the world to land a man on the Moon. And it was Neil Armstrong, an Ohioan, who did it. If we can put a man on the Moon, there is no reason why we cannot be the first country in the world to not have to rely predominantly on oil for our transportation needs.

It is time we undertook a similar Apollo-like project to establish clean, reliable and domestically abundant energy alternatives and in turn usher in a new era of American freedom and independence.

And through this new Apollo program, we must encourage further advances in biofuels, electric-hybrid plug-in vehicles and fuel cells.

One of the best shots we have in significantly reducing our reliance on foreign oil is plug-in hybrid vehicles. If half our fleet of 240 million vehicles were converted to electric-hybrids, we could reduce our oil imports by 4 to 5 million BPD. Just doing this could cut our reliance on foreign oil by 40 percent.

Americans today demand action. And they demand we come together in a bipartisan fashion to solve this crisis. I commend my colleagues in the ''Group of 10'' on their efforts to find sensible solutions to this crisis. While their bill is not perfect, it would be my hope that we can continue to work together to move our country towards energy independence.

Regardless of what one thinks of the specifics of the bipartisan proposal, this is the way we should be trying to get things done around here—Senators of good will from both parties coming together, with everyone willing to give up a little of what they want in order to move the country forward. My greatest frustration in the Senate is the partisanship and game playing. We must end the gridlock and put the people's business first.

I honestly believe that the best message we can send to OPEC, those investing in the oil market, and indeed the entire world, is that we are mad as heck and won't take it anymore. We must demonstrate that we are going to find more by going after every drop of oil that we can responsibly drill and that we are going to use less by undertaking a new Apollo program, and continue to conserve and become more energy efficient.

I envision an America where in 10 years we have enough oil to take care of our needs. I imagine an America that is the least reliant nation in the world on oil. An America where our economy is not threatened, an America that has created thousands of jobs by finding more and developing technologies that use less. It will be an America that has gone from the bottom of the barrel to the top. Who's national security is without threat because we have removed the potential of energy being used as a ''weapon'' against us by those who do not share our values?

We must put aside our differences and come together to reaffirm our Nation's independence for a second time. We can usher in a new era of prosperity

and a guarantee that in the new global economy we will maintain our position as the greatest military and economic power in the world.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. CASEY. Mr. President, I know it is getting late in the evening, and we are at the end of a long day for a lot of people in our country. I want to talk about not just the economic crisis our families and our country are living through right now, but also what we have seen over the last couple of years, and certainly in the last 7 to almost 8 years now.

I think it is instructive to look at where we were 7 years ago and where we are today. By virtually every indicator, it is a much tougher world for a lot of families, especially working families and poor families. On the one hand, you have an increase in the number of Americans living in poverty; by one estimate, more than 5.5 million more people. So now that number goes above 38 million Americans.

Health care, there are so many different ways to look at it. I know in my home State of Pennsylvania, since 2000, family premiums—the cost of health care for a family—are up by almost 50 percent, between 45 and 50 percent. If you look at it in another way, in terms of overall health care, we have seen these national numbers of 47 million Americans uninsured right now in the country. Some say it dropped to 45 million. Whatever that number is—whether it is 45 million or 47 million—it is way too high.

I think the current administration has done nothing to address that—no leadership by the President, no prioritization of that issue as a compelling national issue. There are 9 million American children with no health insurance, and the President vetoed the expansion of the Children's Health Insurance Program, which, as the Presiding Officer knows, got almost 70 votes in this Chamber more than once.

There are so many different ways to look at these numbers. In the last year, over 605,000 Americans lost their jobs. The mortgage crisis, the foreclosure crisis is in the lives of so many families. I live in a State which, if you compare it to other States, relatively, has not had as much of a problem as some States such as California or Nevada or others.

But in the month of August of this year—August of 2008—versus August of 2007, if you compare it month to month for those 2 years—August 2007 to August 2008—the foreclosure rate in Pennsylvania is up some 60 percent, much higher than the national rate. So even in a State which has not felt the same effects, relatively, as these other States, now the foreclosure crisis is closing in on places and on families in Pennsylvania. In so many indicators, we can see it.

We can see it obviously on Wall Street in the headlines. I do not need to repeat what we have seen in the newspaper. But I think when we look at our own communities, we can see the same is true. I am not going to read all of this document. I am going to have it printed in the RECORD. I am going to read the headline and ask that the document be made a part of the RECORD: ''Recent major Pennsylvania plant closings and/or layoffs.'' I ask unanimous consent to have this document printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECENT MAJOR PENNSYLVANIA PLANT CLOSINGS AND/OR LAYOFFS

NORTHEAST

Luzerne County, Wilkes-Barre: Geisinger Health System in South Wilkes-Barre is laying off 451 employees, primarily those who work in inpatient services, by September 2008.

Luzerne County, Mountaintop: Fairchild Semiconductor International is laying off 331 employees, this was announced 7/24/2008.

LEHIGH VALLEY

Lehigh County, Allentown: Mack Trucks Inc. is moving 800+ jobs from Allentown to North Carolina when it consolidates its headquarters by the end of 2009. This will be partially offset when Mack moves 200+ jobs from Virginia into its Macungie manufacturing facility by the end of 2008. This was announced on 8/14/2008.

SOUTHEAST

Montgomery County, King of Prussia: Idearc Media Corporation laid off some 120 CWA members at the end of 2007 from its facility in King of Prussia. The workers there produced advertisements for the yellowpages phone book. Idearc moved this production to India and laid off half of the 240 employed at this facility.

Bucks County, Warrington: MeadWestvaco Consumer Packaging Group LLC is laying off 145 when they close their packaging manufacturing plant in Warrington, which was announced on 5/15/2008.

Northumberland County, Elysburg: Paper Magic Group Inc. is laying off 312 employees when it closes its Elysburg facility. This was announced on 1/4/2008.

Berks County, Reading: Hershey Inc. is laying off 274 when it closes its Reading facility, announced on 3/14/2008.

Montgomery County, Fort Washington: Chase Home Lending is laying off 266 employees, announced on 5/29/2008.

CENTRAL AND SOUTHCENTRAL

York County, York: Harley Davidson is laying off 300 as part of a nationwide layoff of 730. The layoffs were scheduled to begin this month.

Fulton County, McConnellsburg: JLG Industries is laying off 375 employees by September of this year. They produce heavy aerial lifts and work platforms. It was announced in July that they will be laying off 250 employees in McConnellsburg, 100 at Shippensburg, and 25 at Bedford.

Centre County, Bellefonte: Bolton Metal Products is laying off 223 when it closes its Bellefonte facility due to increased foreign competition. This was announced on 2/4/2008. A letter under your signature was sent to the Department of Labor in support of the workers when they were denied TAA benefits. The workers then won the benefits on their appeal.

York County, Red Lion: Yorktowne Inc. is laying off 349 employees when it closes its plant #6 in Red Lion. This was announced on 1/23/2008.

Lancaster County, East Petersburg: Sterling Financial is laying off 325 employees in its East Petersburg facility, which was announced on 4/15/2008.

SOUTHWEST

Allegheny County, Bethel Park: Washington Mutual is laying off 247 when it closes its facility in Bethel Park. This was announced on 4/9/2008.

NORTHWEST

Erie County, Corry: Erie Plastics is laying off 189 employees, announced on 2/15/2008.

Mr. CASEY. This is a brief summary of plant closings that involve hundreds of jobs in particular communities: Luzerne County—the county right next to my home county—451 employees at Geisinger Health System losing their jobs; 331 employees at the Fairchild Semiconductor International plant being laid off. That was announced in July. In Lehigh Valley, at Mack Trucks: more than 800 jobs being lost in our State and moving to another State. In Montgomery County—a very prosperous county in southeastern Pennsylvania—a corporation there laying off 120 employees. In Bucks County, a company there laying off 145 employees. In Berks County, Hershey Incorporated laying off 274 employees. That is just in the southeast.

Then you go to central Pennsylvania. In York County, a plant there—Harley Davidson, in fact—laying off 300 employees; a plant in Fulton County—a very small county in Pennsylvania—laying off 375 employees.

It goes on from there: hundreds and hundreds of people losing their jobs, just in some communities in Pennsylvania, just this year. So that is exhibit A in terms of job loss in Pennsylvania.

But also I think it gets back to this whole question of about what the Congress can do. We look at what has been happening on Wall Street—the loss of wealth, the loss of confidence—but what is happening on Wall Street mirrors what has happened in the lives of a lot of families. When you lose your house—and because of foreclosure, you are forced out of your home—you lose not only your home, the place you live, the place your family lives—a sense of your own, and the reality, I should say, of your own net worth—but as much as all that, you lose your dignity. So many families have lost that dignity. I

think as much as we in the Congress, for the next couple of weeks and months, even leading into a new administration, will debate policies that pertain to financial markets—what about credit, what about capital, all these terms, ''liquidity,'' the things we are hearing a lot about as they pertain to Wall Street—and regulation is going to be an important part of what we do—but as we debate all of those issues, I think we have to get back to the fundamentals about why we are living through this nightmare.

Part of it is the failure of this administration to do something in an aggressive way about regulation. Part of it is greed. But what resulted from that greed and from that inability to regulate markets and to oversee mortgages in an appropriate way is the fact that we have foreclosures. So if the Congress wants to respond to this in a positive way, to get something done, we have to do something about foreclosures, to bring that number down, to keep people in their homes and thereby to strengthen neighborhoods and our economy overall. If we keep neighborhoods strong, keep people in their homes, it will affect the whole world's financial markets and certainly our economy.

So what do we do? Well, I think what we can do—there will be a lot of proposals about how to get there—but just broadly—and I will conclude with these thoughts—to get there broadly what we have to do is to say: If in the July legislation—which was not everything that all of us wanted; I know the Presiding Officer and I probably wanted a lot more in that bill than we got, but what we did in that bill was to create an opportunity for 400,000 people to stay in their homes by getting the borrower and the lender in the same room, so to speak, to work out a modification, to work out some arrangement to keep that family in that home. What we have to do is take that 400,000 and expand it exponentially to at least a million and, beyond that, if possible, to do everything possible to keep those families in their homes.

If there is nothing else the Congress does for the next couple of months but focusing on the prevention of foreclosures, we will have contributed significantly to preventing some of the trauma we see on Wall Street and, as we have been hearing over and over again, on the Main Streets of America in the lives of our families.

There are a lot of ways to do that. One of those strategies is making sure that the prevention of predatory lending is a higher priority. But I think focusing on individual mortgages and the relationship between an individual lender and that homeowner is going to be critical to this. So we have to expand what we have already done and do more on keeping people in their homes.

We will talk more about it. But do you know what. All the answers to these questions do not simply reside in what we talk about in the Senate or what happens in the House or here in Washington. A lot of good ideas are coming from our communities.

I point to one example. In Philadelphia—one of the places in Pennsylvania where the foreclosure rate has been far too high, even though other places have escaped it so far—in the city of Philadelphia, the court system, Judge Darnell Jones, and others, the mayor of the city, Michael Nutter, a very effective and capable mayor, came together with activists and people who understand how to keep people in their homes and said: Let's develop a program at the local level, and let's try to implement it.

They developed the Residential Mortgage Foreclosure Diversion Pilot Program. I have spoken about this before. But it is a kind of example we should expand upon and use as an example to keep people in their homes. In a word or two, it is an early intervention program. Instead of letting these mortgages go so far out of control where someone cannot stay in their home, they intervene earlier. The courts are able to facilitate loan workouts and other solutions to keep homeowners and their families in their homes.

It is an effort, as I said before, by the city and the mayor's office, Mayor Nutter, of being able to bring together housing advocates, volunteer attorneys, lenders, and servicers who all share the same goal of keeping people in their homes.

Now, the interests of these groups are divergent, but they have set aside those differences, and they realize that stemming the tide of foreclosure helps everyone. It obviously helps the homeowner and the family and the community. But it also helps lenders and, in a very substantial way, our economy.

So that is one example. We will talk more about it later in detail. But we need to enact policies that make sure those kinds of good examples coming from our communities become part of national policy. If we do that—if we are able to keep more and more, instead of 400,000 people staying in their homes, we make that 1 million, or even higher than that; if we do that, I think we can begin to stabilize the root cause of a lot of our problems.

In addition to that, we have to do more in regulation. We have to do much more in holding government agencies accountable that should have been the cop on the beat, so to speak, when it comes to what happens to lending practices and to mortgage practices.

So there is much to do, but I think the best thing we can do is focus on the root cause of this, which is foreclosures and the prevention of those foreclosures through counseling, through good programs, and through bringing people together at a time of real stress in the life of families. I think we can do that. I think we have done that in the past. I think it is a bipartisan wish. What we are going to need here is leadership beyond the finger-pointing that we often see here in Washington.

So if we bring that spirit to this priority of stabilizing our economy, I think we can move forward and have a much stronger economy. If we choose not to and choose to focus on issues that will divide us when it comes to foreclosures, I think we are going to be off on the wrong track.

INTERNATIONAL BOUNDARY AND WATER COMMISSION TRAGEDY

Mr. BINGAMAN. Mr. President, I would like to take a few minutes today to express my sadness regarding the tragedy this week involving officials with the International Boundary and Water Commission, IBWC. On Monday, an airplane carrying U.S. Commissioner Carlos Marin; Mexican Commissioner Arturo Herrera; and also Jake Brisbin, Jr., Executive Director of the Rio Grande Council of Governments; and Matthew Peter Juneau, the pilot, was reported as missing when it failed to arrive at its destination of Presidio, TX. Wreckage of that aircraft was located yesterday, and it was confirmed that there were no survivors. I offer my condolences to the family members of all of the individuals who were on the aircraft.

I would like to say a few words in particular about Commissioner Marin, who I had the pleasure of working with on a range of IBWC matters in New Mexico. Commissioner Marin was appointed to his position by President Bush in December 2006 after 27 years of service to the Commission. Previous to that, he worked with the Bureau of Reclamation after receiving a bachelor's degree in civil, engineering. He took over the IBWC at a tumultuous time, and quickly gained the respect of his colleagues and employees with calm and steady leadership of the agency. He was a problem-solver, focused on the IBWC's mission, and someone who was always readily accessible to my staff and me. Recently, my staff worked with him on the management plan for the Rio Grande in southern New Mexico. Commissioner Marin was instrumental in moving this project along after an impasse of many years. We will miss his effective leadership and his warm personality. My sympathies go out to his wife Rosa and two adult children.

DEFENSE AUTHORIZATION

Mr. FEINGOLD. Mr. President, the 2008 Defense authorization bill contains a number of provisions that I strongly support. I support a pay raise for our troops, elimination of the SBP–DIC offset—which I was pleased to vote for—

and extra funding for barracks maintenance. I also strongly support the provision limiting the outsourcing of private security functions in war zones. During this time of incredible strain on the women and men serving in the Armed Forces, it is essential that we provide them the best quality of life we possibly can.

However, I voted in opposition to the bill because it contains $70 billion to continue the war in Iraq but no language mandating that we safely redeploy our troops. Seven years after September 11, we remain bogged down in a conflict that is undermining our efforts to combat those who attacked us. We must redeploy from Iraq so that we can focus on the global threat posed by al-Qaida and its affiliates, particularly with respect to al-Qaida's safe haven in Pakistan along the Afghanistan border.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My family runs a purebred cattle ranch. Two years ago, my oldest son decided he wanted to join us in the ranching business, so we doubled our cowherd and made some changes. It was a challenge to feed another family, but one we were willing to take. Last year, we had to refinance the farm to get a little breathing room, but within one year, the margin we gave ourselves by refinancing was gone with the skyrocketing cost of feed, fertilizer, and fuel—all as a result of the cost of fuel. Now our power rates have increased, also. There was not money in the budget for my son and he had to take a job in town. Now I am left with twice the work and half the help.

I have two other sons that stated recently a business installing dairy lockups. They have taken on a lot of debt for equipment and also have to support a family. Within just a few months, they have seen the rising cost of diesel eat into their business to the point that I think they will have to take out bankruptcy and try to piece their lives together afterwards. A pretty rough start for a 22-year-old newlywed and an 18-year-old. They watch their spending, but right now they are maxed out on their credit because of fuel costs and cannot even afford to get to their job sites. All our government officials need to be doing more. Absolutely open up our own oil fields. We need more refineries and more alternative fuel sources. I think hydrogen has excellent possibilities. And Idaho is an excellent source of wind. Something has got to be done and I mean now or this state will blow away.

MIKE, *Gooding*.

Short term: gas prices, depending on how soon we can start pumping oil, let us start drilling and refining here in the US. Same with nuclear power.

Long term: Honda just announced a new hydrogen fuel cell hybrid car that is three times as fuel efficient as the current hybrids. Will not be ready for about ten years, they say. Let us have these vehicles ready to purchase in three years, not ten. Same with electric cars. And give these businesses some kind of a [tax] break to keep the price of these vehicles down so everyone can afford to buy them, not just the movie stars in Hollywood!

RICK.

Please put politics aside and get serious about solving the energy crisis. You are the leaders of this country. You are representing the country very poorly. I am so amazed and ashamed of the way our leaders are putting themselves before the good of the country. Our forefathers were patriots! There are a few of you that are trying to solve the energy crisis. Quit throwing road blocks in front of those people.

My husband and I are retired, and the high cost of fuel is really hurting us. We live in a small town in Idaho, and we do not have public transportation. It is not like living in a city. Everything is spread out, so we have to drive almost everywhere. We have no choice. We bought a fifth wheel and a diesel truck when we retired. We planned on taking a summer trip in our RV to the Oregon Coast, but that will not happen. We just hope that we can take our RV to Arizona this winter. We have saved all our lives for our retirement, and the energy situation is wiping out our savings.

Let us see action [to back up the words we hear from our leaders]. Get off of foreign oil and become independent. Do the right thing and plan ahead. If it takes ten years to develop domestic oil wells, then get with it. This is a serious problem that is really hurting Americans.

LINDA, *Fruitland*.

I am concerned about the price of energy. Gas prices have gone up, and this is disconcerting and expensive. I am a mother of three and a devoted conservative. Last year we made plans to take a vacation on the Oregon coast this summer. Since we made those plans, gas prices have almost doubled. Now that we paid our deposit on the beach house, we cannot really back out, and it is still unaffordable to fly a family of five there, but we are afraid it is going to cost $600–900 in gas just to get there. When we made our plans, we were thinking more in the $300–400 range. But if this sounds bad, my brother and his wife who are going with us, both schoolteachers, with their six kids between the two of them (it is a blended family) will have to take two cars. So what was once a fun affordable summer vacation is now in the ridiculous range, just to get there, without food or hotel or fees for anything fun.

Why can't we drill for oil here in America? Why is our dirt so much more sacred than the dirt in the rest of the world? Let us look in our own country's wealth of resources to address this issue.

I am also highly supportive of exploring all our other resources: nuclear, water, wind, coal, etc. I know there are Native American reservations that want to build nuclear plants and they have been forbidden because of safety concerns. They should be allowed to build these plants, and I believe Americans are committed to the safety of our citizens in the process of exploring these other options. I am all for nuclear energy, with it is cost effectiveness and cleanliness.

I also believe here in Idaho we should be jumping at the chance to expand our public transportation in the form of a light-rail train. At this time of expensive gas, it would really be serving our community if we as citizens could look ahead and vote for it. I have lived in Utah and utilized their light rail (it runs full nearly every run) as well as traveled throughout Europe on their train systems. The convenience of traveling to downtown Boise from Meridian, or to BSU would be great. Not having to worry about parking or gas is wonderful. Can you imagine what this would do for the students of the valley if they could take the train to BSU? It was about four years from the time Utah voted it in until they could actually ride it. Let us begin!

Thank you for taking this issue seriously. Let us drill, let us build a train, and let us build a nuclear plant here in Idaho.

TAWNA, *Meridian*.

[Partisan policies have kept this issue from being resolved for many years.] The solution has been very obvious for a very, very long time. Simply "explain" to the oil companies that they have a choice. That is to either pay a huge windfall tax, or to immediately invest those windfall profits in new drilling in all the areas we already know we have an abundance of oil—and, by the way, process the huge supply of oil shale—if you recall, they said, "when oil gets to $50 a barrel, it would be profitable!" Well, what have they been waiting for?!

By the way, just the mention of this will cause the price of oil to drop $50 a barrel, if not more! But [there is too much special interest and environmentalist influence to take this simple solution.]

Plus, once you have that in place, the economy and the dollar are immediately strengthened. The next obvious step is to mandate that corn and other food stuffs will not be used for fuel, such as ethanol. There are many byproducts and non-food stuffs that are easily accessible and readily available that will produce that which is now obtained from corn. Consequently, not only will the price of gasoline, diesel and home heating fuels, etc. drop drastically, but the price of food and other products will drop back into line.

Of course, this would require that [partisanship be put aside and that small minorities and special interest groups take a back seat to the public interest.] Take action and set this country back on track and bring its economy back under control.

Like to hear from yuh . . . good luck,

BRUCE.

Gas prices have affected my family. How have we responded? We have chosen to conserve energy by driving less! We bike as much as possible, and are more mindful of when and where we choose to drive. In addition we drive relatively fuel-efficient vehicles. I disagree with the notion that we need

to invade every last corner of our wonderful country in order to try to squeeze as much oil out of our domestic reserves as possible. That approach seems very short sighted to me. Clearly the heyday of cheap, readily available oil is over. Not only is oil bad for the environment, but it is not renewable. Our focus must be first on conservation. We should be focusing on increasing mass transit opportunities in Idaho and across the nation. We should also work on developing and rewarding businesses that are developing new, innovative green technologies such as electric cars. Secondly, we must be focusing on clean, renewable energy resources such as solar and wind power. But the major emphasis must be to limit the wastefulness that we have become accustom to in this nation.

KRISTIN, *Boise*.

This has been a great concern to our family and we have wondered why there has not been more help from our government with this problem. If it were just the gas prices it might be something we could struggle through, but everything has increased in cost, much of which, I believe, is a direct result of the skyrocketing gas prices.

Our family is a blended family. We live in Rexburg, Idaho, but transfer children on two weekends to Logan, Utah, and on the other two weekends to Salt Lake City, Utah. At least this is what we are supposed to be doing. We were already spending around $300–$400 a month in gas before the prices jumped so high. We had to cut back our visits because we started going more and more in debt just to put gas in our car. It became a choice of securing our family relations and seeing some of our children or putting food on the table, maintaining a relationship with sons and daughters or keeping ourselves from going bankrupt. There are children we see sometimes less than once a month because of this. We cannot attend their school plays, their sports events, and have even missed their first dates and dances. There has been nothing we can do about it and it has been very emotionally painful for all of us. My last trip to Salt Lake cost $177 in gas. It made me sick to have to spend that much just so I could see my daughter graduate, and as I sat at the pump watching the numbers climb, I knew I was just going farther into debt but I could not imagine missing that event.

Please, please keep trying to find an answer. We have fuel resources here. Why are not we using them? Yes, we need to protect the environment, but I do not think that will matter much to anyone if we cannot buy food or drive to work. I see articles all the time about cars that run on water or even air. Is this true? If it is, why are they not available to us? I believe there are answers and alternatives that do not require using our food crop to fill our cars. I do not know all the facts or have all the answers, but I do know that we cannot continue this way. It will not take long to become a bankrupt nation if we do not make some changes and fast. Thank you for trying to resolve this.

BEVERLY, *Rexburg*.

I have lived and worked as an auto mechanic in Boise for nearly 30 years. A couple of years ago I became ill and suffered some physical damage, which has forced a change in professions. I have taken some schooling and become an instructor of auto mechanics.

Finding a job as a new automotive teacher has been a challenge, as there are few opportunities scattered around the Treasure Valley. I now begin my second year of teaching for the Canyon Owyhee School Service Agency, a consortium of five small rural school districts. I am required to travel among Parma, Notus, Wilder, Marsing, and Homedale High Schools. I am proud of the students I am training, and feel that I have found a worthy role to play in the lives of our youth. The catch is that I must drive about 120 miles per day. Because only one of these schools is equipped with an actual auto shop, I must carry with me substantial weight in tools, auto parts, training devices, and I have even towed cars from time to time.

My transition to teaching may seem like a logical move for a man in my physical situation, but it has cut my income considerably. I also carry the burden of residual medical bills and the cost of the continuing education required for my teaching credentials. I do receive a small mileage allowance, for miles driven within the district, but those are about half of the miles I drive. (Miles to and from my home in Boise are excluded.) Obviously, rising fuel and maintenance costs have substantially contributed to economic hardship as I struggle to rebuild some kind of a career. Fuel has risen in price more than eighty cents per gallon throughout this past school year, so I now must pay about $14 each day, out of pocket, for my daily commute. I fear that between the real issues of an inadequate teaching salary and skyrocketing fuel costs, despite my efforts to remain a productive citizen, I will be forced out of my home, or even into unemployment lines.

KELLY, *Boise*.

My family and I have been affected in surprising ways by the increase in oil prices. We have always tried to be careful and conservative in our use of all of our country's resources and oil and gas are no exception. So it was a surprise to us that when our car's gas price went up above $4 per gallon, we were suddenly more thoughtful about how and when we drive the car. We had thought we were as conservative as we could comfortably be with the amount we drove the cars, but it turns out that, overnight, we thought of many ways and times that we could leave the car in the garage and take the bus or ride a bike or even combine multiple trips into one weekly trip. It is only been a short time that the change has occurred and it has been in the summer time that offers many options. However, we are very pleased with the changes and are even considering getting rid of one of our cars as it they are both now sitting in the garage so much of the time.

I hope that this state and nation takes on the challenge of giving greater and greater incentives to alternative/renewable energy production and that we can work toward reducing greenhouse gases that this country is producing at such high rates. We are a country full of creative citizens and technological skills. I hope that we can start being a leader in this area rather than the most slow of followers. I know that this has not been your perspective but I hope that you can see the advantages to our citizens and growing technological community in supporting future climate change incentive and decentive bills.

ELIZABETH.

I now have a choice—medicine or gas, doctor appointment or gas; I cannot afford both, health or gas. Guess I could go on welfare and live off of the state. I drive ten miles to work, my husband drives 30 miles (both one way). We could move, but try to sell a house in this economy. So the middle class is out of luck again. Please do something.

JO.

Since the fuel price increases have become a part of my day-to-day concerns, I have observed a $240 increase in my monthly spending in fuel for my vehicle. I only use my vehicle to go to work. I buy groceries within two miles of my work place, and that is the extent of my driving. My groceries are running about 40% higher, but I am sure that it something to do with using our tax dollars to subsidized the corn growers to build the ethanol plants what are of no significant value other than to help someone's friend make money and secure their job. But I digress; the subject is the fuel pricing and how it affects me. In the past, I would commute to Boise once a week and enjoy a dinner out because there are no restaurants in Mt Home that [I enjoy], but that, too, has past because of the fuel pricing. I am sure there are others in the same situation, and it must be hurting the restaurants and all other businesses in that area because we are dedicating our money to the rising fuel costs. Nevertheless, I will go on cutting my spending to accommodate the rising fuel costs until something better comes along. No! I will not get rid of my Ford F–150 because I am a tall person and require the leg and head room. I know that comes at a price but I would rather do that than to sacrifice the comfort.

STEPHEN, *Mountain Home AFB*.

TRIBUTE TO THE POLYNESIAN VOYAGING SOCIETY

Mr. INOUYE. Mr. President, today I would like to recognize the Polynesian Voyaging Society. For more than a quarter century, members of the Polynesian Voyaging Society have dedicated much of their lives to voyages of exploration and discovery that have retraced every major migratory route of the ancient Polynesians. These voyages are not recreational but rather journeys that illustrate the scientific prowess of the Polynesian people and the strong connection between science and culture. Their commitment to the legacy of oceanic exploration seeks to integrate traditional voyaging into quality education. The Polynesian Voyaging Society has renewed interest in maritime exploration and reawakened Native Hawaiian pride in environmental awareness and ocean stewardship.

In today's age of modern technology, much can be learned from the past. Hawaii's past and future will always be intimately tied to the ocean for recreation, commerce, and transportation. The society exemplifies the importance of raising awareness of and protecting the unique treasures Hawaii's culture offers, and serves to enlighten a new generation of young people. Its members are truly a testament to Hawaii's oceanic heritage.

PROTECTION FROM CHILD PREDATORS

Mr. ALEXANDER. Mr. President, today I joined as a cosponsor of two

bills to protect children: S. 1738, the Combating Child Exploitation Act; and S. 519, the Securing Adolescents from Exploitation-Online—SAFE—Act.

I am cosponsoring S. 1738 to signal my support for this bipartisan effort to create a nationwide network of highly trained law enforcement experts to track down and prosecute child predators who exploit children, but it is my hope that Congress would enact the modified version of this legislation that was included in bills separately introduced by the majority leader—S. 3297—and Senator COBURN—S. 3344.

Unfortunately, both bills have been held up by partisan gridlock despite widespread support on both sides of the aisle. In fact, the House version of the SAFE Act—H.R. 3791—passed the House of Representatives by a vote of 409–2 in December 2007. That is why I believe that both bills H.R. 3791 and the modified version of S. 1738 could pass by unanimous consent if they were called up and passed together.

It is time to stop playing politics, bring these bills to the Senate floor and let the Senate approve them. Child exploitation is too important a problem to get caught up in partisan politics. I urge the majority leader to call up and pass these two bills without delay, and without either being attached to other legislation that could prevent them from becoming law.

I can't think of a more bipartisan step for the Senate to take this month than ending this impasse and passing these two worthwhile bills to protect children.

RED RIBBON WEEK

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator MURKOWSKI, in cosponsoring a resolution commemorating Red Ribbon Week. Red Ribbon Week, observed October 23–31, encourages individuals, families, and communities to take a stand against alcohol, tobacco and illegal drug abuse. During this week, students all over the country pledge to live drug and alcohol free.

The tradition of Red Ribbon Week, now in its 23rd year of wearing and displaying red ribbons, started following the assassination of U.S. Drug Enforcement Administration Special Agent Enrique ''Kiki'' Camarena. In an effort to honor his memory and unite in the battle against drug crime and abuse, friends, neighbors, and students from his home town of Calexico, CA, began wearing red ribbons. Shortly thereafter, the National Family Partnership took the celebration nationwide. Since then, the Red Ribbon campaign has reached millions of children, families, and communities across the country, spreading the message about the destructive effects of drugs.

In my State of Iowa, the theme for Red Ribbon Week is ''Ask me, See me, Be me . . . I'm Drug Free.'' Schools and community groups across the State are organizing a variety of activities including pledges, contests, workshops, rallies, theatrical and musical performances. These events are all designed to educate our children on the negative effects of drugs and to promote a drug-free environment.

Research tells us that the longer children stay drug-free, the less likely they will become addicted or even try illegal drugs. This is why it is so important to maintain a coherent anti-drug message that begins early in adolescence and continues throughout the growing years. Such an effort must involve parents, communities, and young people. Red Ribbon Week provides each of us the opportunity to take a stand by helping our children make the right decisions when it comes to drugs.

In light of the growing epidemic of prescription drug and cold medicine abuse throughout the Nation, this year's Red Ribbon Week holds greater importance. I hope my colleagues will join me in passing this resolution to demonstrate our commitment to raising awareness about drugs and encourage everyone to make healthy choices.

ADDITIONAL STATEMENTS

CONGRATULATING COASTAL WINDOWS, INC.

• Mr. AKAKA. Mr. President, I want to take this opportunity to congratulate the owners and employees of Coastal Windows, Inc., a family owned and operated business on Oahu and one of this year's recipients of the 2008 Freedom Awards presented by the Secretary of Defense and the National Committee for Employer Support of the Guard and Reserve.

Coastal Windows began their business in response to Hawaii's need for windows and doors that could endure the harsh environmental climate of the State's Sun, wind, rain, and salt air. They have been in operation for nearly 20 years and in that time have grown to an organization consisting of 62 employees. They are known for treating their employees as part of their ''ohana'' or family and are proud members of the community.

The manner in which they take care of their employees who also serve in our Nation's Armed Forces should inspire all of us here in Congress and across this Nation. Take for example their employee U.S. Army sergeant Mike Echiverri, who is about to be deployed for the third time as a member of the National Guard. During his absence, Coastal Windows maintains all his benefits, including health, dental, vision, and his retirement plans. He also continues to earn sick leave and vacation time, and he is given additional time off to spend with his family before and after each deployment. Coastal Windows also often sends care packages to deployed employees and maintains regular communication via e-mail. The company also extends its support to family members of deployed employees by staying in constant contact with the family members and ensuring that spouses are invited to social events.

Coastal Windows became actively involved with the Department of Defense's Employer Support of the Guard and Reserve, ESGR, program after its vice president, Bob Barrett, learned of the organization's efforts to promote cooperation and understanding between Reserve members and their civilian employers. Mr. Barrett became an ESGR employer outreach volunteer and works with ESGR Hawaii to educate employers about the benefits of hiring Guard and Reserve members. Coastal Windows also supports the military community by participating in activities like the Marine Corps' Toys for Tots program.

As 1 of only 15 companies nationwide to receive this honor, I congratulate Coastal Windows, and Mr. Bob Barrett in particular, for their dedication to their workers and for their selection as a Freedom Award recipient for 2008. They have set the standard in Hawaii as an example of how the community can take care of our soldiers, sailors, airmen, and marines and their families and make a direct contribution to the national security of the United States. I salute them for their outstanding service and wish them continued success in the years to come.•

REMEMBERING ROBERT J. MCCARTHY

• Mrs. BOXER. Mr. President, I take this opportunity to honor the memory of a dedicated attorney, community leader, and wonderful person, Robert ''Bob'' McCarthy. Bob passed away on September 4, 2004. He was 61 years old.

Born in New York City on December 31, 1946, Bob McCarthy spent his childhood in the city, where he attended Regis High School in Manhattan. Following his graduation in 1965, Bob attended Santa Clara University, where he was a Presidential honors scholar and editor-in-chief of the school newspaper. In 1969, Bob received a B.A. cum laude in political science in 1969. While attending the university, Bob met his future wife, Suzanne Bazzano, the office manager at the school newspaper. They married in 1970 and had five children.

Following a stint in Chicago, where he earned his law degree from the University of Chicago Law School, Bob and Suzanne moved to San Francisco, Suzanne's hometown. Bob pursued a career in law, working in the San Francisco office of the district attorney for 4 years, serving as chief deputy district

attorney. In 1980, Bob started his own general law practice with his friend Lester Schwartz.

Throughout his career, Bob found the time to pursue his love and passion for politics. He served as general counsel for the California Democratic Party from 1983–1990, and held a number of trustee positions within the Democratic Senatorial Campaign Committee, including National Finance cochair. He also served as a close adviser and cochair of my own Senate campaign, and has also advised a number of other elected officials in California. Bob was also well-known for the election day lunches that he hosted every year, a tradition among Bay Area dignitaries that wasn't to be missed.

In addition to the long hours Bob put in as an attorney, Bob carved out time to give back to his community. He was appointed by President Bill Clinton to the Woodrow Wilson Center Board of Trustees; served as a guest lecturer at Hastings College of Law in San Francisco, the University of California at Berkeley, and Peking University in Beijing, China; sat on the board of St. Mary's Hospital; was a regent of St. Ignatius College Preparatory; and was also made a member of the Knights of the Equestrian Order of the Holy Sepulchre of Jerusalem by Pope John Paul II.

Bob is survived by his mother, Dorothy McCarthy; his wife, Suzanne; his sons Brendan, Matthew, Ryan, and Bobby; and daughter, Margaret. I extend my deepest sympathies to his family.

Bob McCarthy was a deeply loved community leader, both in the Bay Area and throughout the State of California, and he will be missed by all who knew him. Let us take comfort in knowing that his dedication and love for his family, friends, and community have made this world a better place to live.●

TRIBUTE TO DON BOXMEYER

● Mr. COLEMAN. Mr. President, while my city of Saint Paul was enjoying its moment in the spotlight earlier this month, we were also mourning the passing of one of our great storytellers, Don Boxmeyer. Throughout his life as a reporter, columnist and author, Don discovered and brought out the human strength and variety of Saint Paul as no one else has. That made him one of our most important citizens.

Don worked as a hard news reporter for the St. Paul Dispatch and the St. Paul Pioneer Press, and wrote a column for over two decades. Here is how he described his career in his own words:

> I realized that the interesting people and places nobody ever wrote about held more fascination to me and my readers than all the governors, mayors and city council members who never seemed to be much persuaded by my opinions anyhow. I began to collect hobos and hermits, bare-knuckled brawlers and bread-baking nuns, short order cooks and hockey coaches, drake mallards named Jake, and bridge tenders, band directors, bear hunters and quiet old men who wept softly when we talked about the friends they'd left on the battlefield.

And he shared them with the rest of us with humor, respect and a love of the nobility of regular people.

In his book, ''A Knack for Knowing Things,'' Don collected many of his best columns about Saint Paul and Minnesota. He wrote about Swede Hollow in Saint Paul, the Rondo neighborhood destroyed by the construction of I–94 and Saint Joseph's Orphanage. He wrote about Stillwater, Lake Superior and Ashby, MN, and hundreds of other places and the people who made them. If a new resident of our State or its capital city asked me to tell them what kind of place they had moved to, I would just give them a copy of that book and let them discover it for themselves.

Don Boxmeyer's life eloquently conveyed an important lesson: each of our communities has roots in the values and experiences of generations that came before and we need to capture them before they disappear. His oral history of places Minnesotans know well and events they only vaguely know about is a priceless gift to the future.

Somewhere I read about a moment of despondency in the life of Robert F. Kennedy as he mourned the death of his brother Jack. Attempting to comfort him, someone said something like, ''It is tragic that he only got to serve for 1,000 days, but that's as long as Julius Caesar served and we still remember him.'' Robert Kennedy replied, ''Yes, but Caesar had Shakespeare to tell the story.''

Saint Paul and Minnesota are much the greater because we had Don Boxmeyer to tell our stories.●

RECOGNIZING DEBORAH LONG

● Mr. CRAPO. Mr. President, it is my great honor to recognize Principal Deborah Long of Betty Kiefer Elementary School in Rathdrum, ID. Deborah has been recognized as Idaho's 2008 recipient of the National Distinguished Principals Award. The award is given jointly by the National Association of Elementary School Principals and the U.S. Department of Education. Deborah is being recognized for her exemplary leadership in her job and in her community and contributions to her profession, including professional association affiliations.

Deborah has established strong ties with parents and local businesses in Rathdrum. She has demonstrated exceptional leadership at Betty Kiefer Elementary and in the community. She promotes a goal-oriented learning environment for her students and expects great things from her students and her staff. In fact, under her leadership, Betty Kiefer Elementary is both an Idaho School of Merit and a recipient of the A+ Excellence in Education Award. In today's world, young students need and benefit from a good role model and someone who cares for them. She cares about the learning environment itself the school is decorated with floor-to-ceiling, hall-length murals that tell the story of a school focused on principles, patriotism, pride in their State and kindness to others. Deborah has gone above and beyond the call of duty in her service as principal of Betty Kiefer Elementary School, in her words, making her school ''safe, secure and caring.'' Students in this rural Idaho school are fortunate, indeed, to have the gift of Deborah's wisdom, encouragement and expectations of moral behavior and high integrity. It says a lot about a principal when close to 100 percent of parents attend parent teacher conferences and a full 25 percent of parents volunteer at the school.

I am certain I share the sentiments of her students, their parents and her staff when I wish her congratulations and the best for continued excellence in her career.●

HONORING CONGREGATION BETH SHALOM

● Ms. MURKOWSKI. Mr. President, their Web site is called frozenchosen.org. No kidding. Today I honor Congregation Beth Shalom of Anchorage, AK, an affiliate of the Union for Reform Judaism, on the occasion of its 50th anniversary. It is a pillar of Alaska's small but vibrant Jewish community.

Congregation Beth Shalom is one of five synagogues in the State of Alaska. Only two of those five synagogues enjoy the services of a full-time rabbi. Congregation Beth Shalom is one of these two synagogues.

I am pleased to acknowledge and welcome Rabbi Michael Oblath, the present Rabbi, who joined Congregation Beth Shalom in September 2007. He is the fifth Rabbi to serve the congregation since its founding on September 5, 1958. It is also appropriate to recognize the four other individuals who have served as spiritual leaders to Congregation Beth Shalom since its founding, beginning with Rabbi Lester Polonsky, Rabbi Harry Rosenfeld, Rabbi Johanna Hershenson, and Rabbi Fred Wenger.

Congregation Beth Sholom was first organized on September 5, 1958. It was on that day that 20 people gathered in Burt and Bobbie Goldberg's home to welcome the Shabbat and organize a synagogue. At the time, the only Jewish services in Anchorage were being conducted by chaplains on Elmendorf Air Force Base, and organizers wanted

to establish a Jewish identity for their children which were anchored to the city.

Today, Congregation Beth Shalom occupies a beautiful synagogue building on East Northern Lights Boulevard, which opened 20 years ago to commemorate the 30th anniversary of the congregation's founding. The synagogue houses the Joy Greisen Jewish Education Center, which features a preschool open to the entire community, without regard to religious affiliation, an afterschool arts program and a summer camp.

Congregation Beth Shalom has achieved Green Star recognition for its environmental and energy conservation efforts. Its Tikkun Olam program is engaged in numerous good works which help make Anchorage one of the best places in our Nation to live and raise a family.

I am proud to recognize Congregation Beth Shalom on 50 years of service to our southcentral Alaska community. We have great expectations for your next 50 years.●

RECOGNIZING TOMMY L. HARBOUR

● Mr. ROCKEFELLER. Mr. President, today I honor Tommy L. Harbour, a fellow West Virginian from Milton. He is a shining example of the self sacrifice and willingness to serve that is an important part of the culture of West Virginia. I am privileged to represent him and share his story with you today.

Tommy Harbour proudly served his country during World War II. He joined the Coast Guard on July 5, 1943, where he was assigned to the USS *Bayfield* and served on the landing craft PA33–4. During the invasion of Normandy, Mr. Harbour's landing craft first helped reinforce Omaha Beach with soldiers before making several more landings on Utah Beach under constant gunfire from several fortified German positions. After the European campaign was over, Tommy continued to serve in the Pacific Theater. He and his fellow soldiers played crucial roles in the invasion of Iwo Jima and the invasion of Okinawa in 1945.

Following the war, Tommy Harbour was honorably discharged on May 27, 1946, when he returned home to Milton, WV. Tommy went on to once again answer the call of duty, serving as the mayor of Milton for 17 years. During his time as mayor, Tommy showed strong commitment to helping those he served. Mr. Harbour had a reputation for thoroughly examining the issues before him and ensuring the best possible course of action was taken. As mayor, Tommy was approachable and always willing to listen to people's thoughts and concerns. The enhancements he helped orchestrate, such as flood protection and improving the police department, will be attributes to Milton for years to come.

Tommy Harbour is an outstanding American and a true West Virginian. He is a perfect model of the impact one man can have. Mr. Harbour has lived a life of service, always giving and never asking for anything in return. This story of his bravery and willingness to serve his community is a great example of the accomplishments we are all capable of and I hope it has inspired my fellow colleagues and individuals nationwide.●

COMMENDING DR. EPHRAIM ZUROFF

● Mr. SMITH. Mr. President, I rise today to commend Dr. Ephraim Zuroff and the Simon Wiesenthal Center for their efforts to track down the last Nazi war criminals from World War II. Their work is enormously important, both in bringing the guilty to justice and preventing future acts of genocide. The statute of limitations does not—must not—expire on crimes against humanity. Earlier this year, I introduced the World War II War Crimes Accountability Act with Senator NELSON, which I hope will help Dr. Zuroff and the Simon Wiesenthal Center in their noble effort.

One of the main targets of this effort is Milivoj Asner, who during World War II was the fascist police chief of Pozega, Yugoslavia. Serving the Nazi-allied Ustasha regime in his native Croatia, Asner presided over the destruction of the local Jewish, Serb, and Gypsy populations. After the war ended, Asner fled to Austria, where he lived in obscurity until he was finally charged with war crimes by Croatia in 2005. His extradition has been delayed, however, by Austrian federal and local bureaucratic obstruction. Austrian authorities have claimed that Asner is in poor health, though apparently that infirmity did not stop him from attending a Euro 2008 soccer game this past summer, where he was spotted by a British newspaper. In light of this evidence, the local and national Austrian authorities must summon the political will to bring Asner to justice.

The Simon Wiesenthal Center launched Operation: Last Chance in 2002 to identify and assist in the prosecution of the remaining Nazi war criminals still at large. Dr. Zuroff, who has been leading this effort, should be highly commended for his outstanding efforts in bringing the most guilty Nazis to justice. Of these, Asner is near the top of his list.

Even today, the crimes of people such as Asner in the service of pro-Nazi regimes strain our understanding of hate. National Socialist Germany today is an icon remembered only for its brutality, its mantra of genocide, and its culture of racism. And those last Nazis, who are waiting out their last days under the coming twilight, must not be allowed to go quietly into the night, as did too many of their victims. For the souls that were lost, and even more for those that remain, there must be justice. I commend Dr. Zuroff and the Simon Wiesenthal Center in the highest possible terms, and urge the U.S. Government to do all it can to help them in their cause.●

ARMSTRONG-RINGSTED COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Armstrong-Ringsted Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Armstrong-Ringsted Community School District received a 2002 Harkin grant totaling $1 million which it used to help build an addition to replace a 1915 building. The new building includes a science lab, an activity center/gymnasium and 10 classrooms. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received fire safety grants totaling $107,000 to make improvements throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Armstrong-Ringsted Community School District. In particular, I'd like to recognize the leadership of the board of education—Rod Foster, Paul Stevens, Howard Taylor, Betsey Ulrich, Don Looft and former members Marti Kindrick, Dale Anderson, Jan Hampton, Tom Mart, Greg Buum, Lisa

McConnell, Greg Anderson, Anita Larsen, and Rick Steinberger. I would also like to recognize superintendent Randy Collins, former superintendent Robert Raymer, board secretary Deb Obbink and building director Tom Mart.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Armstrong-Ringsted Community School District. There is no question that a quality public education for every child is a top priority in those communities. I salute them, and wish them a very successful new school year.●

BAXTER COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Baxter Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Baxter Community School District received a 2003 Harkin grant totaling $500,000 which it used towards building new elementary school classrooms. The additions also allowed the district to add a preschool classroom and partner with a local childcare center. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a fire safety grant in 1999 for $8,893, which was applied to a new detection system, wiring and exit signs at the high school.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Baxter Community School District. In particular, I would like to recognize the leadership of superintendent Neil Seales, building committee cochairs Jim Robinson, Julie McWhirter, and Larry Hesson, and the Baxter school board of directors.

Mr. President, as we mark the 10th anniversary of the Harkin School Grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Baxter Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

BENTON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Benton Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Benton Community School District received a 2001 Harkin grant totaling $100,000 which it used to build a fire wall and renovate the stage area of the Keystone Center building. The area was transformed into two classrooms for art and music. The Federal grant made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Benton Community School District. In particular, I'd like to recognize the leadership of the board of education—Brenda Schanbacher, Terry Harrington, Brian Strellner, Dan Voss, Tricia Schutterle, Bryce Brecht and Bill Boies and former board members Robyn Allen, George Martin, Connie Jacobsen, Elaine Harrington, Jeff Semelroth, Gary Kaiser and Chris Christensen. I would also like to recognize superintendent Gary Zittergruen and elementary school principal Tim Sanderson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Benton Community School District. There is no question that a quality

public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

CARLISLE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Carlisle Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Carlisle Community School District received a 2005 Harkin grant totaling $500,000 which it used to help replace the roof on the existing high school and to help build a new middle school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a 2005 fire safety grant totaling $100,000 which it used to update fire security systems in schools throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Carlisle Community School District. In particular, I would like to recognize the leadership of the board of education—Rob Joiner, Ann Polito, John Judisch, Mark Randleman and Michelle Tish. I would also like to recognize superintendent Tom Lane, district business manager Jean Flaws and Gary Schwartz of the Iowa Department of Education.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Carlisle Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

CENTERVILLE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Centerville Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Centerville Community School District has received $1 million in Harkin grant funding to modernize schools in the district. The district received a 2003 Harkin grant for $500,000 which it used to help remodel the third floor of the high school and build a modern science center addition. The district also received five fire safety grants totaling $500,000 to replace outdated electrical systems, to install updated fire alarm systems, to install new emergency lighting and to make other fire safety improvements throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Centerville Community School District. In particular, I would like to recognize the leadership of the board of education—Chris Hoffman, Steve Hoch, Deborah Watley, Jeri Pershy, Bill Matkovich, Brad Appler and Nick Hindley and former members Richard Roos, Deborah Egeland, Debbie Eurom, Shawna Stickler, Desiree Campbell, Joel Hollatz, Dr. David Fraser, Ray Tresemer and the late Brian Kauzlarich. I would also like to recognize superintendent Richard Turner, former superintendent Dr. Marvin Judkins, buildings and grounds director Ed Shirley and principals Ray Miller, Bruce Karpan and Scott Clark.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Centerville Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

EAST MARSHALL COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school

board members in the East Marshall Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The East Marshall Community School District received a 2005 Harkin grant totaling $500,000 which it used to help build an addition to the high school which included a new gymnasium, cafeteria and commons and classrooms for music and career education. The new facility received the highest rating from Alliant Energy for energy efficiency including a new geothermal system. The former cafeteria was renovated for art education. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received three fire safety grants totaling $40,967 to upgrade fire alarms, install new doors and make other improvements throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the East Marshall Community School District. In particular, I would like to recognize the leadership of the board of education—Mike Strawn, Dave Scott, Robert Thomas, Connie Allen and Steve Edwards. I would also like to recognize superintendent Dr. Alan Meyer, high school principal Rex Kozak, Dave Harrison from Design Alliance, the Weidt Group, Alliant Energy and the Iowa Department of Natural Resources.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the East Marshall Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

IOWA CITY COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Iowa City Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Iowa City Community School District received a 2002 Harkin grant totaling $1 million which it used to help build Tate Alternative High School. The district also received a 2004 construction grant for $500,000 to build an addition at Kirkwood Elementary School which includes a gymnasium and three kindergarten classrooms and to build an addition at Grant Wood Elementary School which includes a gymnasium, a family resource center and a prekindergarten classroom. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves. The district also received a $250,000 fire safety grant to make improvements at City High School.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Iowa City Community School District. In particular, I would like to recognize the leadership of the board of education—Toni Cilek, Liz Crooks, Mike Cooper, Patti Fields, Jan Leff, Gayle Klouda, Tim Krumm and Michael Shaw and former board members Pete Wallace, Matt Goodlaxson, Lauren Reece, Don Jackson, David Franker and Aletia Morgan as well as superintendent Lane Plugge and physical plant director Paul Schultz.

The Iowa City Community School District passed a $39 million bond issue to modernize facilities throughout the district including the three projects discussed earlier. I would like to recognize Charlie Funk and Sarah Swisher for their leadership on Yes for Kids Committee and the cities of Iowa City and Coralville for their partnerships with the district.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Iowa City Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

NEW HAMPTON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated

teachers, administrators, and school board members in the New Hampton Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The New Hampton Community School District received a 2001 Harkin grant totaling $275,000 which it used to help build a community fitness center in collaboration with the city of New Hampton. The district also received a 2002 grant for $260,000 to install a new HVAC system at the high school and four fire safety grants totaling $218,817 to make improvements to schools throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the New Hampton Community School District. In particular, I would like to recognize the leadership of the board of education—Deb Larsen, Bob Smith, Terry Anderson, Tom Rasmussen and Kevin Rieck and former board members Rich Stochl, Rick Holthaus, Tom Gansen, George Feazell, Virgil Pickar, Gerald Johnson, Dr. Todd Becker, Rich Goodwin, David Utterback and Clarence Kriener. I would also like to recognize superintendent Stephen Nicholson, former superintendents Bob Longmuir and Terry Christie, business manager and supervisor of buildings and grounds Bob Ayers, curriculum coordinator Linda Kennedy, high school principal Richard Evans, activities director Kelly O'Donnell, New Hampton Mayor Darwin Sittig and the New Hampton City Council, Chairman Steve Dahl and members of the board of trustees for the New Hampton Municipal Light Plant, Chip Schwickerath and Willis Hansen from the GIFT Campaign, and Lynn Schwickerath from the New Hampton Booster Club.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the New Hampton Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

OELWEIN COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Oelwein Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Oelwein Community School District received three Harkin grants totaling $1,129,212. The 1998 grant for $250,000 helped build the Oelwein Early Childhood Learning Center to provide classrooms for prekindergarten, preschool, child care, Head Start and before and after school programs. The 1999 grant for $750,000 helped build the Williams Performing Arts Center and Oelwein Wellness Center. The 2005 grant for $129,212 helped build the Regional Academy for Math Science and Technology. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Oelwein Community School District. In particular, I would like to recognize the leadership of the board of education—Jim Moeller, Charlene Stocker, David Schmidt, Kathy Adams, Jean Nelson, Candace King and Rick Myott and former board members Mary Davis, Harlan Peterson, Dave Lorenzen, Tim Conrey, Dr. George Harper, Marilyn Miller and Becky Hamann as well as superintendent James Patera, former superintendent Dr. Kent Mutchler, business manager/board secretary Joan Loew and former business manager/board secretary Keith Jarchow.

The city of Oelwein has been an important partner with the school district so I would like to recognize mayor Larry Murphy, former mayor Gene Vine, city manager Steven Kendall, and members of the city council—Mike Kerns, Paul Ryan, Duane Brandt, John Gosse, Nathan Lein, Rex Ericson and former members Viola Sims, Curt Solsma, Jacqueline Greco, Charles Geilenfeld, James Mazziotti, Terry Pepin and Duane Ohrt as well as community members Kevin Brooks, Lyle Miller and Tom Masey.

The projects also received strong support from the Greater Oelwein Area Charitable Foundation, Inc and I would like to recognize board members Donald Avenson, Stephen Bisenius, Steven Falck, Donald Frazer, Gene Fuelling and Ronald Van Veldlhuizen.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Oelwein Community School District. There is no question that a quality

public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

SPIRIT LAKE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Spirit Lake Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Spirit Lake Community School District received a 2002 Harkin grant totaling $953,709 which it used to help build a five classroom addition to the middle school for science, art, industrial arts, family and consumer science and for renovations at the high school. The district also received a 2000 fire safety grant for $69,300 to make improvements at the elementary and middle schools. These projects were part of a comprehensive facility plan developed by a committee of local citizens and the Federal grants have made it possible for the district to provide quality and safe schools for their students

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Spirit Lake Community School District. In particular, I would like to recognize the leadership of the board of education—president Beth Will, vice president Ann Goerss, Cliff Garvey, Scott Wicks and Todd Hummel and former board members Carol Schultz, Dr. Craig Newell, Mike Donahue and John Van Dyke. I would also like to recognize superintendent Douglas Latham, former superintendent Tim Grieves, high school principal Steve Ratzlaff and facility director Jim Tirevold.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Spirit Lake Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

WEBSTER CITY COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Webster City Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Webster City Community School District received two Harkin fire safety grants totaling $186,126 which it used to help replace windows at two elementary schools and to replace fire alarms, install safety glass and make other improvements throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Webster City Community School District. In particular, I would like to recognize the leadership of the Board of Education—Craig Loffredo, Judy Maubach, Loween Getter, Dan Ryherd and Pam Hayes and former board members Paul Hess, Dr. Subhash Sahai, Rick Rasmussen and Jack Foster. I would also like to recognize superintendent Mike Sherwood, director of building and grounds David Orton and former superintendents Dennis Bahr and Kay Forsythe.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Webster City Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED ON SEPTEMBER 23, 2001, WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 64

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2008.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 18, 2008*.

MESSAGE FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1594. An act to designate the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic.

H.R. 3019. An act to establish an Office of Housing Counseling to carry out and coordinate the responsibilities of the Department of Housing and Urban Development regarding counseling on homeownership and rental housing issues, to make grants to entities for providing such counseling, to launch a national housing counseling advertising campaign, and for other purposes.

H.R. 5772. An act to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

H.R. 6627. An act to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes.

H.R. 6842. An act to restore Second Amendment rights in the District of Columbia.

H.R. 6893. An act to amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

H.R. 6899. An act to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 6842. To restore Second Amendment rights in the District of Columbia.

H.R. 6899. An act to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes.

S. 3526. A bill to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7625. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Robert T. Dail, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7626. A communication from the Acting Secretary of the Air Force, transmitting, pursuant to law, the report of an Average Procurement Unit Cost (APUC) breach relative to the Advanced Extremely High Frequency satellite program (AEHF); to the Committee on Armed Services.

EC–7627. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report on the Department's Operation and Financial Support for Military Museums; to the Committee on Armed Services.

EC–7628. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to the Military Health System; to the Committee on Armed Services.

EC–7629. A communication from the Executive Director, Project on National Security Reform, providing notification that the required report relative to the national security interagency system will be submitted by October 15, 2008; to the Committee on Armed Services.

EC–7630. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report entitled ''Plan for Coordinating National Guard and Federal Military Force Disaster Response''; to the Committee on Armed Services.

EC–7631. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Acquisitions in Support of Operations in Iraq or Afghanistan'' (RIN0750–AG02) received on September 8, 2008; to the Committee on Armed Services.

EC–7632. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Limitation on Service Contracts for Military Flight Simulators'' (RIN0750–AG04) received on September 8, 2008; to the Committee on Armed Services.

EC–7633. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Security-Guard Functions'' (RIN0750–AF64) received on September 8, 2008; to the Committee on Armed Services.

EC–7634. A communication from a member of the Sensors and Instrumentation Technical Advisory Committee, transmitting, pursuant to law, a report entitled ''Availability of Uncooled Thermal Imaging Cameras in Controlled Countries''; to the Committee on Banking, Housing, and Urban Affairs.

EC–7635. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal Government Participation in the Automated Clearing House'' (RIN1510–AB00) received on September 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7636. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Clarification of the Classification of Crew Protection Kits on the Commerce Control List'' (RIN0694–AE24) received on September 2,

2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7637. A communication from the Acting Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemption from Registration Under Section 12(g) of the Securities Exchange Act of 1934 for Foreign Private Issuers'' (RIN3235–AK04) received on September 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7638. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((73 FR 48136)(44 CFR Part 65)) received on September 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7639. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((73 FR 48412)(44 CFR Part 67)) received on September 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7640. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((73 FR 48130)(44 CFR Part 64)) received on September 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7641. A communication from the Acting Deputy Assistant Secretary for Policy and Economic Development, Department of the Interior, transmitting, pursuant to law, a proposed plan for use and distribution of the Pueblo de San Ildefonso judgment funds; to the Committee on Indian Affairs.

EC–7642. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of proposed legislation relative to enhancing the Federal government's ability to prosecute individuals who seek and receive military-type training in support of terrorism; to the Committee on the Judiciary.

EC–7643. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of proposed legislation entitled ''Nuclear Terrorism Conventions Implementation Act of 2008''; to the Committee on the Judiciary.

EC–7644. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Control of a Chemical Precursor Used in the Illicit Manufacture of Fentanyl as a List I Chemical'' (RIN1117–AB12) received on September 8, 2008; to the Committee on the Judiciary.

EC–7645. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, (2) reports relative to vacancy announcements for the position of Assistant Secretary received on September 8, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7646. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''The American Dream Belongs to Everyone: A Report to Congress, the President, and the National Council on Disability''; to the Committee on Health, Education, Labor, and Pensions.

EC–7647. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–7648. A communication from the Deputy Assistant Secretary, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Guidelines for Processing Applications for Assistance to Conform to Sections 3013(h) and 3031 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act—A Legacy for Users and to Improve Processing for Administrative Efficiency'' received on September 8, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7649. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, a report entitled ''2008 Annual FAIR Act Inventory Summary''; to the Committee on Homeland Security and Governmental Affairs.

EC–7650. A communication from General Counsel, Department of Commerce, transmitting the report of a draft bill intended to amend title 35, United States Code, to authorize expenditure of funds for certain travel-related expenses of non-federal employees attending programs regarding intellectual property law and the effectiveness of intellectual property protection; to the Committee on Homeland Security and Governmental Affairs.

EC–7651. A communication from the Director for Acquisition Management and Procurement Executive, Department of Commerce, transmitting, pursuant to law, a report relative to the annual progress of the Department; to the Committee on Homeland Security and Governmental Affairs.

EC–7652. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–485, ''Workforce Housing Production Program Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7653. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–484, ''Adams Morgan Taxicab Zone Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7654. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–477, ''Student Voter Registration Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7655. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–476, ''Injured Fire Fighter Relief Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7656. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–475, ''Tenant Opportunity to Purchase Notification Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7657. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–474, ''Closing of a Public Alley in Square 700, S.O. 07–9626, Act of 2008'' received on September 8, 2008 ; to the Committee on Homeland Security and Governmental Affairs.

EC–7658. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–472, ''Taxation Without Representation Federal Tax Pay-Out Message Board Installation Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7659. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–483, ''Heat Wave Safety Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7660. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-482, ''Expanding Opportunities for Street Vending Around the Baseball Stadium Clarifying Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7661. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-481, ''Tingey Street, S.E. Right-of-Way Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7662. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-480, ''Recreation Enterprise Fund Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7663. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-479, ''Director of the Office of Public Education Facilities Modernization Allen Lew Compensation System Change and Pay Schedule Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7664. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-478, ''Abatement of Nuisance Properties and Tenant Receivership Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7665. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-486, ''Special Events Swimming Exception Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7666. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-493, ''Animal Protection Amendment Act of 2008'' received on September 9,

2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7667. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-494, ''Tenant-Owner Voting in Conversion Election Clarification Amendment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7668. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-495, ''Department of Transportation Establishment Amendment Act of 2008'' received on September 9, 2008 ; to the Committee on Homeland Security and Governmental Affairs.

EC–7669. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-498, ''Youth Council of the District of Columbia Establishment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7670. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-499, ''Southwest Waterfront Bond Financing Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7671. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-500, ''Center Leg Freeway (Interstate 395) Amendment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1070. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes (Rept. No. 110–470).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 3247. A bill to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes (Rept. No. 110–471).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3155. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes (Rept. No. 110–472).

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2969. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical healthcare professionals, and for other purposes (Rept. No. 110–473).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 540. A resolution recognizing the historical significance of the sloop-of-war USS Constellation as a reminder of the participation of the United States in the transatlantic slave trade and of the efforts of the United States to end the slave trade.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 3136. A bill to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ:

S. 3514. A bill to amend the Immigration and Nationality Act to promote family unity and for other purposes; to the Committee on the Judiciary.

By Mr. WHITEHOUSE:

S. 3515. A bill to establish 4 regional institutes as centers of excellence for research, planning, and related efforts to assess and prepare for the impacts of climate change on ocean and coastal areas; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 3516. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. HARKIN, Mr. INOUYE, and Mr. FEINGOLD):

S. 3517. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetic devices and components and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. CRAPO):

S. 3518. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. FEINSTEIN, Mrs. MCCASKILL, and Mr. WYDEN):

S. 3519. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON (for herself, Mr. VOINOVICH, and Mr. BROWN):

S. 3520. A bill to establish a grant program for automated external defibrillators in elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN:

S. 3521. A bill to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers Jr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE:

S. 3522. A bill to establish a Federal Board of Certification to enhance the transparency, credibility, and stability of financial markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENZI:

S. 3523. A bill to provide 8 steps for energy sufficiency, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mr. BIDEN):

S. 3524. A bill to improve the Office for State and Local Law Enforcement, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 3525. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the ''Star-Spangled Banner'', and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. GRAHAM, Mrs. FEINSTEIN, and Mr. LUGAR)):

S. 3526. A bill to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage; read the first time.

By Mr. AKAKA (for himself, Ms. SNOWE, Mr. FEINGOLD, Ms. LANDRIEU, Mr. JOHNSON, Ms. MURKOWSKI, Mr. THUNE, Mr. STEVENS, and Mr. ROCKEFELLER):

S. 3527. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Ms. CANTWELL, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Ms. STABENOW, Mr. WYDEN, Mr. BURR, Mr. DOMENICI, Mr. ENSIGN, Mr. HAGEL, and Mr. LUGAR):

S. Res. 665. A resolution designating October 3, 2008, as ''National Alternative Fuel Vehicle Day''; to the Committee on the Judiciary.

By Mr. ROBERTS (for himself, Mr. SALAZAR, Ms. COLLINS, Mr. LUGAR, Mrs. DOLE, Mr. SPECTER, Mr. COLEMAN, Mr. VOINOVICH, Mr. INHOFE, Mr. HAGEL, Mr. SMITH, Ms. SNOWE, Mr. MENENDEZ, Mr. BYRD, Ms. STABENOW, Mr. BINGAMAN, Mr. WYDEN, Mr. NELSON of Nebraska, Mrs. BOXER, Mr. WHITEHOUSE, Mr. CASEY, Mr. BAYH, Mr. LEVIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. KERRY, Mr. HARKIN, Mrs. LINCOLN, Mr. DURBIN, and Mr. NELSON of Florida):

S. Res. 666. A resolution recognizing and honoring the 50th anniversary of the founding of AARP; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. SCHUMER, Mr. CHAMBLISS, Mrs. CLINTON, Mr. INOUYE, Mr. VITTER, Ms. COLLINS, Ms. SNOWE, Mrs. DOLE, Mrs.

BOXER, Mr. GRASSLEY, Mr. SHELBY, Mr. LIEBERMAN, Mr. INHOFE, Ms. LANDRIEU, Mr. STEVENS, Mr. DOMENICI, Mr. CRAPO, Mr. BAYH, Mr. BARRASSO, Ms. STABENOW, Mr. BUNNING, Mr. FEINGOLD, Mr. WHITEHOUSE, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. BROWNBACK, Mr. WARNER, Mr. CARDIN, Mr. BAUCUS, Mrs. LINCOLN, Mr. LEVIN, Mr. HATCH, Mr. MENENDEZ, Mr. CASEY, Mr. JOHNSON, Mr. BENNETT, Mr. DORGAN, Mr. ISAKSON, and Mr. WYDEN):

S. Res. 667. A resolution designating September 2008 as ''National Prostate Cancer Awareness Month''; considered and agreed to.

By Mr. KERRY:

S. Res. 668. A resolution to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 519

At the request of Mr. MCCAIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 519, a bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 777

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Washington (Mrs. MURRAY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 860

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 1069

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1069, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 1232

At the request of Mr. DODD, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from South Dakota (Mr. THUNE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1235

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1235, a bill to impose appropriate penalties for the assault or murder of a Federal law enforcement officer or Federal judge, for the retaliatory assault or murder of a family member of a Federal law enforcement officer or Federal judge, and for other purposes.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1738

At the request of Mr. REID, the names of the Senator from Montana (Mr. TESTER), the Senator from Arkansas (Mr. PRYOR), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1810

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1810, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

S. 1895

At the request of Mr. REED, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2794

At the request of Mr. KOHL, the name of the Senator from California (Mrs.

BOXER) was added as a cosponsor of S. 2794, a bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security.

S. 2883

At the request of Mr. ROCKEFELLER, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Maine (Ms. COLLINS), the Senator from North Carolina (Mrs. DOLE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was withdrawn as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3038, supra.

S. 3046

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3046, a bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes.

S. 3198

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3198, a bill to amend title 46, United States Code, with respect to the navigation of submersible or semi-submersible vessels without nationality.

S. 3300

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3300, a bill to amend title XVIII of the Social Security Act to provide for temporary improvements to the Medicare inpatient hospital payment adjustment for low-volume hospitals and to provide for the use of the non-wage adjusted PPS rate under the Medicare-dependent hospital (MDH) program, and for other purposes.

S. 3325

At the request of Mr. SPECTER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3356

At the request of Mr. CHAMBLISS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

S. 3389

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3389, a bill to require, for the benefit of shareholders, the disclosure of payments to foreign governments for the extraction of natural resources, to allow such shareholders more appropriately to determine associated risks.

S. 3416

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. BOXER), the Senator from Minnesota (Mr. COLEMAN), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3416, a bill to amend section 40122(a) of title 49, United States Code, to improve the dispute resolution process at the Federal Aviation Administration, and for other purposes.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3456

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3456, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 3468

At the request of Mr. SCHUMER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3468, a bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs.

S. 3484

At the request of Mr. SPECTER, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Mr. COLEMAN), the Senator from Florida (Mr. NELSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3484, a bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

S. 3495

At the request of Mrs. BOXER, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 3495, a bill to protect pregnant women and children from dangerous lead exposures.

S. 3503

At the request of Mr. DORGAN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3503, a bill to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network.

S. 3507

At the request of Mr. REED, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Oregon (Mr. SMITH) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3507, a bill to provide for additional emergency unemployment compensation.

S. 3511

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3511, a bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

S. 3513

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 3513, a bill to direct the Administrator of the Environmental Protection Agency to revise regulations relating to lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil, and for other purposes.

S. RES. 660

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 660, a resolution condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan.

S. RES. 661

At the request of Mr. DODD, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 661, a resolution supporting the goals and ideals of National Spina Bifida Awareness Month.

S. RES. 662

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 662, a resolution raising the awareness of the need for crime prevention in communities across the country and designating the week of October 2, 2008, through October 4, 2008, as ''Celebrate Safe Communities'' week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 3516. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

Mr. CRAIG. Mr. President, I come to the floor today to introduce the Idaho Efficient Vehicle Demonstration Act of 2008. I am pleased that my colleague, Senator CRAPO, is fully supportive and an original cosponsor of this bill, and that an identical bill will be introduced today in the House of Representatives by our colleagues, Representatives MIKE SIMPSON and BILL SALI.

This is a bill that is very important to the State of Idaho. It is a bill that will improve the efficiency of freight movement within the State, provide significant economic benefits to a variety of local natural resource-based industries, and establish a record attesting to the safety of heavier, more efficient vehicles.

The State of Idaho has long recognized the need to provide a more productive means of freight transport. In light of that, the Idaho State Legislature created a pilot project in 2003 to allow vehicle combinations weighing up to 129,000 pounds on designated routes within the State highway system. As a result of this pilot project, Idaho has realized significant economic benefits and has established a strong record of safety while utilizing more efficient vehicles.

Idaho's sugar beet, potato, grain, dairy and phosphate industries reported that participation in the pilot project resulted in reduced fuel consumption and equipment maintenance and increased productivity based on estimates of five to eight percent savings in freight costs. Amalgamated Sugar Company reported 30,000 fewer truck trips, resulting in an estimated savings of just under $300,000.

This pilot project has been in effect for 5 years and no safety concerns have been raised by the participants or by the Idaho Transportation Department in their initial report last year. In fact, survey responses from pilot project participants found that safety was the same or greater due to the reduced numbers of trucks on the road. Similarly, the pilot project has not been found to create a significant change in pavement conditions when compared to previous years.

In light of this 5-year record, I believe it is appropriate and necessary to make a very small, targeted expansion of this project by adding limited stretches of Federal highway to the existing State pilot project to help connect our State and Federal roads so that the movement of goods can proceed more efficiently in the future.

This small expansion is necessary for several reasons. Idaho's neighboring States of Montana, Nevada, Utah and Wyoming do not have such stringent limits on their Federal highways due to grandfathered rights. This puts Idaho at a distinct competitive disadvantage and slows the free flow of freight between neighboring States. This bill would help to even that disparity in weight restrictions among our neighbors. It will also provide valuable data and information to the U.S. Department of Transportation as to the net beneficial effects to our infrastructure by requiring that road, bridge and accident information is gathered and reported.

This bill has the strong support of Idaho Governor Butch Otter, the Idaho Transportation Department, and the business community, including both shippers and motor carriers. The Idaho Trucking Association has specifically endorsed this proposal as have numerous shipper companies that are based in my home State.

I recognize that there are significant challenges facing the freight industry and, by association, our natural resource-based industries that rely heavily on trucks to move their freight. Changes in truck emission requirements, a seemingly perpetual driver shortage, sustained high fuel costs, and increasing insurance premiums are only a few of the challenges that face truck companies and struggling industries in Idaho. With that said, this is one step that can be taken to relieve some of the burden on our freight industry, and do so in a safe, economic and environmentally friendly fashion.

If enacted, this bill will improve safety by reducing the number of trucks on Idaho roads. It will have a positive environmental impact by reducing diesel consumption and emissions. It will provide an economic boost to the State by reducing wear and tear on Idaho highways and improving the competitiveness of our natural resource industries.

In light of the enormous task of reauthorizing our Nation's surface transportation policy next year, it is important that proposals of this nature be allowed time to be discussed and vetted at length. Ultimately, it is my hope that we might be able to make some targeted changes to Federal weight restrictions in order to achieve significant environmental and economic gains while still keeping the highest regard for safety.

I look forward to working with my colleagues in the Senate to move forward this important issue.

By Ms. SNOWE (for herself, Mr. HARKIN, Mr. INOUYE, and Mr. FEINGOLD):

S. 3517. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetic devices and components and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Today I rise with Senator TOM HARKIN of Iowa to introduce bipartisan legislation aimed at reducing disability in our Nation. As the Congress moves this week to ensure the strength of the landmark Americans with Disabilities Act, we must continue to work to ensure that every American has the means to overcome physical impairment. I am honored to be joined today by Senator HARKIN—who has long championed the ADA—as well as Senators DANIEL INOUYE, and RUSS FEINGOLD—as we act to ensure that those with group health insurance are able to access needed prosthetic care in order to lead full and independent lives.

This year over 130,000 individuals will undergo amputation procedures, often as a complication of diabetes or other chronic disease. For such individuals an appropriate prosthetic limb reduces disability and allows them to maintain employment and lead more productive lives.

Today many amputees receive prosthetics through their coverage by the VA, Medicare, Medicaid, or S–CHIP. Yet too often individuals without such coverage find that their private plan requires copayments for a needed prosthetic which they simply cannot afford, or imposes a ''lifetime cap'' which

prevents them from replacing an existing prosthetic when needed.

So with an estimated two million individuals living with limb differences or loss in the United States, the impact of severely-restricted prosthetic coverage can be devastating. This is even more so for the estimated 70,000 amputees under the age of 18. Sadly, we see those children particularly affected as their growth increases the frequency with which a prosthetic requires replacement. That can quickly exceed a parent's ability to meet copayment requirements—a coverage cap may deny access to a replacement prosthetic.

So it is easy to see why 11 States—including my own State of Maine—have enacted legislation to assure reasonable coverage of prosthetics, and why more than half of the States are now examining parity for prosthetics. Studies in different States have reported that the imposition of parity can be expected to raise monthly health plan premiums by approximately 12 to 50 cents a month. That low cost helps keep amputees productive, and avoids shifting health costs to public programs—simply because the needed prosthetic could not be obtained, and the individual saw their function and productivity decline until they had to rely on public assistance.

That is so unnecessary and inappropriate. The legislation which we are introducing today—the Prosthetics Parity Act of 2008—will ensure that group health plans treat coverage of such prosthetic devices on par with other essential medical care covered by health insurance. It does not mandate coverage, but it does assure than when it is offered, it is not so restricted or capped that it does not assure an amputee of the prosthetic they require.

As we move forward to ensure greater opportunity and accommodation for Americans with disabilities, it is so timely that we ensure the appropriate access to prosthetics to help reduce disability. I call on my colleagues to join us in supporting this legislation to further the vision of greater opportunity for those with disabilities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3517

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prosthetics Parity Act of 2008''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) There are more than 1,800,000 people in the United States living with limb loss.

(2) Every year, there are more than 130,000 people in the United States who undergo amputation procedures.

(3) In addition, United States military personnel serving in Iraq and Afghanistan and around the world have sustained traumatic injuries resulting in amputation.

(4) The number of amputations in the United States is projected to increase in the years ahead due to the rising incidence of diabetes and other chronic illness.

(5) Those suffering from limb loss can and want to regain their lives as productive members of society.

(6) Prosthetic devices enable amputees to continue working and living productive lives.

(7) Insurance companies have begun to limit reimbursement of prosthetic equipment costs to unrealistic levels or not at all and often restrict coverage over an individual's lifetime, which shifts costs onto the Medicare and Medicaid programs.

(8) Eleven States have addressed this problem and have prosthetic parity legislation.

(9) Prosthetic parity legislation has been introduced and is being actively considered in 30 States.

(10) The States in which prosthetic parity laws have been enacted have found there to be minimal or no increases in insurance premiums and have reduced Medicare and Medicaid costs.

(11) Prosthetic parity legislation will not add to the size of government or to the costs associated with the Medicare and Medicaid programs.

(12) If coverage for prosthetic devices and components are offered by a group health insurance policy, then providing such coverage of prosthetic devices on par with other medical and surgical benefits will not increase the incidence of amputations or the number of individuals for which a prosthetic device would be medically necessary and appropriate.

(13) In States where prosthetic parity legislation has been enacted, amputees are able to return to a productive life, State funds have been saved, and the health insurance industry has continued to prosper.

(14) Prosthetic services allow people to return more quickly to their preexisting work.

(b) PURPOSE.—It is te purpose of this Act to require that each group health plan that provides both coverage for prosthetic devices and components and medical and surgical benefits, provide such coverage under terms and conditions that are no less favorable that the terms and conditions under which such benefits are provided for other benefits under such plan.

SEC. 3. PROSTHETICS PARITY.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. PROSTHETICS PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits for prosthetic devices and components (as defined under subsection (d)(1))—

''(1) such benefits for prosthetic devices and components under the plan (or coverage) shall be provided under terms and conditions that are no less favorable than the terms and conditions applicable to substantially all medical and surgical benefits provided under the plan (or coverage);

''(2) such benefits for prosthetic devices and components under the plan (or coverage) may not be subject to separate financial requirements (as defined in subsection (d)(2)) that are applicable only with respect to such benefits, and any financial requirements applicable to such benefits shall be no more restrictive than the financial requirements applicable to substantially all medical and surgical benefits provided under the plan (or coverage); and

''(3) any treatment limitations (as defined in subsection (d)(3)) applicable to such benefits for prosthetic devices and components under the plan (or coverage) may not be more restrictive than the treatment limitations applicable to substantially all medical and surgical benefits provided under the plan (or coverage).

''(b) IN NETWORK AND OUT-OF-NETWORK STANDARDS.—

''(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits and benefits for prosthetic devices and components, and that provides both in-network benefits for prosthetic devices and components and out-of-network benefits for prosthetic devices and components, the requirements of this section shall apply separately with respect to benefits under the plan (or coverage) on an in-network basis and benefits provided under the plan (or coverage) on an out-of-network basis.

''(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or health insurance coverage offered in connection with a group health plan) eliminate an out-of-network provider option from such plan (or coverage) pursuant to the terms of the plan (or coverage).

''(c) ADDITIONAL REQUIREMENTS.—

''(1) PRIOR AUTHORIZATION.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that requires, as a condition of coverage or payment for prosthetic devices and components under the plan (or coverage), prior authorization, such prior authorization must be required in the same manner as prior authorization is required by the plan (or coverage) as a condition of coverage or payment for all similar benefits provided under the plan (or coverage).

''(2) LIMITATION ON MANDATED BENEFITS.—Coverage for required benefits for prosthetic devices and components under this section shall be limited to coverage of the most appropriate device or component model that adequately meets the medical requirements of the patient, as determined by the treating physician of the patient involved.

''(3) COVERAGE FOR REPAIR OR REPLACEMENT.—Benefits for prosthetic devices and components required under this section shall include coverage for the repair or replacement of prosthetic devices and components, if the repair or replacement is determined appropriate by the treating physician of the patient involved.

''(4) ANNUAL OR LIFETIME DOLLAR LIMITATIONS.—A group health plan (or health insurance coverage offered in connection with a group health plan) shall not impose any annual or lifetime dollar limitation on benefits for prosthetic devices and components required to be covered under this section unless such limitation applies in the aggregate to all medical and surgical benefits provided under the plan (or coverage) and benefits for prosthetic devices components.

''(d) DEFINITIONS.—In this section:

''(1) PROSTHETIC DEVICES AND COMPONENTS.—The term 'prosthetic devices and components' means those devices and components that may be used to replace, in

whole or in part, an arm or leg, as well as the services required to do so and includes external breast prostheses incident to mastectomy resulting from breast cancer.

''(2) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or health insurance coverage and also includes the application of annual and lifetime limits.

''(3) TREATMENT LIMITATIONS.—The term 'treatment limitations' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following:

''Sec. 714. Prosthetics parity.''.

(b) PHSA.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

''SEC. 2707. PROSTHETICS PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits for prosthetic devices and components (as defined under subsection (d)(1))—

''(1) such benefits for prosthetic devices and components under the plan (or coverage) shall be provided under terms and conditions that are no less favorable than the terms and conditions applicable to substantially all medical and surgical benefits provided under the plan (or coverage);

''(2) such benefits for prosthetic devices and components under the plan (or coverage) may not be subject to separate financial requirements (as defined in subsection (d)(2)) that are applicable only with respect to such benefits, and any financial requirements applicable to such benefits shall be no more restrictive than the financial requirements applicable to substantially all medical and surgical benefits provided under the plan (or coverage); and

''(3) any treatment limitations (as defined in subsection (d)(3)) applicable to such benefits for prosthetic devices and components under the plan (or coverage) may not be more restrictive than the treatment limitations applicable to substantially all medical and surgical benefits provided under the plan (or coverage).

''(b) IN NETWORK AND OUT-OF-NETWORK STANDARDS.—

''(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits and benefits for prosthetic devices and components, and that provides both in-network benefits for prosthetic devices and components and out-of-network benefits for prosthetic devices and components, the requirements of this section shall apply separately with respect to benefits under the plan (or coverage) on an in-network basis and benefits provided under the plan (or coverage) on an out-of-network basis.

''(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or health insurance coverage offered in connection with a group health plan) eliminate an out-of-network provider option from such plan (or coverage) pursuant to the terms of the plan (or coverage).

''(c) ADDITIONAL REQUIREMENTS.—

''(1) PRIOR AUTHORIZATION.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that requires, as a condition of coverage or payment for prosthetic devices and components under the plan (or coverage), prior authorization, such prior authorization must be required in the same manner as prior authorization is required by the plan (or coverage) as a condition of coverage or payment for all similar benefits provided under the plan (or coverage).

''(2) LIMITATION ON MANDATED BENEFITS.—Coverage for required benefits for prosthetic devices and components under this section shall be limited to coverage of the most appropriate device or component model that adequately meets the medical requirements of the patient, as determined by the treating physician of the patient involved.

''(3) COVERAGE FOR REPAIR OR REPLACEMENT.—Benefits for prosthetic devices and components required under this section shall include coverage for the repair or replacement of prosthetic devices and components, if the repair or replacement is determined appropriate by the treating physician of the patient involved.

''(4) ANNUAL OR LIFETIME DOLLAR LIMITATIONS.—A group health plan (or health insurance coverage offered in connection with a group health plan) shall not impose any annual or lifetime dollar limitation on benefits for prosthetic devices and components required to be covered under this section unless such limitation applies in the aggregate to all medical and surgical benefits provided under the plan (or coverage) and benefits for prosthetic devices components.

''(d) DEFINITIONS.—In this section:

''(1) PROSTHETIC DEVICES AND COMPONENTS.—The term 'prosthetic devices and components' means those devices and components that may be used to replace, in whole or in part, an arm or leg, as well as the services required to do so and includes external breast prostheses incident to mastectomy resulting from breast cancer.

''(2) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by an enrollee with respect to benefits under the plan or health insurance coverage and also includes the application of annual and lifetime limits.

''(3) TREATMENT LIMITATIONS.—The term 'treatment limitations' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans (and health insurance coverage offered in connection with group health plans) for plan years beginning on or after the date of the enactment of this Act.

SEC. 4. FEDERAL ADMINISTRATIVE RESPONSIBILITIES.

(a) ASSISTANCE TO ENROLLEES.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall provide assistance to enrollees under plans or coverage to which the amendment made by section 3 apply with any questions or problems with respect to compliance with the requirements of such amendment.

(b) AUDITS.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall provide for the conduct of random audits of group health plans (and health insurance coverage offered in connection with such plans) to ensure that such plans (or coverage) are in compliance with the amendments made by section (3).

(c) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on the cost of the health insurance coverage, on access to health insurance coverage (including the availability of in-network providers), on the quality of health care, on benefits and coverage for prosthetics devices and components, on any additional cost or savings to group health plans, on State prosthetic devices and components benefit mandate laws, on the business community and the Federal Government, and on other issues as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the appropriate committee of Congress a report containing the results of the study conducted under paragraph (1).

(d) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall promulgate final regulations to carry out this Act and the amendments made by this Act.

By Mr. BINGAMAN (for himself and Mr. CRAPO):

S. 3518. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, one of the credit crunch's most unfair—but least-discussed—impacts is its severe curtailment of municipalities' ability to raise capital for critical infrastructure projects. Because municipalities did not engage in the financial ''innovation'' that led to this situation, they are merely innocent bystanders swept up in a national crisis. Congress must take swift action to mitigate the credit crunch's impact on U.S. municipalities. To do so, I rise today to introduce the Municipal Bond Market Support Act of 2008. By relaxing outdated restrictions that prevent banks from acquiring municipal debt, the Act will significantly enhance demand for municipal bonds, thus aiding municipalities across the Nation—particularly those in small and rural communities—in financing essential infrastructure projects. I thank my friend from Idaho, Mr. CRAPO, a colleague on the Finance Committee, for joining me in introducing this bipartisan legislation.

Federal policy has long recognized the critical role of municipal bonds in enabling communities to undertake critical investments. But the liquidity crisis has dried up available capital for bonds, both municipal and corporate, at a time when the municipal bond market is already reeling from other

setbacks. The auction-rate security market's collapse, which forced municipal issuers to refinance or convert more than $80 billion of their total $166 billion in such securities, has already cost municipalities more than $1 billion, thus pushing new municipal bond issuance out of reach for many municipalities. Meanwhile, when the Nation's two largest bond insurers were downgraded earlier this year, the underlying municipal bonds saw a corresponding downgrade—a penalty for merely being ''wrapped'' in the downgraded firm's insurance.

Taken together, these forces have driven yields on benchmark, 30-year tax-exempt debt to their highest levels since July 2004. These high rates have dramatically increased costs for municipalities facing interest payments on outstanding floating-rate municipal bonds, while making it more costly for municipalities to issue new debt. In the first half of 2008, long-term municipal issuance dropped 4.1 percent over the prior year, and a further drop is predicted in the second half; for new issuances, the interest costs have vastly increased. Given the credit crunch's severity, full recovery is probably a long way off. The timing could not be less opportune—the financial slowdown will cause municipal budget deficits to balloon, just when the need for infrastructure enhancements could not be more apparent.

Our bill, which largely mirrors a companion already introduced in the House by Chairman FRANK and Chairman NEAL of the House Ways and Means Select Revenue Measures Subcommittee, would stimulate demand—and therefore lower borrowing costs for issuing municipalities—by relaxing restrictions on banks' ability to participate in the municipal bond market.

To understand the proposed changes, it is useful to briefly review the tax code's current rules regarding banks' holding of municipal debt. Prior to 1986, banks were generally permitted to deduct the full interest costs they incurred unless a borrowing was incurred or continued to purchase or hold such bonds. Consequently, banks made up a significant share of the demand for municipal debt. But the 1986 tax reform eliminated this deduction for banks by requiring a pro-rata interest expense disallowance, with a limited ''qualified small issuer'' exception that permits banks to deduct 80 percent of the cost of purchasing and carrying bonds of governmental entities that issue $10 million or less in municipal bonds in any calendar year. This exception was added because small issuers' infrequent and small borrowing amounts make it too costly for them to sell debt in the national capital markets, leaving private placements with local banks the most feasible and cost-effective alternative.

To increase demand for municipal debt, the bill makes two modifications to these limitations. First, it would raise the bank qualified limit for small issuers from $10 million to $30 million, and then index the new limit for inflation. Municipalities that issue between $10 million and $30 million will thus be able to raise capital through private placements. Because private placements generally carry no underwriting fees and require no offering document, the up-front issuing costs to municipalities are far lower than issuing debt on the public markets. More critically, interest payments are far lower: Interest on such ''bank qualified'' debt averages 40 basis points, 0.40 percent, less than interest on nonbank qualified debt.

Failing to raise the bank-qualified level from the amount set in 1986 has real consequences for American communities. For instance, many small hospitals and healthcare facilities, even in small population States, cannot take advantage of today's small-issuer exception because they borrow through statewide authorities that issue bonds on behalf of multiple institutions, thereby exceeding the $10 million limit. In my home state, the New Mexico Hospital Equipment Loan Council tells me that if the $10 million limit had instead been $30 million, then many hospitals in our state's rural communities would have been able to secure funding to acquire additional hospital equipment, among them, Sierra Vista Hospital in Truth or Consequences; the Prairie Meadows assisted living facility in Clovis; and the Las Cruces Mental Health Center in Las Cruces. For each of these entities, the prospective borrower was instead forced to seek alternative, higher-cost capital options—or could not secure funding to complete the transaction.

As another example, the City of Las Cruces would benefit from this bill. The city has had five debt issues in the last 5 years that exceeded $10 million. The financial advisor under contract to the City estimates that the difference in rates, with a higher limit on bank qualified debt, would be about 20 basis points—a savings that would be passed on to the taxpayers and rate payers in our community.

Second, as concerns municipalities that issue more than $30 million in debt annually, the bill would allow financial institutions to hold up to 2 percent of their total assets in such debt, without disallowing a proportional amount of their interest expense deduction. This change is intended to restore bank demand and provide some stability by bringing this group of institutional investors back into the municipal market. Nonfinancial companies already benefit from this safe harbor, so in this regard, the bill creates parity. Many larger municipal infrastructure projects have costs in excess of $30 million, and bank investment can only help these critical projects succeed.

Finally, it bears mentioning that this bill offers at least two collateral benefits. First, enabling local governments to undertake additional infrastructure investments will help to stimulate our challenged economy. Second, by enabling banks to acquire municipal bonds—the safest class of security—the bill will enhance the stability of banks at a time that they face considerable financial pressure.

I am pleased that this bill has been endorsed by a number of organizations, including the National League of Cities; U.S. Conference of Mayors; National Association of Counties; Government Finance Officers Association; International City/County Management Association; National Association of State Auditors, Comptrollers and Treasurers; National Association of State Treasurers; Council of Infrastructure Financing Authorities; Education Finance Council; and National Association of Health and Educational Facilities Finance Authorities.

I hope my colleagues will join with Senator CRAPO and me in working to enhance liquidity in the municipal bond market. Our bill will go a long way toward ensuring that our cities, towns, counties, utility districts, and school districts can secure affordable financing to undertake the infrastructure projects that our communities sorely need.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3518

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Municipal Bond Market Support Act of 2008''.

SEC. 2. MODIFICATION OF SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) INCREASE IN LIMITATION.—Subparagraphs (C)(i), (D)(i), and (D)(iii)(II) of section 265(b)(3) of the Internal Revenue Code of 1986 are each amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

(b) REPEAL OF AGGREGATION RULES APPLICABLE TO SMALL ISSUER DETERMINATION.—Paragraph (3) of section 265(b) of such Code is amended by striking subparagraphs (E) and (F).

(c) ELECTION TO APPLY LIMITATION AT BORROWER LEVEL.—Paragraph (3) of section 265(b) of such Code, as amended by subsection (b), is amended by adding at the end the following new subparagraph:

''(E) ELECTION TO APPLY LIMITATION ON AMOUNT OF OBLIGATIONS AT BORROWER LEVEL.—

''(i) IN GENERAL.—An issuer, the proceeds of the obligations of which are to be used to make or finance eligible loans, may elect to apply subparagraphs (C) and (D) by treating each borrower as the issuer of a separate issue.

''(ii) ELIGIBLE LOAN.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'eligible loan' means one or more loans to a qualified borrower the proceeds of which are used by the borrower and the outstanding balance of which in the aggregate does not exceed $30,000,000.

''(II) QUALIFIED BORROWER.—The term 'qualified borrower' means a borrower which is an organization described in section 501(c)(3) and exempt from taxation under section 501(a) or a State or political subdivision thereof.

''(iii) MANNER OF ELECTION.—The election described in clause (i) may be made by an issuer for any calendar year at any time prior to its first issuance during such year of obligations the proceeds of which will be used to make or finance one or more eligible loans.''.

(d) INFLATION ADJUSTMENT.—Paragraph (3) of section 265(b) of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subparagraph:

''(F) INFLATION ADJUSTMENT.—In the case of any calendar year after 2009, the $30,000,000 amounts contained in subparagraphs (C)(i), (D)(i), (D)(iii)(II), and (E)(ii)(I) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2008' 'for calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $100,000.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SEC. 3. DE MINIMIS SAFE HARBOR EXCEPTION FOR TAX-EXEMPT INTEREST EXPENSE OF FINANCIAL INSTITUTIONS AND BROKERS.

(a) FINANCIAL INSTITUTIONS.—Subsection (b) of section 265 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) DE MINIMIS EXCEPTION.—Paragraph (1) shall not apply to any financial institution if the portion of the taxpayer's holdings of tax-exempt securities is less than 2 percent of the taxpayer's assets.''.

(b) BROKERS.—Subsection (a) of section 265 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) DE MINIMIS EXCEPTION.—Paragraph (2) shall not apply to any broker (as defined in section 6045(c)(1)) if the portion of the taxpayer's holdings of tax-exempt securities is less than 2 percent of the taxpayer's assets.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mrs. FEINSTEIN, Mrs. MCCASKILL, and Mr. WYDEN):

S. 3519. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, today I am introducing the Puppy Uniform Protection and Safety Act, or PUPS Act.

In recent years, media reports have highlighted the cruel treatment of dogs raised by irresponsible breeders in large-scale commercial operations. The facilities operated by the most negligent owners are often referred to as puppy mills, because they churn out dogs the way a factory would—with little or no respect for the animals' quality of life.

Let me be clear, there are many responsible dog breeders across the country who care about and take great pains to properly look after the animals in their care. Those breeders are not the target of this legislation.

Unfortunately, the less scrupulous ''puppy mills'' threaten the reputation of the entire industry. The dogs bred or raised in puppy mills are often housed in cramped, dirty, wire cages. To maximize profit, a breeder may stack cages on top of each other or keep the cages outdoors where dogs are exposed to the elements. The dogs may never be given a chance to exercise or even walk on solid ground. Some animals rescued from puppy mills show signs of malnutrition and dehydration, having been denied a sufficient supply of food and water. Puppies raised in these settings don't always have regular veterinary, and the breeding females are made to have litter after litter of puppies.

Not surprisingly, this treatment has an effect on the physical and mental health of the animals raised in these facilities.

Veterinarians in Illinois have shared with me heartbreaking tales of families who unknowingly purchased dogs that had been raised in puppy mills. Those dogs turn out to have serious health and behavioral problems. By the time these conditions are diagnosed, the families have welcomed the new puppy into the family and developed a strong emotional attachment. In some cases, the puppies could be treated, but often at great expense to their new owners. These families face very difficult decisions.

Today, people can go on-line and research puppies available for purchase with the simple click of a mouse. You can't blame people for using the convenience of shopping online, but some puppy mill operators advertise on the internet so that they can bypass the pet store. That way, the breeder can avoid the Federal licensing requirements of the Animal Welfare Act, which apply only to wholesale breeders. That means that finding your puppy on-line may well increase the chance that you'll be buying from a puppy mill.

The PUPS Act I am introducing today, along with Senators FEINSTEIN, MCCASKILL, and WYDEN, would amend the Animal Welfare Act to require that breeders obtain a license from the USDA if they raise more than 50 dogs in a 12-month period and sell directly to the public.

These licenses are inexpensive and the application process is simple. But USDA licensing would allow the agency to ensure that large and mid-level breeders comply with minimum Federal standards. The PUPS Act also requires all commercial breeders to give dogs in their care at least two daily exercise breaks, allowing the dogs to enjoy at least 60 minutes outside of their crates or enclosures.

The good news is that the public is growing more aware of the existence of puppy mills. Recent investigations of the deplorable conditions at several large puppy mills along with the interest shown by celebrities, including Chicago resident Oprah Winfrey, have brought new attention to the cause. As a result, many Americans seeking companion animals are doing their homework. They are choosing to adopt from local shelters or finding and visiting responsible breeders. It is my hope that extending and improving oversight of this industry through the PUPS Act will help Americans feel confident about the health and well-being of the dog that they welcome into their family.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3519

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Puppy Uniform Protection and Safety Act''.

SEC. 2. REGULATION OF HIGH-VOLUME SELLERS OF PUPPIES.

(a) RETAIL PET STORE DEFINED.—Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is amended by adding at the end the following new subsection:

''(p) The term 'retail pet store' means a person that—

''(1) sells an animal directly to the public for use as a pet; and

''(2) does not breed or raise more than 50 dogs for use as pets during any one-year period.''.

(b) LICENSES.—Section 3 of the Animal Welfare Act (7 U.S.C. 2133) is amended in the second proviso—

(1) by striking ''retail pet store or other person who'' and inserting ''retail pet store, or other person who (1) does not breed or raise more than 50 dogs for use as pets during any one-year period, and (2)''; and

(2) by striking ''research facility'' and inserting ''research facility,''.

(c) HUMANE STANDARDS.—Section 13 of the Animal Welfare Act (7 U.S.C. 2143) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(2) by redesignating the second subsection (f) as subsection (g); and

(3) by adding at the end the following new subsection:

''(j)(1) Subject to paragraph (2), a dealer shall provide each dog held by such dealer that is of the age of 12 weeks or older with a minimum of two exercise periods during each day for a total of not less than one hour of exercise during such day. Such exercise shall include removing the dog from the dog's primary enclosure and allowing the dog to walk for the entire exercise period, but shall not include use of a treadmill, catmill,

jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine.

''(2) Paragraph (1) shall not apply to a dog certified by a doctor of veterinary medicine, on a form designated by and submitted to the Secretary, as being medically precluded from exercise.''.

SEC. 3. EFFECT ON STATE LAW.

The amendments made by this Act shall not be construed to preempt any law or regulation of a State or a political subdivision of a State containing requirements that are greater than the requirements of the amendments made by this Act.

By Ms. SNOWE:

S. 3522. A bill to establish a Federal Board of Certification to enhance the transparency, credibility, and stability of financial markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today to offer legislation that will increase the trustworthiness of our Nation's mortgage security market by creating the Federal Board of Certification for mortgage securities.

The recent collapse of Lehman Brothers, and the Federal Reserve's bailout of American International Group, Fannie Mae, Freddie Mac and Bear Stearns, along the huge losses suffered throughout the financial industry, demonstrates a catastrophic failure to accurately assess the dangers of imprudently made subprime mortgages to the American public and our financial markets. In hindsight, it appears that it was the inability to gauge risk in mortgage-backed securities that caused much of this financial turmoil. For markets to operate properly, it is imperative that they have effective metrics for calculating the level of risk securities pose to investors.

The secondary mortgage market has been a largely unregulated playground where poorly underwritten, low-quality loans were sold as high-quality investment products. Although mortgage backed securities can be a positive market force, which increases the available pool of credit for borrowers, without an accurate picture of the risk involved in each mortgage security, buyers have no idea whether they are buying a high-risk investment or a safe, secure investment. My legislation would work to curb the excesses of the secondary market, combat future attempts at deception, and protect investors by making scrutinized mortgage investments more reliable and trustworthy.

The inability of major corporations to properly assess the risk of the mortgage securities they were trading is a problem whose effects have not been confined to Wall Street. To put it simply: when big banks sneeze, the rest of America gets a cold. By 2009, more than a trillion dollars of the subprime mortgages originated during the housing boom will reset to higher interest rates. Currently, according to the Mortgage Bankers Association, 43 percent of subprime adjustable rate mortgages are already in foreclosure. In my home State of Maine, we are struggling with falling home prices and a record number of foreclosures. Some Maine borrowers, with rising monthly payments, are unable to refinance out of their predatory loans. Small business owners, many already hurt by the economic downturn, are also finding credit tight. The bad economic climate caused by the subprime credit crunch is roiling the stock market causing Americans to loose billions in their IRAs and retirement funds.

We need to fix this crisis before it gets any worse and make sure it never happens again. Francis Bacon said that ''knowledge is power.'' My bill would give investors the knowledge to make intelligent calculations of risk and as a result, it would give them the power to decide how much risk they could collectively handle.

Turning to specifics, my bill creates the Federal Board of Certification, which would certify that the mortgages within a security instrument meet the underlying standards they claim in regards to documentation, loan to value ratios, debt service to income ratios, and borrowers' credit standards. The purpose of the certification process is to increase the transparency, predictability, and reliability of securitized mortgage products. Certification would aid in creating settled investor expectations and increase transparency by ensuring that the mortgages within a mortgage security conform to the claims made by the mortgage product's sellers.

The proposed Federal Board of Certification would not override any current regulations and would not, in any way, stifle any attempts by private business to rate mortgage securities. This legislation would, however, create incentives for improving industry rating practices. Open publication of the Board's certification criteria would augment the efforts of private ratings agencies by providing incentives for increased transparency in the ratings process. The Board's certification would also serve as a check on the industry to ensure that ratings agencies carefully scrutinize the content of mortgage products before issuing evaluations of mortgage backed securities.

Significantly, the Federal Board of Certification would also be voluntary and funded by an excise tax. Users could choose to pay the costs for the Board to rate their security, or they could elect not to submit their product to the Board.

We must quickly restore confidence in the U.S. mortgage securities if we are to stabilize our housing markets and enable families to refinance their expensive loans. To do this, we must certify the quality and content of our mortgage securities and enable those markets working again to create liquidity and lending. This is why it is urgent to create the Federal Board of Certification for mortgage securities. This legislation would create a ''good housekeeping seal of approval'' for the mortgage security industry and certify that the mortgage products are in fact what they claim to be. Accordingly, I call on Congress to take up and pass this common-sense amendment as expeditiously as possible.

I encourage my colleagues to strongly support the creation of the Federal Board of Certification. This legislation will restore trust in U.S. financial markets and mortgage securities which will help American businesses and ultimately, most crucially, American families.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3522

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Board of Certification Act of 2008''.

SEC. 2. PURPOSE.

It is the purpose of this Act to establish a Federal Board of Certification, which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to mortgage characteristics including but not limited to: documentation, loan to value ratios, debt service to income ratios, and borrower credit standards and geographic concentration. The purpose of this certification process is to increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''Board'' means the Federal Board of Certification established under this Act;

(2) the term ''mortgage security'' means an investment instrument that represents ownership of an undivided interest in a group of mortgages;

(3) the term ''insured depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1803); and

(4) the term ''Federal financial institutions regulatory agency'' has the same meaning as in section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302).

SEC. 4. VOLUNTARY PARTICIPATION.

Market participants, including firms that package mortgage loans into mortgage securities, may elect to have their mortgage securities evaluated by the Board.

SEC. 5. STANDARDS.

The Board is authorized to promulgate regulations establishing enumerated security standards which the Board shall use to certify mortgage securities. The Board shall promulgate standards which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to documentation, loan to value ratios, debt service to income rations and borrower credit standards.

The standards should protect settled investor expectations, and increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 6. COMPOSITION.

(a) ESTABLISHMENT; COMPOSITION.—There is established the Federal Board of Certification, which shall consist of—

(1) the Comptroller of the Currency;

(2) the Secretary of Housing and Urban Development;

(3) a Governor of the Board of Governors of the Federal Reserve System designated by the Chairman of the Board;

(4) the Undersecretary of the Treasury for Domestic Finance; and

(5) the Chairman of the Securities and Exchange Commission.

(b) CHAIRPERSON.—The members of the Board shall select the first chairperson of the Board. Thereafter the position of chairperson shall rotate among the members of the Board.

(c) TERM OF OFFICE.—The term of each chairperson of the Board shall be 2 years.

(d) DESIGNATION OF OFFICERS AND EMPLOYEES.—The members of the Board may, from time to time, designate other officers or employees of their respective agencies to carry out their duties on the Board.

(e) COMPENSATION AND EXPENSES.—Each member of the Board shall serve without additional compensation, but shall be entitled to reasonable expenses incurred in carrying out official duties as such a member.

SEC. 7. EXPENSES.

The costs and expenses of the Board, including the salaries of its employees, shall be paid for by excise fees collected from applicants for security certification from the Board, according to fee scales set by the Board.

SEC. 8. BOARD RESPONSIBILITIES.

(a) ESTABLISHMENT OF PRINCIPLES AND STANDARDS.—The Board shall establish, by rule, uniform principles and standards and report forms for the regular examination of mortgage securities.

(b) DEVELOPMENT OF UNIFORM REPORTING SYSTEM.—The Board shall develop uniform reporting systems for use by the Board in ascertaining mortgage security risk. The Board shall assess, and publicly publish, how it evaluates and certifies the composition of mortgage securities.

(c) AFFECT ON FEDERAL REGULATORY AGENCY RESEARCH AND DEVELOPMENT OF NEW FINANCIAL INSTITUTIONS SUPERVISORY AGENCIES.—Nothing in this Act shall be construed to limit or discourage Federal regulatory agency research and development of new financial institutions supervisory methods and tools, nor to preclude the field testing of any innovation devised by any Federal regulatory agency.

(d) ANNUAL REPORT.—Not later than April 1 of each year, the Board shall prepare and submit to Congress an annual report covering its activities during the preceding year.

(e) REPORTING SCHEDULE.—The Board shall determine whether it wants to evaluate mortgage securities at issuance, on a regular basis, or upon request.

SEC. 9. BOARD AUTHORITY.

(a) AUTHORITY OF CHAIRPERSON.—The chairperson of the Board is authorized to carry out and to delegate the authority to carry out the internal administration of the Board, including the appointment and supervision of employees and the distribution of business among members, employees, and administrative units.

(b) USE OF PERSONNEL, SERVICES, AND FACILITIES OF FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCIES, AND FEDERAL RESERVE BANKS.—In addition to any other authority conferred upon it by this Act, in carrying out its functions under this Act, the Board may utilize, with their consent and to the extent practical, the personnel, services, and facilities of the Federal financial institutions regulatory agencies, and Federal Reserve banks, with or without reimbursement therefor.

(c) COMPENSATION, AUTHORITY, AND DUTIES OF OFFICERS AND EMPLOYEES; EXPERTS AND CONSULTANTS.—The Board may—

(1) subject to the provisions of title 5, United States Code, relating to the competitive service, classification, and General Schedule pay rates, appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this Act, and to prescribe the authority and duties of such officers and employees; and

(2) obtain the services of such experts and consultants as are necessary to carry out this Act.

SEC. 10. BOARD ACCESS TO INFORMATION.

For the purpose of carrying out this Act, the Board shall have access to all books, accounts, records, reports, files, memorandums, papers, things, and property belonging to or in use by Federal financial institutions regulatory agencies, including reports of examination of financial institutions, their holding companies, or mortgage lending entities from whatever source, together with work papers and correspondence files related to such reports, whether or not a part of the report, and all without any deletions.

SEC. 11. REGULATORY REVIEW.

(a) IN GENERAL.—Not less frequently than once every 10 years, the Board shall conduct a review of all regulations prescribed by the Board, in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions.

(b) PROCESS.—In conducting the review under subsection (a), the Board shall—

(1) categorize the regulations described in subsection (a) by type; and

(2) at regular intervals, provide notice and solicit public comment on a particular category or categories of regulations, requesting commentators to identify areas of the regulations that are outdated, unnecessary, or unduly burdensome.

(c) COMPLETE REVIEW.—The Board shall ensure that the notice and comment period described in subsection (b)(2) is conducted with respect to all regulations described in subsection (a), not less frequently than once every 10 years.

(d) REGULATORY RESPONSE.—The Board shall—

(1) publish in the Federal Register a summary of the comments received under this section, identifying significant issues raised and providing comment on such issues; and

(2) eliminate unnecessary regulations to the extent that such action is appropriate.

(e) REPORT TO CONGRESS.—Not later than 30 days after carrying out subsection (d)(1) of this section, the Board shall submit to the Congress a report, which shall include a summary of any significant issues raised by public comments received by the Board under this section and the relative merits of such issues.

SEC. 12. LIABILITY.

Any publication, transmission, or webpage containing an advertisement for or invitation to buy a mortgage security shall include the following notice, in conspicuous type: ''Certification by the Federal Board of Certification can in no way be considered a guarantee of the mortgage security. Certification is merely a judgment by the Federal Board of Certification of the degree of risk offered by the security in question. The Federal Board of Certification is not liable for any actions taken in reliance on such judgment of risk.''.

By Mr. ENZI:

S. 3523. A bill to provide 8 steps for energy sufficiency, and for other purposes; to the Committee on Finance.

Mr. ENZI. Mr. President, when I was home over the August recess, I traveled over 6,000 miles across Wyoming. I visited dozens of different cities in my home State, all of which have a variety of concerns and needs. I found, however, one common theme throughout every town and in every meeting I took. That theme was the need to do something about the high cost of energy.

High energy prices are hurting everyone, but they are especially impacting the people of Wyoming. People in Wyoming are often forced to commute long distances to get to work. Some have to drive miles for groceries and general services that are common in larger cities. We need to do something to make America energy sufficient and today I am introducing my plan to make that happen.

My bill is titled Eight Steps to Energy Sufficiency, and it follows a similar model I have used before. It breaks down the deficiencies in our Nation's energy policy into eight separate areas and provides a solution for those eight areas. It is a comprehensive approach, but it is broken down in a way that any one of the steps can be passed on its own merits.

First step—use less energy. The problem that we are facing today is a supply and demand issue. We have too much demand for energy and not enough energy supply. My bill takes the approach that we can use less by aiding in the development of technology that will make vehicles more efficient.

Second step—find more American energy. Traditional energy sources make up 85 percent of our energy portfolio today, and there is no way we can transition to renewable energy over night. Because that is the case, we should be focusing our efforts on developing as much American energy as we can so that we can stop sending money to countries that are not necessarily friendly to the U.S. My bill does this by opening up the Outer Continental Shelf to energy development and ending the senseless ban on oil shale development. These two actions will go a long way toward making America more energy sufficient.

Third step—speed up the process. We can't get refineries built in the U.S., even though we need them and so my bill includes a provision to help streamline the permitting process for

refineries. In addition to that, it takes a look at the NEPA process in an effort to see how we can limit senseless litigation that is slowing the production of energy on already leased lands.

Fourth step—innovation. I am a huge believer in American ingenuity. Every year, I hold an inventor's conference because I believe our community of inventors will be key in solving our energy crisis. My bill recognizes this and helps move forward the development of hydrogen technologies. It also studies cellulosic ethanol to determine if we are doing all that we can to help move non-corn based ethanol forward.

The fifth step of my plan deals with incentives. We need to incentivize the production of energy and we need to let people know that the Federal Government is in it for the long haul by providing incentives that last for more than a year. My plan would reauthorize the wind production tax credit for 5 years and it would renew the solar production tax credit for 8 years. It would repeal the Federal Government's theft of States' fair share of mineral royalties so that States would be encouraged to allow for production on their lands. It is important that we help people who are doing their part, and making these important credits available is one way to do just that.

The sixth step of my plan to strengthen America's energy supply deals with our nation's most abundant energy source: coal. Wyoming is the Nation's largest coal producer, and any realistic effort to make America's energy supply more robust has to recognize that coal will play a major role in making that happen. My bill provides funding for research and development to help develop and deploy carbon capture and sequestration technologies. It promotes using coal to make diesel fuel and allows the Air Force to enter into long term fuels contracts so that our military has a secure source of jet fuel.

Nuclear energy must also play a role in making America energy sufficient, and the seventh step of my plan encourages the development of nuclear energy. The bill recognizes the important role Yucca Mountain could play, and it offers up tax credits to help build new nuclear reactors. Wyoming is the Nation's largest producer of uranium, and because nuclear is a clean and efficient energy source, we should be doing all that we can to move it forward.

Finally, the eighth step in my plan involves opening up a small area of Alaska's coastal plain to energy production. By opening up a portion of the Arctic National Wildlife Refuge that is roughly the size of the Natrona County International Airport in Casper, Wyoming, we can produce about a million barrels of American oil each day. The Energy Information Administration recently sent a letter suggesting that the addition of 1 million barrels of oil a day to the market could drop the price as much as $20 dollars per barrel, and we should act on this matter expeditiously.

My bill is an eight step plan. I broke down my ideas for energy sufficiency into eight separate steps with the hope that each piece can be passed by Congress as stand-alone legislation. In Washington, bills that are smaller and more specific are much easier to pass than huge pieces of ''comprehensive'' legislation because those big bills can often gain opposition very quickly, and before you know it they will not pass. Whenever we try to push through big energy packages, nearly every Senator objects to some aspect of it, and that means we are not able get enough people in support of the bill to pass it. By breaking down my plan into sections, we have eight sensible solutions for Congress to consider, and if enacted, any one of them would ease the burden of high prices faced by consumers.

I hope my colleagues will take a look at my package and will work with me to move forward with this important legislation. All summer, I heard about the importance of moving forward with energy legislation, and I believe my approach is the best way to make America energy sufficient.

By Mr. REID (for Mr. BIDEN):

S. 3524. A bill to improve the Office for State and Local Law Enforcement, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. BIDEN. Mr. President, since September 11, 2001, our Nation has taken significant steps to improve our national security. However, to improve our ability to prevent and respond to a future terrorist attack we need to fundamentally change the working relationship between our Federal, State, local, and tribal law enforcement agencies. The Homeland Security and Law Enforcement Improvements Act of 2008 will do this by making State, local, and tribal law enforcement agencies full partners with Federal agencies in homeland security policymaking and by ensuring that these agencies have the resources they need to prevent and respond to terrorist attacks or other major incidents.

As chairman of the Judiciary Subcommittee on Crime and Drugs, I regularly talk to police chiefs and sheriffs throughout this country. These men and women are on the front lines of protecting our communities from a host of dangers in these difficult times. They know where our vulnerabilities are and what it will take to keep our families and neighborhoods safe, but, to put it simply, we haven't been listening. Policymakers haven't been listening to the people on the ground, leaving a critical gap in homeland security prevention, preparation, and incident response capabilities.

The Homeland Security and Law Enforcement Improvements Act of 2008 makes a number of important improvements to this situation that I believe will strengthen our ability to prevent and, if necessary, effectively respond to a major terrorist incident.

First, the act will ensure that state and local law enforcement agencies are full partners in both crime fighting and homeland security by giving the Assistant Secretary for State and Local Law Enforcement the appropriate budget and program management authority.

Second, the act will ensure that state and local law enforcement agencies have the resources needed to prevent and respond to terrorist acts by fully funding the Law Enforcement Terrorism Prevention Program, LETP, as a separate initiative. The LETPP is the only funding resource in the Department of Homeland Security dedicated solely to meeting the unique needs of law enforcement as they try to protect our communities from terrorism.

Third, the act ensures that first responders in local law enforcement have the resources they need to effectively react to a terrorist incident by establishing the Commercial Equipment Direct Assistance Program, CEDAP, as an authorized program. The CEDAP provides funding that allows law enforcement first responders to identify and select specialized equipment and technology that can help them protect the communities they serve.

Fourth, the act will ensure that we have a swift and coordinated response in the event of a major incident by establishing Law Enforcement Deployment Teams that can react immediately to major incidents throughout the country.

Fifth, the act will create an Information Sharing Resource Center to facilitate information sharing between Federal, State, local, and tribal law enforcement agencies, intelligence officials, and Federal agencies so that every stakeholder has the information necessary to protect our country from terrorist attacks.

Finally, the Act strengthens our ability to prevent and disrupt plans for attacks against America hatched overseas by establishing a Foreign Liaison Officers Against Terrorism, FLOAT, program. FLOAT will allow American state and local law enforcement officers to serve outside the U.S. as liaison officers—working closely with their foreign law enforcement counterparts to share information and gain a better understanding of how terrorists work abroad.

Each of these initiatives: the LETPP, CEDAP, the Law Enforcement Deployment Teams, the Information Sharing Resource Center, and FLOAT will be under the direction and control of the Assistant Secretary, who will report directly to the Secretary of the Department of Homeland Security.

I am honored to introduce this legislation with the support of the U.S. Conference of Mayors, the National Association of Police Organizations, the National Sheriffs Association and other law enforcement groups throughout this country who toil daily to keep us safe from crime and terrorism.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3524

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Homeland Security and Law Enforcement Improvements Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Department'' means the Department of Homeland Security; and

(2) the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.

Section 2006 of the Homeland Security Act of 2002 (6 U.S.C. 607) is amended by striking subsection (b) and inserting the following:

''(b) OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.—

''(1) ESTABLISHMENT.—There is established in the Office of the Secretary an Office for State and Local Law Enforcement, which shall be headed by an Assistant Secretary for State and Local Law Enforcement.

''(2) QUALIFICATIONS.—The Assistant Secretary for State and Local Law Enforcement shall have an appropriate background with experience in law enforcement, intelligence, and other antiterrorist functions.

''(3) ASSIGNMENT OF PERSONNEL.—The Secretary may assign to the Office for State and Local Law Enforcement permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this subsection.

''(4) RESPONSIBILITIES.—The Assistant Secretary for State and Local Law Enforcement shall—

''(A) lead the coordination of Department-wide policies relating to the role of State and local law enforcement in preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters within the United States;

''(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department;

''(C) work with the Office of Intelligence and Analysis to ensure the intelligence and information sharing requirements of State, local, and tribal law enforcement agencies are being addressed;

''(D) work with the Administrator to ensure that homeland security grants to State, local, and tribal government agencies, including grants under sections 2003 and 2004 and subsection (a) of this section, the Commercial Equipment Direct Assistance Program, and grants to support fusion centers and other law enforcement-oriented programs, are adequately focused on terrorism prevention activities;

''(E) coordinate, in cooperation with the Federal Emergency Management Agency and the Office of Intelligence and Analysis, information sharing and fusion center training, technical assistance, and other information sharing activities to ensure needs of State, local, and tribal law enforcement agencies and fusion centers are being met, including the development of a Law Enforcement Information Sharing Resource Center under paragraph (6);

''(F) carry out, in coordination with the Administrator, the National Law Enforcement Deployment Team Program established under paragraph (5); and

''(G) coordinate with the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

''(5) NATIONAL LAW ENFORCEMENT DEPLOYMENT TEAM PROGRAM.—

''(A) ESTABLISHMENT.—The Assistant Secretary for State and Local Law Enforcement shall establish a National Law Enforcement Deployment Team Program to develop and implement a series of Law Enforcement Deployment Teams comprised of State and local law enforcement personnel capable of providing immediate support in response to the threat or occurrence of a natural or man-made incident.

''(B) ACTIVITIES.—In carrying out the National Law Enforcement Deployment Team Program, the Assistant Secretary for State and Local Law Enforcement shall—

''(i) consult with State and local law enforcement and public safety agencies and other relevant stakeholders as to the capabilities required by a Law Enforcement Deployment Team;

''(ii) develop and implement a model Law Enforcement Deployment Team located in a region of the Federal Emergency Management Agency selected by the Assistant Secretary;

''(iii) exercise and train the Law Enforcement Deployment Teams;

''(iv) create model policies and procedures, templates, and general policies and procedures and document best practices that can be applied to the development of Law Enforcement Deployment Teams in each region of the Federal Emergency Management Agency;

''(v) develop an implementation strategy to support the development, overall management, equipment, infrastructure, and training needs of a National Law Enforcement Deployment Team Program, including the development of a technical assistance and training program; and

''(vi) not later than 6 months after the date of enactment of the Homeland Security and Law Enforcement Improvements Act of 2008, and before implementation of the National Law Enforcement Deployment Team Program in any region of the Federal Emergency Management Agency other than the region selected under clause (ii), submit to the Committee on Homeland Security and Government Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives a report on the National Law Enforcement Deployment Team Program, which shall include the implementation strategy described in clause (v).

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

''(i) $5,000,000 for each of fiscal years 2009 and 2010; and

''(ii) such sums as are necessary for each of fiscal years 2011 through 2015.

''(6) LAW ENFORCEMENT INFORMATION SHARING RESOURCE CENTER.—

''(A) ESTABLISHMENT.—There is established within the Office for State and Local Law Enforcement, the Law Enforcement Information Sharing Resource Center to provide technical assistance relating to information sharing and intelligence with and between State, local, and tribal law enforcement agencies and Federal agencies.

''(B) ACTIVITIES.—In carrying out the Law Enforcement Information Sharing Resource Center, the Assistant Secretary for State and Local Law Enforcement shall—

''(i) develop a single repository within the Department to house all relevant guidance, templates, examples, best practices, data sets, analysis tools, and other fusion center and information sharing related items;

''(ii) consult with State and local law enforcement agencies in the development of the Law Enforcement Information Sharing Resource Center;

''(iii) consolidate access to Department resources within the Law Enforcement Information Sharing Resource Center;

''(iv) provide technical assistance to law enforcement and public safety agencies; and

''(v) coordinate, in coordination with the Federal Emergency Management Agency and the Office of Intelligence and Analysis, intelligence, information sharing, and fusion center related training, technical assistance, exercise, and other services provided to State and local law enforcement and other agencies developing or operating fusion centers and intelligence units.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

''(i) $3,000,000 for fiscal year 2009;

''(ii) $3,500,000 for fiscal year 2010; and

''(iii) such sums as are necessary for each of fiscal years 2011 through 2015.

''(7) FOREIGN LIAISON OFFICERS AGAINST TERRORISM PROGRAMS.—

''(A) ESTABLISHMENT.—There is established within the Office of State and Local Law Enforcement, the Foreign Liaison Officers Against Terrorism Program.

''(B) DUTIES.—In carrying out the Foreign Liaison Officers Against Terrorism Program the Assistant Secretary for State and Local Law Enforcement shall—

''(i) identify foreign cities the government of which desires a State, local, or tribal law enforcement agency to assign an officer to the foreign city, to share information with law enforcement agencies of State, local, and tribal governments; and

''(ii) assign each foreign city identified under clause (i) to a law enforcement agency participating in the Foreign Liaison Officers Against Terrorism Program, to—

''(I) obtain information relevant to law enforcement agencies of State, local, and tribal governments from each such city for information sharing purposes; and

''(II) share information obtained under subclause (I) with other law enforcement agencies participating in the Foreign Liaison Officers Against Terrorism Program.

''(C) USE OF GRANT FUNDS.—A grant awarded under section 2003 may be used for the costs of participation in the Foreign Liaison Officers Against Terrorism Program established under subparagraph (A).''.

SEC. 4. LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.

(a) IN GENERAL.—Section 2006(a) of the Homeland Security Act of 2002 (6 U.S.C. 607(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) GRANTS.—The Assistant Secretary for State and Local Law Enforcement may make grants to States and local governments for law enforcement terrorism prevention activities.

''(B) PROGRAM.—The Secretary shall maintain the grant program under this subsection as a separate program of the Department.''; and

(2) by adding at the end the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $500,000,000 for each of fiscal years 2009 through 2015, of which not less than 10 percent may be used by the Assistant Secretary for discretionary grants for national best practices and programs of proven effectiveness, including for—

''(A) national, regional and multi-jurisdictional projects;

''(B) development of model programs for replication;

''(C) guidelines and standards for preventing terrorism;

''(D) national demonstration projects that employ innovative or promising approaches; and

''(E) evaluation of programs to ensure the effectiveness of the programs.''.

(b) REPORTING.—The Assistant Secretary for State and Local Law Enforcement of the Department shall submit to Congress and make publicly available an annual report detailing the goals and recommendations for the Nation's terrorism prevention strategy.

SEC. 5. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

"Subtitle C—Other Assistance

"SEC. 2041. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

''(a) ESTABLISHMENT.—There is established within the Office of State and Local Law Enforcement, the Commercial Equipment Direct Assistance Program (in this section referred to as the 'program') to make counterterrorism technology, equipment, and information available to local law enforcement agencies.

''(b) ACTIVITIES.—In carrying out the program, the Assistant Secretary for State and Local Law Enforcement shall—

''(1) publish a comprehensive list of available technologies, equipment, and information available under the program;

''(2) consult with local law enforcement agencies and other appropriate individuals and entities, as determined by the Assistant Secretary for State and Local Law Enforcement;

''(3) accept applications from the heads of State and local law enforcement agencies that wish to acquire technologies, equipment, or information under the program to improve the homeland security capabilities of those agencies; and

''(4) transfer the approved technology, equipment, or information and provide the appropriate training to the State or local law enforcement agency to implement such technology, equipment, or information.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $75,000,000 for each of fiscal years 2009 and 2010; and

''(2) such sums as are necessary for each of fiscal years 2011 through 2015.''.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 3525. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the ''Star-Spangled Banner'', and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CARDIN. Mr. President, I rise today to introduce the Star-Spangled Banner Bicentennial Commemorative Coin Act. I am pleased that my colleague, the senior Senator from Maryland, is a cosponsor. This legislation will honor our National Anthem and the Battle for Baltimore, which was a key turning point of the War of 1812, by creating a commemorative U.S. Mint coin.

The War of 1812 confirmed American independence from Great Britain in the eyes of the world. Before the war, the British has been routinely imposing on American sovereignty. They had impressed American merchant seamen into the British Royal Navy, enforced illegal and unfair trade rules with the United States, and allegedly offered assistance to American Indian tribes which were attaching frontier settlements. In response,, the United States declared war on Great Britain on June 18, 1812, to protest these violations of ''free trade and sailors rights,'' as well as the violations on land.

After 2½ years of conflict, the British Royal Navy sailed up the Chesapeake Bay with combined military and naval forces, and in August 1814 attacked Washington, DC, burning to the ground the U.S. Capitol, the White House, and much of the rest of the capital city. However, the American defenders stopped the British as they attempted to capture Baltimore and New Orleans.

As the British Royal Navy sailed up the Patapsco River on its way to Baltimore, American forces held the British fleet at Fort McHenry, located just outside of the city. After 25 hours of bombardment, the British failed to take the Fort and were forced to depart. American lawyer Francis Scott Key, who was being held on board an American flag-of-truce vessel, beheld by the dawn's early light an American flag still flying atop Fort McHenry. He immortalized the event in a song which later became known as ''The Star-Spangled Banner.''

The flag to which Key referred was a 30′ x 42′ foot flag made specifically for Fort McHenry. The commanding officer desired a flag so large that the British would have no trouble seeing it from a distance. This proved to be the case as Key visited the British fleet on September 7, 1814, to secure the release of Dr. William Beanes, Dr. Beanes was released, but Key and Beanes were detained on an American Flag-of-truce vessel until the end of the bombardment. It was on September 14, 1814, by the dawn's early light, that Key saw the great banner that inspired him to write the song that ultimately became our National Anthem.

The Star-Spangled Banner Bicentennial Commemorative Coin will honor this symbol of our Nation and our National Anthem. The coin will be minted in 2012 in coordination with the 200th Anniversary of the War of 1812. I hope my colleagues will join me in supporting this measure in this fitting tribute to a seminal event in American history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3525

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Star-Spangled Banner Bicentennial Commemorative Coin Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During the War of 1812, on September 7, 1814, Francis Scott Key visited the British fleet in the Chesapeake Bay to secure the release of Dr. William Beanes, who had been captured after the burning of Washington, DC.

(2) The release was completed, but Key was held by the British during the shelling of Fort McHenry, one of the forts defending Baltimore.

(3) On the morning of September 14, 1814, Key peered through clearing smoke to see an enormous American flag flying proudly after a 25-hour British bombardment of Fort McHenry.

(4) He was so delighted to see the flag still flying over the fort that he began a song to commemorate the occasion, with a note that it should be sung to the popular British melody ''To Anacreon in Heaven''.

(5) In 1916, President Woodrow Wilson ordered that it be played at military and naval occasions.

(6) In 1931, the ''Star-Spangled Banner'' became our National Anthem.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 350,000 $1 coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic

of the battle for Baltimore that formed the basis for the ''Star-Spangled Banner''.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2012''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Maryland War of 1812 Bicentennial Commission and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2012.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Maryland War of 1812 Bicentennial Commission for the purpose of supporting bicentennial activities, educational outreach activities (including supporting scholarly research and the development of exhibits), and preservation and improvement activities pertaining to the sites and structures relating to the War of 1812.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Maryland War of 1812 Bicentennial Commission as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

By Mr. AKAKA (for himself, Ms. SNOWE, Mr. FEINGOLD, Ms. LANDRIEU, Mr. JOHNSON, Ms. MURKOWSKI, Mr. THUNE, Mr. STEVENS and Mr. ROCKEFELLER):

S. 3527. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation that would secure more timely health care funding for the millions of veterans who rely on the Veterans Health Administration for their health care.

I am pleased to be joined by Senators SNOWE, FEINGOLD, LANDRIEU, JOHNSON, MURKOWSKI, STEVENS, and THUNE in introducing this important bill.

Not all Americans realize that VA's health care system is the largest in the Nation.

They do know, to be sure, that many veterans are injured while serving our country and, unfortunately, some of these injuries require a lifetime of care. Millions of veterans rely on VA for health care every year, and every year that number grows.

Few Americans realize that the VA health care system must rely on an annual appropriation. While Congress has provided much-needed funding increases to veterans' health care in recent years, VA health care funding can be untimely and unpredictable, making it difficult for VA to manage its overall health care program effectively.

A survey recently commissioned by the Disabled American Veterans found that 83 percent of respondents favor requiring Congress to determine the budget for veterans' health care a year in advance. This bill would do just that.

During my time on the Veterans' Affairs Committee, I have heard former Secretaries of Veterans Affairs state plainly that the current process is no way to fund the Nation's largest health care system. We need to provide a more secure and predictable funding system for veterans health care. Our legislation will do exactly that.

This legislation would require that veterans' health care be funded through the advance appropriations process. Under that process, programs are funded 2 years in advance, rather than a year at a time.

Unlike the funding provided to Medicare and Medicaid, veterans' health care would not be funded as an entitlement—Congress would still be able to review and manage the funding, as necessary. But with advance appropriations, VA would be able to plan more efficiently, and better use taxpayer-dollars to care for veterans.

Uncertain and untimely funding can limit VA health care's effectiveness, while they strive to meet the needs of veterans on a daily basis, as costs grow rapidly.

What I am proposing today is not new. Congress already uses advance appropriations for programs that require funding in a timely manner, such as HUD Section 8 housing vouchers and the Low Income Heating Energy Assistance Program.

To this extent, I submit that veterans' health care is just as deserving of secured and predictable funding.

To increase transparency in this process, the bill I am introducing would require an annual GAO audit and public report to Congress on VA's funding forecasts.

This process of continuous open review of VA appropriations would help VA funds go even further for veterans and taxpayers.

Advance funding for veterans' health care has the strong support of the Partnership for Veterans Health Care Budget Reform, a coalition which includes the following veteran service organizations: AMVETS, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, The American Legion, Veterans of Foreign Wars, and Vietnam Veterans of America.

My friend and counterpart in the House of Representatives, House Veterans' Affairs Committee Chairman ROBERT FILNER, is introducing a companion bill for advance funding as well.

We are united in our determination to set down a marker for future action on veterans' health care through this bill, and place advance appropriations for veterans' health care on the National agenda.

I urge all of our colleagues to join as supporters of more secure, timely funding for veterans' health care.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3527

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Care Budget Reform Act of 2008''.

SEC. 2. TWO-FISCAL YEAR BUDGET AUTHORITY FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) TWO-FISCAL YEAR BUDGET AUTHORITY.—

(1) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 113 the following new section:

"§ 113A. Two-fiscal year budget authority for certain medical care accounts

''(a) IN GENERAL.—Beginning with fiscal year 2010, new discretionary budget authority provided in an appropriations Act for the appropriations accounts of the Department specified in subsection (b) shall be made available for the fiscal year involved and shall include new discretionary budget authority first available after the end of such fiscal year for the subsequent fiscal year.

''(b) MEDICAL CARE ACCOUNTS.—The medical care accounts of the Department specified in this subsection are the medical care accounts of the Veterans Health Administration as follows:

''(1) Medical Services.

''(2) Medical Administration.

''(3) Medical Facilities.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 113 the following new item:

''113A. Two-fiscal year budget authority for certain medical care accounts.''.

SEC. 3. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE EXPENDITURES.

(a) STUDY OF ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS.—The Comptroller General of the United States shall conduct a study of the adequacy and accuracy of the budget projections made by the Enrollee Health Care Projection Model, or its equivalent, as utilized for the purpose of estimating and projecting health care expenditures of the Department of Veterans Affairs (in this section referred to as the ''Model'') with respect to the fiscal year involved and the subsequent four fiscal years.

(b) REPORTS.—

(1) IN GENERAL.—Not later than the date of each year in 2010, 2011, and 2012, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the appropriate committees of Congress and to the Secretary a report.

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) A statement whether the amount requested in the budget of the President for expenditures of the Department for health care in such fiscal year is consistent with anticipated expenditures of the Department for health care in such fiscal year as determined utilizing the Model.

(B) The basis for such statement.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate; and

(B) the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 665—DESIGNATING OCTOBER 3, 2008, AS ''NATURAL ALTERNATIVE FUEL VEHICLE DAY''

Mr. BYRD (for himself, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Ms. CANTWELL, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. NELSON, of Nebraska, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Ms. STABENOW, Mr. WYDEN, Mr. BURR, Mr. DOMENICI, Mr. ENSIGN, Mr. HAGEL, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 665

Whereas the United States should reduce the dependence of the Nation on foreign oil and enhance the energy security of the Nation by creating a transportation sector that is less dependent on oil;

Whereas the United States should improve the air quality of the Nation by reducing emissions from the millions of motor vehicles that operate in the United States;

Whereas the United States should foster national expertise and technological advancement in cleaner, more energy-efficient alternative fuel and advanced technology vehicles;

Whereas a robust domestic industry for alternative fuels and alternative fuel and advanced technology vehicles will create jobs and increase the competitiveness of the United States in the international community;

Whereas the people of the United States need more options for clean and energy-efficient transportation;

Whereas the mainstream adoption of alternative fuel and advanced technology vehicles will produce benefits at the local, national, and international levels;

Whereas consumers and businesses require a better understanding of the benefits of alternative fuel and advanced technology vehicles;

Whereas first responders require proper and comprehensive training to become fully prepared for any precautionary measures that they may need to take during incidents and extrications that involve alternative fuel and advanced technology vehicles;

Whereas the Federal Government can lead the way toward a cleaner and more efficient transportation sector by choosing alternative fuel and advanced technology vehicles for the fleets of the Federal Government; and

Whereas Federal support for the adoption of alternative fuel and advanced technology vehicles can accelerate greater energy independence for the United States, improve the environmental security of the Nation, and address global climate change: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 3, 2008, as ''National Alternative Fuel Vehicle Day'';

(2) proclaims National Alternative Fuel Vehicle Day as a day to promote programs and activities that will lead to the greater use of cleaner, more efficient transportation that uses new sources of energy; and

(3) urges Americans—

(A) to increase the personal and commercial use of cleaner and energy-efficient alternative fuel and advanced technology vehicles;

(B) to promote public sector adoption of cleaner and energy-efficient alternative fuel and advanced technology vehicles; and

(C) to encourage the enactment of Federal policies to reduce the dependence of the United States on foreign oil through the advancement and adoption of alternative, advanced, and emerging vehicle and fuel technologies.

SENATE RESOLUTION 666—RECOGNIZING AND HONORING THE 50TH ANNIVERSARY OF THE FOUNDING OF AARP

Mr. ROBERTS (for himself, Mr. SALAZAR, Ms. COLLINS, Mr. LUGAR, Mrs. DOLE, Mr. SPECTER, Mr. COLEMAN, Mr. VOINOVICH, Mr. INHOFE, Mr. HAGEL, Mr. SMITH, Ms. SNOWE, Mr. MENENDEZ, Mr. BYRD, Ms. STABENOW, Mr. BINGAMAN, Mr. WYDEN, Mr. NELSON, of Nebraska, Mrs. BOXER, Mr. WHITEHOUSE, Mr. CASEY, Mr. BAYH, Mr. LEVIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. KERRY, Mr. HARKIN, Mrs. LINCOLN, Mr. DURBIN, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 666

Whereas AARP is a nonprofit, nonpartisan organization with more than 40,000,000 members that is dedicated to improving the quality of life of people who are 50 years of age or older;

Whereas Ethel Percy Andrus, a retired educator from California, founded AARP in 1958 to promote independence, dignity, and purpose for older people in the United States and to encourage current and future generations ''to serve, not to be served'';

Whereas the vision of AARP is ''a society in which everyone ages with dignity and purpose and in which AARP helps people fulfill their goals and dreams'';

Whereas the mission of AARP is to enhance the quality of life of all people as they age, to promote positive social change, and to deliver value to its members through information, advocacy, and service;

Whereas the nonpartisan advocacy activities of AARP help millions of people participate in the legislative, judicial, and administrative processes of the United States;

Whereas AARP is a trusted source of reliable information on health, financial security, and other issues important to people 50 years of age and older;

Whereas AARP provides an opportunity for volunteerism and service so that its millions of members can better their families, communities, and the Nation;

Whereas AARP Services has become a leader in the marketplace by influencing companies to offer new and better services for the members of AARP;

Whereas AARP Foundation, the philanthropic arm of AARP, delivers information, education, and direct service programs to the most vulnerable people in the United States aged 50 and over;

Whereas the job placement program of AARP Foundation has helped more than 400,000 low-income older people in the United States find jobs, contributing to their sense of purpose and dignity;

Whereas the Driver Safety Program of AARP has helped more than 10,000,000 older drivers sharpen their driving skills;

Whereas 2008 is the 50th anniversary of the founding of AARP; and

Whereas, in honor of its 50th anniversary, AARP renewed its commitment to improving the quality of life for all older people in the United States and helping people of all generations fulfill their goals and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) commends AARP for 50 years of outstanding service to people aged 50 and older; and

(2) recognizes AARP's commitment to serving future generations.

Mr. HARKIN. Mr. President, I am pleased to join with so many of my colleagues in supporting a resolution commemorating the 50th anniversary of the AARP.

The 49 million members of the AARP take Government and public policy very seriously, and their association is a model of effective advocacy here in Washington. For instance, in the successful fight against the administration's attempt to privatize Social Security—a truly terrible idea that would have put Americans' retirement security at risk in the stock market casino—AARP was extraordinarily effective in marshalling facts, mobilizing experts, and educating members of Congress.

Likewise, AARP does a great job of informing and educating its own members about critical issues being debated here in Washington. I don't believe in top-down politics; I believe in bottom-up politics. And so does the AARP. The organization has members in virtually every neighborhood in the United States. It mobilizes old-fashioned people power in order to hold Government accountable. It takes on the powerful, entrenched interests when those interests attempt to trample on the rights of ordinary people.

AARP as an institution is an invaluable resource to us here in Congress. Just as AARP keeps its members informed about what is happening in Washington, it also closely monitors the concerns and wishes of its members so it can better represent them in Washington. Just this week, I chaired a hearing about the things that 401(k) participants and beneficiaries need to know about the fees they are paying. AARP was right there with the results of a timely survey of its members about what disclosure is most useful and understandable to them.

The staff at AARP pay close attention to every regulatory move, every newspaper article, every important hearing or meeting that could have some impact on older Americans. They are truly a wealth of information.

I am grateful for their active engagement on Capitol Hill, because, as our population ages, it is critical that we be attuned to the impact of our policies on older people and retirees. When we make policy and pass laws on everything from health care, to the economy, to improving workplace options for the millions of seniors who want or need to continue working, we have a tremendous resource in the AARP.

I would particularly like to thank the AARP for its assistance to me and my staff on some of our key legislative priorities, including improving retirement security; moving our health care system toward a greater emphasis on wellness and prevention; combating age discrimination in the workplace; preserving and strengthening Social Security; and ending the institutional bias in Medicare and Medicaid so that elderly people and people with disabilities can live in their own homes rather than nursing homes.

I look forward to continuing this rich collaboration with the outstanding professionals who staff and lead the AARP. I salute the people at AARP for the great job they do representing the interests of older Americans and retirees. It has been a remarkable first 50 years. In the years ahead, I wish them even greater success in increasing economic opportunities and retirement security for older Americans.

SENATE RESOLUTION 667—DESIGNATING SEPTEMBER 2008 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. SCHUMER, Mr. CHAMBLISS, Mrs. CLINTON, Mr. INOUYE, Mr. VITTER, Ms. COLLINS, Ms. SNOWE, Mrs. DOLE, Mrs. BOXER, Mr. GRASSLEY, Mr. SHELBY, Mr. LIEBERMAN, Mr. INHOFE, Ms. LANDRIEU, Mr. STEVENS, Mr. DOMENICI, Mr. CRAPO, Mr. BAYH, Mr. BARRASSO, Ms. STABENOW, Mr. BUNNING, Mr. FEINGOLD, Mr. WHITEHOUSE, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. BROWNBACK, Mr. WARNER, Mr. CARDIN, Mr. BAUCUS, Mrs. LINCOLN, Mr. LEVIN, Mr. HATCH, Mr. MENENDEZ, Mr. CASEY, Mr. JOHNSON, Mr. BENNETT, Mr. DORGAN, Mr. ISAKSON and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 667

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas, in 2008, over 186,320 men in the United States will be diagnosed with prostate cancer and 28,660 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than White males and double the mortality rates;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas, if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination (DRE) and a prostate specific antigen blood test (PSA) can diagnose the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent, while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2008 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

SENATE RESOLUTION 668—TO COMMEND THE AMERICAN SAIL TRAINING ASSOCIATION FOR ITS ADVANCEMENT OF CHARACTER BUILDING UNDER SAIL AND FOR ITS ADVANCEMENT OF INTERNATIONAL GOODWILL

Mr. KERRY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 668

Whereas the American Sail Training Association (ASTA) is an educational nonprofit corporation whose declared mission is ''to encourage character building through sail training, promote sail training to the North American public and support education under sail'';

Whereas, since its founding in 1973, ASTA has promoted these goals through—(1) support of character building experiences

aboard traditionally-rigged sail training vessels; (2) a program of scholarship funds supporting such experiences; (3) a long history of tall ship races, rallies, and maritime festivals dating back as far as 1976; (4) the Tall Ships Challenge series of races and maritime festivals which have been conducted each year since 2001, have reached an aggregate audience to date of some 8,000,000 spectators, have had a cumulative economic impact of over $400,000,000 for over 30 host communities, and involve sail training vessels, trainees, and crews from all the coasts of the United States and around the world; (5) support of its membership of more than 200 sail training vessels, embracing barks, barques, barkentines, brigantines, brigs, schooners, sloops, and full-rigged ships, which carry the flags of the United States, Canada, and many other nations and have brought life changing adventures to thousands and thousands of young trainees; (6) a series of more than 30 annual sail training conferences to date, conducted in numerous cities throughout the United States and Canada and embracing the Safety Under Sail Forum and the Education Under Sail Forum; (7) extensive collaboration with the Coast Guard and with the premier sail training vessel of the United States, the square-rigged barque USCGC Eagle; (8) publication of ''Sail Tall Ships'', a periodic directory of sail training opportunities; and (9) supporting the enactment of the Sailing Schools Vessel Act of 1982, Public Law 97-322, on October 15, 1982;

Whereas ASTA has ably represented the United States as its national sail training organization as a founding member of Sail Training International, the recognized international body for the promotion of sail training, which itself carries forward a series of international races amongst square-rigged and other traditionally-rigged vessels reaching back as far as the 1950s; and

Whereas ASTA and Sail Training International are collaborating with port partners around the Atlantic Ocean to produce Tall Ships Atlantic Challenge 2009, an international fleet of sail training vessels originating in Europe, voyaging to North America, and returning to Europe: Now, therefore, be it

Resolved, That the Senate—

(1) commends the American Sail Training Association for its advancement of character building experiences for youth at sea in traditionally-rigged sailing vessels and its advancement of the finest traditions of the sea;

(2) commends the American Sail Training Association as the national sail training association of the United States, representing the sail training community of the United States in the international forum; and

(3) encourages all citizens of the United States and of nations around the world to join in the celebration of Tall Ships Atlantic Challenge 2009 and in the character building and educational experience that it represents for the youth of all nations.

Mr. KERRY. Mr. President, today it is my great pleasure to honor the incredible achievement, tradition, and performance of the American Sail Training Association, ASTA. This educational nonprofit corporation has allowed young participants from across the country to build character through sail training and to represent the United States around the world with distinction and good spirit. I am proud of the dedicated trainers who have taught young sailors to persevere in international adventures on brigantines, schooners, slops, and other vessels. I commend the efforts of the ASTA to provide such exciting and educational opportunities for youth, and I look forward to the coming Tall Ships Atlantic Challenge 2009.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5631. Mr. CASEY (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 2606, to reauthorize the United States Fire Administration, and for other purposes.

TEXT OF AMENDMENTS

SA 5631. Mr. CASEY (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 2606, to reauthorize the United States Fire Administration, and for other purposes; as follows:

In lieu of the matter to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This subtitle may be cited as the ''United States Fire Administration Reauthorization Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The number of lives lost each year because of fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. In 2006, the National Fire Protection Association reported 3,245 civilian fire deaths, 16,400 civilian fire injuries, and $11,307,000,000 in direct losses due to fire.

(2) Every year, more than 100 firefighters die in the line of duty. The United States Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) The Federal Government should continue to work with State and local governments and the fire service community to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the 30,300 fire departments of the United States through training, emergency incident data collection, fire awareness and education, and support of research and development activities for fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the data collection capabilities of the United States Fire Administration is essential for accurately tracking and responding to the magnitude and nature of the fire problems of the United States.

(6) The research and development performed by the National Institute of Standards and Technology, the United States Fire Administration, other government agencies, and nongovernmental organizations on fire technologies, techniques, and tools advance the capabilities of the fire service of the United States to suppress and prevent fires.

(7) Because of the essential role of the United States Fire Administration and the fire service community in preparing for and responding to national and man-made disasters, the United States Fire Administration should have a prominent place within the Federal Emergency Management Agency and the Department of Homeland Security.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (C), by striking ''and'' after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding after subparagraph (D) the following:

''(E) $70,000,000 for fiscal year 2009, of which $2,520,000 shall be used to carry out section 8(f);

''(F) $72,100,000 for fiscal year 2010, of which $2,595,600 shall be used to carry out section 8(f);

''(G) $74,263,000 for fiscal year 2011, of which $2,673,468 shall be used to carry out section 8(f); and

''(H) $76,490,890 for fiscal year 2012, of which $2,753,672 shall be used to carry out section 8(f).''.

SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) AMENDMENTS TO FIRE ACADEMY TRAINING.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) by amending subparagraph (H) to read as follows:

''(H) tactics and strategies for dealing with natural disasters, acts of terrorism, and other man-made disasters;'';

(2) in subparagraph (K), by striking ''forest'' and inserting ''wildland'';

(3) in subparagraph (M), by striking ''response'';

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following:

''(I) tactics and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

''(J) tactics and strategies for fighting fires occurring at the wildland-urban interface;

''(K) tactics and strategies for fighting fires involving hazardous materials;

''(L) advanced emergency medical services training;''.

(b) ON-SITE TRAINING.—Section 7 of such Act (15 U.S.C. 2206) is amended—

(1) in subsection (c)(6), by inserting '', including on-site training'' after ''United States'';

(2) in subsection (f), by striking ''4 percent'' and inserting ''7.5 percent''; and

(3) by adding at the end the following:

''(m) ON-SITE TRAINING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may enter into a contract with nationally recognized organizations that have established on-site training programs that comply with national voluntary consensus standards for fire service personnel to facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

''(2) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not enter into a contract with an organization described in paragraph (1) unless such organization provides training that—

''(i) leads to certification by a program that is accredited by a nationally recognized accreditation organization; or

''(ii) the Administrator determines is of equivalent quality to a fire service training program described by clause (i).

''(B) APPROVAL OF UNACCREDITED FIRE SERVICE TRAINING PROGRAMS.—The Administrator may consider the fact that an organization has provided a satisfactory fire service training program pursuant to a cooperative agreement with a Federal agency as evidence that such program is of equivalent quality to a fire service training program described by subparagraph (A)(i).

''(3) RESTRICTION ON USE OF FUNDS.—The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 7.5 per centum of the amount authorized to be appropriated in such fiscal year pursuant to section 17.''.

(c) TRIENNIAL REPORTS.—Such section 7 (15 U.S.C. 2206) is further amended by adding at the end the following:

''(n) TRIENNIAL REPORT.—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the National Fire Academy curriculum, including—

''(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

''(2) the desired training outcome of all such changes.''.

(d) REPORT ON FEASIBILITY OF PROVIDING INCIDENT COMMAND TRAINING FOR FIRES AT PORTS AND IN MARINE ENVIRONMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the United States Fire Administration shall submit to Congress a report on the feasibility of providing training in incident command for appropriate fire service personnel for fires at United States ports and in marine environments, including fires on the water and aboard vessels.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the necessary curriculum for training described in paragraph (1).

(B) A description of existing training programs related to incident command in port and maritime environments, including by other Federal agencies, and the feasibility and estimated cost of making such training available to appropriate fire service personnel.

(C) An assessment of the feasibility and advisability of the United States Fire Administration developing such a training course in incident command for appropriate fire service personnel for fires at United States ports and in marine environments, including fires on the water and aboard vessels.

(D) A description of the delivery options for such a course and the estimated cost to the United States Fire Administration for developing such a course and providing such training for appropriate fire service personnel.

SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) INCIDENT REPORTING SYSTEM DATABASE.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following:

''(d) NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.—

''(1) IN GENERAL.—The Administrator shall update the National Fire Incident Reporting System to ensure that the information in the system is available, and can be updated, through the Internet and in real time.

''(2) LIMITATION.—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use not more than an aggregate amount of $5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out the activities required by paragraph (1).''.

(b) TECHNICAL CORRECTION.—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking ''assist State,'' and inserting ''assist Federal, State,''.

SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND RESEARCH DISSEMINATION.

(a) ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended to read as follows:

''(d) RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE.—The Administrator may, in coordination with the Secretary of Agriculture, the Secretary of the Interior, and the Wildland Fire Leadership Council, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, in sponsoring and encouraging research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

''(1) the rural and remote areas of the United States; and

''(2) the wildland-urban interface.''.

(b) TECHNOLOGY RESEARCH DISSEMINATION.—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following:

''(h) PUBLICATION OF RESEARCH RESULTS.—

''(1) IN GENERAL.—For each fire-related research program funded by the Administration, the Administrator shall make available to the public on the Internet website of the Administration the following:

''(A) A description of such research program, including the scope, methodology, and goals thereof.

''(B) Information that identifies the individuals or institutions conducting the research program.

''(C) The amount of funding provided by the Administration for such program.

''(D) The results or findings of the research program.

''(2) DEADLINES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the information required by paragraph (1) shall be published with respect to a research program as follows:

''(i) The information described in subparagraphs (A), (B), and (C) of paragraph (1) with respect to such research program shall be made available under paragraph (1) not later than 30 days after the Administrator has awarded the funding for such research program.

''(ii) The information described in subparagraph (D) of paragraph (1) with respect to a research program shall be made available under paragraph (1) not later than 60 days after the date such research program has been completed.

''(B) EXCEPTION.—No information shall be required to be published under this subsection before the date that is 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008.''.

SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

''The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by—

''(1) educating fire services about such standards;

''(2) encouraging the adoption at all levels of government of such standards; and

''(3) making recommendations on other ways in which the Federal Government can promote the adoption of such standards by fire services.''.

SEC. 8. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

Section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) is amended by adding at the end the following:

''(c) STATE AND LOCAL FIRE SERVICE REPRESENTATION.—

''(1) ESTABLISHMENT OF POSITION.—The Secretary shall, in consultation with the Administrator of the United States Fire Administration, establish a fire service position at the National Operations Center established under subsection (b) to ensure the effective sharing of information between the Federal Government and State and local fire services.

''(2) DESIGNATION OF POSITION.—The Secretary shall designate, on a rotating basis, a State or local fire service official for the position described in paragraph (1).

''(3) MANAGEMENT.—The Secretary shall manage the position established pursuant to paragraph (1) in accordance with such rules, regulations, and practices as govern other similar rotating positions at the National Operations Center.''.

SEC. 9. COORDINATION REGARDING FIRE PREVENTION AND CONTROL AND EMERGENCY MEDICAL SERVICES.

(a) IN GENERAL.—Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

''(e) COORDINATION.—

''(1) IN GENERAL.—To the extent practicable, the Administrator shall use existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

''(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with Federal, State, and local government agencies and departments and nongovernmental organizations concerned with any matter related to programs of fire prevention and control.

''(3) COORDINATION OF EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator related to emergency medical services provided by fire

service-based systems with Federal, State, and local government agencies and departments and nongovernmental organizations so concerned, as well as those entities concerned with emergency medical services generally.''.

(b) FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES BEST PRACTICES.—Section 8(c) of such Act (15 U.S.C. 2207(c)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) The Administrator is authorized to conduct, directly or through contracts or grants, studies of the operations and management aspects of fire service-based emergency medical services and coordination between emergency medical services and fire services. Such studies may include the optimum protocols for on-scene care, the allocation of resources, and the training requirements for fire service-based emergency medical services.''.

SEC. 10. AMENDMENTS TO DEFINITIONS.

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking ''Administration'' and inserting ''Administration, within the Federal Emergency Management Agency'';

(2) in paragraph (7), by striking the ''and'' after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) 'wildland-urban interface' has the meaning given such term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).''.

SEC. 11. SUPPORTING THE ADOPTION OF FIRE SPRINKLERS.

Congress supports the recommendations of the United States Fire Administration regarding the adoption of fire sprinklers in commercial buildings and educational programs to raise awareness of the important of installing fire sprinklers in residential buildings.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at 10 a.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled ''Oversight Hearing on Cleanup Efforts at Federal Facilities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at a time to be determined.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, September 18, 2008, at 10 a.m. in room SH–216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, September 18, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 18, 2008 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at 2 p.m. to conduct a hearing entitled ''Keeping the Nation Safe through the Presidential Transition.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on September 18, 2008, at 2:30 p.m., to conduct a hearing entitled ''Transparency in Accounting: Proposed Changes to Accounting for Off-Balance Sheet Entities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Finance Committee staff be granted the privilege of the floor during consideration of the tax bill: Mary Baker, Matthew Berkeley, Matt Kazan, Bridget Mallon, Katheena Mussa, Ford Porter, Sean Thomas, and Caroline Phil.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

On Wednesday, September 17, 2008, the Senate passed S. 3001, as amended, as follows:

S. 3001

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2009''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Stryker Mobile Gun System.
Sec. 112. Procurement of small arms.

Subtitle C—Navy Programs

Sec. 131. Authority for advanced procurement and construction of components for the Virginia-class submarine program.
Sec. 132. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

Subtitle D—Air Force Programs

Sec. 151. F–22A fighter aircraft.

Subtitle E—Joint and Multiservice Matters

Sec. 171. Annual long-term plan for the procurement of aircraft for the Navy and the Air Force.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Requirement for plan on overhead nonimaging infrared systems.
Sec. 212. Advanced battery manufacturing and technology roadmap.
Sec. 213. Availability of funds for defense laboratories for research and development of technologies for military missions.
Sec. 214. Assured funding for certain information security and information assurance programs of the Department of Defense.
Sec. 215. Requirements for certain airborne intelligence collection systems.

Subtitle C—Missile Defense Programs

Sec. 231. Review of the ballistic missile defense policy and strategy of the United States.
Sec. 232. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
Sec. 233. Airborne Laser system.
Sec. 234. Annual Director of Operational Test and Evaluation characterization of operational effectiveness, suitability, and survivability of the ballistic missile defense system.
Sec. 235. Independent assessment of boost-phase missile defense programs.
Sec. 236. Study on space-based interceptor element of ballistic missile defense system.
Sec. 237. Activation and deployment of AN/TPY–2 forward-based X-band radar.

Subtitle D—Other Matters

Sec. 251. Modification of systems subject to survivability testing by the Director of Operational Test and Evaluation.
Sec. 252. Biennial reports on joint and service concept development and experimentation.
Sec. 253. Repeal of annual reporting requirement relating to the Technology Transition Initiative.
Sec. 254. Executive agent for printed circuit board technology.
Sec. 255. Report on Department of Defense response to findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.
Sec. 256. Assessment of standards for mission critical semiconductors procured by the Department of Defense.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Expansion of cooperative agreement authority for management of natural resources to include off-installation mitigation.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 313. Comprehensive program for the eradication of the brown tree snake population from military facilities in Guam.

Subtitle C—Workplace and Depot Issues

Sec. 321. Authority to consider depot-level maintenance and repair using contractor furnished equipment or leased facilities as core logistics.
Sec. 322. Minimum capital investment for certain depots.

Subtitle D—Reports

Sec. 331. Additional information under annual submissions of information regarding information technology capital assets.

Subtitle E—Other Matters

Sec. 341. Mitigation of power outage risks for Department of Defense facilities and activities.
Sec. 342. Increased authority to accept financial and other incentives related to energy savings and new authority related to energy systems.
Sec. 343. Recovery of improperly disposed of Department of Defense property.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Increased end strengths for Reserves on active duty in support of the Army National Guard and Army Reserve and military technicians (dual status) of the Army National Guard.
Sec. 417. Modification of authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet new force structure requirements.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Modification of distribution requirements for commissioned officers on active duty in general and flag officer grades.
Sec. 502. Modification of limitations on authorized strengths of general and flag officers on active duty.
Sec. 503. Clarification of joint duty requirements for promotion to general or flag grades.
Sec. 504. Modification of authorities on length of joint duty assignments.
Sec. 505. Technical and conforming amendments relating to modification of joint specialty requirements.
Sec. 506. Eligibility of reserve officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons.
Sec. 507. Modification of authority on Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 508. Increase in number of permanent professors at the United States Air Force Academy.
Sec. 509. Service creditable toward retirement for thirty years or more of service of regular warrant officers other than regular Army warrant officers.
Sec. 510. Modification of requirements for qualification for issuance of posthumous commissions and warrants.

Subtitle B—Enlisted Personnel Policy

Sec. 521. Increase in maximum period of reenlistment of regular members of the Armed Forces.

Subtitle C—Reserve Component Management

Sec. 531. Modification of limitations on authorized strengths of reserve general and flag officers in active status.
Sec. 532. Extension to other reserve components of Army authority for deferral of mandatory separation of military technicians (dual status) until age 60.
Sec. 533. Increase in mandatory retirement age for certain Reserve officers to age 62.
Sec. 534. Authority for vacancy promotion of National Guard and Reserve officers ordered to active duty in support of a contingency operation.
Sec. 535. Authority for retention of reserve component chaplains and medical officers until age 68.
Sec. 536. Modification of authorities on dual duty status of National Guard officers.
Sec. 537. Modification of matching fund requirements under National Guard Youth Challenge Program.
Sec. 538. Report on collection of information on civilian skills of members of the reserve components of the Armed Forces.

Subtitle D—Education and Training

Sec. 551. Authority to prescribe the authorized strength of the United States Naval Academy.
Sec. 552. Tuition for attendance of certain individuals at the United States Air Force Institute of Technology.
Sec. 553. Increase in stipend for baccalaureate students in nursing or other health professions under health professions stipend program.
Sec. 554. Clarification of discharge or release triggering delimiting period for use of educational assistance benefit for reserve component members supporting contingency operations and other operations.
Sec. 555. Payment by the service academies of certain expenses associated with participation in activities fostering international cooperation.

Subtitle E—Defense Dependents' Education Matters

Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 562. Impact aid for children with severe disabilities.

Sec. 563. Transition of military dependent students among local educational agencies.

Subtitle F—Military Family Readiness

Sec. 571. Authority for education and training for military spouses pursuing portable careers.

Subtitle G—Other Matters

Sec. 581. Department of Defense policy on the prevention of suicides by members of the Armed Forces.

Sec. 582. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense.

Sec. 583. Paternity leave for members of the Armed Forces.

Sec. 584. Enhancement of authorities on participation of members of the Armed Forces in international sports competitions.

Sec. 585. Pilot programs on career flexibility to enhance retention of members of the Armed Forces.

Sec. 586. Prohibition on interference in independent legal advice by the Legal Counsel to the Chairman of the Joint Chiefs of Staff.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military basic pay.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.

Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. Extension of special pay and bonus authorities for nuclear officers.

Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.

Sec. 615. Extension of authorities relating to payment of referral bonuses.

Sec. 616. Permanent extension of prohibition on charges for meals received at military treatment facilities by members receiving continuous care.

Sec. 617. Accession and retention bonuses for the recruitment and retention of psychologists for the Armed Forces.

Sec. 618. Authority for extension of maximum length of service agreements for special pay for nuclear-qualified officers extending period of active service.

Sec. 619. Incentive pay for members of precommissioning programs pursuing foreign language proficiency.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Shipment of family pets during evacuation of personnel.

Sec. 632. Special weight allowance for transportation of professional books and equipment for spouses.

Sec. 633. Travel and transportation allowances for members of the reserve components of the Armed Forces on leave for suspension of training.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Presentation of burial flag to the surviving spouse and children of members of the Armed Forces who die in service.

Sec. 642. Repeal of requirement of reduction of SBP survivor annuities by dependency and indemnity compensation.

Subtitle E—Other Matters

Sec. 651. Separation pay, transitional health care, and transitional commissary and exchange benefits for members of the Armed Forces separated under Surviving Son or Daughter policy.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

Sec. 701. Calculation of monthly premiums for coverage under TRICARE Reserve Select after 2008.

Subtitle B—Other Health Care Authorities

Sec. 711. Enhancement of medical and dental readiness of members of the Armed Forces.

Sec. 712. Additional authority for studies and demonstration projects relating to delivery of health and medical care.

Sec. 713. Travel for anesthesia services for childbirth for dependents of members assigned to very remote locations outside the continental United States.

Subtitle C—Other Health Care Matters

Sec. 721. Repeal of prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Sec. 801. Inclusion of major subprograms to major defense acquisition programs under acquisition reporting requirements.

Sec. 802. Inclusion of certain major information technology investments in acquisition oversight authorities for major automated information system programs.

Sec. 803. Configuration Steering Boards for cost control under major defense acquisition programs.

Subtitle B—Acquisition Policy and Management

Sec. 811. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.

Sec. 812. Contingency Contracting Corps.

Sec. 813. Expedited review and validation of urgent requirements documents.

Sec. 814. Incorporation of energy efficiency requirements into key performance parameters for fuel consuming systems.

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Multiyear procurement authority for the Department of Defense for the purchase of alternative and synthetic fuels.

Sec. 822. Modification and extension of pilot program for transition to follow-on contracts under authority to carry out certain prototype projects.

Sec. 823. Exclusion of certain factors in consideration of cost advantages of offers for certain Department of Defense contracts.

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Sec. 831. Database for Department of Defense contracting officers and suspension and debarment officials.

Sec. 832. Ethics safeguards for employees under certain contracts for the performance of acquisition functions closely associated with inherently governmental functions.

Sec. 833. Information for Department of Defense contractor employees on their whistleblower rights.

Subtitle E—Matters Relating to Iraq and Afghanistan

Sec. 841. Performance by private security contractors of inherently governmental functions in an area of combat operations.

Sec. 842. Additional contractor requirements and responsibilities relating to alleged crimes by or against contractor personnel in Iraq and Afghanistan.

Sec. 843. Clarification and modification of authorities relating to the Commission on Wartime Contracting in Iraq and Afghanistan.

Sec. 844. Comprehensive audit of spare parts purchases and depot overhaul and maintenance of equipment for operations in Iraq and Afghanistan.

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Sec. 851. Expedited hiring authority for the defense acquisition workforce.

Sec. 852. Specification of Secretary of Defense as ''Secretary concerned'' for purposes of licensing of intellectual property for the Defense Agencies and defense field activities.

Sec. 853. Repeal of requirements relating to the military system essential item breakout list.

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Sec. 902. Participation of Deputy Chief Management Officer of the Department of Defense on Defense Business System Management Committee.

Sec. 903. Repeal of obsolete limitations on management headquarters personnel.

Sec. 904. General Counsel to the Inspector General of the Department of Defense.

Sec. 905. Assignment of forces to the United States Northern Command with primary mission of management of the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.
Sec. 906. Business transformation initiatives for the military departments.

Subtitle B—Space Matters

Sec. 911. Space posture review.

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Sec. 922. Transfer of management of Intelligence Systems Support Office.
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Sec. 1002. Incorporation into Act of tables in the report of the Committee on Armed Services of the Senate.
Sec. 1003. United States contribution to NATO common-funded budgets in fiscal year 2009.

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Sec. 1021. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1022. Two-year extension of authority for use of funds for unified counterdrug and counterterrorism campaign in Colombia.

Subtitle D—Miscellaneous Authorities and Limitations

Sec. 1031. Procurement by State and local governments of equipment for homeland security and emergency response activities through the Department of Defense.
Sec. 1032. Enhancement of the capacity of the United States Government to conduct complex operations.
Sec. 1033. Crediting of admiralty claim receipts for damage to property funded from a Department of Defense working capital fund.
Sec. 1034. Minimum annual purchase requirements for airlift services from carriers participating in the Civil Reserve Air Fleet.
Sec. 1035. Termination date of base contract for the Navy-Marine Corps Intranet.
Sec. 1036. Prohibition on interrogation of detainees by contractor personnel.
Sec. 1037. Notification of Committees on Armed Services with respect to certain nonproliferation and proliferation activities.
Sec. 1038. Sense of Congress on nuclear weapons management.
Sec. 1039. Sense of Congress on joint Department of Defense-Federal Aviation Administration executive committee on conflict and dispute resolution.
Sec. 1040. Sense of Congress on sale of new outsize cargo, strategic lift aircraft for civilian use.

Subtitle E—Reports

Sec. 1051. Repeal of requirement to submit certain annual reports to Congress regarding allied contributions to the common defense.
Sec. 1052. Report on detention operations in Iraq.
Sec. 1053. Strategic plan to enhance the role of the National Guard and Reserves in the national defense.
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Sec. 1062. Inclusion of service members in inpatient status in wounded warrior policies and protections.
Sec. 1063. Clarification of certain information sharing between the Department of Defense and Department of Veterans Affairs for wounded warrior purposes.
Sec. 1064. Additional responsibilities for the wounded warrior resource center.
Sec. 1065. Responsibility for the Center of Excellence in the Prevention, Diagnosis, Mitigation, Treatment and Rehabilitation of Traumatic Brain Injury to conduct pilot programs on treatment approaches for traumatic brain injury.
Sec. 1066. Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries and Amputations.
Sec. 1067. Three-year extension of Senior Oversight Committee with respect to wounded warrior matters.

Subtitle G—Other Matters

Sec. 1081. Military salute for the flag during the national anthem by members of the Armed Forces not in uniform and by veterans.
Sec. 1082. Modification of deadlines for standards required for entry to military installations in the United States.
Sec. 1083. Suspension of statutes of limitations when Congress authorizes the use of military force.

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Sec. 1101. Department of Defense strategic human capital plans.
Sec. 1102. Conditional increase in authorized number of Defense Intelligence Senior Executive Service personnel.
Sec. 1103. Enhancement of authorities relating to additional positions under the National Security Personnel System.
Sec. 1104. Expedited hiring authority for health care professionals of the Department of Defense.
Sec. 1105. Election of insurance coverage by Federal civilian employees deployed in support of a contingency operation.
Sec. 1106. Permanent extension of Department of Defense voluntary reduction in force authority.
Sec. 1107. Four-year extension of authority to make lump sum severance payments with respect to Department of Defense employees.
Sec. 1108. Authority to waive limitations on pay for Federal civilian employees working overseas under areas of United States Central Command.
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Sec. 1202. Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the Armed Forces.
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Sec. 1212. Enhancement of authorities relating to Department of Defense regional centers for security studies.
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Sec. 1221. Waiver of certain sanctions against North Korea.

Subtitle D—Reports

Sec. 1231. Extension and modification of updates on report on claims relating to the bombing of the Labelle Discotheque.
Sec. 1232. Report on utilization of certain global partnership authorities.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION
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Sec. 1608. Operation and maintenance.
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Sec. 2106. Extension of authorization of certain fiscal year 2006 project.
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Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
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Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects inside the United States.
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Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 2006 projects.
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TITLE XXIV—DEFENSE AGENCIES
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Sec. 2607. Extension of authorizations of certain fiscal year 2006 projects.
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Sec. 2902. Authorized Navy construction and land acquisition projects.

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Sec. 2904. Termination of authority to carry out fiscal year 2008 Army projects.

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Sec. 2912. Authorized Navy construction and land acquisition projects.

Sec. 2913. Limitation on availability of funds for certain purposes relating to Iraq.

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Sec. 3102. Defense environmental cleanup.

Sec. 3103. Other defense activities.

Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Modification of functions of Administrator for Nuclear Security to include elimination of surplus fissile materials usable for nuclear weapons.

Sec. 3112. Report on compliance with Design Basis Threat issued by the Department of Energy in 2005.

Sec. 3113. Modification of submittal of reports on inadvertent releases of restricted data.

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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Army as follows:

(1) For aircraft, $4,957,435,000.

(2) For missiles, $2,211,460,000.

(3) For weapons and tracked combat vehicles, $3,689,277,000.

(4) For ammunition, $2,303,791,000.

(5) For other procurement, $11,861,704,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Navy as follows:

(1) For aircraft, $14,729,274,000.

(2) For weapons, including missiles and torpedoes, $3,605,482,000.

(3) For shipbuilding and conversion, $13,037,218,000.

(4) For other procurement, $5,516,506,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Marine Corps in the amount of $1,495,665,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,131,712,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Air Force as follows:

(1) For aircraft, $13,235,286,000.

(2) For missiles, $5,556,728,000.

(3) For ammunition, $895,478,000.

(4) For other procurement, $16,115,496,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement as follows:

(1) For Defense-wide procurement, $3,466,928,000.

(2) For the Rapid Acquisition Fund, $102,045,000.

Subtitle B—Army Programs

SEC. 111. STRYKER MOBILE GUN SYSTEM.

(a) TESTING OF SYSTEM.—If the Secretary of the Army makes the certification described by subsection (a) of section 117 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–18; 122 Stat. 26) with respect to the Stryker Mobile Gun System, or the Secretary of Defense waives pursuant to subsection (b) of such section the limitations under subsection (a) of such section with respect to the Stryker Mobile Gun System, the Secretary of Defense shall, through the Director of Operational Test and Evaluation, ensure that the Stryker Mobile Gun System is subject to testing to confirm the efficacy of any actions necessary to mitigate operational effectiveness, suitability, and survivability deficiencies identified in Initial Operational Test and Evaluation and Live Fire Test and Evaluation.

(b) QUARTERLY REPORTS.—

(1) REPORTS REQUIRED.—The Secretary of the Army shall submit to the congressional defense committees on a quarterly basis a report setting forth the following:

(A) The status of any necessary mitigating actions taken by the Army to address deficiencies in the Stryker Mobile Gun System that are identified by the Director of Operational Test and Evaluation.

(B) An assessment of the efficacy of the actions described by subparagraph (A).

(C) A statement of additional actions needed to be taken, if any, to mitigate operational deficiencies in the Stryker Mobile Gun System.

(D) A compilation of all hostile fire engagements resulting in damage to the vehicle, resulting in a non-mission capable status of the Stryker Mobile Gun System.

(2) CONSULTATION.—The Secretary shall submit each report required by paragraph (1) in consultation with the Director of Operational Test and Evaluation.

(3) FORM.—Each report required by paragraph (1) may be submitted in unclassified or classified form.

(c) EXPANSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF SYSTEM.—Section 117(a) of the National Defense Authorization Act for Fiscal Year 2008 is amended by striking ''by sections 101(3) and 1501(3)'' and inserting ''by this Act or any other Act.''.

SEC. 112. PROCUREMENT OF SMALL ARMS.

(a) REPORT ON CAPABILITIES BASED ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of small arms by the Army Training and Doctrine Command.

(2) LIMITATION ON USE OF CERTAIN FUNDS PENDING REPORT.—Not more than 75 percent of the aggregate amount authorized to be appropriated for the Department of Defense for fiscal year 2009 and available for the Guardrail Common Sensor program may be obligated for that program until after the Secretary of the Army submits to the congressional defense committees a report required under paragraph (1).

(b) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on selection criteria that reflect the key performance parameters and attributes identified in an Army-approved service requirements document.

(c) REPORT ON PROCUREMENT OF CARBINE-TYPE RIFLES.—Not later than 120 days after the date of the enactment of this Act, Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a carbine-type rifle requirement that does not require commonality with existing technical data.

(2) A full and open competition leading to the award of contracts for carbine-type rifles in lieu of a developmental program intended to meet the proposed carbine-type rifle requirement.

(3) The reprogramming of funds for the procurement of small arms from the procurement of M4 Carbines to the procurement of

carbine-type rifles authorized only as the result of competition.

(4) The use of rapid equipping authority to procure carbine-type rifles under $2,000 per unit that meet service-approved requirements, which weapons may be nondevelopmental items selected through full and open competition.

Subtitle C—Navy Programs

SEC. 131. AUTHORITY FOR ADVANCED PROCUREMENT AND CONSTRUCTION OF COMPONENTS FOR THE VIRGINIA-CLASS SUBMARINE PROGRAM.

Section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 26) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADVANCE PROCUREMENT AND CONSTRUCTION OF COMPONENTS.—The Secretary may enter into one or more contracts for advance procurement and advance construction of those components for the Virginia-class submarine program for which authorization to enter into a multiyear procurement contract is granted under subsection (a) if the Secretary determines that cost savings or construction efficiencies may be achieved for Virginia-class submarines through the use of such contracts.''.

SEC. 132. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. THEODORE ROOSEVELT.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2009 by section 102(a)(3) for shipbuilding and conversion, Navy, $124,500,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt (CVN–71) during fiscal year 2009.

(2) FIRST INCREMENT.—The amount made available under paragraph (1) is the first increment of the three increments of funding planned to be available for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may enter into a contract during fiscal year 2009 for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(2) CONDITION ON OUT-YEAR CONTRACT PAYMENTS.—The contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2009 is subject to the availability of appropriations for that purpose for such fiscal year.

Subtitle D—Air Force Programs

SEC. 151. F–22A FIGHTER AIRCRAFT.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force, $497,000,000 shall be available, at the election of the President, for either, but not both, of the following:

(1) Advance procurement of F–22A fighter aircraft in fiscal year 2010.

(2) Winding down of the production line for F–22A fighter aircraft.

(b) CERTIFICATION.—

(1) IN GENERAL.—The amount referred to in subsection (a) shall not be available for the purpose elected by the President under that subsection until the President certifies to the congressional defense committees the following (as applicable):

(A) That procurement of F–22A fighter aircraft is in the national interests of the United States.

(B) That the winding down of the production line for F–22A fighter aircraft is in the national interests of the United States.

(2) DATE OF SUBMITTAL.—Any certification submitted under this subsection may not be submitted before January 21, 2009.

Subtitle E—Joint and Multiservice Matters

SEC. 171. ANNUAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 231 the following new section:

''§ 231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification

''(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for each fiscal year—

''(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy and the Department of the Air Force developed in accordance with this section; and

''(2) a certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

''(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

''(1) Fighter aircraft.

''(2) Attack aircraft.

''(3) Bomber aircraft.

''(4) Strategic lift aircraft.

''(5) Intratheater lift aircraft.

''(6) Intelligence, surveillance, and reconnaissance aircraft.

''(7) Tanker aircraft.

''(8) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

''(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time the plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then the plan should be designed so that the aviation force provided for under the plan is capable of supporting the aviation force structure recommended in the report of the most recent Quadrennial Defense Review.

''(2) Each annual aircraft procurement plan shall include the following:

''(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy and the Department of the Air Force over the next 30 fiscal years.

''(B) A description of the necessary aviation force structure to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

''(D) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy and the Department of the Air Force meet the national security requirements of the United States.

''(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for either the Department of the Navy or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

''(e) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:

''231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification.''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,855,210,000.

(2) For the Navy, $19,442,192,000.

(3) For the Air Force, $28,322,477,000.

(4) For Defense-wide activities, $21,113,501,000, of which $188,772,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $11,895,180,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and

advanced technology development'' means work funded in programs elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. REQUIREMENT FOR PLAN ON OVERHEAD NONIMAGING INFRARED SYSTEMS.

(a) IN GENERAL.—The Secretary of the Air Force shall develop a comprehensive plan to conduct and support research, development, and demonstration of technologies that could evolve into the next generation of overhead nonimaging infrared systems.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) The research objectives to be achieved under the plan.

(2) An estimate of the duration of the research, development, and demonstration of technologies under the plan.

(3) The cost and duration of any flight or on-orbit demonstrations of the technologies being developed.

(4) A plan for implementing an acquisition program with respect to technologies determined to be successful under the plan.

(5) An identification of the date by which a decision must be made to begin a follow-on program and a justification for the date identified.

(6) A schedule for completion of a full analysis of the on-orbit performance characteristics of the Space-Based Infrared System and the Space Tracking and Surveillance System, and an assessment of how the performance characteristics of such systems will inform the decision to proceed to a next generation overhead nonimaging infrared system.

(c) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THIRD GENERATION INFRARED SURVEILLANCE PROGRAM.—Not more than 50 percent of the amounts authorized to be appropriated for fiscal year 2009 by section 201(3) for research, development, test, and evaluation for the Air Force and available for the Third Generation Infrared Surveillance program may be obligated or expended until the date that is 30 days after the date on which the Secretary submits to the congressional defense committees the plan required by subsection (a).

SEC. 212. ADVANCED BATTERY MANUFACTURING AND TECHNOLOGY ROADMAP.

(a) ROADMAP REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of Energy, develop a multi-year roadmap to develop advanced battery technologies and sustain domestic advanced battery manufacturing capabilities and an assured supply chain necessary to ensure that the Department of Defense has assured access to advanced battery technologies to support current military requirements and emerging military needs.

(b) ELEMENTS.—The roadmap required by subsection (a) shall include, but not be limited to, the following:

(1) An identification of current and future capability gaps, performance enhancements, cost savings goals, and assured technology access goals that require advances in battery technology and manufacturing capabilities.

(2) Specific research, technology, and manufacturing goals and milestones, and timelines and estimates of funding necessary for achieving such goals and milestones.

(3) Specific mechanisms for coordinating the activities of Federal agencies, State and local governments, coalition partners, private industry, and academia covered by the roadmap.

(4) Such other matters as the Secretary of Defense and the Secretary of Energy consider appropriate for purposes of the roadmap.

(c) COORDINATION.—

(1) IN GENERAL.—The roadmap required by subsection (a) shall be developed in coordination with the military departments, appropriate Defense Agencies and other elements and organizations of the Department of Defense, other appropriate Federal, State, and local government organizations, and appropriate representatives of private industry and academia.

(2) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense shall ensure that appropriate elements and organizations of the Department of Defense provide such information and other support as is required for the development of the roadmap.

(d) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the congressional defense committees the roadmap required by subsection (a) not later than one year after the date of the enactment of this Act.

SEC. 213. AVAILABILITY OF FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish mechanisms under which the director of a defense laboratory may utilize an amount equal to not more than three percent of all funds available to the defense laboratory for the following purposes:

(A) To fund innovative basic and applied research at the defense laboratory in support of military missions.

(B) To fund development programs that support the transition of technologies developed by the defense laboratory into operational use.

(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with scientific and engineering expertise required by the defense laboratory.

(2) CONSULTATION REQUIRED.—The mechanisms established under paragraph (1) shall provide that funding shall be utilized under paragraph (1) at the discretion of the director of a defense laboratory in consultation with the science and technology executive of the military department concerned.

(b) ANNUAL REPORT ON USE OF AUTHORITY.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by such report, the following:

(A) A current description of the mechanisms under subsection (a).

(B) A statement of the amount of funding made available by each defense laboratory for research and development described in subsection (a)(1).

(C) A description of the investments made by each defense laboratory utilizing funds under subsection (a).

(D) A description and assessment of any improvements in the performance of the defense laboratories as a result of investments described under subparagraph (C).

(E) A description and assessment of the contributions of the research and development conducted by the defense laboratories utilizing funds under subsection (a) to the development of needed military capabilities.

(F) A description of any modification to the mechanisms under subsection (a) that are required or proposed to be taken to enhance the efficacy of the authority under subsection (a) to support military missions.

SEC. 214. ASSURED FUNDING FOR CERTAIN INFORMATION SECURITY AND INFORMATION ASSURANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Of the amount authorized to be appropriated for each fiscal year after fiscal year 2008 for a program specified in subsection (b), not less than the amount equal to one percent of such amount shall be available in such fiscal year for the establishment or conduct under such program of a program or activities to—

(1) anticipate advances in information technology that will create information security challenges for the Department of Defense when fielded; and

(2) identify and develop solutions to such challenges.

(b) COVERED PROGRAMS.—The programs specified in this subsection are the programs described in the budget justification documents submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted pursuant to section 1105(a) of title 31, United States Code) as follows:

(1) The Information Systems Security Program of the Department of Defense.

(2) Each other Department of Defense information assurance program.

(3) Any program of the Department of Defense under the Comprehensive National Cybersecurity Initiative that is not funded by the National Intelligence Program.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts available under subsection (a) for a fiscal year for the programs and activities described in that subsection are in addition to any other amounts available for such fiscal year for the programs specified in subsection (b) for research and development relating to new information assurance technologies.

SEC. 215. REQUIREMENTS FOR CERTAIN AIRBORNE INTELLIGENCE COLLECTION SYSTEMS.

(a) IN GENERAL.—Except as provided pursuant to subsection (b), effective as of October 1, 2012, each airborne intelligence collection system of the Department of Defense that is connected to the Distributed Common Ground/Surface System shall have the capability to operate with the Network-Centric Collaborative Targeting System.

(b) EXCEPTIONS.—The requirement in subsection (a) with respect to a particular airborne intelligence collection system may be waived by the Chairman of the Joint Requirements Oversight Council under section 181 of title 10, United States Code. Waivers under this subsection shall be made on a case-by-case basis.

Subtitle C—Missile Defense Programs

SEC. 231. REVIEW OF THE BALLISTIC MISSILE DEFENSE POLICY AND STRATEGY OF THE UNITED STATES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the ballistic missile defense policy and strategy of the United States.

(b) ELEMENTS.—The matters addressed by the review required by subsection (a) shall include, but not be limited to, the following:

(1) The ballistic missile defense policy of the United States in relation to the overall national security policy of the United States.

(2) The ballistic missile defense strategy and objectives of the United States in relation to the national security strategy of the

United States and the military strategy of the United States.

(3) The organization, discharge, and oversight of acquisition for the ballistic missile defense programs of the United States.

(4) The roles and responsibilities of the military departments in the ballistic missile defense programs of the United States.

(5) The process for determining requirements for missile defense capabilities under the ballistic missile defense programs of the United States, including input from the joint military requirements process.

(6) The process for determining the force structure and inventory objectives for the ballistic missile defense programs of the United States.

(7) Standards for the military utility, operational effectiveness, suitability, and survivability of the ballistic missile defense systems of the United States.

(8) The affordability and cost-effectiveness of particular capabilities under the ballistic missile defense programs of the United States.

(9) The objectives, requirements, and standards for test and evaluation with respect to the ballistic missile defense programs of the United States.

(10) Accountability, transparency, and oversight with respect to the ballistic missile defense programs of the United States.

(11) The role of international cooperation on missile defense in the ballistic missile defense policy and strategy of the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than January 31, 2010, the Secretary shall submit to Congress a report setting forth the results of the review required by subsection (a).

(2) FORM.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) IN GENERAL.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of major components of a long-range missile defense system in a European country until each of the following conditions have been met:

(1) The government of the country in which such major components of such missile defense system (including interceptors and associated radars) are proposed to be deployed has given final approval (including parliamentary ratification) to any missile defense agreements negotiated between such government and the United States Government concerning the proposed deployment of such components in such country.

(2) 45 days have elapsed following the receipt by Congress of the report required by section 226(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 42).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of accomplishing its mission in an operationally effective manner.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

SEC. 233. AIRBORNE LASER SYSTEM.

(a) REPORT ON DIRECTOR OF OPERATIONAL TEST AND EVALUATION ASSESSMENT OF TESTING.—Not later than January 15, 2010, the Director of Operational Test and Evaluation shall—

(1) review and evaluate the testing conducted on the first Airborne Laser system aircraft, including the planned shootdown demonstration testing; and

(2) submit to the Secretary of Defense and to Congress an assessment by the Director of the operational effectiveness, suitability, and survivability of the Airborne Laser system.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR LATER AIRBORNE LASER SYSTEM AIRCRAFT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the procurement of a second or subsequent aircraft for the Airborne Laser system program until the Secretary of Defense, after receiving the assessment of the Director of Operational Test and Evaluation under subsection (a)(2), submits to Congress a certification that the Airborne Laser system has demonstrated, through successful testing and operational and cost analysis, a high probability of being operationally effective, suitable, survivable, and affordable.

SEC. 234. ANNUAL DIRECTOR OF OPERATIONAL TEST AND EVALUATION CHARACTERIZATION OF OPERATIONAL EFFECTIVENESS, SUITABILITY, AND SURVIVABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) ANNUAL CHARACTERIZATION.—Section 232(h) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of Operational Test and Evaluation shall also each year characterize the operational effectiveness, suitability, and survivability of the ballistic missile defense system, and its elements, that have been fielded or tested before the end of the preceding fiscal year.''; and

(3) in paragraph (3), as redesignated by paragraph (1) of this subsection, by inserting ''and the characterization under paragraph (2)'' after ''the assessment under paragraph (1)''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: ''ANNUAL OT&E ASSESSMENT AND CHARACTERIZATION OF CERTAIN BALLISTIC MISSILE DEFENSE MATTERS.—''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 235. INDEPENDENT ASSESSMENT OF BOOST-PHASE MISSILE DEFENSE PROGRAMS.

(a) INDEPENDENT ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences under which the Academy shall conduct an independent assessment of the boost-phase ballistic missile defense programs of the United States.

(b) ELEMENTS.—The assessment required by subsection (a) shall consider the following:

(1) The extent to which boost-phase missile defense is feasible, practical, and affordable.

(2) Whether any of the existing boost-phase missile defense technology demonstration efforts of the Department of Defense (particularly the Airborne Laser and the Kinetic Energy Interceptor) have a high probability of performing a boost-phase missile defense mission in an operationally effective, suitable, survivable, and affordable manner.

(c) FACTORS TO BE CONSIDERED.—In conducting the assessment required by subsection (a), the factors considered by the National Academy of Sciences shall include, but not be limited to, the following:

(1) Operational considerations, including the need and ability to be deployed in a particular operational position at a particular time to be effective.

(2) Geographic considerations, including limitations on the ability to deploy systems within operational range of potential targets.

(3) Command and control considerations, including short timelines for detection, decision-making, and engagement.

(4) Concepts of operations.

(5) Whether there is a potential for an engaged threat missile or warhead to land on an unintended target outside of the launching nation.

(6) Effectiveness against countermeasures, and mission effectiveness in destroying threat missiles and their warheads.

(7) Reliability, availability, and maintainability.

(8) Cost and cost-effectiveness.

(9) Force structure requirements.

(d) REPORT.—

(1) IN GENERAL.—Upon the completion of the assessment required by subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment. The report shall include such recommendations regarding the future direction of the boost-phase ballistic missile defense programs of the United States as the Academy considers appropriate.

(2) FORM.—The report under paragraph (1) shall be submitted to the congressional defense committees in unclassified form, but may include a classified annex.

(e) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $3,500,000 is available for the assessment required by subsection (a).

SEC. 236. STUDY ON SPACE-BASED INTERCEPTOR ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) IN GENERAL.—Not later than 75 days after the date of the enactment of this Act, the Secretary of Defense shall, after consultation with the chair and ranking member of the Committee on Armed Services of the Senate and of the Committee on Armed Services of the House of Representatives, enter into a contract with one or more independent entities under which the entity or entities shall conduct an independent assessment of the feasibility and advisability of developing a space-based interceptor element to the ballistic missile defense system.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An assessment of the need for a space-based interceptor element to the ballistic missile defense system, including an assessment of—

(A) the extent to which there is a ballistic missile threat that—

(i) such a space-based interceptor element would address; and

(ii) other elements of the ballistic missile defense system would not address;

(B) whether other elements of the ballistic missile defense system could be modified to meet the threat described in subparagraph (A) and the modifications necessary for such elements to meet that threat; and

(C) any other alternatives to the development of such a space-based interceptor element.

(2) An assessment of the components and capabilities and the maturity of critical technologies necessary to make such a space-based interceptor element operational.

(3) An estimate of the total cost for the life cycle of such a space-based interceptor element, including the costs of research, development, demonstration, procurement, deployment, and launching of the element.

(4) An assessment of the effectiveness of such a space-based interceptor element in intercepting ballistic missiles and the survivability of the element in case of attack.

(5) An assessment of possible debris generated from the use or testing of such a space-based interceptor element and any effects of such use or testing on other space systems.

(6) An assessment of any treaty or policy implications of the development or deployment of such a space-based interceptor element.

(7) An assessment of any command, control, or battle management considerations of using such a space-based interceptor element, including estimated timelines for the detection of ballistic missiles, decision-making with respect to the use of the element, and interception of the missile by the element.

(c) REPORT.—

(1) SUBMITTAL.—Upon completion of the independent assessment required under subsection (a), the entity or entities conducting the assessment shall submit contemporaneously to the Secretary of Defense, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report setting forth the results of the assessment.

(2) COMMENTS.—Not later than 60 days after the date on which the Secretary of Defense receives the report required under paragraph (1), the Secretary may submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives any comments on the report or any recommendations of the Secretary resulting from the report.

(3) FORM.—The report required under paragraph (1) and any comments and recommendations submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $5,000,000 shall be available to carry out the study required under subsection (a).

SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY–2 FORWARD-BASED X-BAND RADAR.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to $89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY–2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY–2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and nonrecurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—Other Matters

SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIVABILITY TESTING BY THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) AUTHORITY TO DESIGNATE ADDITIONAL SYSTEMS AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO TESTING.—Section 2366(e)(1) of title 10, United States Code, is amended by striking ''or conventional weapon system'' and inserting ''conventional weapon system, or other system or program designated by the Director of Operational Test and Evaluation for purposes of this section''.

(b) FORCE PROTECTION EQUIPMENT.—Section 139(b) of such title is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SEC. 252. BIENNIAL REPORTS ON JOINT AND SERVICE CONCEPT DEVELOPMENT AND EXPERIMENTATION.

(a) IN GENERAL.—Section 485 of title 10, United States Code, is amended to read as follows:

''§ 485. Joint and service concept development and experimentation

''(a) BIENNIAL REPORTS REQUIRED.—Not later than January 1 of each even numbered-year, the Commander of the United States Joint Forces Command shall submit to the congressional defense committees a report on the conduct and outcomes of joint and service concept development and experimentation.

''(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include the following:

''(1) A description of any changes since the latest report submitted under this section to each of the following:

''(A) The authority and responsibilities of the Commander of the United States Joint Forces Command with respect to joint concept development and experimentation.

''(B) The organization of the Department of Defense responsible for executing the mission of joint concept development and experimentation.

''(C) The process for tasking forces (including forces designated as joint experimentation forces) to participate in joint concept development and experimentation and the specific authority of the Commander over those forces.

''(D) The resources provided for initial implementation of joint concept development and experimentation, the process for providing such resources to the Commander, the categories of funding for joint concept development and experimentation, and the authority of the Commander for budget execution for joint concept development and experimentation activities.

''(E) The process for the development and acquisition of materiel, supplies, services, and equipment necessary for the conduct of joint concept development and experimentation.

''(F) The process for designing, preparing, and conducting joint concept development and experimentation.

''(G) The assigned role of the Commander for—

''(i) integrating and testing in joint concept development and experimentation the systems that emerge from warfighting experimentation by the armed forces and the Defense Agencies;

''(ii) assessing the effectiveness of organizational structures, operational concepts, and technologies relating to joint concept development and experimentation; and

''(iii) assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in setting priorities for requirements or acquisition programs in light of joint concept development and experimentation.

''(2) A description of the conduct of joint concept development and experimentation activities during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

''(3) A description of the conduct of concept development and experimentation activities of the military departments during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with commanders of the combatant commands and with other organizations and entities inside and outside the Department.

''(4) A description of the conduct of joint concept development and experimentation,

and of concept development and experimentation of the military departments, during the two-year period ending on the date of such report with respect to the development of warfighting concepts for operational scenarios more than 10 years in the future, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

''(5) A description of the mechanisms used to coordinate joint, service, interagency, Coalition, and other appropriate concept development and experimentation activities.

''(6) An assessment of the return on investment in concept development and experimentation activities, including a description of the following:

''(A) Specific outcomes and impacts within the Department of the results of past joint and service concept development and experimentation in terms of new doctrine, operational concepts, organization, training, materiel, leadership, personnel, or the allocation of resources, or in activities that terminated support for legacy concepts, programs, or systems.

''(B) Specific actions taken by the Secretary of Defense to implement the recommendations of the Commander based on concept development and experimentation activities.

''(7) Such recommendations (based primarily based on the results of joint and service concept development and experimentation) as the Commander considers appropriate for enhancing the development of joint warfighting capabilities by modifying activities throughout the Department relating to—

''(A) the development or acquisition of specific advanced technologies, systems, or weapons or systems platforms;

''(B) key systems attributes and key performance parameters for the development or acquisition of advanced technologies and systems;

''(C) joint or service doctrine, organization, training, materiel, leadership development, personnel, or facilities;

''(D) the reduction or elimination of redundant equipment and forces, including the synchronization of the development and fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts; and

''(E) the development or modification of initial capabilities documents, operational requirements, and relative priorities for acquisition programs to meet joint requirements.

''(8) With respect to improving the effectiveness of joint concept development and experimentation capabilities, such recommendations (based primarily on the results of joint warfighting experimentation) as the Commander considers appropriate regarding—

''(A) the conduct of, adequacy of resources for, or development of technologies to support such capabilities; and

''(B) changes in authority for acquisition of materiel, supplies, services, equipment, and support from other elements of the Department of Defense for concept development and experimentation by joint or service organizations.

''(9) The coordination of the concept development and experimentation activities of the Commander of the United States Joint Forces Command with the activities of the Commander of the North Atlantic Treaty Organization Supreme Allied Command Transformation.

''(10) Any other matters that the Commander consider appropriate.

''(c) COORDINATION AND SUPPORT.—The Secretary of Defense shall ensure that the Secretaries of the military departments and the heads of other appropriate elements of the Department of Defense provide the Commander of the United States Joint Forces Command such information and support as is required to enable the Commander to prepare the reports required by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 485 and inserting the following new item:

''485. Joint and service concept development and experimentation.''.

SEC. 253. REPEAL OF ANNUAL REPORTING REQUIREMENT RELATING TO THE TECHNOLOGY TRANSITION INITIATIVE.

Section 2359a of title 10, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

SEC. 254. EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD TECHNOLOGY.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the Executive Agent of the Department of Defense for printed circuit board technology.

(b) SPECIFICATION OF ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The roles, responsibilities, and authorities of the Executive Agent designated under subsection (a) shall be as described in a directive issued by the Secretary of Defense for purposes of this section not later than one year after the date of the enactment of this Act.

(c) PARTICULAR ROLES AND RESPONSIBILITIES.—The roles and responsibilities described under subsection (b) for the Executive Agent designated under subsection (a) shall include the following:

(1) To develop and maintain a printed circuit board and interconnect technology roadmap that assures that the Department of Defense has access to manufacturing capabilities and expertise and technological capabilities necessary to meet future military requirements.

(2) To develop and recommend to the Secretary of Defense funding strategies that meet the recapitalization and investment requirements of the Department for printed circuit board and interconnect technology, which strategies shall be consistent with the roadmap developed under paragraph (1).

(3) To assure that continuing expertise in printed circuit board technical is available to the Department.

(4) To assess the vulnerabilities, trustworthiness, and diversity of the printed circuit board supply chain, including the development of trustworthiness requirements for printed circuit boards used in defense systems, and to develop strategies to address matters in that supply chain that are identified as a result of such assessment.

(5) To support technical assessments and analyses, especially with respect to acquisition decisions and planning, relating to printed circuit boards

(6) Such other roles and responsibilities as the Secretary considers appropriate.

(d) RESOURCES AND AUTHORITIES.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has the appropriate resources and authorities to perform the roles and responsibilities of the Executive Agent under this section.

(e) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has such support from the military departments, Defense Agencies, and other components of the Department of Defense as is required for the Executive Agent to perform the roles and responsibilities of the Executive Agent under this section.

SEC. 255. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE DEFENSE SCIENCE BOARD TASK FORCE ON DIRECTED ENERGY WEAPONS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of each of the findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(2) A detailed description of the response of the Department of Defense to each finding and recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement such recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of such recommendation; and

(B) for each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement such recommendation; and

(ii) a summary of the alternative actions, if any, the Secretary plans to take to address the purposes underlying such recommendation, if any.

(3) A summary of any additional actions, if any, the Secretary plans to take to address concerns raised by the Task Force, if any.

SEC. 256. ASSESSMENT OF STANDARDS FOR MISSION CRITICAL SEMICONDUCTORS PROCURED BY THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT OF METHODS FOR VERIFICATION OF TRUST OF SEMICONDUCTORS PROCURED FROM COMMERCIAL SOURCES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an assessment of various methods for verification of trust of the semiconductors procured by the Department of Defense from commercial sources for utilization in mission critical components of potentially vulnerable defense systems.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An identification of various existing methods for verification of trust of semiconductors that are suitable for Department of Defense purposes as described in subsection (a).

(2) An identification of various methods for verification of trust of semiconductors that are currently under development and have promise for suitability for Department of Defense purposes as described in subsection (a), including methods under development at the Defense Agencies, the national laboratories, and institutions of higher education, and in the private sector.

(3) A determination of the most suitable methods identified under paragraphs (1) and (2) for Department of Defense purposes as described in subsection (a).

(4) An assessment of additional research and technology development efforts necessary to develop methods for verification of trust of semiconductors to meet the needs of the Department of Defense.

(5) Any other matters that the Under Secretary considers appropriate for the verification of trust of semiconductors from commercial sources for utilization in mission critical components of any category or categories of vulnerable defense systems.

(c) CONSULTATION.—The Under Secretary shall conduct the assessment required by subsection (a) in consultation with appropriate elements of the Department of Defense, the intelligence community, private industry, and academia.

(d) EFFECTIVE DATE.—The assessment required by subsection (a) shall be completed not later than December 31, 2009.

(e) UPDATE.—The Under Secretary shall from time to time update the assessment required by subsection (a) to take into account advances in technology.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,282,460,000.

(2) For the Navy, $34,811,598,000.

(3) For the Marine Corps, $5,607,354,000.

(4) For the Air Force, $35,244,587,000.

(5) For Defense-wide activities, $25,926,564,000.

(6) For the Army Reserve, $2,642,641,000.

(7) For the Navy Reserve, $1,311,085,000.

(8) For the Marine Corps Reserve, $213,131,000.

(9) For the Air Force Reserve, $3,142,892,000.

(10) For the Army National Guard, $5,909,846,000.

(11) For the Air National Guard, $5,883,926,000.

(12) For the United States Court of Appeals for the Armed Forces, $13,254,000.

(13) For Environmental Restoration, Army, $447,776,000.

(14) For Environmental Restoration, Navy, $290,819,000.

(15) For Environmental Restoration, Air Force, $496,277,000.

(16) For Environmental Restoration, Defense-wide, $13,175,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $257,796,000.

(18) For Overseas Humanitarian, Disaster and Civic Aid programs, $83,273,000.

(19) For Cooperative Threat Reduction programs, $434,135,000.

(20) For Overseas Contingency Operations Transfer Fund, $9,101,000.

Subtitle B—Environmental Provisions

SEC. 311. EXPANSION OF COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.

Section 103a(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended by striking ''to provide for the maintenance and improvement'' and all that follows through the period at the end and inserting the following: ''to provide for one or both of the following:

''(1) The maintenance and improvement of natural resources on, or to benefit natural and historic research on, Department of Defense installations.

''(2) The maintenance and improvement of natural resources outside of Department of Defense installations if the purpose of the cooperative agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military activities.''.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $64,049.40 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 313. COMPREHENSIVE PROGRAM FOR THE ERADICATION OF THE BROWN TREE SNAKE POPULATION FROM MILITARY FACILITIES IN GUAM.

The Secretary of Defense shall establish a comprehensive program to control and, to the extent practicable, eradicate the brown tree snake population from military facilities in Guam and to ensure that military activities, including the transport of civilian and military personnel and equipment to and from Guam, do not contribute to the spread of brown tree snakes.

Subtitle C—Workplace and Depot Issues

SEC. 321. AUTHORITY TO CONSIDER DEPOT-LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.

Section 2474 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) CONSIDERATION OF DEPOT LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.—Depot-level maintenance and repair work performed at a Center of Industrial and Technical Excellence by Federal Government employees using equipment furnished by contractors or by Federal Government employees utilizing facilities leased by the Government may be considered as workload necessary to maintain core logistics capability for purposes of section 2464 of this title if the depot-level maintenance and repair workload is the subject of a public-private partnership entered into pursuant to subsection (b).''.

SEC. 322. MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

(a) ADDITIONAL ARMY DEPOTS.—Subsection (e)(1) of section 2476 of title 10, United States Code, is amended by adding at the end the following new subparagraphs:

''(F) Watervliet Arsenal, New York.

''(G) Rock Island Arsenal, Illinois.

''(H) Pine Bluff Arsenal, Arkansas.''.

(b) SEPARATE CONSIDERATION AND REPORTING OF NAVY DEPOTS AND MARINE CORPS DEPOTS.—Such section is further amended—

(1) in subsection (d)(2), by adding at the end the following new subparagraph:

''(D) Separate consideration and reporting of Navy Depots and Marine Corps depots.''; and

(2) in subsection (e)(2)—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin;

(B) by inserting after ''Department of the Navy:'' the following:

''(A) The following Navy depots:'';

(C) by inserting after clause (vii), as redesignated by subparagraph (A), the following:

''(B) The following Marine Corps depots:''; and

(D) by redesignating subparagraphs (H) and (I) as clauses (i) and (ii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin.

Subtitle D—Reports

SEC. 331. ADDITIONAL INFORMATION UNDER ANNUAL SUBMISSIONS OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.

Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''$30,000,000 and an estimated total life cycle cost'' and inserting ''$30,000,000 or an estimated total life cycle cost''; and

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

''(3) Information technology capital assets not covered by paragraphs (1) and (2) that have been determined by the Chief Information Officer of the Department of Defense to be significant investments.'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) REQUIRED INFORMATION FOR SIGNIFICANT INVESTMENTS.—With respect to each information technology capital asset not covered by paragraph (1) or (2) of subsection (a), but covered by paragraph (3) of that subsection, the Secretary of Defense shall include such information in a format that is appropriate to the current status of such asset.''.

Subtitle E—Other Matters

SEC. 341. MITIGATION OF POWER OUTAGE RISKS FOR DEPARTMENT OF DEFENSE FACILITIES AND ACTIVITIES.

(a) RISK ASSESSMENT.—The Secretary of Defense shall conduct a comprehensive technical and operational risk assessment of the risks posed to mission critical installations, facilities, and activities of the Department of Defense by extended power outages resulting from failure of the commercial electricity grid and related infrastructure.

(b) RISK MITIGATION PLANS.—

(1) IN GENERAL.—The Secretary of Defense shall develop integrated prioritized plans to eliminate, reduce, or mitigate significant risks identified in the risk assessment under subsection (a).

(2) MITIGATION GOALS.—In developing the risk mitigation plans under paragraph (1), the Secretary of Defense shall prioritize the mission critical installations, facilities, and activities that are subject to the greatest and most urgent risks.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit a report on the efforts of the Department of Defense to mitigate the risks described in subsection (a) as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) CONTENT.—Each report submitted under paragraph (1) shall describe the integrated prioritized plans developed under subsection (b) and the progress made toward achieving the goals established under such subsection.

SEC. 342. INCREASED AUTHORITY TO ACCEPT FINANCIAL AND OTHER INCENTIVES RELATED TO ENERGY SAVINGS AND NEW AUTHORITY RELATED TO ENERGY SYSTEMS.

(a) ENERGY SAVINGS.—Section 2913(c) of title 10, United States Code, is amended by inserting ''or a State or local government'' after ''gas or electric utility''.

(b) ENERGY SYSTEMS.—Section 2915 of such title is amended by adding at the end the following new subsection:

''(f) ACCEPTANCE OF FINANCIAL INCENTIVES, FINANCIAL ASSISTANCE, AND SERVICES.—The Secretary of Defense may authorize any military installation to accept any financial incentive, financial assistance, or services generally available from a gas or electric utility or State or local government to use or construct an energy system using solar energy or other renewable form of energy if the use or construction of the system is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title.''.

SEC. 343. RECOVERY OF IMPROPERLY DISPOSED OF DEPARTMENT OF DEFENSE PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2790. Recovery of improperly disposed of Department of Defense property

''(a) PROHIBITION.—No member of the armed forces, civilian employee of the United States Government, contractor personnel, or other person may sell, lend, pledge, barter, or give any clothing, arms, articles, equipment, or other military or Department of Defense property except in accordance with the statutes and regulations governing Government property.

''(b) TRANSFER OF TITLE OR INTEREST INEFFECTIVE.—If property has been disposed of in violation of subsection (a), the person holding the property has no right or title to, or interest in, the property.

''(c) AUTHORITY FOR SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If any person is in the possession of military or Department of Defense property without right or title to, or interest in, the property because it has been disposed of in violation of subsection (a), any Federal, State, or local law enforcement official may seize the property wherever found.

''(d) INAPPLICABILITY TO CERTAIN PROPERTY.—Subsections (b) and (c) shall not apply to property on public display by public or private collectors or museums in secured exhibits.

''(e) DETERMINATIONS OF VIOLATIONS.—(1) The appropriate district court of the United States shall have jurisdiction, regardless of the current approximated or estimated value of the property, to determine whether property was disposed of in violation of subsection (a). Any such determination shall be by a preponderance of the evidence.

''(2) In the case of property, the possession of which could undermine national security or create a hazard to public health or safety, the determination under paragraph (1) may be made after the seizure of the property. If the person from whom the property is seized is found to have been lawfully in possession of the property and the return of the property could undermine national security or create a hazard to public health or safety, the Secretary of Defense shall reimburse the person for the fair value for the property.

''(f) DELIVERY OF SEIZED PROPERTY.—Any law enforcement official who seizes property under subsection (c) and is not authorized to retain it for the United States shall deliver the property to an authorized member of the armed forces or other authorized official of the Department of Defense or the Department of Justice.

''(g) RETROACTIVE ENFORCEMENT AUTHORIZED.—This section shall apply to any military or Department of Defense property that is disposed of on or after January 1, 2002, in a manner that is not in accordance with statutes and regulations governing Government property in effect at the time of the disposal of the property.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting the following new item:

''2790. Recovery of improperly disposed of Department of Defense property.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2009, as follows:

(1) The Army, 532,400.

(2) The Navy, 325,300.

(3) The Marine Corps, 194,000.

(4) The Air Force, 316,771.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2009, as follows:

(1) The Army National Guard of the United States, 352,600.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 66,700.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,756.

(6) The Air Force Reserve, 67,400.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,950.

(2) The Army Reserve, 16,170.

(3) The Navy Reserve, 11,099.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,360.

(6) The Air Force Reserve, 2,733.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,003.

(4) For the Air National Guard of the United States, 22,459.

SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2009, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the

Army Reserve as of September 30, 2009, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2009, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2009, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. INCREASED END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE ARMY NATIONAL GUARD AND ARMY RESERVE AND MILITARY TECHNICIANS (DUAL STATUS) OF THE ARMY NATIONAL GUARD.

(a) RESERVES ON ACTIVE DUTY IN SUPPORT OF ARMY NATIONAL GUARD AND ARMY RESERVE.—Notwithstanding the limitations specified in section 412 and subject to the provisions of this section, the number of Reserves authorized as of September 30, 2009, to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for purposes of organizing, administering, recruiting, instructing, or training the reserve components shall be the number as follows:

(1) In the case of the Army National Guard of the United States, the number authorized by section 412(1), plus an additional 2,110 Reserves.

(2) In the case of the Army Reserve, the number authorized by section 412(2), plus an additional 91 Reserves.

(b) MILITARY TECHNICIANS (DUAL STATUS) OF ARMY NATIONAL GUARD.—Notwithstanding the limitation specified in section 413(2) and subject to the provisions of this section, the minimum number of military technicians (dual status) as of September 30, 2009, for the Army National Guard of the United States (notwithstanding section 129 of title 10, United States Code) shall be the number otherwise specified in section 413(2), plus such additional number, not to exceed 1,170, military technicians (dual status) as the Secretary of the Army considers appropriate.

(c) ASSIGNMENT OF PERSONNEL UNDER ADDITIONAL END STRENGTHS.—Any personnel on duty or service under the additional end strengths authorized by subsection (a) or (b) may only be assigned to units of company size or below.

(d) FUNDING.—The costs of any personnel under the additional end strengths authorized by subsection (a) or (b) shall be paid from funds authorized to be appropriated for fiscal year 2009 by titles XV and XVI.

SEC. 417. MODIFICATION OF AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR AND LIEUTENANT COLONEL TO MEET NEW FORCE STRUCTURE REQUIREMENTS.

(a) AUTHORIZED STRENGTHS FOR MAJORS.—The table in section 12011(a)(1) of title 10, United States Code, is amended by striking the numbers in the column relating to ''Major'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''99
''103
''107
''111
''114
''117
''120
''123
''126
''129
''132
''134
''136
''138
''140
''142''.

(b) AUTHORIZED STRENGTHS FOR LIEUTENANT COLONELS.—The table in section 12011(a)(1) of such title is further amended by striking the numbers in the column relating to ''Lieutenant Colonel'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''63
''67
''70
''73
''76
''79
''82
''85
''88
''91
''94
''97
''100
''103
''106
''109''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel amounts as follows:

(1) For military personnel, $114,152,040,000.

(2) For contributions to the Medicare-Eligible Retiree Health Fund, $10,350,593,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. MODIFICATION OF DISTRIBUTION REQUIREMENTS FOR COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.

(a) INCREASE IN NUMBER OF OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Subsection (b) of section 525 of title 10, United States Code, is amended by striking ''16.3 percent'' each place it appears in paragraphs (1) and (2)(A) and inserting ''16.4 percent''.

(b) EXCLUSION OF CERTAIN RESERVE OFFICERS.—Such section is further amended by adding at the end the following new subsection:

''(g) The limitations of this section do not apply to a reserve general or flag officer who is on active duty under a call or order to active duty specifying a period of active duty of not longer than three years.''.

SEC. 502. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) GENERAL LIMITATIONS.—Subsection (a) of section 526 of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 222.

''(2) For the Navy, 159.

''(3) For the Air Force, 206.

''(4) For the Marine Corps, 59.''.

(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Secretary of Defense may designate up to 324 general officer and flag officer positions that are joint duty assignments for the purposes of chapter 38 of this title for exclusion from the limitations in subsection (a). Officers in positions so designated shall not be counted for the purposes of those limitations.

''(2) Unless the Secretary of Defense determines that a lower number is in the best interests of the nation, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

''(A) For the Army, 85.

''(B) For the Navy, 61.

''(C) For the Air Force, 76.

''(D) For the Marine Corps, 21.''.

(c) TEMPORARY EXCLUSION FOR CERTAIN TEMPORARY BILLETS.—Such section is further amended by inserting after subsection (b), as amended by subsection (b) of this section, the following new subsection:

''(c) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—(1) The limitations in subsection (a) do not apply to a general or flag officer assigned to a temporary joint duty assignment billet designated by the Secretary of Defense for purposes of this section.

''(2) A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period longer than one year.''.

(d) CONFORMING REPEAL OF LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE IN POSITIONS OUTSIDE THEIR OWN SERVICE.—

(1) REPEAL.—Section 721 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 721.

(e) ACQUISITION AND CONTRACTING BILLETS.—The Secretary of Defense, the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the chiefs of staff of the Armed Forces shall take appropriate actions to ensure that—

(1) not less than 12 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), serve in an acquisition position; and

(2) not less than 10 percent of all general officers and flag officers in the Armed Forces

generally, and in each Armed Force (as applicable), who serve in an acquisition position have significant contracting experience.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2010.

SEC. 503. CLARIFICATION OF JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG GRADES.

(a) IN GENERAL.—Subsection (a) of section 619a of title 10, United States Code, is amended by striking ''unless—'' and all that follows and inserting ''unless the officer has been designated as a joint qualified officer in accordance with section 661 of this title.''.

(b) EXCEPTIONS.—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a),'' and inserting ''subsection (a)''; and

(2) in paragraph (4), by striking ''if the officer's'' and all that follows and inserting ''if—

''(A) the officer's total consecutive years in joint duty assignments is not less than two years; and

''(B) the officer has successfully completed a program of education meeting the requirements for Phase II joint professional military education under subsections (b) and (c) of section 2155 of this title''.

(c) REPEAL OF SPECIAL RULE FOR NUCLEAR PROPULSION OFFICERS.—Such section is further amended by striking subsection (h).

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

''619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions.''.

SEC. 504. MODIFICATION OF AUTHORITIES ON LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) SERVICE EXCLUDABLE FROM TOUR LENGTH REQUIREMENTS.—Subsection (d) of section 664 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph (D):

''(D) a qualifying reassignment from a joint duty assignment—

''(i) for unusual personal reasons (including extreme hardship and medical conditions) beyond the control of the officer or the armed forces; or

''(ii) to another joint duty assignment immediately after—

''(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

''(II) the officer's position was eliminated in a reorganization.''; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).''.

(b) EXCLUSIONS OF SERVICE FROM COMPUTING AVERAGE TOUR LENGTHS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

''(A) Service described in subsection (c).

''(B) Service described in subsection (d).

''(C) Service described in subsection (f)(6).''.

(c) SERVICE CONTRIBUTING TOWARD FULL TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Accrued joint experience in joint duty assignments as described in subsection (g).'';

(2) in paragraph (4), by striking ''(except that'' and all that follows through ''at any time)''; and

(3) by striking paragraph (6) and inserting the following new paragraph (6):

''(6) Any subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.''.

(d) ACCRUAL OF JOINT EXPERIENCE.—Subsection (g) of such section is amended to read as follows:

''(g) ACCRUED JOINT EXPERIENCE.—Accrued joint experience that may be aggregated to equal a full tour of duty for purposes of subsection (f)(3) shall include such temporary duty in joint assignments, joint individual training, and participation in joint exercises, and for such periods, as shall be prescribed in regulations by the Secretary of Defense in consultation with the advice of the Chairman of the Joint Chiefs of Staff.''.

(e) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''accord'' and inserting ''award''; and

(B) by striking ''(f)(4), or (g)(2)'' and inserting ''or (f)(4)''; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

SEC. 505. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO MODIFICATION OF JOINT SPECIALTY REQUIREMENTS.

(a) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''JOINT SPECIALTY OFFICERS.—'' and inserting ''JOINT QUALIFIED OFFICERS.—''; and

(B) by striking ''officer with the joint specialty'' and inserting ''designated as a joint qualified officer''; and

(2) in subsection (b)(1), by striking ''do not have the joint specialty'' and inserting ''are not designated as joint qualified officers''.

(b) PROCEDURES FOR MONITORING CAREERS OF JOINT OFFICERS.—Section 665 of such title is amended—

(1) in subsection (a)(1)(A), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(2) in subsection (b)(1), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''.

(c) ANNUAL REPORTS.—Section 667 of such title is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) in subparagraph (B), by striking ''selection for the joint specialty but were not selected'' and inserting ''designation as joint qualified officers but were not designated'';

(2) in paragraph (2), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers'';

(3) in paragraph (3), by striking ''selected for the joint specialty'' each place it appears and inserting ''designated as joint qualified officers'';

(4) in paragraph (4)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

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

''(B) a comparison of—

''(i) the number of officers designated as joint qualified officers who had served in a joint duty assignment list billet and completed Phase II joint professional military education; with

''(ii) the number of officers designated as joint qualified officers based on their aggregated joint experiences and completion of Phase II joint professional military education.'';

(5) by striking paragraph (16);

(6) by redesignating paragraphs (5) through (15) as paragraphs (6) through (16), respectively;

(7) by inserting after paragraph (4) the following new paragraph (5):

''(5) The promotion rate for officers from within the promotion zone who are designated as joint qualified officers compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the armed force and for officers of the armed force concerned designated as joint qualified officers.'';

(8) in paragraph (7), as redesignated by paragraph (6) of this subsection—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(9) in paragraph (8), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(10) in paragraph (9), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(11) in paragraph (10), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(12) in paragraph (11), as so redesignated, by striking ''selection for the joint specialty'' and inserting ''designation as joint qualified officers'';

(13) in paragraph (14), as so redesignated—

(A) by striking ''paragraphs (5) through (9)'' and inserting ''paragraphs (6) through (10)''; and

(B) by striking ''having the joint specialty'' and inserting ''designated as joint qualified officers'';

(14) by redesignating paragraph (18) as paragraph (19); and

(15) by inserting after paragraph (17) the following new paragraph (18):

''(18) The number of officers in the grade of captain or above, or in the case of the Navy, lieutenant or above, certified at each level of joint qualification, with such numbers to be set forth separated for each armed force and for each covered grade of officer within each armed force.''.

SEC. 506. ELIGIBILITY OF RESERVE OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE AND OTHER REASONS.

(a) ELIGIBILITY.—Section 1187 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(2) in subsection (b), by striking ''on active duty'' in the matter preceding paragraph (1).

(b) CONFORMING AMENDMENT.—The heading of subsection (a) of such section is amended by striking ''ACTIVE DUTY OFFICERS'' and inserting ''IN GENERAL''.

SEC. 507. MODIFICATION OF AUTHORITY ON STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: ''The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.''.

(b) EXCLUSION FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525(a) of such title is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title is in addition to the number that would otherwise be permitted for the Marine Corps for officers in grades above the brigadier general under the first sentence of paragraph (1).''.

SEC. 508. INCREASE IN NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES AIR FORCE ACADEMY.

Section 9331(b)(4) of title 10, United States Code, is amended by striking ''21 permanent professors'' and inserting ''25 permanent professors''.

SEC. 509. SERVICE CREDITABLE TOWARD RETIREMENT FOR THIRTY YEARS OR MORE OF SERVICE OF REGULAR WARRANT OFFICERS OTHER THAN REGULAR ARMY WARRANT OFFICERS.

Section 1305 of title 10, United States Code, is amended—

(1) in subsection (a), ''A regular warrant officer'' and inserting ''A regular Army warrant officer'';

(2) by redesignating subsections (b) and (c) as subsections (c), and (d), respectively;

(3) by inserting after subsection (a) the following new subsection (b);

''(b) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended, may be retired 60 days after the date on which he completes that service, except as provided by section 8301 of title 5.''; and

(4) in subsections (c) and (d), as redesignated by paragraph (2), by inserting ''or (b)'' after ''subsection (a)''.

SEC. 510. MODIFICATION OF REQUIREMENTS FOR QUALIFICATION FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.

(a) POSTHUMOUS COMMISSIONS.—Section 1521 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in line of duty'' each place it appears; and

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

''(c) A commission issued under subsection (a) shall require a certification by the Secretary of the military department concerned that at the time of death the member was qualified for appointment to the next higher grade.''.

(b) POSTHUMOUS WARRANTS.—Section 1522 of such title is amended—

(1) in subsection (a), by striking ''in line of duty''; and

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

''(c) A warrant issued under subsection (a) shall require a finding by the Secretary of the military department concerned that at the time of death the member was qualified for appointment to the next higher grade.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

Subtitle B—Enlisted Personnel Policy

SEC. 521. INCREASE IN MAXIMUM PERIOD OF REENLISTMENT OF REGULAR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM PERIOD.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''six years'' and inserting ''eight years''; and

(2) in paragraph (3)(A), by striking ''six years'' and inserting ''eight years''.

(b) CONFORMING AMENDMENT RELATING TO PAYMENT OF REENLISTMENT BONUS.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking ''six'' and inserting ''eight''.

Subtitle C—Reserve Component Management

SEC. 531. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF RESERVE GENERAL AND FLAG OFFICERS IN ACTIVE STATUS.

(a) EXCLUSION OF ARMY AND AIR FORCE OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (b) of section 12004 of title 10, United States Code, is amended by adding at the end the following new paragraph;

''(4) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the armed force concerned by subsection (a).''.

(b) EXCLUSION OF NAVY OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (c) of such section is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by striking the matter in paragraph (1) before the matter relating to line corps and inserting the following:

''(1) The following Navy reserve officers shall not be counted for purposes of this section:

''(A) Those counted under section 526 of this title.

''(B) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Navy in subsection (a).

''(2) Of the number of Navy reserve officers authorized by subsection (a), 40 are distributed among the line and staff corps as follows:''.

SEC. 532. EXTENSION TO OTHER RESERVE COMPONENTS OF ARMY AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.

Section 10216(f) of title 10, United States Code, is amended by inserting ''and the Secretary of the Air Force'' after ''Secretary of the Army''.

SEC. 533. INCREASE IN MANDATORY RETIREMENT AGE FOR CERTAIN RESERVE OFFICERS TO AGE 62.

(a) SELECTIVE SERVICE AND UNITED STATES PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10, United States Code, is amended by striking ''60 years'' and inserting ''62 years''.

(b) HEADQUARTERS AND RESERVE TECHNICIAN OFFICER PERSONNEL.—

(1) IN GENERAL.—Subsection (b) of section 14702 of such title is amended—

(A) in the subsection caption, by striking ''AGE 60'' and inserting ''AGE 62''; and

(B) by striking ''60 years'' and inserting ''62 years''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 14702. Retention on reserve active-status list of certain officers until age 62''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

''14702. Retention on reserve active-status list of certain officers until age 62.''.

SEC. 534. AUTHORITY FOR VACANCY PROMOTION OF NATIONAL GUARD AND RESERVE OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

Section 14317 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting ''(1)'' before ''Except as provided in subsection (e)''; and

(B) by striking ''unless'' in the first sentence and all that follows through the end of the subsection and inserting ''unless the officer—

''(A) is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty; or

''(B) has been ordered to or is serving on active duty in support of a contingency operation.

''(2) If the name of an officer is removed under paragraph (1) from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.''; and

(2) in subsection (e)(1)(B), by inserting ''or by examination for Federal recognition under title 32'' after ''this title''.

SEC. 535. AUTHORITY FOR RETENTION OF RESERVE COMPONENT CHAPLAINS AND MEDICAL OFFICERS UNTIL AGE 68.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking ''67 years'' and inserting ''68 years''.

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324(a) of title 32, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) in the case of a chaplain or medical officer, he becomes 68 years of age; or''.

SEC. 536. MODIFICATION OF AUTHORITIES ON DUAL DUTY STATUS OF NATIONAL GUARD OFFICERS.

(a) DUAL DUTY STATUS AUTHORIZED FOR ANY OFFICER ON ACTIVE DUTY.—Subsection (a)(2) of section 325 of title 32, United States Code, is amended by striking ''in command of a National Guard unit''.

(b) ADVANCE AUTHORIZATION AND CONSENT TO DUAL DUTY STATUS.—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADVANCE AUTHORIZATION AND CONSENT.—The President and the Governor of a State or Territory, or of the Commonwealth of Puerto Rico, or the commanding general of the District of Columbia National Guard, as applicable, may give the authorization or consent required by subsection (a)(2) with respect to an officer in advance for the purpose of establishing the succession of command of a unit.''.

SEC. 537. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) IN GENERAL.—Subsection (d) of section 509 of title 32, United States Code, is amended to read as follows:

''(d) MATCHING FUNDS REQUIRED.—(1) The amount of assistance provided by the Secretary of Defense to a State program of the Program for a fiscal year under this section may not exceed 60 percent of the costs of operating the State program during that fiscal year.

''(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 538. REPORT ON COLLECTION OF INFORMATION ON CIVILIAN SKILLS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability, utility, and cost effectiveness of the following:

(1) The collection by the Department of Defense of information on the civilian skills, qualifications, and professional certifications of members of the reserve components of the Armed Forces that are relevant to military manpower requirements.

(2) The establishment by each military department, and by the Department of Defense generally, of a system that would match billets and personnel requirements with members of the reserve components of the Armed Forces who have skills, qualifications, and certifications relevant to such billets and requirements.

(3) The establishment by the Department of Defense of one or more systems accessible by private employers who employ individuals with skills, qualifications, and certifications possessed by members of the reserve components of the Armed Forces to assist such employers in hiring and employing such members.

(4) Actions to ensure that employment information collected for and maintained in the Civilian Employment Information database of the Department of Defense is current and accurate.

(5) Actions to incorporate any matter determined feasible and advisable under paragraphs (1) through (4) into the Defense Integrated Military Human Resources System.

Subtitle D—Education and Training

SEC. 551. AUTHORITY TO PRESCRIBE THE AUTHORIZED STRENGTH OF THE UNITED STATES NAVAL ACADEMY.

(a) IN GENERAL.—Section 6954 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''4,000 or such higher number'' and inserting ''4,400 or such lower number''; and

(B) by striking ''under subsection (h)''; and

(2) by striking subsection (h).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to academic years at the United States Naval Academy after the 2007–2008 academic year.

SEC. 552. TUITION FOR ATTENDANCE OF CERTAIN INDIVIDUALS AT THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

Section 9314(c) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4)(A) The Institute shall charge tuition for the cost of instruction at the Institute for individuals described in subparagraph (B).

''(B) The individuals described in this subparagraph are any individuals, including civilian employees of the military departments other than the Air Force, of other components of the Department of Defense, and of other Federal agencies, receiving instruction at the Institute.

''(C) The cost of any tuition charged an individual under this paragraph shall be borne by the department, agency, or component sending the individual for instruction at the Institute.

''(5) Amounts received by the Institute for the instruction of students under this subsection shall be retained by the Institute and available to the Institute to cover the costs of such instruction. The source and disposition of such amounts shall be specifically identified in the records of the Institute.''.

SEC. 553. INCREASE IN STIPEND FOR BACCALAUREATE STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS UNDER HEALTH PROFESSIONS STIPEND PROGRAM.

Section 16201 of title 10, United States Code, is amended—

(1) in subsection (e)(2)(A), by striking ''of $100 per month'' and inserting '', in an amount determined under subsection (f),''; and

(2) in subsection (f), by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (e)''.

SEC. 554. CLARIFICATION OF DISCHARGE OR RELEASE TRIGGERING DELIMITING PERIOD FOR USE OF EDUCATIONAL ASSISTANCE BENEFIT FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

Section 16164(a)(2) of title 10, United States Code, is amended by striking ''other than dishonorable conditions'' and inserting ''honorable conditions''.

SEC. 555. PAYMENT BY THE SERVICE ACADEMIES OF CERTAIN EXPENSES ASSOCIATED WITH PARTICIPATION IN ACTIVITIES FOSTERING INTERNATIONAL COOPERATION.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding the following new section:

''§ 2016. Service academies: payment of expenses of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad

''(a) PAYMENT OF EXPENSES OF CERTAIN FOREIGN VISITORS.—The Superintendent of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy may, if such Superintendent considers it necessary in the interests of international cooperation, pay the following:

''(1) Travel, subsistence, and special compensation of officers, students, and representatives of foreign countries visiting the service academy concerned.

''(2) Other hosting and entertainment expenses in connection with foreign visitors to the service academy concerned.

''(b) PER DIEM FOR CADETS AND MIDSHIPMEN TRAVELING OR STUDYING ABROAD.—A cadet at the United States Military Academy or the United States Air Force Academy, and a midshipman at the United States Naval Academy, who travels or studies abroad in a program to enhance language skills or cultural understanding may be paid per diem in connection with such travel or study at a rate lower than the rate authorized by the Joint Federal Travel Regulations if the Superintendent of the service academy concerned determines that payment of per diem at such lower rate is in the best interest of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

''2016. Service academies: payment of costs of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad.''.

Subtitle E—Defense Dependents' Education Matters

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational

agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 563. TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

Subsection (d) of section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended to read as follows:

''(d) TRANSITION OF MILITARY DEPENDENTS AMONG LOCAL EDUCATIONAL AGENCIES.—(1) The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.

''(2) The Secretary of Defense may use funds of the Department of Defense Education Activity for purposes as follows:

''(A) To share expertise and experience of the Activity with local educational agencies as military dependent students make the transitions described in paragraph (1), including transitions resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

''(B) To provide programs for local educational agencies with military dependent students undergoing the transitions described in paragraph (1), including programs for training for teachers and access to distance learning courses for military dependent students who attend public schools in the United States.''.

Subtitle F—Military Family Readiness

SEC. 571. AUTHORITY FOR EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.

Section 1784 of title 10, United States Code, is amended by inserting at the end the following new subsection:

''(h) EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.—(1) The Secretary of Defense may carry out programs to provide or make available to eligible spouses of members of the armed forces education and training to facilitate the pursuit by such eligible spouses of a portable career.

''(2) In carrying out programs under this subsection, the Secretary may provide assistance utilizing funds available to carry out this section in accordance with such regulations as the Secretary shall prescribe for purposes of this subsection.

''(3) In this subsection:

''(A)(i) The term 'eligible spouse' means any person married to a member of the armed forces on active duty.

''(ii) The term does not include the following:

''(I) Any person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or possession of the United States.

''(II) Any person who is a member of the armed forces.

''(B) The term 'portable career' includes an occupation identified by the Secretary of Defense, in consultation with the Secretary of Labor, as requiring education and training that results in a credential that is recognized nationwide by industry or specific businesses.''.

Subtitle G—Other Matters

SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PREVENTION OF SUICIDES BY MEMBERS OF THE ARMED FORCES.

(a) POLICY REQUIRED.—Not later than August 1, 2009, the Secretary of Defense shall develop a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(b) PURPOSES.—The purposes of the policy required by this section shall be as follows:

(1) To ensure that investigations, analyses, and appropriate data collection can be conducted, across the military departments, on the causes and factors surrounding suicides by members of the Armed Forces.

(2) To develop effective strategies and policies for the education of members of the Armed Forces to assist in preventing suicides and suicide attempts by members of the Armed Forces.

(c) ELEMENTS.—The policy required by this section shall include, but not be limited to, the following:

(1) Requirements for investigations and data collection in connection with suicides by members of the Armed Forces.

(2) A requirement for the appointment by the appropriate military authority of a separate investigating officer to conduct an administrative investigation into each suicide by a member of the Armed Forces in accordance with the requirements specified under paragraph (1).

(3) Requirements for minimum information to be determined under each investigation pursuant to paragraph (2), including, but not limited to, the following:

(A) Any mental illness or other mental health condition, including Post Traumatic Stress Disorder (PTSD), of the member of the Armed Forces concerned at the time of the completion of suicide.

(B) Any other illness or injury of the member at the time of the completion of suicide.

(C) Any receipt of health care services, including mental health care services, by the member before the completion of suicide.

(D) Any utilization of prescription drugs by the member before the completion of suicide.

(E) The number, frequency, and dates of deployment of the member.

(F) The military duty assignment of the member at the time of the completion of suicide.

(G) Any observations by family members, health care providers, medical care managers, and other members of the Armed Forces of any symptoms of depression, anxiety, alcohol or drug abuse, or other relevant behavior in the member before the completion of suicide.

(H) The results of a psychological autopsy of the member, if conducted.

(4) A requirement for a report from each administrative investigation conducted pursuant to paragraph (2) which shall set forth the findings and recommendations resulting from such investigation.

(5) Procedures for the protection of the confidentiality of information contained in each report on an investigation pursuant to paragraph (4).

(6) A requirement that the Deputy Chief of Staff for Personnel of the military department concerned receive and analyze each report on an investigation pursuant to paragraph (4).

(7) The appointment by the Secretary of Defense of an appropriate official or executive agent within the Department of Defense to receive and analyze each report on an investigation pursuant to paragraph (4) in order to—

(A) identify trends or common causal factors in suicides by members of the Armed Forces; and

(B) advise the Secretary on means by which the suicide education and prevention strategies and programs of the military departments can respond appropriately and effectively to such trends and causal factors.

(8) A requirement for an annual report to the Secretary of Defense by each Secretary of a military department on the following:

(A) The results of investigations into suicide by members of the Armed Forces pursuant to paragraph (2) for each calendar year beginning with 2010.

(B) Actions taken to improve the suicide education and prevention strategies and programs of the military departments.

(d) CONSTRUCTION OF INVESTIGATION WITH OTHER INVESTIGATION REQUIREMENTS.—The investigation of the suicide by a member of the Armed Forces under the policy required by this section shall be in addition to any other investigation of the suicide required by law, including any investigation for criminal purposes.

(e) REPORT.—Not later than August 1, 2009, the Secretary of the Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy required by this section. The report shall include—

(1) a description of the policy; and

(2) a plan for the implementation of the policy throughout the Department of Defense.

SEC. 582. RELIEF FOR LOSSES INCURRED AS A RESULT OF CERTAIN INJUSTICES OR ERRORS OF THE DEPARTMENT OF DEFENSE.

(a) RELIEF AUTHORIZED.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127c, as added by section 1201 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2410), the following new section:

''§ 127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense

''(a) RELIEF AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary of Defense or the Secretary of the military department concerned may, upon a determination that a member or former member of the armed forces has suffered imprisonment as a result of an injustice or error of the Department of Defense or any of its employees acting in an official capacity following conviction by a court-martial, provide such relief on account of such error as such Secretary determines equitable and fair, including the payment of moneys to any person whom such Secretary determines is entitled to such moneys.

''(b) PAYMENT AS A MATTER OF SOLE DISCRETION.—The payment of any moneys under this section is within the sole discretion of the Secretary of Defense and the Secretaries of the military departments.

''(c) PAYMENT OF INTEREST.—The authority to pay moneys under this section includes the authority to pay interest on such moneys in amounts calculated in accordance with the regulations required under subsection (a).

''(d) FUNDS.—Amounts for the payment of moneys and interest under this section shall be derived from amounts available to the Secretary of Defense or the Secretary of the military department concerned for the payment of emergency and extraordinary expenses under section 127 of this title.

''(e) ANNUAL REPORTS.—Each annual report of the Secretary of Defense under section 127(d) of this title shall include a description of the disposition of each request for relief under this section during the fiscal year covered by such report, including a statement of the amount paid with respect to each finding of injustice or error warranting payment under this section during such fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 127c, as so added, the following new item:

''127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense.''.

SEC. 583. PATERNITY LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) LEAVE AUTHORIZED.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces on active duty who is the husband of a woman who gives birth to a child may be given up to 21 days of leave to be used in connection with the birth of the child.

''(2) Leave under paragraph (1) is in addition to other leave authorized under the provisions of this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply only with respect to children born on or after that date.

SEC. 584. ENHANCEMENT OF AUTHORITIES ON PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN INTERNATIONAL SPORTS COMPETITIONS.

(a) IN GENERAL.—Section 717 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''and the Olympic Games'' and inserting ''the Olympic Games, and the Military World Games'';

(2) in subsection (b), by striking ''subsections (c) and (d)'' and inserting ''subsections (c) and (e)'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''$3,000,000'' and inserting ''$6,000,000''; and

(ii) by striking ''October 1, 1980'' and inserting ''October 1, 2008''; and

(B) in paragraph (2)—

(i) by striking ''$100,00'' and inserting ''$200,000''; and

(ii) by striking ''October 1, 1980'' and inserting ''October 1, 2008'';

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following new subsection (d):

''(d)(1) The Secretary of Defense may plan for the following:

''(A) The participation by military personnel in international sports activities and competitions as authorized by subsection (a).

''(B) The hosting of military international sports activities, competitions, and events such as the Military World Games.

''(2) Planning and other activities associated with hosting of international sports activities, competitions, and events under this subsection shall, to the maximum extent possible, be funded using appropriations available to the Department of Defense .''.

(b) REPORT ON PLANNING FOR INTERNATIONAL SPORTS ACTIVITIES, COMPETITIONS, AND EVENTS.—

(1) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan for the following:

(A) The participation by personnel of the Department of Defense in international sports activities, competitions, and events (including the Pan American Games, the Olympic Games, the Paralympic Games, the Military World Games, other activities of the International Military Sports Council (CISM), and the Interallied Confederation of Reserve Officers (CIOR)) through fiscal year 2015.

(B) The hosting by the Department of Defense of military international sports activities, competitions, and events through fiscal year 2015.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A discussion of the military international sports activities, competitions, and events that the Department of Defense intends to seek to host, an estimate of the costs of hosting such activities, competitions, and events that the Department intends to seek to host, and a description of the sources of funding for such costs.

(B) A discussion of the use and replenishment of funds in the account in the Treasury for the Support for International Sporting Competitions for the hosting of such activities, competitions, and events that the Department intends to seek to host.

(C) A discussion of the support that may be obtained from other departments and agencies of the Federal Government, State and local governments, and private entities in encouraging participation of members of the Armed Forces in international sports activities, competitions, and events or in hosting of military international sports activities, competitions, and events.

(D) Such recommendations for legislative or administrative action as the Secretary considers appropriate to implement or enhance planning for the matters described in paragraph (1).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2008.

SEC. 585. PILOT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out a pilot program under which officers and enlisted members of the regular components of the Armed Forces under the jurisdiction of such Secretary may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

(2) PURPOSE.—The purpose of the pilot programs under this section shall be to evaluate whether permitting inactivation from active duty and greater flexibility in career paths for members of the Armed Forces will provide an effective means to enhance retention of members of the Armed Forces and the capacity of the Department of Defense to respond to the personal and professional needs of individual members of the Armed Forces.

(b) LIMITATION ON ELIGIBLE MEMBERS.—A member of the Armed Forces is not eligible to participate in a pilot program under this section during any period of service required of the member due to receipt of the following:

(1) An accession bonus for medical officers in critically short wartime specialties under section 302k of title 37, United States Code.

(2) An accession bonus for dental specialists in critically short wartime specialties under section 3021 of title 37, United States Code.

(3) A retention bonus for members qualified in critical military skills or assigned to high priority units under section 355 of title 37, United States Code.

(c) LIMITATION ON NUMBER OF MEMBERS.—Not more than 20 officers and 20 enlisted members of an Armed Force may participate in a pilot program under this section at any one time.

(d) LIMITATION ON PERIOD OF INACTIVATION FROM ACTIVE DUTY.—The period of inactivation from active duty under the pilot program under this section of a member participating in the pilot program shall be such period as the Secretary concerned shall specify in the agreement of the member under subsection (e), except that such period may not exceed three years.

(e) AGREEMENT.—Each member of the Armed Forces who participates in a pilot program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement that member shall agree as follows:

(1) To accept an appointment or enlist, as applicable, and serve in the Ready Reserve of the Armed Force concerned during the period of the member's inactivation from active duty under the pilot program.

(2) To undergo during the period of the inactivation of the member from active duty under the pilot program such inactive duty training as the Secretary concerned shall require in order to ensure that the member retains appropriate proficiency in the member's military skills, professional qualifications, and physical readiness during the inactivation of the member from active duty.

(3) Following completion of the period of the inactivation of the member from active duty under the pilot program, to serve two months as a member of the Armed Forces on active duty for each month of the period of the inactivation of the member from active duty under the pilot program.

(f) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary of the military department concerned, a member of the Armed Forces participating in a pilot program under this section may, in the discretion of such Secretary, be required to terminate participation in the pilot program and be ordered to active duty.

(g) PAY AND ALLOWANCES.—

(1) BASIC PAY.—During each month of participation in a pilot program under this section, a member who participates in the pilot program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the member when the member commences participation in the pilot program.

(2) SPECIAL AND INCENTIVE PAYS.—

(A) PROHIBITION ON RECEIPT DURING PARTICIPATION.—A member who participates in a pilot program shall not, while participating in the pilot program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37, United States

Code, that is in force when the member commences participation in the pilot program.

(B) TREATMENT OF REQUIRED SERVICE.—The inactivation from active duty of a member participating in a pilot program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(C) REVIVAL OF SPECIAL PAYS UPON RETURN TO ACTIVE DUTY.—Subject to subparagraph (D), upon the return of a member to active duty after completion by the member of participation in a pilot program—

(i) any agreement entered into by the member under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the pilot program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the pilot program; and

(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

(D) LIMITATIONS.—

(i) LIMITATION AT TIME OF RETURN TO ACTIVE DUTY.—Subparagraph (C) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active duty as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active duty.

(ii) CESSATION DURING LATER SERVICE.—Subparagraph (C) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (C)(i), such pay or bonus ceases being authorized by law.

(E) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (D)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37, United States Code.

(F) CONSTRUCTION OF REQUIRED SERVICE.—Any service required of a member under an agreement covered by this paragraph after the member returns to active duty as described in subparagraph (C) shall be in addition to any service required of the member under an agreement under subsection (e).

(3) CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES.—

(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a pilot program is entitled, while participating in the pilot program, to the travel and transportation allowances authorized by section 404 of title 37, United States Code, for—

(i) travel performed from the member's residence, at the time of release from active duty to participate in the pilot program, to the location in the United States designated by the member as his residence during the period of participation in the pilot program; and

(ii) travel performed to the member's residence upon return to active duty at the end of the member's participation in the pilot program.

(B) LIMITATION.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

(h) PROMOTION.—

(1) OFFICERS.—

(A) LIMITATION ON PROMOTION.—An officer participating in a pilot program under this section shall not, while participating in the pilot program, be eligible for consideration for promotion under chapter 36 or 1405 of title 10, United States Code.

(B) PROMOTION AND RANK UPON RETURN TO ACTIVE DUTY.—Upon the return of an officer to active duty after completion by the officer of participation in a pilot program—

(i) the Secretary concerned shall adjust the officer's date of rank in such manner as the Secretary of Defense shall prescribe in regulations for purposes of this section; and

(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

(2) ENLISTED MEMBERS.—An enlisted member participating in a pilot program shall not be eligible for consideration for promotion during the period that—

(A) begins on the date of the member's inactivation from active duty under the pilot program; and

(B) ends at such time after the return of the member to active duty under the pilot program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Secretary of the military department concerned shall prescribe in regulations for purposes of the pilot program.

(i) MEDICAL AND DENTAL CARE.—A member participating in a pilot program under this section shall, while participating in the pilot program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of the entitlement of the member and the member's dependents to medical and dental care under the provisions of chapter 55 of title 10, United States Code.

(j) TREATMENT OF PERIOD OF PARTICIPATION FOR PURPOSES OF RETIREMENT AND RELATED PURPOSES.—Any period of participation of a member in a pilot program under this section shall not count toward—

(1) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of title 10, United States Code;

(2) computation of retired or retainer pay under chapter 71 or 1223 of title 10, United States Code; or

(3) computation of total years of commissioned service under section 14706 of title 10, United States Code.

(k) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1 of each of 2010 and 2012, each Secretary of a military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs conducted by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs conducted under this section.

(3) ELEMENTS OF REPORT.—Each interim report and the final report under this subsection shall include the following:

(A) A description of each pilot program conducted under this section, including a description of the number of applicants for such pilot program and the criteria used to select individuals for participation in such pilot program.

(B) An assessment by the Secretary concerned of the pilot programs, including an evaluation of whether—

(i) the authorities of the pilot programs provided an effective means to enhance the retention of members of the Armed Forces possessing critical skills, talents, and leadership abilities;

(ii) the career progression in the Armed Forces of individuals who participate in the pilot program has been or will be adversely affected; and

(iii) the usefulness of the pilot program in responding to the personal and professional needs of individual members of the Armed Forces.

(C) Such recommendations for legislative or administrative action as the Secretary concerned considers appropriate for the modification or continuation of the pilot programs.

(l) DURATION OF PROGRAM AUTHORITY.—The authority to conduct a pilot program authorized by this section shall commence on January 1, 2009 and expire on December 31, 2014. No member of the Armed Forces may be in a period of inactivation from active duty under the pilot program after December 31, 2014.

SEC. 586. PROHIBITION ON INTERFERENCE IN INDEPENDENT LEGAL ADVICE BY THE LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

Section 156(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Legal Counsel''; and

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

''(2) No officer or employee of the Department of Defense may interfere with the ability of the Legal Counsel to give independent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff.''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during the fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by

striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by section 661(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) INCOME REPLACEMENT FOR RESERVE MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATIONS.—Section 910(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 616. PERMANENT EXTENSION OF PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(h) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''during any month covered by paragraph (3)''; and

(2) by striking paragraph (3).

SEC. 617. ACCESSION AND RETENTION BONUSES FOR THE RECRUITMENT AND RETENTION OF PSYCHOLOGISTS FOR THE ARMED FORCES.

(a) MULTIYEAR RETENTION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section:

''§ 301f. Multiyear retention bonus: psychologists of the armed forces

''(a) BONUS AUTHORIZED.—An officer described in subsection (c) who executes a written agreement to remain on active duty for up to four years after completion of any other active-duty service commitment may, upon acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(b) MAXIMUM AMOUNT OF BONUS.—The amount of a retention bonus under subsection (a) may not exceed $25,000 for each year of the agreement of the officer concerned.

''(c) ELIGIBLE OFFICERS.—An officer described in this subsection is an officer of the armed forces who—

''(1) is a psychologist of the armed forces;

''(2) is in a pay grade below pay grade O–7;

''(3) has at least eight years of creditable service (computed as described in section 302b(f) of this title) or has completed any active-duty service commitment incurred for psychology education and training;

''(4) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)); and

''(5) holds a valid State license to practice as a doctoral level psychologist.

''(d) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 301e the following new item:

''301f. Multiyear retention bonus: psychologists of the armed forces.''.

(b) ACCESSION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302l the following new section:

''§ 302m. Special pay: accession bonus for psychologists

''(a) ACCESSION BONUS AUTHORIZED.—A person described in subsection (b) who executes a written agreement described in subsection (e) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

''(b) ELIGIBLE PERSONS.—A person described in this section is any person who—

''(1) is a graduate of an accredited school of psychology; and

''(2) holds a valid State license to practice as a doctoral level psychologist.

''(c) MAXIMUM AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

''(d) LIMITATION ON ELIGIBILITY.—A person may not be paid a bonus under subsection (a) if—

''(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in psychology; or

''(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a psychologist.

''(e) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed force concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of such armed force as a psychologist.

''(f) REPAYMENT.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become licensed as a psychologist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

''(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2009.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302l the following new item:

''302m. Special pay: accession bonus for psychologists.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 618. AUTHORITY FOR EXTENSION OF MAXIMUM LENGTH OF SERVICE AGREEMENTS FOR SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.

Section 312(a)(3) of section 312 of title 37, United States Code, is amended by striking ''three, four, or five years'' and inserting ''not less than three years''.

SEC. 619. INCENTIVE PAY FOR MEMBERS OF PRECOMMISSIONING PROGRAMS PURSUING FOREIGN LANGUAGE PROFICIENCY.

(a) INCENTIVE PAY AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 316 the following new section:

''§ 316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency

''(a) INCENTIVE PAY.—The Secretary of Defense may pay incentive pay under this section to an individual who—

''(1) is enrolled as a member of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as determined in accordance with regulations prescribed by the Secretary of Defense under subsection (e); and

''(2) participates in a language immersion program approved for purposes of the Senior Reserve Officers' Training Corps, or in study abroad, or is enrolled in an academic course that involves instruction in a foreign language of strategic interest to the Department of Defense as designated by the Secretary of Defense for purposes of this section.

''(b) PERIOD OF PAYMENT.—Incentive pay is payable under this section to an individual described in subsection (a) for the period of the individual's participation in the language program or study described in paragraph (2) of that subsection.

''(c) AMOUNT.—The amount of incentive pay payable to an individual under this section may not exceed $3,000 per year.

''(d) REPAYMENT.—An individual who is paid incentive pay under this section but who does not satisfactorily complete participation in the individual's language program or study as described in subsection (a)(2), or who does not complete the requirements of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as applicable, shall be subject to the repayment provisions of section 303a(e) of this title.

''(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

''(f) REPORTS.—Not later than January 1, 2010, and annually thereafter through 2014, the Secretary of Defense shall submit to the Director of the Office of Management and Budget, and to Congress, a report on the payment of incentive pay under this section during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

''(1) The number of individuals paid incentive pay under this section, the number of individuals commencing receipt of incentive pay under this section, and the number of individuals ceasing receipt of incentive pay under this section.

''(2) The amount of incentive pay paid to individuals under this section.

''(3) The aggregate amount recouped under section 303a(e) of this title in connection with receipt of incentive pay under this section.

''(4) The languages for which incentive pay was paid under this section, including the total amount paid for each such language.

''(5) The effectiveness of incentive pay under this section in assisting the Department of Defense in securing proficiency in foreign languages of strategic interest to the Department of Defense, including a description of how recipients of pay under this section are assigned and utilized following completion of the program of study.

''(g) TERMINATION OF AUTHORITY.—No incentive pay may be paid under this section after December 31, 2013.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 316 the following new item:

''316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle C—Travel and Transportation Allowances

SEC. 631. SHIPMENT OF FAMILY PETS DURING EVACUATION OF PERSONNEL.

Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

''(H)(i) Except as provided in paragraph (2) and subject to clause (iii), in connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation (including shipment and payment of any quarantine costs) of not more than two family household pets.

''(ii) A member entitled to transportation under clause (i) may be paid reimbursement or, at the member's request, a monetary allowance in accordance with the provisions of subparagraph (F) if the member secures by commercial means shipment and any quarantining of the pets otherwise subject to transportation under clause (i).

''(iii) The provision of transportation under clause (i) and the payment of reimbursement under clause (ii) shall be subject to such regulations as the Secretary of Defense shall prescribe with respect to members of the armed forces for purposes of this subparagraph. Such regulations may specify limitations on the types or size of pets for which transportation may be so provided or reimbursement so paid.''.

SEC. 632. SPECIAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF PROFESSIONAL BOOKS AND EQUIPMENT FOR SPOUSES.

(a) SPECIAL WEIGHT ALLOWANCE.—Section 406(b)(1)(D) of title 37, United States Code, is amended—

(1) by inserting ''(i)'' after ''(D)'';

(2) in the second sentence of clause (i), as so redesignated, by striking ''this subparagraph'' and inserting ''this clause'';

(3) by redesignating the last sentence as clause (iii) and indenting the margin of such clause, as so designated, two ems from the left margin; and

(4) by inserting after clause (i), as redesignated by paragraph (2), the following new clause:

''(ii) In addition to the weight allowance authorized for such member with dependents under paragraph (C), the Secretary concerned may authorize up to an additional 500 pounds in weight allowance for shipment of professional books and equipment belonging to the spouse of such member.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to shipment provided on or after that date.

SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES ON LEAVE FOR SUSPENSION OF TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

''§ 411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training

''(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse or provide transportation to a member of a reserve component of the armed forces on active duty for a period of more than 30 days who is performing duty at a temporary duty station for travel between the member's temporary duty station and the member's permanent duty station in connection with authorized leave pursuant to a suspension of training.

''(b) MINIMUM DISTANCE BETWEEN STATIONS.—A member may be paid for or provided transportation under subsection (a) only as follows:

''(1) In the case of a member who travels between a temporary duty station and permanent duty station by air transportation, if the distance between such stations is not less than 300 miles.

''(2) In the case of a member who travels between a temporary duty station and permanent duty station by ground transportation, if the distance between such stations is more than the normal commuting distance from the permanent duty station (as determined under the regulations prescribed under subsection (e)).

''(c) MINIMUM PERIOD OF SUSPENSION OF TRAINING.—A member may be paid for or provided transportation under subsection (a) only in connection with a suspension of training covered by that subsection that is five days or more in duration.

''(d) LIMITATION ON REIMBURSEMENT.—The amount a member may be paid under subsection (a) for travel may not exceed the amount that would be paid by the government (as determined under the regulations prescribed under subsection (e)) for the least expensive means of travel between the duty stations concerned.

''(e) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

''411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to travel that occurs on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. PRESENTATION OF BURIAL FLAG TO THE SURVIVING SPOUSE AND CHILDREN OF MEMBERS OF THE ARMED FORCES WHO DIE IN SERVICE.

Section 1482(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(12) Presentation of a flag of equal size to the flag presented under paragraph (10) to the surviving spouse (regardless of whether the surviving spouse remarries after the decedent's death), if the person to be presented the flag under paragraph (10) is other than the surviving spouse.

''(13) Presentation of a flag of equal size to the flag presented under paragraph (10) to each child, regardless of whether the person to be presented a flag under paragraph (10) is a child of the decedent. For purposes of this paragraph, the term 'child' has the meaning prescribed by section 1477(d) of this title''.

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Subtitle E—Other Matters

SEC. 651. SEPARATION PAY, TRANSITIONAL HEALTH CARE, AND TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS FOR MEMBERS OF THE ARMED FORCES SEPARATED UNDER SURVIVING SON OR DAUGHTER POLICY.

(a) AVAILABILITY OF SEPARATION PAY OTHERWISE AVAILABLE FOR INVOLUNTARY SEPARATION.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense before the member completes twenty years of service in the Armed Forces shall be entitled to separation pay payable under section 1174 of title 10, United States Code.

(2) NO MINIMUM SERVICE BEFORE SEPARATION.—A member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph is entitled to separation pay under that paragraph without regard to section 1174(c) of title 10, United States Code.

(3) INAPPLICABILITY OF REQUIREMENT FOR SERVICE IN READY RESERVE.—Section 1174(e) of title 10, United States Code, shall not apply to a member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph.

(4) AMOUNT OF PAY.—The amount of the separation pay to be paid to a member pursuant to this subsection shall be based on the years of active service actually completed by the member before the member's separation from the Armed Forces as described in paragraph (1).

(b) TRANSITIONAL HEALTH CARE.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to health care benefits under section 1145 of title 10, United States Code, as if such member were an individual described by subsection (a)(2) of such section.

(2) DEPENDENTS.—The dependents of a member entitled to health care benefits under paragraph (1) are entitled to health care benefits in the same manner with respect to such member as dependents of members of the Armed Forces are entitled to such benefits with respect to such members under section 1145 of title 10, United States Code.

(c) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to continue to use commissary and exchange stores and morale, welfare, and recreational facilities in the same manner as a member on active duty in the Armed Forces during the two-year period beginning on the later of the following dates:

(1) The date of the separation of the member.

(2) The date on which the member is first notified of the members entitlement to benefits under this subsection.

(d) SURVIVING SON OR DAUGHTER POLICY OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''Surviving Son or Daughter policy of the Department of Defense'' means the policy of the Department of Defense for the separation from the Armed Forces of a member of the Armed Forces who is a son or daughter in a family in which the father, mother, or another son or daughter—

(1) has been killed in action or died while serving in the Armed Forces from a wound, accident, or disease;

(2) is a member of the Armed Forces in a captured or missing-in-action status; or

(3) has a service-connected disability rated 100 percent disabling (including a disability of 100 percent mental disability), as determined by the Secretary of Veterans Affairs or the Secretary of the military department concerned, and is not gainfully employed because of such disability.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. CALCULATION OF MONTHLY PREMIUMS FOR COVERAGE UNDER TRICARE RESERVE SELECT AFTER 2008.

(a) IN GENERAL.—Section 1076d(d)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) in subparagraph (A), as so designated, by striking the second sentence; and

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

''(B) The appropriate actuarial basis for purposes of subparagraph (A) shall be determined as follows:

''(i) For calendar year 2009, by utilizing the reported cost of providing benefits under this section to members and their dependents during calendar years 2006 and 2007.

''(ii) For each calendar year after calendar year 2009, by utilizing the actual cost of providing benefits under this section to members and their dependents during the calendar years preceding such calendar year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle B—Other Health Care Authorities

SEC. 711. ENHANCEMENT OF MEDICAL AND DENTAL READINESS OF MEMBERS OF THE ARMED FORCES.

(a) EXPANSION OF AVAILABILITY OF MEDICAL AND DENTAL SERVICES FOR RESERVES.—

(1) EXPANSION OF AVAILABILITY FOR RESERVES ASSIGNED TO UNITS SCHEDULED FOR DEPLOYMENT WITHIN 75 DAYS OF MOBILIZATION.—Subsection (d)(1) of section 1074a of title 10, United States Code, is amended by striking ''The Secretary of the Army shall provide to members of the Selected Reserve of the Army'' and inserting ''The Secretary concerned shall provide to members of the Selected Reserve''.

(2) AVAILABILITY FOR CERTAIN OTHER RESERVES.—Such section is further amended by adding at the end the following new subsection:

''(g)(1) The Secretary concerned may provide to any member of the Selected Reserve not described in subsection (d)(1) or (f), and to any member of the Individual Ready Reserve with a specially designated deployment responsibility, the medical and dental services specified in subsection (d)(1) if the Secretary determines that the receipt of such services by such member is necessary to ensure that the member meets applicable standards of medical and dental readiness.

''(2) Services may not be provided to a member under this subsection for a condition that is the result of the member's own misconduct.

''(3) The services provided under this subsection shall be provided at no cost to the member.''.

(3) FUNDING.—Such section is further amended by adding at the end the following new subsection:

''(h) Amounts available for operation and maintenance of a reserve component of the armed forces may be available for purposes of this section to ensure the medical and dental readiness of members of such reserve component.''.

(b) WAIVER OF CERTAIN COPAYMENTS FOR DENTAL CARE FOR RESERVES FOR READINESS PURPOSES.—Section 1076a(e) of such title is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking ''A member or dependent'' and inserting ''(1) Except as provided pursuant to paragraph (2), a member or dependent''; and

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

''(2) During a national emergency declared by the President or Congress, the Secretary of Defense may waive, whether in whole or in part, the charges otherwise payable by a member of the Selected Reserve of the Ready Reserve or a member of the Individual Ready Reserve under paragraph (1) for the coverage of the member alone under the dental insurance plan established under subsection (a)(1) if the Secretary determines that such waiver of the charges would facilitate or ensure the readiness of a unit or individual for a scheduled deployment.''.

(c) REPORT ON POLICIES AND PROCEDURES IN SUPPORT OF MEDICAL AND DENTAL READINESS.—

(1) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the policies and procedures of the Department of Defense to ensure the medical and dental readiness of members of the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the current standards of each military department with respect to the medical and dental readiness of individual members of the Armed Forces (including members of the regular components and members of the reserve components), and with respect to the medical and dental readiness of units of the Armed Forces (including units of the regular components and units of the reserve components), under the jurisdiction of such military department.

(B) A description of the manner in which each military department applies the standards described under subparagraph (A) with respect to each of the following:

(i) Performance evaluation.

(ii) Promotion.

(iii) In the case of the members of the reserve components, eligibility to attend annual training.

(iv) Continued retention in service in the Armed Forces.

(v) Such other matters as the Secretary considers appropriate.

(C) A statement of the number of members of the Armed Forces (including members of the regular components and members of the reserve components) who were determined to be not ready for deployment at any time during the period beginning on October 1, 2001, and ending on September 30, 2008, due to failure to meet applicable medical or dental standards, and an assessment of whether the unreadiness of such members for deployment could reasonably have been mitigated by actions of the members concerned to maintain individual medical or dental readiness.

(D) A description of any actual or perceived barriers to the achievement of full medical and dental readiness in the Armed Forces (including among the regular components and the reserve components), including, but not limited to, barriers associated with the following:

(i) Quality or cost of, or access to, medical and dental care.

(ii) Availability of programs and incentives intended to prevent medical or dental problems.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate to ensure the medical and dental readiness of individual members of the Armed Forces and units of the Armed Forces, including, but not limited to, recommendations regarding the following:

(i) The advisability of requiring that fitness reports of members of the Armed Forces include—

(I) a statement of whether or not a member meets medical and dental readiness standards for deployment; and

(II) in cases in which a member does not meet such standard, a statement of actions being taken to ensure that the member meets such standards and the anticipated schedule for meeting such standards.

(ii) The advisability of establishing a mandatory promotion standard relating to individual medical and dental readiness and, in the case of a unit commander, unit medical and dental readiness.

SEC. 712. ADDITIONAL AUTHORITY FOR STUDIES AND DEMONSTRATION PROJECTS RELATING TO DELIVERY OF HEALTH AND MEDICAL CARE.

Section 1092(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(3) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards and incentives to members of the armed forces and covered beneficiaries who obtain health promotion and disease prevention health care services in accordance with terms and schedules prescribed by the Secretary. Such awards and incentives may include, but are not limited to, cash awards and, in the case of members of the armed forces, personnel incentives.

''(4)(A) The Secretary of Defense may, in consultation with the other administering Secretaries, include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards or incentives to individual health care professionals under the authority of such Secretaries, including members of the uniformed services, Federal civilian employees, and contractor personnel, to encourage and reward effective implementation of innovative health care programs designed to improve quality, cost-effectiveness, health promotion, medical readiness, and other priority objectives. Such awards and incentives may include, but are not limited to, cash awards and, in the case of members of the armed forces, personnel incentives.

''(B) Amounts available for the pay of members of the uniformed services shall be available for awards and incentives under this paragraph with respect to members of the uniformed services.

''(5) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the medical and dental readiness of members of reserve components of the armed forces, including the provision of health care services to such members for which they are not otherwise entitled or eligible under this chapter.

''(6) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the continuity of health care services for family members of mobilized members of the reserve components of the armed forces who are eligible for such services under this chapter, including payment of a stipend for continuation of employer-provided health coverage during extended periods of active duty.''.

SEC. 713. TRAVEL FOR ANESTHESIA SERVICES FOR CHILDBIRTH FOR DEPENDENTS OF MEMBERS ASSIGNED TO VERY REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.

Section 1040(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2)(A) For purposes of paragraph (1), required medical attention of a dependent shall include anesthesia services for childbirth for the dependent equivalent to the anesthesia services for childbirth that would be available to the dependent in military treatment facilities located in the United States.

''(B) In the case of a dependent in a remote location outside the continental United States who elects services authorized by subparagraph (A), the transportation authorized in paragraph (1) may consist of transportation to a military treatment facility providing such services that is located in the continental United States nearest to the closest port of entry into the continental United States from such remote location.

''(C) The second through sixth sentences of paragraph (1) shall apply to a dependent provided transportation under this paragraph.

''(D) Notwithstanding any other provision of this paragraph, the total cost incurred by

the United States for the provision of transportation and expenses (including per diem) with respect to a dependent under this paragraph may not exceed the cost the United States would otherwise incur for the provision of transportation and expenses with respect to the dependent under paragraph (1) if the transportation and expenses were provided to the dependent under paragraph (1) rather than this paragraph.''.

Subtitle C—Other Health Care Matters

SEC. 721. REPEAL OF PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) REPEAL.—Subsection (a) of section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

(b) REVIVAL OF CERTIFICATION AND REPORT REQUIREMENTS ON CONVERSION OF POSITIONS.—

(1) IN GENERAL.—The provisions of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2306), as in effect on January 27, 2008 (the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008), are hereby revived.

(2) APPLICABLE DEFINITIONS.—In the discharge of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as revived by paragraph (1), the following definitions shall apply:

(A) The definitions in paragraphs (1) through (4) of section 742(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as in effect on January 27, 2008.

(B) The definition in section 721(d)(4) of the National Defense Authorization Act for Fiscal Year 2008.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER ACQUISITION REPORTING REQUIREMENTS.

(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2430 following new section:

''§ 2430a. Major subprograms

''(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—(1) If the Secretary of Defense determines that a major defense acquisition program requires the delivery of two or more categories of end items which differ significantly from each other in form and function, the Secretary may designate each such category of end items as a major subprogram for the purposes of acquisition reporting under this chapter.

''(2) The Secretary shall notify the congressional defense committees in writing of any proposed designation pursuant to paragraph (1) not less than 30 days before the date such designation takes effect.

''(b) REPORTING REQUIREMENTS.—If the Secretary designates a major subprogram of a major defense acquisition program in accordance with subsection (a), Selected Acquisition Reports, unit cost reports, and program baselines under this chapter shall reflect cost, schedule, and performance information—

''(1) for the major defense acquisition program as a whole; and

''(2) for each major subprogram of the major defense acquisition program so designated.

''(c) UNIT COSTS.—Notwithstanding paragraphs (1) and (2) of section 2432(a) of this title, in the case of a major defense acquisition program for which the Secretary has designated one or more major subprograms under this section for the purposes of this chapter—

''(1) the term 'program acquisition unit cost' means the total cost for the development and procurement of, and specific military construction for, the major defense acquisition program that is reasonably allocable to each such major subprogram, divided by the relevant number of fully-configured end items to be produced under such major subprogram; and

''(2) the term 'procurement unit cost' means the total of all funds programmed to be available for obligation for procurement for each such major subprogram, divided by the number of fully-configured end items to be procured under such major subprogram.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2430 the following new item:

''2430a. Major subprograms.''.

(b) CONFORMING AMENDMENTS.—Chapter 144 of such title is further amended as follows:

(1) In section 2432—

(A) in subsection (c)—

(i) in paragraph (1)(B)—

(I) by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'';

(ii) in paragraph (3)(A), by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(B) in subsection (e)—

(i) in paragraph (3), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(ii) in paragraph (5), by inserting before the period the following: ''(or for each designated major subprogram under the program)''.

(2) In section 2433—

(A) in subsection (a)—

(i) by striking ''The terms'' and inserting ''Except as provided in section 2430a(c) of this title, the terms'';

(ii) in paragraph (4)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears; and

(iii) in paragraph (5)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears;

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''(and for each designated major subprogram under the program'' after ''unit costs of the program'';

(ii) in paragraph (1), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)'';

(iii) in paragraph (2), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(iv) in paragraph (5), by inserting ''or subprogram'' after ''the program'' each place it appears (other than the last place it appears);

(C) in subsection (c)—

(i) by striking ''the program acquisition unit cost for the program or the procurement unit cost for the program'' and inserting ''the program acquisition unit cost for the program (or for a designated major subprogram under the program) or the procurement unit cost for the program (or for such a subprogram)''; and

(ii) by striking ''for the program'' after ''significant cost growth threshold'';

(D) in subsection (d)—

(i) in paragraph (1)—

(I) by inserting ''or any designated major subprogram under the program'' after ''for the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears;

(ii) in paragraph (2)—

(I) by inserting ''or any designated major subprogram under the program'' after ''the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears; and

(iii) in paragraph (3), by striking ''such program'' and inserting ''the program or subprogram concerned'';

(E) in subsection (e)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program''; and

(II) in subparagraph (B)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''that program'';

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program'';

(II) in subparagraph (A), by inserting ''or subprogram'' after ''program'' each place it appears;

(III) in subparagraph (B), by inserting ''or subprogram'' after ''such acquisition program'' each place it appears; and

(IV) in subparagraph (C), by inserting ''or subprogram'' after ''such program''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or subprogram concerned'' after ''the program''; and

(bb) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(II) in subparagraphs (A) and (B), by inserting ''or subprogram'' after ''that program'' each place it appears; and

(F) in subsection (g)—

(i) in paragraph (1)—

(I) in subparagraph (D), by inserting ''(and for each designated major subprogram under the program)'' after ''the program'';

(II) in subparagraph (E), by inserting ''for the program (and for each designated major subprogram under the program)'' after ''program acquisition cost'';

(III) in subparagraph (F), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)'';

(IV) in subparagraph (J), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''program acquisition unit cost'';

(V) in subparagraph (K), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''procurement unit cost''; and

(VI) in subparagraph (O), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)''; and

(ii) in paragraph (2)—

(I) by inserting ''or designated major subprogram'' after ''major defense acquisition program'';

(II) by inserting ''or subprogram'' after ''the entire program''; and

(III) by inserting ''or subprogram'' after ''a program''.

SEC. 802. INCLUSION OF CERTAIN MAJOR INFORMATION TECHNOLOGY INVESTMENTS IN ACQUISITION OVERSIGHT AUTHORITIES FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 2445a of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''IN GENERAL'' and inserting ''MAJOR AUTOMATED INFORMATION SYSTEM PROGRAM''; and

(B) by adding at the end the following new subsection:

''(d) OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAM.—In this chapter, the term 'other major information technology investment program' means the following:

''(1) An investment that is designated by the Secretary of Defense, or a designee of the Secretary, as a 'pre-Major Automated Information System' or 'pre-MAIS' program.

''(2) Any other investment in automated information system products or services that is expected to exceed the thresholds established in subsection (a), as adjusted under subsection (b), but is not considered to be a major automated information system program because a formal acquisition decision has not yet been made with respect to such investment.''.

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2445a. Definitions''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144A of such title is amended by striking the item relating to section 2445a and inserting the following new item:

''2445a. Definitions.''.

(b) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—Section 2445b of such title is amended—

(1) in subsection (a), by inserting ''and each other major information technology investment program'' after ''each major automated information system program'';

(2) in subsection (b), by inserting ''REGARDING MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS'' after ''ELEMENTS''; and

(3) by adding at the end the following new subsection:

''(d) ELEMENTS REGARDING OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAMS.—With respect to each other major information technology investment program, the information required by subsection (a) may be provided in the format that is most appropriate to the current status of the program.''.

(c) QUARTERLY REPORTS.—Section 2445c of such title is amended—

(1) in subsection (a)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' the first place it appears; and

(B) by inserting ''or major information technology'' after ''major automated information system'' the second place it appears;

(2) in subsection (b)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1); and

(B) by inserting ''or information technology'' after ''automated information system'' each place it appears in paragraphs (1) and (2);

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

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

''(A) no Milestone B decision has been made after more than two years of investment in the program;

''(B) the system failed to achieve initial operational capability within three years after milestone B approval;'';

(iii) in subparagraph (C), as redesignated by clause (i) of this subparagraph, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable'';

(iv) in subparagraph (D), as so redesignated, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable''; and

(v) in subparagraph (E), as so redesignated—

(I) by inserting ''or major information technology'' after ''major automated information system''; and

(II) by inserting before the period the following: ''or section 2445b(d) of this title, as applicable'';

(4) in subsection (e), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(5) in subsection (f)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1);

(B) in paragraph (1), by inserting ''or information technology'' after ''automated information system'';

(C) in paragraph (2), by inserting ''or technology'' after ''the system''; and

(D) in paragraph (3), by inserting ''or technology, as applicable,'' after ''the program and system''.

SEC. 803. CONFIGURATION STEERING BOARDS FOR COST CONTROL UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CONFIGURATION STEERING BOARDS.—Each Secretary of a military department shall establish one or more boards (to be known as a ''Configuration Steering Board'') for the major defense acquisition programs of such department.

(b) COMPOSITION.—

(1) CHAIR.—Each Configuration Steering Board under this section shall be chaired by the service acquisition executive of the military department concerned.

(2) PARTICULAR MEMBERS.—Each Configuration Steering Board under this section shall include a representative of the following:

(A) The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Chief of Staff of the Armed Force concerned.

(C) The Joint Staff.

(D) The Comptroller of the military department concerned.

(E) The military deputy to the service acquisition executive concerned.

(F) The program executive officer for the major defense acquisition program concerned.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Configuration Steering Board for a major defense acquisition program under this section shall be responsible for the following:

(A) Preventing unnecessary changes to program requirements and system configuration that could have an adverse impact on program cost or schedule.

(B) Mitigating the adverse cost and schedule impact of any changes to program requirements that may be required.

(C) Ensuring that the program delivers as much planned capability as possible, consistent with the program baseline.

(2) DISCHARGE OF RESPONSIBILITIES.—In discharging its responsibilities under this section with respect to a major defense acquisition program, a Configuration Steering Board shall—

(A) review and approve or disapprove any proposed changes to program requirements or system configuration that have the potential to adversely impact program cost or schedule; and

(B) review and recommend proposals to reduce program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives.

(3) PRESENTATION RECOMMENDATIONS ON REDUCTION IN REQUIREMENTS.—Any recommendation for a proposed reduction in requirements that is made by a Configuration Steering Board under paragraph (2)(B) shall be presented to appropriate organizations of the Joint Staff and the military departments responsible for such requirements for review and approval in accordance with applicable procedures.

(4) ANNUAL CONSIDERATION OF EACH MAJOR DEFENSE ACQUISITION PROGRAM.—The Secretary of the military department concerned shall ensure that a Configuration Steering Board under this section meets to consider each major defense acquisition program of such military department at least once each year.

(d) APPLICABILITY.—

(1) IN GENERAL.—The requirements of this section shall apply with respect to any major defense acquisition program that is commenced before, on, or after the date of the enactment of this Act.

(2) CURRENT PROGRAMS.—In the case of any major defense acquisition program that is ongoing as of the date of the enactment of this Act, a Configuration Steering Board under this section shall be established for such program not later than 60 days after the date of the enactment of this Act.

(e) GUIDANCE ON AUTHORITIES OF PROGRAM MANAGERS AFTER MILESTONE B.—

(1) MODIFICATION OF GUIDANCE ON AUTHORITIES.—Paragraph (2) of section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2343) is amended to read as follows:

''(2) authorities available to the program manager, including—

''(A) the authority to object to the addition of new program requirements that would be inconsistent with the parameters established at Milestone B (or Key Decision Point B in the case of a space program) and reflected in the performance agreement, unless such requirements are approved by the appropriate Configuration Steering Board; and

''(B) the authority to recommend to the appropriate Configuration Steering Board reduced program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives; and''.

(2) APPLICABILITY.—The Secretary of Defense shall modify the guidance described in section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 in order to take into account the amendment made by paragraph (1) not later than 60 days after the date of the enactment of this Act.

(f) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430(a) of title 10, United States Code.

Subtitle B—Acquisition Policy and Management

SEC. 811. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2009, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but has a program or initiative to significantly improve compliance with defense procurement requirements;

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency; or

(iv) such non-defense agency is not compliant with defense procurement requirements to such an extent that the interests of the Department of Defense are at risk in procurements conducted by such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii), (iii), or (iv) of subparagraph (B) of that paragraph is correct in the case of a covered non-defense agency, such Inspectors General shall, not later than June 15, 2010, jointly—

(A) conduct a second review, as described in subparagraph (A) of that paragraph, regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2009; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a covered non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each covered non-defense agency shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraph (1) or (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2009, and before June 16, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency for which a determination described in clause (iii) or (iv) of paragraph (1)(B) of subsection (a) has been made under subsection (a).

(2) LIMITATION AFTER REVIEW PERIOD.—After June 15, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(3) LIMITATION FOLLOWING FAILURE TO REACH MOU.—Commencing on the date that is 60 days after the date of the enactment of this Act, if a memorandum of understanding between the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency cannot be attained causing the review required by this section to not be performed, no official of the Department of Defense, except as provided in subsection (e) or (f), may order, purchase or otherwise procure property or services in an amount in excess of $100,000 through such non-defense agency.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a covered non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (a) or (f), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(i) DEFINITIONS.—In this section:

(1) The term ''covered non-defense agency'' means each of the following:

(A) The Department of Commerce.

(B) The Department of Energy.

(2) The term ''governmentwide acquisition contract'', with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

(j) MODIFICATION OF CERTAIN ADDITIONAL AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF DOD.—Section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 202; 10 U.S.C. 2304 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration'' and inserting ''the Department of the Interior''; and

(B) by adding at the end the following new subparagraph:

''(D) In the case of each of the Department of Commerce and the Department of Energy, by not later than March 15, 2015.''; and

(2) in subsection (f)(2)—

(A) by striking subparagraphs (B) and (D);

(B) by redesignating subparagraphs (C), (E), and (F) as subparagraphs (B), (C), and (D), respectively; and

(C) by adding at the end the following new subparagraphs:

''(E) The Department of Commerce.

''(F) The Department of Energy.''.

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2334. Contingency Contracting Corps

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a Contingency Contracting Corps (in this section, referred to as the 'Corps') to ensure the Department has the capability, when needed, to support contingency contracting actions in a deployed environment. The members of the Corps shall be available for deployment in connection with contingency operations both within and outside the continental United States, including reconstruction efforts relating thereto.

''(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all employees of the Department of Defense, including uniformed members of the Armed Forces, who are members of the defense acquisition workforce, as designated under section 1721 of this title.

''(c) EDUCATION AND TRAINING.—The Secretary of Defense may establish additional educational and training requirements for members of the Corps.

''(d) CLOTHING AND EQUIPMENT.—The Secretary of Defense may identify any necessary clothing and equipment requirements for members of the Corps.

''(e) SALARY.—The salaries for members of the Corps shall be paid by the Department of Defense out of existing appropriations.

''(f) AUTHORITY TO DEPLOY THE CORPS.—The Secretary of Defense, or the Secretary's designee, shall have the authority to determine when members of the Corps shall be deployed.

''(g) ANNUAL REPORT.—(1) The Secretary of Defense shall provide to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

''(2) At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

''2334. Contingency Contracting Corps.''.

SEC. 813. EXPEDITED REVIEW AND VALIDATION OF URGENT REQUIREMENTS DOCUMENTS.

(a) GUIDANCE FOR EXPEDITED PRESENTATION TO APPROPRIATE AUTHORITIES FOR REVIEW AND VALIDATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the Secretaries of the military departments and the Chiefs of Staff of the Armed Forces to ensure that each urgent requirements document submitted by an operational field commander is presented to the appropriate authority for review and validation not later than 60 days after date on which such document is so submitted.

(b) DEFINITIONS.—In this section:

(1) The term ''urgent requirements document'' means the following:

(A) A Joint Urgent Operational Needs (JUON) document.

(B) An Army operational need statement (ONS).

(C) A Navy rapid deployment capability (RDC) document or Navy urgent operational need (UON) statement.

(D) An Air Force combat capability document (CCD).

(E) A Marine Corps urgent universal need statement (UUNS).

(F) A combat-mission need statement (CMNS) of the United States Special Operations Command.

(2) The term ''appropriate authority'' means the following:

(A) In the case of a Joint Urgent Operational Needs document, a Functional Capabilities Board or Joint Capabilities Board.

(B) In the case of an Army operational need statement, the Deputy Chief of Staff of the Army for Operations and Plans.

(C) In the case of a Navy rapid deployment capability document or Navy urgent operational need statement, the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(D) In the case of an Air Force combat capability document, the commander of the lead major command of the Air Force.

(E) In the case of a Marine Corps urgent universal need statement, the Marine Requirements Oversight Council.

(F) In the case of a combat-mission need statement of the United States Special Operations Command, the Requirements Directorate of the United States Special Operations Command.

SEC. 814. INCORPORATION OF ENERGY EFFICIENCY REQUIREMENTS INTO KEY PERFORMANCE PARAMETERS FOR FUEL CONSUMING SYSTEMS.

(a) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop an implementation plan for the incorporation of energy efficiency requirements into key performance parameters for the modification of existing fuel consuming systems of the Department of Defense and the development of new fuel consuming systems. The implementation plan shall include—

(1) policies, regulations, and directives to ensure that appropriate officials incorporate such energy efficiency requirements into such performance parameters; and

(2) a plan for implementing such requirements.

(b) REPORT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit a report on the plan required under subsection (a), including an assessment of progress made in implementing requirements to incorporate energy efficiency requirements into key performance parameters for fuel consuming systems of the Department of Defense, as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter for five years (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 821. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF ALTERNATIVE AND SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the head of an agency may enter into contracts for a period not to exceed 10 years for the purchase of alternative fuels or synthetic fuels.

''(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The head of an agency may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the head of the agency determines in writing, on the basis of a business case analysis prepared by the agency, that—

''(1) the proposed purchase of fuels under such contract is cost effective for the agency;

''(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years; and

''(3) the contract will comply with the requirements of subsection (c) and section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

''(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The head of an agency may not purchase alternative fuels or synthetic fuels under the authority in subsection (a) unless the contract specifies that lifecycle greenhouse gas emissions associated with the production and combustion of the fuels to be provided under the contract are not greater than such emissions from conventional petroleum-based fuels that are used in the same application.

''(d) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'alternative fuel' has the meaning given that term in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

''(3) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

''(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

''(B) is produced by chemical or physical transformation of domestic sources of energy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(A) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request

funding for the contract at the level required to avoid contract cancellation;

(B) there is a stable design for all related technologies to the purchase of alternative and synthetic fuels as so authorized;

(C) the technical risks associated with such technologies are not excessive;

(D) the multiyear contract will contain appropriate pricing mechanisms to minimize risk to the government from significant changes in market prices for energy;

(E) there is in place a regulatory regime adequate to ensure compliance with the requirements of section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1663; 42 U.S.C. 17142) and other applicable environmental laws; and

(F) the contractor has received all regulatory approvals necessary for the production of the alternative and synthetic fuels to be supplied under the contract.

(2) MINIMUM ANTICIPATED SAVINGS.—The regulations required by paragraph (1) shall provide that, in any case in which the estimated total expenditure under a multiyear contract (or several multiyear contracts with the same prime contractor) under section 2410r of title 10, United States Code (as so added), are anticipated to be more than (or, in the case of several contracts, the aggregate of which is anticipated to be more than) $540,000,000 (in fiscal year 1990 constant dollars), the head of an agency may initiate such contract under such section only upon a finding that use of such contract will result in savings exceeding 10 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means. If such estimated savings will exceed 5 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means, but not exceed 10 percent of such costs, the head of the agency may initiate such contract under such section only upon a finding in writing that an exceptionally strong case has been made with regard to findings required in paragraph (1).

(3) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by paragraph (1) are prescribed.

(c) RELATIONSHIP TO OTHER MULTIYEAR CONTRACTING AUTHORITY.—Nothing in this section or the amendments made by this section shall be construed to preclude the Department of Defense from using other applicable multiyear contracting authority of the Department of Defense to purchase energy, including renewable energy.

SEC. 822. MODIFICATION AND EXTENSION OF PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS UNDER AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) EXPANSION OF SCOPE OF PILOT PROGRAM.—Paragraph (1) of section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''under prototype projects carried out under this section'' and inserting ''developed under prototype projects carried out under this section or research projects carried out pursuant to section 2371 of title 10, United States Code''.

(b) FOUR-YEAR EXTENSION OF AUTHORITY.—Paragraph (4) of such section is amended by striking ''September 30, 2008'' and inserting ''September 30, 2012''.

SEC. 823. EXCLUSION OF CERTAIN FACTORS IN CONSIDERATION OF COST ADVANTAGES OF OFFERS FOR CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.

Not later than 90 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to ensure that, in any competition for a contract with a value in excess of $10,000,000, an offeror does not receive an advantage for a proposal that would reduce costs for the Department of Defense as a consequence of any corporate structure a principal purpose of which is to enable the offeror to avoid the payment of taxes to the Federal Government or any State government, including taxes imposed under subtitle C of the Internal Revenue Code of 1986 and any similar taxes imposed by a State government, for or on behalf of employees of the offeror or any subsidiary or affiliate of the offeror.

Subtitle D—Department of Defense Contractor Matters

SEC. 831. DATABASE FOR DEPARTMENT OF DEFENSE CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish and maintain a database of information regarding integrity and performance of certain persons awarded Department of Defense contracts for use by Department of Defense officials having authority over contracts.

(b) PERSONS COVERED.—The database shall cover any person awarded a Department of Defense contract in excess of $500,000 if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Department of Defense contract, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract with the Federal Government or, to the maximum extent practicable, a State government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(C) In an administrative proceeding, a finding of liability that results in—

(i) the payment of a monetary fine or penalty of $5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(D) In a civil or administrative proceeding, a disposition of the matter by consent or compromise if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, each agreement involving a suspension or debarment proceeding entered into by the person and a State government in that period.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Under Secretary shall design and maintain the database in a manner that allows the appropriate officials of the Department of Defense to directly input and update in the information in the database relating to actions such officials have taken with regard to contractors.

(2) TIMELINESS AND ACCURACY.—The Under Secretary shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to submit comments pertaining to information about such person in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Under Secretary shall ensure that the database is available to all acquisition professionals of the Department of Defense and to Congress. This subsection does not limit the availability of the database to other Department of Defense officials or to government officials outside the Department of Defense that the Under Secretary determines warrant access.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract in excess of $500,000, the Department of Defense official responsible for awarding the contract shall review the database and shall consider information in the database with regard to any offer, along with other past performance information available with respect to that offeror, in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of the Department of Defense in excess of $500,000 shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Defense Supplement to the Federal Acquisition Regulation shall be amended to require that persons with Department of Defense contracts valued in total greater than $10,000,000 must semiannually submit to the Under Secretary a report that includes the information subject to inclusion in the database as listed in paragraphs (1) through (5) of subsection (c).

SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER CERTAIN CONTRACTS FOR THE PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) CONTRACT CLAUSE REQUIRED.—Each contract (or task or delivery order) in excess of $500,000 that calls for the performance of acquisition functions closely associated with inherently governmental functions for or on behalf of the Department of Defense shall include a contract clause addressing financial conflicts of interests of contractor employees who will be responsible for the performance of such functions.

(b) CONTENTS OF CONTRACT CLAUSE.—The contract clause required by subsection (a) shall, at a minimum—

(1) require the contractor to prohibit any employee of the contractor from performing any functions described in subsection (a) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter in which the employee (or a member of the employee's immediate family) has a financial interest without the express written approval of the contracting officer;

(2) require the contractor to obtain, review, update, and maintain as part of its personnel records a financial disclosure statement from each employee assigned to perform functions described in paragraph (1) under such a contract (or task or delivery order) that is sufficient to enable the contractor to ensure compliance with the requirements of paragraph (1);

(3) require the contractor to prohibit any employee of the contractor who is responsible for performing functions described in paragraph (1) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter from accepting a gift from the affected company or from an individual or entity that has a financial interest in the program, contract, or other matter;

(4) require the contractor to prohibit contractor personnel who have access to nonpublic government information obtained while performing work on such a contract (or task or delivery order) from using such information for personal gain;

(5) require the contractor to take appropriate disciplinary action in the case of employees who fail to comply with prohibitions established pursuant to this section;

(6) require the contractor to promptly report any failure to comply with the prohibitions established pursuant to this section to the contracting officer for the applicable contract or contracts;

(7) include appropriate definitions of the terms ''financial interest'' and ''gift'' that are similar to the definitions in statutes and regulations applicable to Federal employees;

(8) establish appropriate contractual penalties for failures to comply with the requirements of paragraphs (1) through (6); and

(9) provide such additional safeguards, definitions, and exceptions as may be necessary to safeguard the public interest.

(c) FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this section, the term ''functions closely associated with inherently governmental functions'' has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(d) EFFECTIVE DATE.—This section shall take effect 30 days after the date of the enactment of this Act, and shall apply to—

(1) contracts entered on or after that effective date; and

(2) task or delivery orders awarded on or after that effective date, regardless of whether the contracts pursuant to which such task or delivery orders are awarded are entered before, on, or after the date of the enactment of this Act.

SEC. 833. INFORMATION FOR DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a policy for informing employees of a contractor of the Department of Defense of their whistleblower rights and protections under section 2409 of title 10, United States Code, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) ELEMENTS.—The regulations required by subsection (a) shall include requirements as follows:

(1) Employees of Department of Defense contractors shall be notified in writing of the provisions of section 2409 of title 10, United States Code.

(2) Notice to employees of Department of Defense contractors under paragraph (1) shall state that the restrictions imposed by any employee agreement or nondisclosure agreement shall not supersede, conflict with, or otherwise alter the employee rights created by section 2409 of title 10, United States Code, or the regulations implementing such section.

(c) CONTRACTOR DEFINED.—In this section, the term ''contractor'' has the meaning given that term in section 2409(e)(4) of title 10, United States Code.

Subtitle E—Matters Relating to Iraq and Afghanistan

SEC. 841. PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF INHERENTLY GOVERNMENTAL FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.

(a) MODIFICATION OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the regulations issued by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modified to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

(b) ELEMENTS.—The modification of regulations pursuant to subsection (a) shall provide, at a minimum, each of the following:

(1) That security operations for the protection of resources (including people, information, equipment, and supplies) in uncontrolled or unpredictable high threat environments are inherently governmental functions if such security operations—

(A) will be performed in highly hazardous public areas where the risks are uncertain and could reasonably be expected to require deadly force that is more likely to be initiated by personnel performing such security operations than by others; or

(B) could reasonably be expected to require immediate discretionary decisions on the appropriate course of action or the acceptable level of risk (such as judgments on the appropriate level of force, acceptable level of collateral damage, and whether the target is friend or foe), the outcome of which could significantly affect the life, liberty, or property of private persons or the international relations of the United States.

(2) That the agency awarding the contract has appropriate mechanisms in place to ensure that private security contractors operate in a manner consistent with the regulations issued by the Secretary of Defense pursuant to such section 862(a), as modified pursuant to this section.

(c) PERIODIC REVIEW OF PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the heads of other appropriate agencies, periodically review the performance of private security functions in areas of combat operations to ensure that such functions are authorized and performed in a manner consistent with the requirements of this section.

(2) REPORTS.—Not later than June 1 of each of 2009, 2010, and 2011, the Secretary shall submit to the congressional defense committees a report on the results of the most recent review conducted under paragraph (1).

SEC. 842. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—Section 861(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended by adding the following new paragraphs:

''(7) Mechanisms for ensuring that contractors are required to report offenses described in paragraph (6) that are alleged to have been committed by or against contractor personnel to appropriate investigative authorities.

''(8) Responsibility for providing victim and witness protection and assistance to contractor employees and other persons supporting the mission of the United States Government in Iraq or Afghanistan in connection with alleged offenses described in paragraph (6).''.

(b) IMPLEMENTATION.—The memorandum of understanding required by section 861(a) of the National Defense Authorization Act for Fiscal Year 2008 shall be modified to address the requirements under the amendment made by subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 843. CLARIFICATION AND MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) NATURE OF COMMISSION.—Subsection (a) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by inserting ''in the legislative branch'' after ''There is hereby established''.

(b) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—Subsection (e) of such is amended by adding at the end the following new paragraph:

''(8) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, a co-chairman of the Commission may exercise, with respect to the members and staff of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.''.

(c) EFFECTIVE DATE.—

(1) NATURE OF COMMISSION.—The amendment made by subsection (a) shall take effect as of January 28, 2008, as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2008.

(2) PAY AND ANNUITIES.—The amendment made by subsection (b) shall apply to members and staff of the Commission on Wartime Contracting in Iraq and Afghanistan appointed or employed, as the case may be, on or after that date.

SEC. 844. COMPREHENSIVE AUDIT OF SPARE PARTS PURCHASES AND DEPOT OVERHAUL AND MAINTENANCE OF EQUIPMENT FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUDITS REQUIRED.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall each conduct thorough audits to identify potential waste, fraud, and abuse in the performance of the following:

(1) Department of Defense contracts, subcontracts, and task and delivery orders for—

(A) depot overhaul and maintenance of equipment for the military in Iraq and Afghanistan; and

(B) spare parts for military equipment used in Iraq and Afghanistan; and

(2) Department of Defense in-house overhaul and maintenance of military equipment used in Iraq and Afghanistan.

(b) COMPREHENSIVE AUDIT PLAN.—

(1) PLANS.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall, in coordination with the Inspector General of the Department of Defense, develop a comprehensive plan for a series of audits to discharge the requirements of subsection (a).

(2) INCORPORATION INTO REQUIRED AUDIT PLAN.—The plan developed under paragraph (1) shall be submitted to the Inspector General of the Department of Defense for incorporation into the audit plan required by section 842(b)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 234; 10 U.S.C. 2302 note).

(c) INDEPENDENT CONDUCT OF AUDIT FUNCTIONS.—All audit functions performed under this section, including audit planning and coordination, shall be performed in an independent manner.

(d) AVAILABILITY OF RESULTS.—All audit reports resulting from audits under this section shall be made available to the Commission on Wartime Contracting in Iraq and Afghanistan established pursuant to section 841 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 230).

Subtitle F—Other Matters

SEC. 851. EXPEDITED HIRING AUTHORITY FOR THE DEFENSE ACQUISITION WORKFORCE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 852. SPECIFICATION OF SECRETARY OF DEFENSE AS "SECRETARY CONCERNED" FOR PURPOSES OF LICENSING OF INTELLECTUAL PROPERTY FOR THE DEFENSE AGENCIES AND DEFENSE FIELD ACTIVITIES.

Subsection (e) of section 2260 of title 10, United States Code, is amended to read as follows:

''(e) DEFINITIONS.—In this section:

''(1) The terms 'trademark', 'service mark', 'certification mark', and 'collective mark' have the meanings given such terms in section 45 of the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946; 15 U.S.C. 1127).

''(2) The term 'Secretary concerned' includes the Secretary of Defense, with respect to matters concerning the Defense Agencies and the defense field activities.''.

SEC. 853. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. MODIFICATION OF STATUS OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

Section 142 of title 10, United States Code, is amended by adding at the end the following:

''(c) The Assistant to the Secretary shall be considered an Assistant Secretary of Defense for purposes of section 138(d) of this title.''.

SEC. 902. PARTICIPATION OF DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE ON DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.

(a) PARTICIPATION.—Subsection (a) of section 186 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Deputy Chief Management Officer of the Department of Defense.''.

(b) SERVICE AS VICE CHAIRMAN.—The second sentence of subsection (b) of such section is amended to read as follows: ''The Deputy Chief Management Officer of the Department of Defense shall serve as vice chairman of the Committee, and shall act as chairman in the absence of the Deputy Secretary of Defense.''.

SEC. 903. REPEAL OF OBSOLETE LIMITATIONS ON MANAGEMENT HEADQUARTERS PERSONNEL.

(a) REPEAL.—The following provisions of title 10, United States Code, are repealed:

(1) Section 143.

(2) Section 194.

(3) Subsection (f) of section 3014.

(4) Subsection (f) of section 5014.

(5) Subsection (f) of section 8014.

(b) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 143.

(2) The table of sections at the beginning of chapter 8 of such title is amended by striking the item relating to section 194.

SEC. 904. GENERAL COUNSEL TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (50 U.S.C. App. 8) is amended by adding at the end the following new subsection:

''(h)(1) There is a General Counsel to the Inspector General of the Department of Defense, who shall be appointed by the Inspector General of the Department of Defense.

''(2)(A) Notwithstanding section 140(b) of title 10, United States Code, the General Counsel is the chief legal officer of the Office of the Inspector General.

''(B) The Inspector General is the exclusive legal client of the General Counsel.

''(C) The General Counsel shall perform such functions as the Inspector General may prescribe.

''(D) The General Counsel shall serve at the discretion of the Inspector General.

''(3) There is an Office of the General Counsel to the Inspector General of the Department of Defense. The Inspector General may appoint to the Office to serve as staff of the General Counsel such legal counsel as the Inspector General considers appropriate.''.

SEC. 905. ASSIGNMENT OF FORCES TO THE UNITED STATES NORTHERN COMMAND WITH PRIMARY MISSION OF MANAGEMENT OF THE CONSEQUENCES OF AN INCIDENT IN THE UNITED STATES HOMELAND INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) As noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, protecting the United States homeland from attack is the highest priority of the Department of Defense.

(2) As further noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, ''[i]n the next ten years, terrorist groups, poised to attack the United States and actively seeking to inflict mass casualties or disrupt U.S. military operations, represent the most immediate challenge to the nation's security''.

(3) The Department of Defense established the United States Northern Command in October 2002 to provide command and control of the homeland defense efforts of the Department of Defense and to coordinate defense support of civil authorities, including defense support for Federal consequence management of chemical, biological, radiological, nuclear, or high-yield explosive incidents.

(4) The Commission on the National Guard and Reserves and the Government Accountability Office have criticized the capacity of the Department of Defense to respond to an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives due to a lack of capabilities to handle simultaneous weapons of mass destruction events and a lack of coordination and planning with the Department of Homeland Security and State and local governments.

(5) According to testimony to Congress by the Commander of United States Northern Command, the Secretary of Defense has directed that a full-time, dedicated force be trained and equipped by the end of fiscal year 2008 to provide defense support to civil authorities in the case of a chemical, biological, radiological, nuclear, or high-yield explosive incident within the United States. This force is to be assigned to the Commander of the United States Northern Command, and is to be followed by two additional such forces, comprised of units of the regular components of the Armed Forces and units and personnel of the National Guard, and Reserve, to be established over the course of fiscal years 2009 and 2010.

(6) The Department of Defense and United States Northern Command have begun the process of identifying, training, equipping, and assigning forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should, as part of a Government-wide effort, make every effort to help protect the citizens of this Nation from the threat of an attack on the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives by terrorists or other aggressors;

(2) efforts to establish forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United

States should receive the highest level of attention within the Department of Defense; and

(3) the additional forces necessary for that mission should be identified, trained, equipped, and assigned to United States Northern Command as soon as possible.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and one year and two years thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made as of the date of such report in assigning to the United States Northern Command forces having the primary mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the force structure, size, composition, and location of the units and personnel of the regular components of the Armed Forces, and the units and personnel of the reserve components of the Armed Forces, assigned to the United States Northern Command that have the primary mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(B) A description of the progress made in developing procedures to mobilize and demobilize units and personnel of the reserve components of the Armed Forces that are assigned to the United States Northern Command as described in subparagraph (A).

(C) A description of the progress being made in the training and certification of units and personnel that are assigned to United States Northern Command as described in subparagraph (A).

(D) An assessment of the need to establish a national training center for training units and personnel of the Armed Forces in the management of the consequences of an incident in the United States homeland as described in subparagraph (A).

(E) A description of the progress made in addressing the shortfalls in the management of the consequences of an incident in the United States homeland as described in subparagraph (A) that are identified in—

(i) the reports of the Comptroller General of the United States numbered GAO–08–251 and GAO–08–252; and

(ii) the report of the Commission on the National Guard and Reserve.

SEC. 906. BUSINESS TRANSFORMATION INITIATIVES FOR THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—The Secretary of each military department shall, acting through the Chief Management Officer of such military department, carry out an initiative for the business transformation of such military department.

(b) OBJECTIVES.—The objectives of the business transformation initiative of a military department under this section shall include, at a minimum, the following:

(1) The development of a comprehensive business transformation plan, with measurable performance goals and objectives, to achieve an integrated management system for the business operations of the military department.

(2) The development of a well-defined enterprise-wide business systems architecture and transition plan encompassing end-to-end business processes and capable of providing accurately and timely information in support of business decisions of the military department.

(3) The implementation of the business transformation plan developed pursuant to paragraph (1) and the business systems architecture and transition plan developed pursuant to paragraph (2).

(c) BUSINESS TRANSFORMATION OFFICES.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of each military department shall establish within such military department an office (to be known as the ''Office of Business Transformation'' of such military department) to assist the Chief Management Officer of such military department in carrying out the initiative required by this section for such military department.

(2) HEAD.—The Office of Business Transformation of a military department under this subsection shall be headed by a Director of Business Transformation, who shall be appointed by the Chief Management Officer of the military department, in consultation with the Director of the Business Transformation Agency of the Department of Defense, from among individuals with significant experience managing large-scale organizations or business transformation efforts.

(3) SUPERVISION.—The Director of Business Transformation of a military department under paragraph (2) shall report directly to the Chief Management Officer of the military department, subject to policy guidance from the Director of the Business Transformation Agency of the Department of Defense.

(4) AUTHORITY.—In carrying out the initiative required by this section for a military department, the Director of Business Transformation of the military department under paragraph (2) shall have the authority to require elements of the military department to carry out actions that are within the purpose and scope of the initiative.

(d) RESPONSIBILITIES OF BUSINESS TRANSFORMATION OFFICES.—The Office of Business Transformation of a military department established pursuant to subsection (b) shall be responsible for the following:

(1) Transforming the budget, finance, and accounting operations of the military department in a manner that is consistent with the business transformation plan developed pursuant to subsection (b)(1).

(2) Eliminating or replacing financial management systems of the military department that are inconsistent with the business systems architecture and transition plan developed pursuant to subsection (b)(2).

(3) Ensuring that the business transformation plan and the business systems architecture and transition plan are implemented in a manner that is aggressive, realistic, and accurately measured.

(e) REQUIRED ELEMENTS.—In carrying out the initiative required by this section for a military department, the Chief Management Officer and the Director of Business Transformation of the military department shall ensure that each element of the initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed by the Secretary of Defense pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(f) REPORTS ON IMPLEMENTATION.—

(1) INITIAL REPORTS.—Not later than six months after the date of the enactment of this Act, the Chief Management Officer of each military department shall submit to the congressional defense committees a report on the actions taken, and on the actions planned to be taken, by such military department to implement the requirements of this section.

(2) UPDATES.—Not later than March 1 of each of 2010, 2011, and 2012, the Chief Management Officer of each military department shall submit to the congressional defense committees a current update of the report submitted by such Chief Management Officer under paragraph (1).

Subtitle B—Space Matters

SEC. 911. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace and protection.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Integration of space and ground control and user equipment.

(G) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each such program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) United States military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(E) Export control policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term ''posture review period'' means the 10-year period beginning on February 1, 2009.

Subtitle C—Defense Intelligence Matters

SEC. 921. REQUIREMENT FOR OFFICERS OF THE ARMED FORCES ON ACTIVE DUTY IN CERTAIN INTELLIGENCE POSITIONS.

(a) IN GENERAL.—Effective as of October 1, 2008, the individual serving in each position specified in subsection (b) shall be a commissioned officer of the Armed Forces on active duty.

(b) SPECIFIED POSITIONS.—The positions specified in this subsection are the positions as follows:

(1) Principal deputy to the senior military officer serving as the Deputy Chief of the Army Staff for Intelligence.

(2) Principal deputy to the senior military officer serving as the Director of Intelligence for the Chief of Naval Operations.

(3) Principal deputy to the senior military officer serving as the Assistant to the Air Force Chief of Staff for Intelligence.

SEC. 922. TRANSFER OF MANAGEMENT OF INTELLIGENCE SYSTEMS SUPPORT OFFICE.

(a) TRANSFER OF MANAGEMENT GENERALLY.—

(1) TRANSFER.—Except as provided in subsection (b), management of the Intelligence Systems Support Office, and all programs and activities of that office as of April 1, 2008, including the Foreign Materials Acquisitions program, shall be transferred to the Defense Intelligence Agency.

(2) MANAGEMENT.—The programs and activities of the Intelligence Systems Support Office transferred under paragraph (1) shall, after transfer under that paragraph, be managed by the Director of the Defense Intelligence Agency.

(b) TRANSFER OF MANAGEMENT OF CENTER FOR INTERNATIONAL ISSUES RESEARCH.—

(1) TRANSFER.—Management of the Center for International Issues Research shall be transferred to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(2) MANAGEMENT.—The Center for International Issues Research shall, after transfer under paragraph (1), be managed by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(c) DEADLINE FOR TRANSFERS OF MANAGEMENT.—The transfers of management required by subsections (a) and (b) shall occur not later than 30 days after the date of the enactment of this Act.

(d) LIMITATION ON CERTAIN AUTHORITY OF USD FOR INTELLIGENCE.—Effective as of December 1, 2008, the Under Secretary of Defense for Intelligence may not establish or maintain the capabilities as follows:

(1) A capability to execute programs of technology or systems development and acquisition.

(2) A capability to provide operational support to combatant commands.

SEC. 923. PROGRAM ON ADVANCED SENSOR APPLICATIONS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide for the carrying out of a program on advanced sensor applications in order to provide for the evaluation by the Department of Defense on scientific and engineering grounds of foreign technology utilized for the detection and tracking of submarines.

(2) DESIGNATION.—The program under this section shall be known as the ''Advanced Sensor Applications Program''.

(b) RESPONSIBILITY FOR EXECUTION OF PROGRAM.—The program under this section shall be carried out by the Commander of the Naval Air Systems Command in consultation with the Program Executive Officer for Aviation of the Department of the Navy and the Director of Special Programs for the Chief of Naval Operations.

(c) PROGRAM REQUIREMENTS AND LIMITATIONS.—

(1) ACCESS TO CERTAIN INFORMATION.—In carrying out the program under this section, the Commander of the Naval Air Systems Command shall—

(A) have complete access to all United States intelligence relating to the detection and tracking of submarines; and

(B) be kept currently apprised of information and assessments of the Office of Naval Intelligence, the Defense Intelligence Agency, and the Central Intelligence Agency, and of information and assessments of the intelligence services of allies of the United States that are available to the United States, on matters relating to the detection and tracking of submarines.

(2) INDEPENDENCE OF PROGRAM.—The program under this section shall be carried out independently of the Office of Naval Intelligence, the Defense Intelligence Agency, the Central Intelligence Agency, and any other element of the intelligence community.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION INTO ACT OF TABLES IN THE REPORT OF THE COMMITTEE ON ARMED SERVICES OF THE SENATE.

(a) INCORPORATION.—Each funding table in the report of the Committee on Armed Services of the Senate to accompany the bill S. _____ of the 110th Congress is hereby incorporated into this Act and is hereby made a requirement in law. Items in each such funding table shall be binding on agency heads in the same manner and to the same extent as if such funding table was included in the text of this Act, unless transfers of funding for such items are approved in accordance with established procedures.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds on the basis of any funding table incorporated into this Act pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, and merit-based decision-making in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any item in a funding table incorporated into this Act under subsection (a) shall supersede the requirements of subsection (b).

SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2009.

(a) FISCAL YEAR 2009 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2009 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2008, of funds appropriated for fiscal years before fiscal year 2009 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,049,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $408,788,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section

3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. GOVERNMENT RIGHTS IN DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, CRAFT, AND COMPONENTS DEVELOPED USING PUBLIC FUNDS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds

''(a) IN GENERAL.—Government rights in the design of a vessel, boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard equipment and systems, developed in whole or in part using public funds shall be determined solely as follows:

''(1) In the case of a vessel, boat, craft, or component procured through a contract, in accordance with the provisions of section 2320 of this title.

''(2) In the case of a vessel, boat, craft, or component procured through an instrument not governed by section 2320 of this title, by the terms of the instrument (other than a contract) under which the design for such vessel, boat, craft, or component, as applicable, was developed for the Government.

''(b) CONSTRUCTION OF SUPERSEDING AUTHORITIES.—This section may be modified or superseded by a provision of statute only if such provision expressly refers to this section in modifying or superseding this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by adding at the end the following new item:

''7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds.''.

SEC. 1012. REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

(a) IN GENERAL.—Amounts appropriated for operation and maintenance for the Navy may be used to pay the charge established under section 1011 of title 37, United States Code, for meals sold by messes for United States Navy and Naval Auxiliary vessels to the following:

(1) Members of nongovernmental organizations and officers or employees of host and foreign nations when participating in or providing support to United States civil-military operations.

(2) Foreign national patients treated on Naval vessels during the conduct of United States civil-military operations, and their escorts.

(b) EXPIRATION OF AUTHORITY.—The authority to pay for meals under subsection (a) shall expire on September 30, 2010.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''through 2008'' and inserting ''through 2009''.

SEC. 1022. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a)(1), by striking ''through 2008'' and inserting ''through 2010''; and

(2) in subsection (c), by striking ''through 2008'' and inserting ''through 2010''.

Subtitle D—Miscellaneous Authorities and Limitations

SEC. 1031. PROCUREMENT BY STATE AND LOCAL GOVERNMENTS OF EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.

(a) EXPANSION OF PROCUREMENT AUTHORITY TO INCLUDE EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES.—

(1) PROCEDURES.—Subsection (a)(1) of section 381 of title 10, United States Code, is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''law enforcement''; and

(II) by inserting '', homeland security, and emergency response'' after ''counter-drug'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting '', homeland security, or emergency response'' after ''counter-drug''; and

(II) in clause (i), by striking ''law enforcement'';

(iii) in subparagraph (C), by striking ''law enforcement'' each place it appears; and

(iv) in subparagraph (D), by striking ''law enforcement''.

(2) GSA CATALOG.—Subsection (c) of such section is amended—

(A) by striking ''law enforcement''; and

(B) by inserting '', homeland security, and emergency response'' after ''counter-drug''.

(3) DEFINITIONS.—Subsection (d) of such section is amended—

(A) in paragraph (2), by inserting ''or emergency response'' after ''law enforcement'' both places it appears; and

(B) in paragraph (3)—

(i) by striking ''law enforcement'';

(ii) by inserting '', homeland security, and emergency response'' after ''counter-drug''; and

(iii) by inserting ''and, in the case of equipment for homeland security activities, may not include any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security'' after ''purposes''.

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381 and inserting the following new item:

''381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities.''.

SEC. 1032. ENHANCEMENT OF THE CAPACITY OF THE UNITED STATES GOVERNMENT TO CONDUCT COMPLEX OPERATIONS.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding the following new section:

"§ 409. Center for Complex Operations

''(a) CENTER AUTHORIZED.—The Secretary of Defense may establish within the Department of Defense a center to be known as the 'Center for Complex Operations' (in this section referred to as the 'Center').

''(b) PURPOSES.—The purposes of the Center established under subsection (a) shall be the following:

''(1) To provide for effective coordination in the preparation of Department of Defense personnel and other United States Government personnel for complex operations.

''(2) To foster unity of effort among the departments and agencies of the United States Government, foreign governments and militaries, international organizations, and nongovernmental organizations in their participation in complex operations.

''(3) To conduct research, collect, analyze, and distribute lessons learned, and compile best practices in matters relating to complex operations.

''(4) To identify gaps in the education and training of Department of Defense personnel, and other United States Government personnel, relating to complex operations, and to facilitate efforts to fill such gaps.

''(c) SUPPORT FROM OTHER UNITED STATES GOVERNMENT AGENCIES.—The head of any non-Department of Defense department or agency of the United States Government may—

''(1) provide to the Secretary of Defense services, including personnel support, to support the operations of the Center; and

''(2) transfer funds to the Secretary of Defense to support the operations of the Center.

''(d) ACCEPTANCE OF GIFTS AND DONATIONS.—(1) Subject to paragraph (3), the Secretary of Defense may accept from any source specified in paragraph (2) any gift or donation for purposes of defraying the costs or enhancing the operations of the Center.

''(2) The sources specified in this paragraph are the following:

''(A) The government of a State or a political subdivision of a State.

''(B) The government of a foreign country.

''(C) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

''(D) Any source in the private sector of the United States or a foreign country.

''(3) The Secretary may not accept a gift or donation under this subsection if acceptance of the gift or donation would compromise or appear to compromise—

''(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(B) the integrity of any program of the Department or of any person involved in such a program.

''(4) The Secretary shall prescribe written guidance setting forth the criteria to be used

in determining the applicability of paragraph (3) to any proposed gift or donation under this subsection.

''(e) CREDITING OF FUNDS TRANSFERRED OR ACCEPTED.—Funds transferred to or accepted by the Secretary of Defense under this section shall be credited to appropriations available to the Department of Defense for the Center, and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged. Any funds so transferred or accepted shall remain available until expended.

''(f) DEFINITIONS.—In this section:

''(1) The term 'complex operation' means an operation as follows:

''(A) A stability operation.

''(B) A security operation.

''(C) A transition and reconstruction operation.

''(D) A counterinsurgency operation.

''(E) An operation consisting of irregular warfare.

''(2) The term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

''409. Center for Complex Operations.''.

SEC. 1033. CREDITING OF ADMIRALTY CLAIM RECEIPTS FOR DAMAGE TO PROPERTY FUNDED FROM A DEPARTMENT OF DEFENSE WORKING CAPITAL FUND.

Section 7623(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) in paragraph (1), as so designated, by striking the last sentence; and

(3) by adding at the end the following new paragraph:

''(2)(A) Except as provided in subparagraph (B), amounts received under this section shall be covered into the Treasury as miscellaneous receipts.

''(B) Amounts received under this section for damage or loss to property operated and maintained with funds from a Department of Defense working capital fund or account shall be credited to that fund or account.''.

SEC. 1034. MINIMUM ANNUAL PURCHASE REQUIREMENTS FOR AIRLIFT SERVICES FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

''(a) IN GENERAL.—The Secretary of Defense may award to an air carrier or an air carrier contractor team arrangement participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount under such contract determined in accordance with this section.

''(b) ELIGIBLE CARRIERS.—In order to be eligible for payments under the minimum purchase amount provided by this section, an air carrier (or any air carrier participating in an air carrier contractor team arrangement)—

''(1) if under contract with the Department of Defense in the prior fiscal year, shall have an average on-time pick up rate, based on factors within such air carrier's control, of at least 90 percent;

''(2) shall offer such amount of commitment to the Civil Reserve Air Fleet in excess of the minimum required for participation in the Civil Reserve Air Fleet as the Secretary of Defense shall specify for purposes of this section; and

''(3) may not have refused a Department of Defense request to act as a host for other Civil Reserve Air Fleet carriers at intermediate staging bases during the prior fiscal year.

''(c) AGGREGATE MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the average annual expenditure of the Department of Defense for commercial airlift services during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

''(2) In calculating the average annual expenditure of the Department of Defense for airlift services for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for commercial airlift services if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated commercial airlift services for purposes of that paragraph.

''(d) ALLOCATION OF MINIMUM PURCHASE AMONG CONTRACTS.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under subsection (c), shall be allocated among all air carriers and air carrier contractor team arrangements awarded contracts under subsection (a) for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

''(2) In determining the minimum purchase amount payable under paragraph (1) under a contract under subsection (a) for airlift services provided by an air carrier or air carrier contractor team arrangement during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to such carrier or arrangement under paragraph (2) to take into account periods during such fiscal year when airlift services of such carrier or a carrier in such arrangement are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when such carrier is placed in nonuse status pursuant to section 2640 of this title for safety reasons.

''(e) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift services from a carrier or air carrier contractor team arrangement for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift services from the carrier or arrangement in such fiscal year, such amount shall be provided to the carrier or arrangement before the first day of the following fiscal year.

''(f) COMMITMENT OF FUNDS.—(1) The Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for the payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift services by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

''(2) Any amounts required to be transferred under paragraph (1) shall be transferred by the last day of the fiscal year concerned to meet the requirements of subsection (e) unless minimum purchase amounts have already been distributed by the Secretary of Defense under subsection (e) as of that date.

''(g) AVAILABILITY OF AIRLIFT SERVICES.—(1) From the total amount of airlift services available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift services equal to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (f).

''(2) A military department may transfer any entitlement to airlift services under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

''(h) SUNSET.—The authorities in this section shall expire on December 31, 2015.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 941 of such title is amended by adding at the end the following new item:

''9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.''.

SEC. 1035. TERMINATION DATE OF BASE CONTRACT FOR THE NAVY-MARINE CORPS INTRANET.

Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–215), as amended by section 362 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1065) and Public Law 107–254 (116 Stat. 1733), is further amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection (j):

''(j) TERMINATION DATE OF BASE CONTRACT FOR NAVY-MARINE CORPS INTRANET.—Notwithstanding subsection (i), the base contract of the Navy-Marine Corps Intranet contract may terminate on October 31, 2010.''.

SEC. 1036. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

(a) REGULATIONS REQUIRED.—Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to provide that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to private sector contractors who are beyond the reach of controls otherwise applicable to government personnel; and

(2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government officials.

(b) PENALTIES.—The obligation or expenditure of Department of Defense funds for a contract that is not in compliance with the regulations issued pursuant to this section is a violation of section 1341(a)(1)(A) of title 31, United States Code.

SEC. 1037. NOTIFICATION OF COMMITTEES ON ARMED SERVICES WITH RESPECT TO CERTAIN NONPROLIFERATION AND PROLIFERATION ACTIVITIES.

(a) NOTIFICATION WITH RESPECT TO NONPROLIFERATION ACTIVITIES.—The Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, and the Nuclear Regulatory Commission shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives informed with respect to—

(1) any activities undertaken by any such Secretary or the Commission to carry out the purposes and policies of the Secretaries and the Commission with respect to nonproliferation programs; and

(2) any other activities undertaken by any such Secretary or the Commission to prevent the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(b) NOTIFICATION WITH RESPECT TO PROLIFERATION ACTIVITIES IN FOREIGN NATIONS.—

(1) IN GENERAL.—The Director of National Intelligence shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives fully and currently informed with respect to any activities of foreign nations that are significant with respect to the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(2) FULLY AND CURRENTLY INFORMED DEFINED.—For purposes of paragraph (1), the term ''fully and currently informed'' means the transmittal of credible information with respect to an activity described in such paragraph not later than 60 days after becoming aware of the activity.

SEC. 1038. SENSE OF CONGRESS ON NUCLEAR WEAPONS MANAGEMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) The unauthorized transfer of nuclear weapons from Minot Air Force Base, North Dakota, to Barksdale Air Force Base, Louisiana, in August 2007 was an extraordinary breach of the command and control and security of nuclear weapons.

(2) The reviews conducted following that unauthorized transfer found that the ability of the Department of Defense to provide oversight of nuclear weapons matters had degenerated and that senior level attention to nuclear weapons management is minimal at best.

(3) The lack of attention to nuclear weapons and related equipment by the Department of Defense was demonstrated again when it was discovered in March 2008 that classified equipment from Minuteman III intercontinental ballistic missiles was inadvertently shipped to Taiwan in 2006.

(4) The Department of Defense has insufficient capability and staffing in the Office of the Under Secretary of Defense for Policy to provide the necessary oversight of the nuclear weapons functions of the Department.

(5) The key senior position responsible for nuclear weapons matters in the Department of Defense, the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, a position filled by appointment by and with the advice and consent of the Senate, has been vacant for more than 18 months.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should maintain clear and unambiguous command and control of its nuclear weapons;

(2) the safety and security of nuclear weapons and related equipment should be a high priority as long as the United States maintains a stockpile of nuclear weapons;

(3) the President should take immediate steps to nominate a qualified individual for the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and

(4) the Secretary of Defense should establish and fill a senior position, at the level of Assistant Secretary or Deputy Under Secretary, within the Office of the Under Secretary of Defense for Policy to be responsible solely for the strategic and nuclear weapons policy of the Department of Defense.

SEC. 1039. SENSE OF CONGRESS ON JOINT DEPARTMENT OF DEFENSE-FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.

(a) FINDINGS.—Congress makes the following findings:

(1) Unmanned aerial systems (UAS) of the Department of Defense, like the Predator and the Global Hawk, have become a critical component of military operations. Unmanned aerial systems are indispensable in the conflict against terrorism and the campaigns in Afghanistan and Iraq.

(2) Unmanned aerial systems of the Department of Defense must operate in the National Airspace System (NAS) for training, operational support to the combatant commands, and support to domestic authorities in emergencies and national disasters.

(3) The Department of Defense has been lax in developing certifications of airworthiness for unmanned aerial systems, qualifications for operators of unmanned aerial systems, databases on safety matters relating to unmanned aerial systems, and standards, technology, and procedures that are necessary for routine access of unmanned aerial systems to the National Airspace System.

(4) As recognized in a Memorandum of Agreement for Operation of Unmanned Aircraft Systems in the National Airspace System signed by the Deputy Secretary of Defense and the Administrator of the Federal Aviation Administration in September 2007, it is vital for the Department of Defense and the Federal Aviation Administration to collaborate closely to achieve progress in gaining access for unmanned aerial systems to the National Airspace System to support military requirements.

(5) The Department of Defense and the Federal Aviation Administration have jointly and separately taken significant actions to improve the access of unmanned aerial systems of the Department of Defense to the National Airspace System, but overall, the pace of progress in access of such systems to the National Airspace System has been insufficient and poses a threat to national security.

(6) Techniques and procedures can be rapidly acquired or developed to temporarily permit safe operations of unmanned aerial systems in the National Airspace System until permanent safe operations of such systems in the National Airspace System can be achieved.

(7) Identifying, developing, approving, implementing, and monitoring the adequacy of these techniques and procedures may require the establishment of a joint Department of Defense-Federal Aviation Administration executive committee reporting to the highest levels of the Department of Defense and the Federal Aviation Administration on matters relating to the access of unmanned aerial systems of the Department of Defense to the National Airspace System.

(8) Joint management attention at the highest levels of the Department of Defense and the Federal Aviation Administration may also be required on other important issues, such as type ratings for aerial refueling aircraft.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should seek an agreement with the Administrator of the Federal Aviation Administration to jointly establish within the Department of Defense and the Federal Aviation Administration a joint Department of Defense–Federal Aviation Administration executive committee on conflict and dispute resolution which would—

(1) act as a focal point for the resolution of disputes on matters of policy and procedures between the Department of Defense and the Federal Aviation Administration with respect to—

(A) airspace, aircraft certifications, and aircrew training; and

(B) other issues brought before the joint executive committee by the Department of Defense or the Department of Transportation;

(2) identify solutions to the range of technical, procedural, and policy concerns arising in the disputes described in paragraph (1); and

(3) identify solutions to the range of technical, procedural, and policy concerns arising in the integration of Department of Defense unmanned aerial systems into the National Airspace System in order to achieve the increasing, and ultimately routine, access of such systems into the National Airspace System.

SEC. 1040. SENSE OF CONGRESS ON SALE OF NEW OUTSIZE CARGO, STRATEGIC LIFT AIRCRAFT FOR CIVILIAN USE.

(a) FINDINGS.—Congress makes the following findings:

(1) The 2004 Quadrennial Defense Review (as submitted to Congress in 2005) and the 2005 Mobility Capability Study determined that the United States Transportation Command requires a force of 292 organic strategic lift aircraft, augmented by procurement of airlift service from commercial air carriers participating in the Civil Reserve Air Fleet, to meet the demands of the National Military Strategy. Congress has authorized and appropriated funds for 301 strategic airlift aircraft.

(2) The Commander of the United States Transportation Command has testified to Congress that it is essential to safeguard the capabilities and capacity of the Civil Reserve Air Fleet to meet wartime surge demands in connection with major combat operations, and that procurement by the Air Force of excess organic strategic lift aircraft would be harmful to the health of the Civil Reserve Air Fleet.

(3) The C–17 Globemaster aircraft is the workhorse of the Air Mobility Command in the Global War on Terror. Production of the C–17 Globemaster aircraft is scheduled to cease in 2009, upon completion of the aircraft remaining to be procured by the Air Force.

(4) The Federal Aviation Administration has informed the Committee on Armed Services of the Senate that no fewer than six commercial operators have expressed interest in procuring a commercial variant of the C–17 Globemaster aircraft. Commercial sale of the C–17 Globemaster aircraft would require that the Department of Defense or Congress determine that it is in the national interest for the Federal Aviation Administration to proceed with the issuance of a type certificate for surplus aircraft of the

Armed Forces in accordance with section 21.27 of title 14, Code of Federal Regulations.

(5) C–17 Globemaster aircraft sold for commercial use could be made available to the Civil Reserve Air Fleet, thus strengthening the capabilities and capacity of the Civil Reserve Air Fleet.

(6) The sale of a commercial variant of the C–17 Globemaster to Civil Reserve Air Fleet partners would strengthen the United States industrial base.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should—

(1) review the benefits and feasibility of pursuing a commercial-military cargo initiative for the C–17 Globemaster aircraft and determine whether such an initiative is in the national interest; and

(2) if the Secretary determines that such an initiative is in the national interest, take appropriate actions to coordinate with the Federal Aviation Administration to achieve the type certification for such aircraft required by section 21.27 of title 14, Code of Federal Regulations.

Subtitle E—Reports

SEC. 1051. REPEAL OF REQUIREMENT TO SUBMIT CERTAIN ANNUAL REPORTS TO CONGRESS REGARDING ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) REPEAL OF CERTAIN REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 95–525; 98 Stat. 2576) is amended by striking subsections (c) and (d).

(b) REPEAL OF REPORT ON COST-SHARING.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsections (c).

SEC. 1052. REPORT ON DETENTION OPERATIONS IN IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on detention operations at theater internment facilities in Iraq during the period beginning on January 1, 2007, and ending on the date of the report.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed description of the policies and procedures governing detention operations at theater internment facilities in Iraq during the period covered by the report, and a description of any changes to such policies and procedures during that period intended to incorporate counterinsurgency doctrine within such detention operations.

(2) A detailed description of the policies and programs instituted to prepare detainees for reintegration following their release from detention in theater interment facilities in Iraq, including programs of family visits and outreach, religious counseling, literacy, basic education, and vocational skills.

(3) A detailed description of the procedures for reviewing the detention status of individuals under detention in theater detention facilities in Iraq during the period covered by the report, including the procedures of the Multinational Forces Review Committee, and an assessment of the effect, if any, on United States detention policy and procedures with respect to Iraq of the General Amnesty Law approved by the Council of Representatives on February 13, 2008, and signed by the Presidency Council on February 26, 2008.

(4) Information for each month of the period covered by the report as follows:

(A) The detainee population at each theater internment facility in Iraq as of the end of such month.

(B) The number of detainees released from detention in theater internment facilities in Iraq during such month both in aggregate and in number released from each such theater internment facility.

(C) The number of detainees in theater internment facilities in Iraq turned over to the control of the Government of Iraq for criminal prosecution during such month.

(5) Information on the length of detainments in the theater internment facilities in Iraq as of each of January 1, 2007, and January 1, 2008, with a stratification of the number of individuals who had been so detained at each such date by six-month increments.

(6) A description and assessment of the effects of changes in detention operations and reintegration programs at theater internment facilities in Iraq during the period of the report, including changes in levels of violence within internment facilities and in rates of recapture of detainees released from detention in internment facilities.

(7) A statement of the costs of establishing and operating reintegration centers in Iraq and of the share of such costs to be paid by the Government of Iraq, and a description of plans for the transition of such centers to the control of the Government of Iraq.

(8) A description of—

(A) the lessons learned regarding detention operations in a counterinsurgency operation, an assessment of how such lessons could be applied to detention operations elsewhere (including in Afghanistan and at Guantanamo Bay, Cuba); and

(B) any efforts to integrate such lessons into Department of Defense directives, joint doctrine, mission rehearsal exercises for deploying forces, and training for units involved in detention and interrogation operations.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1053. STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES IN THE NATIONAL DEFENSE.

(a) STRATEGIC PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop a strategic plan to enhance the role of the National Guard and Reserves in the national defense, including—

(A) the transition of the reserve components of the Armed Forces from a strategic force to an operational force;

(B) the achievement of a fully-integrated total force (including further development of the continuum of service); and

(C) the enhancement of the role of the reserve components of the Armed Forces in homeland defense.

(2) CONSULTATION.—The Secretary shall develop the strategic plan required by this subsection in consultation with the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau.

(b) CONSIDERATION OF EXISTING FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the strategic plan required by subsection (a), the Secretary shall consider the following:

(1) The findings and recommendations of the final report of the Commission on the National Guard and Reserves.

(2) The findings and recommendations of the Center for Strategic and International Studies on the future of the National Guard and Reserves.

(3) The policies expressed in the provisions of the bill S. 2760 of the 110th Congress, to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

(4) Current policies and practices of the Department of Defense for the utilization of members and units of the reserve components of the Armed Forces.

(c) ELEMENTS.—The strategic plan required by subsection (a) shall include the following:

(1) A description of the legislative, organizational, and administrative actions required to make the reserve components of the Armed Forces a sustainable operational force.

(2) A description of the legislative, organizational, and administrative actions required to enhance the Department of Defense role in homeland defense and support of civil authorities, with particular emphasis on the role of the reserve components of the Armed Forces in such role.

(3) A description of the legislative, organizational, and administrative actions required to create a continuum of service in the reserve components of the Armed Forces, including a personnel management system for an integrated total force that will facilitate the seamless transition of members of National Guard and Reserves on and off active duty to meet mission requirements and permit different levels of participation by such members in the Armed Forces over the course of a military career.

(4) A description of the legislative and administrative actions required to develop a ready, capable, and available operational reserve for the Armed Forces.

(5) A description of the legislative and administrative actions required to reform organizations and institutions to support an operational reserve for the Armed Forces.

(6) A description of the legislative and administrative actions required to enhance support to members of the Armed Forces, including members of the reserve components of the Armed Forces, their families, and their employers.

(d) DEADLINE FOR SUBMITTAL.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by subsection (a) not later than July 1, 2009.

SEC. 1054. REVIEW OF NONNUCLEAR PROMPT GLOBAL STRIKE CONCEPT DEMONSTRATIONS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of each nonnuclear prompt global strike concept demonstration with respect to which the President requests funding in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) ELEMENTS.—The review required by subsection (a) shall include, for each concept demonstration described in that subsection, the following:

(1) The full cost of such concept demonstration.

(2) An assessment of any policy, legal, or treaty-related issues that could arise during the course of, or as a result of, such concept demonstration.

(3) The extent to which the concept demonstrated could be misconstrued as a nuclear weapon or delivery system.

(4) An assessment of the potential basing and deployment options for the concept demonstrated.

(5) A description of the types of targets against which the concept demonstrated might be used.

(c) REPORT.—Not later than 30 days after the date on which the President submits to Congress the budget for fiscal year 2010 (as so submitted), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the review required by subsection (a).

SEC. 1055. REVIEW OF BANDWIDTH CAPACITY REQUIREMENTS OF THE DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall conduct a joint review of the bandwidth capacity requirements of the Department of Defense and the intelligence community in the near term, mid term, and long term.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the following:

(1) The current bandwidth capacities of the Department of Defense and the intelligence community to transport data, including Government and commercial ground networks and satellite systems.

(2) The bandwidth capacities anticipated to be available to the Department of Defense and the intelligence community to transport data in the near term, mid term, and long term.

(3) The bandwidth and data requirements of current major operational systems of the Department of Defense and the intelligence community, including an assessment of—

(A) whether such requirements are being appropriately met by the bandwidth capacities described in paragraph (1); and

(B) the degree to which any such requirements are not being met by such bandwidth capacities.

(4) The anticipated bandwidth and data requirements of major operational systems of the Department of Defense and the intelligence community planned for each of the near term, mid term, and long term, including an assessment of—

(A) whether such anticipated requirements will be appropriately met by the bandwidth capacities described in paragraph (2); and

(B) the degree to which any such requirements are not anticipated to be met by such bandwidth capacities.

(5) Any mitigation concepts that could be used to satisfy any unmet bandwidth and data requirements.

(6) The costs of meeting the bandwidth and data requirements described in paragraphs (3) and (4).

(7) Any actions necessary to integrate or consolidate the information networks of the Department of Defense and the intelligence community.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the results of the review required by subsection (a).

(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

(1) the bandwidth requirements needed to support such program are or will be met; and

(2) a determination will be made with respect to how to meet the bandwidth requirements for such program.

(e) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) LONG TERM.—The term ''long term'' means the five-year period beginning on the date that is 10 years after the date of the enactment of this Act.

(3) MID TERM.—The term ''mid term'' means the five-year period beginning on the date that is five years after the date of the enactment of this Act.

(4) NEAR TERM.—The term ''near term'' means the five-year period beginning on the date of the enactment of this Act.

Subtitle F—Wounded Warrior Matters

SEC. 1061. MODIFICATION OF UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1201(b)(3)(B)(i) of title 10, United States Code, is amended—

(1) by striking ''the member has six months or more of active military service and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)''.

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended—

(1) by striking ''the member has six months or more of active military service, and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)''.

SEC. 1062. INCLUSION OF SERVICE MEMBERS IN INPATIENT STATUS IN WOUNDED WARRIOR POLICIES AND PROTECTIONS.

Section 1602(7) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 432; 10 U.S.C. 1071 note) is amended by inserting ''inpatient or'' before ''outpatient status''.

SEC. 1063. CLARIFICATION OF CERTAIN INFORMATION SHARING BETWEEN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR WOUNDED WARRIOR PURPOSES.

(a) IN GENERAL.—Section 1614(b)(11) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 444; 10 U.S.C. 1071 note) is amended by inserting before the period at the end the following: ''or that such transfer is otherwise authorized by the regulations implementing such Act''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 28, 2008, as if included in the provisions of the Wounded Warrior Act, to which such amendment relates.

SEC. 1064. ADDITIONAL RESPONSIBILITIES FOR THE WOUNDED WARRIOR RESOURCE CENTER.

Section 1616(a) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C. 1071 note) is amended in the first sentence by inserting ''receiving legal assistance referral information (where appropriate), receiving other appropriate referral information,'' after ''receiving benefits information,''.

SEC. 1065. RESPONSIBILITY FOR THE CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT AND REHABILITATION OF TRAUMATIC BRAIN INJURY TO CONDUCT PILOT PROGRAMS ON TREATMENT APPROACHES FOR TRAUMATIC BRAIN INJURY.

Section 1621(c) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 453; 10 U.S.C. 1071 note) is amended—

(1) by redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) To conduct pilot programs to promote or assess the efficacy of approaches to the treatment of all forms of traumatic brain injury, including mild traumatic brain injury.''.

SEC. 1066. CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.

(a) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly establish a center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(b) PARTNERSHIPS.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly ensure that the center collaborates with the Department of Veterans Affairs, the Department of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—The center shall have the responsibilities as follows:

(1) To implement a comprehensive plan and strategy for the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(2) To carry out such other activities to improve and enhance the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate.

(d) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to Congress a report on the activities of the center.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) In the case of the first report under this subsection, a description of the implementation of the requirements of this Act.

(B) A description and assessment of the activities of the center during the one-year period ending on the date of such report, including an assessment of the role of such activities in improving and enhancing the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

SEC. 1067. THREE-YEAR EXTENSION OF SENIOR OVERSIGHT COMMITTEE WITH RESPECT TO WOUNDED WARRIOR MATTERS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take such actions as are appropriate, including the allocation of appropriate personnel, funding, and other resources, to continue the operations of the Senior Oversight Committee until September 30, 2011.

(b) REPORT ON FURTHER EXTENSION OF COMMITTEE.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the joint recommendation of the Secretaries as to the advisability of continuing the operations of the Senior Oversight Committee after September 30, 2011. If the Secretaries recommend that continuing the operations of the Senior Oversight Committee after September 30, 2011, is advisable, the report may include such recommendations for the modification of the responsibilities, composition, or support of the Senior Oversight Committee as the Secretaries jointly consider appropriate.

(c) SENIOR OVERSIGHT COMMITTEE DEFINED.—In this section, the term ''Senior Oversight Committee'' means the Senior Oversight Committee jointly established by the Secretary of Defense and the Secretary of Veterans Affairs in May 2007. The Senior Oversight Committee was established to address concerns related to the treatment of wounded, ill, and injured members of the Armed Forces and veterans and serve as the single point of contact for oversight, strategy, and integration of proposed strategies for the efforts of the Department of Defense and the Department of Veterans Affairs to improve support throughout the recovery, rehabilitation, and reintegration of wounded, ill, or injured members of the Armed Forces.

Subtitle G—Other Matters

SEC. 1081. MILITARY SALUTE FOR THE FLAG DURING THE NATIONAL ANTHEM BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 301(b)(1) of title 36, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

''(A) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note;

''(B) members of the Armed Forces and veterans who are present but not in uniform may render the military salute in the manner provided for individuals in uniform; and

''(C) all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart; and''.

SEC. 1082. MODIFICATION OF DEADLINES FOR STANDARDS REQUIRED FOR ENTRY TO MILITARY INSTALLATIONS IN THE UNITED STATES.

Section 1069(c) of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat. 327) is amended—

(1) in paragraph (1)—

(A) by striking ''July 1, 2008'' and inserting ''February 1, 2009''; and

(B) by striking ''January 1, 2009'' and inserting ''October 1, 2012''; and

(2) in paragraph (2), by striking ''implemented'' and inserting ''developed''.

SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. DEPARTMENT OF DEFENSE STRATEGIC HUMAN CAPITAL PLANS.

(a) CODIFICATION OF ANNUAL REQUIREMENT FOR PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

''§ 115b. Department of Defense strategic human capital plans

''(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress on an annual basis a strategic human capital plan to shape and improve the civilian employee workforce of the Department of Defense. The plan shall be submitted not later than March 1 each year.

''(b) CONTENTS.—Each strategic human capital plan under subsection (a) shall include the following:

''(1) An assessment of—

''(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

''(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A).

''(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

''(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals; and

''(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies.

''(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic human capital plan under this section during the previous year.

''(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

''(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

''(A) An assessment of—

''(i) the needs of the Department for senior management, functional, and technical personnel (including scientists and engineers) in light of recent trends and projected changes in the mission and organization of the Department and in light of staff support needed to accomplish that mission;

''(ii) the capability of the existing civilian employee workforce of the Department to meet requirements relating to the mission of the Department, including the impact on that capability of projected trends in the senior management, functional, and technical personnel workforce of the Department based on expected losses due to retirement and other attrition; and

''(iii) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the senior management, functional, and technical personnel (including scientists and engineers) it needs.

''(B) A plan of action for developing and reshaping the senior management, functional, and technical workforce of the Department to address the gaps identified under subparagraph (A)(iii), including—

''(i) any legislative or administrative action that may be needed to adjust the requirements applicable to any category of civilian personnel identified in paragraph (3) or to establish a new category of senior management or technical personnel;

''(ii) any changes in the number of personnel authorized in any category of personnel identified in subsection (b) that may be needed to address such gaps and effectively meet the needs of the Department;

''(iii) any changes in the rates or methods of pay for any category of personnel identified in paragraph (3) that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department;

''(iv) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals;

''(v) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities for the senior management, functional, and technical workforce of

the Department, including the program objectives of the Department to be achieved through such strategies; and

''(vi) specific steps that the Department has taken or plans to take to ensure that the senior management, functional, and technical workforce of the Department is managed in compliance with the requirements of section 129 of this title.

''(3) For purposes of this subsection, the senior management, functional, and technical workforce of the Department of Defense includes the following categories of Department of Defense civilian personnel:

''(A) Appointees in the Senior Executive Service under section 3131 of title 5.

''(B) Persons serving in positions described in section 5376(a) of title 5.

''(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

''(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

''(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

''(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

''(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

''(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

''(A) An assessment of—

''(i) the skills and competencies needed in the military and civilian workforce of the Department of Defense to effectively manage the acquisition programs and activities of the Department over the next decade;

''(ii) the skills and competencies of the existing military and civilian acquisition workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(iii) gaps in the existing or projected military and civilian acquisition workforce that should be addressed to ensure that the Department has access to the skills and competencies identified pursuant to clauses (i) and (ii).

''(B) A plan of action that establishes specific objectives for developing and reshaping the military and civilian acquisition workforce of the Department to address the gaps in skills and competencies identified under subparagraph (A), including—

''(i) specific recruiting and retention goals; and

''(ii) specific strategies and incentives for developing, training, deploying, compensating, and motivating the military and civilian acquisition workforce of the Department to achieve such goals.

''(C) A plan for funding needed improvements in the military and civilian acquisition workforce of the Department, including—

''(i) an identification of the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title;

''(ii) an identification of the funding programmed for defense acquisition workforce training in the future-years defense program, including a specific identification of funding provided by the acquisition workforce training fund established under section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3));

''(iii) a description of how the funding identified pursuant to clauses (i) and (ii) will be implemented during the fiscal year concerned to address the areas of need identified in accordance with subparagraph (A);

''(iv) a statement of whether the funding identified under clauses (i) and (ii) is being fully used; and

''(v) a description of any continuing shortfall in funding available for the defense acquisition workforce.

''(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic human capital plans required by this section.

''(f) GAPS IN THE WORKFORCE.—(1) The Secretary of Defense may not conduct a public-private competition under chapter 126 of this title, Office of Management and Budget Circular A–76, or any other provision of law or regulation before expanding the civilian workforce of the Department of Defense to address a gap in the workforce identified under this section.

''(2) For purposes of this section, gaps in the workforce include—

''(A) shortcomings in the skills and competencies of employees; and

''(B) shortcomings in the number of employees possessing such skills and competencies.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

''115b. Department of Defense strategic human capital plans.''.

(b) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after date on which the Secretary of Defense submits to Congress an annual strategic human capital plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 2011 and 2012, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plan so submitted.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 119–364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1102. CONDITIONAL INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE PERSONNEL.

(a) IN GENERAL.—Section 1606(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

(2) by striking the second sentence and inserting the following:

''(2)(A) The number of positions in the Defense Intelligence Senior Executive Service in any fiscal year after fiscal year after fiscal year 2008 may not exceed the lesser of the following:

''(i) The number of such positions authorized on September 30, 2007, as adjusted by the percentage specified in subparagraph (B) for such fiscal year.

''(ii) 694.

''(B) The percentage specified in this subparagraph for a fiscal year is the percentage by which the authorized number of Department of Defense positions in the Senior Executive Service has been increased as of the end of the preceding fiscal year over the number of such positions authorized on September 30, 2007.

''(3) Priority shall be given in the allocation of any increase in the number of authorized positions in the Defense Intelligence Senior Executive Service after fiscal year 2008 to components of the intelligence community within the Department of Defense in which the ratio of senior executives to employees other than senior executives is the lowest.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1103. ENHANCEMENT OF AUTHORITIES RELATING TO ADDITIONAL POSITIONS UNDER THE NATIONAL SECURITY PERSONNEL SYSTEM.

Section 9902(i) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''(except that the limitations of chapter 33 may be waived to the extent necessary to achieve the purposes of this subsection)'' after ''the limitations in subsection (b)(3)''; and

(2) in paragraph (2), by inserting before the period at the end the following: ''in a manner comparable to the manner in which such provisions are applied under chapter 33''.

SEC. 1104. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of health care position within the Department of Defense as a shortage category position if the Secretary determines that there exists a severe shortage of candidates for such position or there is a critical hiring need for such position; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 1105. ELECTION OF INSURANCE COVERAGE BY FEDERAL CIVILIAN EMPLOYEES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) AUTOMATIC COVERAGE.—Section 8702(c) of title 5, United States Code, is amended—

(1) by inserting ''an employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or'' after ''subsection (b)''; and

(2) by inserting ''notification of deployment or'' after ''the date of the''.

(b) OPTIONAL INSURANCE.—Section 8714a(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(1) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

(c) ADDITIONAL OPTIONAL LIFE INSURANCE.—Section 8714b(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(2) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

SEC. 1106. PERMANENT EXTENSION OF DEPARTMENT OF DEFENSE VOLUNTARY REDUCTION IN FORCE AUTHORITY.

Section 3502(f) of title 5, United States Code, is amended by striking paragraph (5).

SEC. 1107. FOUR-YEAR EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERANCE PAYMENTS WITH RESPECT TO DEPARTMENT OF DEFENSE EMPLOYEES.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

SEC. 1108. AUTHORITY TO WAIVE LIMITATIONS ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS UNDER AREAS OF UNITED STATES CENTRAL COMMAND.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding sections 5307 and 5547 of title 5, United States Code, the head of an Executive agency (as that term is defined in section 105 of title 5, United States Code) may, during calendar year 2009, waive limitations on the aggregate on basic pay and premium pay payable in such calendar year, and on allowances, differentials, bonuses, awards, and similar cash payments payable in such calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command in direct support of, or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to a declared emergency.

(2) LIMITATION.—The total annual compensation payable to an employee pursuant to a waiver under this subsection may not exceed the total annual compensation payable to the Vice President under section 104 of title 3, United States Code.

(b) ROLLOVER OF EARNED PAY TO SUBSEQUENT YEAR.—Any amount that would otherwise be paid an employee in calendar year 2009 under a waiver under subsection (a)(1) except for the limitation in subsection (a)(2) shall be paid to the employee in a lump sum at the beginning of calendar year 2010. Any amount paid an employee under this subsection in calendar year 2010 shall be taken into account as if the limitation in subsection (a)(2) was applicable to the employee in calendar year 2010.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall such additional pay be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may prescribe regulations to ensure appropriate consistency among heads of Executive agencies in the exercise of the authority granted by this section.

SEC. 1109. TECHNICAL AMENDMENT RELATING TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION FOR PURPOSES OF CERTIFICATION AND CREDENTIALING STANDARDS.

Section 1599d(e) of title 10, United States Code, is amended by striking ''GS–510, GS–511, and GS–505'' and inserting ''0505, 0510, 0511, or equivalent''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. INCREASE IN AMOUNT AVAILABLE FOR COSTS OF EDUCATION AND TRAINING OF FOREIGN MILITARY FORCES UNDER REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) INCREASE IN AMOUNT.—Section 2249c(b) of title 10, United States Code, is amended by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 1202. AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY WITH THE ARMED FORCES.

(a) AUTHORITY FOR DISTRIBUTION.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces

''(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the armed forces and military forces of friendly foreign nations, the Secretary of Defense, with the concurrence of the Secretary of State, may—

''(1) provide to personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

''(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

''(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

''(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

''(1) Internet-based education and training.

''(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

''(d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

''(e) GUIDANCE ON UTILIZATION OF AUTHORITY.—

''(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

''(2) MODIFICATION.—If the Secretary modifies the guidance issued under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

''(f) ANNUAL REPORT.—

''(1) REPORT REQUIRED.—Not later than October 31 following each fiscal year in which the authority in this section is used, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the exercise of the authority during such fiscal year.

''(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A statement of the recipients of learning content and information technology provided under this section.

''(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

''(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Armed Services of the Senate; and

''(2) the Committee on Armed Services of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by adding at the end the following new item:

''2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.''.

(b) GUIDANCE ON UTILIZATION OF AUTHORITY.—

(1) SUBMITTAL TO CONGRESS.—Not later than 30 days after issuing the guidance required by section 2249d(e) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such guidance.

(2) UTILIZATION OF SIMILAR GUIDANCE.—In developing the guidance required by section 2249d(e) of title 10, United States Code, as so added, the Secretary may utilize applicable portions of the current guidance developed by the Secretary under subsection (f) of section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) for purposes of the exercise of the authority in such section 1207.

(c) REPEAL OF SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is repealed.

(2) SUBMITTAL OF FINAL REPORT ON EXERCISE OF AUTHORITY.—If the Secretary of Defense exercised the authority in section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 during fiscal year 2008, the Secretary shall submit the report required by subsection (g) of such section for such fiscal year in accordance with the provisions of such subsection (g) without regard to the repeal of such section under paragraph (1).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

SEC. 1203. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended—

(1) by inserting '', with the concurrence of the relevant Chief of Mission,'' after ''may''; and

(2) by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) TIMING OF NOTICE ON PROVISION OF SUPPORT.—Subsection (c) of such section is amended by striking ''in not less than 48 hours'' and inserting ''within 48 hours''.

(c) EXTENSION.—Subsection (h) of such section, as amended by section 1202(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364), is further amended by striking ''2010'' and inserting ''2011''.

(d) TECHNICAL AMENDMENT.—The heading of such section is amended by striking ''military operations'' and inserting ''special operations''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1204. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) BUILDING OF CAPACITY OF ADDITIONAL FOREIGN FORCES.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by striking ''a program'' and all that follows and inserting ''a program or programs as follows:

''(1) To build the capacity of a foreign country's national military forces in order for that country to—

''(A) conduct counterterrorism operations; or

''(B) participate in or support military and stability operations in which the United States Armed Forces are participating.

''(2) To build the capacity of a foreign country's coast guard, border protection, and other security forces engaged primarily in counterterrorism missions in order for that country to conduct counterterrorism operations.''.

(b) DISCHARGE THROUGH GRANTS.—Subsection (b)(1) of such section, as so amended, is further amended by inserting ''may be carried out by grant and'' before ''may include the provision''.

(c) FUNDING.—Subsection (c) of such section, as so amended, is further amended—

(1) in paragraph (1), by striking ''$300,000,000'' and inserting ''$400,000,000''; and

(2) by adding at the end the following new paragraph:

''(4) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for programs under that authority that begin in such fiscal year but end in the next fiscal year.''.

(d) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as so amended, is further amended—

(1) by striking ''September 30, 2008'' and inserting ''September 30, 2011''; and

(2) by striking ''fiscal year 2006, 2007, or 2008'' and inserting ''fiscal years 2006 through 2011''.

SEC. 1205. EXTENSION OF AUTHORITY AND INCREASED FUNDING FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) INCREASE IN MAXIMUM AMOUNT OF ASSISTANCE.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended by striking ''$100,000,000'' and inserting ''$200,000,000''.

(b) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as amended by section 1210(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369), is further amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1206. FOUR-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2013''.

SEC. 1207. AUTHORITY FOR USE OF FUNDS FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) AUTHORITY FOR USE OF FUNDS.—

(1) IN GENERAL.—The Commander of a combatant command may, with the concurrence of the relevant Chief of Mission, expend amounts authorized to be appropriated for a fiscal year by section 301(2) for Operation and Maintenance, Navy to establish, develop, and maintain non-conventional assisted recovery capabilities in a foreign country if the Commander determines that expenditure of such funds for that purpose is necessary in connection with support of non-conventional assisted recovery efforts in that foreign country.

(2) LIMITATION ON AMOUNT.—The total amount of funds that may be expended under the authority in subsection (a) in each of fiscal years 2009 and 2010 may not exceed $20,000,000.

(b) SCOPE OF EFFORTS SUPPORTABLE.—

(1) IN GENERAL.—In expending funds under the authority in subsection (a), the Commander of a combatant command may provide support to surrogate or irregular groups or individuals in order to facilitate the recovery of military or civilian personnel of the Department of Defense (including the Coast Guard), and other individuals who, while conducting activities in support of United States military operations, become separated or isolated from friendly forces.

(2) SUPPORT.—The support provided under paragraph (1) may include, but is not limited to, the provision of equipment, supplies, training, transportation, and other logistical support or funding to support operations and activities for the recovery of personnel and individuals as described in that paragraph.

(c) PROCEDURES.—

(1) PROCEDURES REQUIRED.—The Secretary of Defense shall establish procedures for the exercise of the authority in subsection (a).

(2) NOTICE.—The Secretary shall notify the congressional defense committees of the procedures established under paragraph (1) before any exercise of the authority in subsection (a).

(d) NOTICE TO CONGRESS ON USE OF AUTHORITY.—Upon using the authority in subsection (a) to make funds available for support of non-conventional assisted recovery activities, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event within 48 hours, of the use of such authority with respect to support of such activities. Such notice need be provided only once with respect to support of particular activities. Any such notice shall be in writing.

(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on the support provided under that subsection during such fiscal year. Each such report shall describe the support provided, including a statement of the recipient of the support and the amount obligated to provide the support.

(g) EXPIRATION.—The authority in subsection (a) shall expire on September 30, 2010.

Subtitle B—Department of Defense Participation in Bilateral, Multilateral, and Regional Cooperation Programs

SEC. 1211. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

(a) IN GENERAL.—Section 168(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs or activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on

October 1, 2008, and shall apply with respect to programs and activities under section 168 of title 10, United States Code (as so amended), that begin on or after that date.

SEC. 1212. ENHANCEMENT OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—

(1) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Funds available to carry out this section, including funds accepted under paragraph (4) and funds available under paragraph (5), shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 184 of title 10, United States Code (as so amended), that begin on or after that date.

(b) TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL.—

(1) AUTHORITY FOR TEMPORARY WAIVER.—In fiscal years 2009 and 2010, the Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under subsection (f) of section 184 of title 10, United States Code, of the costs of activities of Regional Centers under such section for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

(2) LIMITATION.—The amount of reimbursement that may be waived under paragraph (1) in any fiscal year may not exceed $1,000,000.

(3) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report under section 184(h) of title 10, United States Code, in 2010 and 2011 information on the attendance of personnel of nongovernmental and international organizations in activities of the Regional Centers during the preceding fiscal year for which a waiver of reimbursement was made under paragraph (1), including information on the costs incurred by the United States for the participation of personnel of each nongovernmental or international organization that so attended.

SEC. 1213. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) EXPANSION OF AUTHORITY FOR BILATERAL AND REGIONAL PROGRAMS TO COVER MULTILATERAL PROGRAMS.—Section 1051 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''a bilateral'' and inserting ''a multilateral, bilateral,''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''to and'' and inserting ''to, from, and''; and

(ii) by striking ''bilateral'' and inserting ''multilateral, bilateral,''; and

(B) in paragraph (2), by striking ''bilateral'' and inserting ''multilateral, bilateral,''.

(b) AVAILABILITY OF FUNDS FOR PROGRAMS AND ACTIVITIES ACROSS FISCAL YEARS.—Such section is further amended by adding at the end the following new subsection:

''(e) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following new item:

''1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses.''.

SEC. 1214. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350m. Participation in multinational military centers of excellence

''(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational military center of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

''(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

''(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

''(b) COVERED NATIONS.—The nations referred to in this subsection are the following:

''(1) The United States.

''(2) Any member nation of the North Atlantic Treaty Organization (NATO).

''(3) Any major non-NATO ally.

''(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

''(c) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

''(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

''(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

''(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

''(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

''(2) No funds may be used under this section to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

''(e) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

''(f) ANNUAL REPORTS ON USE OF AUTHORITY.—(1) Not later than October 31, 2009, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during the preceding fiscal year.

''(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section.

''(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or civilian personnel of the Department, so participated—

''(i) a description of such multinational military center of excellence;

''(ii) a description of the activities participated in by the Department, or by members of the armed forces or civilian personnel of the Department; and

''(iii) a statement of the costs of the Department for such participation, including—

''(I) a statement of the United States share of the expenses of such center and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

''(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

''(g) DEFINITIONS.—In this section:

''(1) The term 'multinational military center of excellence' means an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO by providing such personnel opportunities to—

''(A) enhance education and training;

''(B) improve interoperability and capabilities;

''(C) assist in the development of doctrine; and

''(D) validate concepts through experimentation.

''(2) The term 'major non-NATO ally' means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally pursuant to section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

''2350m. Participation in multinational military centers of excellence.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle C—Other Authorities and Limitations

SEC. 1221. WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA.

(a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to ensure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of the enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

Subtitle D—Reports

SEC. 1231. EXTENSION AND MODIFICATION OF UPDATES ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 122(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465), as amended by section 1262(1)(B) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 405), is further amended—

(1) by striking ''Not later than one year after enactment of this Act, and not later than two years after enactment of this Act'' and inserting ''Not later than the end of each calendar quarter ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009''; and

(2) by adding at the end the following new sentence: ''Each update under this paragraph after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall be submitted in unclassified form, but may include a classified annex.''.

SEC. 1232. REPORT ON UTILIZATION OF CERTAIN GLOBAL PARTNERSHIP AUTHORITIES.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report on the implementation of the Building Global Partnership authorities during the period beginning on the date of the enactment of this Act and ending on September 30, 2010.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed summary of the programs conducted under the Building Global Partnership authorities during the period covered by the report, including, for each country receiving assistance under such a program, a description of the assistance provided and its cost.

(2) An assessment of the impact of the assistance provided under the Building Global Partnership authorities with respect to each country receiving assistance under such authorities.

(3) A description of—

(A) the processes used by the Department of Defense and the Department of State to jointly formulate, prioritize, and select projects to be funded under the Building Global Partnership authorities; and

(B) the processes, if any, used by the Department of Defense and the Department of State to evaluate the success of each project so funded after its completion.

(4) A statement of the projects initiated under the Building Global Partnership authorities that were subsequently transitioned to and sustained under the authorities of the Foreign Assistance Act of 1961 or other authorities.

(5) An assessment of the utility of the Building Global Partnership authorities, and of any gaps in such authorities, including an assessment of the feasability and advisability of continuing such authorities beyond their current dates of expiration (whether in their current form or with such modifications as the Secretary of Defense and the Secretary of State jointly consider appropriate).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(2) BUILDING GLOBAL PARTNERSHIP AUTHORITIES.—The term ''Building Global Partnership authorities'' means the following:

(A) AUTHORITY FOR BUILDING CAPACITY OF FOREIGN MILITARY FORCES.—The authorities provided in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1204 of this Act.

(B) AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.—The authorities provided in section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1205 of this Act.

(C) CIVIC ASSISTANCE AUTHORITIES UNDER COMBATANT COMMANDER INITIATIVE FUND.—The authority to engage in urgent and unanticipated civic assistance under the Combatant Commander Initiative Fund under section 166a(b)(6) of title 10, United States Code, as a result of the amendments made by section 902 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2351).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2009 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For nuclear weapons storage security in Russia, $33,101,000.

(3) For nuclear weapons transportation security in Russia, $40,800,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $50,286,000.

(5) For biological threat reduction in the states of the former Soviet Union, $184,463,000.

(6) For chemical weapons destruction in Russia, $1,000,000.

(7) For threat reduction outside the former Soviet Union, $10,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $20,100,000.

(10) For strategic offensive arms elimination in Ukraine, $6,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2009 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,608,553,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,802,202,000, of which—

(1) $24,301,359,000 is for Operation and Maintenance;

(2) $196,938,000 is for Research, Development, Test, and Evaluation; and

(3) $303,905,000 is for Procurement.

(b) SOURCE OF CERTAIN FUNDS.—Of the amount available under subsection (a), $1,300,000,000 shall, to the extent provided in advance in an Act making appropriations for fiscal year 2009, be available by transfer from the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h).

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,485,634,000, of which—

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,060,463,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by this division is the amount equal to the sum of all the amounts authorized to be appropriated by the provisions of this division reduced by $1,048,000,000, to be allocated as follows:

(1) PROCUREMENT.—The aggregate amount authorized to be appropriated by title I is hereby reduced by $313,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The aggregate amount authorized to be appropriated by title II is hereby reduced by $239,000,000.

(3) OPERATION AND MAINTENANCE.—The aggregate amount authorized to be appropriated by title III is hereby reduced by $470,000,000.

(4) OTHER AUTHORIZATIONS.—The aggregate amount authorized to be appropriated by title XIV is hereby reduced by $26,000,000

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the difference between the inflation assumptions used in the Concurrent Resolution on the Budget for Fiscal Year 2009 when compared with the inflation assumptions used in the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate the reductions required by this section among the amounts authorized to be appropriated for accounts in titles I, II, III, and XIV to reflect the extent to which net savings from lower-than-expected inflations are allocable to amounts authorized to be appropriated to such accounts.

Subtitle B—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

Subtitle C—Other Matters

SEC. 1431. RESPONSIBILITIES FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1) Notwithstanding subsections (b), (g), and (h), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1566; 50 U.S.C. 1521 note), the Secretary of the Army shall

transfer responsibilities for the Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky to the Program Manager for Assembled Chemical Weapons Alternatives.

''(2) In carrying out the responsibilities transferred under paragraph (1), the Program Manager for Assembled Chemical Weapons Alternatives shall take appropriate actions to ensure that each Commission referred to in paragraph (1) retains the capacity to receive citizen and State concerns regarding the ongoing chemical demilitarization program in the State concerned.

''(3) A representative of the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with each Commission referred to in paragraph (1) not less often than twice a year.

''(4) Funds authorized to be appropriated for the Assembled Chemical Weapons Alternatives Program shall be available for travel and associated travel cost for Commissioners on the Commissions referred to in paragraph (1) when such travel is conducted at the invitation of the Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs of the Department of Defense.''.

SEC. 1432. MODIFICATION OF DEFINITION OF "DEPARTMENT OF DEFENSE SEALIFT VESSEL" FOR PURPOSES OF THE NATIONAL DEFENSE SEALIFT FUND.

Section 2218(l)(2) of title 10, United States Code, is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) A maritime prepositioning ship, other than a ship derived from a Navy design for an amphibious ship or auxiliary support vessel.''; and

(2) by striking subparagraph (I).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Afghanistan.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $250,000,000.

(2) For missile procurement, $12,500,000.

(3) For weapons and tracked combat vehicles procurement, $375,000,000.

(4) For ammunition procurement, $87,500,000.

(5) For other procurement, $1,100,000,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $25,000,000.

(2) For weapons procurement, $12,500,000.

(3) For other procurement, $25,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $250,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $75,000,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $12,500,000.

(3) For ammunition procurement, $12,500,000.

(4) For other procurement, $150,000,000.

SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $750,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by subsection (c) of this section, shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) MODIFICATION OF FUNDS TRANSFER AUTHORITY.—Subsection (c)(1) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

(d) PRIOR NOTICE OF TRANSFER OF FUNDS.—Funds authorized to be appropriated to the Joint Improvised Explosive Device Defeat Fund by subsection (a) may not be obligated from the Fund or transferred in accordance with the provisions of subsection (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (c) of this section, until five days after the date on which the Secretary of Defense notifies the congressional defense committees of the proposed obligation or transfer.

(e) MODIFICATION OF SUBMITTAL DATE OF REPORTS.—Subsection (e) of such section 1514 is amended by striking ''30 days'' and inserting ''60 days''.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $62,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $100,000,000.

SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $15,000,000.

(2) For the Navy, $15,000,000.

(3) For the Air Force, $15,000,000.

(4) For Defense-wide activities, $15,000,000.

SEC. 1508. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $9,000,000,000.

(2) For the Navy, $500,000,000.

(3) For the Marine Corps, $1,000,000,000.

(4) For the Air Force, $500,000,000.

(5) For Defense-wide activities, $668,750,000.

(6) For the Army Reserve, $12,500,000.

(7) For the Navy Reserve, $7,500,000.

(8) For the Marine Corps Reserve, $10,000,000.

(9) For the Air Force Reserve, $3,750,000.

(10) For the Army National Guard, $75,000,000.

(11) For the Air National Guard, $12,500,000.

SEC. 1509. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $500,000,000.

(2) For the Navy, $25,000,000.

(3) For the Marine Corps, $62,500,000.

(4) For the Air Force, $25,000,000.

(5) For the Army Reserve, $25,000,000.

(6) For the Navy Reserve, $7,500,000.

(7) For the Marine Corps Reserve, $5,000,000.

(8) For the Army National Guard, $100,000,000.

SEC. 1510. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $250,000,000, for the Defense Working Capital Funds.

SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $155,000,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $150,000,000.

SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Afghanistan Security Forces Fund in the amount of $3,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR TRANSFER.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1514. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title and title XVI for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000, of which not more than $300,000,000 may be transferred to the Iraq Security Forces Fund.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1515. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1516. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.

(a) IN GENERAL.—In any annual or supplemental budget request for the Department of Defense that is submitted to Congress after the date of the enactment of this Act, the Secretary of Defense shall set forth separately any funding requested in such budget request for operations of the Department of Defense in Afghanistan.

(b) SPECIFICITY OF DISPLAY.—Each budget request under subsection (a) shall—

(1) clearly display the amounts requested in the budget request for the Department of Defense for Afghanistan at the appropriation account level and at the program, project, or activity level; and

(2) also include a detailed description of the assumptions underlying the funding requested in the budget request for the Department of Defense for Afghanistan for the period covered by the budget request, including anticipated troop levels, operating tempos, and reset requirements.

TITLE XVI—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN IRAQ

SEC. 1601. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Iraq.

SEC. 1602. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $750,000,000.

(2) For missile procurement, $37,500,000.

(3) For weapons and tracked combat vehicles procurement, $1,125,000,000.

(4) For ammunition procurement, $262,500,000.

(5) For other procurement, $3,300,000,000.

SEC. 1603. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $75,000,000.

(2) For weapons procurement, $37,500,000.

(3) For other procurement, $75,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $750,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $225,000,000.

SEC. 1604. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $37,500,000.

(3) For ammunition procurement, $37,500,000.

(4) For other procurement, $450,000,000.

SEC. 1605. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,250,000,000.

(b) RULE OF CONSTRUCTION.—The provisions of section 1505 and the amendments made by that section shall apply to the use of funds authorized to be appropriated by this section.

SEC. 1606. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $187,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $500,000,000.

SEC. 1607. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $35,000,000.

(2) For the Navy, $35,000,000.

(3) For the Air Force, $35,000,000.

(4) For Defense-wide activities, $35,000,000.

SEC. 1608. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $27,000,000,000.

(2) For the Navy, $1,500,000,000.

(3) For the Marine Corps, $3,000,000,000.

(4) For the Air Force, $1,500,000,000.

(5) For Defense-wide activities, $1,811,250,000.

(6) For the Army Reserve, $37,500,000.

(7) For the Navy Reserve, $22,500,000.

(8) For the Marine Corps Reserve, $30,000,000.

(9) For the Air Force Reserve, $11,250,000.

(10) For the Army National Guard, $225,000,000.

(11) For the Air National Guard, $37,500,000.

SEC. 1609. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $1,500,000,000.

(2) For the Navy, $75,000,000.

(3) For the Marine Corps, $187,500,000.

(4) For the Air Force, $75,000,000.

(5) For the Army Reserve, $75,000,000.

(6) For the Navy Reserve, $22,500,000.

(7) For the Marine Corps Reserve, $15,000,000.

(8) For the Army National Guard, $300,000,000.

SEC. 1610. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $750,000,000, for the Defense Working Capital Funds.

SEC. 1611. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $460,000,000 for operation and maintenance.

SEC. 1612. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Freedom Fund in the amount of $150,000,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1613. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Security Forces Fund in the amount of $200,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, and training.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) NOTICE TO CONGRESS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1614. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1615. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1616. CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ.

(a) FINDING.—The Senate finds that the financial contributions of the Government of Iraq to the reconstruction and stability of Iraq have been increasing.

(b) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts authorized to be appropriated by this Act (other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The United States Government shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending United States assistance (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts authorized to be appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term ''large-scale infrastructure project'' means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(c) COMBINED OPERATIONS.—

(1) IN GENERAL.—The United States Government shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall, in conjunction with the Secretary of Defense, submit to Congress a report describing the status of negotiations under paragraph (1).

(d) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$45,000,000
	Redstone Arsenal	$16,500,000
Alaska	Fort Richardson	$18,100,000
	Fort Wainright	$110,400,000
Arizona	Fort Huachuca	$11,200,000
	Yuma Proving Ground	$3,800,000
California	Fort Irwin	$39,600,000
	Presidio, Monterey	$15,000,000
	Sierra Army Depot	$12,400,000
Colorado	Fort Carson	$534,000,000
Georgia	Fort Benning	$267,800,000
	Fort Stewart/Hunter Army Air Field	$432,300,000
Hawaii	Pohakuloa Training Area	$21,300,000
	Schofield Barracks	$279,000,000
	Wahiawa	$40,000,000
Indiana	Crane Army Ammunition Activity	$8,300,000
Kansas	Fort Riley	$132,000,000
Kentucky	Fort Campbell	$118,113,000
Louisiana	Fort Polk	$29,000,000
Michigan	Detroit Arsenal	$6,100,000
Missouri	Fort Leonard Wood	$31,650,000
New York	Fort Drum	$90,000,000
	United States Military Academy, West Point	$67,000,000
North Carolina	Fort Bragg	$36,900,000
Oklahoma	Fort Sill	$63,000,000
Pennsylvania	Carlisle Barracks	$13,400,000
	Letterkenny Army Depot	$7,500,000
	Tobyhanna Army Depot	$15,000,000
South Carolina	Fort Jackson	$30,000,000
Texas	Corpus Christi Storage Complex	$39,000,000
	Fort Bliss	$1,031,800,000
	Fort Hood	$32,000,000
	Fort Sam Houston	$96,000,000
	Red River Army Depot	$6,900,000
Virginia	Fort Belvoir	$7,200,000
	Fort Eustis	$28,000,000
	Fort Lee	$100,600,000
	Fort Myer	$14,000,000
Washington	Fort Lewis	$158,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$67,000,000
Germany	Katterbach	$19,000,000
	Wiesbaden Air Base	$119,000,000
Japan	Camp Zama	$2,350,000
	Sagamihara	$17,500,000
Korea	Camp Humphreys	$20,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Wiesbaden Air Base	326	$133,000,000
Korea	Camp Humphreys	216	$125,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $579,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $420,001,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $6,042,210,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,007,863,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $202,250,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $200,807,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $678,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat. 41), $102,000,000.

(7) For the construction of increment 2 of the SOUTHCOM Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $81,600,000.

(8) For the construction of increment 2 of the BDE Complex-Barracks/Community at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(9) For the construction of increment 2 of the BDE Complex-Operations Support Facility, at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $42,600,000 (the balance of the amount authorized under section 2101(b) for construction of a command and battle center at Wiesbaden, Germany).

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the table in subsection (b), as provided in sections 2101 of that Act (118 Stat. 2101), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000
Virginia	Fort Belvoir	Defense Access Road	$18,000,000

SEC. 2106. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks	Combined Arms Collective Training Facility	$32,542,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$19,490,000

Inside the United States—Continued

State	Installation or Location	Amount
California	Marine Corps Base, Camp Pendleton	$799,870,000
	Marine Corps Logistics Base, Barstow	$7,830,000
	Marine Corps Air Station, Miramar	$48,770,000
	Naval Air Facility, El Centro	$8,900,000
	Naval Facility, San Clemente Island	$34,020,000
	Naval Air Station, North Island	$53,262,000
	Marine Corps Recruit Depot, San Diego	$51,200,000
	Marine Corps Base, Twentynine Palms	$145,550,000
Connecticut	Naval Submarine Base, Groton	$46,060,000
	Submarine Base, New London	$11,000,000
District of Columbia	Naval Support Activity, Washington	$24,220,000
Florida	Naval Air Station, Jacksonville	$12,890,000
	Naval Station, Mayport	$14,900,000
	Naval Support Activity, Tampa	$29,000,000
Georgia	Marine Corps Logistics Base, Albany	$15,320,000
Hawaii	Marine Corps Base, Kaneohe	$28,200,000
	Pacific Missile Range, Barking Sands	$28,900,000
	Naval Station, Pearl Harbor	$80,290,000
Illinois	Recruit Training Command, Great Lakes	$62,940,000
Maine	Portsmouth Naval Shipyard	$20,660,000
Maryland	Naval Surface Warfare Center, Indian Head	$25,980,000
Mississippi	Naval Air Station, Meridian	$6,340,000
	Naval Construction Battalion Center, Gulfport	$12,770,000
New Jersey	Naval Air Warfare Center, Lakehurst	$15,440,000
	Naval Weapons Station, Earle	$8,160,000
North Carolina	Marine Corps Air Station, Cherry Point	$77,420,000
	Marine Corps Air Station, New River	$86,280,000
	Marine Corps Base, Camp Lejeune	$353,090,000
Pennsylvania	Naval Support Activity, Philadelphia	$22,020,000
Rhode Island	Naval Station, Newport	$29,900,000
South Carolina	Marine Corps Air Station, Beaufort	$5,940,000
	Marine Corps Recruit Depot, Parris Island	$64,750,000
Virginia	Marine Corps Base, Quantico	$150,290,000
	Naval Station, Norfolk	$53,330,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$20,600,000
Diego Garcia	Diego Garcia	$35,060,000
Djibouti	Camp Lemonier	$18,580,000
Guam	Naval Activities, Guam	$88,430,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide	$66,020,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Cuba	Naval Air Station, Guantanamo Bay	146	$62,598,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,169,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,884,469,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,455,002,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $162,670,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $66,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $239,128,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $382,778,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of kilo wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the sub drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT INSIDE THE UNITED STATES.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$295,000,000'' in the amount column and inserting ''$311,670,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,084,497,000''.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS INSIDE THE UNITED STATES.

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513) is amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking ''$67,939,000'' in the amount column and inserting ''$76,288,000''; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$57,653,000'' in the amount column and inserting ''$60,500,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is amended—

(1) in paragraph (2), by striking ''$56,159,000'' and inserting ''$64,508,000''; and

(2) in paragraph (3), by striking ''$31,153,000'' and inserting ''$34,000,000''.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$15,556,000
Alaska	Elmendorf Air Force Base	$138,300,000
Arizona	Davis Monthan Air Force Base	$15,000,000
California	Edwards Air Force Base	$3,100,000
	Travis Air Force Base	$12,100,000
Colorado	Peterson Air Force Base	$4,900,000
	United States Air Force Academy	$18,000,000
Delaware	Dover Air Force Base	$19,000,000
Florida	Cape Canaveral Air Station	$8,000,000
	Eglin Air Force Base	$19,000,000
	MacDill Air Force Base	$21,000,000
Georgia	Robins Air Force Base	$24,100,000
Hawaii	Hickam Air Force Base	$8,700,000
Louisiana	Barksdale Air Force Base	$14,600,000
Maryland	Andrews Air Force Base	$77,648,000
Mississippi	Columbus Air Force Base	$8,100,000
	Keesler Air Force Base	$6,600,000
Montana	Malmstrom Air Force Base	$10,000,000
Nebraska	Offutt Air Force Base	$11,800,000
Nevada	Creech Air Force Base	$48,500,000
	Nellis Air Force Base	$63,100,000
New Mexico	Holloman Air Force Base	$25,450,000
North Carolina	Seymour Johnson Air Force Base	$12,200,000
North Dakota	Grand Forks Air Force Base	$13,000,000
Oklahoma	Altus Air Force Base	$10,200,000
	Tinker Air Force Base	$48,600,000
South Carolina	Charleston Air Force Base	$4,500,000
	Shaw Air Force Base	$9,900,000
South Dakota	Ellsworth Air Force Base	$11,000,000
Texas	Dyess Air Force Base	$21,000,000
	Fort Hood	$10,800,000
	Lackland Air Force Base	$75,515,000
Utah	Hill Air Force Base	$41,400,000
Washington	McChord Air Force Base	$5,500,000
Wyoming	Francis E. Warren Air Force Base	$8,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	$57,200,000
Guam	Andersen Air Force Base	$5,200,000
Kyrgyzstan	Manas Air Base	$6,000,000
United Kingdom	Royal Air Force Lakenheath	$7,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Location	$891,000
Worldwide Unspecified	Unspecified Worldwide Locations	$52,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

Location	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	$71,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,057,408,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $844,769,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $75,800,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $53,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $73,104,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $599,465,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
		Purchase Build/Lease Housing (300 units)	$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	$59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	$26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	$48,868,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	$48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	$30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	$1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	$37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	$24,204,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Campbell	$21,400,000
North Carolina	Fort Bragg	$78,471,000

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois	Scott Air Force Base	$13,977,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Defense Distribution Depot, Tracy	$50,300,000
Delaware	Defense Fuel Supply Center, Dover Air Force Base	$3,373,000
Florida	Defense Fuel Support Point, Jacksonville	$34,000,000
Georgia	Hunter Army Air Field	$3,500,000
Hawaii	Pearl Harbor	$27,700,000
New Mexico	Kirtland Air Force Base	$14,400,000
Oklahoma	Altus Air Force Base	$2,850,000
Pennsylvania	Philadelphia	$1,200,000
Utah	Hill Air Force Base	$20,400,000
Virginia	Craney Island	$39,900,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$31,000,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$9,800,000
Florida	Eglin Air Force Base	$40,000,000
	Hurlburt Field	$8,900,000
	MacDill Air Force Base	$10,500,000
Kentucky	Fort Campbell	$15,000,000
New Mexico	Cannon Air Force Base	$26,400,000
North Carolina	Fort Bragg	$38,250,000
Virginia	Fort Story	$11,600,000
Washington	Fort Lewis	$38,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	$6,300,000
Colorado	Buckley Air Force Base	$3,000,000
Georgia	Fort Benning	$3,900,000
Kansas	Fort Riley	$52,000,000
Kentucky	Fort Campbell	$24,000,000
Maryland	Aberdeen Proving Ground	$430,000,000
Missouri	Fort Leonard Wood	$22,000,000
Oklahoma	Tinker Air Force Base	$65,000,000
Texas	Fort Sam Houston	$13,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$38,940,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	Germersheim	$48,000,000
Greece	Souda Bay	$27,761,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid	$9,200,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities	$30,000,000

Missile Defense Agency

Country	Installation or Location	Amount
Poland	Various Locations	$661,380,000
Czech Republic	Various Locations	$176,100,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $80,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,821,379,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $792,811,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $356,121,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $31,853,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $155,793,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $80,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(8) For the construction of increment 4 of the National Security Agency regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, Global War on Terrorism and Hurricane Relief (Public Law 109–234; 120 Stat. 485), $100,220,000.

(9) For the construction of increment 2 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $209,000,000.

(10) For the construction of increment 2 of the SOF Operational Facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $528,780,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European interceptor site in Poland.

(3) $67,540,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European midcourse radar site in the Czech Republic.

(c) LIMITATION ON EUROPEAN MISSILE DEFENSE CONSTRUCTION PROJECTS.—Funds appropriated pursuant to the authorization of appropriations in subsection (a)(2) for the projects authorized for the Missile Defense Agency under section 2401(b) may only be obligated or expended in accordance with the conditions specified in section 232 of this Act.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.

(a) MODIFICATION.—The table relating to TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), is amended in the item relating to Fort Detrick, Maryland, by striking ''$550,000,000'' in the amount column and inserting ''$683,000,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2461) is amended by striking ''$521,000,000'' and inserting ''$654,000,000''.

SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2006 Project Authorization

Installation or Location	Project	Amount
Defense Logistics Agency	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania.	$6,500,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

Army	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky	$12,000,000

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $134,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $67,218,000.

SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking ''$261,000,000'' in the amount column and inserting ''$484,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$830,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking ''$261,000,000'' and inserting ''$484,000,000''.

SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$290,325,000'' in the amount column and inserting ''$492,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$949,920,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking ''$267,525,000'' and inserting ''$469,200,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $240,867,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Alaska	Bethel Armory	$16,000,000
Arizona	Camp Navajo	$13,000,000
	Florence	$13,800,000
	Papago Military Reservation	$24,000,000
Colorado	Denver	$9,000,000
	Grand Junction	$9,000,000
Connecticut	Camp Rell	$28,000,000
	East Haven	$13,800,000
Delaware	New Castle	$28,000,000
Florida	Camp Blanding	$12,400,000

Army National Guard—Continued

State	Location	Amount
Georgia	Dobbins Air Reserve Base	$45,000,000
Idaho	Orchard Training Area	$1,850,000
Illinois	Urbana Armory	$16,186,000
Indiana	Camp Atterbury	$5,800,000
	Lawrence	$21,000,000
Maine	Bangor	$20,000,000
Maryland	Edgewood	$28,000,000
	Salisbury	$9,800,000
Massachusetts	Methuen	$21,000,000
Michigan	Camp Grayling	$18,943,000
Minnesota	Arden Hills	$15,000,000
Nevada	Elko	$11,375,000
New York	Fort Drum	$11,000,000
	Queensbury	$5,900,000
South Carolina	Anderson	$12,000,000
	Beaufort	$3,400,000
	Eastover	$28,000,000
South Dakota	Rapid City	$43,463,000
Utah	Camp Williams	$17,500,000
Virginia	Arlington	$15,500,000
	Fort Pickett	$2,950,000
Vermont	Ethan Allen Range Jericho	$10,200,000
Washington	Fort Lewis (Gray Army Airfield)	$32,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$3,950,000
Hawaii	Fort Shafter	$19,199,000
Idaho	Hayden Lake	$9,580,000
Kansas	Dodge City	$8,100,000
Maryland	Baltimore	$11,600,000
Massachusetts	Fort Devens	$1,900,000
Michigan	Saginaw	$11,500,000
Missouri	Weldon Springs	$11,700,000
Nevada	Las Vegas	$33,900,000
New Jersey	Fort Dix	$3,825,000
New York	Kingston	$13,494,000
	Shoreham	$15,031,000
	Staten Island	$18,550,000
North Carolina	Raleigh	$25,581,000
Pennsylvania	Letterkenny Army Depot	$14,914,000
Tennessee	Chattanooga	$10,600,000
Texas	Sinton	$9,700,000
Washington	Seattle	$37,500,000
Wisconsin	Fort McCoy	$4,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	$15,420,000
Delaware	Wilmington	$11,530,000
Georgia	Marietta	$7,560,000
Virginia	Norfolk	$8,170,000
	Williamsburg	$12,320,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arkansas	Little Rock Air Force Base	$4,000,000
Colorado	Buckley Air Force Base	$4,200,000

Air National Guard—Continued

State	Location	Amount
Delaware	New Castle County Airport	$14,800,000
Iowa	Fort Dodge	$5,600,000
Kansas	Smoky Hill Air National Guard Range	$7,100,000
Massachusetts	Otis Air National Guard Base	$14,300,000
Minnesota	Duluth 148th Fighter Wing Base	$4,500,000
Mississippi	Gulfport-Biloxi International Airport	$3,400,000
New York	Gabreski Airport, Westhampton	$7,500,000
	Hancock Field	$5,000,000
Rhode Island	Quonset State Airport	$7,700,000
Tennessee	Knoxville	$8,000,000
Vermont	Burlington International Airport	$6,600,000
Washington	McChord Air Force Base	$8,600,000
West Virginia	Yeager Airport, Charleston	$27,000,000
Wisconsin	Truax Field	$6,300,000
Wyoming	Cheyenne Municipal Airport	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Georgia	Dobbins Air Reserve Base	$6,450,000
Oklahoma	Tinker Air Force Base	$9,900,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $634,407,000; and

(B) for the Army Reserve, $281,687,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $156,124,000; and

(B) for the Air Force Reserve, $26,615,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course	$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	$8,331,000
Mississippi	Biloxi	Readiness Center	$16,987,000
	Camp Shelby	Modified Record Fire Range	$2,970,000
Montana	Townsend	Automated Qualification Training Range.	$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center.	$11,806,000
	Philadelphia	Organizational Maintenance Shop #7.	$6,144,930

SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS)	$11,318,000

SEC. 2609. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

The table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 527) is amended in the item relating to North Kingstown, Rhode Island, by striking ''$33,000,000'' in the amount column and inserting ''$38,000,000''.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $393,377,000, as follows:

(1) For the Department of the Army, $72,855,000.

(2) For the Department of the Navy, $178,700,000.

(3) For the Department of the Air Force, $139,155,000.

(4) For the Defense Agencies, $2,667,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $6,982,334,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

SEC. 2704. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.

Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking ''As part of the budget request for fiscal year 2007 and for each fiscal year thereafter'' and inserting ''(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016''; and

(2) by adding at the end the following new subsection:

''(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with respect to realignment actions after the report submitted with the budget for fiscal year 2014.''.

SEC. 2705. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) is amended by striking ''section 2905A'' both places it appears and inserting ''section 2906A''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Section 2906A(f) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking ''20 percent or $2,000,000, whichever is greater'' and inserting ''20 percent or $2,000,000, whichever is less''.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THRESHOLD FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

Section 2805(a)(1) of title 10, United States Code, is amended by striking ''$2,000,000'' in the first sentence and all that follows through the period at the end of the second sentence and inserting ''$3,000,000.''.

SEC. 2802. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended by striking ''2008'' and inserting ''2009''.

(b) EXCEPTION FOR PROJECTS IN AFGHANISTAN FROM LIMITATION ON AUTHORITY RELATED TO LONG-TERM UNITED STATES PRESENCE.—Such subsection, as so amended, is further amended by inserting before the period at the end of paragraph (2) the following: '', unless the military installation is located in Afghanistan, in which case the condition shall not apply''.

(c) QUARTERLY REPORTS.—Subsection (d)(1) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), is further amended by striking ''30 days'' and inserting ''45 days''.

SEC. 2803. IMPROVED OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION INITIATIVE PROJECTS.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2885. Oversight and accountability for privatization projects

''(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Each Secretary concerned shall prescribe regulations to effectively oversee and manage military housing privatization projects carried out under this subchapter. The regulations shall include the following requirements for each privatization project:

''(1) The installation asset manager shall conduct monthly site visits and provide reports on the progress of the construction or renovation of the housing units. The reports shall be endorsed by the commander at such installation and submitted quarterly to the assistant secretary for installations and environment of the respective military department and the Deputy Under Secretary of Defense (Installations and Environment).

''(2) The installation asset manager, and, as applicable, the resident construction manager, privatization asset manager, bondholder representative, project owner, developer, general contractor, and construction consultant for the project shall conduct monthly meetings to ensure that the construction or renovation of the units meets performance and schedule requirements and that appropriate operating and ground lease agreements are in place and adhered to.

''(3) If a project is 90 days or more behind schedule or otherwise appears to be substantially failing to adhere to the obligations or milestones under the contract, the assistant secretary for installations and environment of the respective military department shall submit a notice of deficiency to the Deputy Under Secretary of Defense (Installations and Environment), the Secretary concerned, the managing member, and the trustee for the project.

''(4)(A) Not later than 15 days after the submittal of a notice of deficiency under paragraph (3), the Secretary concerned shall submit to the project owner, developer, or general contractor responsible for the project a summary of deficiencies related to the project.

''(B) If the project owner, developer, or general contractor responsible for the project is unable, within 30 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues

outlined in such notice, the Secretary concerned shall submit to the project owner, developer, or general contractor, the bondholder representative, and the trustee an official letter of concern addressing the deficiencies and detailing the corrective actions that should be taken to correct the deficiencies.

''(C) If the project owner, developer, or general contractor responsible for the privatization project is unable, within 60 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Deputy Under Secretary of Defense (Installations and Environment) shall notify the congressional defense committees of the status of the project, and shall provide a recommended course of action to correct the problems.

''(b) COMMUNITY MEETINGS.—(1) Prior to the commencement of privatization project, the assistant secretary for installations and environment of the respective military department and the commanding officer of the local military installation shall hold a meeting with the local community to communicate the following information:

''(A) The nature of the project.

''(B) Any contractual arrangements.

''(C) Potential liabilities to local construction management companies and subcontractors.

''(2) The requirement under paragraph (1) may be met by publishing the information described in such paragraph on the Federal Business Opportunities (FedBizOpps) Internet website.

''(c) REQUIRED QUALIFICATIONS.—The Secretary concerned shall certify that the project owner, developer, or general contractor that is selected for each military housing privatization initiative project has construction experience commensurate with that required to complete the project.

''(d) BONDING LEVELS.—The Secretary concerned shall ensure that the project owner, developer, or general contractor responsible for a military housing privatization initiative project has sufficient payment and performance bonds or suitable instruments in place for each phase of a construction or renovation portion of the project to ensure successful completion of the work in amounts as agreed to in the project's legal documents, but in no case less than 50 percent of the total value of the active phases of the project, prior to the commencement of work for that phase.

''(e) CERTIFICATIONS REGRADING PREVIOUS BANKRUPTCY DECLARATIONS.—If a military department awards a contract or agreement for a military housing privatization initiative project to a project owner, developer, or general contractor that has previously declared bankruptcy, the Secretary concerned shall specify in the notification to Congress of the project award the extent to which the issues related to the previous bankruptcy are expected to impact the ability of the project owner, developer, or general contractor to complete the project.

''(f) COMMUNICATION REGARDING POOR PERFORMANCE.—The Deputy Under Secretary of Defense (Installations and Environment) shall prescribe policies to provide for regular and appropriate communication between representatives of the military departments and bondholders for military housing privatization initiative projects to ensure timely action to address inadequate performance in carrying out projects.

''(g) REPORTING OF EFFORTS TO SELECT SUCCESSOR IN EVENT OF DEFAULT.—In the event a military housing privatization initiative project enters into default, the assistant secretary for installations and environment of the respective military department shall submit a report to the congressional defense committees every 90 days detailing the status of negotiations to award the project to a new project owner, developer, or general contractor.

''(h) EFFECT OF UNSATISFACTORY PERFORMANCE RATING ON AFFILIATED ENTITIES.—In the event the project owner, developer, or general contractor for a military construction project receives an unsatisfactory performance rating due to poor performance, each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor shall also receive an unsatisfactory performance rating.

''(i) EFFECT OF NOTICES OF DEFICIENCY ON CONTRACTORS AND AFFILIATED ENTITIES.—(1) The Deputy Under Secretary of Defense (Installations and Environment) shall keep a record of all plans of action or notices of deficiency issued to a project owner, developer, or general contractor under subsection (a)(4), including the identity of each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor.

''(2) CONSULTATION.—Each military department shall consult the records maintained under paragraph (1) when reviewing the past performance of owners, developers, and contractors in the bidding process for a contract or other agreement for a military housing privatization initiative project.

''(j) PROCEDURES FOR IDENTIFYING AND COMMUNICATING BEST PRACTICES FOR TRANSACTIONS.—(1) The Secretary of Defense shall identify best practices for military housing privatization projects, including—

''(A) effective means to track and verify proper performance, schedule, and cash flow;

''(B) means of overseeing the actions of bondholders to properly monitor construction progress and construction draws;

''(C) effective structuring of transactions to ensure the United States Government has adequate abilities to oversee project owner performance; and

''(D) ensuring that notices to proceed on new work are not issued until proper bonding is in place.

''(2) The Secretary shall prescribe regulations to implement the best practices developed pursuant to paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2885. Oversight and accountability for privatization projects.''.

SEC. 2804. LEASING OF MILITARY FAMILY HOUSING TO SECRETARY OF DEFENSE.

(a) LEASING OF HOUSING.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2837 the following new section:

''§ 2838. Leasing of military family housing to Secretary of Defense

''(a) AUTHORITY.—(1) The Secretary of a military department may lease to the Secretary of Defense military family housing in the National Capital Region (as defined in section 2674(f) of this title).

''(2) In determining the military housing unit to lease under this section, the Secretary of Defense should first consider any available military housing units that are already substantially equipped for executive communications and security.

''(b) RENTAL RATE.—A lease under subsection (a) shall provide for the payment by the Secretary of Defense of consideration in an amount equal to 105 percent of the monthly rate of basic allowance for housing prescribed under section 403(b) of title 37 for a member of the uniformed services in the pay grade of O–10 with dependents assigned to duty at the military installation on which the leased housing unit is located. A rate so established shall be considered the fair market value of the lease interest.

''(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all amounts received pursuant to leases entered into by the Secretary under this section into a special account in the Treasury established for such military department.

''(2) The proceeds deposited into the special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, without further appropriation, for the maintenance, protection, alteration, repair, improvement, or restoration of military housing on the military installation at which the housing leased pursuant to subsection (a) is located.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2838. Leasing of military family housing to Secretary of Defense.''.

SEC. 2805. COST-BENEFIT ANALYSIS OF DISSOLUTION OF PATRICK FAMILY HOUSING LLC.

(a) COST-BENEFIT ANALYSIS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a cost-benefit analysis of dissolving Patrick Family Housing LLC without exercising the full range of rights available to the United States Government to recover damages from the partnership.

(b) CONTENT.—The analysis required under subsection (a) shall include an evaluation of the best practices for executing military housing privatization projects as determined by the Department of Defense and the Secretaries concerned and the other options available to restore the financial health of nonperforming or defaulting projects.

(c) TEMPORARY MORATORIUM ON CERTAIN ACTIONS.—The Secretary of the Air Force may not, in carrying out a military housing privatization project initiated at Patrick Air Force Base, Florida, dissolve the Patrick Family Housing LLC until the Secretary of the Air Force submits the cost-benefit analysis required under subsection (a).

Subtitle B—Real Property and Facilities Administration

SEC. 2811. PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694b the following new section:

''§ 2694c. Participation in conservation banking programs

''(a) AUTHORITY TO PARTICIPATE.—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged or proposing to engage in an authorized activity that may or will result in an adverse impact on one or more species protected (or pending protection) under any applicable provision of law, or on a habitat for such species, may make payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605; November 28, 1995) or the Guidance for the Establishment, Use, and Operation of Conservation Banks (68 Fed. Reg.

24753; May 2, 2003), or any successor or related administrative guidance or regulation.

''(b) FACILITATION OF TESTING OR TRAINING ACTIVITIES OR MILITARY CONSTRUCTION.—Participation in conservation banking and 'in-lieu-fee' programs under subsection (a) shall be for the purposes of facilitating—

''(1) military testing or training activities; or

''(2) military construction.

''(c) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a conservation banking program or 'in-lieu-fee' mitigation sponsor for the purpose of facilitating military construction may be treated as eligible project costs for such military construction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694b the following new item:

''2694c. Participation in conservation banking programs.''.

SEC. 2812. CLARIFICATION OF CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended by striking ''river and harbor projects or flood control projects'' and inserting ''water resource development projects of the Corps of Engineers''.

SEC. 2813. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking ''that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath'' and inserting ''that are beneath''; and

(2) by adding at the end the following new subsection:

''(e) SUNSET DATE.—This section shall expire on October 1, 2013.''.

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF PROCEEDS FROM PROPERTY CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.

(a) TRANSFER AUTHORIZED.—The Secretary of Defense may transfer any proceeds from the sale of approximately 120.375 acres of improved land located at the former Boyett Village Family Housing Complex at the Marine Corps Logistics Base, Albany, Georgia, into the Department of Defense Family Housing Improvement Fund established under section 2883(a)(1) of title 10, United States Code, for carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

(b) NOTIFICATION REQUIREMENT.—A transfer of proceeds under subsection (a) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of the transfer to the congressional defense committees.

Subtitle D—Energy Security

SEC. 2831. EXPANSION OF AUTHORITY OF THE MILITARY DEPARTMENTS TO DEVELOP ENERGY ON MILITARY LANDS.

(a) DEVELOPMENT OF ANY RENEWABLE ENERGY RESOURCE.—Section 2917 of title 10, United States Code, is amended—

(1) by inserting ''(a) DEVELOPMENT OF RENEWABLE ENERGY RESOURCES.—'' before ''The Secretary of a military department'';

(2) in subsection (a), as designated by paragraph (1), by striking ''geothermal energy resource'' and inserting ''renewable energy resource''; and

(3) by adding at the end the following new subsection:

''(b) RENEWABLE ENERGY RESOURCE DEFINED.—In this section, the term 'renewable energy resource' has the meaning given the term 'renewable energy' in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2917. Development of renewable energy resources on military lands''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended by striking the item relating to section 2917 and inserting the following new item:

''2917. Development of renewable energy resources on military lands.''.

Subtitle E—Other Matters

SEC. 2841. REPORT ON APPLICATION OF FORCE PROTECTION AND ANTI-TERRORISM STANDARDS TO GATES AND ENTRY POINTS ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of Department of Defense Anti-Terrorism/Force Protection standards at gates and entry points of military installations.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the anti-terrorism/force protection standards for gates and entry points.

(2) An assessment, by installation, of whether the gates and entry points meet anti-terrorism/force protection standards.

(3) An assessment of whether the standards are met with either temporary or permanent measures, facilities, or equipment.

(4) A description and cost estimate of each action to be taken by the Secretary of Defense for each installation to ensure compliance with Department of Defense Anti-Terrorism/Force Protection standards using permanent measures and construction methods.

(5) An investment plan to complete all action required to ensure compliance with the standards described under paragraph (1).

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$17,000,000
California	Fort Irwin	$11,800,000
Colorado	Fort Carson	$8,400,000
Georgia	Fort Gordon	$7,800,000
Hawaii	Schofield Barracks	$12,500,000
Kentucky	Fort Campbell	$9,900,000
	Fort Knox	$7,400,000
North Carolina	Fort Bragg	$8,500,000
Oklahoma	Fort Sill	$9,000,000
Texas	Fort Bliss	$17,300,000
	Fort Hood	$7,200,000
	Fort Sam Houston	$7,000,000
Virginia	Fort Lee	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Iraq	Camp Adder	$13,200,000
	Camp Ramadi	$6,200,000
	Fallujah	$5,500,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $162,100,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $131,200,000.

(2) For military construction projects outside the United States authorized by subsection (b), $24,900,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$9,270,000
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$12,299,000
	Twentynine Palms	$11,250,000
Florida	Eglin Air Force Base	$780,000
Mississippi	Gulfport	$6,570,000
North Carolina	Camp Lejeune	$27,980,000
Virginia	Yorktown	$8,070,000

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2902(d) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 572), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $94,731,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $90,679,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

Country	Installation or Location	Amount
California	Beale Air Force Base	$17,600,000
Florida	Eglin Air Force Base	$11,000,000
New Mexico	Cannon Air Force Base	$8,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Qatar	Al Udeid	$60,400,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2903(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 573), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $98,427,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $36,600,000.

(2) For military construction projects outside the United States authorized by subsection (b), $60,400,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

SEC. 2904. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS.

(a) TERMINATION OF AUTHORITY.—The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570), is amended—

(1) in the item relating to Camp Adder, Iraq, by striking ''$80,650,000'' in the amount column and inserting ''$75,800,000'';

(2) in the item relating to Camp Anaconda, Iraq, by striking ''$53,500,000'' in the amount column and inserting ''$10,500,000'';

(3) in the item relating to Camp Victory, Iraq, by striking ''$65,400,000'' in the amount column and inserting ''$60,400,000'';

(4) by striking the item relating to Tikrit, Iraq; and

(5) in the item relating to Camp Speicher, Iraq, by striking ''$83,900,000'' in the amount column and inserting ''$74,100,000''.

(b) CONFORMING AMENDMENTS.—Section 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571) is amended—

(1) by striking ''$1,257,750,000'' and inserting ''$1,152,100,000''; and

(2) in paragraph (2), by striking ''$1,055,450,000'' and inserting ''$949,800,000''.

Subtitle B—Fiscal Year 2009 Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$400,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $450,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $400,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2912. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$40,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $50,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $40,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $10,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2913. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,641,892,000, to be allocated as follows:

(1) For weapons activities, $6,610,701,000.

(2) For defense nuclear nonproliferation activities, including $538,782,000 for fissile materials disposition, $1,799,056,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $404,081,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 09–D–404, Test Capabilities Revitalization Phase 2, Sandia National Laboratory, Albuquerque, New Mexico, $3,200,000.

Project 08–D–806, Ion Beam Laboratory Project, Sandia National Laboratory, Albuquerque, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactors Facility Production Support Complex, Naval Reactors Facility, Idaho Falls, Idaho, $8,300,000.

Project 09–D–190, Project engineering and design, Knolls Atomic Power Laboratory infrastructure upgrades, Knolls Atomic Power Laboratory, Kesselring Site, Schenectady, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,297,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $826,453,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $197,371,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. MODIFICATION OF FUNCTIONS OF ADMINISTRATOR FOR NUCLEAR SECURITY TO INCLUDE ELIMINATION OF SURPLUS FISSILE MATERIALS USABLE FOR NUCLEAR WEAPONS.

Section 3212(b)(1) of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)(1)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph (18):

''(18) Eliminating inventories of surplus fissile materials usable for nuclear weapons.''.

SEC. 3112. REPORT ON COMPLIANCE WITH DESIGN BASIS THREAT ISSUED BY THE DEPARTMENT OF ENERGY IN 2005.

(a) IN GENERAL.—Not later than January 2, 2009, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the status of the compliance of Department of Energy sites with the Design Basis Threat issued by the Department in November 2005 (in this section referred to as the ''2005 Design Basis Threat'').

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each Department of Energy site subject to the 2005 Design Basis Threat, an assessment of whether the site has achieved compliance with the 2005 Design Basis Threat.

(2) For each such site that has not achieved compliance with the 2005 Design Basis Threat—

(A) a description of the reasons for the failure to achieve compliance;

(B) a plan to achieve compliance;

(C) a description of the actions that will be taken to mitigate any security shortfalls until compliance is achieved; and

(D) an estimate of the annual funding requirements to achieve compliance.

(3) A list of such sites with Category I nuclear materials that the Secretary determines will not achieve compliance with the 2005 Design Basis Threat.

(4) For each site identified under paragraph (3), a plan to remove all Category I nuclear materials from such site, including—

(A) a schedule for the removal of such nuclear materials from such site;

(B) a clear description of the actions that will be taken to ensure the security of such nuclear materials; and

(C) an estimate of the annual funding requirements to remove such nuclear materials from such site.

(5) An assessment of the adequacy of the 2005 Design Basis Threat in addressing security threats at Department of Energy sites, and a description of any plans for updating, modifying, or otherwise revising the approach taken by the 2005 Design Basis Threat to establish enhanced security requirements for Department of Energy sites.

SEC. 3113. MODIFICATION OF SUBMITTAL OF REPORTS ON INADVERTENT RELEASES OF RESTRICTED DATA.

(a) IN GENERAL.—Section 4522 of the Atomic Energy Defense Act (50 U.S.C. 2672) is amended—

(1) in subsection (e), by striking ''on a periodic basis'' and inserting ''in each even-numbered year''; and

(2) in subsection (f), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) The Secretary of Energy shall, in each even-numbered year beginning in 2010, submit to the committees and Assistant to the President specified in subsection (d) a report identifying any inadvertent releases of Restricted Data or Formerly Restricted Data under Executive Order No. 12958 discovered in the two-year period preceding the submittal of the report.''.

(b) TECHNICAL CORRECTION.—Subsection (e) of such section, as amended by subsection (a)(1) of this section, is further amended by striking ''subsection (b)(4)'' and inserting ''subsection (b)(5)''.

SEC. 3114. NONPROLIFERATION SCHOLARSHIP AND FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—The Administrator for Nuclear Security shall carry out a program to provide scholarships and fellowships for the purpose of enabling individuals to qualify for employment in the nonproliferation programs of the Department of Energy.

(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible for a scholarship or fellowship under the program established under this section if the individual—

(1) is a citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;

(2) has been accepted for enrollment or is currently enrolled as a full-time student at an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(3) is pursuing a program of education that leads to an appropriate higher education degree in a qualifying field of study, as determined by the Administrator;

(4) enters into an agreement described in subsection (c); and

(5) meets such other requirements as the Administrator prescribes.

(c) AGREEMENT.—An individual seeking a scholarship or fellowship under the program established under this section shall enter into an agreement, in writing, with the Administrator that includes the following:

(1) The agreement of the Administrator to provide such individual with a scholarship or fellowship in the form of educational assistance for a specified number of school years (not to exceed five school years) during which such individual is pursuing a program of education in a qualifying field of study, which educational assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

(2) The agreement of such individual—

(A) to accept such educational assistance;

(B) to maintain enrollment and attendance in a program of education described in subsection (b)(2) until such individual completes such program;

(C) while enrolled in such program, to maintain satisfactory academic progress in such program, as determined by the institution of higher education in which such individual is enrolled; and

(D) after completion of such program, to serve as a full-time employee in a nonproliferation position in the Department of Energy or at a laboratory of the Department for a period of not less than 12 months for each school year or part of a school year for which such individual receives a scholarship or fellowship under the program established under this section.

(3) The agreement of such individual with respect to the repayment requirements specified in subsection (d).

(d) REPAYMENT.—

(1) IN GENERAL.—An individual receiving a scholarship or fellowship under the program established under this section shall agree to pay to the United States the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), if such individual—

(A) does not complete the program of education agreed to pursuant to subsection (c)(2)(B);

(B) completes such program of education but declines to serve in a position in the Department of Energy or at a laboratory of the Department as agreed to pursuant to subsection (c)(2)(D); or

(C) is voluntarily separated from service or involuntarily separated for cause from the Department of Energy or a laboratory of the Department before the end of the period for which such individual agreed to continue in the service of the Department pursuant to subsection (c)(2)(D).

(2) FAILURE TO REPAY.—If an individual who received a scholarship or fellowship under the program established under this section is required to repay, pursuant to an agreement under paragraph (1), the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), and fails repay such amount, a sum equal to such amount (plus such interest) is recoverable by the United States Government from such individual or the estate of such individual by—

(A) in the case of an individual who is an employee of the United States Government, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

(B) such other method as is provided by law for the recovery of amounts owed to the Government.

(3) WAIVER OF REPAYMENT.—The Administrator may waive, in whole or in part, repayment by an individual under this subsection if the Administrator determines that seeking recovery under paragraph (2) would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) RATE OF INTEREST.—For purposes of repayment under this subsection, the total amount of educational assistance provided to an individual under the program established under this section shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) PREFERENCE FOR COOPERATIVE EDUCATION STUDENTS.—In evaluating individuals for the award of a scholarship or fellowship under the program established under this section, the Administrator may give a preference to an individual who is enrolled in, or accepted for enrollment in, an institution of higher education that has a cooperative education program with the Department of Energy.

(f) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under the program established under this section shall be taken into account in determining the eligibility of an individual receiving such scholarship or fellowship for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) REPORT TO CONGRESS.—Not later than January 1, 2010, the Administrator shall submit to the congressional defense committees a report on the activities carried out under the program established under this section, including any recommendations for future activities under such program.

(h) FUNDING.—Of the amounts authorized to be appropriated by section 3101(a)(2) for defense nuclear nonproliferation activities, $3,000,000 shall be available to carry out the program established under this section.

SEC. 3115. REVIEW OF AND REPORTS ON GLOBAL INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

(a) REVIEW OF PROGRAM.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall conduct a review of the Global Initiatives for Proliferation Prevention program.

(2) REPORT REQUIRED.—Not later than February 1, 2009, the Administrator shall submit to the congressional defense committees a report setting forth the results of the review required under paragraph (1). The report shall include the following:

(A) A description of the goals of the Global Initiatives for Proliferation Prevention program and the criteria for partnership projects under the program.

(B) Recommendations regarding the following:

(i) Whether to continue or bring to a close each of the partnership projects under the program in existence on the date of the enactment of this Act, and, if any such project is recommended to be continued, a description of how that project will meet the criteria under subparagraph (A).

(ii) Whether to enter into new partnership projects under the program with Russia or other countries of the former Soviet Union.

(iii) Whether to enter into new partnership projects under the program in countries other than countries of the former Soviet Union.

(C) A plan for completing partnership projects under the program with the countries of the former Soviet Union by 2012.

(b) REPORT ON FUNDING FOR PROJECTS UNDER PROGRAM.—

(1) IN GENERAL.—The Administrator shall submit to the congressional defense committees a report on—

(A) the purposes for which amounts made available for the Global Initiatives for Proliferation Prevention program for fiscal year 2009 will be obligated or expended; and

(B) the amount to be obligated or expended for each partnership project under the program in fiscal year 2009.

(2) LIMITATION ON FUNDING BEFORE SUBMITTAL OF REPORT.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be obligated or expended until the date that is 30 days after

the date on which the Administrator submits to the congressional defense committees the report required under paragraph (1).

(c) LIMITATION ON FUNDING FOR GLOBAL NUCLEAR ENERGY PARTNERSHIP.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be used for projects related to energy security that could promote the Global Nuclear Energy Partnership.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $28,968,574 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

On Wednesday, September 17, 2008, the Senate passed S. 3002, as amended, as follows:

S. 3002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Defense Authorization Act for Fiscal Year 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional defense committees.

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TITLE I—PROCUREMENT

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Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Stryker Mobile Gun System.
Sec. 112. Procurement of small arms.

Subtitle C—Navy Programs

Sec. 131. Authority for advanced procurement and construction of components for the Virginia-class submarine program.
Sec. 132. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

Subtitle D—Air Force Programs

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Sec. 1036. Prohibition on interrogation of detainees by contractor personnel.
Sec. 1037. Notification of Committees on Armed Services with respect to certain nonproliferation and proliferation activities.
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Sec. 1081. Military salute for the flag during the national anthem by members of the Armed Forces not in uniform and by veterans.
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Sec. 1101. Department of Defense strategic human capital plans.
Sec. 1102. Conditional increase in authorized number of Defense Intelligence Senior Executive Service personnel.
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Sec. 1104. Expedited hiring authority for health care professionals of the Department of Defense.
Sec. 1105. Election of insurance coverage by Federal civilian employees deployed in support of a contingency operation.
Sec. 1106. Permanent extension of Department of Defense voluntary reduction in force authority.
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Sec. 1211. Availability across fiscal years of funds for military-to-military contacts and comparable activities.
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Sec. 1221. Waiver of certain sanctions against North Korea.

Subtitle D—Reports

Sec. 1231. Extension and modification of updates on report on claims relating to the bombing of the Labelle Discotheque.
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Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
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Subtitle B—Armed Forces Retirement Home

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

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Sec. 1431. Responsibilities for Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky.
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TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
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Sec. 1505. Joint Improvised Explosive Device Defeat Fund.
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Sec. 1509. Military personnel.
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Sec. 1511. Other Department of Defense programs.
Sec. 1512. Afghanistan Security Forces Fund.
Sec. 1513. Treatment as additional authorizations.
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Sec. 1515. Limitation on use of funds.
Sec. 1516. Requirement for separate display of budget for Afghanistan.

TITLE XVI—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN IRAQ

Sec. 1601. Purpose.
Sec. 1602. Army procurement.
Sec. 1603. Navy and Marine Corps procurement.
Sec. 1604. Air Force procurement.
Sec. 1605. Joint Improvised Explosive Device Defeat Fund.
Sec. 1606. Defense-wide activities procurement.
Sec. 1607. Research, development, test, and evaluation.
Sec. 1608. Operation and maintenance.
Sec. 1609. Military personnel.
Sec. 1610. Working capital funds.
Sec. 1611. Defense Health Program.
Sec. 1612. Iraq Freedom Fund.
Sec. 1613. Iraq Security Forces Fund.
Sec. 1614. Treatment as additional authorizations.
Sec. 1615. Limitation on use of funds.
Sec. 1616. Contributions by the Government of Iraq to large-scale infrastructure projects, combined operations, and other activities in Iraq.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Army as follows:

(1) For aircraft, $4,957,435,000.

(2) For missiles, $2,211,460,000.

(3) For weapons and tracked combat vehicles, $3,689,277,000.

(4) For ammunition, $2,303,791,000.

(5) For other procurement, $11,861,704,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Navy as follows:

(1) For aircraft, $14,729,274,000.

(2) For weapons, including missiles and torpedoes, $3,605,482,000.

(3) For shipbuilding and conversion, $13,037,218,000.

(4) For other procurement, $5,516,506,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Marine Corps in the amount of $1,495,665,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,131,712,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Air Force as follows:

(1) For aircraft, $13,235,286,000.

(2) For missiles, $5,556,728,000.

(3) For ammunition, $895,478,000.

(4) For other procurement, $16,115,496,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement as follows:

(1) For Defense-wide procurement, $3,466,928,000.

(2) For the Rapid Acquisition Fund, $102,045,000.

Subtitle B—Army Programs

SEC. 111. STRYKER MOBILE GUN SYSTEM.

(a) TESTING OF SYSTEM.—If the Secretary of the Army makes the certification described by subsection (a) of section 117 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–18; 122 Stat. 26) with respect to the Stryker Mobile Gun System, or the Secretary of Defense waives pursuant to subsection (b) of such section the limitations under subsection (a) of such section with respect to the Stryker Mobile Gun System, the Secretary of Defense shall, through the Director of Operational Test and Evaluation, ensure that the Stryker Mobile Gun System is subject to testing to confirm the efficacy of any actions necessary to mitigate operational effectiveness, suitability, and survivability deficiencies identified in Initial Operational Test and Evaluation and Live Fire Test and Evaluation.

(b) QUARTERLY REPORTS.—

(1) REPORTS REQUIRED.—The Secretary of the Army shall submit to the congressional defense committees on a quarterly basis a report setting forth the following:

(A) The status of any necessary mitigating actions taken by the Army to address deficiencies in the Stryker Mobile Gun System that are identified by the Director of Operational Test and Evaluation.

(B) An assessment of the efficacy of the actions described by subparagraph (A).

(C) A statement of additional actions needed to be taken, if any, to mitigate operational deficiencies in the Stryker Mobile Gun System.

(D) A compilation of all hostile fire engagements resulting in damage to the vehicle, resulting in a non-mission capable status of the Stryker Mobile Gun System.

(2) CONSULTATION.—The Secretary shall submit each report required by paragraph (1) in consultation with the Director of Operational Test and Evaluation.

(3) FORM.—Each report required by paragraph (1) may be submitted in unclassified or classified form.

(c) EXPANSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF SYSTEM.—Section 117(a) of the National Defense Authorization Act for Fiscal Year 2008 is amended by striking ''by sections 101(3) and 1501(3)'' and inserting ''by this Act or any other Act.''.

SEC. 112. PROCUREMENT OF SMALL ARMS.

(a) REPORT ON CAPABILITIES BASED ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of small arms by the Army Training and Doctrine Command.

(2) LIMITATION ON USE OF CERTAIN FUNDS PENDING REPORT.—Not more than 75 percent of the aggregate amount authorized to be appropriated for the Department of Defense for fiscal year 2009 and available for the Guardrail Common Sensor program may be obligated for that program until after the Secretary of the Army submits to the congressional defense committees a report required under paragraph (1).

(b) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on selection criteria that reflect the key performance parameters and attributes identified in an Army-approved service requirements document.

(c) REPORT ON PROCUREMENT OF CARBINE-TYPE RIFLES.—Not later than 120 days after the date of the enactment of this Act, Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a carbine-type rifle requirement that does not require commonality with existing technical data.

(2) A full and open competition leading to the award of contracts for carbine-type rifles in lieu of a developmental program intended to meet the proposed carbine-type rifle requirement.

(3) The reprogramming of funds for the procurement of small arms from the procurement of M4 Carbines to the procurement of carbine-type rifles authorized only as the result of competition.

(4) The use of rapid equipping authority to procure carbine-type rifles under $2,000 per unit that meet service-approved requirements, which weapons may be nondevelopmental items selected through full and open competition.

Subtitle C—Navy Programs

SEC. 131. AUTHORITY FOR ADVANCED PROCUREMENT AND CONSTRUCTION OF COMPONENTS FOR THE VIRGINIA-CLASS SUBMARINE PROGRAM.

Section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 26) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADVANCE PROCUREMENT AND CONSTRUCTION OF COMPONENTS.—The Secretary may enter into one or more contracts for advance procurement and advance construction of those components for the Virginia-class submarine program for which authorization to enter into a multiyear procurement contract is granted under subsection (a) if the Secretary determines that cost savings or construction efficiencies may be achieved for Virginia-class submarines through the use of such contracts.''.

SEC. 132. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. THEODORE ROOSEVELT.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2009 by section 102(a)(3) for shipbuilding and conversion, Navy, $124,500,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt (CVN–71) during fiscal year 2009.

(2) FIRST INCREMENT.—The amount made available under paragraph (1) is the first increment of the three increments of funding planned to be available for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may enter into a contract during fiscal year 2009 for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(2) CONDITION ON OUT-YEAR CONTRACT PAYMENTS.—The contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2009 is subject to the availability of appropriations for that purpose for such fiscal year.

Subtitle D—Air Force Programs

SEC. 151. F–22A FIGHTER AIRCRAFT.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force, $497,000,000 shall be available, at the election of the President, for either, but not both, of the following:

(1) Advance procurement of F–22A fighter aircraft in fiscal year 2010.

(2) Winding down of the production line for F–22A fighter aircraft.

(b) CERTIFICATION.—

(1) IN GENERAL.—The amount referred to in subsection (a) shall not be available for the purpose elected by the President under that subsection until the President certifies to the congressional defense committees the following (as applicable):

(A) That procurement of F–22A fighter aircraft is in the national interests of the United States.

(B) That the winding down of the production line for F–22A fighter aircraft is in the national interests of the United States.

(2) DATE OF SUBMITTAL.—Any certification submitted under this subsection may not be submitted before January 21, 2009.

Subtitle E—Joint and Multiservice Matters

SEC. 171. ANNUAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 231 the following new section:

''§ 231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification

''(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for each fiscal year—

''(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy and the Department of the Air Force developed in accordance with this section; and

''(2) a certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

''(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

''(1) Fighter aircraft.

''(2) Attack aircraft.

''(3) Bomber aircraft.

''(4) Strategic lift aircraft.

''(5) Intratheater lift aircraft.

''(6) Intelligence, surveillance, and reconnaissance aircraft.

''(7) Tanker aircraft.

''(8) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

''(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time the plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then the plan should be designed so that the aviation force provided for under the plan is capable of supporting the aviation force structure recommended in the report of the most recent Quadrennial Defense Review.

''(2) Each annual aircraft procurement plan shall include the following:

''(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy and the Department of the Air Force over the next 30 fiscal years.

''(B) A description of the necessary aviation force structure to meet the requirements of the national security strategy of

the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

''(D) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy and the Department of the Air Force meet the national security requirements of the United States.

''(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for either the Department of the Navy or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

''(e) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:

''231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification.''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,855,210,000.

(2) For the Navy, $19,442,192,000.

(3) For the Air Force, $28,322,477,000.

(4) For Defense-wide activities, $21,113,501,000, of which $188,772,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $11,895,180,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in programs elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. REQUIREMENT FOR PLAN ON OVERHEAD NONIMAGING INFRARED SYSTEMS.

(a) IN GENERAL.—The Secretary of the Air Force shall develop a comprehensive plan to conduct and support research, development, and demonstration of technologies that could evolve into the next generation of overhead nonimaging infrared systems.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) The research objectives to be achieved under the plan.

(2) An estimate of the duration of the research, development, and demonstration of technologies under the plan.

(3) The cost and duration of any flight or on-orbit demonstrations of the technologies being developed.

(4) A plan for implementing an acquisition program with respect to technologies determined to be successful under the plan.

(5) An identification of the date by which a decision must be made to begin a follow-on program and a justification for the date identified.

(6) A schedule for completion of a full analysis of the on-orbit performance characteristics of the Space-Based Infrared System and the Space Tracking and Surveillance System, and an assessment of how the performance characteristics of such systems will inform the decision to proceed to a next generation overhead nonimaging infrared system.

(c) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THIRD GENERATION INFRARED SURVEILLANCE PROGRAM.—Not more than 50 percent of the amounts authorized to be appropriated for fiscal year 2009 by section 201(3) for research, development, test, and evaluation for the Air Force and available for the Third Generation Infrared Surveillance program may be obligated or expended until the date that is 30 days after the date on which the Secretary submits to the congressional defense committees the plan required by subsection (a).

SEC. 212. ADVANCED BATTERY MANUFACTURING AND TECHNOLOGY ROADMAP.

(a) ROADMAP REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of Energy, develop a multi-year roadmap to develop advanced battery technologies and sustain domestic advanced battery manufacturing capabilities and an assured supply chain necessary to ensure that the Department of Defense has assured access to advanced battery technologies to support current military requirements and emerging military needs.

(b) ELEMENTS.—The roadmap required by subsection (a) shall include, but not be limited to, the following:

(1) An identification of current and future capability gaps, performance enhancements, cost savings goals, and assured technology access goals that require advances in battery technology and manufacturing capabilities.

(2) Specific research, technology, and manufacturing goals and milestones, and timelines and estimates of funding necessary for achieving such goals and milestones.

(3) Specific mechanisms for coordinating the activities of Federal agencies, State and local governments, coalition partners, private industry, and academia covered by the roadmap.

(4) Such other matters as the Secretary of Defense and the Secretary of Energy consider appropriate for purposes of the roadmap.

(c) COORDINATION.—

(1) IN GENERAL.—The roadmap required by subsection (a) shall be developed in coordination with the military departments, appropriate Defense Agencies and other elements and organizations of the Department of Defense, other appropriate Federal, State, and local government organizations, and appropriate representatives of private industry and academia.

(2) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense shall ensure that appropriate elements and organizations of the Department of Defense provide such information and other support as is required for the development of the roadmap.

(d) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the congressional defense committees the roadmap required by subsection (a) not later than one year after the date of the enactment of this Act.

SEC. 213. AVAILABILITY OF FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish mechanisms under which the director of a defense laboratory may utilize an amount equal to not more than three percent of all funds available to the defense laboratory for the following purposes:

(A) To fund innovative basic and applied research at the defense laboratory in support of military missions.

(B) To fund development programs that support the transition of technologies developed by the defense laboratory into operational use.

(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with scientific and engineering expertise required by the defense laboratory.

(2) CONSULTATION REQUIRED.—The mechanisms established under paragraph (1) shall provide that funding shall be utilized under paragraph (1) at the discretion of the director of a defense laboratory in consultation with the science and technology executive of the military department concerned.

(b) ANNUAL REPORT ON USE OF AUTHORITY.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by such report, the following:

(A) A current description of the mechanisms under subsection (a).

(B) A statement of the amount of funding made available by each defense laboratory for research and development described in subsection (a)(1).

(C) A description of the investments made by each defense laboratory utilizing funds under subsection (a).

(D) A description and assessment of any improvements in the performance of the defense laboratories as a result of investments described under subparagraph (C).

(E) A description and assessment of the contributions of the research and development conducted by the defense laboratories

utilizing funds under subsection (a) to the development of needed military capabilities.

(F) A description of any modification to the mechanisms under subsection (a) that are required or proposed to be taken to enhance the efficacy of the authority under subsection (a) to support military missions.

SEC. 214. ASSURED FUNDING FOR CERTAIN INFORMATION SECURITY AND INFORMATION ASSURANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Of the amount authorized to be appropriated for each fiscal year after fiscal year 2008 for a program specified in subsection (b), not less than the amount equal to one percent of such amount shall be available in such fiscal year for the establishment or conduct under such program of a program or activities to—

(1) anticipate advances in information technology that will create information security challenges for the Department of Defense when fielded; and

(2) identify and develop solutions to such challenges.

(b) COVERED PROGRAMS.—The programs specified in this subsection are the programs described in the budget justification documents submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted pursuant to section 1105(a) of title 31, United States Code) as follows:

(1) The Information Systems Security Program of the Department of Defense.

(2) Each other Department of Defense information assurance program.

(3) Any program of the Department of Defense under the Comprehensive National Cybersecurity Initiative that is not funded by the National Intelligence Program.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts available under subsection (a) for a fiscal year for the programs and activities described in that subsection are in addition to any other amounts available for such fiscal year for the programs specified in subsection (b) for research and development relating to new information assurance technologies.

SEC. 215. REQUIREMENTS FOR CERTAIN AIRBORNE INTELLIGENCE COLLECTION SYSTEMS.

(a) IN GENERAL.—Except as provided pursuant to subsection (b), effective as of October 1, 2012, each airborne intelligence collection system of the Department of Defense that is connected to the Distributed Common Ground/Surface System shall have the capability to operate with the Network-Centric Collaborative Targeting System.

(b) EXCEPTIONS.—The requirement in subsection (a) with respect to a particular airborne intelligence collection system may be waived by the Chairman of the Joint Requirements Oversight Council under section 181 of title 10, United States Code. Waivers under this subsection shall be made on a case-by-case basis.

Subtitle C—Missile Defense Programs

SEC. 231. REVIEW OF THE BALLISTIC MISSILE DEFENSE POLICY AND STRATEGY OF THE UNITED STATES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the ballistic missile defense policy and strategy of the United States.

(b) ELEMENTS.—The matters addressed by the review required by subsection (a) shall include, but not be limited to, the following:

(1) The ballistic missile defense policy of the United States in relation to the overall national security policy of the United States.

(2) The ballistic missile defense strategy and objectives of the United States in relation to the national security strategy of the United States and the military strategy of the United States.

(3) The organization, discharge, and oversight of acquisition for the ballistic missile defense programs of the United States.

(4) The roles and responsibilities of the military departments in the ballistic missile defense programs of the United States.

(5) The process for determining requirements for missile defense capabilities under the ballistic missile defense programs of the United States, including input from the joint military requirements process.

(6) The process for determining the force structure and inventory objectives for the ballistic missile defense programs of the United States.

(7) Standards for the military utility, operational effectiveness, suitability, and survivability of the ballistic missile defense systems of the United States.

(8) The affordability and cost-effectiveness of particular capabilities under the ballistic missile defense programs of the United States.

(9) The objectives, requirements, and standards for test and evaluation with respect to the ballistic missile defense programs of the United States.

(10) Accountability, transparency, and oversight with respect to the ballistic missile defense programs of the United States.

(11) The role of international cooperation on missile defense in the ballistic missile defense policy and strategy of the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than January 31, 2010, the Secretary shall submit to Congress a report setting forth the results of the review required by subsection (a).

(2) FORM.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) IN GENERAL.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of major components of a long-range missile defense system in a European country until each of the following conditions have been met:

(1) The government of the country in which such major components of such missile defense system (including interceptors and associated radars) are proposed to be deployed has given final approval (including parliamentary ratification) to any missile defense agreements negotiated between such government and the United States Government concerning the proposed deployment of such components in such country.

(2) 45 days have elapsed following the receipt by Congress of the report required by section 226(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 42).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of accomplishing its mission in an operationally effective manner.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

SEC. 233. AIRBORNE LASER SYSTEM.

(a) REPORT ON DIRECTOR OF OPERATIONAL TEST AND EVALUATION ASSESSMENT OF TESTING.—Not later than January 15, 2010, the Director of Operational Test and Evaluation shall—

(1) review and evaluate the testing conducted on the first Airborne Laser system aircraft, including the planned shootdown demonstration testing; and

(2) submit to the Secretary of Defense and to Congress an assessment by the Director of the operational effectiveness, suitability, and survivability of the Airborne Laser system.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR LATER AIRBORNE LASER SYSTEM AIRCRAFT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the procurement of a second or subsequent aircraft for the Airborne Laser system program until the Secretary of Defense, after receiving the assessment of the Director of Operational Test and Evaluation under subsection (a)(2), submits to Congress a certification that the Airborne Laser system has demonstrated, through successful testing and operational and cost analysis, a high probability of being operationally effective, suitable, survivable, and affordable.

SEC. 234. ANNUAL DIRECTOR OF OPERATIONAL TEST AND EVALUATION CHARACTERIZATION OF OPERATIONAL EFFECTIVENESS, SUITABILITY, AND SURVIVABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) ANNUAL CHARACTERIZATION.—Section 232(h) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of Operational Test and Evaluation shall also each year characterize the operational effectiveness, suitability, and survivability of the ballistic missile defense system, and its elements, that have been fielded or tested before the end of the preceding fiscal year.''; and

(3) in paragraph (3), as redesignated by paragraph (1) of this subsection, by inserting ''and the characterization under paragraph (2)'' after ''the assessment under paragraph (1)''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: ''ANNUAL OT&E ASSESSMENT AND CHARACTERIZATION OF CERTAIN BALLISTIC MISSILE DEFENSE MATTERS.—''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 235. INDEPENDENT ASSESSMENT OF BOOST-PHASE MISSILE DEFENSE PROGRAMS.

(a) INDEPENDENT ASSESSMENT REQUIRED.—Not later than 60 days after the date of the

enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences under which the Academy shall conduct an independent assessment of the boost-phase ballistic missile defense programs of the United States.

(b) ELEMENTS.—The assessment required by subsection (a) shall consider the following:

(1) The extent to which boost-phase missile defense is feasible, practical, and affordable.

(2) Whether any of the existing boost-phase missile defense technology demonstration efforts of the Department of Defense (particularly the Airborne Laser and the Kinetic Energy Interceptor) have a high probability of performing a boost-phase missile defense mission in an operationally effective, suitable, survivable, and affordable manner.

(c) FACTORS TO BE CONSIDERED.—In conducting the assessment required by subsection (a), the factors considered by the National Academy of Sciences shall include, but not be limited to, the following:

(1) Operational considerations, including the need and ability to be deployed in a particular operational position at a particular time to be effective.

(2) Geographic considerations, including limitations on the ability to deploy systems within operational range of potential targets.

(3) Command and control considerations, including short timelines for detection, decision-making, and engagement.

(4) Concepts of operations.

(5) Whether there is a potential for an engaged threat missile or warhead to land on an unintended target outside of the launching nation.

(6) Effectiveness against countermeasures, and mission effectiveness in destroying threat missiles and their warheads.

(7) Reliability, availability, and maintainability.

(8) Cost and cost-effectiveness.

(9) Force structure requirements.

(d) REPORT.—

(1) IN GENERAL.—Upon the completion of the assessment required by subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment. The report shall include such recommendations regarding the future direction of the boost-phase ballistic missile defense programs of the United States as the Academy considers appropriate.

(2) FORM.—The report under paragraph (1) shall be submitted to the congressional defense committees in unclassified form, but may include a classified annex.

(e) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $3,500,000 is available for the assessment required by subsection (a).

SEC. 236. STUDY ON SPACE-BASED INTERCEPTOR ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) IN GENERAL.—Not later than 75 days after the date of the enactment of this Act, the Secretary of Defense shall, after consultation with the chair and ranking member of the Committee on Armed Services of the Senate and of the Committee on Armed Services of the House of Representatives, enter into a contract with one or more independent entities under which the entity or entities shall conduct an independent assessment of the feasibility and advisability of developing a space-based interceptor element to the ballistic missile defense system.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An assessment of the need for a space-based interceptor element to the ballistic missile defense system, including an assessment of—

(A) the extent to which there is a ballistic missile threat that—

(i) such a space-based interceptor element would address; and

(ii) other elements of the ballistic missile defense system would not address;

(B) whether other elements of the ballistic missile defense system could be modified to meet the threat described in subparagraph (A) and the modifications necessary for such elements to meet that threat; and

(C) any other alternatives to the development of such a space-based interceptor element.

(2) An assessment of the components and capabilities and the maturity of critical technologies necessary to make such a space-based interceptor element operational.

(3) An estimate of the total cost for the life cycle of such a space-based interceptor element, including the costs of research, development, demonstration, procurement, deployment, and launching of the element.

(4) An assessment of the effectiveness of such a space-based interceptor element in intercepting ballistic missiles and the survivability of the element in case of attack.

(5) An assessment of possible debris generated from the use or testing of such a space-based interceptor element and any effects of such use or testing on other space systems.

(6) An assessment of any treaty or policy implications of the development or deployment of such a space-based interceptor element.

(7) An assessment of any command, control, or battle management considerations of using such a space-based interceptor element, including estimated timelines for the detection of ballistic missiles, decision-making with respect to the use of the element, and interception of the missile by the element.

(c) REPORT.—

(1) SUBMITTAL.—Upon completion of the independent assessment required under subsection (a), the entity or entities conducting the assessment shall submit contemporaneously to the Secretary of Defense, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report setting forth the results of the assessment.

(2) COMMENTS.—Not later than 60 days after the date on which the Secretary of Defense receives the report required under paragraph (1), the Secretary may submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives any comments on the report or any recommendations of the Secretary resulting from the report.

(3) FORM.—The report required under paragraph (1) and any comments and recommendations submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $5,000,000 shall be available to carry out the study required under subsection (a).

SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY–2 FORWARD-BASED X-BAND RADAR.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to $89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY–2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY–2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and nonrecurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—Other Matters

SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIVABILITY TESTING BY THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) AUTHORITY TO DESIGNATE ADDITIONAL SYSTEMS AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO TESTING.—Section 2366(e)(1) of title 10, United States Code, is amended by striking ''or conventional weapon system'' and inserting ''conventional weapon system, or other system or program designated by the Director of Operational Test and Evaluation for purposes of this section''.

(b) FORCE PROTECTION EQUIPMENT.—Section 139(b) of such title is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SEC. 252. BIENNIAL REPORTS ON JOINT AND SERVICE CONCEPT DEVELOPMENT AND EXPERIMENTATION.

(a) IN GENERAL.—Section 485 of title 10, United States Code, is amended to read as follows:

''§ 485. Joint and service concept development and experimentation

''(a) BIENNIAL REPORTS REQUIRED.—Not later than January 1 of each even numbered-year, the Commander of the United States Joint Forces Command shall submit to the congressional defense committees a report on the conduct and outcomes of joint and service concept development and experimentation.

''(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include the following:

''(1) A description of any changes since the latest report submitted under this section to each of the following:

''(A) The authority and responsibilities of the Commander of the United States Joint Forces Command with respect to joint concept development and experimentation.

''(B) The organization of the Department of Defense responsible for executing the mission of joint concept development and experimentation.

''(C) The process for tasking forces (including forces designated as joint experimentation forces) to participate in joint concept development and experimentation and the specific authority of the Commander over those forces.

''(D) The resources provided for initial implementation of joint concept development and experimentation, the process for providing such resources to the Commander, the categories of funding for joint concept development and experimentation, and the authority of the Commander for budget execution for joint concept development and experimentation activities.

''(E) The process for the development and acquisition of materiel, supplies, services, and equipment necessary for the conduct of joint concept development and experimentation.

''(F) The process for designing, preparing, and conducting joint concept development and experimentation.

''(G) The assigned role of the Commander for—

''(i) integrating and testing in joint concept development and experimentation the systems that emerge from warfighting experimentation by the armed forces and the Defense Agencies;

''(ii) assessing the effectiveness of organizational structures, operational concepts, and technologies relating to joint concept development and experimentation; and

''(iii) assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in setting priorities for requirements or acquisition programs in light of joint concept development and experimentation.

''(2) A description of the conduct of joint concept development and experimentation activities during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

''(3) A description of the conduct of concept development and experimentation activities of the military departments during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with commanders of the combatant commands and with other organizations and entities inside and outside the Department.

''(4) A description of the conduct of joint concept development and experimentation, and of concept development and experimentation of the military departments, during the two-year period ending on the date of such report with respect to the development of warfighting concepts for operational scenarios more than 10 years in the future, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

''(5) A description of the mechanisms used to coordinate joint, service, interagency, Coalition, and other appropriate concept development and experimentation activities.

''(6) An assessment of the return on investment in concept development and experimentation activities, including a description of the following:

''(A) Specific outcomes and impacts within the Department of the results of past joint and service concept development and experimentation in terms of new doctrine, operational concepts, organization, training, materiel, leadership, personnel, or the allocation of resources, or in activities that terminated support for legacy concepts, programs, or systems.

''(B) Specific actions taken by the Secretary of Defense to implement the recommendations of the Commander based on concept development and experimentation activities.

''(7) Such recommendations (based primarily based on the results of joint and service concept development and experimentation) as the Commander considers appropriate for enhancing the development of joint warfighting capabilities by modifying activities throughout the Department relating to—

''(A) the development or acquisition of specific advanced technologies, systems, or weapons or systems platforms;

''(B) key systems attributes and key performance parameters for the development or acquisition of advanced technologies and systems;

''(C) joint or service doctrine, organization, training, materiel, leadership development, personnel, or facilities;

''(D) the reduction or elimination of redundant equipment and forces, including the synchronization of the development and fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts; and

''(E) the development or modification of initial capabilities documents, operational requirements, and relative priorities for acquisition programs to meet joint requirements.

''(8) With respect to improving the effectiveness of joint concept development and experimentation capabilities, such recommendations (based primarily on the results of joint warfighting experimentation) as the Commander considers appropriate regarding—

''(A) the conduct of, adequacy of resources for, or development of technologies to support such capabilities; and

''(B) changes in authority for acquisition of materiel, supplies, services, equipment, and support from other elements of the Department of Defense for concept development and experimentation by joint or service organizations.

''(9) The coordination of the concept development and experimentation activities of the Commander of the United States Joint Forces Command with the activities of the Commander of the North Atlantic Treaty Organization Supreme Allied Command Transformation.

''(10) Any other matters that the Commander consider appropriate.

''(c) COORDINATION AND SUPPORT.—The Secretary of Defense shall ensure that the Secretaries of the military departments and the heads of other appropriate elements of the Department of Defense provide the Commander of the United States Joint Forces Command such information and support as is required to enable the Commander to prepare the reports required by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 485 and inserting the following new item:

''485. Joint and service concept development and experimentation.''.

SEC. 253. REPEAL OF ANNUAL REPORTING REQUIREMENT RELATING TO THE TECHNOLOGY TRANSITION INITIATIVE.

Section 2359a of title 10, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

SEC. 254. EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD TECHNOLOGY.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the Executive Agent of the Department of Defense for printed circuit board technology.

(b) SPECIFICATION OF ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The roles, responsibilities, and authorities of the Executive Agent designated under subsection (a) shall be as described in a directive issued by the Secretary of Defense for purposes of this section not later than one year after the date of the enactment of this Act.

(c) PARTICULAR ROLES AND RESPONSIBILITIES.—The roles and responsibilities described under subsection (b) for the Executive Agent designated under subsection (a) shall include the following:

(1) To develop and maintain a printed circuit board and interconnect technology roadmap that assures that the Department of Defense has access to manufacturing capabilities and expertise and technological capabilities necessary to meet future military requirements.

(2) To develop and recommend to the Secretary of Defense funding strategies that meet the recapitalization and investment requirements of the Department for printed circuit board and interconnect technology, which strategies shall be consistent with the roadmap developed under paragraph (1).

(3) To assure that continuing expertise in printed circuit board technical is available to the Department.

(4) To assess the vulnerabilities, trustworthiness, and diversity of the printed circuit board supply chain, including the development of trustworthiness requirements for printed circuit boards used in defense systems, and to develop strategies to address matters in that supply chain that are identified as a result of such assessment.

(5) To support technical assessments and analyses, especially with respect to acquisition decisions and planning, relating to printed circuit boards

(6) Such other roles and responsibilities as the Secretary considers appropriate.

(d) RESOURCES AND AUTHORITIES.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has the appropriate resources and authorities to perform the roles and responsibilities of the Executive Agent under this section.

(e) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has such support from the military departments, Defense Agencies, and other components of the Department of Defense as is required for the Executive Agent to perform the roles and responsibilities of the Executive Agent under this section.

SEC. 255. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE DEFENSE SCIENCE BOARD TASK FORCE ON DIRECTED ENERGY WEAPONS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of each of the findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(2) A detailed description of the response of the Department of Defense to each finding and recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement such recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of such recommendation; and

(B) for each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement such recommendation; and

(ii) a summary of the alternative actions, if any, the Secretary plans to take to address the purposes underlying such recommendation, if any.

(3) A summary of any additional actions, if any, the Secretary plans to take to address concerns raised by the Task Force, if any.

SEC. 256. ASSESSMENT OF STANDARDS FOR MISSION CRITICAL SEMICONDUCTORS PROCURED BY THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT OF METHODS FOR VERIFICATION OF TRUST OF SEMICONDUCTORS PROCURED FROM COMMERCIAL SOURCES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an assessment of various methods for verification of trust of the semiconductors procured by the Department of Defense from commercial sources for utilization in mission critical components of potentially vulnerable defense systems.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An identification of various existing methods for verification of trust of semiconductors that are suitable for Department of Defense purposes as described in subsection (a).

(2) An identification of various methods for verification of trust of semiconductors that are currently under development and have promise for suitability for Department of Defense purposes as described in subsection (a), including methods under development at the Defense Agencies, the national laboratories, and institutions of higher education, and in the private sector.

(3) A determination of the most suitable methods identified under paragraphs (1) and (2) for Department of Defense purposes as described in subsection (a).

(4) An assessment of additional research and technology development efforts necessary to develop methods for verification of trust of semiconductors to meet the needs of the Department of Defense.

(5) Any other matters that the Under Secretary considers appropriate for the verification of trust of semiconductors from commercial sources for utilization in mission critical components of any category or categories of vulnerable defense systems.

(c) CONSULTATION.—The Under Secretary shall conduct the assessment required by subsection (a) in consultation with appropriate elements of the Department of Defense, the intelligence community, private industry, and academia.

(d) EFFECTIVE DATE.—The assessment required by subsection (a) shall be completed not later than December 31, 2009.

(e) UPDATE.—The Under Secretary shall from time to time update the assessment required by subsection (a) to take into account advances in technology.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,282,460,000.

(2) For the Navy, $34,811,598,000.

(3) For the Marine Corps, $5,607,354,000.

(4) For the Air Force, $35,244,587,000.

(5) For Defense-wide activities, $25,926,564,000.

(6) For the Army Reserve, $2,642,641,000.

(7) For the Navy Reserve, $1,311,085,000.

(8) For the Marine Corps Reserve, $213,131,000.

(9) For the Air Force Reserve, $3,142,892,000.

(10) For the Army National Guard, $5,909,846,000.

(11) For the Air National Guard, $5,883,926,000.

(12) For the United States Court of Appeals for the Armed Forces, $13,254,000.

(13) For Environmental Restoration, Army, $447,776,000.

(14) For Environmental Restoration, Navy, $290,819,000.

(15) For Environmental Restoration, Air Force, $496,277,000.

(16) For Environmental Restoration, Defense-wide, $13,175,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $257,796,000.

(18) For Overseas Humanitarian, Disaster and Civic Aid programs, $83,273,000.

(19) For Cooperative Threat Reduction programs, $434,135,000.

(20) For Overseas Contingency Operations Transfer Fund, $9,101,000.

Subtitle B—Environmental Provisions

SEC. 311. EXPANSION OF COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.

Section 103a(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended by striking ''to provide for the maintenance and improvement'' and all that follows through the period at the end and inserting the following: ''to provide for one or both of the following:

''(1) The maintenance and improvement of natural resources on, or to benefit natural and historic research on, Department of Defense installations.

''(2) The maintenance and improvement of natural resources outside of Department of Defense installations if the purpose of the cooperative agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military activities.''.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $64,049.40 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 313. COMPREHENSIVE PROGRAM FOR THE ERADICATION OF THE BROWN TREE SNAKE POPULATION FROM MILITARY FACILITIES IN GUAM.

The Secretary of Defense shall establish a comprehensive program to control and, to the extent practicable, eradicate the brown tree snake population from military facilities in Guam and to ensure that military activities, including the transport of civilian and military personnel and equipment to and from Guam, do not contribute to the spread of brown tree snakes.

Subtitle C—Workplace and Depot Issues

SEC. 321. AUTHORITY TO CONSIDER DEPOT-LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.

Section 2474 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) CONSIDERATION OF DEPOT LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.—Depot-level maintenance and repair work performed at a Center of Industrial and Technical Excellence by Federal Government employees using equipment furnished by contractors or by Federal Government employees utilizing facilities leased by the Government may be considered as workload necessary to maintain core logistics capability for purposes of section 2464 of this title if the depot-level maintenance and repair workload is the subject of a public-private partnership entered into pursuant to subsection (b).''.

SEC. 322. MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

(a) ADDITIONAL ARMY DEPOTS.—Subsection (e)(1) of section 2476 of title 10, United States Code, is amended by adding at the end the following new subparagraphs:

''(F) Watervliet Arsenal, New York.

''(G) Rock Island Arsenal, Illinois.

''(H) Pine Bluff Arsenal, Arkansas.''.

(b) SEPARATE CONSIDERATION AND REPORTING OF NAVY DEPOTS AND MARINE CORPS DEPOTS.—Such section is further amended—

(1) in subsection (d)(2), by adding at the end the following new subparagraph:

''(D) Separate consideration and reporting of Navy Depots and Marine Corps depots.''; and

(2) in subsection (e)(2)—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin;

(B) by inserting after ''Department of the Navy:'' the following:

''(A) The following Navy depots:'';

(C) by inserting after clause (vii), as redesignated by subparagraph (A), the following:

''(B) The following Marine Corps depots:''; and

(D) by redesignating subparagraphs (H) and (I) as clauses (i) and (ii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin.

Subtitle D—Reports

SEC. 331. ADDITIONAL INFORMATION UNDER ANNUAL SUBMISSIONS OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.

Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''$30,000,000 and an estimated total life cycle cost'' and inserting ''$30,000,000 or an estimated total life cycle cost''; and

(B) by adding at the end the following new paragraph:

''(3) Information technology capital assets not covered by paragraphs (1) and (2) that have been determined by the Chief Information Officer of the Department of Defense to be significant investments.'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) REQUIRED INFORMATION FOR SIGNIFICANT INVESTMENTS.—With respect to each information technology capital asset not covered by paragraph (1) or (2) of subsection (a), but covered by paragraph (3) of that subsection, the Secretary of Defense shall include such information in a format that is appropriate to the current status of such asset.''.

Subtitle E—Other Matters

SEC. 341. MITIGATION OF POWER OUTAGE RISKS FOR DEPARTMENT OF DEFENSE FACILITIES AND ACTIVITIES.

(a) RISK ASSESSMENT.—The Secretary of Defense shall conduct a comprehensive technical and operational risk assessment of the risks posed to mission critical installations, facilities, and activities of the Department of Defense by extended power outages resulting from failure of the commercial electricity grid and related infrastructure.

(b) RISK MITIGATION PLANS.—

(1) IN GENERAL.—The Secretary of Defense shall develop integrated prioritized plans to eliminate, reduce, or mitigate significant risks identified in the risk assessment under subsection (a).

(2) MITIGATION GOALS.—In developing the risk mitigation plans under paragraph (1), the Secretary of Defense shall prioritize the mission critical installations, facilities, and activities that are subject to the greatest and most urgent risks.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit a report on the efforts of the Department of Defense to mitigate the risks described in subsection (a) as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) CONTENT.—Each report submitted under paragraph (1) shall describe the integrated prioritized plans developed under subsection (b) and the progress made toward achieving the goals established under such subsection.

SEC. 342. INCREASED AUTHORITY TO ACCEPT FINANCIAL AND OTHER INCENTIVES RELATED TO ENERGY SAVINGS AND NEW AUTHORITY RELATED TO ENERGY SYSTEMS.

(a) ENERGY SAVINGS.—Section 2913(c) of title 10, United States Code, is amended by inserting ''or a State or local government'' after ''gas or electric utility''.

(b) ENERGY SYSTEMS.—Section 2915 of such title is amended by adding at the end the following new subsection:

''(f) ACCEPTANCE OF FINANCIAL INCENTIVES, FINANCIAL ASSISTANCE, AND SERVICES.—The Secretary of Defense may authorize any military installation to accept any financial incentive, financial assistance, or services generally available from a gas or electric utility or State or local government to use or construct an energy system using solar energy or other renewable form of energy if the use or construction of the system is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title.''.

SEC. 343. RECOVERY OF IMPROPERLY DISPOSED OF DEPARTMENT OF DEFENSE PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2790. Recovery of improperly disposed of Department of Defense property

''(a) PROHIBITION.—No member of the armed forces, civilian employee of the United States Government, contractor personnel, or other person may sell, lend, pledge, barter, or give any clothing, arms, articles, equipment, or other military or Department of Defense property except in accordance with the statutes and regulations governing Government property.

''(b) TRANSFER OF TITLE OR INTEREST INEFFECTIVE.—If property has been disposed of in violation of subsection (a), the person holding the property has no right or title to, or interest in, the property.

''(c) AUTHORITY FOR SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If any person is in the possession of military or Department of Defense property without right or title to, or interest in, the property because it has been disposed of in violation of subsection (a), any Federal, State, or local law enforcement official may seize the property wherever found.

''(d) INAPPLICABILITY TO CERTAIN PROPERTY.—Subsections (b) and (c) shall not apply to property on public display by public or private collectors or museums in secured exhibits.

''(e) DETERMINATIONS OF VIOLATIONS.—(1) The appropriate district court of the United States shall have jurisdiction, regardless of the current approximated or estimated value of the property, to determine whether property was disposed of in violation of subsection (a). Any such determination shall be by a preponderance of the evidence.

''(2) In the case of property, the possession of which could undermine national security or create a hazard to public health or safety, the determination under paragraph (1) may be made after the seizure of the property. If the person from whom the property is seized is found to have been lawfully in possession of the property and the return of the property could undermine national security or create a hazard to public health or safety, the Secretary of Defense shall reimburse the person for the fair value for the property.

''(f) DELIVERY OF SEIZED PROPERTY.—Any law enforcement official who seizes property under subsection (c) and is not authorized to retain it for the United States shall deliver the property to an authorized member of the armed forces or other authorized official of the Department of Defense or the Department of Justice.

''(g) RETROACTIVE ENFORCEMENT AUTHORIZED.—This section shall apply to any military or Department of Defense property that is disposed of on or after January 1, 2002, in a manner that is not in accordance with statutes and regulations governing Government property in effect at the time of the disposal of the property.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting the following new item:

''2790. Recovery of improperly disposed of Department of Defense property.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2009, as follows:

(1) The Army, 532,400.

(2) The Navy, 325,300.

(3) The Marine Corps, 194,000.

(4) The Air Force, 316,771.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2009, as follows:

(1) The Army National Guard of the United States, 352,600.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 66,700.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,756.

(6) The Air Force Reserve, 67,400.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,950.

(2) The Army Reserve, 16,170.

(3) The Navy Reserve, 11,099.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,360.

(6) The Air Force Reserve, 2,733.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,003.

(4) For the Air National Guard of the United States, 22,459.

SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2009, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2009, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2009, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2009, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. INCREASED END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE ARMY NATIONAL GUARD AND ARMY RESERVE AND MILITARY TECHNICIANS (DUAL STATUS) OF THE ARMY NATIONAL GUARD.

(a) RESERVES ON ACTIVE DUTY IN SUPPORT OF ARMY NATIONAL GUARD AND ARMY RESERVE.—Notwithstanding the limitations specified in section 412 and subject to the provisions of this section, the number of Reserves authorized as of September 30, 2009, to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for purposes of organizing, administering, recruiting, instructing, or training the reserve components shall be the number as follows:

(1) In the case of the Army National Guard of the United States, the number authorized by section 412(1), plus an additional 2,110 Reserves.

(2) In the case of the Army Reserve, the number authorized by section 412(2), plus an additional 91 Reserves.

(b) MILITARY TECHNICIANS (DUAL STATUS) OF ARMY NATIONAL GUARD.—Notwithstanding the limitation specified in section 413(2) and subject to the provisions of this section, the minimum number of military technicians (dual status) as of September 30, 2009, for the Army National Guard of the United States (notwithstanding section 129 of title 10, United States Code) shall be the number otherwise specified in section 413(2), plus such additional number, not to exceed 1,170, military technicians (dual status) as the Secretary of the Army considers appropriate.

(c) ASSIGNMENT OF PERSONNEL UNDER ADDITIONAL END STRENGTHS.—Any personnel on duty or service under the additional end strengths authorized by subsection (a) or (b) may only be assigned to units of company size or below.

(d) FUNDING.—The costs of any personnel under the additional end strengths authorized by subsection (a) or (b) shall be paid from funds authorized to be appropriated for fiscal year 2009 by titles XV and XVI.

SEC. 417. MODIFICATION OF AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR AND LIEUTENANT COLONEL TO MEET NEW FORCE STRUCTURE REQUIREMENTS.

(a) AUTHORIZED STRENGTHS FOR MAJORS.—The table in section 12011(a)(1) of title 10, United States Code, is amended by striking the numbers in the column relating to ''Major'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''99
''103
''107
''111
''114
''117
''120
''123
''126
''129
''132
''134
''136
''138
''140
''142''.

(b) AUTHORIZED STRENGTHS FOR LIEUTENANT COLONELS.—The table in section 12011(a)(1) of such title is further amended by striking the numbers in the column relating to ''Lieutenant Colonel'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''63
''67
''70
''73
''76
''79
''82
''85
''88
''91
''94
''97
''100
''103
''106
''109''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel amounts as follows:

(1) For military personnel, $114,152,040,000.

(2) For contributions to the Medicare-Eligible Retiree Health Fund, $10,350,593,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. MODIFICATION OF DISTRIBUTION REQUIREMENTS FOR COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.

(a) INCREASE IN NUMBER OF OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Subsection (b) of section 525 of title 10, United States Code, is amended by striking ''16.3 percent'' each place it appears in paragraphs (1) and (2)(A) and inserting ''16.4 percent''.

(b) EXCLUSION OF CERTAIN RESERVE OFFICERS.—Such section is further amended by adding at the end the following new subsection:

''(g) The limitations of this section do not apply to a reserve general or flag officer who is on active duty under a call or order to active duty specifying a period of active duty of not longer than three years.''.

SEC. 502. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) GENERAL LIMITATIONS.—Subsection (a) of section 526 of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 222.

''(2) For the Navy, 159.

''(3) For the Air Force, 206.

''(4) For the Marine Corps, 59.''.

(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Secretary of Defense may designate up to 324 general officer and flag officer positions that are joint duty assignments for the purposes of chapter 38 of this title for exclusion from the limitations in subsection (a). Officers in positions so designated shall not be counted for the purposes of those limitations.

''(2) Unless the Secretary of Defense determines that a lower number is in the best interests of the nation, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

''(A) For the Army, 85.

''(B) For the Navy, 61.

''(C) For the Air Force, 76.

''(D) For the Marine Corps, 21.''.

(c) TEMPORARY EXCLUSION FOR CERTAIN TEMPORARY BILLETS.—Such section is further amended by inserting after subsection (b), as amended by subsection (b) of this section, the following new subsection:

''(c) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—(1) The limitations in subsection (a) do not apply to a general or flag officer assigned to a temporary joint duty assignment billet designated by the Secretary of Defense for purposes of this section.

''(2) A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period longer than one year.''.

(d) CONFORMING REPEAL OF LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE IN POSITIONS OUTSIDE THEIR OWN SERVICE.—

(1) REPEAL.—Section 721 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 721.

(e) ACQUISITION AND CONTRACTING BILLETS.—The Secretary of Defense, the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the chiefs of staff of the Armed Forces shall take appropriate actions to ensure that—

(1) not less than 12 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), serve in an acquisition position; and

(2) not less than 10 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), who serve in an acquisition position have significant contracting experience.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2010.

SEC. 503. CLARIFICATION OF JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG GRADES.

(a) IN GENERAL.—Subsection (a) of section 619a of title 10, United States Code, is amended by striking ''unless—'' and all that follows and inserting ''unless the officer has been designated as a joint qualified officer in accordance with section 661 of this title.''.

(b) EXCEPTIONS.—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a),'' and inserting ''subsection (a)''; and

(2) in paragraph (4), by striking ''if the officer's'' and all that follows and inserting ''if—

''(A) the officer's total consecutive years in joint duty assignments is not less than two years; and

''(B) the officer has successfully completed a program of education meeting the requirements for Phase II joint professional military education under subsections (b) and (c) of section 2155 of this title''.

(c) REPEAL OF SPECIAL RULE FOR NUCLEAR PROPULSION OFFICERS.—Such section is further amended by striking subsection (h).

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

''619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions.''.

SEC. 504. MODIFICATION OF AUTHORITIES ON LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) SERVICE EXCLUDABLE FROM TOUR LENGTH REQUIREMENTS.—Subsection (d) of section 664 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph (D):

''(D) a qualifying reassignment from a joint duty assignment—

''(i) for unusual personal reasons (including extreme hardship and medical conditions) beyond the control of the officer or the armed forces; or

''(ii) to another joint duty assignment immediately after—

''(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

''(II) the officer's position was eliminated in a reorganization.''; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).''.

(b) EXCLUSIONS OF SERVICE FROM COMPUTING AVERAGE TOUR LENGTHS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

''(A) Service described in subsection (c).

''(B) Service described in subsection (d).

''(C) Service described in subsection (f)(6).''.

(c) SERVICE CONTRIBUTING TOWARD FULL TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Accrued joint experience in joint duty assignments as described in subsection (g).'';

(2) in paragraph (4), by striking ''(except that'' and all that follows through ''at any time)''; and

(3) by striking paragraph (6) and inserting the following new paragraph (6):

''(6) Any subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.''.

(d) ACCRUAL OF JOINT EXPERIENCE.—Subsection (g) of such section is amended to read as follows:

''(g) ACCRUED JOINT EXPERIENCE.—Accrued joint experience that may be aggregated to equal a full tour of duty for purposes of subsection (f)(3) shall include such temporary duty in joint assignments, joint individual training, and participation in joint exercises, and for such periods, as shall be prescribed in regulations by the Secretary of Defense in consultation with the advice of the Chairman of the Joint Chiefs of Staff.''.

(e) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''accord'' and inserting ''award''; and

(B) by striking ''(f)(4), or (g)(2)'' and inserting ''or (f)(4)''; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

SEC. 505. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO MODIFICATION OF JOINT SPECIALTY REQUIREMENTS.

(a) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''JOINT SPECIALTY OFFICERS.—'' and inserting ''JOINT QUALIFIED OFFICERS.—''; and

(B) by striking ''officer with the joint specialty'' and inserting ''designated as a joint qualified officer''; and

(2) in subsection (b)(1), by striking ''do not have the joint specialty'' and inserting ''are not designated as joint qualified officers''.

(b) PROCEDURES FOR MONITORING CAREERS OF JOINT OFFICERS.—Section 665 of such title is amended—

(1) in subsection (a)(l)(A), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(2) in subsection (b)(1), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''.

(c) ANNUAL REPORTS.—Section 667 of such title is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) in subparagraph (B), by striking ''selection for the joint specialty but were not selected'' and inserting ''designation as joint qualified officers but were not designated'';

(2) in paragraph (2), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers'';

(3) in paragraph (3), by striking ''selected for the joint specialty'' each place it appears and inserting ''designated as joint qualified officers'';

(4) in paragraph (4)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) a comparison of—

''(i) the number of officers designated as joint qualified officers who had served in a joint duty assignment list billet and completed Phase II joint professional military education; with

''(ii) the number of officers designated as joint qualified officers based on their aggregated joint experiences and completion of Phase II joint professional military education.'';

(5) by striking paragraph (16);

(6) by redesignating paragraphs (5) through (15) as paragraphs (6) through (16), respectively;

(7) by inserting after paragraph (4) the following new paragraph (5):

''(5) The promotion rate for officers from within the promotion zone who are designated as joint qualified officers compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the armed force and for officers of the armed force concerned designated as joint qualified officers.'';

(8) in paragraph (7), as redesignated by paragraph (6) of this subsection—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(9) in paragraph (8), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(10) in paragraph (9), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(11) in paragraph (10), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(12) in paragraph (11), as so redesignated, by striking ''selection for the joint specialty'' and inserting ''designation as joint qualified officers'';

(13) in paragraph (14), as so redesignated—

(A) by striking ''paragraphs (5) through (9)'' and inserting ''paragraphs (6) through (10)''; and

(B) by striking ''having the joint specialty'' and inserting ''designated as joint qualified officers'';

(14) by redesignating paragraph (18) as paragraph (19); and

(15) by inserting after paragraph (17) the following new paragraph (18):

''(18) The number of officers in the grade of captain or above, or in the case of the Navy, lieutenant or above, certified at each level of joint qualification, with such numbers to be set forth separated for each armed force and for each covered grade of officer within each armed force.''.

SEC. 506. ELIGIBILITY OF RESERVE OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE AND OTHER REASONS.

(a) ELIGIBILITY.—Section 1187 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(2) in subsection (b), by striking ''on active duty'' in the matter preceding paragraph (1).

(b) CONFORMING AMENDMENT.—The heading of subsection (a) of such section is amended by striking ''ACTIVE DUTY OFFICERS'' and inserting ''IN GENERAL''.

SEC. 507. MODIFICATION OF AUTHORITY ON STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: ''The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.''.

(b) EXCLUSION FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525(a) of such title is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following new paragraph:

''(2) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title is in addition to the number that would otherwise be permitted for the Marine Corps for officers in grades above the brigadier general under the first sentence of paragraph (1).''.

SEC. 508. INCREASE IN NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES AIR FORCE ACADEMY.

Section 9331(b)(4) of title 10, United States Code, is amended by striking ''21 permanent professors'' and inserting ''25 permanent professors''.

SEC. 509. SERVICE CREDITABLE TOWARD RETIREMENT FOR THIRTY YEARS OR MORE OF SERVICE OF REGULAR WARRANT OFFICERS OTHER THAN REGULAR ARMY WARRANT OFFICERS.

Section 1305 of title 10, United States Code, is amended—

(1) in subsection (a), ''A regular warrant officer'' and inserting ''A regular Army warrant officer'';

(2) by redesignating subsections (b) and (c) as subsections (c), and (d), respectively;

(3) by inserting after subsection (a) the following new subsection (b);

''(b) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended, may be retired 60 days after the date on which he completes that service, except as provided by section 8301 of title 5.''; and

(4) in subsections (c) and (d), as redesignated by paragraph (2), by inserting ''or (b)'' after ''subsection (a)''.

SEC. 510. MODIFICATION OF REQUIREMENTS FOR QUALIFICATION FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.

(a) POSTHUMOUS COMMISSIONS.—Section 1521 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in line of duty'' each place it appears; and

(2) by adding at the end the following new subsection:

''(c) A commission issued under subsection (a) shall require a certification by the Secretary of the military department concerned that at the time of death the member was qualified for appointment to the next higher grade.''.

(b) POSTHUMOUS WARRANTS.—Section 1522 of such title is amended—

(1) in subsection (a), by striking ''in line of duty''; and

(2) by adding at the end the following new subsection:

''(c) A warrant issued under subsection (a) shall require a finding by the Secretary of the military department concerned that at the time of death the member was qualified for appointment to the next higher grade.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

Subtitle B—Enlisted Personnel Policy

SEC. 521. INCREASE IN MAXIMUM PERIOD OF REENLISTMENT OF REGULAR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM PERIOD.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''six years'' and inserting ''eight years''; and

(2) in paragraph (3)(A), by striking ''six years'' and inserting ''eight years''.

(b) CONFORMING AMENDMENT RELATING TO PAYMENT OF REENLISTMENT BONUS.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking ''six'' and inserting ''eight''.

Subtitle C—Reserve Component Management

SEC. 531. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF RESERVE GENERAL AND FLAG OFFICERS IN ACTIVE STATUS.

(a) EXCLUSION OF ARMY AND AIR FORCE OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (b) of section 12004 of title 10, United States Code, is amended by adding at the end the following new paragraph;

''(4) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the armed force concerned by subsection (a).''.

(b) EXCLUSION OF NAVY OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (c) of such section is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by striking the matter in paragraph (1) before the matter relating to line corps and inserting the following:

''(1) The following Navy reserve officers shall not be counted for purposes of this section:

''(A) Those counted under section 526 of this title.

''(B) Those serving in a joint duty assignment for purposes of chapter 38 of this title,

except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Navy in subsection (a).

''(2) Of the number of Navy reserve officers authorized by subsection (a), 40 are distributed among the line and staff corps as follows:''.

SEC. 532. EXTENSION TO OTHER RESERVE COMPONENTS OF ARMY AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.

Section 10216(f) of title 10, United States Code, is amended by inserting ''and the Secretary of the Air Force'' after ''Secretary of the Army''.

SEC. 533. INCREASE IN MANDATORY RETIREMENT AGE FOR CERTAIN RESERVE OFFICERS TO AGE 62.

(a) SELECTIVE SERVICE AND UNITED STATES PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10, United States Code, is amended by striking ''60 years'' and inserting ''62 years''.

(b) HEADQUARTERS AND RESERVE TECHNICIAN OFFICER PERSONNEL.—

(1) IN GENERAL.—Subsection (b) of section 14702 of such title is amended—

(A) in the subsection caption, by striking ''AGE 60'' and inserting ''AGE 62''; and

(B) by striking ''60 years'' and inserting ''62 years''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 14702. Retention on reserve active-status list of certain officers until age 62''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

''14702. Retention on reserve active-status list of certain officers until age 62.''.

SEC. 534. AUTHORITY FOR VACANCY PROMOTION OF NATIONAL GUARD AND RESERVE OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

Section 14317 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting ''(1)'' before ''Except as provided in subsection (e)''; and

(B) by striking ''unless'' in the first sentence and all that follows through the end of the subsection and inserting ''unless the officer—

''(A) is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty; or

''(B) has been ordered to or is serving on active duty in support of a contingency operation.

''(2) If the name of an officer is removed under paragraph (1) from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.''; and

(2) in subsection (e)(1)(B), by inserting ''or by examination for Federal recognition under title 32'' after ''this title''.

SEC. 535. AUTHORITY FOR RETENTION OF RESERVE COMPONENT CHAPLAINS AND MEDICAL OFFICERS UNTIL AGE 68.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking ''67 years'' and inserting ''68 years''.

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324(a) of title 32, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) in the case of a chaplain or medical officer, he becomes 68 years of age; or''.

SEC. 536. MODIFICATION OF AUTHORITIES ON DUAL DUTY STATUS OF NATIONAL GUARD OFFICERS.

(a) DUAL DUTY STATUS AUTHORIZED FOR ANY OFFICER ON ACTIVE DUTY.—Subsection (a)(2) of section 325 of title 32, United States Code, is amended by striking ''in command of a National Guard unit''.

(b) ADVANCE AUTHORIZATION AND CONSENT TO DUAL DUTY STATUS.—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADVANCE AUTHORIZATION AND CONSENT.—The President and the Governor of a State or Territory, or of the Commonwealth of Puerto Rico, or the commanding general of the District of Columbia National Guard, as applicable, may give the authorization or consent required by subsection (a)(2) with respect to an officer in advance for the purpose of establishing the succession of command of a unit.''.

SEC. 537. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) IN GENERAL.—Subsection (d) of section 509 of title 32, United States Code, is amended to read as follows:

''(d) MATCHING FUNDS REQUIRED.—(1) The amount of assistance provided by the Secretary of Defense to a State program of the Program for a fiscal year under this section may not exceed 60 percent of the costs of operating the State program during that fiscal year.

''(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 538. REPORT ON COLLECTION OF INFORMATION ON CIVILIAN SKILLS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability, utility, and cost effectiveness of the following:

(1) The collection by the Department of Defense of information on the civilian skills, qualifications, and professional certifications of members of the reserve components of the Armed Forces that are relevant to military manpower requirements.

(2) The establishment by each military department, and by the Department of Defense generally, of a system that would match billets and personnel requirements with members of the reserve components of the Armed Forces who have skills, qualifications, and certifications relevant to such billets and requirements.

(3) The establishment by the Department of Defense of one or more systems accessible by private employers who employ individuals with skills, qualifications, and certifications possessed by members of the reserve components of the Armed Forces to assist such employers in hiring and employing such members.

(4) Actions to ensure that employment information collected for and maintained in the Civilian Employment Information database of the Department of Defense is current and accurate.

(5) Actions to incorporate any matter determined feasible and advisable under paragraphs (1) through (4) into the Defense Integrated Military Human Resources System.

Subtitle D—Education and Training

SEC. 551. AUTHORITY TO PRESCRIBE THE AUTHORIZED STRENGTH OF THE UNITED STATES NAVAL ACADEMY.

(a) IN GENERAL.—Section 6954 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''4,000 or such higher number'' and inserting ''4,400 or such lower number''; and

(B) by striking ''under subsection (h)''; and

(2) by striking subsection (h).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to academic years at the United States Naval Academy after the 2007–2008 academic year.

SEC. 552. TUITION FOR ATTENDANCE OF CERTAIN INDIVIDUALS AT THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

Section 9314(c) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4)(A) The Institute shall charge tuition for the cost of instruction at the Institute for individuals described in subparagraph (B).

''(B) The individuals described in this subparagraph are any individuals, including civilian employees of the military departments other than the Air Force, of other components of the Department of Defense, and of other Federal agencies, receiving instruction at the Institute.

''(C) The cost of any tuition charged an individual under this paragraph shall be borne by the department, agency, or component sending the individual for instruction at the Institute.

''(5) Amounts received by the Institute for the instruction of students under this subsection shall be retained by the Institute and available to the Institute to cover the costs of such instruction. The source and disposition of such amounts shall be specifically identified in the records of the Institute.''.

SEC. 553. INCREASE IN STIPEND FOR BACCALAUREATE STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS UNDER HEALTH PROFESSIONS STIPEND PROGRAM.

Section 16201 of title 10, United States Code, is amended—

(1) in subsection (e)(2)(A), by striking ''of $100 per month'' and inserting '', in an amount determined under subsection (f),''; and

(2) in subsection (f), by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (e)''.

SEC. 554. CLARIFICATION OF DISCHARGE OR RELEASE TRIGGERING DELIMITING PERIOD FOR USE OF EDUCATIONAL ASSISTANCE BENEFIT FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

Section 16164(a)(2) of title 10, United States Code, is amended by striking ''other than dishonorable conditions'' and inserting ''honorable conditions''.

SEC. 555. PAYMENT BY THE SERVICE ACADEMIES OF CERTAIN EXPENSES ASSOCIATED WITH PARTICIPATION IN ACTIVITIES FOSTERING INTERNATIONAL COOPERATION.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding the following new section:

"§ 2016. Service academies: payment of expenses of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad

''(a) PAYMENT OF EXPENSES OF CERTAIN FOREIGN VISITORS.—The Superintendent of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy may, if such Superintendent considers it necessary in the interests of international cooperation, pay the following:

''(1) Travel, subsistence, and special compensation of officers, students, and representatives of foreign countries visiting the service academy concerned.

''(2) Other hosting and entertainment expenses in connection with foreign visitors to the service academy concerned.

''(b) PER DIEM FOR CADETS AND MIDSHIPMEN TRAVELING OR STUDYING ABROAD.—A cadet at the United States Military Academy or the United States Air Force Academy, and a midshipman at the United States Naval Academy, who travels or studies abroad in a program to enhance language skills or cultural understanding may be paid per diem in connection with such travel or study at a rate lower than the rate authorized by the Joint Federal Travel Regulations if the Superintendent of the service academy concerned determines that payment of per diem at such lower rate is in the best interest of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

''2016. Service academies: payment of costs of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad.''.

Subtitle E—Defense Dependents' Education Matters

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 563. TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

Subsection (d) of section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended to read as follows:

''(d) TRANSITION OF MILITARY DEPENDENTS AMONG LOCAL EDUCATIONAL AGENCIES.—(1) The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.

''(2) The Secretary of Defense may use funds of the Department of Defense Education Activity for purposes as follows:

''(A) To share expertise and experience of the Activity with local educational agencies as military dependent students make the transitions described in paragraph (1), including transitions resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

''(B) To provide programs for local educational agencies with military dependent students undergoing the transitions described in paragraph (1), including programs for training for teachers and access to distance learning courses for military dependent students who attend public schools in the United States.''.

Subtitle F—Military Family Readiness

SEC. 571. AUTHORITY FOR EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.

Section 1784 of title 10, United States Code, is amended by inserting at the end the following new subsection:

''(h) EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.—(1) The Secretary of Defense may carry out programs to provide or make available to eligible spouses of members of the armed forces education and training to facilitate the pursuit by such eligible spouses of a portable career.

''(2) In carrying out programs under this subsection, the Secretary may provide assistance utilizing funds available to carry out this section in accordance with such regulations as the Secretary shall prescribe for purposes of this subsection.

''(3) In this subsection:

''(A)(i) The term 'eligible spouse' means any person married to a member of the armed forces on active duty.

''(ii) The term does not include the following:

''(I) Any person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or possession of the United States.

''(II) Any person who is a member of the armed forces.

''(B) The term 'portable career' includes an occupation identified by the Secretary of Defense, in consultation with the Secretary of Labor, as requiring education and training that results in a credential that is recognized nationwide by industry or specific businesses.''.

Subtitle G—Other Matters

SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PREVENTION OF SUICIDES BY MEMBERS OF THE ARMED FORCES.

(a) POLICY REQUIRED.—Not later than August 1, 2009, the Secretary of Defense shall develop a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(b) PURPOSES.—The purposes of the policy required by this section shall be as follows:

(1) To ensure that investigations, analyses, and appropriate data collection can be conducted, across the military departments, on the causes and factors surrounding suicides by members of the Armed Forces.

(2) To develop effective strategies and policies for the education of members of the Armed Forces to assist in preventing suicides and suicide attempts by members of the Armed Forces.

(c) ELEMENTS.—The policy required by this section shall include, but not be limited to, the following:

(1) Requirements for investigations and data collection in connection with suicides by members of the Armed Forces.

(2) A requirement for the appointment by the appropriate military authority of a separate investigating officer to conduct an administrative investigation into each suicide by a member of the Armed Forces in accordance with the requirements specified under paragraph (1).

(3) Requirements for minimum information to be determined under each investigation pursuant to paragraph (2), including, but not limited to, the following:

(A) Any mental illness or other mental health condition, including Post Traumatic Stress Disorder (PTSD), of the member of the Armed Forces concerned at the time of the completion of suicide.

(B) Any other illness or injury of the member at the time of the completion of suicide.

(C) Any receipt of health care services, including mental health care services, by the member before the completion of suicide.

(D) Any utilization of prescription drugs by the member before the completion of suicide.

(E) The number, frequency, and dates of deployment of the member.

(F) The military duty assignment of the member at the time of the completion of suicide.

(G) Any observations by family members, health care providers, medical care managers, and other members of the Armed Forces of any symptoms of depression, anxiety, alcohol or drug abuse, or other relevant behavior in the member before the completion of suicide.

(H) The results of a psychological autopsy of the member, if conducted.

(4) A requirement for a report from each administrative investigation conducted pursuant to paragraph (2) which shall set forth the findings and recommendations resulting from such investigation.

(5) Procedures for the protection of the confidentiality of information contained in each report on an investigation pursuant to paragraph (4).

(6) A requirement that the Deputy Chief of Staff for Personnel of the military department concerned receive and analyze each report on an investigation pursuant to paragraph (4).

(7) The appointment by the Secretary of Defense of an appropriate official or executive agent within the Department of Defense to receive and analyze each report on an investigation pursuant to paragraph (4) in order to—

(A) identify trends or common causal factors in suicides by members of the Armed Forces; and

(B) advise the Secretary on means by which the suicide education and prevention strategies and programs of the military departments can respond appropriately and effectively to such trends and causal factors.

(8) A requirement for an annual report to the Secretary of Defense by each Secretary of a military department on the following:

(A) The results of investigations into suicide by members of the Armed Forces pursuant to paragraph (2) for each calendar year beginning with 2010.

(B) Actions taken to improve the suicide education and prevention strategies and programs of the military departments.

(d) CONSTRUCTION OF INVESTIGATION WITH OTHER INVESTIGATION REQUIREMENTS.—The investigation of the suicide by a member of the Armed Forces under the policy required by this section shall be in addition to any other investigation of the suicide required by law, including any investigation for criminal purposes.

(e) REPORT.—Not later than August 1, 2009, the Secretary of the Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy required by this section. The report shall include—

(1) a description of the policy; and

(2) a plan for the implementation of the policy throughout the Department of Defense.

SEC. 582. RELIEF FOR LOSSES INCURRED AS A RESULT OF CERTAIN INJUSTICES OR ERRORS OF THE DEPARTMENT OF DEFENSE.

(a) RELIEF AUTHORIZED.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127c, as added by section 1201 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2410), the following new section:

"§ 127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense

"(a) RELIEF AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary of Defense or the Secretary of the military department concerned may, upon a determination that a member or former member of the armed forces has suffered imprisonment as a result of an injustice or error of the Department of Defense or any of its employees acting in an official capacity following conviction by a court-martial, provide such relief on account of such error as such Secretary determines equitable and fair, including the payment of moneys to any person whom such Secretary determines is entitled to such moneys.

"(b) PAYMENT AS A MATTER OF SOLE DISCRETION.—The payment of any moneys under this section is within the sole discretion of the Secretary of Defense and the Secretaries of the military departments.

"(c) PAYMENT OF INTEREST.—The authority to pay moneys under this section includes the authority to pay interest on such moneys in amounts calculated in accordance with the regulations required under subsection (a).

"(d) FUNDS.—Amounts for the payment of moneys and interest under this section shall be derived from amounts available to the Secretary of Defense or the Secretary of the military department concerned for the payment of emergency and extraordinary expenses under section 127 of this title.

"(e) ANNUAL REPORTS.—Each annual report of the Secretary of Defense under section 127(d) of this title shall include a description of the disposition of each request for relief under this section during the fiscal year covered by such report, including a statement of the amount paid with respect to each finding of injustice or error warranting payment under this section during such fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 127c, as so added, the following new item:

"127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense.".

SEC. 583. PATERNITY LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) LEAVE AUTHORIZED.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces on active duty who is the husband of a woman who gives birth to a child may be given up to 21 days of leave to be used in connection with the birth of the child.

"(2) Leave under paragraph (1) is in addition to other leave authorized under the provisions of this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply only with respect to children born on or after that date.

SEC. 584. ENHANCEMENT OF AUTHORITIES ON PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN INTERNATIONAL SPORTS COMPETITIONS.

(a) IN GENERAL.—Section 717 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking "and the Olympic Games" and inserting "the Olympic Games, and the Military World Games";

(2) in subsection (b), by striking "subsections (c) and (d)" and inserting "subsections (c) and (e)";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "$3,000,000" and inserting "$6,000,000"; and

(ii) by striking "October 1, 1980" and inserting "October 1, 2008"; and

(B) in paragraph (2)—

(i) by striking "$100,00" and inserting "$200,000"; and

(ii) by striking "October 1, 1980" and inserting "October 1, 2008";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following new subsection (d):

"(d)(1) The Secretary of Defense may plan for the following:

"(A) The participation by military personnel in international sports activities and competitions as authorized by subsection (a).

"(B) The hosting of military international sports activities, competitions, and events such as the Military World Games.

"(2) Planning and other activities associated with hosting of international sports activities, competitions, and events under this subsection shall, to the maximum extent possible, be funded using appropriations available to the Department of Defense .".

(b) REPORT ON PLANNING FOR INTERNATIONAL SPORTS ACTIVITIES, COMPETITIONS, AND EVENTS.—

(1) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan for the following:

(A) The participation by personnel of the Department of Defense in international sports activities, competitions, and events (including the Pan American Games, the Olympic Games, the Paralympic Games, the Military World Games, other activities of the International Military Sports Council (CISM), and the Interallied Confederation of Reserve Officers (CIOR)) through fiscal year 2015.

(B) The hosting by the Department of Defense of military international sports activities, competitions, and events through fiscal year 2015.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A discussion of the military international sports activities, competitions, and events that the Department of Defense intends to seek to host, an estimate of the costs of hosting such activities, competitions, and events that the Department intends to seek to host, and a description of the sources of funding for such costs.

(B) A discussion of the use and replenishment of funds in the account in the Treasury for the Support for International Sporting Competitions for the hosting of such activities, competitions, and events that the Department intends to seek to host.

(C) A discussion of the support that may be obtained from other departments and agencies of the Federal Government, State and local governments, and private entities in encouraging participation of members of the Armed Forces in international sports activities, competitions, and events or in hosting of military international sports activities, competitions, and events.

(D) Such recommendations for legislative or administrative action as the Secretary considers appropriate to implement or enhance planning for the matters described in paragraph (1).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2008.

SEC. 585. PILOT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out a pilot program under which officers and enlisted members of the regular components of the Armed Forces under the jurisdiction of such Secretary may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

(2) PURPOSE.—The purpose of the pilot programs under this section shall be to evaluate whether permitting inactivation from active duty and greater flexibility in career paths for members of the Armed Forces will provide an effective means to enhance retention of members of the Armed Forces and the capacity of the Department of Defense to respond to the personal and professional needs of individual members of the Armed Forces.

(b) LIMITATION ON ELIGIBLE MEMBERS.—A member of the Armed Forces is not eligible to participate in a pilot program under this section during any period of service required of the member due to receipt of the following:

(1) An accession bonus for medical officers in critically short wartime specialties under section 302k of title 37, United States Code.

(2) An accession bonus for dental specialists in critically short wartime specialties under section 302l of title 37, United States Code.

(3) A retention bonus for members qualified in critical military skills or assigned to high priority units under section 355 of title 37, United States Code.

(c) LIMITATION ON NUMBER OF MEMBERS.—Not more than 20 officers and 20 enlisted members of an Armed Force may participate in a pilot program under this section at any one time.

(d) LIMITATION ON PERIOD OF INACTIVATION FROM ACTIVE DUTY.—The period of inactivation from active duty under the pilot program under this section of a member participating in the pilot program shall be such period as the Secretary concerned shall specify in the agreement of the member under subsection (e), except that such period may not exceed three years.

(e) AGREEMENT.—Each member of the Armed Forces who participates in a pilot program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement that member shall agree as follows:

(1) To accept an appointment or enlist, as applicable, and serve in the Ready Reserve of the Armed Force concerned during the period of the member's inactivation from active duty under the pilot program.

(2) To undergo during the period of the inactivation of the member from active duty under the pilot program such inactive duty training as the Secretary concerned shall require in order to ensure that the member retains appropriate proficiency in the member's military skills, professional qualifications, and physical readiness during the inactivation of the member from active duty.

(3) Following completion of the period of the inactivation of the member from active duty under the pilot program, to serve two months as a member of the Armed Forces on active duty for each month of the period of the inactivation of the member from active duty under the pilot program.

(f) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary of the military department concerned, a member of the Armed Forces participating in a pilot program under this section may, in the discretion of such Secretary, be required to terminate participation in the pilot program and be ordered to active duty.

(g) PAY AND ALLOWANCES.—

(1) BASIC PAY.—During each month of participation in a pilot program under this section, a member who participates in the pilot program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the member when the member commences participation in the pilot program.

(2) SPECIAL AND INCENTIVE PAYS.—

(A) PROHIBITION ON RECEIPT DURING PARTICIPATION.—A member who participates in a pilot program shall not, while participating in the pilot program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(B) TREATMENT OF REQUIRED SERVICE.—The inactivation from active duty of a member participating in a pilot program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(C) REVIVAL OF SPECIAL PAYS UPON RETURN TO ACTIVE DUTY.—Subject to subparagraph (D), upon the return of a member to active duty after completion by the member of participation in a pilot program—

(i) any agreement entered into by the member under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the pilot program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the pilot program; and

(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

(D) LIMITATIONS.—

(i) LIMITATION AT TIME OF RETURN TO ACTIVE DUTY.—Subparagraph (C) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active duty as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active duty.

(ii) CESSATION DURING LATER SERVICE.—Subparagraph (C) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (C)(i), such pay or bonus ceases being authorized by law.

(E) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (D)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37, United States Code.

(F) CONSTRUCTION OF REQUIRED SERVICE.—Any service required of a member under an agreement covered by this paragraph after the member returns to active duty as described in subparagraph (C) shall be in addition to any service required of the member under an agreement under subsection (e).

(3) CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES.—

(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a pilot program is entitled, while participating in the pilot program, to the travel and transportation allowances authorized by section 404 of title 37, United States Code, for—

(i) travel performed from the member's residence, at the time of release from active duty to participate in the pilot program, to the location in the United States designated by the member as his residence during the period of participation in the pilot program; and

(ii) travel performed to the member's residence upon return to active duty at the end of the member's participation in the pilot program.

(B) LIMITATION.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

(h) PROMOTION.—

(1) OFFICERS.—

(A) LIMITATION ON PROMOTION.—An officer participating in a pilot program under this section shall not, while participating in the pilot program, be eligible for consideration for promotion under chapter 36 or 1405 of title 10, United States Code.

(B) PROMOTION AND RANK UPON RETURN TO ACTIVE DUTY.—Upon the return of an officer to active duty after completion by the officer of participation in a pilot program—

(i) the Secretary concerned shall adjust the officer's date of rank in such manner as the Secretary of Defense shall prescribe in regulations for purposes of this section; and

(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

(2) ENLISTED MEMBERS.—An enlisted member participating in a pilot program shall not be eligible for consideration for promotion during the period that—

(A) begins on the date of the member's inactivation from active duty under the pilot program; and

(B) ends at such time after the return of the member to active duty under the pilot program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Secretary of the military department concerned shall prescribe in regulations for purposes of the pilot program.

(i) MEDICAL AND DENTAL CARE.—A member participating in a pilot program under this section shall, while participating in the pilot program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of the entitlement of the member and the member's dependents to medical and dental care under the provisions of chapter 55 of title 10, United States Code.

(j) TREATMENT OF PERIOD OF PARTICIPATION FOR PURPOSES OF RETIREMENT AND RELATED PURPOSES.—Any period of participation of a member in a pilot program under this section shall not count toward—

(1) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of title 10, United States Code;

(2) computation of retired or retainer pay under chapter 71 or 1223 of title 10, United States Code; or

(3) computation of total years of commissioned service under section 14706 of title 10, United States Code.

(k) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1 of each of 2010 and 2012, each Secretary of a military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs conducted by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs conducted under this section.

(3) ELEMENTS OF REPORT.—Each interim report and the final report under this subsection shall include the following:

(A) A description of each pilot program conducted under this section, including a description of the number of applicants for such pilot program and the criteria used to select individuals for participation in such pilot program.

(B) An assessment by the Secretary concerned of the pilot programs, including an evaluation of whether—

(i) the authorities of the pilot programs provided an effective means to enhance the retention of members of the Armed Forces possessing critical skills, talents, and leadership abilities;

(ii) the career progression in the Armed Forces of individuals who participate in the pilot program has been or will be adversely affected; and

(iii) the usefulness of the pilot program in responding to the personal and professional needs of individual members of the Armed Forces.

(C) Such recommendations for legislative or administrative action as the Secretary concerned considers appropriate for the modification or continuation of the pilot programs.

(l) DURATION OF PROGRAM AUTHORITY.—The authority to conduct a pilot program authorized by this section shall commence on January 1, 2009 and expire on December 31, 2014. No member of the Armed Forces may be in a period of inactivation from active duty under the pilot program after December 31, 2014.

SEC. 586. PROHIBITION ON INTERFERENCE IN INDEPENDENT LEGAL ADVICE BY THE LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

Section 156(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Legal Counsel''; and

(2) by adding at the end the following new paragraph:

''(2) No officer or employee of the Department of Defense may interfere with the ability of the Legal Counsel to give independent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff.''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during the fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by section 661(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) INCOME REPLACEMENT FOR RESERVE MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATIONS.—Section 910(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 616. PERMANENT EXTENSION OF PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(h) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''during any month covered by paragraph (3)''; and

(2) by striking paragraph (3).

SEC. 617. ACCESSION AND RETENTION BONUSES FOR THE RECRUITMENT AND RETENTION OF PSYCHOLOGISTS FOR THE ARMED FORCES.

(a) MULTIYEAR RETENTION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section:

''§ 301f. Multiyear retention bonus: psychologists of the armed forces

''(a) BONUS AUTHORIZED.—An officer described in subsection (c) who executes a written agreement to remain on active duty for up to four years after completion of any other active-duty service commitment may, upon acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(b) MAXIMUM AMOUNT OF BONUS.—The amount of a retention bonus under subsection (a) may not exceed $25,000 for each year of the agreement of the officer concerned.

''(c) ELIGIBLE OFFICERS.—An officer described in this subsection is an officer of the armed forces who—

''(1) is a psychologist of the armed forces;

''(2) is in a pay grade below pay grade O–7;

''(3) has at least eight years of creditable service (computed as described in section 302b(f) of this title) or has completed any active-duty service commitment incurred for psychology education and training;

''(4) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)); and

''(5) holds a valid State license to practice as a doctoral level psychologist.

''(d) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 301e the following new item:

''301f. Multiyear retention bonus: psychologists of the armed forces.''.

(b) ACCESSION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302l the following new section:

''§ 302m. Special pay: accession bonus for psychologists

''(a) ACCESSION BONUS AUTHORIZED.—A person described in subsection (b) who executes a written agreement described in subsection (e) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

''(b) ELIGIBLE PERSONS.—A person described in this section is any person who—

''(1) is a graduate of an accredited school of psychology; and

''(2) holds a valid State license to practice as a doctoral level psychologist.

''(c) MAXIMUM AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

''(d) LIMITATION ON ELIGIBILITY.—A person may not be paid a bonus under subsection (a) if—

''(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in psychology; or

''(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a psychologist.

''(e) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed force concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of such armed force as a psychologist.

''(f) REPAYMENT.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become licensed as a psychologist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

''(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2009.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302l the following new item:

''302m. Special pay: accession bonus for psychologists.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 618. AUTHORITY FOR EXTENSION OF MAXIMUM LENGTH OF SERVICE AGREEMENTS FOR SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.

Section 312(a)(3) of section 312 of title 37, United States Code, is amended by striking ''three, four, or five years'' and inserting ''not less than three years''.

SEC. 619. INCENTIVE PAY FOR MEMBERS OF PRECOMMISSIONING PROGRAMS PURSUING FOREIGN LANGUAGE PROFICIENCY.

(a) INCENTIVE PAY AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 316 the following new section:

''§ 316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency

''(a) INCENTIVE PAY.—The Secretary of Defense may pay incentive pay under this section to an individual who—

''(1) is enrolled as a member of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as determined in accordance with regulations prescribed by the Secretary of Defense under subsection (e); and

''(2) participates in a language immersion program approved for purposes of the Senior Reserve Officers' Training Corps, or in study abroad, or is enrolled in an academic course that involves instruction in a foreign language of strategic interest to the Department of Defense as designated by the Secretary of Defense for purposes of this section.

''(b) PERIOD OF PAYMENT.—Incentive pay is payable under this section to an individual described in subsection (a) for the period of the individual's participation in the language program or study described in paragraph (2) of that subsection.

''(c) AMOUNT.—The amount of incentive pay payable to an individual under this section may not exceed $3,000 per year.

''(d) REPAYMENT.—An individual who is paid incentive pay under this section but who does not satisfactorily complete participation in the individual's language program or study as described in subsection (a)(2), or who does not complete the requirements of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as applicable, shall be subject to the repayment provisions of section 303a(e) of this title.

''(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

''(f) REPORTS.—Not later than January 1, 2010, and annually thereafter through 2014, the Secretary of Defense shall submit to the Director of the Office of Management and Budget, and to Congress, a report on the payment of incentive pay under this section during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

''(1) The number of individuals paid incentive pay under this section, the number of individuals commencing receipt of incentive pay under this section, and the number of individuals ceasing receipt of incentive pay under this section.

''(2) The amount of incentive pay paid to individuals under this section.

''(3) The aggregate amount recouped under section 303a(e) of this title in connection with receipt of incentive pay under this section.

''(4) The languages for which incentive pay was paid under this section, including the total amount paid for each such language.

''(5) The effectiveness of incentive pay under this section in assisting the Department of Defense in securing proficiency in foreign languages of strategic interest to the Department of Defense, including a description of how recipients of pay under this section are assigned and utilized following completion of the program of study.

''(g) TERMINATION OF AUTHORITY.—No incentive pay may be paid under this section after December 31, 2013.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 316 the following new item:

''316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle C—Travel and Transportation Allowances

SEC. 631. SHIPMENT OF FAMILY PETS DURING EVACUATION OF PERSONNEL.

Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

''(H)(i) Except as provided in paragraph (2) and subject to clause (iii), in connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation (including shipment and payment of any quarantine costs) of not more than two family household pets.

''(ii) A member entitled to transportation under clause (i) may be paid reimbursement or, at the member's request, a monetary allowance in accordance with the provisions of subparagraph (F) if the member secures by commercial means shipment and any quarantining of the pets otherwise subject to transportation under clause (i).

''(iii) The provision of transportation under clause (i) and the payment of reimbursement under clause (ii) shall be subject to such regulations as the Secretary of Defense shall prescribe with respect to members of the armed forces for purposes of this subparagraph. Such regulations may specify limitations on the types or size of pets for which transportation may be so provided or reimbursement so paid.''.

SEC. 632. SPECIAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF PROFESSIONAL BOOKS AND EQUIPMENT FOR SPOUSES.

(a) SPECIAL WEIGHT ALLOWANCE.—Section 406(b)(1)(D) of title 37, United States Code, is amended—

(1) by inserting ''(i)'' after ''(D)'';

(2) in the second sentence of clause (i), as so redesignated, by striking ''this subparagraph'' and inserting ''this clause'';

(3) by redesignating the last sentence as clause (iii) and indenting the margin of such clause, as so designated, two ems from the left margin; and

(4) by inserting after clause (i), as redesignated by paragraph (2), the following new clause:

''(ii) In addition to the weight allowance authorized for such member with dependents under paragraph (C), the Secretary concerned may authorize up to an additional 500 pounds in weight allowance for shipment of professional books and equipment belonging to the spouse of such member.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to shipment provided on or after that date.

SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES ON LEAVE FOR SUSPENSION OF TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

''§ 411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training

''(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse or provide transportation to a member of a reserve component of the armed forces on active duty for a period of more than 30 days who is performing duty at a temporary duty station for travel between the member's temporary duty station and the member's permanent duty station in connection with authorized leave pursuant to a suspension of training.

''(b) MINIMUM DISTANCE BETWEEN STATIONS.—A member may be paid for or provided transportation under subsection (a) only as follows:

''(1) In the case of a member who travels between a temporary duty station and permanent duty station by air transportation, if the distance between such stations is not less than 300 miles.

''(2) In the case of a member who travels between a temporary duty station and permanent duty station by ground transportation, if the distance between such stations is more than the normal commuting distance from the permanent duty station (as determined under the regulations prescribed under subsection (e)).

''(c) MINIMUM PERIOD OF SUSPENSION OF TRAINING.—A member may be paid for or provided transportation under subsection (a) only in connection with a suspension of training covered by that subsection that is five days or more in duration.

''(d) LIMITATION ON REIMBURSEMENT.—The amount a member may be paid under subsection (a) for travel may not exceed the amount that would be paid by the government (as determined under the regulations prescribed under subsection (e)) for the least expensive means of travel between the duty stations concerned.

''(e) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

''411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to travel that occurs on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. PRESENTATION OF BURIAL FLAG TO THE SURVIVING SPOUSE AND CHILDREN OF MEMBERS OF THE ARMED FORCES WHO DIE IN SERVICE.

Section 1482(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(12) Presentation of a flag of equal size to the flag presented under paragraph (10) to the surviving spouse (regardless of whether the surviving spouse remarries after the decedent's death), if the person to be presented the flag under paragraph (10) is other than the surviving spouse.

''(13) Presentation of a flag of equal size to the flag presented under paragraph (10) to each child, regardless of whether the person to be presented a flag under paragraph (10) is a child of the decedent. For purposes of this paragraph, the term 'child' has the meaning prescribed by section 1477(d) of this title''.

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Subtitle E—Other Matters

SEC. 651. SEPARATION PAY, TRANSITIONAL HEALTH CARE, AND TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS FOR MEMBERS OF THE ARMED FORCES SEPARATED UNDER SURVIVING SON OR DAUGHTER POLICY.

(a) AVAILABILITY OF SEPARATION PAY OTHERWISE AVAILABLE FOR INVOLUNTARY SEPARATION.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense before the member completes twenty years of service in the Armed Force shall be entitled to separation pay payable under section 1174 of title 10, United States Code.

(2) NO MINIMUM SERVICE BEFORE SEPARATION.—A member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph is entitled to separation pay under that paragraph without regard to section 1174(c) of title 10, United States Code.

(3) INAPPLICABILITY OF REQUIREMENT FOR SERVICE IN READY RESERVE.—Section 1174(e) of title 10, United States Code, shall not apply to a member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph.

(4) AMOUNT OF PAY.—The amount of the separation pay to be paid to a member pursuant to this subsection shall be based on the years of active service actually completed by the member before the member's separation from the Armed Forces as described in paragraph (1).

(b) TRANSITIONAL HEALTH CARE.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to health care benefits under section 1145 of title 10, United States Code, as if such member were an individual described by subsection (a)(2) of such section.

(2) DEPENDENTS.—The dependents of a member entitled to health care benefits under paragraph (1) are entitled to health care benefits in the same manner with respect to such member as dependents of members of the Armed Forces are entitled to such benefits with respect to such members under section 1145 of title 10, United States Code.

(c) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to continue to use commissary and exchange stores and morale, welfare, and recreational facilities in the same manner as a member on active duty in the Armed Forces during the two-year period beginning on the later of the following dates:

(1) The date of the separation of the member.

(2) The date on which the member is first notified of the members entitlement to benefits under this subsection.

(d) SURVIVING SON OR DAUGHTER POLICY OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''Surviving Son or Daughter policy of the Department of Defense'' means the policy of the Department of Defense for the separation from the Armed Forces of a member of the Armed Forces who is a son or daughter in a family in which the father, mother, or another son or daughter—

(1) has been killed in action or died while serving in the Armed Forces from a wound, accident, or disease;

(2) is a member of the Armed Forces in a captured or missing-in-action status; or

(3) has a service-connected disability rated 100 percent disabling (including a disability of 100 percent mental disability), as determined by the Secretary of Veterans Affairs or the Secretary of the military department concerned, and is not gainfully employed because of such disability.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. CALCULATION OF MONTHLY PREMIUMS FOR COVERAGE UNDER TRICARE RESERVE SELECT AFTER 2008.

(a) IN GENERAL.—Section 1076d(d)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) in subparagraph (A), as so designated, by striking the second sentence; and

(3) by adding at the end the following new subparagraph:

''(B) The appropriate actuarial basis for purposes of subparagraph (A) shall be determined as follows:

''(i) For calendar year 2009, by utilizing the reported cost of providing benefits under this section to members and their dependents during calendar years 2006 and 2007.

''(ii) For each calendar year after calendar year 2009, by utilizing the actual cost of providing benefits under this section to members and their dependents during the calendar years preceding such calendar year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle B—Other Health Care Authorities

SEC. 711. ENHANCEMENT OF MEDICAL AND DENTAL READINESS OF MEMBERS OF THE ARMED FORCES.

(a) EXPANSION OF AVAILABILITY OF MEDICAL AND DENTAL SERVICES FOR RESERVES.—

(1) EXPANSION OF AVAILABILITY FOR RESERVES ASSIGNED TO UNITS SCHEDULED FOR DEPLOYMENT WITHIN 75 DAYS OF MOBILIZATION.—Subsection (d)(1) of section 1074a of title 10, United States Code, is amended by striking ''The Secretary of the Army shall provide to members of the Selected Reserve of the Army'' and inserting ''The Secretary concerned shall provide to members of the Selected Reserve''.

(2) AVAILABILITY FOR CERTAIN OTHER RESERVES.—Such section is further amended by adding at the end the following new subsection:

''(g)(1) The Secretary concerned may provide to any member of the Selected Reserve not described in subsection (d)(1) or (f), and to any member of the Individual Ready Reserve with a specially designated deployment responsibility, the medical and dental services specified in subsection (d)(1) if the Secretary determines that the receipt of such services by such member is necessary to ensure that the member meets applicable standards of medical and dental readiness.

''(2) Services may not be provided to a member under this subsection for a condition that is the result of the member's own misconduct.

''(3) The services provided under this subsection shall be provided at no cost to the member.''.

(3) FUNDING.—Such section is further amended by adding at the end the following new subsection:

''(h) Amounts available for operation and maintenance of a reserve component of the armed forces may be available for purposes of this section to ensure the medical and dental readiness of members of such reserve component.''.

(b) WAIVER OF CERTAIN COPAYMENTS FOR DENTAL CARE FOR RESERVES FOR READINESS PURPOSES.—Section 1076a(e) of such title is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking ''A member or dependent'' and inserting ''(1) Except as provided pursuant to paragraph (2), a member or dependent''; and

(3) by adding at the end the following new paragraph:

''(2) During a national emergency declared by the President or Congress, the Secretary of Defense may waive, whether in whole or in part, the charges otherwise payable by a member of the Selected Reserve of the Ready Reserve or a member of the Individual Ready Reserve under paragraph (1) for the coverage of the member alone under the dental insurance plan established under subsection (a)(1) if the Secretary determines that such waiver of the charges would facilitate or ensure the readiness of a unit or individual for a scheduled deployment.''.

(c) REPORT ON POLICIES AND PROCEDURES IN SUPPORT OF MEDICAL AND DENTAL READINESS.—

(1) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the policies and procedures of the Department of Defense to ensure the medical and dental readiness of members of the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the current standards of each military department with respect to the medical and dental readiness of individual members of the Armed Forces (including members of the regular components and members of the reserve components), and with respect to the medical and dental readiness of units of the Armed Forces (including units of the regular components and units of the reserve components), under the jurisdiction of such military department.

(B) A description of the manner in which each military department applies the standards described under subparagraph (A) with respect to each of the following:

(i) Performance evaluation.

(ii) Promotion.

(iii) In the case of the members of the reserve components, eligibility to attend annual training.

(iv) Continued retention in service in the Armed Forces.

(v) Such other matters as the Secretary considers appropriate.

(C) A statement of the number of members of the Armed Forces (including members of the regular components and members of the reserve components) who were determined to be not ready for deployment at any time during the period beginning on October 1, 2001, and ending on September 30, 2008, due to failure to meet applicable medical or dental standards, and an assessment of whether the unreadiness of such members for deployment could reasonably have been mitigated by actions of the members concerned to maintain individual medical or dental readiness.

(D) A description of any actual or perceived barriers to the achievement of full medical and dental readiness in the Armed Forces (including among the regular components and the reserve components), including, but not limited to, barriers associated with the following:

(i) Quality or cost of, or access to, medical and dental care.

(ii) Availability of programs and incentives intended to prevent medical or dental problems.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate to ensure the medical and dental readiness of individual members of the Armed Forces and units of the Armed Forces, including, but not limited to, recommendations regarding the following:

(i) The advisability of requiring that fitness reports of members of the Armed Forces include—

(I) a statement of whether or not a member meets medical and dental readiness standards for deployment; and

(II) in cases in which a member does not meet such standard, a statement of actions being taken to ensure that the member meets such standards and the anticipated schedule for meeting such standards.

(ii) The advisability of establishing a mandatory promotion standard relating to individual medical and dental readiness and, in the case of a unit commander, unit medical and dental readiness.

SEC. 712. ADDITIONAL AUTHORITY FOR STUDIES AND DEMONSTRATION PROJECTS RELATING TO DELIVERY OF HEALTH AND MEDICAL CARE.

Section 1092(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(3) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards

and incentives to members of the armed forces and covered beneficiaries who obtain health promotion and disease prevention health care services in accordance with terms and schedules prescribed by the Secretary. Such awards and incentives may include, but are not limited to, cash awards and, in the case of members of the armed forces, personnel incentives.

''(4)(A) The Secretary of Defense may, in consultation with the other administering Secretaries, include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards or incentives to individual health care professionals under the authority of such Secretaries, including members of the uniformed services, Federal civilian employees, and contractor personnel, to encourage and reward effective implementation of innovative health care programs designed to improve quality, cost-effectiveness, health promotion, medical readiness, and other priority objectives. Such awards and incentives may include, but are not limited to, cash awards and, in the case of members of the armed forces, personnel incentives.

''(B) Amounts available for the pay of members of the uniformed services shall be available for awards and incentives under this paragraph with respect to members of the uniformed services.

''(5) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the medical and dental readiness of members of reserve components of the armed forces, including the provision of health care services to such members for which they are not otherwise entitled or eligible under this chapter.

''(6) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the continuity of health care services for family members of mobilized members of the reserve components of the armed forces who are eligible for such services under this chapter, including payment of a stipend for continuation of employer-provided health coverage during extended periods of active duty.''.

SEC. 713. TRAVEL FOR ANESTHESIA SERVICES FOR CHILDBIRTH FOR DEPENDENTS OF MEMBERS ASSIGNED TO VERY REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.

Section 1040(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following new paragraph:

''(2)(A) For purposes of paragraph (1), required medical attention of a dependent shall include anesthesia services for childbirth for the dependent equivalent to the anesthesia services for childbirth that would be available to the dependent in military treatment facilities located in the United States.

''(B) In the case of a dependent in a remote location outside the continental United States who elects services authorized by subparagraph (A), the transportation authorized in paragraph (1) may consist of transportation to a military treatment facility providing such services that is located in the continental United States nearest to the closest port of entry into the continental United States from such remote location.

''(C) The second through sixth sentences of paragraph (1) shall apply to a dependent provided transportation under this paragraph.

''(D) Notwithstanding any other provision of this paragraph, the total cost incurred by the United States for the provision of transportation and expenses (including per diem) with respect to a dependent under this paragraph may not exceed the cost the United States would otherwise incur for the provision of transportation and expenses with respect to the dependent under paragraph (1) if the transportation and expenses were provided to the dependent under paragraph (1) rather than this paragraph.''.

Subtitle C—Other Health Care Matters

SEC. 721. REPEAL OF PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) REPEAL.—Subsection (a) of section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

(b) REVIVAL OF CERTIFICATION AND REPORT REQUIREMENTS ON CONVERSION OF POSITIONS.—

(1) IN GENERAL.—The provisions of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2306), as in effect on January 27, 2008 (the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008), are hereby revived.

(2) APPLICABLE DEFINITIONS.—In the discharge of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as revived by paragraph (1), the following definitions shall apply:

(A) The definitions in paragraphs (1) through (4) of section 742(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as in effect on January 27, 2008.

(B) The definition in section 721(d)(4) of the National Defense Authorization Act for Fiscal Year 2008.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER ACQUISITION REPORTING REQUIREMENTS.

(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2430 following new section:

''§ 2430a. Major subprograms

''(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—(1) If the Secretary of Defense determines that a major defense acquisition program requires the delivery of two or more categories of end items which differ significantly from each other in form and function, the Secretary may designate each such category of end items as a major subprogram for the purposes of acquisition reporting under this chapter.

''(2) The Secretary shall notify the congressional defense committees in writing of any proposed designation pursuant to paragraph (1) not less than 30 days before the date such designation takes effect.

''(b) REPORTING REQUIREMENTS.—If the Secretary designates a major subprogram of a major defense acquisition program in accordance with subsection (a), Selected Acquisition Reports, unit cost reports, and program baselines under this chapter shall reflect cost, schedule, and performance information—

''(1) for the major defense acquisition program as a whole; and

''(2) for each major subprogram of the major defense acquisition program so designated.

''(c) UNIT COSTS.—Notwithstanding paragraphs (1) and (2) of section 2432(a) of this title, in the case of a major defense acquisition program for which the Secretary has designated one or more major subprograms under this section for the purposes of this chapter—

''(1) the term 'program acquisition unit cost' means the total cost for the development and procurement of, and specific military construction for, the major defense acquisition program that is reasonably allocable to each such major subprogram, divided by the relevant number of fully-configured end items to be produced under such major subprogram; and

''(2) the term 'procurement unit cost' means the total of all funds programmed to be available for obligation for procurement for each such major subprogram, divided by the number of fully-configured end items to be procured under such major subprogram.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2430 the following new item:

''2430a. Major subprograms.''.

(b) CONFORMING AMENDMENTS.—Chapter 144 of such title is further amended as follows:

(1) In section 2432—

(A) in subsection (c)—

(i) in paragraph (1)(B)—

(I) by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'';

(ii) in paragraph (3)(A), by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(B) in subsection (e)—

(i) in paragraph (3), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(ii) in paragraph (5), by inserting before the period the following: ''(or for each designated major subprogram under the program)''.

(2) In section 2433—

(A) in subsection (a)—

(i) by striking ''The terms'' and inserting ''Except as provided in section 2430a(c) of this title, the terms'';

(ii) in paragraph (4)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears; and

(iii) in paragraph (5)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears;

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''(and for each designated major subprogram under the program'' after ''unit costs of the program'';

(ii) in paragraph (1), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)'';

(iii) in paragraph (2), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(iv) in paragraph (5), by inserting ''or subprogram'' after ''the program'' each place it appears (other than the last place it appears);

(C) in subsection (c)—

(i) by striking ''the program acquisition unit cost for the program or the procurement unit cost for the program'' and inserting ''the program acquisition unit cost for the program (or for a designated major subprogram under the program) or the procurement unit cost for the program (or for such a subprogram)''; and

(ii) by striking ''for the program'' after ''significant cost growth threshold'';

(D) in subsection (d)—

(i) in paragraph (1)—

(I) by inserting ''or any designated major subprogram under the program'' after ''for the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears;

(ii) in paragraph (2)—

(I) by inserting ''or any designated major subprogram under the program'' after ''the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears; and

(iii) in paragraph (3), by striking ''such program'' and inserting ''the program or subprogram concerned'';

(E) in subsection (e)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program''; and

(II) in subparagraph (B)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''that program'';

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program'';

(II) in subparagraph (A), by inserting ''or subprogram'' after ''program'' each place it appears;

(III) in subparagraph (B), by inserting ''or subprogram'' after ''such acquisition program'' each place it appears; and

(IV) in subparagraph (C), by inserting ''or subprogram'' after ''such program''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or subprogram concerned'' after ''the program''; and

(bb) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(II) in subparagraphs (A) and (B), by inserting ''or subprogram'' after ''that program'' each place it appears; and

(F) in subsection (g)—

(i) in paragraph (1)—

(I) in subparagraph (D), by inserting ''(and for each designated major subprogram under the program)'' after ''the program'';

(II) in subparagraph (E), by inserting ''for the program (and for each designated major subprogram under the program)'' after ''program acquisition cost'';

(III) in subparagraph (F), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)'';

(IV) in subparagraph (J), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''program acquisition unit cost'';

(V) in subparagraph (K), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''procurement unit cost''; and

(VI) in subparagraph (O), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)''; and

(ii) in paragraph (2)—

(I) by inserting ''or designated major subprogram'' after ''major defense acquisition program'';

(II) by inserting ''or subprogram'' after ''the entire program''; and

(III) by inserting ''or subprogram'' after ''a program''.

SEC. 802. INCLUSION OF CERTAIN MAJOR INFORMATION TECHNOLOGY INVESTMENTS IN ACQUISITION OVERSIGHT AUTHORITIES FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 2445a of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''IN GENERAL'' and inserting ''MAJOR AUTOMATED INFORMATION SYSTEM PROGRAM''; and

(B) by adding at the end the following new subsection:

''(d) OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAM.—In this chapter, the term 'other major information technology investment program' means the following:

''(1) An investment that is designated by the Secretary of Defense, or a designee of the Secretary, as a 'pre-Major Automated Information System' or 'pre-MAIS' program.

''(2) Any other investment in automated information system products or services that is expected to exceed the thresholds established in subsection (a), as adjusted under subsection (b), but is not considered to be a major automated information system program because a formal acquisition decision has not yet been made with respect to such investment.''.

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2445a. Definitions''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144A of such title is amended by striking the item relating to section 2445a and inserting the following new item:

''2445a. Definitions.''.

(b) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—Section 2445b of such title is amended—

(1) in subsection (a), by inserting ''and each other major information technology investment program'' after ''each major automated information system program'';

(2) in subsection (b), by inserting ''REGARDING MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS'' after ''ELEMENTS''; and

(3) by adding at the end the following new subsection:

''(d) ELEMENTS REGARDING OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAMS.—With respect to each other major information technology investment program, the information required by subsection (a) may be provided in the format that is most appropriate to the current status of the program.''.

(c) QUARTERLY REPORTS.—Section 2445c of such title is amended—

(1) in subsection (a)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' the first place it appears; and

(B) by inserting ''or major information technology'' after ''major automated information system'' the second place it appears;

(2) in subsection (b)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1); and

(B) by inserting ''or information technology'' after ''automated information system'' each place it appears in paragraphs (1) and (2);

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(ii) by striking subparagraph (A) and inserting the following new subparagraphs:

''(A) no Milestone B decision has been made after more than two years of investment in the program;

''(B) the system failed to achieve initial operational capability within three years after milestone B approval;'';

(iii) in subparagraph (C), as redesignated by clause (i) of this subparagraph, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable'';

(iv) in subparagraph (D), as so redesignated, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable''; and

(v) in subparagraph (E), as so redesignated—

(I) by inserting ''or major information technology'' after ''major automated information system''; and

(II) by inserting before the period the following: ''or section 2445b(d) of this title, as applicable'';

(4) in subsection (e), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(5) in subsection (f)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1);

(B) in paragraph (1), by inserting ''or information technology'' after ''automated information system'';

(C) in paragraph (2), by inserting ''or technology'' after ''the system''; and

(D) in paragraph (3), by inserting ''or technology, as applicable,'' after ''the program and system''.

SEC. 803. CONFIGURATION STEERING BOARDS FOR COST CONTROL UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CONFIGURATION STEERING BOARDS.—Each Secretary of a military department shall establish one or more boards (to be known as a ''Configuration Steering Board'') for the major defense acquisition programs of such department.

(b) COMPOSITION.—

(1) CHAIR.—Each Configuration Steering Board under this section shall be chaired by

the service acquisition executive of the military department concerned.

(2) PARTICULAR MEMBERS.—Each Configuration Steering Board under this section shall include a representative of the following:

(A) The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Chief of Staff of the Armed Force concerned.

(C) The Joint Staff.

(D) The Comptroller of the military department concerned.

(E) The military deputy to the service acquisition executive concerned.

(F) The program executive officer for the major defense acquisition program concerned.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Configuration Steering Board for a major defense acquisition program under this section shall be responsible for the following:

(A) Preventing unnecessary changes to program requirements and system configuration that could have an adverse impact on program cost or schedule.

(B) Mitigating the adverse cost and schedule impact of any changes to program requirements that may be required.

(C) Ensuring that the program delivers as much planned capability as possible, consistent with the program baseline.

(2) DISCHARGE OF RESPONSIBILITIES.—In discharging its responsibilities under this section with respect to a major defense acquisition program, a Configuration Steering Board shall—

(A) review and approve or disapprove any proposed changes to program requirements or system configuration that have the potential to adversely impact program cost or schedule; and

(B) review and recommend proposals to reduce program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives.

(3) PRESENTATION RECOMMENDATIONS ON REDUCTION IN REQUIREMENTS.—Any recommendation for a proposed reduction in requirements that is made by a Configuration Steering Board under paragraph (2)(B) shall be presented to appropriate organizations of the Joint Staff and the military departments responsible for such requirements for review and approval in accordance with applicable procedures.

(4) ANNUAL CONSIDERATION OF EACH MAJOR DEFENSE ACQUISITION PROGRAM.—The Secretary of the military department concerned shall ensure that a Configuration Steering Board under this section meets to consider each major defense acquisition program of such military department at least once each year.

(d) APPLICABILITY.—

(1) IN GENERAL.—The requirements of this section shall apply with respect to any major defense acquisition program that is commenced before, on, or after the date of the enactment of this Act.

(2) CURRENT PROGRAMS.—In the case of any major defense acquisition program that is ongoing as of the date of the enactment of this Act, a Configuration Steering Board under this section shall be established for such program not later than 60 days after the date of the enactment of this Act.

(e) GUIDANCE ON AUTHORITIES OF PROGRAM MANAGERS AFTER MILESTONE B.—

(1) MODIFICATION OF GUIDANCE ON AUTHORITIES.—Paragraph (2) of section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2343) is amended to read as follows:

''(2) authorities available to the program manager, including—

''(A) the authority to object to the addition of new program requirements that would be inconsistent with the parameters established at Milestone B (or Key Decision Point B in the case of a space program) and reflected in the performance agreement, unless such requirements are approved by the appropriate Configuration Steering Board; and

''(B) the authority to recommend to the appropriate Configuration Steering Board reduced program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives; and''.

(2) APPLICABILITY.—The Secretary of Defense shall modify the guidance described in section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 in order to take into account the amendment made by paragraph (1) not later than 60 days after the date of the enactment of this Act.

(f) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430(a) of title 10, United States Code.

Subtitle B—Acquisition Policy and Management

SEC. 811. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2009, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but has a program or initiative to significantly improve compliance with defense procurement requirements;

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency; or

(iv) such non-defense agency is not compliant with defense procurement requirements to such an extent that the interests of the Department of Defense are at risk in procurements conducted by such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii), (iii), or (iv) of subparagraph (B) of that paragraph is correct in the case of a covered non-defense agency, such Inspectors General shall, not later than June 15, 2010, jointly—

(A) conduct a second review, as described in subparagraph (A) of that paragraph, regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2009; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a covered non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each covered non-defense agency shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraph (1) or (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2009, and before June 16, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency for which a determination described in clause (iii) or (iv) of paragraph (1)(B) of subsection (a) has been made under subsection (a).

(2) LIMITATION AFTER REVIEW PERIOD.—After June 15, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(3) LIMITATION FOLLOWING FAILURE TO REACH MOU.—Commencing on the date that is 60 days after the date of the enactment of this Act, if a memorandum of understanding between the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency cannot be attained causing the review required by this section to not be performed, no official of the Department of Defense, except as provided in subsection (e) or (f), may order, purchase or otherwise procure property or services in an amount in excess of $100,000 through such non-defense agency.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a covered non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (a) or (f), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(i) DEFINITIONS.—In this section:

(1) The term ''covered non-defense agency'' means each of the following:

(A) The Department of Commerce.

(B) The Department of Energy.

(2) The term ''governmentwide acquisition contract'', with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

(j) MODIFICATION OF CERTAIN ADDITIONAL AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF DoD.—Section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 202; 10 U.S.C. 2304 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration'' and inserting ''the Department of the Interior''; and

(B) by adding at the end the following new subparagraph:

''(D) In the case of each of the Department of Commerce and the Department of Energy, by not later than March 15, 2015.''; and

(2) in subsection (f)(2)—

(A) by striking subparagraphs (B) and (D);

(B) by redesignating subparagraphs (C), (E), and (F) as subparagraphs (B), (C), and (D), respectively; and

(C) by adding at the end the following new subparagraphs:

''(E) The Department of Commerce.

''(F) The Department of Energy.''.

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2334. Contingency Contracting Corps

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a Contingency Contracting Corps (in this section, referred to as the 'Corps') to ensure the Department has the capability, when needed, to support contingency contracting actions in a deployed environment. The members of the Corps shall be available for deployment in connection with contingency operations both within and outside the continental United States, including reconstruction efforts relating thereto.

''(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all employees of the Department of Defense, including uniformed members of the Armed Forces, who are members of the defense acquisition workforce, as designated under section 1721 of this title.

''(c) EDUCATION AND TRAINING.—The Secretary of Defense may establish additional educational and training requirements for members of the Corps.

''(d) CLOTHING AND EQUIPMENT.—The Secretary of Defense may identify any necessary clothing and equipment requirements for members of the Corps.

''(e) SALARY.—The salaries for members of the Corps shall be paid by the Department of Defense out of existing appropriations.

''(f) AUTHORITY TO DEPLOY THE CORPS.—The Secretary of Defense, or the Secretary's designee, shall have the authority to determine when members of the Corps shall be deployed.

''(g) ANNUAL REPORT.—(1) The Secretary of Defense shall provide to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

''(2) At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

''2334. Contingency Contracting Corps.''.

SEC. 813. EXPEDITED REVIEW AND VALIDATION OF URGENT REQUIREMENTS DOCUMENTS.

(a) GUIDANCE FOR EXPEDITED PRESENTATION TO APPROPRIATE AUTHORITIES FOR REVIEW AND VALIDATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the Secretaries of the military departments and the Chiefs of Staff of the Armed Forces to ensure that each urgent requirements document submitted by an operational field commander is presented to the appropriate authority for review and validation not later than 60 days after date on which such document is so submitted.

(b) DEFINITIONS.—In this section:

(1) The term ''urgent requirements document'' means the following:

(A) A Joint Urgent Operational Needs (JUON) document.

(B) An Army operational need statement (ONS).

(C) A Navy rapid deployment capability (RDC) document or Navy urgent operational need (UON) statement.

(D) An Air Force combat capability document (CCD).

(E) A Marine Corps urgent universal need statement (UUNS).

(F) A combat-mission need statement (CMNS) of the United States Special Operations Command.

(2) The term ''appropriate authority'' means the following:

(A) In the case of a Joint Urgent Operational Needs document, a Functional Capabilities Board or Joint Capabilities Board.

(B) In the case of an Army operational need statement, the Deputy Chief of Staff of the Army for Operations and Plans.

(C) In the case of a Navy rapid deployment capability document or Navy urgent operational need statement, the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(D) In the case of an Air Force combat capability document, the commander of the lead major command of the Air Force.

(E) In the case of a Marine Corps urgent universal need statement, the Marine Requirements Oversight Council.

(F) In the case of a combat-mission need statement of the United States Special Operations Command, the Requirements Directorate of the United States Special Operations Command.

SEC. 814. INCORPORATION OF ENERGY EFFICIENCY REQUIREMENTS INTO KEY PERFORMANCE PARAMETERS FOR FUEL CONSUMING SYSTEMS.

(a) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop an implementation plan for the incorporation of energy efficiency requirements into key performance parameters for the modification of existing fuel consuming systems of the Department of Defense and the development of new fuel consuming systems. The implementation plan shall include—

(1) policies, regulations, and directives to ensure that appropriate officials incorporate such energy efficiency requirements into such performance parameters; and

(2) a plan for implementing such requirements.

(b) REPORT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit a report on the plan required under subsection (a), including an assessment of progress made in implementing requirements to incorporate energy efficiency requirements into key performance parameters for fuel consuming systems of the Department of Defense, as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter for five years (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 821. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF ALTERNATIVE AND SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels

"(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the head of an agency may enter into contracts for a period not to exceed 10 years for the purchase of alternative fuels or synthetic fuels.

"(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The head of an agency may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the head of the agency determines in writing, on the basis of a business case analysis prepared by the agency, that—

"(1) the proposed purchase of fuels under such contract is cost effective for the agency;

"(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years; and

"(3) the contract will comply with the requirements of subsection (c) and section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

"(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The head of an agency may not purchase alternative fuels or synthetic fuels under the authority in subsection (a) unless the contract specifies that lifecycle greenhouse gas emissions associated with the production and combustion of the fuels to be provided under the contract are not greater than such emissions from conventional petroleum-based fuels that are used in the same application.

"(d) DEFINITIONS.—In this section:

"(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

"(2) The term 'alternative fuel' has the meaning given that term in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

"(3) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

"(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

"(B) is produced by chemical or physical transformation of domestic sources of energy.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

"2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(A) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(B) there is a stable design for all related technologies to the purchase of alternative and synthetic fuels as so authorized;

(C) the technical risks associated with such technologies are not excessive;

(D) the multiyear contract will contain appropriate pricing mechanisms to minimize risk to the government from significant changes in market prices for energy;

(E) there is in place a regulatory regime adequate to ensure compliance with the requirements of section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1663; 42 U.S.C. 17142) and other applicable environmental laws; and

(F) the contractor has received all regulatory approvals necessary for the production of the alternative and synthetic fuels to be supplied under the contract.

(2) MINIMUM ANTICIPATED SAVINGS.—The regulations required by paragraph (1) shall provide that, in any case in which the estimated total expenditure under a multiyear contract (or several multiyear contracts with the same prime contractor) under section 2410r of title 10, United States Code (as so added), are anticipated to be more than (or, in the case of several contracts, the aggregate of which is anticipated to be more than) $540,000,000 (in fiscal year 1990 constant dollars), the head of an agency may initiate such contract under such section only upon a finding that use of such contract will result in savings exceeding 10 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means. If such estimated savings will exceed 5 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means, but not exceed 10 percent of such costs, the head of the agency may initiate such contract under such section only upon a finding in writing that an exceptionally strong case has been made with regard to findings required in paragraph (1).

(3) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by paragraph (1) are prescribed.

(c) RELATIONSHIP TO OTHER MULTIYEAR CONTRACTING AUTHORITY.—Nothing in this section or the amendments made by this section shall be construed to preclude the Department of Defense from using other applicable multiyear contracting authority of the Department of Defense to purchase energy, including renewable energy.

SEC. 822. MODIFICATION AND EXTENSION OF PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS UNDER AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) EXPANSION OF SCOPE OF PILOT PROGRAM.—Paragraph (1) of section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking "under prototype projects carried out under this section" and inserting "developed under prototype projects carried out under this section or research projects carried out pursuant to section 2371 of title 10, United States Code".

(b) FOUR-YEAR EXTENSION OF AUTHORITY.—Paragraph (4) of such section is amended by striking "September 30, 2008" and inserting "September 30, 2012".

SEC. 823. EXCLUSION OF CERTAIN FACTORS IN CONSIDERATION OF COST ADVANTAGES OF OFFERS FOR CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.

Not later than 90 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to ensure that, in any competition for a contract with a value in excess of $10,000,000, an offeror does not receive an advantage for a proposal that would reduce costs for the Department of Defense as a consequence of any corporate structure a principal purpose of which is to enable the offeror to avoid the payment of taxes to the Federal Government or any State government, including taxes imposed under subtitle C of the Internal Revenue Code of 1986 and any similar taxes imposed by a State government, for or on behalf of employees of the offeror or any subsidiary or affiliate of the offeror.

Subtitle D—Department of Defense Contractor Matters

SEC. 831. DATABASE FOR DEPARTMENT OF DEFENSE CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish and maintain a database of information regarding integrity and performance of certain persons awarded Department of Defense contracts for use by Department of Defense officials having authority over contracts.

(b) PERSONS COVERED.—The database shall cover any person awarded a Department of Defense contract in excess of $500,000 if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Department of Defense contract, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract with the Federal Government or, to the maximum extent practicable, a State government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(C) In an administrative proceeding, a finding of liability that results in—

(i) the payment of a monetary fine or penalty of $5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(D) In a civil or administrative proceeding, a disposition of the matter by consent or compromise if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, each agreement involving a suspension or debarment

proceeding entered into by the person and a State government in that period.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Under Secretary shall design and maintain the database in a manner that allows the appropriate officials of the Department of Defense to directly input and update in the information in the database relating to actions such officials have taken with regard to contractors.

(2) TIMELINESS AND ACCURACY.—The Under Secretary shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to submit comments pertaining to information about such person in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Under Secretary shall ensure that the database is available to all acquisition professionals of the Department of Defense and to Congress. This subsection does not limit the availability of the database to other Department of Defense officials or to government officials outside the Department of Defense that the Under Secretary determines warrant access.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract in excess of $500,000, the Department of Defense official responsible for awarding the contract shall review the database and shall consider information in the database with regard to any offer, along with other past performance information available with respect to that offeror, in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of the Department of Defense in excess of $500,000 shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Defense Supplement to the Federal Acquisition Regulation shall be amended to require that persons with Department of Defense contracts valued in total greater than $10,000,000 must semiannually submit to the Under Secretary a report that includes the information subject to inclusion in the database as listed in paragraphs (1) through (5) of subsection (c).

SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER CERTAIN CONTRACTS FOR THE PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) CONTRACT CLAUSE REQUIRED.—Each contract (or task or delivery order) in excess of $500,000 that calls for the performance of acquisition functions closely associated with inherently governmental functions for or on behalf of the Department of Defense shall include a contract clause addressing financial conflicts of interests of contractor employees who will be responsible for the performance of such functions.

(b) CONTENTS OF CONTRACT CLAUSE.—The contract clause required by subsection (a) shall, at a minimum—

(1) require the contractor to prohibit any employee of the contractor from performing any functions described in subsection (a) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter in which the employee (or a member of the employee's immediate family) has a financial interest without the express written approval of the contracting officer;

(2) require the contractor to obtain, review, update, and maintain as part of its personnel records a financial disclosure statement from each employee assigned to perform functions described in paragraph (1) under such a contract (or task or delivery order) that is sufficient to enable the contractor to ensure compliance with the requirements of paragraph (1);

(3) require the contractor to prohibit any employee of the contractor who is responsible for performing functions described in paragraph (1) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter from accepting a gift from the affected company or from an individual or entity that has a financial interest in the program, contract, or other matter;

(4) require the contractor to prohibit contractor personnel who have access to nonpublic government information obtained while performing work on such a contract (or task or delivery order) from using such information for personal gain;

(5) require the contractor to take appropriate disciplinary action in the case of employees who fail to comply with prohibitions established pursuant to this section;

(6) require the contractor to promptly report any failure to comply with the prohibitions established pursuant to this section to the contracting officer for the applicable contract or contracts;

(7) include appropriate definitions of the terms ''financial interest'' and ''gift'' that are similar to the definitions in statutes and regulations applicable to Federal employees;

(8) establish appropriate contractual penalties for failures to comply with the requirements of paragraphs (1) through (6); and

(9) provide such additional safeguards, definitions, and exceptions as may be necessary to safeguard the public interest.

(c) FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this section, the term ''functions closely associated with inherently governmental functions'' has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(d) EFFECTIVE DATE.—This section shall take effect 30 days after the date of the enactment of this Act, and shall apply to—

(1) contracts entered on or after that effective date; and

(2) task or delivery orders awarded on or after that effective date, regardless of whether the contracts pursuant to which such task or delivery orders are awarded are entered before, on, or after the date of the enactment of this Act.

SEC. 833. INFORMATION FOR DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a policy for informing employees of a contractor of the Department of Defense of their whistleblower rights and protections under section 2409 of title 10, United States Code, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) ELEMENTS.—The regulations required by subsection (a) shall include requirements as follows:

(1) Employees of Department of Defense contractors shall be notified in writing of the provisions of section 2409 of title 10, United States Code.

(2) Notice to employees of Department of Defense contractors under paragraph (1) shall state that the restrictions imposed by any employee agreement or nondisclosure agreement shall not supersede, conflict with, or otherwise alter the employee rights created by section 2409 of title 10, United States Code, or the regulations implementing such section.

(c) CONTRACTOR DEFINED.—In this section, the term ''contractor'' has the meaning given that term in section 2409(e)(4) of title 10, United States Code.

Subtitle E—Matters Relating to Iraq and Afghanistan

SEC. 841. PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF INHERENTLY GOVERNMENTAL FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.

(a) MODIFICATION OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the regulations issued by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modified to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

(b) ELEMENTS.—The modification of regulations pursuant to subsection (a) shall provide, at a minimum, each of the following:

(1) That security operations for the protection of resources (including people, information, equipment, and supplies) in uncontrolled or unpredictable high threat environments are inherently governmental functions if such security operations—

(A) will be performed in highly hazardous public areas where the risks are uncertain and could reasonably be expected to require deadly force that is more likely to be initiated by personnel performing such security operations than by others; or

(B) could reasonably be expected to require immediate discretionary decisions on the appropriate course of action or the acceptable level of risk (such as judgments on the appropriate level of force, acceptable level of collateral damage, and whether the target is friend or foe), the outcome of which could significantly affect the life, liberty, or property of private persons or the international relations of the United States.

(2) That the agency awarding the contract has appropriate mechanisms in place to ensure that private security contractors operate in a manner consistent with the regulations issued by the Secretary of Defense pursuant to such section 862(a), as modified pursuant to this section.

(c) PERIODIC REVIEW OF PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the heads of other appropriate agencies, periodically review the performance of private security functions in areas of combat operations to ensure that such functions are authorized and performed in a manner consistent with the requirements of this section.

(2) REPORTS.—Not later than June 1 of each of 2009, 2010, and 2011, the Secretary shall

submit to the congressional defense committees a report on the results of the most recent review conducted under paragraph (1).

SEC. 842. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—Section 861(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended by adding the following new paragraphs:

''(7) Mechanisms for ensuring that contractors are required to report offenses described in paragraph (6) that are alleged to have been committed by or against contractor personnel to appropriate investigative authorities.

''(8) Responsibility for providing victim and witness protection and assistance to contractor employees and other persons supporting the mission of the United States Government in Iraq or Afghanistan in connection with alleged offenses described in paragraph (6).''.

(b) IMPLEMENTATION.—The memorandum of understanding required by section 861(a) of the National Defense Authorization Act for Fiscal Year 2008 shall be modified to address the requirements under the amendment made by subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 843. CLARIFICATION AND MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) NATURE OF COMMISSION.—Subsection (a) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by inserting ''in the legislative branch'' after ''There is hereby established''.

(b) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—Subsection (e) of such is amended by adding at the end the following new paragraph:

''(8) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, a co-chairman of the Commission may exercise, with respect to the members and staff of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.''.

(c) EFFECTIVE DATE.—

(1) NATURE OF COMMISSION.—The amendment made by subsection (a) shall take effect as of January 28, 2008, as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2008.

(2) PAY AND ANNUITIES.—The amendment made by subsection (b) shall apply to members and staff of the Commission on Wartime Contracting in Iraq and Afghanistan appointed or employed, as the case may be, on or after that date.

SEC. 844. COMPREHENSIVE AUDIT OF SPARE PARTS PURCHASES AND DEPOT OVERHAUL AND MAINTENANCE OF EQUIPMENT FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUDITS REQUIRED.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall each conduct thorough audits to identify potential waste, fraud, and abuse in the performance of the following:

(1) Department of Defense contracts, subcontracts, and task and delivery orders for—

(A) depot overhaul and maintenance of equipment for the military in Iraq and Afghanistan; and

(B) spare parts for military equipment used in Iraq and Afghanistan; and

(2) Department of Defense in-house overhaul and maintenance of military equipment used in Iraq and Afghanistan.

(b) COMPREHENSIVE AUDIT PLAN.—

(1) PLANS.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall, in coordination with the Inspector General of the Department of Defense, develop a comprehensive plan for a series of audits to discharge the requirements of subsection (a).

(2) INCORPORATION INTO REQUIRED AUDIT PLAN.—The plan developed under paragraph (1) shall be submitted to the Inspector General of the Department of Defense for incorporation into the audit plan required by section 842(b)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 234; 10 U.S.C. 2302 note).

(c) INDEPENDENT CONDUCT OF AUDIT FUNCTIONS.—All audit functions performed under this section, including audit planning and coordination, shall be performed in an independent manner.

(d) AVAILABILITY OF RESULTS.—All audit reports resulting from audits under this section shall be made available to the Commission on Wartime Contracting in Iraq and Afghanistan established pursuant to section 841 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 230).

Subtitle F—Other Matters

SEC. 851. EXPEDITED HIRING AUTHORITY FOR THE DEFENSE ACQUISITION WORKFORCE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 852. SPECIFICATION OF SECRETARY OF DEFENSE AS "SECRETARY CONCERNED" FOR PURPOSES OF LICENSING OF INTELLECTUAL PROPERTY FOR THE DEFENSE AGENCIES AND DEFENSE FIELD ACTIVITIES.

Subsection (e) of section 2260 of title 10, United States Code, is amended to read as follows:

''(e) DEFINITIONS.—In this section:

''(1) The terms 'trademark', 'service mark', 'certification mark', and 'collective mark' have the meanings given such terms in section 45 of the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946; 15 U.S.C. 1127).

''(2) The term 'Secretary concerned' includes the Secretary of Defense, with respect to matters concerning the Defense Agencies and the defense field activities.''.

SEC. 853. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. MODIFICATION OF STATUS OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

Section 142 of title 10, United States Code, is amended by adding at the end the following:

''(c) The Assistant to the Secretary shall be considered an Assistant Secretary of Defense for purposes of section 138(d) of this title.''.

SEC. 902. PARTICIPATION OF DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE ON DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.

(a) PARTICIPATION.—Subsection (a) of section 186 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Deputy Chief Management Officer of the Department of Defense.''.

(b) SERVICE AS VICE CHAIRMAN.—The second sentence of subsection (b) of such section is amended to read as follows: ''The Deputy Chief Management Officer of the Department of Defense shall serve as vice chairman of the Committee, and shall act as chairman in the absence of the Deputy Secretary of Defense.''.

SEC. 903. REPEAL OF OBSOLETE LIMITATIONS ON MANAGEMENT HEADQUARTERS PERSONNEL.

(a) REPEAL.—The following provisions of title 10, United States Code, are repealed:

(1) Section 143.

(2) Section 194.

(3) Subsection (f) of section 3014.

(4) Subsection (f) of section 5014.

(5) Subsection (f) of section 8014.

(b) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 143.

(2) The table of sections at the beginning of chapter 8 of such title is amended by striking the item relating to section 194.

SEC. 904. GENERAL COUNSEL TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (50 U.S.C. App. 8) is amended by adding at the end the following new subsection:

''(h)(1) There is a General Counsel to the Inspector General of the Department of Defense, who shall be appointed by the Inspector General of the Department of Defense.

''(2)(A) Notwithstanding section 140(b) of title 10, United States Code, the General Counsel is the chief legal officer of the Office of the Inspector General.

''(B) The Inspector General is the exclusive legal client of the General Counsel.

''(C) The General Counsel shall perform such functions as the Inspector General may prescribe.

''(D) The General Counsel shall serve at the discretion of the Inspector General.

''(3) There is an Office of the General Counsel to the Inspector General of the Department of Defense. The Inspector General may appoint to the Office to serve as staff of the General Counsel such legal counsel as the Inspector General considers appropriate.''.

SEC. 905. ASSIGNMENT OF FORCES TO THE UNITED STATES NORTHERN COMMAND WITH PRIMARY MISSION OF MANAGEMENT OF THE CONSEQUENCES OF AN INCIDENT IN THE UNITED STATES HOMELAND INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) As noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, protecting the United States homeland from attack is the highest priority of the Department of Defense.

(2) As further noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, ''[i]n the next ten years, terrorist groups, poised to attack the United States and actively seeking to inflict mass casualties or disrupt U.S. military operations, represent the most immediate challenge to the nation's security''.

(3) The Department of Defense established the United States Northern Command in October 2002 to provide command and control of the homeland defense efforts of the Department of Defense and to coordinate defense support of civil authorities, including defense support for Federal consequence management of chemical, biological, radiological, nuclear, or high-yield explosive incidents.

(4) The Commission on the National Guard and Reserves and the Government Accountability Office have criticized the capacity of the Department of Defense to respond to an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives due to a lack of capabilities to handle simultaneous weapons of mass destruction events and a lack of coordination and planning with the Department of Homeland Security and State and local governments.

(5) According to testimony to Congress by the Commander of United States Northern Command, the Secretary of Defense has directed that a full-time, dedicated force be trained and equipped by the end of fiscal year 2008 to provide defense support to civil authorities in the case of a chemical, biological, radiological, nuclear, or high-yield explosive incident within the United States. This force is to be assigned to the Commander of the United States Northern Command, and is to be followed by two additional such forces, comprised of units of the regular components of the Armed Forces and units and personnel of the National Guard, and Reserve, to be established over the course of fiscal years 2009 and 2010.

(6) The Department of Defense and United States Northern Command have begun the process of identifying, training, equipping, and assigning forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should, as part of a Government-wide effort, make every effort to help protect the citizens of this Nation from the threat of an attack on the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives by terrorists or other aggressors;

(2) efforts to establish forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United States should receive the highest level of attention within the Department of Defense; and

(3) the additional forces necessary for that mission should be identified, trained, equipped, and assigned to United States Northern Command as soon as possible.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and one year and two years thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made as of the date of such report in assigning to the United States Northern Command forces having the primary mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the force structure, size, composition, and location of the units and personnel of the regular components of the Armed Forces, and the units and personnel of the reserve components of the Armed Forces, assigned to the United States Northern Command that have the primary mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(B) A description of the progress made in developing procedures to mobilize and demobilize units and personnel of the reserve components of the Armed Forces that are assigned to the United States Northern Command as described in subparagraph (A).

(C) A description of the progress being made in the training and certification of units and personnel that are assigned to United States Northern Command as described in subparagraph (A).

(D) An assessment of the need to establish a national training center for training units and personnel of the Armed Forces in the management of the consequences of an incident in the United States homeland as described in subparagraph (A).

(E) A description of the progress made in addressing the shortfalls in the management of the consequences of an incident in the United States homeland as described in subparagraph (A) that are identified in—

(i) the reports of the Comptroller General of the United States numbered GAO–08–251 and GAO–08–252; and

(ii) the report of the Commission on the National Guard and Reserve.

SEC. 906. BUSINESS TRANSFORMATION INITIATIVES FOR THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—The Secretary of each military department shall, acting through the Chief Management Officer of such military department, carry out an initiative for the business transformation of such military department.

(b) OBJECTIVES.—The objectives of the business transformation initiative of a military department under this section shall include, at a minimum, the following:

(1) The development of a comprehensive business transformation plan, with measurable performance goals and objectives, to achieve an integrated management system for the business operations of the military department.

(2) The development of a well-defined enterprise-wide business systems architecture and transition plan encompassing end-to-end business processes and capable of providing accurately and timely information in support of business decisions of the military department.

(3) The implementation of the business transformation plan developed pursuant to paragraph (1) and the business systems architecture and transition plan developed pursuant to paragraph (2).

(c) BUSINESS TRANSFORMATION OFFICES.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of each military department shall establish within such military department an office (to be known as the ''Office of Business Transformation'' of such military department) to assist the Chief Management Officer of such military department in carrying out the initiative required by this section for such military department.

(2) HEAD.—The Office of Business Transformation of a military department under this subsection shall be headed by a Director of Business Transformation, who shall be appointed by the Chief Management Officer of the military department, in consultation with the Director of the Business Transformation Agency of the Department of Defense, from among individuals with significant experience managing large-scale organizations or business transformation efforts.

(3) SUPERVISION.—The Director of Business Transformation of a military department under paragraph (2) shall report directly to the Chief Management Officer of the military department, subject to policy guidance from the Director of the Business Transformation Agency of the Department of Defense.

(4) AUTHORITY.—In carrying out the initiative required by this section for a military department, the Director of Business Transformation of the military department under paragraph (2) shall have the authority to require elements of the military department to carry out actions that are within the purpose and scope of the initiative.

(d) RESPONSIBILITIES OF BUSINESS TRANSFORMATION OFFICES.—The Office of Business Transformation of a military department established pursuant to subsection (b) shall be responsible for the following:

(1) Transforming the budget, finance, and accounting operations of the military department in a manner that is consistent with the business transformation plan developed pursuant to subsection (b)(1).

(2) Eliminating or replacing financial management systems of the military department that are inconsistent with the business systems architecture and transition plan developed pursuant to subsection (b)(2).

(3) Ensuring that the business transformation plan and the business systems architecture and transition plan are implemented in a manner that is aggressive, realistic, and accurately measured.

(e) REQUIRED ELEMENTS.—In carrying out the initiative required by this section for a military department, the Chief Management Officer and the Director of Business Transformation of the military department shall ensure that each element of the initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed by the Secretary of Defense pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(f) REPORTS ON IMPLEMENTATION.—

(1) INITIAL REPORTS.—Not later than six months after the date of the enactment of this Act, the Chief Management Officer of each military department shall submit to the congressional defense committees a report on the actions taken, and on the actions planned to be taken, by such military department to implement the requirements of this section.

(2) UPDATES.—Not later than March 1 of each of 2010, 2011, and 2012, the Chief Management Officer of each military department shall submit to the congressional defense committees a current update of the report submitted by such Chief Management Officer under paragraph (1).

Subtitle B—Space Matters

SEC. 911. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace and protection.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Integration of space and ground control and user equipment.

(G) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each such program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) United States military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(E) Export control policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term ''posture review period'' means the 10-year period beginning on February 1, 2009.

Subtitle C—Defense Intelligence Matters

SEC. 921. REQUIREMENT FOR OFFICERS OF THE ARMED FORCES ON ACTIVE DUTY IN CERTAIN INTELLIGENCE POSITIONS.

(a) IN GENERAL.—Effective as of October 1, 2008, the individual serving in each position specified in subsection (b) shall be a commissioned officer of the Armed Forces on active duty.

(b) SPECIFIED POSITIONS.—The positions specified in this subsection are the positions as follows:

(1) Principal deputy to the senior military officer serving as the Deputy Chief of the Army Staff for Intelligence.

(2) Principal deputy to the senior military officer serving as the Director of Intelligence for the Chief of Naval Operations.

(3) Principal deputy to the senior military officer serving as the Assistant to the Air Force Chief of Staff for Intelligence.

SEC. 922. TRANSFER OF MANAGEMENT OF INTELLIGENCE SYSTEMS SUPPORT OFFICE.

(a) TRANSFER OF MANAGEMENT GENERALLY.—

(1) TRANSFER.—Except as provided in subsection (b), management of the Intelligence Systems Support Office, and all programs and activities of that office as of April 1, 2008, including the Foreign Materials Acquisitions program, shall be transferred to the Defense Intelligence Agency.

(2) MANAGEMENT.—The programs and activities of the Intelligence Systems Support Office transferred under paragraph (1) shall, after transfer under that paragraph, be managed by the Director of the Defense Intelligence Agency.

(b) TRANSFER OF MANAGEMENT OF CENTER FOR INTERNATIONAL ISSUES RESEARCH.—

(1) TRANSFER.—Management of the Center for International Issues Research shall be transferred to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(2) MANAGEMENT.—The Center for International Issues Research shall, after transfer under paragraph (1), be managed by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(c) DEADLINE FOR TRANSFERS OF MANAGEMENT.—The transfers of management required by subsections (a) and (b) shall occur not later than 30 days after the date of the enactment of this Act.

(d) LIMITATION ON CERTAIN AUTHORITY OF USD FOR INTELLIGENCE.—Effective as of December 1, 2008, the Under Secretary of Defense for Intelligence may not establish or maintain the capabilities as follows:

(1) A capability to execute programs of technology or systems development and acquisition.

(2) A capability to provide operational support to combatant commands.

SEC. 923. PROGRAM ON ADVANCED SENSOR APPLICATIONS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide for the carrying out of a program on advanced sensor applications in order to provide for the evaluation by the Department of Defense on scientific and engineering grounds of foreign technology utilized for the detection and tracking of submarines.

(2) DESIGNATION.—The program under this section shall be known as the ''Advanced Sensor Applications Program''.

(b) RESPONSIBILITY FOR EXECUTION OF PROGRAM.—The program under this section shall be carried out by the Commander of the Naval Air Systems Command in consultation with the Program Executive Officer for Aviation of the Department of the Navy and the Director of Special Programs for the Chief of Naval Operations.

(c) PROGRAM REQUIREMENTS AND LIMITATIONS.—

(1) ACCESS TO CERTAIN INFORMATION.—In carrying out the program under this section, the Commander of the Naval Air Systems Command shall—

(A) have complete access to all United States intelligence relating to the detection and tracking of submarines; and

(B) be kept currently apprised of information and assessments of the Office of Naval Intelligence, the Defense Intelligence Agency, and the Central Intelligence Agency, and of information and assessments of the intelligence services of allies of the United States that are available to the United States, on matters relating to the detection and tracking of submarines.

(2) INDEPENDENCE OF PROGRAM.—The program under this section shall be carried out independently of the Office of Naval Intelligence, the Defense Intelligence Agency, the Central Intelligence Agency, and any other element of the intelligence community.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION INTO ACT OF TABLES IN THE REPORT OF THE COMMITTEE ON ARMED SERVICES OF THE SENATE.

(a) INCORPORATION.—Each funding table in the report of the Committee on Armed Services of the Senate to accompany the bill S. _____ of the 110th Congress is hereby incorporated into this Act and is hereby made a requirement in law. Items in each such funding table shall be binding on agency heads in the same manner and to the same extent as if such funding table was included in the text of this Act, unless transfers of funding for such items are approved in accordance with established procedures.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds on the basis of any funding table incorporated into this Act pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, and merit-based decision-making in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any item in a funding table incorporated into this Act under subsection (a) shall supersede the requirements of subsection (b).

SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2009.

(a) FISCAL YEAR 2009 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2009 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2008, of funds appropriated for fiscal years before fiscal year 2009 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,049,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $408,788,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. GOVERNMENT RIGHTS IN DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, CRAFT, AND COMPONENTS DEVELOPED USING PUBLIC FUNDS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds

''(a) IN GENERAL.—Government rights in the design of a vessel, boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard equipment and systems, developed in whole or in part using public funds shall be determined solely as follows:

''(1) In the case of a vessel, boat, craft, or component procured through a contract, in accordance with the provisions of section 2320 of this title.

''(2) In the case of a vessel, boat, craft, or component procured through an instrument not governed by section 2320 of this title, by the terms of the instrument (other than a contract) under which the design for such vessel, boat, craft, or component, as applicable, was developed for the Government.

''(b) CONSTRUCTION OF SUPERSEDING AUTHORITIES.—This section may be modified or superseded by a provision of statute only if such provision expressly refers to this section in modifying or superseding this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by adding at the end the following new item:

''7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds.''.

SEC. 1012. REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

(a) IN GENERAL.—Amounts appropriated for operation and maintenance for the Navy may be used to pay the charge established under section 1011 of title 37, United States Code, for meals sold by messes for United States Navy and Naval Auxiliary vessels to the following:

(1) Members of nongovernmental organizations and officers or employees of host and foreign nations when participating in or providing support to United States civil-military operations.

(2) Foreign national patients treated on Naval vessels during the conduct of United States civil-military operations, and their escorts.

(b) EXPIRATION OF AUTHORITY.—The authority to pay for meals under subsection (a) shall expire on September 30, 2010.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''through 2008'' and inserting ''through 2009''.

SEC. 1022. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a)(1), by striking ''through 2008'' and inserting ''through 2010''; and

(2) in subsection (c), by striking ''through 2008'' and inserting ''through 2010''.

Subtitle D—Miscellaneous Authorities and Limitations

SEC. 1031. PROCUREMENT BY STATE AND LOCAL GOVERNMENTS OF EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.

(a) EXPANSION OF PROCUREMENT AUTHORITY TO INCLUDE EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES.—

(1) PROCEDURES.—Subsection (a)(1) of section 381 of title 10, United States Code, is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''law enforcement''; and

(II) by inserting '', homeland security, and emergency response'' after ''counter-drug'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting '', homeland security, or emergency response'' after ''counter-drug''; and

(II) in clause (i), by striking ''law enforcement'';

(iii) in subparagraph (C), by striking ''law enforcement'' each place it appears; and

(iv) in subparagraph (D), by striking ''law enforcement''.

(2) GSA CATALOG.—Subsection (c) of such section is amended—

(A) by striking ''law enforcement''; and

(B) by inserting '', homeland security, and emergency response'' after ''counter-drug''.

(3) DEFINITIONS.—Subsection (d) of such section is amended—

(A) in paragraph (2), by inserting ''or emergency response'' after ''law enforcement'' both places it appears; and

(B) in paragraph (3)—

(i) by striking ''law enforcement'';

(ii) by inserting '', homeland security, and emergency response'' after ''counter-drug''; and

(iii) by inserting ''and, in the case of equipment for homeland security activities, may not include any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security'' after ''purposes''.

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381 and inserting the following new item:

''381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities.''.

SEC. 1032. ENHANCEMENT OF THE CAPACITY OF THE UNITED STATES GOVERNMENT TO CONDUCT COMPLEX OPERATIONS.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding the following new section:

''§ 409. Center for Complex Operations

''(a) CENTER AUTHORIZED.—The Secretary of Defense may establish within the Department of Defense a center to be known as the 'Center for Complex Operations' (in this section referred to as the 'Center').

''(b) PURPOSES.—The purposes of the Center established under subsection (a) shall be the following:

''(1) To provide for effective coordination in the preparation of Department of Defense personnel and other United States Government personnel for complex operations.

''(2) To foster unity of effort among the departments and agencies of the United States Government, foreign governments and militaries, international organizations, and nongovernmental organizations in their participation in complex operations.

''(3) To conduct research, collect, analyze, and distribute lessons learned, and compile best practices in matters relating to complex operations.

''(4) To identify gaps in the education and training of Department of Defense personnel, and other United States Government personnel, relating to complex operations, and to facilitate efforts to fill such gaps.

''(c) SUPPORT FROM OTHER UNITED STATES GOVERNMENT AGENCIES.—The head of any non-Department of Defense department or agency of the United States Government may—

''(1) provide to the Secretary of Defense services, including personnel support, to support the operations of the Center; and

''(2) transfer funds to the Secretary of Defense to support the operations of the Center.

''(d) ACCEPTANCE OF GIFTS AND DONATIONS.—(1) Subject to paragraph (3), the Secretary of Defense may accept from any source specified in paragraph (2) any gift or donation for purposes of defraying the costs or enhancing the operations of the Center.

''(2) The sources specified in this paragraph are the following:

''(A) The government of a State or a political subdivision of a State.

''(B) The government of a foreign country.

''(C) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

''(D) Any source in the private sector of the United States or a foreign country.

''(3) The Secretary may not accept a gift or donation under this subsection if acceptance of the gift or donation would compromise or appear to compromise—

''(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(B) the integrity of any program of the Department or of any person involved in such a program.

''(4) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining the applicability of paragraph (3) to any proposed gift or donation under this subsection.

''(e) CREDITING OF FUNDS TRANSFERRED OR ACCEPTED.—Funds transferred to or accepted by the Secretary of Defense under this section shall be credited to appropriations available to the Department of Defense for the Center, and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged. Any funds so transferred or accepted shall remain available until expended.

''(f) DEFINITIONS.—In this section:

''(1) The term 'complex operation' means an operation as follows:

''(A) A stability operation.

''(B) A security operation.

''(C) A transition and reconstruction operation.

''(D) A counterinsurgency operation.

''(E) An operation consisting of irregular warfare.

''(2) The term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

''409. Center for Complex Operations.''.

SEC. 1033. CREDITING OF ADMIRALTY CLAIM RECEIPTS FOR DAMAGE TO PROPERTY FUNDED FROM A DEPARTMENT OF DEFENSE WORKING CAPITAL FUND.

Section 7623(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) in paragraph (1), as so designated, by striking the last sentence; and

(3) by adding at the end the following new paragraph:

''(2)(A) Except as provided in subparagraph (B), amounts received under this section shall be covered into the Treasury as miscellaneous receipts.

''(B) Amounts received under this section for damage or loss to property operated and maintained with funds from a Department of Defense working capital fund or account shall be credited to that fund or account.''.

SEC. 1034. MINIMUM ANNUAL PURCHASE REQUIREMENTS FOR AIRLIFT SERVICES FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

''(a) IN GENERAL.—The Secretary of Defense may award to an air carrier or an air carrier contractor team arrangement participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount under such contract determined in accordance with this section.

''(b) ELIGIBLE CARRIERS.—In order to be eligible for payments under the minimum purchase amount provided by this section, an air carrier (or any air carrier participating in an air carrier contractor team arrangement)—

''(1) if under contract with the Department of Defense in the prior fiscal year, shall have an average on-time pick up rate, based on factors within such air carrier's control, of at least 90 percent;

''(2) shall offer such amount of commitment to the Civil Reserve Air Fleet in excess of the minimum required for participation in the Civil Reserve Air Fleet as the Secretary of Defense shall specify for purposes of this section; and

''(3) may not have refused a Department of Defense request to act as a host for other Civil Reserve Air Fleet carriers at intermediate staging bases during the prior fiscal year.

''(c) AGGREGATE MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the average annual expenditure of the Department of Defense for commercial airlift services during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

''(2) In calculating the average annual expenditure of the Department of Defense for airlift services for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for commercial airlift services if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated commercial airlift services for purposes of that paragraph.

''(d) ALLOCATION OF MINIMUM PURCHASE AMONG CONTRACTS.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under subsection (c), shall be allocated among all air carriers and air carrier contractor team arrangements awarded contracts under subsection (a) for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

''(2) In determining the minimum purchase amount payable under paragraph (1) under a contract under subsection (a) for airlift services provided by an air carrier or air carrier contractor team arrangement during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to such carrier or arrangement under paragraph (2) to take into account periods during such fiscal year when airlift services of such carrier or a carrier in such arrangement are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when such carrier is placed in nonuse status pursuant to section 2640 of this title for safety reasons.

''(e) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift services from a carrier or air carrier contractor team arrangement for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift services from the carrier or arrangement in such fiscal year, such amount shall be provided to the carrier or arrangement before the first day of the following fiscal year.

''(f) COMMITMENT OF FUNDS.—(1) The Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for the payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift services by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

''(2) Any amounts required to be transferred under paragraph (1) shall be transferred by the last day of the fiscal year concerned to meet the requirements of subsection (e) unless minimum purchase amounts have already been distributed by the Secretary of Defense under subsection (e) as of that date.

''(g) AVAILABILITY OF AIRLIFT SERVICES.—(1) From the total amount of airlift services available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift services equal to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (f).

''(2) A military department may transfer any entitlement to airlift services under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

''(h) SUNSET.—The authorities in this section shall expire on December 31, 2015.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 941 of such title is amended by adding at the end the following new item:

''9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.''.

SEC. 1035. TERMINATION DATE OF BASE CONTRACT FOR THE NAVY-MARINE CORPS INTRANET.

Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–215), as amended by section 362 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1065) and Public Law 107–254 (116 Stat. 1733), is further amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection (j):

''(j) TERMINATION DATE OF BASE CONTRACT FOR NAVY-MARINE CORPS INTRANET.—Notwithstanding subsection (i), the base contract of the Navy-Marine Corps Intranet contract may terminate on October 31, 2010.''.

SEC. 1036. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

(a) REGULATIONS REQUIRED.—Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to provide that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to private sector contractors who are beyond the reach of controls otherwise applicable to government personnel; and

(2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government officials.

(b) PENALTIES.—The obligation or expenditure of Department of Defense funds for a contract that is not in compliance with the regulations issued pursuant to this section is a violation of section 1341(a)(1)(A) of title 31, United States Code.

SEC. 1037. NOTIFICATION OF COMMITTEES ON ARMED SERVICES WITH RESPECT TO CERTAIN NONPROLIFERATION AND PROLIFERATION ACTIVITIES.

(a) NOTIFICATION WITH RESPECT TO NONPROLIFERATION ACTIVITIES.—The Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, and the Nuclear Regulatory Commission shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives informed with respect to—

(1) any activities undertaken by any such Secretary or the Commission to carry out the purposes and policies of the Secretaries and the Commission with respect to nonproliferation programs; and

(2) any other activities undertaken by any such Secretary or the Commission to prevent the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(b) NOTIFICATION WITH RESPECT TO PROLIFERATION ACTIVITIES IN FOREIGN NATIONS.—

(1) IN GENERAL.—The Director of National Intelligence shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives fully and currently informed with respect to any activities of foreign nations that are significant with respect to the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(2) FULLY AND CURRENTLY INFORMED DEFINED.—For purposes of paragraph (1), the term ''fully and currently informed'' means the transmittal of credible information with respect to an activity described in such paragraph not later than 60 days after becoming aware of the activity.

SEC. 1038. SENSE OF CONGRESS ON NUCLEAR WEAPONS MANAGEMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) The unauthorized transfer of nuclear weapons from Minot Air Force Base, North Dakota, to Barksdale Air Force Base, Louisiana, in August 2007 was an extraordinary breach of the command and control and security of nuclear weapons.

(2) The reviews conducted following that unauthorized transfer found that the ability of the Department of Defense to provide oversight of nuclear weapons matters had degenerated and that senior level attention to nuclear weapons management is minimal at best.

(3) The lack of attention to nuclear weapons and related equipment by the Department of Defense was demonstrated again when it was discovered in March 2008 that classified equipment from Minuteman III intercontinental ballistic missiles was inadvertently shipped to Taiwan in 2006.

(4) The Department of Defense has insufficient capability and staffing in the Office of the Under Secretary of Defense for Policy to provide the necessary oversight of the nuclear weapons functions of the Department.

(5) The key senior position responsible for nuclear weapons matters in the Department of Defense, the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, a position filled by appointment by and with the advice and consent of the Senate, has been vacant for more than 18 months.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should maintain clear and unambiguous command and control of its nuclear weapons;

(2) the safety and security of nuclear weapons and related equipment should be a high priority as long as the United States maintains a stockpile of nuclear weapons;

(3) the President should take immediate steps to nominate a qualified individual for the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and

(4) the Secretary of Defense should establish and fill a senior position, at the level of Assistant Secretary or Deputy Under Secretary, within the Office of the Under Secretary of Defense for Policy to be responsible solely for the strategic and nuclear weapons policy of the Department of Defense.

SEC. 1039. SENSE OF CONGRESS ON JOINT DEPARTMENT OF DEFENSE-FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.

(a) FINDINGS.—Congress makes the following findings:

(1) Unmanned aerial systems (UAS) of the Department of Defense, like the Predator and the Global Hawk, have become a critical component of military operations. Unmanned aerial systems are indispensable in the conflict against terrorism and the campaigns in Afghanistan and Iraq.

(2) Unmanned aerial systems of the Department of Defense must operate in the National Airspace System (NAS) for training, operational support to the combatant commands, and support to domestic authorities in emergencies and national disasters.

(3) The Department of Defense has been lax in developing certifications of airworthiness for unmanned aerial systems, qualifications for operators of unmanned aerial systems, databases on safety matters relating to unmanned aerial systems, and standards, technology, and procedures that are necessary for routine access of unmanned aerial systems to the National Airspace System.

(4) As recognized in a Memorandum of Agreement for Operation of Unmanned Aircraft Systems in the National Airspace System signed by the Deputy Secretary of Defense and the Administrator of the Federal Aviation Administration in September 2007, it is vital for the Department of Defense and the Federal Aviation Administration to collaborate closely to achieve progress in gaining access for unmanned aerial systems to the National Airspace System to support military requirements.

(5) The Department of Defense and the Federal Aviation Administration have jointly and separately taken significant actions to improve the access of unmanned aerial systems of the Department of Defense to the National Airspace System, but overall, the pace of progress in access of such systems to the National Airspace System has been insufficient and poses a threat to national security.

(6) Techniques and procedures can be rapidly acquired or developed to temporarily permit safe operations of unmanned aerial systems in the National Airspace System until permanent safe operations of such systems in the National Airspace System can be achieved.

(7) Identifying, developing, approving, implementing, and monitoring the adequacy of these techniques and procedures may require the establishment of a joint Department of Defense-Federal Aviation Administration executive committee reporting to the highest levels of the Department of Defense and the Federal Aviation Administration on matters relating to the access of unmanned aerial systems of the Department of Defense to the National Airspace System.

(8) Joint management attention at the highest levels of the Department of Defense and the Federal Aviation Administration may also be required on other important issues, such as type ratings for aerial refueling aircraft.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should seek an agreement with the Administrator of the Federal Aviation Administration to jointly establish within the Department of Defense and the Federal Aviation Administration a joint Department of Defense–Federal Aviation Administration executive committee on conflict and dispute resolution which would—

(1) act as a focal point for the resolution of disputes on matters of policy and procedures between the Department of Defense and the Federal Aviation Administration with respect to—

(A) airspace, aircraft certifications, and aircrew training; and

(B) other issues brought before the joint executive committee by the Department of Defense or the Department of Transportation;

(2) identify solutions to the range of technical, procedural, and policy concerns arising in the disputes described in paragraph (1); and

(3) identify solutions to the range of technical, procedural, and policy concerns arising in the integration of Department of Defense unmanned aerial systems into the National Airspace System in order to achieve the increasing, and ultimately routine, access of such systems into the National Airspace System.

SEC. 1040. SENSE OF CONGRESS ON SALE OF NEW OUTSIZE CARGO, STRATEGIC LIFT AIRCRAFT FOR CIVILIAN USE.

(a) FINDINGS.—Congress makes the following findings:

(1) The 2004 Quadrennial Defense Review (as submitted to Congress in 2005) and the 2005 Mobility Capability Study determined that the United States Transportation Command requires a force of 292 organic strategic lift aircraft, augmented by procurement of airlift service from commercial air carriers participating in the Civil Reserve Air Fleet, to meet the demands of the National Military Strategy. Congress has authorized and appropriated funds for 301 strategic airlift aircraft.

(2) The Commander of the United States Transportation Command has testified to Congress that it is essential to safeguard the capabilities and capacity of the Civil Reserve Air Fleet to meet wartime surge demands in connection with major combat operations, and that procurement by the Air Force of excess organic strategic lift aircraft would be harmful to the health of the Civil Reserve Air Fleet.

(3) The C–17 Globemaster aircraft is the workhorse of the Air Mobility Command in the Global War on Terror. Production of the C–17 Globemaster aircraft is scheduled to cease in 2009, upon completion of the aircraft remaining to be procured by the Air Force.

(4) The Federal Aviation Administration has informed the Committee on Armed Services of the Senate that no fewer than six commercial operators have expressed interest in procuring a commercial variant of the C–17 Globemaster aircraft. Commercial sale of the C–17 Globemaster aircraft would require that the Department of Defense or Congress determine that it is in the national interest for the Federal Aviation Administration to proceed with the issuance of a type certificate for surplus aircraft of the Armed Forces in accordance with section 21.27 of title 14, Code of Federal Regulations.

(5) C–17 Globemaster aircraft sold for commercial use could be made available to the Civil Reserve Air Fleet, thus strengthening the capabilities and capacity of the Civil Reserve Air Fleet.

(6) The sale of a commercial variant of the C–17 Globemaster to Civil Reserve Air Fleet partners would strengthen the United States industrial base.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should—

(1) review the benefits and feasibility of pursuing a commercial-military cargo initiative for the C–17 Globemaster aircraft and determine whether such an initiative is in the national interest; and

(2) if the Secretary determines that such an initiative is in the national interest, take appropriate actions to coordinate with the Federal Aviation Administration to achieve the type certification for such aircraft required by section 21.27 of title 14, Code of Federal Regulations.

Subtitle E—Reports

SEC. 1051. REPEAL OF REQUIREMENT TO SUBMIT CERTAIN ANNUAL REPORTS TO CONGRESS REGARDING ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) REPEAL OF CERTAIN REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 95–525; 98 Stat. 2576) is amended by striking subsections (c) and (d).

(b) REPEAL OF REPORT ON COST-SHARING.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsections (c).

SEC. 1052. REPORT ON DETENTION OPERATIONS IN IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on detention operations at theater internment facilities in Iraq during the period beginning on January 1, 2007, and ending on the date of the report.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed description of the policies and procedures governing detention operations at theater internment facilities in Iraq during the period covered by the report, and a description of any changes to such policies and procedures during that period intended to incorporate counterinsurgency doctrine within such detention operations.

(2) A detailed description of the policies and programs instituted to prepare detainees for reintegration following their release from detention in theater interment facilities in Iraq, including programs of family visits and outreach, religious counseling, literacy, basic education, and vocational skills.

(3) A detailed description of the procedures for reviewing the detention status of individuals under detention in theater detention facilities in Iraq during the period covered by the report, including the procedures of the Multinational Forces Review Committee, and an assessment of the effect, if any, on United States detention policy and procedures with respect to Iraq of the General Amnesty Law approved by the Council of Representatives on February 13, 2008, and signed by the Presidency Council on February 26, 2008.

(4) Information for each month of the period covered by the report as follows:

(A) The detainee population at each theater internment facility in Iraq as of the end of such month.

(B) The number of detainees released from detention in theater internment facilities in Iraq during such month both in aggregate and in number released from each such theater internment facility.

(C) The number of detainees in theater internment facilities in Iraq turned over to the control of the Government of Iraq for criminal prosecution during such month.

(5) Information on the length of detainments in the theater internment facilities in Iraq as of each of January 1, 2007, and January 1, 2008, with a stratification of the number of individuals who had been so detained at each such date by six-month increments.

(6) A description and assessment of the effects of changes in detention operations and reintegration programs at theater internment facilities in Iraq during the period of the report, including changes in levels of violence within internment facilities and in rates of recapture of detainees released from detention in internment facilities.

(7) A statement of the costs of establishing and operating reintegration centers in Iraq and of the share of such costs to be paid by the Government of Iraq, and a description of plans for the transition of such centers to the control of the Government of Iraq.

(8) A description of—

(A) the lessons learned regarding detention operations in a counterinsurgency operation, an assessment of how such lessons could be applied to detention operations elsewhere (including in Afghanistan and at Guantanamo Bay, Cuba); and

(B) any efforts to integrate such lessons into Department of Defense directives, joint doctrine, mission rehearsal exercises for deploying forces, and training for units involved in detention and interrogation operations.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1053. STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES IN THE NATIONAL DEFENSE.

(a) STRATEGIC PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop a strategic plan to enhance the role of the National Guard and Reserves in the national defense, including—

(A) the transition of the reserve components of the Armed Forces from a strategic force to an operational force;

(B) the achievement of a fully-integrated total force (including further development of the continuum of service); and

(C) the enhancement of the role of the reserve components of the Armed Forces in homeland defense.

(2) CONSULTATION.—The Secretary shall develop the strategic plan required by this subsection in consultation with the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau.

(b) CONSIDERATION OF EXISTING FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the strategic plan required by subsection (a), the Secretary shall consider the following:

(1) The findings and recommendations of the final report of the Commission on the National Guard and Reserves.

(2) The findings and recommendations of the Center for Strategic and International

Studies on the future of the National Guard and Reserves.

(3) The policies expressed in the provisions of the bill S. 2760 of the 110th Congress, to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

(4) Current policies and practices of the Department of Defense for the utilization of members and units of the reserve components of the Armed Forces.

(c) ELEMENTS.—The strategic plan required by subsection (a) shall include the following:

(1) A description of the legislative, organizational, and administrative actions required to make the reserve components of the Armed Forces a sustainable operational force.

(2) A description of the legislative, organizational, and administrative actions required to enhance the Department of Defense role in homeland defense and support of civil authorities, with particular emphasis on the role of the reserve components of the Armed Forces in such role.

(3) A description of the legislative, organizational, and administrative actions required to create a continuum of service in the reserve components of the Armed Forces, including a personnel management system for an integrated total force that will facilitate the seamless transition of members of National Guard and Reserves on and off active duty to meet mission requirements and permit different levels of participation by such members in the Armed Forces over the course of a military career.

(4) A description of the legislative and administrative actions required to develop a ready, capable, and available operational reserve for the Armed Forces.

(5) A description of the legislative and administrative actions required to reform organizations and institutions to support an operational reserve for the Armed Forces.

(6) A description of the legislative and administrative actions required to enhance support to members of the Armed Forces, including members of the reserve components of the Armed Forces, their families, and their employers.

(d) DEADLINE FOR SUBMITTAL.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by subsection (a) not later than July 1, 2009.

SEC. 1054. REVIEW OF NONNUCLEAR PROMPT GLOBAL STRIKE CONCEPT DEMONSTRATIONS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of each nonnuclear prompt global strike concept demonstration with respect to which the President requests funding in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) ELEMENTS.—The review required by subsection (a) shall include, for each concept demonstration described in that subsection, the following:

(1) The full cost of such concept demonstration.

(2) An assessment of any policy, legal, or treaty-related issues that could arise during the course of, or as a result of, such concept demonstration.

(3) The extent to which the concept demonstrated could be misconstrued as a nuclear weapon or delivery system.

(4) An assessment of the potential basing and deployment options for the concept demonstrated.

(5) A description of the types of targets against which the concept demonstrated might be used.

(c) REPORT.—Not later than 30 days after the date on which the President submits to Congress the budget for fiscal year 2010 (as so submitted), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the review required by subsection (a).

SEC. 1055. REVIEW OF BANDWIDTH CAPACITY REQUIREMENTS OF THE DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall conduct a joint review of the bandwidth capacity requirements of the Department of Defense and the intelligence community in the near term, mid term, and long term.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the following:

(1) The current bandwidth capacities of the Department of Defense and the intelligence community to transport data, including Government and commercial ground networks and satellite systems.

(2) The bandwidth capacities anticipated to be available to the Department of Defense and the intelligence community to transport data in the near term, mid term, and long term.

(3) The bandwidth and data requirements of current major operational systems of the Department of Defense and the intelligence community, including an assessment of—

(A) whether such requirements are being appropriately met by the bandwidth capacities described in paragraph (1); and

(B) the degree to which any such requirements are not being met by such bandwidth capacities.

(4) The anticipated bandwidth and data requirements of major operational systems of the Department of Defense and the intelligence community planned for each of the near term, mid term, and long term, including an assessment of—

(A) whether such anticipated requirements will be appropriately met by the bandwidth capacities described in paragraph (2); and

(B) the degree to which any such requirements are not anticipated to be met by such bandwidth capacities.

(5) Any mitigation concepts that could be used to satisfy any unmet bandwidth and data requirements.

(6) The costs of meeting the bandwidth and data requirements described in paragraphs (3) and (4).

(7) Any actions necessary to integrate or consolidate the information networks of the Department of Defense and the intelligence community.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the results of the review required by subsection (a).

(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

(1) the bandwidth requirements needed to support such program are or will be met; and

(2) a determination will be made with respect to how to meet the bandwidth requirements for such program.

(e) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) LONG TERM.—The term ''long term'' means the five-year period beginning on the date that is 10 years after the date of the enactment of this Act.

(3) MID TERM.—The term ''mid term'' means the five-year period beginning on the date that is five years after the date of the enactment of this Act.

(4) NEAR TERM.—The term ''near term'' means the five-year period beginning on the date of the enactment of this Act.

Subtitle F—Wounded Warrior Matters

SEC. 1061. MODIFICATION OF UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1201(b)(3)(B)(i) of title 10, United States Code, is amended—

(1) by striking ''the member has six months or more of active military service and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)''.

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended—

(1) by striking ''the member has six months or more of active military service, and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)''.

SEC. 1062. INCLUSION OF SERVICE MEMBERS IN INPATIENT STATUS IN WOUNDED WARRIOR POLICIES AND PROTECTIONS.

Section 1602(7) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 432; 10 U.S.C. 1071 note) is amended by inserting ''inpatient or'' before ''outpatient status''.

SEC. 1063. CLARIFICATION OF CERTAIN INFORMATION SHARING BETWEEN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR WOUNDED WARRIOR PURPOSES.

(a) IN GENERAL.—Section 1614(b)(11) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 444; 10 U.S.C. 1071 note) is amended by inserting before the period at the end the following: ''or that such transfer is otherwise authorized by the regulations implementing such Act''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on

January 28, 2008, as if included in the provisions of the Wounded Warrior Act, to which such amendment relates.

SEC. 1064. ADDITIONAL RESPONSIBILITIES FOR THE WOUNDED WARRIOR RESOURCE CENTER.

Section 1616(a) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C. 1071 note) is amended in the first sentence by inserting ''receiving legal assistance referral information (where appropriate), receiving other appropriate referral information,'' after ''receiving benefits information,''.

SEC. 1065. RESPONSIBILITY FOR THE CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT AND REHABILITATION OF TRAUMATIC BRAIN INJURY TO CONDUCT PILOT PROGRAMS ON TREATMENT APPROACHES FOR TRAUMATIC BRAIN INJURY.

Section 1621(c) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 453; 10 U.S.C. 1071 note) is amended—

(1) by redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) To conduct pilot programs to promote or assess the efficacy of approaches to the treatment of all forms of traumatic brain injury, including mild traumatic brain injury.''.

SEC. 1066. CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.

(a) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly establish a center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(b) PARTNERSHIPS.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly ensure that the center collaborates with the Department of Veterans Affairs, the Department of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—The center shall have the responsibilities as follows:

(1) To implement a comprehensive plan and strategy for the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(2) To carry out such other activities to improve and enhance the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate.

(d) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to Congress a report on the activities of the center.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) In the case of the first report under this subsection, a description of the implementation of the requirements of this Act.

(B) A description and assessment of the activities of the center during the one-year period ending on the date of such report, including an assessment of the role of such activities in improving and enhancing the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

SEC. 1067. THREE-YEAR EXTENSION OF SENIOR OVERSIGHT COMMITTEE WITH RESPECT TO WOUNDED WARRIOR MATTERS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take such actions as are appropriate, including the allocation of appropriate personnel, funding, and other resources, to continue the operations of the Senior Oversight Committee until September 30, 2011.

(b) REPORT ON FURTHER EXTENSION OF COMMITTEE.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the joint recommendation of the Secretaries as to the advisability of continuing the operations of the Senior Oversight Committee after September 30, 2011. If the Secretaries recommend that continuing the operations of the Senior Oversight Committee after September 30, 2011, is advisable, the report may include such recommendations for the modification of the responsibilities, composition, or support of the Senior Oversight Committee as the Secretaries jointly consider appropriate.

(c) SENIOR OVERSIGHT COMMITTEE DEFINED.—In this section, the term ''Senior Oversight Committee'' means the Senior Oversight Committee jointly established by the Secretary of Defense and the Secretary of Veterans Affairs in May 2007. The Senior Oversight Committee was established to address concerns related to the treatment of wounded, ill, and injured members of the Armed Forces and veterans and serve as the single point of contact for oversight, strategy, and integration of proposed strategies for the efforts of the Department of Defense and the Department of Veterans Affairs to improve support throughout the recovery, rehabilitation, and reintegration of wounded, ill, or injured members of the Armed Forces.

Subtitle G—Other Matters

SEC. 1081. MILITARY SALUTE FOR THE FLAG DURING THE NATIONAL ANTHEM BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 301(b)(1) of title 36, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

''(A) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note;

''(B) members of the Armed Forces and veterans who are present but not in uniform may render the military salute in the manner provided for individuals in uniform; and

''(C) all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart; and''.

SEC. 1082. MODIFICATION OF DEADLINES FOR STANDARDS REQUIRED FOR ENTRY TO MILITARY INSTALLATIONS IN THE UNITED STATES.

Section 1069(c) of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat. 327) is amended—

(1) in paragraph (1)—

(A) by striking ''July 1, 2008'' and inserting ''February 1, 2009''; and

(B) by striking ''January 1, 2009'' and inserting ''October 1, 2012''; and

(2) in paragraph (2), by striking ''implemented'' and inserting ''developed''.

SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. DEPARTMENT OF DEFENSE STRATEGIC HUMAN CAPITAL PLANS.

(a) CODIFICATION OF ANNUAL REQUIREMENT FOR PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

''§ 115b. Department of Defense strategic human capital plans

''(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress on an annual basis a strategic human capital plan to shape and improve the civilian employee workforce of the Department of Defense. The plan shall be submitted not later than March 1 each year.

''(b) CONTENTS.—Each strategic human capital plan under subsection (a) shall include the following:

''(1) An assessment of—

''(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

''(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A).

''(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

''(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals; and

''(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies.

''(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic human capital plan under this section during the previous year.

''(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

''(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

''(A) An assessment of—

''(i) the needs of the Department for senior management, functional, and technical personnel (including scientists and engineers) in light of recent trends and projected changes in the mission and organization of the Department and in light of staff support needed to accomplish that mission;

''(ii) the capability of the existing civilian employee workforce of the Department to meet requirements relating to the mission of the Department, including the impact on that capability of projected trends in the senior management, functional, and technical personnel workforce of the Department based on expected losses due to retirement and other attrition; and

''(iii) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the senior management, functional, and technical personnel (including scientists and engineers) it needs.

''(B) A plan of action for developing and reshaping the senior management, functional, and technical workforce of the Department to address the gaps identified under subparagraph (A)(iii), including—

''(i) any legislative or administrative action that may be needed to adjust the requirements applicable to any category of civilian personnel identified in paragraph (3) or to establish a new category of senior management or technical personnel;

''(ii) any changes in the number of personnel authorized in any category of personnel identified in subsection (b) that may be needed to address such gaps and effectively meet the needs of the Department;

''(iii) any changes in the rates or methods of pay for any category of personnel identified in paragraph (3) that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department;

''(iv) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals;

''(v) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities for the senior management, functional, and technical workforce of the Department, including the program objectives of the Department to be achieved through such strategies; and

''(vi) specific steps that the Department has taken or plans to take to ensure that the senior management, functional, and technical workforce of the Department is managed in compliance with the requirements of section 129 of this title.

''(3) For purposes of this subsection, the senior management, functional, and technical workforce of the Department of Defense includes the following categories of Department of Defense civilian personnel:

''(A) Appointees in the Senior Executive Service under section 3131 of title 5.

''(B) Persons serving in positions described in section 5376(a) of title 5.

''(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

''(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

''(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

''(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

''(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

''(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

''(A) An assessment of—

''(i) the skills and competencies needed in the military and civilian workforce of the Department of Defense to effectively manage the acquisition programs and activities of the Department over the next decade;

''(ii) the skills and competencies of the existing military and civilian acquisition workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(iii) gaps in the existing or projected military and civilian acquisition workforce that should be addressed to ensure that the Department has access to the skills and competencies identified pursuant to clauses (i) and (ii).

''(B) A plan of action that establishes specific objectives for developing and reshaping the military and civilian acquisition workforce of the Department to address the gaps in skills and competencies identified under subparagraph (A), including—

''(i) specific recruiting and retention goals; and

''(ii) specific strategies and incentives for developing, training, deploying, compensating, and motivating the military and civilian acquisition workforce of the Department to achieve such goals.

''(C) A plan for funding needed improvements in the military and civilian acquisition workforce of the Department, including—

''(i) an identification of the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title;

''(ii) an identification of the funding programmed for defense acquisition workforce training in the future-years defense program, including a specific identification of funding provided by the acquisition workforce training fund established under section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3));

''(iii) a description of how the funding identified pursuant to clauses (i) and (ii) will be implemented during the fiscal year concerned to address the areas of need identified in accordance with subparagraph (A);

''(iv) a statement of whether the funding identified under clauses (i) and (ii) is being fully used; and

''(v) a description of any continuing shortfall in funding available for the defense acquisition workforce.

''(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic human capital plans required by this section.

''(f) GAPS IN THE WORKFORCE.—(1) The Secretary of Defense may not conduct a public-private competition under chapter 126 of this title, Office of Management and Budget Circular A–76, or any other provision of law or regulation before expanding the civilian workforce of the Department of Defense to address a gap in the workforce identified under this section.

''(2) For purposes of this section, gaps in the workforce include—

''(A) shortcomings in the skills and competencies of employees; and

''(B) shortcomings in the number of employees possessing such skills and competencies.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

''115b. Department of Defense strategic human capital plans.''.

(b) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after date on which the Secretary of Defense submits to Congress an annual strategic human capital plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 2011 and 2012, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plan so submitted.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 119–364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1102. CONDITIONAL INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE PERSONNEL.

(a) IN GENERAL.—Section 1606(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

(2) by striking the second sentence and inserting the following:

''(2)(A) The number of positions in the Defense Intelligence Senior Executive Service in any fiscal year after fiscal year after fiscal year 2008 may not exceed the lesser of the following:

''(i) The number of such positions authorized on September 30, 2007, as adjusted by the percentage specified in subparagraph (B) for such fiscal year.

''(ii) 694.

''(B) The percentage specified in this subparagraph for a fiscal year is the percentage by which the authorized number of Department of Defense positions in the Senior Executive Service has been increased as of the end of the preceding fiscal year over the number of such positions authorized on September 30, 2007.

''(3) Priority shall be given in the allocation of any increase in the number of authorized positions in the Defense Intelligence Senior Executive Service after fiscal year 2008 to components of the intelligence community within the Department of Defense in which the ratio of senior executives to employees other than senior executives is the lowest.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1103. ENHANCEMENT OF AUTHORITIES RELATING TO ADDITIONAL POSITIONS UNDER THE NATIONAL SECURITY PERSONNEL SYSTEM.

Section 9902(i) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''(except that the limitations of chapter 33 may be waived to the extent necessary to achieve the purposes of this subsection)'' after ''the limitations in subsection (b)(3)''; and

(2) in paragraph (2), by inserting before the period at the end the following: ''in a manner comparable to the manner in which such provisions are applied under chapter 33''.

SEC. 1104. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of health care position within the Department of Defense as a shortage category position if the Secretary determines that there exists a severe shortage of candidates for such position or there is a critical hiring need for such position; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 1105. ELECTION OF INSURANCE COVERAGE BY FEDERAL CIVILIAN EMPLOYEES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) AUTOMATIC COVERAGE.—Section 8702(c) of title 5, United States Code, is amended—

(1) by inserting ''an employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or'' after ''subsection (b)''; and

(2) by inserting ''notification of deployment or'' after ''the date of the''.

(b) OPTIONAL INSURANCE.—Section 8714a(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(1) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

(c) ADDITIONAL OPTIONAL LIFE INSURANCE.—Section 8714b(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(2) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

SEC. 1106. PERMANENT EXTENSION OF DEPARTMENT OF DEFENSE VOLUNTARY REDUCTION IN FORCE AUTHORITY.

Section 3502(f) of title 5, United States Code, is amended by striking paragraph (5).

SEC. 1107. FOUR-YEAR EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERANCE PAYMENTS WITH RESPECT TO DEPARTMENT OF DEFENSE EMPLOYEES.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

SEC. 1108. AUTHORITY TO WAIVE LIMITATIONS ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS UNDER AREAS OF UNITED STATES CENTRAL COMMAND.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding sections 5307 and 5547 of title 5, United States Code, the head of an Executive agency (as that term is defined in section 105 of title 5, United States Code) may, during calendar year 2009, waive limitations on the aggregate on basic pay and premium pay payable in such calendar year, and on allowances, differentials, bonuses, awards, and similar cash payments payable in such calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command in direct support of, or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to a declared emergency.

(2) LIMITATION.—The total annual compensation payable to an employee pursuant to a waiver under this subsection may not exceed the total annual compensation payable to the Vice President under section 104 of title 3, United States Code.

(b) ROLLOVER OF EARNED PAY TO SUBSEQUENT YEAR.—Any amount that would otherwise be paid an employee in calendar year 2009 under a waiver under subsection (a)(1) except for the limitation in subsection (a)(2) shall be paid to the employee in a lump sum at the beginning of calendar year 2010. Any amount paid an employee under this subsection in calendar year 2010 shall be taken into account as if the limitation in subsection (a)(2) was applicable to the employee in calendar year 2010.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall such additional pay be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may prescribe regulations to ensure appropriate consistency among heads of Executive agencies in the exercise of the authority granted by this section.

SEC. 1109. TECHNICAL AMENDMENT RELATING TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION FOR PURPOSES OF CERTIFICATION AND CREDENTIALING STANDARDS.

Section 1599d(e) of title 10, United States Code, is amended by striking ''GS–510, GS–511, and GS–505'' and inserting ''0505, 0510, 0511, or equivalent''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. INCREASE IN AMOUNT AVAILABLE FOR COSTS OF EDUCATION AND TRAINING OF FOREIGN MILITARY FORCES UNDER REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) INCREASE IN AMOUNT.—Section 2249c(b) of title 10, United States Code, is amended by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 1202. AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY WITH THE ARMED FORCES.

(a) AUTHORITY FOR DISTRIBUTION.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces

''(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the armed forces and military forces of friendly foreign nations, the Secretary of Defense, with the concurrence of the Secretary of State, may—

''(1) provide to personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

''(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

''(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

''(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

''(1) Internet-based education and training.

''(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

''(d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

''(e) GUIDANCE ON UTILIZATION OF AUTHORITY.—

''(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

''(2) MODIFICATION.—If the Secretary modifies the guidance issued under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

''(f) ANNUAL REPORT.—

''(1) REPORT REQUIRED.—Not later than October 31 following each fiscal year in which the authority in this section is used, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the exercise of the authority during such fiscal year.

''(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A statement of the recipients of learning content and information technology provided under this section.

''(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

''(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Armed Services of the Senate; and

''(2) the Committee on Armed Services of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by adding at the end the following new item:

''2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.''.

(b) GUIDANCE ON UTILIZATION OF AUTHORITY.—

(1) SUBMITTAL TO CONGRESS.—Not later than 30 days after issuing the guidance required by section 2249d(e) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such guidance.

(2) UTILIZATION OF SIMILAR GUIDANCE.—In developing the guidance required by section 2249d(e) of title 10, United States Code, as so added, the Secretary may utilize applicable portions of the current guidance developed by the Secretary under subsection (f) of section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) for purposes of the exercise of the authority in such section 1207.

(c) REPEAL OF SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is repealed.

(2) SUBMITTAL OF FINAL REPORT ON EXERCISE OF AUTHORITY.—If the Secretary of Defense exercised the authority in section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 during fiscal year 2008, the Secretary shall submit the report required by subsection (g) of such section for such fiscal year in accordance with the provisions of such subsection (g) without regard to the repeal of such section under paragraph (1).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

SEC. 1203. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended—

(1) by inserting '', with the concurrence of the relevant Chief of Mission,'' after ''may''; and

(2) by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) TIMING OF NOTICE ON PROVISION OF SUPPORT.—Subsection (c) of such section is amended by striking ''in not less than 48 hours'' and inserting ''within 48 hours''.

(c) EXTENSION.—Subsection (h) of such section, as amended by section 1202(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364), is further amended by striking ''2010'' and inserting ''2011''.

(d) TECHNICAL AMENDMENT.—The heading of such section is amended by striking ''military operations'' and inserting ''special operations''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1204. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) BUILDING OF CAPACITY OF ADDITIONAL FOREIGN FORCES.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by striking ''a program'' and all that follows and inserting ''a program or programs as follows:

''(1) To build the capacity of a foreign country's national military forces in order for that country to—

''(A) conduct counterterrorism operations; or

''(B) participate in or support military and stability operations in which the United States Armed Forces are participating.

''(2) To build the capacity of a foreign country's coast guard, border protection, and other security forces engaged primarily in counterterrorism missions in order for that country to conduct counterterrorism operations.''.

(b) DISCHARGE THROUGH GRANTS.—Subsection (b)(1) of such section, as so amended, is further amended by inserting ''may be carried out by grant and'' before ''may include the provision''.

(c) FUNDING.—Subsection (c) of such section, as so amended, is further amended—

(1) in paragraph (1), by striking ''$300,000,000'' and inserting ''$400,000,000''; and

(2) by adding at the end the following new paragraph:

''(4) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for programs under that authority that begin in such fiscal year but end in the next fiscal year.''.

(d) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as so amended, is further amended—

(1) by striking ''September 30, 2008'' and inserting ''September 30, 2011''; and

(2) by striking ''fiscal year 2006, 2007, or 2008'' and inserting ''fiscal years 2006 through 2011''.

SEC. 1205. EXTENSION OF AUTHORITY AND INCREASED FUNDING FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) INCREASE IN MAXIMUM AMOUNT OF ASSISTANCE.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended by striking ''$100,000,000'' and inserting ''$200,000,000''.

(b) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as amended by section 1210(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369), is further amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1206. FOUR-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2013''.

SEC. 1207. AUTHORITY FOR USE OF FUNDS FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) AUTHORITY FOR USE OF FUNDS.—

(1) IN GENERAL.—The Commander of a combatant command may, with the concurrence of the relevant Chief of Mission, expend amounts authorized to be appropriated for a fiscal year by section 301(2) for Operation and Maintenance, Navy to establish, develop, and maintain non-conventional assisted recovery capabilities in a foreign country if the Commander determines that expenditure of such funds for that purpose is necessary in connection with support of non-conventional assisted recovery efforts in that foreign country.

(2) LIMITATION ON AMOUNT.—The total amount of funds that may be expended under

the authority in subsection (a) in each of fiscal years 2009 and 2010 may not exceed $20,000,000.

(b) SCOPE OF EFFORTS SUPPORTABLE.—

(1) IN GENERAL.—In expending funds under the authority in subsection (a), the Commander of a combatant command may provide support to surrogate or irregular groups or individuals in order to facilitate the recovery of military or civilian personnel of the Department of Defense (including the Coast Guard), and other individuals who, while conducting activities in support of United States military operations, become separated or isolated from friendly forces.

(2) SUPPORT.—The support provided under paragraph (1) may include, but is not limited to, the provision of equipment, supplies, training, transportation, and other logistical support or funding to support operations and activities for the recovery of personnel and individuals as described in that paragraph.

(c) PROCEDURES.—

(1) PROCEDURES REQUIRED.—The Secretary of Defense shall establish procedures for the exercise of the authority in subsection (a).

(2) NOTICE.—The Secretary shall notify the congressional defense committees of the procedures established under paragraph (1) before any exercise of the authority in subsection (a).

(d) NOTICE TO CONGRESS ON USE OF AUTHORITY.—Upon using the authority in subsection (a) to make funds available for support of non-conventional assisted recovery activities, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event within 48 hours, of the use of such authority with respect to support of such activities. Such notice need be provided only once with respect to support of particular activities. Any such notice shall be in writing.

(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on the support provided under that subsection during such fiscal year. Each such report shall describe the support provided, including a statement of the recipient of the support and the amount obligated to provide the support.

(g) EXPIRATION.—The authority in subsection (a) shall expire on September 30, 2010.

Subtitle B—Department of Defense Participation in Bilateral, Multilateral, and Regional Cooperation Programs

SEC. 1211. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

(a) IN GENERAL.—Section 168(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs or activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 168 of title 10, United States Code (as so amended), that begin on or after that date.

SEC. 1212. ENHANCEMENT OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—

(1) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Funds available to carry out this section, including funds accepted under paragraph (4) and funds available under paragraph (5), shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 184 of title 10, United States Code (as so amended), that begin on or after that date.

(b) TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL.—

(1) AUTHORITY FOR TEMPORARY WAIVER.—In fiscal years 2009 and 2010, the Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under subsection (f) of section 184 of title 10, United States Code, of the costs of activities of Regional Centers under such section for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

(2) LIMITATION.—The amount of reimbursement that may be waived under paragraph (1) in any fiscal year may not exceed $1,000,000.

(3) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report under section 184(h) of title 10, United States Code, in 2010 and 2011 information on the attendance of personnel of nongovernmental and international organizations in activities of the Regional Centers during the preceding fiscal year for which a waiver of reimbursement was made under paragraph (1), including information on the costs incurred by the United States for the participation of personnel of each nongovernmental or international organization that so attended.

SEC. 1213. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) EXPANSION OF AUTHORITY FOR BILATERAL AND REGIONAL PROGRAMS TO COVER MULTILATERAL PROGRAMS.—Section 1051 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''a bilateral'' and inserting ''a multilateral, bilateral,''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''to and'' and inserting ''to, from, and''; and

(ii) by striking ''bilateral'' and inserting ''multilateral, bilateral,''; and

(B) in paragraph (2), by striking ''bilateral'' and inserting ''multilateral, bilateral,''.

(b) AVAILABILITY OF FUNDS FOR PROGRAMS AND ACTIVITIES ACROSS FISCAL YEARS.—Such section is further amended by adding at the end the following new subsection:

''(e) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following new item:

''1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses.''.

SEC. 1214. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350m. Participation in multinational military centers of excellence

''(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational military center of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

''(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

''(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

''(b) COVERED NATIONS.—The nations referred to in this subsection are the following:

''(1) The United States.

''(2) Any member nation of the North Atlantic Treaty Organization (NATO).

''(3) Any major non-NATO ally.

''(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

''(c) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

''(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

''(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

''(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

''(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

''(2) No funds may be used under this section to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

''(e) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

''(f) ANNUAL REPORTS ON USE OF AUTHORITY.—(1) Not later than October 31, 2009, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during the preceding fiscal year.

''(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section.

''(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or civilian personnel of the Department, so participated—

''(i) a description of such multinational military center of excellence;

''(ii) a description of the activities participated in by the Department, or by members of the armed forces or civilian personnel of the Department; and

''(iii) a statement of the costs of the Department for such participation, including—

''(I) a statement of the United States share of the expenses of such center and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

''(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

''(g) DEFINITIONS.—In this section:

''(1) The term 'multinational military center of excellence' means an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO by providing such personnel opportunities to—

''(A) enhance education and training;

''(B) improve interoperability and capabilities;

''(C) assist in the development of doctrine; and

''(D) validate concepts through experimentation.

''(2) The term 'major non-NATO ally' means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally pursuant to section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

''2350m. Participation in multinational military centers of excellence.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle C—Other Authorities and Limitations

SEC. 1221. WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA.

(a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to ensure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of the enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

Subtitle D—Reports

SEC. 1231. EXTENSION AND MODIFICATION OF UPDATES ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 122(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465), as amended by section 1262(1)(B) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 405), is further amended—

(1) by striking ''Not later than one year after enactment of this Act, and not later than two years after enactment of this Act'' and inserting ''Not later than the end of each calendar quarter ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009''; and

(2) by adding at the end the following new sentence: ''Each update under this paragraph after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall be submitted in unclassified form, but may include a classified annex.''.

SEC. 1232. REPORT ON UTILIZATION OF CERTAIN GLOBAL PARTNERSHIP AUTHORITIES.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report on the implementation of the Building Global Partnership authorities during the period beginning on the date of the enactment of this Act and ending on September 30, 2010.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed summary of the programs conducted under the Building Global Partnership authorities during the period covered by the report, including, for each country receiving assistance under such a program, a description of the assistance provided and its cost.

(2) An assessment of the impact of the assistance provided under the Building Global

Partnership authorities with respect to each country receiving assistance under such authorities.

(3) A description of—

(A) the processes used by the Department of Defense and the Department of State to jointly formulate, prioritize, and select projects to be funded under the Building Global Partnership authorities; and

(B) the processes, if any, used by the Department of Defense and the Department of State to evaluate the success of each project so funded after its completion.

(4) A statement of the projects initiated under the Building Global Partnership authorities that were subsequently transitioned to and sustained under the authorities of the Foreign Assistance Act of 1961 or other authorities.

(5) An assessment of the utility of the Building Global Partnership authorities, and of any gaps in such authorities, including an assessment of the feasability and advisability of continuing such authorities beyond their current dates of expiration (whether in their current form or with such modifications as the Secretary of Defense and the Secretary of State jointly consider appropriate).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(2) BUILDING GLOBAL PARTNERSHIP AUTHORITIES.—The term ''Building Global Partnership authorities'' means the following:

(A) AUTHORITY FOR BUILDING CAPACITY OF FOREIGN MILITARY FORCES.—The authorities provided in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1204 of this Act.

(B) AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.—The authorities provided in section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1205 of this Act.

(C) CIVIC ASSISTANCE AUTHORITIES UNDER COMBATANT COMMANDER INITIATIVE FUND.—The authority to engage in urgent and unanticipated civic assistance under the Combatant Commander Initiative Fund under section 166a(b)(6) of title 10, United States Code, as a result of the amendments made by section 902 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2351).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2009 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For nuclear weapons storage security in Russia, $33,101,000.

(3) For nuclear weapons transportation security in Russia, $40,800,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $50,286,000.

(5) For biological threat reduction in the states of the former Soviet Union, $184,463,000.

(6) For chemical weapons destruction in Russia, $1,000,000.

(7) For threat reduction outside the former Soviet Union, $10,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $20,100,000.

(10) For strategic offensive arms elimination in Ukraine, $6,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2009 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,608,553,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,802,202,000, of which—

(1) $24,301,359,000 is for Operation and Maintenance;

(2) $196,938,000 is for Research, Development, Test, and Evaluation; and

(3) $303,905,000 is for Procurement.

(b) SOURCE OF CERTAIN FUNDS.—Of the amount available under subsection (a), $1,300,000,000 shall, to the extent provided in advance in an Act making appropriations for fiscal year 2009, be available by transfer from the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h).

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,485,634,000, of which—

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,060,463,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by this division is the amount equal to the sum of all the amounts authorized to be appropriated by the provisions of this division reduced by $1,048,000,000, to be allocated as follows:

(1) PROCUREMENT.—The aggregate amount authorized to be appropriated by title I is hereby reduced by $313,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The aggregate amount authorized to be appropriated by title II is hereby reduced by $239,000,000.

(3) OPERATION AND MAINTENANCE.—The aggregate amount authorized to be appropriated by title III is hereby reduced by $470,000,000.

(4) OTHER AUTHORIZATIONS.—The aggregate amount authorized to be appropriated by title XIV is hereby reduced by $26,000,000

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the difference between the inflation assumptions used in the Concurrent Resolution on the Budget for Fiscal Year 2009 when compared with the inflation assumptions used in the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate the reductions required by this section among the amounts authorized to be appropriated for accounts in titles I, II, III, and XIV to reflect the extent to which net savings from lower-than-expected inflations are allocable to amounts authorized to be appropriated to such accounts.

Subtitle B—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

Subtitle C—Other Matters

SEC. 1431. RESPONSIBILITIES FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1) Notwithstanding subsections (b), (g), and (h), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1566; 50 U.S.C. 1521 note), the Secretary of the Army shall transfer responsibilities for the Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky to the Program Manager for Assembled Chemical Weapons Alternatives.

''(2) In carrying out the responsibilities transferred under paragraph (1), the Program Manager for Assembled Chemical Weapons Alternatives shall take appropriate actions to ensure that each Commission referred to in paragraph (1) retains the capacity to receive citizen and State concerns regarding the ongoing chemical demilitarization program in the State concerned.

''(3) A representative of the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with each Commission referred to in paragraph (1) not less often than twice a year.

''(4) Funds authorized to be appropriated for the Assembled Chemical Weapons Alternatives Program shall be available for travel and associated travel cost for Commissioners on the Commissions referred to in paragraph (1) when such travel is conducted at the invitation of the Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs of the Department of Defense.''.

SEC. 1432. MODIFICATION OF DEFINITION OF "DEPARTMENT OF DEFENSE SEALIFT VESSEL" FOR PURPOSES OF THE NATIONAL DEFENSE SEALIFT FUND.

Section 2218(1)(2) of title 10, United States Code, is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) A maritime prepositioning ship, other than a ship derived from a Navy design for an amphibious ship or auxiliary support vessel.''; and

(2) by striking subparagraph (I).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Afghanistan.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $250,000,000.

(2) For missile procurement, $12,500,000.

(3) For weapons and tracked combat vehicles procurement, $375,000,000.

(4) For ammunition procurement, $87,500,000.

(5) For other procurement, $1,100,000,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $25,000,000.

(2) For weapons procurement, $12,500,000.

(3) For other procurement, $25,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $250,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $75,000,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $12,500,000.

(3) For ammunition procurement, $12,500,000.

(4) For other procurement, $150,000,000.

SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $750,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by subsection (c) of this section, shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) MODIFICATION OF FUNDS TRANSFER AUTHORITY.—Subsection (c)(1) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

(d) PRIOR NOTICE OF TRANSFER OF FUNDS.—Funds authorized to be appropriated to the Joint Improvised Explosive Device Defeat Fund by subsection (a) may not be obligated from the Fund or transferred in accordance with the provisions of subsection (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (c) of this section, until five days after the date on which the Secretary of Defense notifies the congressional defense committees of the proposed obligation or transfer.

(e) MODIFICATION OF SUBMITTAL DATE OF REPORTS.—Subsection (e) of such section 1514 is amended by striking ''30 days'' and inserting ''60 days''.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $62,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $100,000,000.

SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $15,000,000.

(2) For the Navy, $15,000,000.

(3) For the Air Force, $15,000,000.

(4) For Defense-wide activities, $15,000,000.

SEC. 1508. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $9,000,000,000.

(2) For the Navy, $500,000,000.

(3) For the Marine Corps, $1,000,000,000.

(4) For the Air Force, $500,000,000.

(5) For Defense-wide activities, $668,750,000.

(6) For the Army Reserve, $12,500,000.

(7) For the Navy Reserve, $7,500,000.

(8) For the Marine Corps Reserve, $10,000,000.

(9) For the Air Force Reserve, $3,750,000.

(10) For the Army National Guard, $75,000,000.

(11) For the Air National Guard, $12,500,000.

SEC. 1509. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $500,000,000.
(2) For the Navy, $25,000,000.
(3) For the Marine Corps, $62,500,000.
(4) For the Air Force, $25,000,000.
(5) For the Army Reserve, $25,000,000.
(6) For the Navy Reserve, $7,500,000.
(7) For the Marine Corps Reserve, $5,000,000.
(8) For the Army National Guard, $100,000,000.

SEC. 1510. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $250,000,000, for the Defense Working Capital Funds.

SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $155,000,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $150,000,000.

SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Afghanistan Security Forces Fund in the amount of $3,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.
(B) Operation and maintenance accounts.
(C) Procurement accounts.
(D) Research, development, test, and evaluation accounts.
(E) Defense working capital funds.
(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR TRANSFER.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1514. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title and title XVI for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000, of which not more than $300,000,000 may be transferred to the Iraq Security Forces Fund.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1515. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1516. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.

(a) IN GENERAL.—In any annual or supplemental budget request for the Department of Defense that is submitted to Congress after the date of the enactment of this Act, the Secretary of Defense shall set forth separately any funding requested in such budget request for operations of the Department of Defense in Afghanistan.

(b) SPECIFICITY OF DISPLAY.—Each budget request under subsection (a) shall—

(1) clearly display the amounts requested in the budget request for the Department of Defense for Afghanistan at the appropriation account level and at the program, project, or activity level; and

(2) also include a detailed description of the assumptions underlying the funding requested in the budget request for the Department of Defense for Afghanistan for the period covered by the budget request, including anticipated troop levels, operating tempos, and reset requirements.

TITLE XVI—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN IRAQ

SEC. 1601. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Iraq.

SEC. 1602. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $750,000,000.
(2) For missile procurement, $37,500,000.
(3) For weapons and tracked combat vehicles procurement, $1,125,000,000.
(4) For ammunition procurement, $262,500,000.
(5) For other procurement, $3,300,000,000.

SEC. 1603. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $75,000,000.
(2) For weapons procurement, $37,500,000.
(3) For other procurement, $75,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $750,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $225,000,000.

SEC. 1604. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $37,500,000.

(3) For ammunition procurement, $37,500,000.

(4) For other procurement, $450,000,000.

SEC. 1605. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,250,000,000.

(b) RULE OF CONSTRUCTION.—The provisions of section 1505 and the amendments made by that section shall apply to the use of funds authorized to be appropriated by this section.

SEC. 1606. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $187,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $500,000,000.

SEC. 1607. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $35,000,000.

(2) For the Navy, $35,000,000.

(3) For the Air Force, $35,000,000.

(4) For Defense-wide activities, $35,000,000.

SEC. 1608. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $27,000,000,000.

(2) For the Navy, $1,500,000,000.

(3) For the Marine Corps, $3,000,000,000.

(4) For the Air Force, $1,500,000,000.

(5) For Defense-wide activities, $1,811,250,000.

(6) For the Army Reserve, $37,500,000.

(7) For the Navy Reserve, $22,500,000.

(8) For the Marine Corps Reserve, $30,000,000.

(9) For the Air Force Reserve, $11,250,000.

(10) For the Army National Guard, $225,000,000.

(11) For the Air National Guard, $37,500,000.

SEC. 1609. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $1,500,000,000.

(2) For the Navy, $75,000,000.

(3) For the Marine Corps, $187,500,000.

(4) For the Air Force, $75,000,000.

(5) For the Army Reserve, $75,000,000.

(6) For the Navy Reserve, $22,500,000.

(7) For the Marine Corps Reserve, $15,000,000.

(8) For the Army National Guard, $300,000,000.

SEC. 1610. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $750,000,000, for the Defense Working Capital Funds.

SEC. 1611. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $460,000,000 for operation and maintenance.

SEC. 1612. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Freedom Fund in the amount of $150,000,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1613. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Security Forces Fund in the amount of $200,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, and training.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) NOTICE TO CONGRESS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1614. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1615. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1616. CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ.

(a) FINDING.—The Senate finds that the financial contributions of the Government of Iraq to the reconstruction and stability of Iraq have been increasing.

(b) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts authorized to be appropriated by this Act (other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The United States Government shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending United States assistance (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts authorized to be appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term ''large-scale infrastructure project'' means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(c) COMBINED OPERATIONS.—

(1) IN GENERAL.—The United States Government shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall, in conjunction with the Secretary of Defense, submit to Congress a report describing the status of negotiations under paragraph (1).

(d) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2009

On Wednesday, the Senate passed S. 3003, as amended, as follows:

S. 3003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional defense committees.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.
Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
Sec. 2003. Effective date.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Extension of authorizations of certain fiscal year 2005 projects.
Sec. 2106. Extension of authorization of certain fiscal year 2006 project.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project inside the United States.
Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects inside the United States.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2005 projects.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.
Sec. 2405. Extension of authorization of certain fiscal year 2006 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.
Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.
Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2608. Extension of authorization of certain fiscal year 2005 project.
Sec. 2609. Modification of authority to carry out certain fiscal year 2008 project.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2704. Modification of annual base closure and realignment reporting requirements.
Sec. 2705. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in threshold for unspecified minor military construction projects.
Sec. 2802. Authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2803. Improved oversight and accountability for military housing privatization initiative projects.
Sec. 2804. Leasing of military family housing to Secretary of Defense.
Sec. 2805. Cost-benefit analysis of dissolution of Patrick Family Housing LLC.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Participation in conservation banking programs.
Sec. 2812. Clarification of congressional reporting requirements for certain real property transactions.
Sec. 2813. Modification of land management restrictions applicable to Utah national defense lands.

Subtitle C—Land Conveyances

Sec. 2821. Transfer of proceeds from property conveyance, Marine Corps Logistics Base, Albany, Georgia.

Subtitle D—Energy Security

Sec. 2831. Expansion of authority of the military departments to develop energy on military lands.

Subtitle E—Other Matters

Sec. 2841. Report on application of force protection and anti-terrorism standards to gates and entry points on military installations.

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Termination of authority to carry out fiscal year 2008 Army projects.

Subtitle B—Fiscal Year 2009 Projects

Sec. 2911. Authorized Army construction and land acquisition projects.
Sec. 2912. Authorized Navy construction and land acquisition projects.
Sec. 2913. Limitation on availability of funds for certain purposes relating to Iraq.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$45,000,000
	Redstone Arsenal	$16,500,000
Alaska	Fort Richardson	$18,100,000
	Fort Wainright	$110,400,000
Arizona	Fort Huachuca	$11,200,000
	Yuma Proving Ground	$3,800,000
California	Fort Irwin	$39,600,000
	Presidio, Monterey	$15,000,000
	Sierra Army Depot	$12,400,000
Colorado	Fort Carson	$534,000,000
Georgia	Fort Benning	$267,800,000
	Fort Stewart/Hunter Army Air Field	$432,300,000
Hawaii	Pohakuloa Training Area	$21,300,000
	Schofield Barracks	$279,000,000
	Wahiawa	$40,000,000
Indiana	Crane Army Ammunition Activity	$8,300,000
Kansas	Fort Riley	$132,000,000
Kentucky	Fort Campbell	$118,113,000
Louisiana	Fort Polk	$29,000,000
Michigan	Detroit Arsenal	$6,100,000
Missouri	Fort Leonard Wood	$31,650,000
New York	Fort Drum	$90,000,000
	United States Military Academy, West Point	$67,000,000
North Carolina	Fort Bragg	$36,900,000
Oklahoma	Fort Sill	$63,000,000
Pennsylvania	Carlisle Barracks	$13,400,000
	Letterkenny Army Depot	$7,500,000
	Tobyhanna Army Depot	$15,000,000
South Carolina	Fort Jackson	$30,000,000
Texas	Corpus Christi Storage Complex	$39,000,000
	Fort Bliss	$1,031,800,000
	Fort Hood	$32,000,000
	Fort Sam Houston	$96,000,000
	Red River Army Depot	$6,900,000
Virginia	Fort Belvoir	$7,200,000
	Fort Eustis	$28,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
	Fort Lee	$100,600,000
	Fort Myer	$14,000,000
Washington	Fort Lewis	$158,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$67,000,000
Germany	Katterbach	$19,000,000
	Wiesbaden Air Base	$119,000,000
Japan	Camp Zama	$2,350,000
	Sagamihara	$17,500,000
Korea	Camp Humphreys	$20,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Wiesbaden Air Base	326	$133,000,000
Korea	Camp Humphreys	216	$125,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $579,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $420,001,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $6,042,210,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,007,863,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $202,250,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $200,807,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $678,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat. 41), $102,000,000.

(7) For the construction of increment 2 of the SOUTHCOM Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $81,600,000.

(8) For the construction of increment 2 of the BDE Complex-Barracks/Community at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(9) For the construction of increment 2 of the BDE Complex-Operations Support Facility, at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $42,600,000 (the balance of the amount authorized under section 2101(b) for construction of a command and battle center at Wiesbaden, Germany).

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the table in subsection (b), as provided in sections 2101 of that Act (118 Stat. 2101), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000
Virginia	Fort Belvoir	Defense Access Road	$18,000,000

SEC. 2106. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks	Combined Arms Collective Training Facility.	$32,542,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$19,490,000
California	Marine Corps Base, Camp Pendleton	$799,870,000
	Marine Corps Logistics Base, Barstow	$7,830,000
	Marine Corps Air Station, Miramar	$48,770,000
	Naval Air Facility, El Centro	$8,900,000
	Naval Facility, San Clemente Island	$34,020,000
	Naval Air Station, North Island	$53,262,000
	Marine Corps Recruit Depot, San Diego	$51,200,000
	Marine Corps Base, Twentynine Palms	$145,550,000
Connecticut	Naval Submarine Base, Groton	$46,060,000
	Submarine Base, New London	$11,000,000
District of Columbia	Naval Support Activity, Washington	$24,220,000
Florida	Naval Air Station, Jacksonville	$12,890,000
	Naval Station, Mayport	$14,900,000
	Naval Support Activity, Tampa	$29,000,000
Georgia	Marine Corps Logistics Base, Albany	$15,320,000
Hawaii	Marine Corps Base, Kaneohe	$28,200,000
	Pacific Missile Range, Barking Sands	$28,900,000
	Naval Station, Pearl Harbor	$80,290,000
Illinois	Recruit Training Command, Great Lakes	$62,940,000
Maine	Portsmouth Naval Shipyard	$20,660,000
Maryland	Naval Surface Warfare Center, Indian Head	$25,980,000
Mississippi	Naval Air Station, Meridian	$6,340,000
	Naval Construction Battalion Center, Gulfport	$12,770,000
New Jersey	Naval Air Warfare Center, Lakehurst	$15,440,000
	Naval Weapons Station, Earle	$8,160,000
North Carolina	Marine Corps Air Station, Cherry Point	$77,420,000
	Marine Corps Air Station, New River	$86,280,000
	Marine Corps Base, Camp Lejeune	$353,090,000
Pennsylvania	Naval Support Activity, Philadelphia	$22,020,000
Rhode Island	Naval Station, Newport	$29,900,000
South Carolina	Marine Corps Air Station, Beaufort	$5,940,000
	Marine Corps Recruit Depot, Parris Island	$64,750,000
Virginia	Marine Corps Base, Quantico	$150,290,000
	Naval Station, Norfolk	$53,330,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$20,600,000
Diego Garcia	Diego Garcia	$35,060,000
Djibouti	Camp Lemonier	$18,580,000
Guam	Naval Activities, Guam	$88,430,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide	$66,020,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Cuba	Naval Air Station, Guantanamo Bay	146	$62,598,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,169,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,884,469,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,455,002,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $162,670,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $66,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $239,128,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $382,778,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of kilo wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the sub drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT INSIDE THE UNITED STATES.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$295,000,000'' in the amount column and inserting ''$311,670,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,084,497,000''.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS INSIDE THE UNITED STATES.

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513) is amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking ''$67,939,000'' in the amount column and inserting ''$76,288,000''; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$57,653,000'' in the amount column and inserting ''$60,500,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is amended—

(1) in paragraph (2), by striking ''$56,159,000'' and inserting ''$64,508,000''; and

(2) in paragraph (3), by striking ''$31,153,000'' and inserting ''$34,000,000''.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$15,556,000
Alaska	Elmendorf Air Force Base	$138,300,000
Arizona	Davis Monthan Air Force Base	$15,000,000
California	Edwards Air Force Base	$3,100,000
	Travis Air Force Base	$12,100,000
Colorado	Peterson Air Force Base	$4,900,000
	United States Air Force Academy	$18,000,000
Delaware	Dover Air Force Base	$19,000,000
Florida	Cape Canaveral Air Station	$8,000,000
	Eglin Air Force Base	$19,000,000
	MacDill Air Force Base	$21,000,000
Georgia	Robins Air Force Base	$24,100,000
Hawaii	Hickam Air Force Base	$8,700,000
Louisiana	Barksdale Air Force Base	$14,600,000
Maryland	Andrews Air Force Base	$77,648,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Mississippi	Columbus Air Force Base	$8,100,000
	Keesler Air Force Base	$6,600,000
Montana	Malmstrom Air Force Base	$10,000,000
Nebraska	Offutt Air Force Base	$11,800,000
Nevada	Creech Air Force Base	$48,500,000
	Nellis Air Force Base	$63,100,000
New Mexico	Holloman Air Force Base	$25,450,000
North Carolina	Seymour Johnson Air Force Base	$12,200,000
North Dakota	Grand Forks Air Force Base	$13,000,000
Oklahoma	Altus Air Force Base	$10,200,000
	Tinker Air Force Base	$48,600,000
South Carolina	Charleston Air Force Base	$4,500,000
	Shaw Air Force Base	$9,900,000
South Dakota	Ellsworth Air Force Base	$11,000,000
Texas	Dyess Air Force Base	$21,000,000
	Fort Hood	$10,800,000
	Lackland Air Force Base	$75,515,000
Utah	Hill Air Force Base	$41,400,000
Washington	McChord Air Force Base	$5,500,000
Wyoming	Francis E. Warren Air Force Base	$8,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	$57,200,000
Guam	Andersen Air Force Base	$5,200,000
Kyrgyzstan	Manas Air Base	$6,000,000
United Kingdom	Royal Air Force Lakenheath	$7,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Location	$891,000
Worldwide Unspecified	Unspecified Worldwide Locations	$52,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

Location	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	$71,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,057,408,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $844,769,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $75,800,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $53,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $73,104,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $599,465,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
		Purchase Build/Lease Housing (300 units)	$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	$59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	$26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	$48,868,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	$48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	$30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	$1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	$37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	$24,204,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Campbell	$21,400,000
North Carolina	Fort Bragg	$78,471,000

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois	Scott Air Force Base	$13,977,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Defense Distribution Depot, Tracy	$50,300,000
Delaware	Defense Fuel Supply Center, Dover Air Force Base	$3,373,000
Florida	Defense Fuel Support Point, Jacksonville	$34,000,000
Georgia	Hunter Army Air Field	$3,500,000
Hawaii	Pearl Harbor	$27,700,000
New Mexico	Kirtland Air Force Base	$14,400,000
Oklahoma	Altus Air Force Base	$2,850,000
Pennsylvania	Philadelphia	$1,200,000
Utah	Hill Air Force Base	$20,400,000
Virginia	Craney Island	$39,900,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$31,000,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$9,800,000
Florida	Eglin Air Force Base	$40,000,000
	Hurlburt Field	$8,900,000
	MacDill Air Force Base	$10,500,000
Kentucky	Fort Campbell	$15,000,000
New Mexico	Cannon Air Force Base	$26,400,000
North Carolina	Fort Bragg	$38,250,000
Virginia	Fort Story	$11,600,000
Washington	Fort Lewis	$38,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	$6,300,000
Colorado	Buckley Air Force Base	$3,000,000
Georgia	Fort Benning	$3,900,000
Kansas	Fort Riley	$52,000,000
Kentucky	Fort Campbell	$24,000,000
Maryland	Aberdeen Proving Ground	$430,000,000
Missouri	Fort Leonard Wood	$22,000,000
Oklahoma	Tinker Air Force Base	$65,000,000
Texas	Fort Sam Houston	$13,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$38,940,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	Germersheim	$48,000,000
Greece	Souda Bay	$27,761,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid	$9,200,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities	$30,000,000

Missile Defense Agency

Country	Installation or Location	Amount
Poland	Various Locations	$661,380,000
Czech Republic	Various Locations	$176,100,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $80,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,821,379,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $792,811,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $356,121,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $31,853,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $155,793,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $80,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section

1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(8) For the construction of increment 4 of the National Security Agency regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, Global War on Terrorism and Hurricane Relief (Public Law 109–234; 120 Stat. 485), $100,220,000.

(9) For the construction of increment 2 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $209,000,000.

(10) For the construction of increment 2 of the SOF Operational Facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $528,780,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European interceptor site in Poland.

(3) $67,540,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European midcourse radar site in the Czech Republic.

(c) LIMITATION ON EUROPEAN MISSILE DEFENSE CONSTRUCTION PROJECTS.—Funds appropriated pursuant to the authorization of appropriations in subsection (a)(2) for the projects authorized for the Missile Defense Agency under section 2401(b) may only be obligated or expended in accordance with the conditions specified in section 232 of this Act.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.

(a) MODIFICATION.—The table relating to TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), is amended in the item relating to Fort Detrick, Maryland, by striking ''$550,000,000'' in the amount column and inserting ''$683,000,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2461) is amended by striking ''$521,000,000'' and inserting ''$654,000,000''.

SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2006 Project Authorization

Installation or Location	Project	Amount
Defense Logistics Agency	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania	$6,500,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

Army	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky	$12,000,000

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $134,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $67,218,000.

SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking ''$261,000,000'' in the amount column and inserting ''$484,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$830,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking ''$261,000,000'' and inserting ''$484,000,000''.

SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$290,325,000'' in the amount column and inserting ''$492,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$949,920,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking ''$267,525,000'' and inserting ''$469,200,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $240,867,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Alaska	Bethel Armory	$16,000,000
Arizona	Camp Navajo	$13,000,000
	Florence	$13,800,000
	Papago Military Reservation	$24,000,000
Colorado	Denver	$9,000,000
	Grand Junction	$9,000,000
Connecticut	Camp Rell	$28,000,000
	East Haven	$13,800,000
Delaware	New Castle	$28,000,000
Florida	Camp Blanding	$12,400,000
Georgia	Dobbins Air Reserve Base	$45,000,000
Idaho	Orchard Training Area	$1,850,000
Illinois	Urbana Armory	$16,186,000
Indiana	Camp Atterbury	$5,800,000
	Lawrence	$21,000,000
Maine	Bangor	$20,000,000
Maryland	Edgewood	$28,000,000
	Salisbury	$9,800,000
Massachusetts	Methuen	$21,000,000
Michigan	Camp Grayling	$18,943,000
Minnesota	Arden Hills	$15,000,000
Nevada	Elko	$11,375,000
New York	Fort Drum	$11,000,000
	Queensbury	$5,900,000
South Carolina	Anderson	$12,000,000
	Beaufort	$3,400,000
	Eastover	$28,000,000
South Dakota	Rapid City	$43,463,000
Utah	Camp Williams	$17,500,000
Virginia	Arlington	$15,500,000
	Fort Pickett	$2,950,000
Vermont	Ethan Allen Range Jericho	$10,200,000
Washington	Fort Lewis (Gray Army Airfield)	$32,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$3,950,000
Hawaii	Fort Shafter	$19,199,000
Idaho	Hayden Lake	$9,580,000
Kansas	Dodge City	$8,100,000
Maryland	Baltimore	$11,600,000
Massachusetts	Fort Devens	$1,900,000
Michigan	Saginaw	$11,500,000
Missouri	Weldon Springs	$11,700,000
Nevada	Las Vegas	$33,900,000
New Jersey	Fort Dix	$3,825,000
New York	Kingston	$13,494,000
	Shoreham	$15,031,000
	Staten Island	$18,550,000
North Carolina	Raleigh	$25,581,000
Pennsylvania	Letterkenny Army Depot	$14,914,000
Tennessee	Chattanooga	$10,600,000
Texas	Sinton	$9,700,000
Washington	Seattle	$37,500,000
Wisconsin	Fort McCoy	$4,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	$15,420,000
Delaware	Wilmington	$11,530,000
Georgia	Marietta	$7,560,000
Virginia	Norfolk	$8,170,000
	Williamsburg	$12,320,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arkansas	Little Rock Air Force Base	$4,000,000
Colorado	Buckley Air Force Base	$4,200,000
Delaware	New Castle County Airport	$14,800,000
Iowa	Fort Dodge	$5,600,000
Kansas	Smoky Hill Air National Guard Range	$7,100,000
Massachusetts	Otis Air National Guard Base	$14,300,000
Minnesota	Duluth 148th Fighter Wing Base	$4,500,000
Mississippi	Gulfport-Biloxi International Airport	$3,400,000
New York	Gabreski Airport, Westhampton	$7,500,000
	Hancock Field	$5,000,000
Rhode Island	Quonset State Airport	$7,700,000
Tennessee	Knoxville	$8,000,000
Vermont	Burlington International Airport	$6,600,000
Washington	McChord Air Force Base	$8,600,000
West Virginia	Yeager Airport, Charleston	$27,000,000
Wisconsin	Truax Field	$6,300,000
Wyoming	Cheyenne Municipal Airport	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Georgia	Dobbins Air Reserve Base	$6,450,000
Oklahoma	Tinker Air Force Base	$9,900,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $634,407,000; and

(B) for the Army Reserve, $281,687,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $156,124,000; and

(B) for the Air Force Reserve, $26,615,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course	$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	$8,331,000
Mississippi	Biloxi	Readiness Center	$16,987,000
	Camp Shelby	Modified Record Fire Range	$2,970,000
Montana	Townsend	Automated Qualification Training Range.	$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center.	$11,806,000

Army National Guard: Extension of 2006 Project Authorizations—Continued

State	Installation or Location	Project	Amount
	Philadelphia	Organizational Maintenance Shop #7	$6,144,930

SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS)	$11,318,000

SEC. 2609. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

The table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 527) is amended in the item relating to North Kingstown, Rhode Island, by striking ''$33,000,000'' in the amount column and inserting ''$38,000,000''.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $393,377,000, as follows:

(1) For the Department of the Army, $72,855,000.

(2) For the Department of the Navy, $178,700,000.

(3) For the Department of the Air Force, $139,155,000.

(4) For the Defense Agencies, $2,667,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $6,982,334,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

SEC. 2704. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.

Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking ''As part of the budget request for fiscal year 2007 and for each fiscal year thereafter'' and inserting ''(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016''; and

(2) by adding at the end the following new subsection:

''(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with respect to realignment actions after the report submitted with the budget for fiscal year 2014.''.

SEC. 2705. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) is amended by striking ''section 2905A'' both places it appears and inserting ''section 2906A''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Section 2906A(f) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking ''20 percent or $2,000,000, whichever is greater'' and inserting ''20 percent or $2,000,000, whichever is less''.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THRESHOLD FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

Section 2805(a)(1) of title 10, United States Code, is amended by striking ''$2,000,000'' in the first sentence and all that follows through the period at the end of the second sentence and inserting ''$3,000,000.''.

SEC. 2802. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended by striking ''2008'' and inserting ''2009''.

(b) EXCEPTION FOR PROJECTS IN AFGHANISTAN FROM LIMITATION ON AUTHORITY RELATED TO LONG-TERM UNITED STATES PRESENCE.—Such subsection, as so amended, is further amended by inserting before the period at the end of paragraph (2) the following: '', unless the military installation is located in Afghanistan, in which case the condition shall not apply''.

(c) QUARTERLY REPORTS.—Subsection (d)(1) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), is further amended by striking ''30 days'' and inserting ''45 days''.

SEC. 2803. IMPROVED OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION INITIATIVE PROJECTS.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2885. Oversight and accountability for privatization projects

''(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Each Secretary concerned shall prescribe regulations to effectively oversee and manage military housing privatization projects carried out under this subchapter. The regulations shall include the following requirements for each privatization project:

''(1) The installation asset manager shall conduct monthly site visits and provide reports on the progress of the construction or renovation of the housing units. The reports shall be endorsed by the commander at such installation and submitted quarterly to the assistant secretary for installations and environment of the respective military department and the Deputy Under Secretary of Defense (Installations and Environment).

''(2) The installation asset manager, and, as applicable, the resident construction manager, privatization asset manager, bondholder representative, project owner, developer, general contractor, and construction consultant for the project shall conduct monthly meetings to ensure that the construction or renovation of the units meets performance and schedule requirements and that appropriate operating and ground lease agreements are in place and adhered to.

''(3) If a project is 90 days or more behind schedule or otherwise appears to be substantially failing to adhere to the obligations or milestones under the contract, the assistant secretary for installations and environment of the respective military department shall submit a notice of deficiency to the Deputy Under Secretary of Defense (Installations and Environment), the Secretary concerned, the managing member, and the trustee for the project.

''(4)(A) Not later than 15 days after the submittal of a notice of deficiency under paragraph (3), the Secretary concerned shall submit to the project owner, developer, or general contractor responsible for the project a summary of deficiencies related to the project.

''(B) If the project owner, developer, or general contractor responsible for the project is unable, within 30 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Secretary concerned shall submit to the project owner, developer, or general contractor, the bondholder representative, and the trustee an official letter of concern addressing the deficiencies and detailing the corrective actions that should be taken to correct the deficiencies.

''(C) If the project owner, developer, or general contractor responsible for the privatization project is unable, within 60 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Deputy Under Secretary of Defense (Installations and Environment) shall notify the congressional defense committees of the status of the project, and shall provide a recommended course of action to correct the problems.

''(b) COMMUNITY MEETINGS.—(1) Prior to the commencement of privatization project, the assistant secretary for installations and environment of the respective military department and the commanding officer of the local military installation shall hold a meeting with the local community to communicate the following information:

''(A) The nature of the project.

''(B) Any contractual arrangements.

''(C) Potential liabilities to local construction management companies and subcontractors.

''(2) The requirement under paragraph (1) may be met by publishing the information described in such paragraph on the Federal Business Opportunities (FedBizOpps) Internet website.

''(c) REQUIRED QUALIFICATIONS.—The Secretary concerned shall certify that the project owner, developer, or general contractor that is selected for each military housing privatization initiative project has construction experience commensurate with that required to complete the project.

''(d) BONDING LEVELS.—The Secretary concerned shall ensure that the project owner, developer, or general contractor responsible for a military housing privatization initiative project has sufficient payment and performance bonds or suitable instruments in place for each phase of a construction or renovation portion of the project to ensure successful completion of the work in amounts as agreed to in the project's legal documents, but in no case less than 50 percent of the total value of the active phases of the project, prior to the commencement of work for that phase.

''(e) CERTIFICATIONS REGRADING PREVIOUS BANKRUPTCY DECLARATIONS.—If a military department awards a contract or agreement for a military housing privatization initiative project to a project owner, developer, or general contractor that has previously declared bankruptcy, the Secretary concerned shall specify in the notification to Congress of the project award the extent to which the issues related to the previous bankruptcy are expected to impact the ability of the project owner, developer, or general contractor to complete the project.

''(f) COMMUNICATION REGARDING POOR PERFORMANCE.—The Deputy Under Secretary of Defense (Installations and Environment) shall prescribe policies to provide for regular and appropriate communication between representatives of the military departments and bondholders for military housing privatization initiative projects to ensure timely action to address inadequate performance in carrying out projects.

''(g) REPORTING OF EFFORTS TO SELECT SUCCESSOR IN EVENT OF DEFAULT.—In the event a military housing privatization initiative project enters into default, the assistant secretary for installations and environment of the respective military department shall submit a report to the congressional defense committees every 90 days detailing the status of negotiations to award the project to a new project owner, developer, or general contractor.

''(h) EFFECT OF UNSATISFACTORY PERFORMANCE RATING ON AFFILIATED ENTITIES.—In the event the project owner, developer, or general contractor for a military construction project receives an unsatisfactory performance rating due to poor performance, each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor shall also receive an unsatisfactory performance rating.

''(i) EFFECT OF NOTICES OF DEFICIENCY ON CONTRACTORS AND AFFILIATED ENTITIES.—(1) The Deputy Under Secretary of Defense (Installations and Environment) shall keep a record of all plans of action or notices of deficiency issued to a project owner, developer, or general contractor under subsection (a)(4), including the identity of each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor.

''(2) CONSULTATION.—Each military department shall consult the records maintained under paragraph (1) when reviewing the past performance of owners, developers, and contractors in the bidding process for a contract or other agreement for a military housing privatization initiative project.

''(j) PROCEDURES FOR IDENTIFYING AND COMMUNICATING BEST PRACTICES FOR TRANSACTIONS.—(1) The Secretary of Defense shall identify best practices for military housing privatization projects, including—

''(A) effective means to track and verify proper performance, schedule, and cash flow;

''(B) means of overseeing the actions of bondholders to properly monitor construction progress and construction draws;

''(C) effective structuring of transactions to ensure the United States Government has adequate abilities to oversee project owner performance; and

''(D) ensuring that notices to proceed on new work are not issued until proper bonding is in place.

''(2) The Secretary shall prescribe regulations to implement the best practices developed pursuant to paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2885. Oversight and accountability for privatization projects.''.

SEC. 2804. LEASING OF MILITARY FAMILY HOUSING TO SECRETARY OF DEFENSE.

(a) LEASING OF HOUSING.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2837 the following new section:

"§ 2838. Leasing of military family housing to Secretary of Defense

''(a) AUTHORITY.—(1) The Secretary of a military department may lease to the Secretary of Defense military family housing in the National Capital Region (as defined in section 2674(f) of this title).

''(2) In determining the military housing unit to lease under this section, the Secretary of Defense should first consider any available military housing units that are already substantially equipped for executive communications and security.

''(b) RENTAL RATE.—A lease under subsection (a) shall provide for the payment by the Secretary of Defense of consideration in an amount equal to 105 percent of the monthly rate of basic allowance for housing prescribed under section 403(b) of title 37 for a member of the uniformed services in the pay grade of O–10 with dependents assigned to duty at the military installation on which the leased housing unit is located. A rate so established shall be considered the fair market value of the lease interest.

''(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all amounts received pursuant to leases entered into by the Secretary under this section into a special account in the Treasury established for such military department.

''(2) The proceeds deposited into the special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, without further appropriation, for the maintenance, protection, alteration, repair, improvement, or restoration of military housing on the military installation at which the

housing leased pursuant to subsection (a) is located.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2838. Leasing of military family housing to Secretary of Defense.''.

SEC. 2805. COST-BENEFIT ANALYSIS OF DISSOLUTION OF PATRICK FAMILY HOUSING LLC.

(a) COST-BENEFIT ANALYSIS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a cost-benefit analysis of dissolving Patrick Family Housing LLC without exercising the full range of rights available to the United States Government to recover damages from the partnership.

(b) CONTENT.—The analysis required under subsection (a) shall include an evaluation of the best practices for executing military housing privatization projects as determined by the Department of Defense and the Secretaries concerned and the other options available to restore the financial health of nonperforming or defaulting projects.

(c) TEMPORARY MORATORIUM ON CERTAIN ACTIONS.—The Secretary of the Air Force may not, in carrying out a military housing privatization project initiated at Patrick Air Force Base, Florida, dissolve the Patrick Family Housing LLC until the Secretary of the Air Force submits the cost-benefit analysis required under subsection (a).

Subtitle B—Real Property and Facilities Administration

SEC. 2811. PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694b the following new section:

''§ 2694c. Participation in conservation banking programs

''(a) AUTHORITY TO PARTICIPATE.—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged or proposing to engage in an authorized activity that may or will result in an adverse impact on one or more species protected (or pending protection) under any applicable provision of law, or on a habitat for such species, may make payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605; November 28, 1995) or the Guidance for the Establishment, Use, and Operation of Conservation Banks (68 Fed. Reg. 24753; May 2, 2003), or any successor or related administrative guidance or regulation.

''(b) FACILITATION OF TESTING OR TRAINING ACTIVITIES OR MILITARY CONSTRUCTION.—Participation in conservation banking and 'in-lieu-fee' programs under subsection (a) shall be for the purposes of facilitating—

''(1) military testing or training activities; or

''(2) military construction.

''(c) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a conservation banking program or 'in-lieu-fee' mitigation sponsor for the purpose of facilitating military construction may be treated as eligible project costs for such military construction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694b the following new item:

''2694c. Participation in conservation banking programs.''.

SEC. 2812. CLARIFICATION OF CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended by striking ''river and harbor projects or flood control projects'' and inserting ''water resource development projects of the Corps of Engineers''.

SEC. 2813. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking ''that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath'' and inserting ''that are beneath''; and

(2) by adding at the end the following new subsection:

''(e) SUNSET DATE.—This section shall expire on October 1, 2013.''.

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF PROCEEDS FROM PROPERTY CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.

(a) TRANSFER AUTHORIZED.—The Secretary of Defense may transfer any proceeds from the sale of approximately 120.375 acres of improved land located at the former Boyett Village Family Housing Complex at the Marine Corps Logistics Base, Albany, Georgia, into the Department of Defense Family Housing Improvement Fund established under section 2883(a)(1) of title 10, United States Code, for carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

(b) NOTIFICATION REQUIREMENT.—A transfer of proceeds under subsection (a) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of the transfer to the congressional defense committees.

Subtitle D—Energy Security

SEC. 2831. EXPANSION OF AUTHORITY OF THE MILITARY DEPARTMENTS TO DEVELOP ENERGY ON MILITARY LANDS.

(a) DEVELOPMENT OF ANY RENEWABLE ENERGY RESOURCE.—Section 2917 of title 10, United States Code, is amended—

(1) by inserting ''(a) DEVELOPMENT OF RENEWABLE ENERGY RESOURCES.—'' before ''The Secretary of a military department'';

(2) in subsection (a), as designated by paragraph (1), by striking ''geothermal energy resource'' and inserting ''renewable energy resource''; and

(3) by adding at the end the following new subsection:

''(b) RENEWABLE ENERGY RESOURCE DEFINED.—In this section, the term 'renewable energy resource' has the meaning given the term 'renewable energy' in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2917. Development of renewable energy resources on military lands''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended by striking the item relating to section 2917 and inserting the following new item:

''2917. Development of renewable energy resources on military lands.''.

Subtitle E—Other Matters

SEC. 2841. REPORT ON APPLICATION OF FORCE PROTECTION AND ANTI-TERRORISM STANDARDS TO GATES AND ENTRY POINTS ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of Department of Defense Anti-Terrorism/Force Protection standards at gates and entry points of military installations.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the anti-terrorism/force protection standards for gates and entry points.

(2) An assessment, by installation, of whether the gates and entry points meet anti-terrorism/force protection standards.

(3) An assessment of whether the standards are met with either temporary or permanent measures, facilities, or equipment.

(4) A description and cost estimate of each action to be taken by the Secretary of Defense for each installation to ensure compliance with Department of Defense Anti-Terrorism/Force Protection standards using permanent measures and construction methods.

(5) An investment plan to complete all action required to ensure compliance with the standards described under paragraph (1).

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$17,000,000
California	Fort Irwin	$11,800,000
Colorado	Fort Carson	$8,400,000
Georgia	Fort Gordon	$7,800,000
Hawaii	Schofield Barracks	$12,500,000
Kentucky	Fort Campbell	$9,900,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
	Fort Knox	$7,400,000
North Carolina	Fort Bragg	$8,500,000
Oklahoma	Fort Sill	$9,000,000
Texas	Fort Bliss	$17,300,000
	Fort Hood	$7,200,000
	Fort Sam Houston	$7,000,000
Virginia	Fort Lee	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Iraq	Camp Adder	$13,200,000
	Camp Ramadi	$6,200,000
	Fallujah	$5,500,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $162,100,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $131,200,000.

(2) For military construction projects outside the United States authorized by subsection (b), $24,900,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$9,270,000
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$12,299,000
	Twentynine Palms	$11,250,000
Florida	Eglin Air Force Base	$780,000
Mississippi	Gulfport	$6,570,000
North Carolina	Camp Lejeune	$27,980,000
Virginia	Yorktown	$8,070,000

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2902(d) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 572), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $94,731,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $90,679,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

Country	Installation or Location	Amount
California	Beale Air Force Base	$17,600,000
Florida	Eglin Air Force Base	$11,000,000
New Mexico	Cannon Air Force Base	$8,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Qatar	Al Udeid	$60,400,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2903(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 573), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $98,427,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $36,600,000.

(2) For military construction projects outside the United States authorized by subsection (b), $60,400,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

SEC. 2904. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS.

(a) TERMINATION OF AUTHORITY.—The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570), is amended—

(1) in the item relating to Camp Adder, Iraq, by striking ''$80,650,000'' in the amount column and inserting ''$75,800,000'';

(2) in the item relating to Camp Anaconda, Iraq, by striking ''$53,500,000'' in the amount column and inserting ''$10,500,000'';

(3) in the item relating to Camp Victory, Iraq, by striking ''$65,400,000'' in the amount column and inserting ''$60,400,000'';

(4) by striking the item relating to Tikrit, Iraq; and

(5) in the item relating to Camp Speicher, Iraq, by striking ''$83,900,000'' in the amount column and inserting ''$74,100,000''.

(b) CONFORMING AMENDMENTS.—Section 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571) is amended—

(1) by striking ''$1,257,750,000'' and inserting ''$1,152,100,000''; and

(2) in paragraph (2), by striking ''$1,055,450,000'' and inserting ''$949,800,000''.

Subtitle B—Fiscal Year 2009 Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$400,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $450,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $400,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2912. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$40,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $50,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $40,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $10,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2913. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2009

On Wednesday, September 17, 2008, the Senate passed S. 3004, as amended, as follows:

S. 3004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Energy National Security Act for Fiscal Year 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional defense committees.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Modification of functions of Administrator for Nuclear Security to include elimination of surplus fissile materials usable for nuclear weapons.
Sec. 3112. Report on compliance with Design Basis Threat issued by the Department of Energy in 2005.
Sec. 3113. Modification of submittal of reports on inadvertent releases of restricted data.
Sec. 3114. Nonproliferation scholarship and fellowship program.
Sec. 3115. Review of and reports on Global Initiatives for Proliferation Prevention program.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,641,892,000, to be allocated as follows:

(1) For weapons activities, $6,610,701,000.

(2) For defense nuclear nonproliferation activities, including $538,782,000 for fissile materials disposition, $1,799,056,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $404,081,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 09–D–404, Test Capabilities Revitalization Phase 2, Sandia National Laboratory, Albuquerque, New Mexico, $3,200,000.

Project 08–D–806, Ion Beam Laboratory Project, Sandia National Laboratory, Albuquerque, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactors Facility Production Support Complex, Naval Reactors Facility, Idaho Falls, Idaho, $8,300,000.

Project 09–D–190, Project engineering and design, Knolls Atomic Power Laboratory infrastructure upgrades, Knolls Atomic Power Laboratory, Kesselring Site, Schenectady, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,297,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $826,453,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $197,371,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. MODIFICATION OF FUNCTIONS OF ADMINISTRATOR FOR NUCLEAR SECURITY TO INCLUDE ELIMINATION OF SURPLUS FISSILE MATERIALS USABLE FOR NUCLEAR WEAPONS.

Section 3212(b)(1) of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)(1)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph (18):

''(18) Eliminating inventories of surplus fissile materials usable for nuclear weapons.''.

SEC. 3112. REPORT ON COMPLIANCE WITH DESIGN BASIS THREAT ISSUED BY THE DEPARTMENT OF ENERGY IN 2005.

(a) IN GENERAL.—Not later than January 2, 2009, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the status of the compliance of Department of Energy sites with the Design Basis Threat issued by the Department in November 2005 (in this section referred to as the ''2005 Design Basis Threat'').

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each Department of Energy site subject to the 2005 Design Basis Threat, an assessment of whether the site has achieved compliance with the 2005 Design Basis Threat.

(2) For each such site that has not achieved compliance with the 2005 Design Basis Threat—

(A) a description of the reasons for the failure to achieve compliance;

(B) a plan to achieve compliance;

(C) a description of the actions that will be taken to mitigate any security shortfalls until compliance is achieved; and

(D) an estimate of the annual funding requirements to achieve compliance.

(3) A list of such sites with Category I nuclear materials that the Secretary determines will not achieve compliance with the 2005 Design Basis Threat.

(4) For each site identified under paragraph (3), a plan to remove all Category I nuclear materials from such site, including—

(A) a schedule for the removal of such nuclear materials from such site;

(B) a clear description of the actions that will be taken to ensure the security of such nuclear materials; and

(C) an estimate of the annual funding requirements to remove such nuclear materials from such site.

(5) An assessment of the adequacy of the 2005 Design Basis Threat in addressing security threats at Department of Energy sites, and a description of any plans for updating, modifying, or otherwise revising the approach taken by the 2005 Design Basis Threat to establish enhanced security requirements for Department of Energy sites.

SEC. 3113. MODIFICATION OF SUBMITTAL OF REPORTS ON INADVERTENT RELEASES OF RESTRICTED DATA.

(a) IN GENERAL.—Section 4522 of the Atomic Energy Defense Act (50 U.S.C. 2672) is amended—

(1) in subsection (e), by striking ''on a periodic basis'' and inserting ''in each even-numbered year''; and

(2) in subsection (f), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) The Secretary of Energy shall, in each even-numbered year beginning in 2010, submit to the committees and Assistant to the President specified in subsection (d) a report identifying any inadvertent releases of Restricted Data or Formerly Restricted Data under Executive Order No. 12958 discovered in the two-year period preceding the submittal of the report.''.

(b) TECHNICAL CORRECTION.—Subsection (e) of such section, as amended by subsection (a)(1) of this section, is further amended by striking ''subsection (b)(4)'' and inserting ''subsection (b)(5)''.

SEC. 3114. NONPROLIFERATION SCHOLARSHIP AND FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—The Administrator for Nuclear Security shall carry out a program to provide scholarships and fellowships for the purpose of enabling individuals to qualify for employment in the nonproliferation programs of the Department of Energy.

(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible for a scholarship or fellowship under the program established under this section if the individual—

(1) is a citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;

(2) has been accepted for enrollment or is currently enrolled as a full-time student at an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(3) is pursuing a program of education that leads to an appropriate higher education degree in a qualifying field of study, as determined by the Administrator;

(4) enters into an agreement described in subsection (c); and

(5) meets such other requirements as the Administrator prescribes.

(c) AGREEMENT.—An individual seeking a scholarship or fellowship under the program established under this section shall enter into an agreement, in writing, with the Administrator that includes the following:

(1) The agreement of the Administrator to provide such individual with a scholarship or fellowship in the form of educational assistance for a specified number of school years (not to exceed five school years) during which such individual is pursuing a program of education in a qualifying field of study, which educational assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

(2) The agreement of such individual—

(A) to accept such educational assistance;

(B) to maintain enrollment and attendance in a program of education described in subsection (b)(2) until such individual completes such program;

(C) while enrolled in such program, to maintain satisfactory academic progress in such program, as determined by the institution of higher education in which such individual is enrolled; and

(D) after completion of such program, to serve as a full-time employee in a nonproliferation position in the Department of Energy or at a laboratory of the Department for a period of not less than 12 months for each school year or part of a school year for which such individual receives a scholarship or fellowship under the program established under this section.

(3) The agreement of such individual with respect to the repayment requirements specified in subsection (d).

(d) REPAYMENT.—

(1) IN GENERAL.—An individual receiving a scholarship or fellowship under the program established under this section shall agree to pay to the United States the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), if such individual—

(A) does not complete the program of education agreed to pursuant to subsection (c)(2)(B);

(B) completes such program of education but declines to serve in a position in the Department of Energy or at a laboratory of the Department as agreed to pursuant to subsection (c)(2)(D); or

(C) is voluntarily separated from service or involuntarily separated for cause from the Department of Energy or a laboratory of the Department before the end of the period for which such individual agreed to continue in

the service of the Department pursuant to subsection (c)(2)(D).

(2) FAILURE TO REPAY.—If an individual who received a scholarship or fellowship under the program established under this section is required to repay, pursuant to an agreement under paragraph (1), the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), and fails repay such amount, a sum equal to such amount (plus such interest) is recoverable by the United States Government from such individual or the estate of such individual by—

(A) in the case of an individual who is an employee of the United States Government, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

(B) such other method as is provided by law for the recovery of amounts owed to the Government.

(3) WAIVER OF REPAYMENT.—The Administrator may waive, in whole or in part, repayment by an individual under this subsection if the Administrator determines that seeking recovery under paragraph (2) would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) RATE OF INTEREST.—For purposes of repayment under this subsection, the total amount of educational assistance provided to an individual under the program established under this section shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) PREFERENCE FOR COOPERATIVE EDUCATION STUDENTS.—In evaluating individuals for the award of a scholarship or fellowship under the program established under this section, the Administrator may give a preference to an individual who is enrolled in, or accepted for enrollment in, an institution of higher education that has a cooperative education program with the Department of Energy.

(f) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under the program established under this section shall be taken into account in determining the eligibility of an individual receiving such scholarship or fellowship for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) REPORT TO CONGRESS.—Not later than January 1, 2010, the Administrator shall submit to the congressional defense committees a report on the activities carried out under the program established under this section, including any recommendations for future activities under such program.

(h) FUNDING.—Of the amounts authorized to be appropriated by section 3101(a)(2) for defense nuclear nonproliferation activities, $3,000,000 shall be available to carry out the program established under this section.

SEC. 3115. REVIEW OF AND REPORTS ON GLOBAL INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

(a) REVIEW OF PROGRAM.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall conduct a review of the Global Initiatives for Proliferation Prevention program.

(2) REPORT REQUIRED.—Not later than February 1, 2009, the Administrator shall submit to the congressional defense committees a report setting forth the results of the review required under paragraph (1). The report shall include the following:

(A) A description of the goals of the Global Initiatives for Proliferation Prevention program and the criteria for partnership projects under the program.

(B) Recommendations regarding the following:

(i) Whether to continue or bring to a close each of the partnership projects under the program in existence on the date of the enactment of this Act, and, if any such project is recommended to be continued, a description of how that project will meet the criteria under subparagraph (A).

(ii) Whether to enter into new partnership projects under the program with Russia or other countries of the former Soviet Union.

(iii) Whether to enter into new partnership projects under the program in countries other than countries of the former Soviet Union.

(C) A plan for completing partnership projects under the program with the countries of the former Soviet Union by 2012.

(b) REPORT ON FUNDING FOR PROJECTS UNDER PROGRAM.—

(1) IN GENERAL.—The Administrator shall submit to the congressional defense committees a report on—

(A) the purposes for which amounts made available for the Global Initiatives for Proliferation Prevention program for fiscal year 2009 will be obligated or expended; and

(B) the amount to be obligated or expended for each partnership project under the program in fiscal year 2009.

(2) LIMITATION ON FUNDING BEFORE SUBMITTAL OF REPORT.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be obligated or expended until the date that is 30 days after the date on which the Administrator submits to the congressional defense committees the report required under paragraph (1).

(c) LIMITATION ON FUNDING FOR GLOBAL NUCLEAR ENERGY PARTNERSHIP.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be used for projects related to energy security that could promote the Global Nuclear Energy Partnership.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $28,968,574 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

UNANIMOUS CONSENT-AGREEMENT—S. RES. 601, S. RES. 623, S. RES. 650, AND S. RES. 667

Mr. CASEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged and the Senate now proceed, en bloc, to the consideration of the following resolutions: S. Res. 601, National Save for Retirement Week; S. Res. 623, Anniversary of the Lander Trail; S. Res. 650, National Good Neighbor Day; S. Res. 667, Prostate Cancer Awareness Week.

There being no objection, the Senate proceeded to consider the resolutions, en bloc.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 601, S. Res. 623, S. Res. 650, and S. Res. 667) were agreed to en bloc.

The preambles were agreed to en bloc.

The resolutions, with their preambles, read as follows:

S. RES. 601

Whereas Americans are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement, and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans as prescribed by Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save adequate funds for retirement and the availability of preferred savings vehicles to assist them in saving for retirement: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 19 through October 25, 2008, as ''National Save for Retirement Week'';

(2) supports the goals and ideals of National Save for Retirement Week;

(3) supports the need to raise public awareness of efficiently utilizing substantial tax revenues that currently subsidize retirement savings, revenues in excess of $170,000,000,000 for the fiscal year 2007 budget;

(4) supports the need to raise public awareness of the importance of saving adequately for retirement and the availability of tax-preferred employer-sponsored retirement savings vehicles; and

(5) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week with appropriate programs and activities with the goal of increasing retirement savings for all the people of the United States.

S. RES. 623

Whereas Frederick W. Lander first surveyed and supervised construction of the Lander Trail in 1858 to provide emigrants with a travelable link between the Oregon and California Trails;

Whereas 13,000 emigrants traveled on the Lander Trail during the settlement of the Western United States;

Whereas the Lander Trail was the first Federal road west of the Mississippi River;

Whereas travelers in the American West used the Lander Trail for 54 years until 1912; and

Whereas people can still experience the Lander Trail in the same setting that Frederick W. Lander first began construction in 1858: Now, therefore, be it

Resolved, That the Senate honors the important role of the Lander Trail in the settlement of the Western United States on the sesquicentennial anniversary of the Lander Trail.

S. RES. 650

Whereas gestures of welcoming and kindness between neighbors foster community peace, harmony, and understanding;

Whereas being good neighbors to those around us encourages mutual respect and friendship;

Whereas neighborhoods facilitate positive civic engagement and enhance the foundation of an effective and more caring society;

Whereas National Neighbor Day, celebrated annually on the Sunday before Memorial Day weekend in May, was first celebrated in 1993 in Westerly, Rhode Island, to promote equality, dignity, and respect and to encourage love of one's neighbor;

Whereas National Good Neighbor Day, celebrated annually on the fourth Sunday of September, was first celebrated in the 1970s in Lakeside, Montana, to place a greater emphasis on the importance of community and being a good neighbor; and

Whereas National Neighborhood Day, celebrated annually on the third Sunday of September, was first celebrated in Providence, Rhode Island, to inspire, build, and sustain neighborhood relationships and foster civic engagement: Now, therefore, be it

Resolved, That the Senate calls upon the people of the United States and interested groups and organizations—

(1) to celebrate the goals of National Neighbor Day, National Good Neighbor Day, and National Neighborhood Day in 2008; and

(2) to undertake appropriate ceremonies, events, and activities associated with those goals.

S. RES. 667

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas, in 2008, over 186,320 men in the United States will be diagnosed with prostate cancer and 28,660 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than White males and double the mortality rates;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas, if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination (DRE) and a prostate specific antigen blood test (PSA) can diagnose the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent, while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2008 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

BENNETT FREEZE REPEAL ACT

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 967, S. 531.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 531) to repeal section 10(f) of Public Law 93–531, commonly known as the ''Bennett Freeze.''

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 531) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF THE BENNETT FREEZE.

Section 10(f) of Public Law 93–531 (25 U.S.C. 640d–9(f) is repealed.

UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2008

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 868, S. 2606.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2606) to reauthorize the United States Fire Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Fire Administration Reauthorization Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The number of lives lost each year because of fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. In 2005, the National Fire Protection Association reported 3,675 civilian fire deaths, 17,925 civilian fire injuries, and $10,672,000,000 in direct losses due to fire.

(2) Every year, more than 100 firefighters die in the line of duty. The United States Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) The Federal Government should continue to work with State and local governments and the fire service community to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the 30,300 fire departments of the United States through training, emergency incident data collection, fire awareness and education, and support of research and development activities for fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the data collection capabilities of the United States Fire Administration is essential for accurately tracking and responding to the magnitude and nature of the fire problems of the United States.

(6) The research and development performed by the National Institute of Standards and Technology, the United States Fire Administration, other government agencies, and nongovernmental organizations on fire technologies, techniques, and tools advance the capabilities of the fire service of the United States to suppress and prevent fires.

(7) Because of the essential role of the United States Fire Administration and the fire service community in preparing for and responding to national and man-made disasters, the United States Fire Administration should have a prominent place within the Federal Emergency Management Agency and the Department of Homeland Security.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (C), by striking ''and'' after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding after subparagraph (D) the following:

''(E) $70,000,000 for fiscal year 2009, of which $2,520,000 shall be used to carry out section 8(f);

''(F) $72,100,000 for fiscal year 2010, of which $2,595,600 shall be used to carry out section 8(f);

''(G) $74,263,000 for fiscal year 2011, of which $2,673,468 shall be used to carry out section 8(f); and

''(H) $76,490,890 for fiscal year 2012, of which $2,753,672 shall be used to carry out section 8(f).''.

SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) AMENDMENTS TO FIRE ACADEMY TRAINING.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) by amending subparagraph (H) to read as follows:

''(H) tactics and strategies for dealing with natural disasters, acts of terrorism, and other man-made disasters;'';

(2) in subparagraph (K), by striking ''forest'' and inserting ''wildland'';

(3) in subparagraph (M), by striking ''response'';

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following:

''(I) tactics and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

''(J) tactics and strategies for fighting fires occurring at the wildland-urban interface;

''(K) tactics and strategies for fighting fires involving hazardous materials;

''(L) advanced emergency medical services training;''.

(b) ON-SITE TRAINING.—Section 7 of such Act (15 U.S.C. 2206) is amended—

(1) in subsection (c)(6), by inserting '', including on-site training'' after ''United States'';

(2) in subsection (f), by striking ''4 percent'' and inserting ''7.5 percent''; and

(3) by adding at the end the following:

''(m) ON-SITE TRAINING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may enter into a contract with nationally recognized organizations that have established on-site training programs that comply with national voluntary consensus standards for fire service personnel to facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

''(2) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not enter into a contract with an organization described in paragraph (1) unless such organization operates a fire service training program that—

''(i) is accredited by a nationally recognized accreditation organization experienced with accrediting such training; or

''(ii) the Administrator determines is of equivalent quality to a fire service training program described by clause (i).

''(B) APPROVAL OF UNACCREDITED FIRE SERVICE TRAINING PROGRAMS.—The Administrator may consider the fact that an organization has provided a satisfactory fire service training program pursuant to a cooperative agreement with a Federal agency as evidence that such program is of equivalent quality to a fire service training program described by subparagraph (A)(i).

''(3) RESTRICTION ON USE OF FUNDS.—The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 7.5 per centum of the amount authorized to be appropriated in such fiscal year pursuant to section 17.''.

(c) TRIENNIAL REPORTS.—Such section 7 (15 U.S.C. 2206) is further amended by adding at the end the following:

''(n) TRIENNIAL REPORT.—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the National Fire Academy curriculum, including—

''(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

''(2) the desired training outcome of all such changes.''.

SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) INCIDENT REPORTING SYSTEM DATABASE.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following:

''(d) NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.—

''(1) IN GENERAL.—The Administrator shall update the National Fire Incident Reporting System to ensure that the information in the system is available, and can be updated, through the Internet and in real time.

''(2) LIMITATION.—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use not more than an aggregate amount of $5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out the activities required by paragraph (1).''.

(b) TECHNICAL CORRECTION.—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking ''assist State,'' and inserting ''assist Federal, State,''.

SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND RESEARCH DISSEMINATION.

(a) ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended to read as follows:

''(d) RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE.—The Administrator may, in coordination with the Secretary of Agriculture, the Secretary of the Interior, and the Wildland Fire Leadership Council, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, in sponsoring and encouraging research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

''(1) the rural and remote areas of the United States; and

''(2) the wildland-urban interface.''.

(b) TECHNOLOGY RESEARCH DISSEMINATION.—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following:

''(h) PUBLICATION OF RESEARCH RESULTS.—

''(1) IN GENERAL.—For each fire-related research program funded by the Administration, the Administrator shall make available to the public on the Internet website of the Administration the following:

''(A) A description of such research program, including the scope, methodology, and goals thereof.

''(B) Information that identifies the individuals or institutions conducting the research program.

''(C) The amount of funding provided by the Administration for such program.

''(D) The results or findings of the research program.

''(2) DEADLINES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the information required by paragraph (1) shall be published with respect to a research program as follows:

''(i) The information described in subparagraphs (A), (B), and (C) of paragraph (1) with respect to such research program shall be made available under paragraph (1) not later than 30 days after the Administrator has awarded the funding for such research program.

''(ii) The information described in subparagraph (D) of paragraph (1) with respect to a research program shall be made available under paragraph (1) not later than 60 days after the date such research program has been completed.

''(B) EXCEPTION.—No information shall be required to be published under this subsection before the date that is 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008.''.

SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

''The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by—

''(1) educating fire services about such standards;

''(2) encouraging the adoption at all levels of government of such standards; and

''(3) making recommendations on other ways in which the Federal Government can promote the adoption of such standards by fire services.''.

SEC. 8. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by inserting after section 22 the following:

''SEC. 23. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

''(a) ESTABLISHMENT OF POSITION.—The Secretary of Homeland Security shall, in consultation with the Administrator, establish a fire service position at the National Operations Center established under section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) (also

known as the 'Homeland Security Operations Center') to ensure the effective sharing of information between the Federal Government and State and local fire services.

''(b) DESIGNATION OF POSITION.—The Secretary of Homeland Security shall designate, on a rotating basis, a State or local fire service official for the position described in subsection (a).

''(c) MANAGEMENT.—The Secretary of Homeland Security shall manage the position established pursuant to subsection (a) in accordance with such rules, regulations, and practices as govern other similar rotating positions at the National Operations Center.''.

SEC. 9. COORDINATION REGARDING FIRE PREVENTION AND CONTROL AND EMERGENCY MEDICAL SERVICES.

Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

''(e) COORDINATION.—

''(1) IN GENERAL.—To the extent practicable, the Administrator shall use existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

''(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with Federal, State, and local government agencies and departments and nongovernmental organizations concerned with any matter related to programs of fire prevention and control.

''(3) COORDINATION OF EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator related to emergency medical services provided by fire service-based systems with Federal, State, and local government agencies and departments and nongovernmental organizations so concerned, as well as those entities concerned with emergency medical services generally.''.

SEC. 10. DEFINITIONS.

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking ''Administration'' and inserting ''Administration, within the Federal Emergency Management Agency'';

(2) in paragraph (7), by striking the ''and'' after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) 'wildland-urban interface' has the meaning given such term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).''.

Mr. CASEY. Mr. President, I ask unanimous consent that a Lieberman amendment, which is at the desk, be agreed to; that the committee substitute, as amended, be agreed to; that the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5631) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2606), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MEASURES READ THE FIRST TIME—S. 3526, H.R. 6842, AND H.R. 6899

Mr. CASEY. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 3526) to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

A bill (H.R. 6842) to restore Second Amendment rights in the District of Columbia.

A bill (H.R. 6899) to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes.

Mr. CASEY. Mr. President, I now ask for their second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDER FOR PRINTING—S. 3001

Mr. CASEY. Mr. President, I ask unanimous consent that S. 3001, as passed by the Senate on Wednesday, September 17, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6049

Mr. CASEY. Mr. President, I ask unanimous consent that the motion to proceed to H.R. 6049 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I further ask unanimous consent that with respect to the order governing the consideration of H.R. 6049, the votes with respect to the amendments occur upon the use or yielding back of time specified for debate with respect to each amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STIMULUS PACKAGE

Mr. REID. Mr. President, we are going to move to next week. We have business we need to conduct. We have had a very busy day. We have been at an event with the Secretary of Treasury and Chairman of the Fed and a number of others. Next week should be very interesting.

We have an agreement where we are going to finish the extenders now. We have a decision to be made on what we are going to do on the stimulus package but certainly, with what has gone on in our country the last several weeks, we need a stimulus package more than ever. So we will see what we can get done on that next week and fund the Government until, hopefully, next year.

ORDERS FOR MONDAY, SEPTEMBER 22, 2008

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in recess until Monday, September 22, at 3 p.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

I would further say, one reason we are not going to be in session tomorrow is we are waiting to get a response from the administration as to what they think should be done as the next step in the financial problems we have facing this country. We need to hear from them. So there is no objection to my request, Mr. President?

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, this evening, as I indicated, we were able to reach an agreement on the tax extenders. The Senate will debate and vote on amendments and passage of that on Tuesday.

RECESS UNTIL MONDAY, SEPTEMBER 22, 2008, AT 3 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask

unanimous consent it stand in recess under the previous order.

There being no objection, the Senate, at 8:49 p.m., recessed until Monday, September 22, 2008, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KARLYNN P. O'SHAUGHNESSY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

NATHAN V. SWEETSER

EXTENSIONS OF REMARKS

HONORING ROBERT J. McCARTHY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Ms. PELOSI. Madam Speaker, I rise to pay tribute to the life of Robert J. McCarthy, an outstanding San Franciscan and an outstanding American, who passed away on Sunday, September 14th.

Bob grew up in New York, attending the prestigious Jesuit school Regis High School in Manhattan. He attended Santa Clara University where, as editor of the school newspaper, he met and fell in love with Suzanne Bazzano, a co-ed working as the paper's office manager. After graduating from law school at the University of Chicago, he and Suzanne returned to the Bay Area, living in San Francisco and raising five children.

Bob's legal career and involvement in politics took off when he joined the San Francisco District Attorney's office in the mid-70s. As Chief Deputy, he became friends with a newly elected supervisor, DIANNE FEINSTEIN, a relationship that would last 30 years.

At FEINSTEIN's encouragement, Bob became general counsel to the local Democratic Party. His fundraising and people skills made him invaluable to countless campaigns in San Francisco. Members of the Board of Supervisors, Senatorial, Gubernatorial, and Presidential candidates relied on his generosity and counsel.

Over 25 years ago, McCarthy and restaurateur and political activist Angelo Quaranta started a tradition of Election Day luncheon, inviting all the elected officials, staff, commissioners, and other dignitaries in San Francisco. It is a place where rivalry ends and food and wine begins, and helps calm many a nervous candidate on Election Day.

In 1980, he formed with Lester Schwartz a general practice law firm which lasted until he died. Bob represented some of the largest developments in San Francisco. He was a generous donor to charities and served on the boards of numerous school, community, and religious organizations throughout the city. One of the highlights of his pro bono legal career was working to save the San Francisco Giants from being relocated to St. Petersburg, Florida.

I hope it is a comfort to his beloved wife Suzanne and his children Brendan, Matthew, Ryan, Margaret, and Bobby, and his many friends that so many mourn their loss and are praying for them at this sad time.

The following was printed in yesterday's RECORD and the end notes were inadvertently left off. The following is the statement in its entirety.

SUPPORTING PROPOSED REGULATIONS TO THE PUBLIC SAFETY OFFICERS' BENEFIT PROGRAM

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MANZULLO. Madam Speaker, I rise to recognize the Department of Justice for recently proposed regulations relating to the Public Safety Officers' Benefit Program. The program provides death benefits for the survivors of public safety officers who die in the line of duty; and disability benefits to those officers who have been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty, and thereby prevented from performing any gainful work; and also educational assistance benefits for surviving family members. Among other things, these proposed regulations will help to shore up the program against fraud and abuse by clarifying the requirements for certifications and their effect. I strongly support the mission of the Public Safety Officers' Benefit Program, and I commend the Department of Justice for keeping the regulations up to date and for taking action to ensure that the funds available go to those public safety officers (and their survivors) that deserve them. I would like to take a moment to comment on the statutory predicate for some of these regulations.

As the 9th Circuit Court of Appeals recognized,[1] Public Law 94–430 creates a ''limited program,'' whose principal purpose is to help ensure that the families of ''public'' officers be protected from financial calamity that is likely to result from the death or permanent and total disability, in the line of duty, of the primary money-maker. The statute (including the two parallel 2001 benefits statutes, which do not, strictly speaking, amend the Public Law or directly affect the precise program it creates) enshrines various and competing policy considerations and purposes that it proposes to achieve by particular means that have been worked out, over the last 30 years and more, in the legislative process. Because no law pursues its ends at all costs, the limitations expressly or implicitly contained in its text and structure are no less an articulation of its purposes (and the intent, goals, and policies that inform it), than its substantive grants of authority are. Benefits under these statutes—charges on the public fisc—are to be granted fairly, but not speculatively, or beyond what the statutory language unequivocally requires and unequivocally expresses, or beyond the letter of the difficult judgments reached in the legislative process and clearly reflected in the statutory text. It is precisely to enable the Department to balance and harmonize these various considerations into a single workable and coherent program that the law confers extraordinary administrative and interpretive authority on the Department. For example, at least seven distinct statutory provisions—42 U.S.C. §§ 3796c(a) (twice), 3796(a) & (b), 3796d–3(a) & (b), 3782(a)—expressly authorize the Department to issue program regulations and policies here, and the law expressly provides that those regulations and policies are determinative of conflict of law issues relating to the program, and that responsibility for making final determinations shall rest with the Department. Under the Public Law (as under the parallel 2001 statutes), the very right to a death or disability benefit, which the Supreme Court correctly has recognized as a legal ''gratuity''[2] (and thus not ''remedial'' in nature), is not freestanding, but contingent, rather, upon a determination by the Department.

When Public Law 94–430 was enacted in 1976, only the Circuit Courts or the old Court of Claims (of similar rank) heard appeals from final rulings of the Department of Justice thereunder, which meant that only one level of judicial review ordinarily was available to claimants and the Department, alike. In 1982 (when the appellate functions of the Court of Claims generally were merged into the newly-created Court of Appeals for the Federal Circuit), jurisdiction over these appeals—apparently as a result of an oversight—was not transferred to the Federal Circuit, and thus (unlike the case with other administrative appeals, see, e.g., 28 U.S.C. §§ 1295, 1296), by default, lay in what is now the Court of Federal Claims, established under Article I of the Constitution, rather than Article III, with an additional level of appeals available in the Federal Circuit. Although there are notable and distinguished exceptions,[3] over the past decade or so, many of the Federal Claims Court's rulings on these appeals applied the law incorrectly,[4] sometimes disregarding the express terms of the relevant statute[5] or implementing regulations,[6] or binding and applicable Federal Circuit/Court of Claims precedent,[7] and even Supreme Court precedent.[8] To order the administering agency to pay on a claim when payment is not clearly warranted by the programmatic statutes and their implementing regulations and administrative interpretive superstructure is as much an affront to the law as for the agency not to pay when payment is clearly required by those statutes and regulations.

Overall, the sixteen opinions issued to date by the Federal Circuit (and its predecessor) under the statute[9] indicate a proper understanding of the law and the application of the Chevron doctrine to the Department's determinations. (All but two of these opinions were affirmances of the administering agency; in Demutiis, the agency was affirmed on all points but a very minor one (relating to application of a (now-repealed) regulation),[10] and the 1980 holding in Harold, which reversed the Department's determination, itself soon thereafter was rendered moot, as a practical matter, by a statutory amendment consonant with

the Department's position.) For these reasons, the corrective proviso in the consolidated appropriations legislation, entrusting judicial appeals under Public Law 94–430 (and the two 2001 statutes) exclusively to the Federal Circuit[11] (and returning to a single level of judicial review, as originally intended) should further the purposes of the program, reduce litigation costs for claimants and the taxpayers, and serve the interests of justice.

ENDNOTES

1. *Russell*, 637 F.2d 1261 (1980); *Holstine*, No. 80–7477 (Aug. 4, 1982), 688 F.2d 846 (table).

2. *Rose* v. *Arkansas State Police*, 479 U.S. 1, 4 (1986) (quoting legislative history).

3. E.g., *Dawson*, 75 Fed. Cl. 53 (2007); *LaBare*, 72 Fed. Cl. 111 (2006); *Cook*, No. 05–1050C (Jun. 15, 2006); *Porter*, 64 Fed. Cl. 143 (2005); *One Feather*, 61 Fed. Cl. 619 (2004); *Davison*, No. 99–361C, (Apr. 19, 2002); *Brister*, No. 01–180C (Mar. 27, 2002); *Yanco*, 45 Fed. Cl. 782 (2000); *Ramos-Vélez*, No. 93–588C (Jan. 31, 1995); *Chacon*, 32 Fed. Cl. 684 (1995); *Nease*, No. 91–1518C (Mar. 29, 1993); see also *Cartwright*, 16 Cl. Ct. 238 (1989); *Durco*, 14 Cl. Ct. 423 (1988); *Wydra*, No. 764–83C (Jan. 31, 1986); *Tafoya*, 8 Cl. Ct. 256 (1985); *North*, 555 F.Supp. 832 (1982). When appealed, these decisions invariably have been affirmed.

4. E.g., *Winuk*, 77 Fed. Cl. 207 (2007) (holding that the Department was required to accept, as legally sufficient certifications, instruments and language that would have been insufficient even for an ordinary certificate of service in court); *White*, 74 Fed. Cl. 769 (2006), appeal filed, No. 2007–5126; *Hillensbeck*, 74 Fed. Cl. 477 (2006) (holding that the position of the Department (which was actually correct, see, e.g., *Nease*, *supra*, slip op. at 5 n.4; 132 Cong. Rec. 27,928–929 (1986) (colloquy between Sens. Sasser and Thurmond)) was ''substantially unjustified''); *Bice*, 72 Fed. Cl. 432 (2006); *Groff*, 72 Fed. Cl. 68 (2006); *Messick*, 70 Fed. Cl. 319 (2006); *Hillensbeck*, 69 Fed. Cl. 369 (2006) (this holding immediately occasioned the enactment of corrective legislation, Pub. L. 109–162, §1164(a)(2)); *Cassella*, 68 Fed. Cl. 189 (2005); *Hawkins*, 68 Fed. Cl. 74 (2005) (this holding immediately occasioned the enactment of corrective legislation, see Pub. L. 109–162, §1164(a)(4)); *Hillensbeck*, 68 Fed. Cl. 62 (2005); *Bice*, 61 Fed. Cl. 420 (2004); *Davis*, 50 Fed. Cl. 192 (2001); *Demutiis*, 48 Fed. Cl. 81 (2000); *Davis*, 46 Fed. Cl. 421 (2000); *Greeley*, 30 Fed. Cl. 721 (1994); see also *Canfield*, No. 339–79C (July 27, 1982).

5 E.g., *Winuk*, 77 Fed. Cl. at 225 (directing the agency to pay only one of two living parents the full benefit amount, despite the statutory command that the amount be divided between living parents ''in equal shares''), and at 224 (holding certain instruments to be legally sufficient certifications, even though they did not contain elements expressly required by the statute—e.g., ''identification of all eligible payees of benefits,'' and acknowledgment that the decedent actually was ''employed by [the certifying] agency'' itself), and at 220–21 (holding that ''under the statute the [agency] is directed to expedite payment without further inquiry upon the requisite certification,'' even though the statute distinguishes between ''eligible payees of benefits'' (i.e., individuals—potentially eligible for payment of benefits under the statute—for whom the certifications are made by the public safety agencies), on the one hand, and ''qualified beneficiaries'' (i.e., individuals whose claims the Department of Justice determines to qualify for benefits under the statute and implementing regulations, upon considering those certifications as prima facie evidence), on the other), and at 218–225 (holding that a certification under the 2001 statutes could go to status (i.e., that they authorize certification that an individual was an officer at the time of injury), even though, under those statutes, such certifications may go only to line–of–duty (i.e., properly speaking, they authorize certification only that an individual, acknowledged otherwise to have the requisite status, ''was killed or suffered a catastrophic injury'' under the required circumstances); *Hillensbeck*, 69 Fed. Cl. 381–82 and 68 Fed. Cl. at 73–74 (holding, despite an express statutory reference to ''public employee member of a rescue squad or ambulance crew,'' that the agency committed legal error in understanding the statute to require members of rescue squads or ambulance crews to be public employees).

(6) E.g., *Winuk*, 77 Fed. Cl. at 222 (holding the agency to have committed legal error, ''in the absence . . . of a regulatory definition of service to a public agency in an official capacity''); but see 28 C.F.R. §32.3 (containing a highly relevant definition of ''Official capacity'')), and at 220–21 (holding that ''under the statute the [agency] is directed to expedite payment without further inquiry upon the requisite certification''); but see 28 C.F.R. §§32.3 (definitions of ''Eligible payee'' ¶(1), ''Employed by a public agency'' ¶(1), & ''Qualified beneficiary'' ¶(1)(i)), 32.6(b)(2)(ii), 32.53(b)(2)); *Bice*, 61 Fed. Cl. at 434 (finding the agency to have committed prejudicial legal error when it declined to consider action by a private non-profit memorial foundation chartered under State law to be ''evidence [or a] finding[] of fact presented by [a] State, local, [or] Federal administrative [or] investigating agenc[y]'' under since-repealed 28 C.F.R. §32.5).

(7) E.g., (a) *Winuk*, 77 Fed. Cl. at 221–22, 225 (giving dispositive effect to post-hoc State government action purporting to alter the actual facts at issue; but see *Chacon*, 48 F.3d 508, 513 (1995) (post-hoc State government actions ''do not erase the fact[s]''); cf. also *Groff*, 493 F.3d 1343, 1355 (2007) (''post-mortem statements'' of government agencies do not ''transform [private parties] into government employees'')), and at 218–21 (declaring it erroneous for the agency not to have understood ''should'' to mean ''must''; but see *Maggit*, 202 F.3d 1370, 1378 (2000) (''should'' in benefits law not understood to mean ''must'')), and at 224 (holding the decedent's lack of any legal authority or legal duty to engage in public safety activity to be irrelevant to whether he was a public safety officer (as opposed to being a good Samaritan); but see *Amber-Messick*, 483 F.3d 1316, 1323–25 (2007) (public safety officer status turns on actual legal authority to engage in requisite public safety activity); *Cassella*, 469 F.3d 1376, 1386 (2006) (public safety officer status turns on whether one is ''appointed for and given the authorization or obligation to perform [requisite public safety] duties''); *Hawkins*, 469 F.3d 993 (2006) (the decedent's ''actual responsibilities or obligations as appointed, rather than some theoretical authorizations, are controlling'' for determining public safety officer status); *Howard*, 231 Ct. Cl. 507, 510 (1981) (''eligibility under the Act turns on whether the specific activity causing death was an inherent part of employment as an officer and whether it was required'' of the decedent); *Budd*, 225 Ct. Cl. 725, 726–27 & n.6 (1980) (the activity causing ''the death must be 'authorized, required, or normally associated with' an officer's . . . duties'')); (b) *White*, 74 Fed. Cl. at 776–79 (terming ''ridiculous'' the agency's position that the inchoate right to the gratuity expired upon the death of the statutory beneficiary prior to actually receiving it); but see *Semple*, 24 Ct. Cl. 422 (1889) (the inchoate right to a legal gratuity expires upon the death of a statutory beneficiary prior to actually receiving it); cf. also 16 Att'y Gen. 408 (1879)); (c) *Hillensbeck*, 74 Fed. Cl. at 481 (directly contrary to the precise rationale that informs the Federal Circuit's reversal of the same judge, a few days earlier, in a substantially-similar case, *Hawkins*, 469 F.3d 993, 1002 (2006)), and at 482–84 (adjusting and awarding attorney fees in a manner directly contrary to the holding in *Levernier Constr.*, 947 F.2d 497, 503–04 (1997)); and (d) Davis, 50 Fed. Cl. at 211 and 46 Fed. Cl. at 424–25 (declaring controlling language in *Budd*, 225 Ct. Cl. at 727 n.6, to be mere ''dicta'' and ''non-precedential,'' and either ''erroneous[]'' or ''mistaken[]''); but see *Howard*, 229 Ct. Cl. at 510 (holding that same Budd language to be legally ''dispositive'')).

(8) E.g., *Winuk*, 77 Fed. Cl. at 225 (declaring the 2001 statutes to be ''remedial laws''); *White*, 74 Fed. Cl. 773 (declaring P.L. 94–430 to be a ''remedial statute''); *LaBare*, 72 Fed. Cl. at 124 (a correct ruling, overall, but unfortunately describing P.L. 94–430 as ''remedial legislation''); *Bice*, 72 Fed. Cl. at 450 (declaring P.L. 94–430 to be a ''remedial statute''); *Groff*, 72 Fed. Cl. at 79 (declaring P.L. 94–430 to be ''remedial in nature''); *Bice*, 61 Fed. Cl. at 435 (declaring P.L. 94–430 to be a ''remedial statute''); *Davis*, 50 Fed. Cl. at 208 (describing P.L. 94–430 in remedial terms); *Demutiis*, 48 Fed. Cl. at 86 (declaring P.L. 94–430 to be ''remedial in nature''); but see *Rose*, 479 U.S. at 4 (holding the program benefit to be a legal ''gratuity'' (cf. *Lynch*, 292 U.S. 571, 577 (1934); 36 Att'y Gen. 227, 230 (1930))). No opinion of the Federal Circuit/Court of Claims describes the program as ''remedial.''

(9) *Groff*, 493 F.3d 1343 (2007) (two cases); *Amber-Messick*, 483 F.3d 1316 (2007); *Cassella*, 469 F.3d 1376 (2006); *Hawkins*, 469 F.3d 993 (2006); *Demutiis*, 291 F.3d 1373 (2002); *Yanco*, 258 F.3d 1356 (2001); *Greeley*, 50 F.3d 1009 (1995); *Chacon*, 48 F.3d 508 (1995); *Canfield*, No. 339–79 (Dec. 29, 1982); *Russell*, 231 Ct. Cl. 1022 (1982); *Melville*, 231 Ct. Cl. 776 (1982); *Howard*, 231 Ct. Cl. 507 (1981); *Smykowski*, 647 F.2d 1103 (1981); *Morrow*, 647 F.2d 1099 (1981); *Budd*, 225 Ct. Cl. 725 (1980); Harold, 634 F.2d 547 (1980). No opinion was issued in *Bice*, 227 Fed. App'x 927 (2007); *Porter*, 176 Fed. App'x 111 (2006); or *One Feather*, 132 Fed. App'x 840 (2005).

(10) Without opinion, in Bice, the Federal Circuit affirmed the Federal Claims Court judgment, which was based entirely on a misapplication of this same now-repealed regulation.

(11) In providing that the ''appeals from final decisions of the Bureau'' that it refers to specifically include those ''under any statute authorizing payment of benefits described under subpart 1'' of Pub. L. 90–351, title I, part L (i.e., the 2001 statutes), the legislation (among other things) is framed to counter the holding in *Winuk*, 77 Fed. Cl. at 220–21, that ''under the statute the [agency] is directed to expedite payment without further inquiry upon the requisite certification,'' as a result of which holding the Department was ordered by the court to accept as ''certified'' purported ''facts'' that were known not to be true, and, further, to accept such ''certification'' not as mere prima facie evidence (rebuttable by other evidence) of those purported ''facts,'' but as dispositive and binding on the Department, thus purporting to deny it its legal authority to render meaningful, substantive ''final decisions'' under those statutes.

HONORING BRADLEY NEW

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Bradley New of Gladstone, Missouri. Bradley is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1354, and earning the most prestigious award of Eagle Scout.

Bradley has been very active with his troop, participating in many scout activities. Over the many years Bradley has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Bradley New for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF REPRESENTATIVE MICHAEL MCNULTY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize and celebrate the illustrious congressional career of a friend—a fellow New Yorker, Democrat, and member of Ways and Means—Representative MICHAEL MCNULTY, who for nearly 40 years has served his constituents in the Empire State superbly well. That four-decade-long résumé boasts posts as mayor of Green Island, New York, as a State assemblyman, and since 1988, a widely respected and beloved U.S. Congressman. He leaves us at the end of this year the same as he was when he first entered these Halls—unblemished in record and integrity, full of vigor and focus, impassioned about and preeminently concerned with the uplift of those he served.

As chairman of the Social Security Subcommittee, he maintained his unrelenting commitment to the program and the senior citizens whose livelihoods depend on it. Having worked with MIKE closely on the committee, I can vouch for his incredible work ethic and delicate parsing of the issues. The vivacity he brought to the job interwoven with his serious, reflective intellect has served the committee well—has served the country well. He is a fervent champion of working families, a man of impeccable credentials and record on those matters of import to the middle class.

On this day, his birthday, it is with honor that I join the chorus of colleagues, friends, and family who today laud his very many accomplishments. It is with cheer and celebration in our hearts that we wish MIKE well in retirement. His presence will still be felt in the next Congress: in the hearts of those he touched, on those issues he left an indelible mark, on the legacy he leaves behind for us all to emulate.

CITIZENSHIP DAY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. HONDA. Madam Speaker, as chair of the Congressional Asian Pacific American Caucus, I rise to celebrate Citizenship Day.

Today, we celebrate our allegiance to the United States of America, a country that honors freedom, opportunity, and justice for all; whose promise of opportunity has inspired people—from around the world—throughout our history, to leave their homelands to take part in the American dream.

Citizenship Day gives us the opportunity to reflect upon our country and its dream.

From our founding and at our very core, America has always been a nation of immigrants, documented and undocumented, who have made great contributions to our Nation. They built our transcontinental railroad that injected new life and industry into the American West, and their entrepreneurship and labor spurred the economy in our early American cities.

By now, we should know that ''immigrant'' is not a dirty word. In 2006, the Boston Globe reported that immigrants started one in four venture-backed companies since 1990, and two in five in high technology. Foreign-born entrepreneurs have certainly made their mark in my district in Silicon Valley, helping to found companies including Intel, Ebay, Yahoo and Google.

Their contributions are also felt in the small business sector, as immigrants are one of the fastest-growing segments of small business owners in the U.S. Immigrant women are starting businesses at a rate 57 percent higher than native-born women. And immigrant men start businesses at a rate 71 percent higher than native-born men.

Looking toward our future with our aging workforce and our Social Security crisis, we need their contributions now more than ever. And despite this tough economy and in this tough economy, their entrepreneurial spirit is helping to keep our American dream alive.

After all, generation after generation of immigrants have taken oath to become American citizens with love of country and commitment to America's promise. The faster we embrace each generation, the faster they become integrated as new Americans, and the stronger we are as a truly united country.

That is why I introduced The Strengthening Communities through Education & Integration Act. The Act would invest in adult education programs for English-language learners, including civics programs that teach newcomers about the rights and responsibilities of citizenship. As a former principal and school teacher, I know the importance of investing in our youth. This bill would ensure that our Nation's children and schools have adequate funding and resources for vital literacy programs for English-language learners. It would assist schools with teacher recruitment for English-language learners. It would provide tax incentives for employers to offer training and ESL programs to their employees, and would support State and local initiatives in English-language and civics education.

My legislation is supported by a broad coalition of business groups, labor unions, literacy and education coalitions, immigrant advocacy organizations, Asian American and Hispanic advocates, and faith-based organizations, all who realize the importance of integrating new American communities.

In the spirit of Citizenship Day, I invite you to join me as a cosponsor of H.R. 6617.

HONORING JOSEPH RICHEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph Richey of Parkville, Missouri. Joseph is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1314, and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joseph Richey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO BARRY GOTTEHRER, JOURNALIST, AUTHOR, NEW YORK CITY POLITICAL CRUSADER, AND FRIEND

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. EVERETT. Madam Speaker, during my four decades in journalism and politics, I've been blessed with many friends, but few have impacted me personally as much as Bronx-born journalist turned political crusader, Barry Gottehrer, who passed away in April at the age of 73.

Barry Gottehrer was what all good journalists aspire to be but few are fortunate enough to attain—a real force for change. During the racial turmoil of the mid 1960's, Barry Gottehrer combined a young reporter's burning ambition with a mission to force America's largest city to confront its darkest problems. He soon directly challenged the world he reported on, employing his skills as a gifted negotiator to unite a politically fractured city.

While at The New York Herald Tribune, Barry Gottehrer penned a powerful series of stories starkly but accurately profiling New York as a ''City in Crisis.'' According to The New York Times, his work was credited with bringing New York mayor John Lindsay to office. But that was just the beginning. Barry Gottehrer joined the Lindsay administration and reached out to dialogue with the unsavory

from New York's criminal underworld to its street gangs.

Gottehrer's efforts to keep New York's disparate and sometimes warring factions from turning the city into chaos are chronicled in his 1975 book, ''The Mayor's Man.'' He summed up his work this way: '' . . . during those feverish days of the 1960s and early 1970s when hundreds of our cities went up in flames, when rebellion and disorder swept through our streets, our public schools, our college campuses . . . when the very fabric of our country seemed ready to shred, I was the Mayor's Man at the brink of this revolution—a white in a world of black and brown, a moderate in a world of revolutionaries, trying to bring change where change seemed needed most, trying to buy time until the change would come.''

After feeling his power to affect change had reached its limit, Barry Gottehrer left New York's City Hall and went on to work in government affairs roles in New York and Washington, DC. His legacy lives on in his books and in the memory of those who marveled at his daring belief that working for good was not impossible. I was honored to have met Barry after coming to Congress and I will always be grateful for our friendship.

RECOGNIZING JEFFERY WEHR, AN ''AMERICAN STAR OF TEACHING''

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to join with the community of Odessa, Washington in celebrating the accomplishments of Jeffrey Wehr. Today, the U.S. Department of Education is recognizing Mr. Wehr as an American Star of Teaching for his work as the science teacher at Odessa High School.

Mr. Wehr is known for being an exceptional motivator, challenging students daily to think and achieve at their highest levels. During his time as a teacher, he has increased enrollment in science courses and has inspired students to rethink how they view science. His students have also received numerous awards in science research and have dramatically improved their science scores on State assessments. It is important we have teachers like Mr. Wehr to train this country's next generation of scientists and engineers so we can remain competitive in a global marketplace.

Madam Speaker, I am so pleased to join with the U.S. Department of Education in recognizing his passion, dedication, and commitment to helping our students achieve their full potential. I commend Mr. Wehr for emphasizing the importance of receiving a science education. I invite my colleagues to join me in congratulating Mr. Wehr on this outstanding achievement.

HONORING THE LIFE AND WORK OF CONGRESSMAN JOHN SEIBERLING

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. REGULA. Mr. Speaker, I rise to express my condolences to the family and friends of Congressman John Seiberling and to pay tribute to his work here in the Congress. Congressman Seiberling passed away on August 2, 2008, at the age of 89.

John represented Ohio's 14th Congressional District, the district just north of the one I represent, from 1971 through 1987. He was an active member of the House Resources Committee and worked on a number of natural resource and environmental issues through this assignment. He cared deeply about the preservation of our national heritage and protecting the natural environment. He carried out these priorities through his work on the committee, but one effort in particular stands out as a legacy for the people of northeast Ohio.

As an innovator when it came to protecting natural resources and open space, John introduced legislation that would create a 33,000-acre national recreation area between the two population centers of Cleveland and Akron, Ohio. He asked me to serve as his partner as the Republican cosponsor of the legislation. We worked together to pass the bill, and on December 27, 1974, with President Gerald Ford's signature, the Cuyahoga Valley National Recreation Area was established.

Today, this area, now the Cuyahoga Valley National Park, is one of the most frequently visited national parks within the entire national park system and serves as a respite to the residents of the densely populated cities of Cleveland and Akron and their surrounding suburbs, as well as many national park visitors from other States.

John's innovation and vision in understanding that people thirst for open spaces in their communities brought about the Cuyahoga Valley National Park. Today it is a gift to the people of northeast Ohio and a true legacy of his work.

We are grateful for John's life and accomplishments and wish his family, especially his wife, Betty, who was his inspiring supporter, peace with his passing.

HONORING BRANDON MATSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brandon Matson of Blue Springs, Missouri. Brandon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1058, and earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop, participating in many scout activities. Over the many years Brandon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brandon Matson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

DEPARTMENT OF VETERANS AFFAIRS ENERGY SUSTAINABILITY ACT OF 2008

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. BUYER. Madam Speaker, today, I introduced the Department of Veterans Affairs Energy Sustainability Act of 2008, to establish within the Department of Veterans Affairs, VA, a strategic plan for energy sustainability and an Office of Energy Management. As our country looks to a new energy future, I believe it is vitally important to encourage smart energy use and take steps to become more aware of how we spend our money for our energy. The office would be under the direction of a Deputy Assistant Secretary, who would report to the Assistant Secretary for Management. The bill would also create an Energy Advisory Committee consisting of VA officials and private sector experts on energy management. Disabled veterans would also receive increased specially adaptive housing and auto grants for energy efficient systems and vehicles.

The Office of Energy Management, with the advice and recommendations of the Energy Advisory Committee, would be responsible for helping VA meet a number of specific goals such as compliance with Presidential Order 13423, VA Directive 0055, and formulating long term, sustainable energy plans for VA. The office would also establish a database to track VA's energy and water consumption. The bill would authorize the office to directly utilize the expertise of national laboratories, such as those at Lawrence Livermore and Oakridge.

Addressing our Nation's energy problem calls for multi-faceted solutions—including alternative fuels. My bill would authorize the installation of alternative fuel stations at VA facilities, and require a feasibility study regarding the installation of energy efficient and renewable energy systems in Department buildings. Such systems include solar technologies and energy efficient roof and building envelope systems that might utilize ballasted or vegetated roof systems.

In an effort to assist our Nation's veterans in their efforts to become more energy efficient, my bill would provide an additional amount of up to $10,000 for high efficiency systems for veterans who qualify for specially adaptive housing grants under section 2101 (a)(2) of title 38, United States Code. Additionally, it would provide veterans who qualify for a specially adapted auto grant, under section 3902(a) of title 38, United States Code, the additional amount necessary to purchase alternative fuel vehicles.

Finally, VA would be authorized to conduct a pilot program for the sale of air pollution emission reduction incentives, also known as emission reduction credits, and would be authorized to retain proceeds from the sales. America's veterans should benefit from the VA's efforts to produce cleaner energy.

Madam Speaker, as the cost of fossil fuels rise and resources become more scarce, our Nation must provide services for our veterans in an energy efficient manner. A sustainable energy program at VA will conserve energy and financial resources that can be used to provide care for our veterans. I encourage my colleagues to support the Department of Veterans Affairs Energy Sustainability Act of 2008.

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. BISHOP of New York. Madam Speaker, earlier today I was detained by a previously scheduled commitment in my district. Due to my absence, I request unanimous consent for the record to reflect that had I been here, I would have voted in the following manner:

Rollcall vote No. 600, I would have voted "nay";

Rollcall vote No. 601, I would have voted "nay."

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mrs. MCCARTHY of New York. Madam Speaker, yesterday I was meeting with constituents off the House of Representatives campus and missed three votes. I would like the RECORD to reflect how I would have voted.

Rollcall No. 602 on suspending the rules and passing H. Res. 1335, celebrating the 120-year partnership between Government and State veterans homes, I would have voted "yea."

Rollcall No. 603 on suspending the rules and passing S. 2339, designating the Department of Veterans Affairs clinic in Alpena, Michigan, as the "Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic", I would have voted "yea."

Rollcall No. 604 on suspending the rules and passing H.R. 1594, designating the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic, I would have voted "yea."

HONORING SAMUEL ANDERSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Samuel Anderson of Blue Springs, Missouri. Samuel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1696, and earning the most prestigious award of Eagle Scout.

Samuel has been very active with his troop, participating in many scout activities. Over the many years Samuel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Samuel Anderson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, on Monday, September 15, 2008, I was unavoidably detained and thus I missed rollcall votes Nos. 589 through 591. Had I been present, I would have voted in the following manner:

On rollcall vote No. 589 on H. Res. 1200, honoring the dedicated and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families, I would have voted "aye."

On rollcall vote No. 590, on H. Con. Res. 390, of which I am a cosponsor, honoring the 28th Infantry Division for serving and protecting the United States, I would have voted "aye."

On rollcall No. 591, H.R. 6889, to extend the authority of the Secretary of Education to ensure continued access to Federal student loans, for 1 year, I would have voted "aye."

IN HONOR OF THE REVEREND DR. WALTER A. JONES, SR., SENIOR PASTOR AND ORGANIZER OF THE MAJORITY BAPTIST CHURCH ST. ALBANS, NEW YORK

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MEEKS of New York. Madam Speaker, it is with great pleasure that I rise to commemorate the retirement and service of a great man of God, a great American, a great New Yorker, a dear friend and one of my constituents, the Reverend Dr. Walter A. Jones, Sr., senior pastor and organizer of the Majority Baptist Church, in St. Albans, NY.

The Reverend Dr. Jones rose from humble beginnings to a position of honor and distinction among our Nation's Baptist ministers. As a man of the cloth, his service and commitment to his church and the community that it serves have helped to improve the quality of life and spiritual condition of the people who reside there.

The Reverend Dr. Jones is a product of his hometown primary schools in Spartansburg, SC, and is a graduate of both the Friendship College of Rock Hill, SC, and the City College of New York, and has studied psychology at York College in Jamaica, NY. Reverend Jones received his ministerial training at the New York Theological Seminary of New York City, and his initial theological education began under the guidance of his spiritual mother, the late Reverend Dr. Katherine Brazley.

The Reverend Dr. Jones is the former president of the Baptist Ministers Conference of Queens, and he is a member of the Baptist Ministers Conference of Greater New York. Additionally, Reverend Dr. Jones is a member of the Eastern Baptist Association, the Ministers Conference of Hampton University, the Empire Convention of New York State and the National Baptist Convention. The Reverend Dr. Jones is also a member of the American Baptist Churches of New York City.

The Reverend Dr. Jones is married to Mrs. Doris L. Hope-Jones and they are the proud parents of two sons and a daughter.

The Reverend Dr. Walter A. Jones, Sr., senior pastor and organizer of the Majority Baptist Church, in St. Albans, NY, has been a pillar of strength, vision and hope in the St. Albans community, and I congratulate him on his many years of service to the church and our community.

A TRIBUTE TO THE CIVILIAN CONSERVATION CORPS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mrs. EMERSON. Madam Speaker, today I am honored to join with you and recognize the 75th anniversary of one of the most successful New Deal programs initiated by President Franklin Delano Roosevelt. In the spring of 1933, while the United States was in the throes of the Great Depression, Congress and President Roosevelt created the Civilian Conservation Corps. CCC provided assistance to unemployed Americans by enrolling them in public works projects to better our Nation's infrastructure.

The diverse mission of the CCC directed its participants to conduct public works projects throughout the entire United States. This was not a hand-out, but a hand-up, earned by Americans looking for help in dire economic circumstances. The CCC had a positive result in our region by not only upgrading the infrastructure, but by providing a means where young men and women could help themselves by earning a good living and improving their communities. Nationally, the ranks of the CCC would eventually swell to over 500,000 enrollees at one time.

In southern Missouri, the CCC completed many projects. From cabins and trails at Big Spring, to a football stadium in Jackson, to sidewalks all over southern Missouri, the proof of the hard work and determination of CCC enrollees is still evident today. These projects instilled a strong work ethic into the participants of the CCC, which undoubtedly prepared this generation for the impending struggle that our Nation would face in World War

II. Along with the work ethic implicit in the CCC, the program put enrollees to work in the community on basic education tasks like teaching, reading and writing to illiterate peers.

While the CCC ceased to exist after the start of World War II, the concepts and principles established by the program would be reflected in future programs like Job Corps. It is important for our Nation to reflect on the origins of the CCC and the how it has made our Nation a better place to live by bettering the lives of both the participants and our entire Nation.

40TH ANNIVERSARY OF SADDLEBACK COLLEGE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GARY G. MILLER of California. Madam Speaker, on September 23, 2008, Saddleback College in Mission Viejo, CA will be celebrating 40 years of providing the communities across southern California with access to quality higher education. Since 1968, Saddleback College has provided access to learning opportunities that promote student success, intellectual growth, individual expression, and a dynamic and diverse environment of innovation and collegiality. I congratulate them on 40 years of success in giving students the skills they need to succeed in a dynamic economy.

The Saddleback College faculty and staff, renowned for its experience and expertise, work every day to help students succeed in beginning their bachelor's degrees and training for careers. They have given more than half million students an opportunity to explore the more than 300 academic programs and opportunities for lifelong learning through community education and emeritus classes for senior citizens.

In 1968, Governor Ronald Reagan, who spoke at the dedication of the new campus, stated, "We are here today to dedicate something more than just another college: We are here to dedicate an institution of opportunity and fulfillment. It is the function of education to help each individual grow to the maximum extent of his capabilities, to help him fulfill his great potential—and it is our job as responsible citizens to provide that opportunity. That this community has decided to move ahead in providing this opportunity is an action which I commend—and an action which will provide great rewards for the community."

I commend Saddleback's commitment to high educational standards, accountability, and results. I look forward to celebrating many more anniversaries with them in the years to come.

OUR NATION'S SECURITY IS IN GOOD HANDS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. WILSON of South Carolina. Madam Speaker, on September 16th, General Ray Odierno took command of Multi-National Force—Iraq. His predecessor, General David Petraeus will soon assume the role of Combatant Commander of the United States Central Command.

By any measure of success, General Petraeus' leadership of allied forces in Iraq has been extraordinary. Under his command and the surge of U.S. forces last year, the Iraqi military, its civilian leadership, and its economy have begun to turn around. Violence is down. Relative order has been restored to cities and towns across Iraq. And Al Qaeda has been dealt tremendous psychological and military setbacks.

The recent handover of Al Anbar Province to Iraqi control and the announcement from President George W. Bush that American troop levels in Iraq could be reduced in the beginning of next year are signs that our strategy is working. However, there is a difficult road ahead for the Iraqi people. I am grateful that General Odierno will be leading our forces and helping this young democracy overcome external and internal threats. Our soldiers, sailors, airmen, and Marines under his command and American families all around this Nation can be confident of General Odierno's proven record of steady and sound leadership.

Iraq is a different country today than it was just a little over a year ago. This is due to an Iraqi people who are fed up with the hopeless terrorism of militant extremists and have stood up against it. And, just as importantly, it is due to the incredible sacrifice of our troops under the command of General Petraeus. I know his wisdom and strength will serve him well and our Nation well as he assumes the command of CENTCOM.

The sacrifice of our troops on the ground in Iraq has been tremendous. The loss of life in the pursuit of a stable and secure Iraq has been difficult to bear for this Nation and, in particular, our military families. Americans should be eternally grateful for our brave troops and their families and for the freedoms and blessings they protect and defend. The best plan to protect American families and Iraqi families is to defeat terrorism overseas at the source.

HONORING CORIDEN BRYANT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Coriden Bryant of Blue Springs, Missouri. Coriden is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1306, and earning the most prestigious award of Eagle Scout.

Coriden has been very active with his troop, participating in many scout activities. Over the many years Coriden has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Coriden Bryant for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THANKS TO GIL BALDWIN FOR A JOB WELL DONE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, as Chairman of the Joint Committee on Printing, I would like to take this opportunity to recognize Mr. Ernest Gilman Baldwin, Associate Director for Program Management in the Office of the Chief Information Officer at the Government Printing Office. Gil, as he is known to his friends and colleagues, is retiring next month following 35 years of dedicated Federal service at the GPO in support of the Congress, Federal agencies, and the American public.

Beginning in the Congressional Record Index Office in 1973, Mr. Baldwin joined GPO's Superintendent of Documents organization in 1974. There he spent most of his career working with the Federal Depository Library Program (FDLP), the oldest and most respected free Government information program in the world, which makes available for public use the official publications of this House and of the Senate, as well as those of the executive and judicial branches. Mr. Baldwin rose through the ranks to become Director of Library Programs in 1998, along the way winning the respect and affection of GPO's staff and librarians in more than 1,200 depository libraries located in every State and congressional district.

While Director, Mr. Baldwin began the FDLP's transition to electronic document distribution, building a staff with an extraordinary ability to work in partnership with depository librarians and the citizens they serve. The transition to a more electronic FDLP has resulted in significantly increased public access to publications produced by the Government, extending the reach of the Federal Depository Library Program farther than at any time in its history. Mr. Baldwin managed this transition with eagerness, care, and a sense of adventure that inspired his staff and his colleagues in the library profession. In recognition of his leadership, he was honored in 2005 with the James Bennett Childs Award for lifetime contributions to the profession of Government documents librarianship, by the Government Documents Round Table of the American Library Association.

For the last 4 years, Mr. Baldwin has brought his experience and leadership to the team developing GPO's Federal Digital System (FDsys), which will bring to maturity GPO's long transition into the digital age.

Next month, Mr. Baldwin will retire from a long and distinguished career of public service. I ask my colleagues to join me in conveying our thanks and appreciation to Gil Baldwin, and our best wishes for a healthy and happy retirement.

INTRODUCTION OF THE AMERICA RESOLUTION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. CONAWAY. Madam Speaker, yesterday was Constitution Day. On that day, 221 years ago in a cramped hall in Philadelphia, 39 men signed their names to a document that would forever change the course of human events.

The United States Constitution is one of the most remarkable covenants ever authored by man. Grounded firmly in the Age of Enlightenment, the Constitution gave physical form to the radical ideas of Montesquieu, Locke, and Paine, who believed that the rights of man come from God and that legitimate governments arise from the consent of the governed. Our Founding Fathers blended these philosophies with common sense and tough compromises to create a new form of government dedicated to the ideas of liberty, the rule of law, civic responsibility, and popular sovereignty.

For over 200 years, the ideas the Founders wove through our Constitution have been considered sacred. Each Constitution Day presents us with an opportunity to pause and reflect on the extraordinary document these men drafted to provide us with a unified and stable Nation. In their wisdom, they sought to protect the rights and liberties of individuals by dividing power and authority between the States and the national government. The result is a system of shared roles designed to prevent any one element from gaining too much power.

Yet today, the document at the very foundation of our Republic is often considered only as an afterthought during our debates. Even though every Member, staffer, and officer of the House of Representatives has taken an oath to support and defend the Constitution and to bear true faith and allegiance to it, too often we ignore its many constraints on our authority in the name of political expediency.

It is essential that we never forget the guiding principles established in our Constitution and that is why yesterday I introduced the AMERICA Resolution, A Modest Effort to Read and Instill the Constitution Again.

The AMERICA resolution requires all staff and officers of the House to read the Constitution once a year and encourages all Members of Congress to do the same. Just as we require Members and staff to know how to act ethically, we should require Members and staff to know how to act constitutionally.

It is my hope that this small yearly effort will renew and deepen our appreciation for the genius of the Constitution and the divisions and constraints on power contained within it. The AMERICA Resolution is meant to remind lawmakers, and our staff that advises us, to stay within our country's founding framework as we conduct legislative business.

Today I call on all Members of Congress to join me and rededicate ourselves to our founding principles of limited, constrained governance as enshrined in our Constitution. By studying our founding document, we will continue the legacy of these great men and their groundbreaking ideas, as well as develop the habits of citizenship that keep the Constitution alive and relevant for a new generation of Americans.

I urge you all to join me and support the AMERICA Resolution.

TRIBUTE TO RAYMOND E. DAY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise to honor the service and sacrifice of an honorable and proud American, Mr. Raymond E. Day. Mr. Day is an 84-year-old World War II veteran living in Kansas City, Missouri. In February 1945 Mr. Day was assigned to the 155th Machine Gunner's Battalion, 5th Marine Division during the assault on the island of Iwo Jima, as part of Operation Detachment.

The mission of Operation Detachment was to secure two strategic airfields, located on the well-defended and heavily fortified island. On February 23, just 4 days after arriving on Iwo Jima, Mr. Day's machine gun position took nearly a direct hit, knocking his gunner's mate, Irra Arrington, unconscious, and rendering the gun inoperable.

After successfully reviving Irra, the pair continued the fight, destroying several nearby enemy positions. The pair often dodged obstacles such as barbed wire and land mines and repeatedly came under relentless attack from Japanese small arms fire, mortar fire, and artillery barrages. Again, just a few short hours later, both men were injured when an enemy artillery round destroyed their position. Mr. Day was wounded by shrapnel in the hip and left leg.

Both men were evacuated to a nearby merchant marine vessel, treated for their wounds and returned to duty on the island. Mr. Day continued to fight, despite his wounds, risking death or permanent injury because that was his job, to keep the battlefront moving forward as American forces moved to secure the island.

Earlier this year, I was contacted by my constituent, Norman Polsky, with a request for assistance to obtain the Purple Heart medal for his friend, Raymond Day. After researching medical records, reviewing morning reports, I have learned that Raymond Day's files were destroyed during the 1973 fire at the National Personnel Records Center. There exists no record of Mr. Day's injuries or treatment for the wounds he sustained in action either in his medical records file or in existing morning reports.

It is a shame that Mr. Day is still without the Purple Heart Medal, despite the fact that the he bears the scars from the residuals of shrapnel embedded in his leg and hip, not to mention the painful memories that America's warriors guard so closely for a lifetime.

It is for these reasons that I ask my colleagues to join me in honoring Mr. Raymond E. Day. Without the service and sacrifice of Mr. Day, and the men and women of the "greatest generation," our Nation would not be as resilient and flourishing as it is today. By continuing his mission, despite being wounded, Mr. Day lends great credit to himself, the 5th Marine Division, and the United States of America.

HONORING THE LIFE OF ERBY WALKER

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. LEWIS of Georgia. Madam Speaker, I rise today to pay tribute to one of Atlanta's greatest icons. A humble man who loved his job and worked hard to be the best he could be, Erby Walker became one of downtown Atlanta's most beloved figures. Presidents, celebrities, athletes and Atlantans alike came to know Erby Walker as the heart and soul of the Varsity, Atlanta's most famous drive-in diner and a downtown landmark.

Erby Walker started his career at the Varsity in 1952 sweeping up after customers at the tender age of 15.

Back then the diner was segregated—whites worked the counter, blacks worked in the back—but in 1964 the diner was integrated and Erby Walker was promoted to the counter, the first black man to work there. And work he did. He worked so hard that the owners of the Varsity sent Erby and his family to Disney World, all expenses paid—twice. He received awards, honors and recognitions—he was even inducted into the Atlanta Convention and Visitors Bureau Hospitality Hall of Fame.

It was Erby who first asked, "What'll ya have?"—a question still asked today when customers approach the counter and just one of the many phrases Erby coined as he shaped the Varsity into a place as famous for its unique vernacular as for its food.

Over the years, I have brought many friends to the Varsity. When I brought former President Clinton, Erby greeted him warmly, saying, "What'll ya have, Mr. President?"

Erby Walker loved his job; he loved the Varsity and, most of all, he loved Atlanta and the thousands of customers she brought to his counter every day. Madam Speaker, Erby Walker was an Atlanta icon and his service to his community must not be forgotten.

HONORING READE MONTGOMERY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Reade Montgomery of Blue Springs, Missouri. Reade is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1058, and earning the most prestigious award of Eagle Scout.

Reade has been very active with his troop, participating in many scout activities. Over the many years Reade has been involved with scouting, he has not only earned numerous

merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Reade Montgomery for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION SALUTES CONSTITUTION WEEK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MOORE of Kansas. Madam Speaker, the week of September 17–23 has been officially designated as Constitution Week. This marks the 221st anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a self-governing Nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth. The success of our way of government requires an enlightened citizenry.

Constitution week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides us the opportunity to be better informed about our rights, freedoms and duties as citizens.

Madam Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which is actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vital foundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our commitment to, in the words of our Constitution's preamble: "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. . . ." I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution, particularly during our current time of crisis, when Americans are fighting overseas to defend our liberties here at home.

HONORING BRANDON MESSINA

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brandon Messina of Blue Springs, Missouri. Brandon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1175, and earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop, participating in many scout activities. Over the many years Brandon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brandon Messina for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING JAMES BLEDSOE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize James Bledsoe of Blue Springs, Missouri. James is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1763, and earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending James Bledsoe for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CHRISTOPHER SAVING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher Saving of Parkville, Missouri. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1395, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher Saving for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. BARTLETT of Maryland. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 6599, FY 09 Military Construction and Veterans Affairs Appropriations.

Bill Number: H.R. 6599.

Account: Air National Guard/United States Air Force.

Legal Name of Requesting Entity: Air National Guard/A7 Programming Division.

Address of Requesting Entity: Maryland Air National Guard, Martin State Airport, Baltimore, Maryland.

Description of Request: Provide an earmark asking for $6,300,000 which was appropriated $7,900,000 to replace fire station and ASE facilities at Martin State Airport, Baltimore, MD. The fire station must be located such that it can support crash and fire rescue mission generated by flying operations and by the joint use agreement between the Air National Guard and Maryland Aviation Authority. The 175th Wing of the Air National Guard requires an adequately sized and properly operating fire station. Currently the base fire station is less than 50 percent of authorized use. This funding would provide construction for 21,100 square foot fire station complete with concrete foundation and floor slab, steel frame masonry walls with standing seam insulated metal roof or "green" roof, as well as, interior mechanical, electrical, and fire protection systems.

HONORING THE SERVICE OF LT. RICHARD W. BOYD

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated public servant in Chester County, Pennsylvania, who is retiring after 28 years of loyal and dedicated service to the residents and businesses of East Whiteland Township.

Lt. Richard W. Boyd joined the East Whiteland Police Department as a patrol officer in 1980, rising through the ranks to become a lieutenant in November 2002.

The lifelong Chester County resident also worked as an officer in West Grove and Kennett Square in the 1970's. Described by colleagues as a "straight arrow", Lt. Boyd earned

the respect of fellow officers with his commitment to protecting the community and a no-nonsense approach to public service each day he has pinned on a badge. His steadfast professionalism and compassion for others are hallmarks of his nearly three decades of service.

Lt. Boyd's career and accomplishments will be celebrated on Friday, September 19, 2008 during a dinner at the Downingtown Country Club.

Madam Speaker, I ask that my colleagues join me today in praising the outstanding service and dedication of Lt. Richard W. Boyd, and all those who take an oath to serve and protect their communities.

HONORING THE CAREER OF CHIEF JAMES J. MULLANE, JR.

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GERLACH. Madam Speaker, I rise today to congratulate retired Norristown Fire Department Chief James "Jim" J. Mullane, Jr., on his selection as president of the Firemen's Association of Pennsylvania. Jim's distinguished career as a firefighter started in April 1972 when he joined the Hancock Fire Company. He became assistant chief for the Norristown Fire Department in 1983 and served as chief from 1992 to 1993.

Jim also served as charter member and captain of the Norristown Dive Rescue Unit. In addition to protecting the community as a firefighter, Jim also was actively involved in the civic life of Norristown. He has been a member of the Norristown Zoning Hearing Board for the last 8 years and has held the post of chairman of that panel.

The members of the Firemen's Association of Pennsylvania have benefited from Jim's outstanding leadership and keen insight on emergency services issues since 1974. He has held the posts of southeast director, eastern vice president, senior vice president and chairman of an ad hoc committee instrumental in establishing Pennsylvania's Fire and Emergency Services Institute. The institute is a valuable tool for keeping fire departments and other first responders informed about grant opportunities and important State legislation.

Jim will be installed as association president on Friday, September 26, 2008, during the group's 129th convention in Gettysburg, Pennsylvania.

Madam Speaker, I ask my colleagues to join me in recognizing James J. Mullane, Jr., for attaining this well-deserved leadership post and for commitment and work on behalf of all firefighters who bravely put their lives on the line to protect residents and property each day.

HONORING THE CENTENNIAL ANNIVERSARY OF BALA #1

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor Boy Scout Troop Bala #1 as they celebrate their Centennial Anniversary.

Bala #1 is based in Bala Cynwd, Montgomery County, Pennsylvania. The Troop is recognized as the first organized, oldest and continuously operating Boy Scout Troop in the United States, according to the Lower Merion Historical Society.

Founded in 1908, the Troop has enriched the lives of boys and young men through activities geared toward building character, developing leadership skills and instilling a commitment to serving others.

During the past 100 years, Scout leaders have mentored and trained more than 1,000 Scouts, including several Eagle Scouts and the first All-Eagle Scout Patrol in the United States.

The Troop owes much of its success during the past century to dedicated volunteers and Troop alumni such as Scoutmaster Bill Sawyer and Committee Chairman Al Vitiello, who graciously commit countless hours and endless effort to the organization.

Madam Speaker, I ask that my colleagues join me today in congratulating Boy Scout Troop Bala #1 on reaching a very special milestone and offering best wishes for continued success in mentoring generations of local youth and building a stronger community and nation.

THE DAILY 45: DENVER DAD KILLS AUTISTIC SON

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. This year, on September 11, while the Nation memorialized more than 3,200 men, women, and children killed by terrorists; in the Denver town of Grand Junction, another child's life was senselessly taken, in part, because of the easy access to a gun.

Last Thursday night, while 13-year-old Jacob Grabe was sleeping, police report that his father, Allen Grabe, held a loaded gun to his son's face and discharged several rounds into his head, killing him instantly. Jacob was described by his mother as having a mild form of the neurological disorder similar to autism called Asperger's syndrome. Jacob's mother told police that her husband described his action this way, "I had to kill him because you were ruining him." My heart goes out to Mrs. Grabe and this community on this tragic loss.

Americans of conscious must come together to stop the senseless death of "The Daily 45." When will we say "enough is enough, stop the killing!"

HONORING MOSES-LUDINGTON HOSPITAL

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mrs. GILLIBRAND. Madam Speaker, I rise today to honor the 100th anniversary of Moses-Ludington Hospital in Ticonderoga, New York. The hospital was founded in 1908 by Horace Moses, a businessman and Ticonderoga native, to provide medical care to the people of Ticonderoga and its surrounding area. The hospital began with 15 beds and has since grown to encompass a 24 hour emergency room, outpatient surgery, radiology, and dental services. It has the distinction of being the most remote Critical Access Hospital in New York State, providing valuable life-saving treatment to many of my rural constituents in Essex, Warren, and Hamilton Counties.

Although it remains a small rural hospital, Moses-Ludington Hospital employs 300 upstate New Yorkers and houses specialists in Cardiology, Dermatology, EMG testing, Hematology, Neurology, Oncology, Orthopedic Surgery, Orthopedics, Otolaryngology, Plastic Surgery, Podiatry, Sleep Apnea, and Sports Medicine. In addition, Moses-Ludington provides long-term and temporary rehabilitative care through Heritage Commons Residential Healthcare, housing for seniors and persons with disabilities who qualify for Federal housing assistance through Lord Howe Estates, and adult care through the Moses-Ludington Adult Care facility.

In conclusion, Madam Speaker, I offer my congratulations on behalf of the people of New York's 20th Congressional District to the entire Moses-Ludington community on this milestone. I wish them continued success as they work to provide high quality healthcare to the rural communities of upstate New York.

TRIBUTE TO DAN CAMBRIDGE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to honor Dan Cambridge. Mr. Cambridge, a former advertising executive for Young and Rubicom in Des Moines, Iowa, has been named the new tourism director of Lexington, Missouri.

Mr. Cambridge graduated from the University of Iowa with a degree in journalism. It was soon after his completion of college that he began working for the Des Moines Register. He then spent over 20 years with a Young and Rubicom affiliate. Mr. Cambridge is excited to begin his new post in Lexington, and claims he envisions the tourism commission focusing on public relations angles with the city. Dan has experience with the Iowa Department of Economic Development and Tourism, and I know he will be a valuable asset to my hometown. Cambridge's son attended Wentworth Military Academy. His family now resides in the Kansas City metro area.

Madam Speaker, I trust that my colleagues will join me in congratulating Mr. Dan Cambridge on his new position in Lexington, Missouri, and in wishing him the very best.

H.R. 5840, THE INSURANCE INFORMATION ACT OF 2008, AND H.R. 5611, THE NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS REFORM ACT OF 2008

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mrs. BACHMANN. Madam Speaker, I am pleased that the House is considering two important bills today—H.R. 5840, the Insurance Information Act of 2008, and H.R. 5611, the National Association of Registered Agents and Brokers Reform Act of 2008. Both these bills will streamline aspects of the insurance industry to help ensure more consistency for agents, brokers, and consumers alike.

H.R. 5840, the Insurance Information Act of 2008, creates a new Office of Insurance Information (OII) under the U.S. Treasury to advise the President and Congress on insurance issues. Currently, all 50 states regulate insurance in their own unique manner. The OII will serve as a hub for data collection and will help guide policymakers working to alleviate undue burdens throughout the insurance regulatory regime.

As the new agency responsible for investigating and reporting on insurance issues, the OII will also coordinate Federal policy on international insurance matters. In today's global marketplace, this will help American insurance companies obtain better access to foreign markets and strengthen their positions as leaders in offering insurance products both here and overseas.

Additionally, H.R. 5611, the National Association of Registered Agents and Brokers Reform Act of 2008, creates the National Association of Registered Agents and Brokers, NARAB. Established as a nonprofit corporation to facilitate the nationwide licensing of insurance agents and brokers, NARAB will supervise and discipline individuals who wish to practice in multiple states.

This new, voluntary tool, which gives agents and brokers the opportunity to be licensed by individual states under the current system, injects much-needed uniformity for those agents and brokers whose businesses stretch from state to state. Consumers will obtain better services and financial products for lower costs while agents and brokers will avoid many of the headaches they currently face due to the myriad of state licensing standards with which they must currently comply.

Madam Speaker, I urge my colleagues to support these measures.

ALLOWING TAIWAN TO PARTICIPATE IN UNITED NATIONS ACTIVITIES

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GARRETT of New Jersey. Madam Speaker, when the United Nations General Assembly met earlier today, the Secretariat considered a request by several of Taiwan's diplomatic allies. These countries asked the United Nations to allow the Republic of China (Taiwan) and its 23 million citizens to have meaningful participation in the activities of the specialized agencies of the United Nations.

By excluding 23 million people from participation in UN-sponsored activities, the UN is effectively treating the people of Taiwan as less than equals when compared to citizens of other countries. The people of Taiwan enjoy the benefits of living in a country that has free elections, yet it is certainly unfair for them to be denied access to agencies such as the International Civil Aviation Organization.

In this global economy, no country and no people are an island. Information travels fast, epidemics spread equally fast. For instance, without membership in the World Health Organization, Taiwan is an overlooked area in the global epidemic surveillance network. Continued exclusion will only harm the international community.

Furthermore, Taiwan has the world's tenth largest shipping capacity, but it has no access to the meetings of the International Maritime Organization and can't acquire first-hand information. There are many other instances of the impracticalities of banning Taiwan's membership in the international society.

I am disappointed that the People's Republic of China again blocked Taiwan's request. Taiwan President Ma Ying-jeou has taken a number of steps to improve the relationship with Beijing, including permission of direct weekend charter flights between the mainland and the island. It is time for the People's Republic to reciprocate by granting Taiwan the ability to join certain UN agencies.

HONORING KAREN MANNING, MSN, RN, CNA, CRRN PRESIDENT OF THE ASSOCIATION OF REHABILITATION NURSES

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Ms. TSONGAS. Madam Speaker, today I pay tribute to Karen Manning, MSN, RN, CNA, CRRN, of Salem State College and president of the Association of Rehabilitation Nurses (ARN), a constituent from my congressional district. Ms. Manning will soon complete her year as the 2007–2008 national president of the ARN, a professional organization representing professional nurses who work to enhance the quality of life for those who are affected by physical disabilities or chronic illnesses. During her tenure as president at ARN, Ms. Manning has been a strong leader and advocate for rehabilitation nurses, as well as the patients ARN serves everyday.

Since 1974, ARN has been the leading source for the latest rehabilitation information, resources, professional development and career opportunities for rehabilitation nursing professionals. ARN members are nurses, with a broad range of clinical experience, dedicated to helping individuals affected by chronic illness or a physical disability adapt to their disabilities, achieve their greatest potential, and work toward productive, independent lives.

Presently, ARN comprises a nationwide network of more than 5,500 rehabilitation nurses who practice in many settings, including hospitals, rehabilitation facilities, home health agencies, subacute and long-term care facilities, and private companies.

A resident of Tewksbury, Massachusetts, Ms. Manning has earned her Bachelors of Science in Nursing from the University of Massachusetts Boston and her Masters of Science in Nursing, with a concentration in nursing management, from the University of Massachusetts Lowell in 1994. Ms. Manning is currently pursing her Doctorate degree in Education from Nova Southeastern University.

In addition to Ms. Manning's academic achievements, she has also authored chapters in both the Rehabilitation Nursing Core Curriculum and Safe Patient Handling and Movement in Rehabilitation—published in 2007 and 2008, respectively. She has presented numerous times on topics relating to current trends in rehabilitation, the future of nursing, and the future role of rehabilitation nurses.

Madam Speaker, I hope my colleagues will join me today in recognizing the outgoing president of the Association of Rehabilitation Nurses, Karen Manning, MSN, RN, CNA, CRRN, for her dedication and exemplary work in the field of rehabilitation nursing. We thank you Ms. Manning for your ongoing service to the healthcare profession.

CONGRATULATIONS TO THE CITIZENS TELEPHONE COMPANY AND LAFAYETTE COUNTY C–1 SCHOOL DISTRICT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to congratulate the Lafayette County C–1 School District on receiving a $37,000 grant and to commend the Citizens Telephone Company for their most generous contribution.

To celebrate the company's 100th anniversary of their first dial tone in Higginsville, MO., the Citizens Telephone Company awarded the Lafayette County C–1 School District a $37,000 check. This grant enables the school district to start offering new classes to Higginsville students that were not available before. Also, the grant establishes a ''Distance Learning'' Program. This allows students to communicate with teachers remotely, from different locations. Citizens Telephone Company has graciously provided monitors, cameras,

and other devices to make this technology come to fruition. Now, students and teachers in the district can actually see and interact with each other from different locations.

Madam Speaker, I urge all Members of the House to join me in congratulating the school district and in commending the Citizens Telephone Company on its generosity.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 18, 2008 in the land of the free and the home of the brave, and before the sunset today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,023 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 13,023 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is September 18, 2008, 13,023 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

INTRODUCTION OF REINSURANCE TAX LEGISLATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. NEAL of Massachusetts. Madam Speaker, today I am pleased to come before the House to introduce legislation ending the advantage of offshore reinsurance entities over American companies. In the past, I have offered a number of bills to limit offshore tax avoidance and have even previously offered bipartisan legislation on the issue of foreign reinsurance specifically. I am here today to try a different approach to tackle the problem of excessive reinsurance to related foreign entities and I hope my colleagues will join me in this timely effort.

Now, some may question why it would be timely to offer this legislation considering that one of the largest U.S. insurance companies was just bailed out by the Fed. I think it is precisely the time to shore up the U.S. market. Already, the speculation has begun as to what parts of AIG will be sold off. A leading insurance industry research entity, Dowling & Partners, posed the question yesterday: "Will the offshore tax issue be highlighted once again, with much of AIG's business potentially moving to competitors offshore?" With the advantage of a no- or low-tax jurisdiction from which to operate, you can bet that foreign competitors are already eyeing purchases of the AIG business.

There is no doubt that there is a legitimate role for reinsurance. It is a fundamental business technique for risk management and is to be fostered. But just as Congress and Treasury have attempted to measure what is legitimate in sharing debt and earnings between affiliates, there have been attempts to appropriately characterize reinsurance between related entities. Unfortunately, as recent data shows, those attempts have been unsuccessful.

Since 1996, the amount of reinsurance sent to offshore affiliates has grown dramatically, from a total of $4 billion ceded in 1996 to $34 billion in 2007, including $19 billion alone to Bermuda affiliates. These insurance profits are shuttled out of the U.S. and then the investment income on those profits is also sheltered from U.S. taxes. It is easy to see why foreign reinsurers, with such a tax benefit, enjoy a significant market advantage.

Now we are beginning to see a new problem: the offshore affiliates are writing direct insurance here in the U.S. We have seen in the last decade a doubling in the growth of market share of direct premiums written by groups domiciled outside the U.S., from 5.1 percent to 10.9 percent, representing $54 billion in direct premiums written in 2006. Again, Bermuda-based companies represent the bulk of this growth, rising from 0.1 percent to 4 percent. And it should be noted that during this time, the percentage of premiums ceded to affiliates of non-U.S. based companies has grown from 13 percent to 67 percent. Bermuda is not the only jurisdiction favorable for reinsurance, and in fact earlier this year, one company moved from the Cayman Islands to Switzerland citing "the security of a network of tax treaties," among other benefits.

Congress first recognized the problem of excessive reinsurance in 1984 and provided specific authority to Treasury under Section 845 of the tax code to reallocate items and make adjustments in reinsurance transactions in order to prevent tax avoidance or evasion. In 2003, the Treasury Department testified before Congress that the existing mechanisms were not sufficient. In 2004, Congress amended this provision to expand the authority of Treasury to not only reallocate among the parties to a reinsurance agreement but also to recharacterize items within or related to the agreement. Congress specifically cited the concern that these reinsurance transactions were being used inappropriately among U.S. and foreign related parties for tax evasion. Despite this grant of expanded authority, Treasury has still been unable to stem the tide moving offshore.

Recently, a coalition of U.S.-based insurance and reinsurance companies has been formed to express their concerns to Congress. With more than 150,000 employees and a trillion dollars in assets here in the U.S., I believe it is a message of concern that we should heed.

That is why I am filing legislation today to disallow deductions for excess reinsurance

premiums with respect to U.S. risks paid to affiliated insurance companies that are not subject to U.S. tax. The excess amount will be determined by reference to an industry fraction, by line of business, which will measure the average amount of reinsurance sent to unrelated parties. The legislation provides Treasury the authority to carry out or prevent the avoidance of the provisions of this bill.

My colleagues may be thinking that this sounds similar to another provision in the code, and they would be right. The tax code currently tries to limit the amount of earnings stripping—that is, sending U.S. profits offshore through inflated interest deductions—by disallowing the interest deduction over a certain threshold. In the reinsurance context, U.S. affiliates of foreign based reinsurance entities may be sending offshore excessive amounts of reinsurance to strip those premiums out of the purview of the U.S. tax system. My bill limits the deduction for those premiums to the extent the reinsurance to a related party exceeds the industry average.

I hope that in the coming weeks, my colleagues and experts in the industry will carefully review this new proposal and provide constructive commentary on it. A fuller technical explanation of the bill will be posted on my website, which will provide some background on the industry as well as a technical description of the bill. Madame Speaker, I appreciate the opportunity to address the House on this important matter and I assure my colleagues that I will continue my efforts to combat offshore tax avoidance, regardless of what industry is impacted.

HONORING DOUGLAS KAPNICK

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. WALBERG. Madam Speaker, I rise today to honor Douglas Kapnick of Adrian, MI on the celebration of his retirement from Kapnick Insurance Group. For 43 years he has successfully operated the company and has contributed to various organizations within the area in an effort to give back to the community.

Upon graduating from the University of Michigan in 1965 with a Business Administration degree, Douglas Kapnick joined his father's insurance business, Kapnick and Company. From the beginning, he focused on expanding the agency beyond home and auto insurance and worked to extend its reach into Adrian's neighboring areas. In 1974 he bought the 15-person operation from his father, Elmer Kapnick, and in 1975, he was elected to serve as its president. As chairperson and chief executive officer, he succeeded in growing the business into one of the most respected insurance agencies in the Midwest.

In July 2001, the company doubled its benefits operation through the purchase of Harbors Benefits Services located in Ann Arbor, MI, and in 2005, it changed its name to Kapnick Insurance Group. The company has gained recognition as an innovative, well managed company with a reputation for providing quality service and creative solutions to its clients. The company's success can be traced to Douglas' inspiring leadership and ability to bring out the best in each employee. Carrying on the family tradition, Douglas Kapnick's two sons, Jim and Mike Kapnick, bought the company from him in 2006. On September 5, 2008, Douglas spent his last official day in the office.

In his personal and professional life, Douglas has devoted his time to giving back to the community. He has served as a member of the board of several community organizations such as YMCA, United Way, Lenawee Chamber of Commerce, and Croswell Opera House. Douglas has served several terms on the Adrian Public School's Board of Education, including 5 years as board president. He served 19 years as a trustee on Siena Heights University Board of Trustees, with 8 years as president, and continues as a chairperson. He has served as president for the Bank of Lenawee and Pavilion Bancorp. Douglas' life and service is a direct reflection of his longtime commitment to giving back to the community.

Douglas' contributions to the community have not gone unnoticed. He is one of only three recipients to receive the Lenawee Maple Leaf Award, the county's most prestigious award which is given in recognition of outstanding leadership, community service, and citizenship. In addition, he has been honored with a Lifetime Achievement Award from Hanover Insurance Company.

Madam Speaker, today I ask my colleagues to join me in recognizing Douglas Kapnick for 43-years of service to Adrian, MI and its surrounding areas. His ability to expand his father's company from a six-person operation to a company of 135 employees demonstrates his business expertise and good judgment. Additionally, he has devoted himself to serving his community, an endeavor that he will continue to practice long into his retirement. May others know of my high regard for Douglas Kapnick as well as my best wishes for him in the future.

RECOGNIZING THE LIFE AND PUBLIC SERVICE OF MAX CORBETT

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. NUNES. Madam Speaker, I rise today to recognize the life and public service of Max Corbett, a veteran, a teacher, and a powerful steward of our Nation's rich agricultural heritage.

Some people in this world become larger than life, not because of their physical size or presence, but because of the number of people they influence in their lifetime. Max Corbett, or Corbett as I called him, was both a father figure and big brother to many. His influence has been felt throughout the San Joaquin Valley and our country.

Corbett was born and raised on a dairy farm. In 1968 he enlisted to fight for his country in Vietnam where he earned a Purple Heart and a Bronze Star. Upon returning home, he attended college at California State University, Fresno, graduating in 1975.

Following college, Corbett moved to Tulare. It was here, in a rural San Joaquin Valley community, that he would touch the lives of several generations of farmers and help to transform agriculture education.

For more than 31 years, Corbett taught the next generation of farmers at Tulare High Schools—where he became chairman of the school's Agriculture Department. For 25 years, he was dairy and farm manager.

Always humble, Corbett praised the Tulare Future Farmers of America—unwilling to take credit for his own enormous impact. However, it was under his leadership that the Tulare FFA became one of California's most active chapters. Corbett also led the Tulare dairy team to win the 1984 national title.

Both as a coach, and community activist, Corbett fought every day to develop Ag leaders of the future. By 1989, he was recognized as one of 12 Teachers of Excellence for the entire State of California.

Corbett's proudest accomplishment can be found in his loving family. He enjoyed a 36-year marriage with wife, Mary, and was the father of three children, Michele, Max and James.

Max Corbett left his community of Tulare a far richer place than the one he found over 30 years ago, and for that we are blessed. He was a leader, a mentor, a patriot and above all else he was my friend.

HONORING THE LIFE AND SERVICE OF HAROLD WINTERS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Harold Winters, founder of the Western Wayne Youth Travelling Classic League, upon the 25th anniversary of its establishment.

Born in 1939, Harold grew up in Detroit, Michigan, graduating from Redford High in 1956. He moved to Canton in 1971, and is married to Maria Winters. Harold worked for Ford Motor Company for 32 years, retiring in 1997. For 48 years, Harold Winters has shown exceptional dedication to being involved in his community. A 36 year member of Divine Savior Catholic Church, he has acted as an advocate and counselor, regularly sending inspirational messages to encourage people of all ages. During the 1970s, Harold helped raise funds for efforts to combat muscular dystrophy. Harold remains a lifelong member of the Benevolent and Protective Order of the Elks and a member of the Friends of Charter Township of Canton Library.

From 1983 to the present, Harold has served as the Executive Director of the Western Wayne Youth Travelling Classic League. His initiative began a league which enabled youth in the area to compete, learn about sportsmanship, and be involved in their communities in a constructive way. Furthermore, the league has generously provided more than 30,000 dollars in scholarships to young athletes since its inception.

Madam Speaker, over the years, Harold has served his community selflessly and acted as

the inspiration for the Western Wayne Youth Travelling Classic. His service has spanned forty years and influenced his community in numerous ways. Today, I ask my colleagues to join me in honoring Harold Winters' public spirit, dedication, and service to his community.

CONGRATULATING JOSEPH LITTLE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Joseph Little for being honored by the Council for Opportunity in Education for his educational achievements and career accomplishments. I am especially pleased to recognize Joseph because he is not only a worthy recipient, but a proud veteran and former Army Ranger. This recognition stems from the outstanding success Joseph has achieved while participating in Arizona State University's Veterans Upward Bound program.

When Joseph was discharged from the Army after the Vietnam war, he had severe physical and emotional injuries. It took Joseph 50 surgeries and 30 years outside the education arena until he was ready to return and realize his dream. Despite his doctors and vocational rehabilitation counselors telling him he would never be able to earn a degree, Joseph earned both a bachelor's degree and a master's degree in social work from Arizona State University. This recognition represents the tireless determination and stellar work ethic that led Joseph to overcome adversity and become the first member in his family to graduate from college.

Joseph has worked at the Phoenix Veterans Center since 1998 and puts his education to good use by working with veterans with post-traumatic stress disorder. He is currently helping fellow veterans ranging from those who served in World War II to those returning from recent conflicts.

As a member of the Committee on Veterans' Affairs, I am particularly proud to see Joseph chosen as one of six winners out of a national pool of 52 nominees. When our veterans return home to Arizona and need a helping hand, I feel confident knowing that he is there to assist them with whatever problems they may have. Joseph is an inspiration to me and to an increasing number of veterans. He personifies the persistence necessary to achieve one's dreams and the altruism that is a product of an inherent moral obligation to help others who are faced with the same obstacles he was able to overcome.

Once again, I congratulate Joseph for all that he has accomplished, and I am confident we will continue to see wonderful things from him in the future.

INTRODUCING THE MICROFINANCE CAPACITY BUILDING ACT OF 2008

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. BOOZMAN. Madam Speaker, today my colleague Mr. MEEKS and I are introducing the Microfinance Capacity Building Act of 2008. This bi-partisan effort aims to build the human capacity of microfinance networks working to empower the poor in developing countries across the globe.

Microcredit—the provision of small, collateral-free loans to the poor in developing nations enable poor families to increase their income and have an immediate and lasting impact on quality of life—the ability to afford food, shelter, education and healthcare. As business income increases, the business is able to expand, and the effect spreads beyond the family into the local community, through employment and contribution to the local economy. Thus, the benefits of microfinance help grow not just businesses, but stronger communities as well.

It is widely recognized that the lack of human capital is the greatest constraint to the growth of practitioner organizations in the microfinance industry. According to some industry estimates, in order to meet the anticipated demand for microfinance, the industry will have to hire 1.6 million new loan officers alone in Africa, Asia, Latin America and the Near East, assuming a loan officer to client ratio of 1:300. And that figure does not include the skilled middle and senior managers that microfinance organizations are struggling to find and retain.

The microfinance capacity-building activities supported by this legislation are intended to drive innovation and provide comprehensive solutions that address the lack of human capacity in developing countries, particularly in sub-Saharan Africa. These activities will provide a framework for a regional and sub-regional approach to maximizing economies of scale and should focus predominately on educating and training country nationals in order to build capacity in the microfinance industry in developing countries.

Through its strategic investment in building microfinance human capacity, this bill would make it possible for more of the world's poor to access financial services to enable them to start or expand a business, develop a steady income and create jobs for their neighbors.

MISSOURI NATIONAL GUARD ASSISTS HURRICANE VICTIMS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to honor and acknowledge the fine members of the 1139th Military Police Company of the Missouri National Guard. Their brave efforts in Opelousas, Louisiana, are a true testament to their character and integrity with regard to helping fellow Americans in a time of need.

The Missouri National Guard arrived in Opelousas, an area hit very hard by Hurricane Gustav. Ninety percent of the town of 20,000 was without power, hundreds of trees and power lines were destroyed, and many citizens were without food or supplies. The Guard distributed food and ice to hundreds of hungry residents and patrolled possible looting targets throughout the evenings.

Madam Speaker, the Missouri National Guard Military Police Company 1139 deserves our respect and honor for their admirable efforts on the Gulf Coast. I ask my colleagues at this time to join me in acknowledging these fine individuals on a job well done.

''STEPHANIE TUBBS JONES GIFT OF LIFE MEDAL ACT OF 2008''

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. STARK. Madam Speaker, I rise today to introduce the ''Stephanie Tubbs Jones Gift of Life Medal Act of 2008'' with my colleague Mr. CAMP of Michigan. Representative Tubbs Jones' life ended as she lived it; by exemplifying concern for the welfare of others. She donated her organs in the waning hours of her life so that the lives of others could continue. In that spirit, this legislation creates a commemorative medal for organ donors and their families, recognizing the brave and selfless act of organ donation.

As I well know from my time on the Ways and Means Health Subcommittee, Representative Tubbs Jones worked tirelessly to remedy health disparities in our Nation. Organ donation is one area where dramatic health disparities exist, which makes this all the more of a fitting tribute. While minorities donate organs in proportion to their population, the rate of organ donations fails to keep pace with the need for transplants in the population.

Minority populations account for close to 50 percent of the nearly 100,000 people who are currently waiting for organ transplants. Since the national transplant waiting list began, over 80,000 donation-eligible Americans have died waiting for an organ to become available; in 2007 alone, over 6,500 people died for lack of a suitable organ. Donating an organ to someone whose life depends on it is laudable, and it should be recognized and encouraged. The Stephanie Tubbs Jones Gift of Life Medal Act sends a clear message that donating one's organs is an act that should receive the profound respect of our Nation.

I would like to thank Former Senate Majority Leader, and transplant surgeon, Dr. William H. Frist, for whom this bill was named in an earlier version in this Congress (H.R. 1765/S. 1062). Dr. Frist was a tireless advocate of organ donors and their families during his time in the Senate. He worked on behalf of the Gift of Life Medal Act for years and has expressed strong support for renaming the bill for Representative Tubbs Jones. We appreciate his graciousness in doing so.

This legislation directs the Treasury department to design and produce a commemorative

medal that the Department of Health and Human Services will award to organ donors or to a surviving family member. Enactment of this legislation would have no cost to the Federal Government. Funding for the medals would be self-sufficient through charitable donations.

This is non-controversial, non-partisan legislation to increase the rate of organ donation while honoring the life and service of our colleague, Representative Tubbs Jones. I ask my colleagues to help bring an end to transplant waiting lists and recognize the enormous courage displayed by organ donors and their families. This bill honors these brave acts, while publicizing the critical need for increased organ donation. I urge swift passage of the Stephanie Tubbs Jones Gift of Life Medal Act.

INTEL HONORS LAGUNA ELEMENTARY WITH SCHOOL OF DISTINCTION AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MITCHELL. Madam Speaker, I rise today to recognize Laguna Elementary School in my home state of Arizona. Laguna is being honored by the Intel Corporation for its impressive science education program. Every year, Intel honors schools that have shown outstanding effort in math and science. This year, Laguna Elementary won first place in Science Excellence for Elementary schools and was given one of the six Schools of Distinction awards.

The Intel Corporation awards grants and equipment to top U.S. schools that show determined excellence in math and science education. Winners receive $10,000 cash grants and over $100,000 in equipment for their schools. Schools that enter must show that they have exceeded national guidelines in breadth and scope of math and science education.

Laguna Elementary should be applauded for their innovative approach to learning. No longer is math about rote memorization of number tables. Instead, students at Laguna expand their learning through discovery, focusing on the inquiry process, and further their skills by developing questions regarding these subjects. Teachers, with parental and community input, have developed a curriculum that encourages ''interactive experiences,'' expanded use of technology, while addressing a diverse student population at the school.

Because of their innovative techniques, Laguna Elementary won $10,000 dollars in grant money, and $160,000 in training, computers, educational software and interactive white boards. This technology will further allow teachers to pinpoint where students are in the learning process and allow them flexibility in creating lesson plans.

Therefore, I commend Laguna Elementary administration, teachers, parents, and students for their accomplishments and efforts.

STATEMENT ON MAJOR GENERAL RANDALL D. MOSLEY'S RETIREMENT

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. REHBERG. Madam Speaker, I rise today to recognize Major General Randall D. Mosley, Adjutant General for the State of Montana. General Mosley has served our nation and Montana for more than thirty eight years, recently retiring from the highest military position in the Montana National Guard. His long and distinguished career epitomizes each of the Army's core values and truly lives up to the Guard's motto of a ''Citizen Soldier.'' General Mosley not only answered the call of duty to serve his country, but he also worked tirelessly to support the community he lives in.

The challenges created by the deployment of thousands of Montana National Guard members over the past five years demanded many changes in the way the Montana National Guard operates. Major General Mosley confronted these challenges with professionalism and complete dedication to the men and women under his command. He was instrumental in overhauling the process used for post deployment health assessments for Guard members returning home from combat deployments. Significant mental health resources have since been made available to Guardsmen and their families as well as organized events to help them transition back to everyday life. These changes are leading the way in how our country treats returning service men and women. For his efforts, Major General Mosley was recognized by the Under Secretary of Defense for Personnel and Readiness.

I can think of no better ambassador for the State of Montana. Over the past 14 years, Montana has worked with United States Central Command to develop a partnership with the country of Kyrgyzstan. Under General Mosley's leadership, the Montana National Guard has helped Kyrgyzstan train a capable force of noncommissioned officers. More importantly, Major General Mosley has helped Kyrgyzstan leadership understand the vital role military personnel plays in coordinating and assisting civilian government. Through his efforts the partnership between Montana and Kyrgyzstan has grown dramatically and will no doubt help their democratic future.

While I am sad to see him leave, I thank Major General Mosley for all he has done. Through all the challenges he has faced he has been an excellent commander and ambassador. I have no doubt the Montana National Guard's new leadership will continue his example.

HONORING JACKSON COUNTY COMMUNITY FOUNDATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. WALBERG. Madam Speaker, I rise today to honor the Jackson County Community Foundation of Jackson, Michigan on the celebration of its sixtieth anniversary. For years it has served the Jackson community and worked to improve the quality of each of its citizens' lives.

The Jackson County Community Foundation began in 1948 with the idea of assisting Jackson County residents in bettering their lives. In order to accomplish this goal the foundation is guided by several core beliefs including the realization that citizen involvement is essential for change, the idea that viable solutions are those which target the root cause of a problem, and the belief that diversity is key to community building efforts. The foundation focuses on using its own community's assets and strengths and strongly believes accountability is necessary to use community resources wisely. The foundation has a broad purpose which allows flexibility and enables it to serve needs quickly and efficiently.

The foundation has a permanent endowment that invests donations with the purpose of growing the principal and returning the earnings back to the community. This permanent endowment builds enduring community assets and allows donors to invest in the future of their own community. Donors can designate the funds to be used for specific items, such as scholarships or charities. Moreover, donors can assign the funds to an area of interest such as youth programs or education. In 2007, contributions to the foundation totaled more than $2 million and its endowment was over $24 million.

On September 6, 2008 a number of distinguished individuals gathered at the foundation Fall Gala to celebrate the Jackson County Community Foundation's success and its long-time contribution to the Jackson community. The theme of the evening was ''Looking Back—Moving Forward,'' and the foundation's long-standing influence on the community was celebrated. Several presentations were given as well as a short video to commemorate the past sixty years.

Madam Speaker, today I ask my colleagues to join me in recognizing Jackson County Community Foundation for its sixty years of service and leadership in Jackson County. The foundation excels at identifying and meeting the needs of its citizens and has made a lasting difference in Jackson County. May others know of my high regard for its esteemed service, as well as my best wishes for its future.

SENATE—*Monday, September 22, 2008*

(Legislative day of Wednesday, September 17, 2008)

The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, sovereign Lord of the universe, limitless, timeless, in whom resides all wisdom and power, remind our Senators today that they have nothing to fear about the future when they remember how You have led us in the past. Energize their memories to remember the dangers, toils, and snares over which You have brought our Nation and world so that Your peace will guard their hearts. Lord, may they never forget that the galaxies belong to You and the fullness thereof, the world, and they who dwell therein. Teach them the wisdom of seeking You so that they will fulfill Your purposes for their lives.

We pray in the Name of Him who is the author and finisher of our faith. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 22, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

EXECUTIVE SESSION

DISCHARGED NOMINATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Senate Foreign Relations Committee be discharged from the following, and the Senate proceed to their consideration, en bloc: PN2053, Senator BILL NELSON, to be a Representative of the United States to the 63rd Session of the General Assembly of the United Nations, and PN2054, Senator BOB CORKER of Tennessee, to be a Representative of the United States to the 63rd Session of the General Assembly of the United Nations; that the nominations be confirmed and the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; that no other motion be in order; and that the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

UNITED NATIONS GENERAL ASSEMBLY

BILL NELSON, of Florida, to be a Representative of the United States of America to the Sixty-third Session of the General Assembly of the United Nations.

BOB CORKER, of Tennessee, to be a Representative of the United States of America to the Sixty-third Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each. As previously announced, there will be no rollcall votes today.

Last week, we were able to reach an agreement to consider H.R. 6049, the tax extenders legislation. Following morning business tomorrow, the Senate will consider three amendments to the bill, with limited debate and votes in relation to the amendments. Senators should expect the first amendment vote to occur prior to the caucus lunches and the remaining votes in the afternoon. One of the things to consider now is maybe not having morning business tomorrow to move this along more rapidly.

The Republican leader is seeking recognition, and when he finishes, I will give a few remarks.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

MAIN STREET RESCUE PLAN

Mr. MCCONNELL. Mr. President, when there is a fire in your kitchen threatening to burn down your home, you don't want someone stopping the firefighters on the way and demanding they hand out smoke detectors first or lecturing you about the hazards of keeping paint in the basement. You want them to put out the fire before it burns down your home and everything you have saved for your whole life.

The same is true of our current economic situation. We know there is a serious threat to our economy. We know we must take action to try to head off a serious blow to Main Street.

Over the weekend, Congress received a straightforward four-page Main Street rescue plan aimed at protecting millions of American families and small businesses from the potentially devastating effects of a credit meltdown. We are told that inaction could make it impossible for ordinary Americans to take out loans for college tuition, cars, new homes, and everything else, triggering a corresponding collapse in manufacturing and services that could wipe out savings and lead to massive job losses. The final cost of the plan is unclear, but the potential consequences of inaction are not.

This proposal was designed to contain a spreading crisis, and urgent action is needed. That is why Republicans have resisted the impulse to try to add permanent tax relief and other aid to families and businesses that we believe is critical to the long-term health of our Nation's economy. And we ask our colleagues across the aisle

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to show similar restraint so that whatever action we take can be done quickly and in time to make a real difference.

This stabilization plan gives us an opportunity to prevent long-term damage to Americans' savings, home values, and livelihoods—to contain the problem from spreading to Main Street. Surely we can all agree to work with each other and stand up for the American people instead of using the bill as fly paper for partisan add-ons.

Republicans have many serious questions about this plan, but this is the only concrete plan we have seen so far that aims to protect Americans on Main Street—to protect their homes, their savings, their retirement plans, protect endangered jobs and small businesses—and we shouldn't jeopardize that effort by delaying urgent action or playing partisan politics.

Americans want to know their savings and retirement accounts are safe. They want the security of knowing the problems on Wall Street are not going to spread to Main Street. The only way we can give them that security and that assurance is by putting partisan interests aside.

There will be many more questions about this plan. I have many myself. But we owe it to the American people to do our due diligence quickly and act swiftly, Democrats and Republicans alike, to contain this crisis before it is too late.

I am confident that we can work together. The American people are counting on us. Let's not disappoint them.

HONORING OUR ARMED FORCES

MASTER SERGEANT THOMAS L. BRUNER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to one of Kentucky's great heroes in uniform. MSG Thomas L. Bruner of Owensboro, KY, was tragically lost while serving his country in Afghanistan on October 28, 2007. A proud member of the Army Reserves for many years, he was 50 years old.

For his valor in uniform, Master Sergeant Bruner received several medals, decorations, and awards, including the Meritorious Service Medal, the Joint Service Commendation Medal, two Army Commendation Medals, two Army Achievement Medals, the Army Good Conduct Medal, the National Defense Service Medal with two Bronze Service Stars, and two Armed Forces Reserve Medals with ''M'' device.

Those who knew him will remember Master Sergeant Bruner—or, as friends called him, ''Tommy''—as a family man. ''Family was first to him,'' says his brother, Robert Bruner. ''It was all the time family, family, family, everywhere he went.''

He was devoted to his wife Jane Bruner, to whom he was married for 27 years. They met in a club where she served bar. Night after night, he would walk in and notice her. Jane was skeptical at first, but eventually Tommy convinced one of her friends to trick Jane into going out with him after the club closed. ''He spoiled me rotten,'' Jane recalls. ''He would do everything for me. He was my everything . . . my life.''

Jane's two sons, Tom-Tom and Brian Sanefur, became Tommy's stepsons, and he loved them like his own. ''He was always there,'' Brian remembers. ''He was a good father, husband, and friend.''

Perhaps even better than fatherhood was grandfatherhood. Tommy had three grandkids—T.J., Jacob, and ''Baby'' Grace—and loved playing with them. ''He lived for those grandkids,'' Jane says. She remembers how it was not uncommon for Tommy to crawl down on the floor with them and watch cartoon after cartoon.

The most exciting holiday in the Bruner household was Christmas because Tommy outdid everyone on decorations. He was able to spend each Christmas at home. ''He had reindeer, he had lights, a snowman, a sled,'' Jane recalls. ''We've always had big Christmases.'' While serving in Afghanistan, Tommy even told Jane that he had gone to a bazaar there and done some Christmas shopping for her and the children.

Soon before his passing, Tommy and Jane built a new house together in Owensboro, and Tommy helped pick out the colors. The couple saved up their money until they could build a home of their dreams. Jane has planted a white dogwood tree now at the house in Tommy's memory.

In that house, Tommy turned the garage into what Jane calls his ''war room,'' where he put up pictures of battles from the Revolutionary War to Operation Enduring Freedom. It was his little getaway, and Jane has left it just as it was.

Tommy was a veteran soldier, having served on Active Duty from 1975 to 1979 and then joined the Army Reserves in 1981. He volunteered to serve in Afghanistan because he wanted to help train the younger soldiers and was deployed with Headquarters, 2nd Brigade, 100th Division, U.S. Army Reserve, based out of Owensboro, KY. ''He wanted to go, and I said, 'There's no way I'm going to stop you from doing what you want to do,'" Jane says. ''He was just a soldier doing his job, and he loved it.''

Jane also recalls that Tommy said he loved it in Afghanistan. He thought the country was beautiful, and he was trying to learn the language. He told Jane the mission in Afghanistan was the highlight of his career.

Patrick Rowe, the training coordinator at the Owensboro Army Reserve Center, recalls Tommy's bond with his fellow soldiers. ''He knew his guys,'' Patrick said. ''You could ask him anything about anybody.''

At home, Tommy attended Our Lady of Lourdes Catholic Church and worked as manager at the Don Moore Auto Mall. They appreciated him there because he was ''so picky,'' Jane says. He paid attention to every detail. He had been planning to retire after his latest tour, but Jane thinks he still would have worked there to give himself something to do.

Tommy died of a heart attack while serving his country in Afghanistan. Jane knew something was wrong because Tommy called her every day, until one day he did not call.

Our thoughts are with his many loved ones after such a loss. We are thinking of his wife Jane; his stepsons, Tom and Brian Sanefur; his mother Martha; his grandmother Virginia; his grandchildren, T.J., Jacob, and Grace Sanefur; his brother Robert; and many other beloved friends and family members.

Jane received an insurance settlement after Tommy died. She decided she already had everything she wanted, so she gave the money to the grandchildren. ''It is what he would have wanted,'' Jane said.

I express my deepest sympathies to Jane Bruner and to all of her and Tommy's family. I would like them to know this Senate honors MSG Thomas L. Bruner's great devotion and his sacrifice, and we offer our deepest gratitude to him and his family for all they have given our Nation.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

The majority leader.

Mr. REID. Mr. President, I wish to make my statement before morning business starts.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

TREASURY DEPARTMENT LEGISLATION

Mr. REID. Mr. President, this weekend the Bush administration sent to Congress its plan to address our country's growing economic crisis. All my Democratic colleagues in the Senate understand the need to take action to steady our economy, and we are prepared to act swiftly and responsibly to pass legislation that puts interest in the security of the American people first. We know, for example, that last year 2½ million Americans secured mortgages, and nearly half of all college students secured loans so they could go to school. The consequences of a broken banking system, devoid of loans for homes, college tuition, automobiles, and business investment

would be devastating. We are prepared to do what is necessary to avoid these unacceptable consequences, but we will not let haste abandon good judgment in the process.

The Bush administration has called on Congress to rubberstamp its bill without serious debate or efforts to improve it. We can't let that happen. The legislation sent to the Congress by the Treasury Department recognizes the scope of the crisis the Bush administration created, a view that we share with Secretary Paulson. The Bush administration's bill is a starting point but by no means the final product.

Democrats believe there should be protection for the taxpayers who are footing the bill for this legislation. That begins with more oversight, more transparency, more accountability, and more controls to prevent conflicts of interest. Democrats believe there should be limits on compensation for company executives who benefit from this legislation so the American people don't see their tax dollars spent on exorbitant corporate pay and even golden parachutes. The American people earn their pay through honest hard work and so should CEOs.

What is a golden parachute? It is a method of compensating executives when they leave their companies. It would be wrong for these employees—these managers who are leaving their companies—to get huge amounts of money for simply leaving. This legislation should prevent that.

We believe that in exchange for shouldering the enormous burden of the Bush plan, taxpayers should reap any future economic rewards. That is what happened when we bailed out the savings and loans. It should happen here. That means this plan should not permit taxpayer money to purchase an asset at an inflated price exclusively for the benefit of private shareholders.

Democrats believe this legislation affects not just the American economy but the global economy, and we will call upon other nations to do their part. But one of the provisions suggested in this bill is that we would spend money to bail out foreign banks. I think we have to be very careful with that.

We believe this legislation should provide aid for Americans at risk of losing their homes to foreclosure. As the law currently stands, the wealthiest Americans can seek mortgage assistance from a bankruptcy judge to help keep their second, their third, their fourth, their fifth, their sixth, even their seventh home, but working families can't seek mortgage relief from a bankruptcy judge for their first and only home—their primary residence. That makes no sense, and we should change it. Bankruptcy court should have the authority to reach mutually beneficial arrangements to allow families to keep their homes and prevent more foreclosures.

We believe it is not enough to fund a Wall Street bailout. We need an economic recovery plan to create jobs, provide better unemployment insurance, and invest in our country's infrastructure. Now, such a plan has to be voted upon before we adjourn, either as part of this legislation or separately. These steps will help catalyze long-term economic growth once the dust on Wall Street settles.

Democrats in Congress fully understand the severity of the situation and the need to pass legislation, but we are not willing to give President Bush a blank check. We are now seeing 8 years of reckless Bush economic policies come crashing down with unimaginable speed and severity. This crisis puts our economy and the well-being of the American people in serious jeopardy.

President Bush said on Friday we should assign blame later. What else is he going to say? Of course, he would say exactly that because he is the culprit of the crisis. What else would the culprit say?

The American people have a right to know what brought us to this grave economic danger. The answer is the President and a Republican Congress determined to repeal all reasonable oversight and accountability and ignore what they couldn't repeal and allow corporate greed and recklessness to saturate our economy. Democratic and Republican Presidents who served before President Bush all understood that demanding accountability from the financial sector is not somehow anticapitalist but the opposite: It maintains balance, protects taxpayers, and keeps our economy running smoothly.

The greed-fueled Bush-Cheney economy thought they knew better. They put cronies and idealogues in charge of our most critical regulatory agencies, people who disdain Government oversight of any kind and systematically put Wall Street ahead of Main Street. One example of this irresponsibility: The Bush administration refused to provide oversight of the mortgage industry to ensure the rules were followed. The result was massive fraud, predatory lending, and a practice of preying on American families with deceptive, dishonest loans.

Now, we all know the banking industry has been deregulated, and the few regulations left were not in force. But now we find an article written by Senator MCCAIN in one of the health journals saying he thinks the health care industry should be deregulated just like the bank industry. How about that. It is in writing. President ''Wannabe'' MCCAIN has written an article saying we should treat the health industry just like the banking industry. Now, that is enough said about how Senator MCCAIN is going the take care of the problems of this country economically.

This hands-off, business-first, Bush-Cheney economic philosophy infiltrated nearly all aspects of the economy—from mortgages to consumer safety to the airline industry—and the people of America are now left to suffer the consequences. This morning, Monday, the first day of autumn, President Bush released a statement preemptively criticizing Democrats for working to improve his plan. If the President is serious about reaching an effective, bipartisan solution to the economic crisis he and his people created, he should join us in solving the crisis he created.

We Democrats in the Senate are not going to drag our feet. We will respond with the urgency of action this situation demands. But after 8 years of a fiscal dereliction of duty, it is time for accountability. It has taken 8 years of this dereliction of duty. Should we resolve the issue in 1 day? I think not.

Democrats understand the two primary responsibilities of Government are to protect the physical and fiscal well-being of the people. Whatever the ultimate cost of this legislation, we always remember these funds don't come from some nameless Government account. Every dollar comes directly out of the pocket of every American taxpayer; every dollar that should have been saved for someone's secure retirement, every dollar that could have been invested in health care for the uninsured or education for students or to fund a small business startup. We Democrats understand the value of each and every dollar spent on this plan because we know each and every dollar comes from the American people. We will work unending hours in a bipartisan manner to ensure this legislation doesn't just get done but that we get it done right.

ADVANCING AMERICA'S PRIORITIES ACT

Mr. REID. Mr. President, I have a unanimous consent to take up, if we have someone here on the other side. We have been working for this entire Congress, especially hard the last 6 months, to complete legislation that one Senator has held up—34 different bills dealing with very important issues: stroke victims, people who are paralyzed, postpartum depression.

We have situations dealing with very serious issues. In fact, the ''Oprah'' show has dealt with one issue that this one Senator has held up dealing with sexual predators, pornography. But one Senator has held up 34 different bills. Now, remember, these are authorizations. There isn't a single penny spent in any of these bills.

We have legislation being help up which deals with Emmett Till, giving some recognition to what has gone on in years past about people of color and how they were treated.

So I am going to take a few minutes to make a series of unanimous-consent requests to try to get some important bills passed. I will start with S. 3297, the Advancing America's Priorities Act. And then if Republicans block that, I am going to break it into various parts and seek unanimous consent to pass these.

The Senator from Oklahoma has said he has no problem with eight or so bills. We will see. It is hard for me to comprehend how, each day that goes by, these very important pieces of legislation are held up. We have tried to get these passed. I have filed cloture on two separate occasions, and it has been blocked by Republicans. This is regrettable obstructionism, but it has plagued this Congress. We have had approximately 95 filibusters used this Congress.

We all know the Senate was not built for speed. That is the way the Founding Fathers set this up. But what has happened is ridiculous. The Senate rules give rights to the minority, as they should, and even individual Senators. The Senate rules sometimes make things move slowly and don't allow the majority to run roughshod over the minority, and I agree with that. The rules promote bipartisanship. They promote a deliberative process and policies with broad support throughout the country.

At the same time, however, these rights come with some responsibilities. Traditionally, the rules of the Senate have not been abused by the minority or by individual Senators. When a policy has brought bipartisan support and the Senate committees have acted, individual Senators would not hold up important pieces of legislation in years past because, otherwise, one Senator is saying: I know best. That is what has happened here. I know better than the committee. I know better than the Congress, better than the Senate, better than the broad bipartisan majority. The Senate rules were meant to promote centrism, not egocentrism.

It used to be that if one Senator was trying to abuse the Senate rules, then his or her caucus would set them straight—they would vote for cloture, to end the filibuster of the one who was halting progress on broad bipartisan legislation. Unfortunately, we have a minority now that is not interested in keeping the trains running in America. In fact, they are interested primarily in obstructing the process on important legislation. There is no better example than what has happened on these bills.

Remember, these bills have passed the House of Representatives, they have been reported out of the committees of jurisdiction. We have seen an unprecedented number of filibusters by the Republicans. It is not a few more than previous Congresses. The Republicans have shattered the record for obstructionism. At each step of the legislative process, we have seen delay, obstruction, delay, obstruction. We have had to waste weeks and weeks of Senate floor time before we could vote on legislation which ends up passing by a huge margin.

We are told by the Secretary of the Treasury, we are told by the head of the Federal Reserve System that the No. 1 problem that caused the start of the financial meltdown was the housing crisis. Let's go back and look at that: Seven filibusters were initiated to pass the housing legislation that we ultimately passed. Seven filibusters. In that process, more than 100,000 people went into foreclosure.

We have seen delay, delay, delay. It is regrettable. It is an abuse of the process, and it is shameful. The height of the ridiculousness came on the cloture vote on the motion to proceed to S. 3297, these 47 bills, this package of legislation made up exclusively of bills with broad bipartisan support. These bills all passed the House with huge bipartisan votes—an average of about 380 votes in the House. Almost a third of the package has been introduced by Republican Senators. All the bills had bipartisan lists of cosponsors—every one of them. The bills had seen extensive legislative action. All had been marked up by the House committee, voted on by the House, marked up by the Senate committee, and reported to the floor. The vast majority had seen all three processes. Scores of amendments had been considered and disposed of during the legislative process.

In Congresses past, these bills would have passed with unanimous consent with minimal floor time or at least gotten the support of the minority to stop this abuse of process. But here, no. In fact, some version of the six bills had passed by unanimous consent in previous Congresses. Those six bills, plus scores of others, with over $1.3 trillion of new authorizations, passed under Republican rule last Congress with no offsets. How foolish it is to have offsets for authorizations—and that is just counting the bills that passed by unanimous consent or with the ''yes'' vote of Senator COBURN. But not this Congress. This Congress, the Republicans allowed each of these bills to be held up by the whimsy of one Senator of their caucus, and then, to show the height of how the Republican minority doesn't help, now I am being asked to wait until 6:30 or 7 o'clock today, until he shows up, holding up the entire Senate, holding up the passage of these bills. These bills are not just naming of courthouses. These are bills dealing with the Christopher Reeve paralysis bill, helping people who are paralyzed, stroke victims; setting up a registry for Lou Gehrig's disease.

What were the bills the Republican Congress allowed Senator COBURN to hold up? I will talk about each one at greater length later, perhaps, but here is a quick rundown of each of these bills: a bill to stop exploitation of children by Internet predators, which has been held up for months and months; bills to promote research and education about strokes, paralysis—including helping paralyzed veterans. We have seen it on their license plates—''paralyzed veterans.'' That is what they have in Nevada. I don't know if they have it other places. Paralysed veterans—held up; Lou Gehrig's disease; postpartum depression; a bill to promote Internet broadband access throughout the country; bills to improve research into knowledge about oceans; a bill to improve the health and safety of America's beaches; a bill to improve treatment options for mentally ill criminals; a bill to help keep America's kids off the streets and extend a helping hand to children who have already run away from home; a bill to reauthorize an agency that operates at a net profit to the U.S. Government, that has helped promote U.S. exports for years; bills to promote important U.S. foreign policy and diplomacy programs.

Each of these bills has broad bipartisan support and has seen extensive legislative action. Yet Republicans are allowing one person to hold up these bills. They vote with him. They vote with him. They are just as responsible as he is because they let him get away with it.

One of the worst things about this obstructionism is that it was based on false and disingenuous arguments. The primary argument made by Senator COBURN was the package of bills would spend over $10 billion; it costs too much. There is not one penny spent. To show how absolutely foolish this is, he wrote me a letter and said what he would like me to do is for me to pick $10 billion out of this, delete it from the bill, and then offer an amendment to put it back in—that I would do that. The argument that it would cost $10 billion is simply false. It is not true. It is erroneous. The package of bills included only authorizations. There was not a dime of appropriations to the package.

Everyone in the institution knows an authorizing bill does not spend a penny. Just to hammer the point home, we had the independent CBO confirm that the package did not result in any new spending—which didn't take a Ph.D. at CBO to figure that out. Authorizations allow programs to be created and funded. When we pass an authorizing bill, we hope the authorized level will be looked at it in appropriations committee—as I did as a longtime member. But we realize there are competing priorities, and full funding doesn't come very often.

There is an entirely separate process that determines actual spending levels;

that is, the budget and appropriations process. The budget and appropriations process determines total spending and sifts through competing priorities to determine how much money each program should get.

Further, even when a new program is funded, that money does not just appear out of thin air. The appropriators make tough choices. Sometimes they will cut one program to the bone to accommodate a new program. Other times they will take a little bit here or there to accomplish what they want. But in all cases the spending decisions are made through budget and appropriations, not through the authorizing process.

Unfortunately, pesky little things like facts and the truth have not been much of an obstacle to obstructionism this year, especially on these 34 bills. It is an old playbook. If you repeat a lie enough, then gullible people, I guess, believe it. But facts are facts and truth is truth. The main argument against this package is false.

I am going to try again. Due to Republican obstructionism, we simply do not have time to spend a full week of Senate floor time on these bills. I filed cloture on a motion to proceed once before. The Republicans voted against it, so we would have to do that. It takes 2 years—2 days, I am sorry; it seems like 2 years—2 days to get to that first vote, and then there is 30 hours, and then on the bill I have to file cloture again; 2 more days, 30 more hours. That has happened almost 95 times this year, but on these bills, that is what they did. We do not have time to do that. If we have a lameduck session, perhaps so.

UNANIMOUS-CONSENT REQUEST—S. 3297

I am going to seek unanimous consent that the Senate proceed to Calendar No. 894, all 34 bills, that the bill be read three times, passed, the motion to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Arizona.

Mr. KYL. Mr. President, reserving the right to object, and I will object on behalf of Senator COBURN, the majority leader is correct, he will be here a little later this afternoon and will speak to each of these issues. In the meantime, he has asked that I respond to the majority leader's unanimous-consent request. The only other thing I would say is that his primary objection, as the majority leader is aware, is that there have been 35 bills combined into one. Instead of having different votes on different bills, you get one vote on 35 bills, and Senator COBURN has already indicated his willingness to allow votes on several of these bills: the Drug Endangered Children Act; child pornography prosecutions—Enhancing the Effective Prosecution of Child Pornography Act; the Appalachian Regional Development Act Amendments of 2008; the Prenatally and Postnatally Diagnosed Conditions Awareness Act; the Christopher and Dana Reeve paralysis bill that the majority leader mentioned; the Vision Care for Kids Act; the Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act; and with some changes the ALS Registry Act; the Emmett Till Unsolved Civil Rights Crime Act; and the PROTECT Our Children Act.

As I said, the majority leader is aware of Senator COBURN's objections to considering these bills as one, and therefore I would be required to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, I say to my friend, with all the many days, weeks, and months they have been held up, you cannot blame Senator COBURN alone because there has been the complicity of these people on this side of the aisle allowing him to do this. It is shameful. There is no other way to say it. Everyone knows this doesn't cost a single penny. To say they are objecting because we lump them together—did they want us to file cloture on every one of these 34 bills? Every one of them? Remember what it takes; I have gone over it: 2 days to get to cloture, 30 hours after that, get on the bill, 2 more days, 30 more hours—it is outrageous what has happened to this country with this Republican status quo. And look what the status quo has gotten us. We are now in a financial meltdown.

The objection is unfortunate. These are broadly bipartisan bills, these are good bills, these are important bills, but we are not going to let obstruction go that easy. I am going to enter a series of unanimous-consent requests here to try to move pieces of this package.

I repeat, the outrageousness of all of this—do you think I might have something else to do tonight at 7 o'clock while we are waiting for him to jet in from Oklahoma or wherever he comes from? Do you think other people have other things to do than to meet his schedule, so he can be here to do a few things?

The first unanimous-consent request is the entire health care portion of this package. This portion consists of very important bills covering a range of diseases and conditions. I venture to say that every American, every family in America is touched by some portion of the health care provisions of this package.

I see in this body the Senator from Maryland. With her help—we were new in this body. I had three women come to visit me in Nevada. They were all very sick. They had a disease called interstitial cystitis. I had never heard the words in my life. Those women did not want to see me. They were sick. More than 90 percent of the people who get this disease are women. Because we are a male-dominated legislature—not as much as we used to be—she was here alone, the only woman. I said we have to do something about this because people say this was a psychosomatic disease. Fortunately, one of the women who got this disease was an orthopedic surgeon. She said: It is not psychosomatic. It is like slivers of glass being shoved up and down in my bladder. It is not psychosomatic.

I got the Senator from Maryland to help me. First of all, we established a registry for this disease. Now 40 percent of the people who get this disease are symptom free. There is a medicine that has come about that helps these people.

In addition to that, because of the advocacy of the Senator from Maryland, the National Institutes of Health now have a protocol, so that everything that is done to study disease, women have to be included. She knows they studied 10,000 people to find out what effect aspirin would have on heart disease. We looked at the study and not a single woman was tested. They were all men. We have been a male-dominated legislature, so we ignored them. But because of Senator MIKULSKI, we have not done that.

What we are trying to do with this registry is the same thing, with interstitial cystitis; that is, start having someplace where a doctor in Las Vegas or a doctor in Baltimore or a doctor in Chicago or in Phoenix can send to a place: Here is what happened with ALS. We were able to diagnose it; she got it; he got it; here is how long they lived; here are the symptoms—put something together so the great minds of America can work to deal with this disease. It doesn't cost any money. But Dr. COBURN has held it up, and he is going to continue to hold it up. He said this is one he will not agree to.

As I mentioned, every one of these deals with some problem that people within the sound of my voice—either their families, friends, or neighbors have a situation that encompasses this. The Christopher and Dana Reeve Paralysis Act has been held up for 2 years by this guy—2 years. I mentioned that also includes paralyzed veterans and the STOP Stroke Act. We have the Melanie Blocker Stokes MOTHERS Act—that is postpartum depression. Postpartum depression is serious. People are hospitalized as a result of that.

We need do some work on it. Dr. COBURN said this would not accomplish a thing, doctors know what to do now. All it would do is create a lot of bureaucracy. We do not need to worry about these people. Doctors know what to do.

Vision care for kids, and the Prenatally and Postnatally Diagnosed Conditions Awareness Act. Three of the six bills on here, on the health care title package, were introduced by Republicans. All of these bills passed the

House with strong bipartisan support and have strong bipartisan support in the Senate. But they will not let us go forward, the Republicans, even though there are an equal number of bills basically on both sides of the aisle. The Republicans are supporting Dr. COBURN in helping us get nothing done.

UNANIMOUS-CONSENT REQUEST—TITLE I OF S. 3297

Mr. REID. Mr. President, I have a bill at the desk which is word for word identical to title I of our bill, which is the health care provisions. I ask unanimous-consent the Senate proceed to the immediate consideration of the bills at the desk, which consists of title I of S. 3297, the health care title of that bill, the bill be read three times and the motion to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, and I will object on behalf of Senator COBURN, I would note two things: First, that we do not have to wait until 7 o'clock tonight. I came over to the Chamber so the majority leader could posit his unanimous-consent requests and there would be somebody here to speak on behalf of my colleague Senator COBURN. That is why I am here.

Secondly, as I said, some of these bills, there are eight of them, that Senator COBURN has said, let's pass them right now. We do not have to go through the whole rigmarole of filing cloture and 30 hours of debate and all of the things the majority leader talked about.

One or two of those are on the list he spoke about. There are eight in total here. So I would note that it boils down to ''take it or leave it,'' either all 35 or none, whereas Senator COBURN's view is that some of these bills could be passed without the necessity of filing cloture; let's just do it. But he and the majority leader have not been able to agree on which ones they are. Therefore, the objection must be made.

Mr. REID. I say to my friend, through the Chair, then are you saying that if I offer unanimous-consent on the Stop Stroke Act, the Mothers Act, ALS Registry, Downs Syndrome Support, Christopher Reeves, do these individually, that you will allow those to pass?

Mr. KYL. Mr. President, it is my understanding that there are eight bills on the list Senator COBURN has developed that do not need modification. There are three, at least, one of which was mentioned, the ALS Registry, that he believe need changes. I assume he and the majority leader have discussed that.

Mr. REID. So you say there are eight we can pass right now?

Mr. KYL. Mr. President, I think it is important, since I am speaking on behalf of another Senator, that staffs make sure what I have said is accurate. But my understanding is there are eight bills Senator COBURN has no objection to proceeding with. Obviously, he and the majority leader, you and he have been discussing how to put these together and get them done, but there may be changes necessary in the ALS Registry and Emmett Till Unresolved Civil Rights Crime Act, and the Protect Our Children.

Mr. REID. So what I say, if there are eight of them that we can pass, let's do it right now.

Mr. KYL. Well, I am speaking on behalf of someone else. I want to make sure what I have represented here is accurate. I am perfectly willing at this time to get the two staffs together to see if that can be done.

Mr. REID. I say respectfully, our staffs have spent, with his staff, unending hours. And I will be anxious to see, whenever he shows up, because it is always, when you get right down to it, you cannot do it. If there are eight we can do right now, let's do them right now; do them one at a time.

I will ask unanimous-consent. We will do them right now. The ones we cannot do, we will wait until next year when we get a new Congress and a new President. And the people who are sick and need this help will have to wait until we have a Congress that is willing to pass those.

Mr. KYL. Mr. President, in further clarifying with staff, we know there are some that could be cleared right now, at least three. There are others where someone else has posed an objection, and I do not know who that might be, or which side it is on.

But our staff indicates if the two staffs can get together, they think at least on some of these it can be resolved very quickly.

Mr. REID. We have gone in the last minutes—this is what I have dealt with—from eight to three. I will take the three. What are the three?

Mr. KYL. Mr. President, with all due respect, that is not fair to what I said. I am not in the middle of this. There are staff on both sides who have been working on these. My understanding is that Senator COBURN is not the sole objector with respect to some. There are three where he was the sole objector. He is willing to let them go.

I cannot speak to anyone else, to whatever objections might exist. But staff informs me they believe if we were to sit down and have the two staffs of the majority and minority work together, that perhaps up to eight of these bills could be cleared today.

Mr. REID. Mr. President, I say with all due respect to my friend, the junior Senator from Arizona, he is in the middle of this. Every Republican Senator is in the middle of this, because we could not move forward on these bills previously. So you cannot—because someone is objecting, it does not mean that is grounds for your not being a part of it. People on the Republican side of the aisle voted overwhelmingly not to move forward. So I tell you what, Mr. President. I will be happy to take the suggestion of my friend from Arizona. In the next hour or so we will sit down, my staff—I do not know about Senator COBURN's staff, maybe they are in Oklahoma also. But we will be happy to sit down and work to get some of these bills passed, so I will return at a later time.

Mr. KYL. Would the majority leader indulge me one moment here? My staff has indicated there are four ready to go right now. I will read the title and then your staff will have those. One is the Prenatal Conditions Bill; another is the Child Pornography bill, that is S. 4136; another relates to Child Pornography, S. 4120; and then there is a House message accompanying S. 496. Apparently all four of those are ready to go. That is the Appalachian Development bill.

Mr. REID. We will take the first three. Let me think about this for a moment. Are these all Republican bills?

We will do them all, except for the Appalachian whatever it is.

Mr. KYL. If the majority leader wishes, I will ask unanimous-consent——

Mr. REID. And the language has not been changed in any way?

Mr. KYL. Let me combine the three then to make it simpler.

Mr. President, I ask unanimous-consent, since these are different committees——

Mr. REID. If I can interrupt my friend, there are a couple different versions of the bills floating around. On these three, which I am very happy to get done, we will make sure that the minority and majority staff agree it is the right piece of legislation so we do not make another mistake.

Mr. KYL. What we will do is have your staff confirm that this is, in fact, the version, and then either you or I or someone else can ask unanimous-consent to clear these three bills?

Mr. REID. We will wait for Senator COBURN's arrival.

Mr. KYL. That is certainly fine.

Mr. REID. Mr. President, you can now announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Maryland is recognized.

ECONOMIC BAILOUT

Ms. MIKULSKI. Mr. President, I want to speak about this bailout we have been asked to do. Starting last week, we were told by the powers that be in the Bush administration we needed to do a $700 billion bailout to stabilize our economy.

When we heard that, Americans became scared. People who save for their retirement, those who have been faithful in paying their mortgage, those who have worked hard to pay for college, are wondering what is going on. People who have worked hard and played by the rules are wondering, are they being asked to bail out those who did not? Americans are mad as hell and they want to know what about them. They watched Wall Street executives pay themselves lavish salaries. They watched them do irresponsible lending practices. They watched them do casino gambling on risky investment mechanisms. And now those very same Americans who worked hard and played by the rules, were prudent investors, prudent savers, prudent citizens, are asked to pay the bill for those who did not.

Now, it is for those people that I know the Government must do something. We must protect our economy and we must protect our way of life and we must protect our middle class. Sure, the economy is in a crisis. And, yes, we do have a credit crisis. Wall Street did make very bad decisions. But now they are asking Main Street to pay the bill. We must act to restore our confidence in our economy. I agree, we must act promptly. But this Senator will not be stampeded into voting for this Bush administration bill.

So far during the last 7 years, every time there is a crisis, they generate fear and they generate bad ideas. Do you remember after the horrific days of 9/11 when we all came to the floor and pledged our patriotism? I said, we needed to put politics aside because we needed to be the red, white, and blue party. Well, they took advantage of that. And in that process we passed something like the PATRIOT Act, allowing our Government to act with undue secrecy with no parameters. We created the dysfunctional Department of Homeland Security.

Now we are being asked to deal with the fiscal crisis and the financial crisis. I am concerned we are going to create a fiscal FEMA. We must act with resolve, but we cannot be a rubberstamp for the administration's proposal. This proposal gives sweeping authority to those who were asleep at the switch in the first place.

Remember the Fed? Remember the maestro at the Fed who plunged down interest rates, and now helped create the housing bubble? Then there is the Treasury. There is the Secretary of the Treasury. A couple of months ago he said, no problem—like our President ''fundamentally sound.''

Then a couple of months later they said, oh, there is a problem. And we have lurched from one bailout to another: Bear Stearns, the insurance company, oh, no, not to Lehman, then after that failed, so we have gone from ''no problem'' to lurching around, to now $700 billion and a blank check.

We have seen those George Bush plans before. Now this one is a three-page bill. It gives the Secretary of the Treasury unlimited power to intervene in our financial markets without any review by Congress, agencies, or courts. They make the Secretary of the Treasury a financial czar, a financial potentate, because it says: Give us a blank check with no balances.

Well, I say: No checks without balances. Even the President of the United States of America has to come to us to declare war. I believe the Secretary of the Treasury should be accountable to the Congress and to whether mechanisms—if he is going to intervene with $700 billion in his pocket. I say no regulations without any safeguards. No way. No blank check. There must be regulations. There best be safeguards. If they do not want regulation, no way. If they do not want safeguards, no way.

We are in uncharted waters, so we need to ask tough questions. First, how do we know it will work? What guarantees are there it will work? Could this bankrupt our Treasury because it has no parameters? Could it cause runaway inflation, further eroding our economy? What are the safeguards?

Also, who is going to benefit? Is it going to be the same Wall Street go-go guy, the same Wall Street casino types who are going to benefit now? Whatever we do, we have to insist that those who created this scandal do not benefit from the bailout: no golden parachutes.

Let them feel the hard landing that my constituents faced when they were laid off at Bethlehem Steel. Let them feel the hard landing of what it is like to have your mortgage foreclosed upon. Let them feel the hard landing my constituents are facing right now. We do not need to subsidize bad behavior.

Now George Bush said he was the first MBA President. Well, hello, I do not have confidence in this administration. Remember, this was the same crowd that brought us Katrina, FEMA, and ''hey, you are doing a good job, Brownie.''

Well, is this what we are now supposed to say to those who are managing our finances? I don't think so.

We also have to prudently ask ourselves, are there better alternatives? Let me be clear: I do believe we need to act promptly but with safeguards. We need to act with resolve, but we need to have regulation and even retribution. If we have stabilization, which I believe we must do, we must also have reform. We are all looking at the administration's plan, but I want everyone to know where I stand. At a minimum, the plan must, first, be limited and temporary. It cannot be open-ended. There also must be a plan for those who have had those hard landings on Main Street. We need to put people first, to keep people in their homes, those who have had some of the most significant mortgage payment challenges, no golden parachutes that reward top executives for their excesses, their recklessness, and their sheer stupidity and greed, no blank checks. There must be accountability and oversight. Rescue does require reform, regulation, and a strong possibility of retribution. It must be transparent. I am for prompt action, but I will not be stampeded the way I have been stampeded in this institution by this administration in the past.

We need to make sure we do it right. That means not handing over a blank check or getting rid of the balances. We have to ask tough questions and be sure we have the right principles. If not, then the taxpayers will be on the hook. If we make the wrong decisions, taxpayers will be on the hook not only for Wall Street's bad decisions, but I don't want to set this up for Government's bad decisions. We need to get Government back on the side of the people who need it. We need to put the public good over private profits. This means we need to take a look at a 21st century regulatory system. I am tired of seeing this laxity where what emerges when we deregulate is the emergence of sharks and whales. Either way, the minnows get swallowed up. We don't want our economy to sink, and I think it is time to swim. But when we do, we need to make sure we are asking the right questions. We need to fight for the middle class. We need to fight for the people who go by the rules. We need to have a legislative framework that rewards those who did their very best and might be having a temporary spill.

I look forward to hearing more about this plan, but right now I need to know more. I need to be reassured more, and I need to be absolutely sure that those who created the crisis don't benefit from it and we don't leave the middle class with all of the responsibility.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Virginia.

Mr. WEBB. Mr. President, I begin by complimenting the senior Senator from Maryland on her statement. I know many of us on this side of the aisle are going to be asking a lot of the same questions. We have the same sense of urgency about helping the country while at the same time we protect the people who have had no voice and no power, as this proposal was put

together. I was with our colleagues on this side of the aisle during the conference call on Friday when this situation was explained. I have a number of the same types of questions as those raised by the senior Senator from Maryland. This is why I rise today.

This is a very complicated issue, and we are being asked to resolve it on a tight time-line. The American people want some reassurance. They do want us to represent them and do something about the systemic flaws that allowed this debacle to occur, not simply to vote on a mechanical fix, but to address the issues and policies that allowed this massive financial crisis to emerge.

Americans are also interested, as the senior Senator from Maryland pointed out, in preventing those who benefitted and contributed to the problem, from unjustly enriching themselves.

We are seeing in this proposal the possibility of a huge transfer of power to the executive branch—not simply to the executive branch, to one official in the executive branch—with very few strings attached. This individual, whose career I respect, spent that career in the markets. Now, we are going to empower this individual and the Department of the Treasury to get directly involved in the stock market in a discretionary way that has very little precedent in our history. At the same time, there are potential conflicts of interest that are unavoidable and will need to be examined.

However we sort out this problem over the next several days or longer, there are a couple of areas where I believe that without the right type of guarantees, it will be very difficult for me personally to vote in favor of the proposal that came from the administration.

First, we must put regulation and accountability back into the system. It is inarguable that the regulatory structure now in place has not protected either our financial system or the American taxpayer. The administration is asking for unprecedented rescue, and that rescue cannot come without fixing the system.

Second and equally important, there should be guarantees in any legislation that address the issue of executive compensation. I have been speaking about this issue for many years. I mentioned this in every single meeting I had when I was campaigning for the Senate. It is not inaccurate to say that executive compensation in American business today is wildly out of sync with our history, and with other countries in the world. When I graduated from college, the average corporate CEO made 20 times what the average worker made. Today the average CEO makes 400 times what the average worker makes. This is not a global phenomenon; this is an American phenomenon. If you go to Japan, whose economic system works quite well in terms of the health of its economy and its balance of trade, the average corporate CEO makes 10 times what the average worker makes. Again, ours make 400 times. If you look at Germany, which has one of the highest balances of trade in the world, totaling $280 billion last year, the average corporate CEO makes 11 times what the average worker makes. Yet presently, our corporate CEOs make 400 times.

The principles should be clear. If, in solving the problem, we are going to take tax money from Americans, many of whom do not own stock, then the executives involved should get a Federal salary. This issue was raised with Mr. Paulson over the weekend.

I have an article that came from today's Financial Times, in which he said the Treasury Department fears that if we reduced executive compensation, it would ''undermine banks' willingness to take part'' in the program because it would be punitive in nature. I must say, I have a hard time figuring that out. We were told on Friday that we are in a crisis that, and that if we do not resolve it within the next week or so, it is going to undermine the entire banking system around the world, the entire global financial system. Yet we are told that if we ask these corporate CEOs to take a salary in line with what Federal officials receive, they won't participate. What are they saying? We have a crisis that is going to affect us all; we are all going to have to take some sort of a hit. It is certainly punitive to the American taxpayers, who did not participate in these decisions, and who did not receive any of the profits. How is it punitive to an individual to say: All right, if we are bailing you out, you reduce your pay. We are giving you Federal tax dollars. You take Federal pay until this is solved. You make the American taxpayer whole. We will make you whole. If you increase the profitability, as you say you will be able to do, then you can increase your compensation commensurately.

The legislation we are considering must have a provision in it that creates fairness for the people who are going to foot the bill. We are sent here, those of us who believe in the traditional precepts of the Democratic Party, to make sure that the health of society is measured not at the top, not at the apex, but at the base, by the well-being of the people who are doing the hard work of our society. It is our mission, it is our duty, to look after their needs.

If we can't get to the bottom of this by the end of this week, as some seem to be worrying about, maybe we need to take another week. Maybe we need to stay with this until we can get it done. When you are betting $700 billion to a trillion dollars, we need to figure out a formula we are all comfortable with.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. I thank the Senator from Virginia for his comments. I know when he spoke in response to the State of the Union a little over a year ago, he raised the issue of executive compensation. If I am not mistaken, he made the point that the average worker, in the course of a year's work, made what the average executive makes in a day. Maybe it was even more of a contrast. But it is a clear indication of how things have gotten completely out of line. I ask the Senator from Virginia if he could recount what that comparison was between pay for CEOs and the pay for workers?

Mr. WEBB. The Senator from Illinois is correct. I mentioned earlier that executive compensation in our country is wildly out of control, in terms of our own history and in terms of what is going on in the rest of the world. I do not believe it is punitive or unreasonable to ask for a fair measure when tax dollars are being used to help bail these companies out. When the Senator from Illinois and I were finishing college, the average corporate CEO made 20 times what the average worker makes. Today it is 400 times. If we take that multiple and apply it to what I was saying in response to the State of the Union address a year and a half ago, in one year the average worker in this country makes what his boss makes in one day. There is plenty of room to be fair to the system and fair to the individuals who are asking for the bailout, but ultimately we must be fair to the taxpayers who are asked to dig down in their pockets and help us straighten out this problem.

Mr. DURBIN. I have been in on these meetings, and some were historic and ominous. Secretary Paulson, Chairman Bernanke of the Federal Reserve, and Chairman Cox of the SEC came to us last Thursday night to discuss what we faced. They were using words such as ''meltdown'' and ''collapse,'' talking about the very severe economic crisis which we are facing. Certainly, the events of the last few weeks and months back up the concern.

When we raised the question of executive compensation, though, the push back from the administration was: Listen, don't mess with the salaries of these CEOs, even if their banks are failing because they may not do business with the Government. They may not let the taxpayers bail them out if we restrict their annual bonuses and restrict their golden parachutes.

I struggle with this concept, I say to the Senator from Virginia. Is the administration suggesting they would rather see their banks fail, would rather see their hedge funds fail, their mortgage operations fail than not receive their annual bonus? Is that the argument that is being made to us?

I do not know if the Senator from Virginia can recall any other aspects of public or private life where we pay such rich rewards for incompetency. Where the businesses fail, it seems these executives take away the most money. In the Financial Times or in the Wall Street Journal this morning—one of these publications—they talked about Barclays riding to the rescue of part of Lehman Brothers. They said, incidentally, just before Lehman Brothers went belly up, they brought in $2.5 billion for executive compensation and bonuses, momentarily before they were about to go out of business. That is unconscionable.

Now we are asking the taxpayers to come in with hard-earned tax dollars to rescue these companies and subsidize the compensation of executives so they do not have any interruption in their annual bonuses or any interruption in their parachutes and rewards? There has been an interruption in the lives of most taxpayers.

I say to the Senator from Virginia, is there a parallel here of a similar example that I am missing?

Mr. WEBB. I say to the Senator from Illinois, I also heard Secretary Paulson say something similar in the conference call in which we were participating on Friday, and I find his comments very puzzling—I am not violating confidentiality because Secretary Paulson said it at least three times over the weekend on different television shows. When he was asked, on the one hand, whether this is a crisis that threatens to undermine all of the financial markets within a few days, and on the other, if it would be punitive to ask the executives to take a pay hit. And, in fact, Secretary Paulson indicated that some of these banks might not participate if they are asked to do that.

I would suggest there are plenty of competent officials who may have lost their jobs over the past few weeks who could step in if these particular individuals do not think this is a good formula. What I was saying in concept is, if you take in a Federal dollar to bail yourself out, you ought to get a Federal salary until the taxpayer is made whole.

If you show managerial skills to pull us out of this, such that the assets you are requiring us to purchase improve in value, then, you could get some commensurate compensation because this is compensation for actual performance.

Mr. DURBIN. So you are saying pay for performance, in other words, instead of pay for title or pay for past performance. That is a radical concept, but most workers in America would be able to identify with that. That is kind of what they face when they go to work.

Mr. WEBB. I would say to the Senator from Illinois, very quickly, when we use the word ''punitive,'' we should keep in mind that there are many people in this country who are teaching school or out driving a truck who are going to have to pay more taxes for this, but who have not had the benefit, in many cases, of even owning stock. They are going to have to pay a penalty for the malfeasance that has brought us to this situation.

If the administration and Secretary Paulson and others truly want to solve this problem—and I think they do—then they ought to be able to yield on this point simply because of the logic of it.

Mr. DURBIN. I might say to the Senator from Virginia, the $700 billion represents roughly about $2,000 of indebtedness for every man, woman, and child in America to make up for the mistakes of these banks.

There is another thing that troubles me. There is great potential for conflicts of interest because decisions have to be made by the Secretary of the Treasury under his proposal about where the Federal taxpayers will step in with their money and buy illiquid assets; in other words, buy the mistakes, the mortgage securities, for example. Those decisions will have a direct impact on the survival of institutions and on the jobs of the people who are affected by those.

We want to make sure there is no conflict of interest, that the decisions are made by those who have no skin in the game, no investment in the decision, and it has to be at least subject to some review. There is no one in this country, thank goodness, above the law, and yet in the proposal given to us by the Treasury Department, there is no judicial or administrative review of decisions being made about where the $700 billion is going to be invested. We are being asked—in a hurry—to get this done in a hurry, to give more authority to this administration, specifically to this Secretary of the Treasury, a man whom I respect, but to give more authority to him than anyone has ever had in the history of the United States, and to say that his actions are not subject to review by any court, any administrative body, when there is such a great potential for conflict of interest. That concerns me.

Mr. WEBB. I say to the Senator from Illinois, first, I wholly agree with you on that point. I mentioned in my comments a little while ago about the potential for conflict of interest. This is the continuation of a trend that disturbs me greatly, that is the movement of power toward the executive branch.

I was a committee counsel in the U.S. Congress 30 years ago. If you examine the balance between the executive branch and the legislative branch over those 30 years, it has steadily, particularly since 9/11, moved toward the executive branch. This is another example of that movement.

I would make one other point. I and a number of other people, Senator BAYH among them, have been very worried about sovereign wealth funds. I have talked about them and have been able to participate in some hearings on other committees about a foreign government directly investing in our economy. One of the points I made several times is that the U.S. Government has never directly invested in a discretionary manner in our markets.

So we are seeing two different trends that are disturbing and that we should be thinking about. One is, if we do transfer this amount of authority to the Secretary of Treasury, the Federal Government, on a discretionary basis—one individual, on a discretionary basis—is going to invest in parts of the economy. All this in their own discretion, decided without review, as the Senator from Illinois mentioned. That is a kind of a sovereign wealth fund in our own country, but with the bad assets.

The second trend we are now seeing is the movement, particularly from the Government of China over the last 10 days, of massive investments from a country that on one level is potentially a great strategic adversary, and certainly an economic competitor, directly into our economy. There is a 49-percent purchase proposal for Morgan Stanley from the sovereign wealth fund of the Chinese Government.

So there are many pieces in motion. We have the gravest duty to sort them out. I congratulate the Senator from Illinois for his comments.

Mr. DURBIN. I thank the Senator from Virginia.

There are so many questions that have been raised by this proposal from the administration. I have to say at the outset, for those of us who have been here a number of years, this has an eerie resemblance to something I have seen before. It was on the floor of this Senate 6 years ago when we were told by this administration in October, before an election, that we had to give to the President of the United States the authority to invade Iraq. Oh, he did not say he was going to do it. He just needed the authority to invade Iraq because of weapons of mass destruction.

Of course, the pressure was building on Members of Congress: Do something. Saddam Hussein may have nuclear weapons. Condoleezza Rice talked about mushroom-shaped clouds. It was in that environment and atmosphere that the President said: Give me the authority; I will make the decision about whether we should invade Iraq.

The pressure was on. Some of us were up for reelection at the time. I can recall going to editorial boards in Chicago, and I can tell you, I lost their endorsements because I said there is something that concerns me about this. We are delegating so much power to this President. It is far easier to get in a war than it is to get out of one.

Here we are 6 years later. We are still in it. Mr. President, 4,183-plus American lives have been given in this conflict, 20,000, 30,000 have returned with serious wounds and injuries—amputations, paralysis, traumatic brain injury. I cannot tell you how much money we have spent there. It is almost as much as the President is asking now for the banks, maybe more.

We are being told again, as we approach another election: Give the authority to the administration, to the President, and step aside; in their wisdom, they will handle it. I worry about that. As I said, I respect Henry Paulson. I really do. I do not think he is a politician at heart. I think he is a patriot, a citizen who wants to do the best for his country. But his actions have to be put in a constitutional context. We have the balance of powers in this country because that is what America is. It is not because of what this current crop of politicians dreamed up. It is what the Founding Fathers said we are all about. We do not want to give too much power to any branch of Government. We want other branches to be involved.

A proposal is coming from this administration now, a few weeks before the election, with ominous clouds gathering over the financial institutions of America, and we are being told: Trust us. Trust us to give to the Secretary of the Treasury the authority to take $700 billion and to buy assets in banks without the review of any court or any administrative body.

I do not see in here the protections against conflict of interest. Why should I worry about conflicts of interest? Have we had any conflicts of interest with the war in Iraq? Let me think for a moment. Does the word ''Halliburton'' spring to mind, these no-bid contracts for billions of dollars that shortchanged our troops and our taxpayers? Excuse me if I am cynical and skeptical, but I have seen this movie, and I don't like the ending. The taxpayers pay too much money. The troops do not get protection. Halliburton gets billions of dollars in contracts.

So should I be concerned that there is going to be one person in the administration or a handful allocating $700 billion without anybody looking over their shoulder? Yes, I am concerned.

Then there is a question about the banks we are going to help. This started out about the American economy and American financial institutions, and now it has become something larger. At the last minute, the Treasury Department said: Oh, we are going to help foreign banks too. Really? Foreign banks? I want to know more about that. I want to know how much we are going to get into this in terms of these foreign banks. A lot of these questions have to be asked and answered before any of us in good conscience can vote for this.

But that is the reality of what we face. Just in case people are keeping score, things have changed in the United States of America in the last several weeks. Some of it was lost on the business pages, and some of it most people did not focus on. But I have tried to study it a little more closely with this $700 billion request.

To put this into perspective, the debt of the U.S. Government is $5.4 trillion. In the combined history of the United States of America, all of the money we have had to borrow to keep this Government moving over and above what we raised in taxes comes to $5.4 trillion. That debt, incidentally, has gone up dramatically, a record-breaking pace under the Bush administration. We are now facing, this year, a $480 billion deficit—I am sorry, I think it is $407 billion, but it will be $480 billion next year, a record-breaking deficit.

So to put that in perspective, this is our mortgage, America, $5.4 trillion and growing. It is a mortgage we will pay as long as we are alive, and so will our kids and so will their kids. That is the starting point. What has happened recently?

Almost 2 weeks ago, the decision was made that we would assume liability—the Federal Government would assume the liability, a second mortgage, if you will—for Fannie Mae and Freddie Mac. Now, this is a government-sponsored entity which basically guarantees 50 percent of all the mortgages in America. So now our second mortgage is, we are stepping in—not the shareholders of the companies, the taxpayers are stepping in to guarantee the solvency of Fannie Mae and Freddie Mac. There was not much else we could do, I will be honest with you. We reached a terrible point where there were not many alternatives.

How much liability is involved in Fannie Mae and Freddie Mac? Well, it will be easy to remember. It is exactly the same liability as America's national debt: $5.4 trillion. The second mortgage on America is the same as the first mortgage. Now, don't get me wrong. Behind Fannie Mae and Freddie Mac is a lot of property—homes, businesses, real estate. So it isn't as if there isn't collateral involved, but we are on the hook for $5.4 trillion. That is not the end of the story. The story goes on.

We decided that people who have mutual funds—my family has done that too—and have taken cash and put it into money market mutual funds—everybody knows what I am talking about; it is not the CD at the bank at the corner where Uncle Sam stands and says: We are going to protect you via the Federal Deposit Insurance Corporation, but it is the money market mutual fund where you move money out of your stocks, out of your mutual funds, put it into your money market mutual funds because it makes a little bit better than what they are paying at the bank. It turns out they are in trouble. They are in such trouble now that we are going to have to step in for the mutual funds and provide a money market guarantee on the mutual funds. OK, we have our national debt and we have our secondary mortgage—Fannie Mae and Freddie Mac—$5.4 trillion more, and now we are stepping in to guarantee money market mutual funds. How much could that be? Well, it is much smaller than the other two. It is $3.4 trillion. Stay tuned, sharpen your pencil, there is more to follow because we are being asked now to come up with $700 billion to buy illiquid assets. What is that? Something nobody wants to buy. We are going to buy them.

Do we have to do this and try to stop the seizure of the credit institutions of America? We may have no choice, but I think it is reasonable to ask a few questions. Just as we should have asked more questions about weapons of mass destruction 6 years ago before we found ourselves in this war, we need to ask questions today about where this is leading, and we need some protection for the taxpayers of this country.

I walked down LaSalle Street on Friday. It is a great street in Chicago, lined with banks and big office buildings. A lot of people came and said hi, but a lot of them came to me and said: Are you going to do this, $700 billion for bailing out these banks? I said: I don't know. At the end of the day, I don't know. I want to see what the administration comes back with. Right now we have a concept. I want to see a proposal.

I thought to myself as I walked along there and had a little press conference with a bunch of folks who walked by on the sidewalk listening: These are the folks who are going to pay for this idea. These are the taxpayers who are going to have to come up with the money for this—for all of this. None of these taxpayers got a notice about the annual bonus checks at these major companies that are going under. They didn't receive any of that. They didn't get a parachute either. They are the taxpayers. Unfortunately, it will be a bigger tax bill because of this.

What has happened is a fundamental failure of a philosophy that has been tested and tried for the last 10 years or so that says the Government ought to get out of the way, no questions asked, and don't diminish the dynamic aspect of this economy with overregulation. That, to me, is something we need to take a second look at.

Incidentally, my staff has told me the national debt is over $10 trillion. I misspoke on the primary mortgage. I got the wrong figures out of the paper today, and I want the record to reflect it: The primary mortgage is over $10 trillion, and Fannie Mae and Freddie Mac is an additional $5.3 trillion in liabilities, as I said earlier. That shows

you the amount of debt that is involved.

So the fundamental failure of the philosophy is this belief that somehow we, as taxpayers, have a responsibility to rescue but not a responsibility to regulate. That is not right. If the full faith and credit of the United States of America is going to come to the rescue of these private institutions, we have an obligation in Government to the taxpayers of this country to ask the hard questions in advance, before the disaster arrives. We should have been asking these questions a long time ago. We should have asked them about the predatory lending practices of major credit institutions. We have had several votes on the floor of the Senate on that issue. We should have been asking about how this money was being loaned—the circumstances.

I guess there is not much sympathy for people facing foreclosure in America today. A lot of us might be inclined to think: These poor souls, they should have been a little more careful, until you take the time to meet some of them. Some of them got carried away. Don't get me wrong. I can't have a lot of sympathy for them. They made big mistakes trying to make big money, but some of these folks were conned. They signed up for mortgages full of tricks and traps that ended up exploding in their faces and now they are going to lose their homes.

At the end of the day, this crisis started with a housing catastrophe and disaster and continues because of it. It is up to us now to decide what we are going to do about it. We can rescue the folks at the top—that is what is being proposed—but we need to do a lot more than that. I think we need to set up a mechanism for those who are about to lose their homes to be protected.

Here is an interesting thing. If you face bankruptcy today and you have seven or eight homes and go into the bankruptcy court, they can renegotiate the terms of all your mortgages, except one. They cannot renegotiate the terms of the mortgage on your home. Why? If they can renegotiate the terms on my vacation home, my farm, my ranch, my property in some other place, why not my home? There is no good explanation. The fact that the bankruptcy court cannot renegotiate leads us, sadly, to the point where banking institutions and credit lenders and the others are not renegotiating terms. They would rather see people fail and face foreclosure. I think we have to do something to make sure the bankruptcy courts have that option. I think there should be incentives for those lending institutions to try hard to keep people in their homes.

Mr. President, 340,000 Americans were foreclosed on in the month of August. It is a record-breaking number. Not since the Great Depression have we seen that percentage of homeowners facing that kind of liability. So we have to keep the taxpayers in mind when we read this proposal of the Treasury. We have to keep homeowners in mind, and we ought to keep accountability in mind. At the end of the day, there is no branch of this Government above the law. When it comes to $700 billion in taxpayers' dollars and money—and hard-earned money, I might add—they are not above the law.

One last point I wish to make. Senator MCCAIN has made a name for himself in the Senate, calling himself a leading deregulator. He has been opposed to regulation. In fact, he teamed up with Senator Phil Gramm of Texas, who was his inspiration for years, and they voted together on many issues: to deregulate, get the Government out of the economy. Let a thousand flowers bloom. Let's let these forces of capitalism go to work. I am not going to diminish the power of the entrepreneurial spirit and the forces of capitalism, but they can get carried away. We saw it happen with the savings and loan crisis and we have seen it happen with the subprime mortgage crisis. We have seen it before. It might happen again if we don't learn a lesson.

I am disappointed that Senator MCCAIN in the past took that position. I am troubled that, in a recent article in Contingencies magazine, he said about our health care market:

> Opening up the health insurance market to more vigorous nationwide competition, as we have done over the last decade in banking, would provide more choices of innovative products less burdened by the worst excesses of State-based regulation.

I don't know when Senator MCCAIN wrote that. It couldn't have been recently because I have to tell my colleagues that if he is promising for the health insurance market what we now face in the banking market after deregulation, God help American families. I couldn't disagree more with Senator MCCAIN's position on deregulation when it came to banking, and now his position on deregulation when it comes to health insurance companies.

If the Government doesn't set the rules, the insurance companies will. How would you like to throw yourself on the mercy of that insurance company adjuster, when it is your health or the health of one of your kids on the line? Insurers compete with one another, trying to avoid costly patients and avoid paying for procedures. We hear about it almost every day. According to Senator MCCAIN, let a thousand flowers bloom. Let the market work. The market works pretty well if you are young and healthy or wealthy. It doesn't work very well if you are older, have a history of illness, and don't have much of an income. That is why we need sensible regulation.

This idea that we are going to move away from employer-based health insurance, as Senator MCCAIN has said—well, I am sure there are some people who buy into that. Put each one of the customers in America out on their own buying health insurance instead of buying through pools where they work, and we know what will happen. The sickest people will have the toughest time finding insurance and paying for it. That isn't how it should work. We learned that, I am afraid, the hard way, and Senator MCCAIN is stuck on that. I think he is wrong. I think we need a health insurance program in America which gives us all a fighting chance. Unfortunately, Senator MCCAIN's approach does not. So we have to make sure that when it comes to banking or health insurance, Senator MCCAIN's approach is not going to be our approach. This idea of deregulation may at one time have had wide subscription, but today it does not. We have to move forward with the concept that there is an appropriate role for Government—not to go too far but to provide enough protection, disclosure, transparency, and accountability to make sure we don't find ourselves in the crisis we find today with our banking institutions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, first of all, I wish to thank the Senator from Illinois for his leadership. He has been an advocate for a long time for changing the way this administration has allowed these agencies to decay and to not be regulated—not just our financial market but our consumer market and the market for oil and other things. I thank the Senator from Illinois for his leadership and his farsightedness during these last few years.

UNANIMOUS-CONSENT AGREEMENT—RESOLUTIONS EN BLOC

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the relevant committees of jurisdiction be discharged and the Senate now proceed to the en bloc consideration of the following resolutions: S. Con. Res. 96, S. Res. 614, S. Res. 653, S. Res. 644, S. Res. 646, S. Res. 652, S. Res. 651, H. Con. Res. 163, S. Res. 648, S. Res. 502, S. Con. Res. 93, H. Con. Res. 296, S. Res. 634, and S. Res. 657.

I further ask unanimous consent that the Senate then proceed to a number of resolutions submitted earlier today:

S. Res. 670, S. Res. 671, S. Res. 672, S. Res. 673, S. Res. 674, S. Res. 675, and S. Res. 676, all en bloc.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. CON. RES. 96

Whereas on May 12, 2008, Irena Sendler, a living example of social justice, died at the age of 98;

Whereas Irena Sendler repeatedly risked her life during the Holocaust to rescue over 2,500 Jewish children who lived in the Warsaw ghetto in Poland from Nazi extermination;

Whereas Irena Sendler was inspired by her father, a physician who treated poor Jewish patients, to dedicate her life to others;

Whereas Irena Sendler became an activist at the start of World War II, heading the clandestine group Zegota and driving an underground movement that provided safe passage for Jews from the Warsaw ghetto who faced disease, execution, or deportation to concentration camps;

Whereas Irena Sendler became 1 of the most successful workers within Zegota, taking charge of the children's division and using her senior position with the welfare department in Warsaw to gain access to and from the ghetto to build a network of allies to help ferry Jewish children from the Warsaw ghetto;

Whereas Irena Sendler was arrested by the Gestapo on October 20, 1943, tortured, and sentenced to death by firing squad;

Whereas Irena Sendler never revealed details of her contacts, escaped from Pawiak prison, and continued her invaluable work with Zegota;

Whereas in 1965, Irena Sendler was recognized as ''Righteous Among the Nations'' by the Yad Vashem Holocaust Memorial in Israel;

Whereas in 2006, Irena Sendler was nominated for the Nobel Peace Prize;

Whereas Irena Sendler was awarded the Order of the White Eagle, the highest civilian decoration in Poland;

Whereas ''Tzedek: The Righteous'', a documentary film, and ''Life in a Jar'', a play about the rescue efforts made by Irena Sendler, chronicle the life of Irena Sendler;

Whereas Irena Sendler, a woman who risked everything for the lives of others and whose bravery is unimaginable to many, expressed guilt for not being able to do more for the Jewish people; and

Whereas the story of Irena Sendler reminds citizens of the United States and the world community not only of the horrible cruelty at the time of the Holocaust, but also the incredible difference 1 person can make: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) mourns the loss of Irena Sendler, a woman whose bravery and heroic efforts saved over 2,500 Jewish children during the Holocaust;

(2) pays respect and extends condolences to the Sendler family;

(3) honors the legacy of courage, selflessness, and hope that Irena Sendler exhibited; and

(4) remembers the life and unwavering dedication to justice and human rights of Irena Sendler.

S. RES. 614

Whereas over-the-counter and prescription medicines are extremely safe, effective, and potentially lifesaving when used properly;

Whereas the abuse and recreational use of over-the-counter and prescription medicines can be extremely dangerous and produce serious side effects;

Whereas in a recently sampled month, 7,000,000 individuals aged 12 or older reported using prescription psychotherapeutic medicines for nonmedical purposes;

Whereas abuse of prescription medicines, including pain relievers, tranquilizers, stimulants, and sedatives is second only to marijuana, the number 1 illegal drug of abuse in the United States;

Whereas recent studies indicate that 2,400,000 children, or 1 in 10 children aged 12 through 17, have intentionally abused cough medicine to get high from the ingredient dextromethorphan;

Whereas 4,500,000, or 1 in 5, young adults have used prescription medicines for nonmedical purposes;

Whereas according to research from the Partnership for a Drug-Free America, more than ⅓ of teens mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using more traditional street drugs;

Whereas the lack of understanding by teens and parents of the potential harms of these powerful prescription drugs makes raising public awareness about the dangers of the misuse of such drugs more critical than ever;

Whereas misused prescription drugs are most often obtained through friends and relatives;

Whereas misused prescription drugs are also obtained through rogue Internet pharmacies;

Whereas parents should be aware that the Internet gives teens access to websites that promote medicine abuse;

Whereas National Medicine Abuse Awareness Month promotes the messages that over-the-counter and prescription medicines should be taken only as labeled or prescribed, and that taking over-the-counter and prescription medicines for recreational uses or in large doses can have serious and life-threatening consequences;

Whereas National Medicine Abuse Awareness Month will encourage parents to become educated about prescription drug abuse and talk to teens about all types of substance abuse;

Whereas observance of National Medicine Abuse Awareness Month should be encouraged at the national, State, and local levels to increase awareness of the misuse of medicines;

Whereas some groups, including the Consumer Healthcare Products Association and the Community Anti-Drug Coalition of America, have taken important steps by creating educational toolkits, including ''A Dose of Prevention: Stopping Cough Medicine Abuse Before it Starts'', which provides guides to educate parents, teachers, law enforcement officials, doctors and healthcare professionals, and retailers about the potential dangers of abusing over-the-counter cough and cold medicines;

Whereas the Partnership for a Drug-Free America and community alliance and affiliate partners have undertaken a nationwide prevention campaign utilizing research-based educational advertisements, public relations and news media, and the Internet to inform parents about the negative teen behavior of intentional abuse of medicines so that parents are empowered to effectively communicate the facts about this dangerous trend with teens and to take necessary steps to safeguard prescription and over-the-counter medicines at home; and

Whereas educating the public about the dangers of medicine abuse and promoting prevention is a critical component of what must be a multi-pronged effort to curb the disturbing rise in medicine misuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of August 2008 as ''National Medicine Abuse Awareness Month''; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth about the potential dangers associated with medicine abuse.

S. RES. 653

Whereas, on September 6, 2008, The Ohio State University football team, known as the ''Buckeyes,'' achieved its 800th win, becoming the 5th major college football program to reach this mark;

Whereas the Buckeyes have an all-time record of 800 wins, 304 losses, and 53 ties in their 119 seasons;

Whereas, in 1890, the Buckeyes played their first game, and since have become a symbol of pride and tradition for the past and present members of The Ohio State University community;

Whereas The Ohio State University has the largest self-supporting athletics program in the country;

Whereas The Ohio State University continues to strive for academic excellence in sports, ranking first in the Big Ten Academic All-Conference Team for the 2007–08 academic year;

Whereas, there are 1,877 Buckeye All-Americans in the history of the program;

Whereas the Ohio State athletic program strives to improve the academic quality of The Ohio State University by donating key funding to renovate Ohio State's academic facilities, including the recent donation to the William Oxley Thompson Memorial Library;

Whereas Ohio State strives for diversity at all levels and was commended nationally in 2007–08 for its National Collegiate Athletic Association academic progress rate, Overall Excellence in Diversity, and for ranking 2nd in the Degree Completion Program;

Whereas each year Ohio State student-athletes and coaches are involved in thousands of hours of community service;

Whereas each player, coach, and contributor to the team remained committed to ensuring that the Buckeyes achieved this historic accomplishment; and

Whereas all supporters of The Ohio State University are to be praised for their dedication to, and pride in, The Ohio State University football program: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates The Ohio State University football team for achieving 800 victories in its 119-year history;

(2) recognizes The Ohio State University athletic program for its accomplishments in both sports and academics; and

(3) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to—

(A) The Ohio State University for appropriate display;

(B) the President of The Ohio State University, Dr. E. Gordon Gee; and

(C) the head coach of The Ohio State University football team, Mr. Jim Tressel.

S. RES. 644

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to

enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of and increasing support for organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of children and youth;

Whereas the President issued a proclamation on May 30, 2008, proclaiming June 1, 2008 as ''National Child's Day'' to demonstrate a commitment to the youth of the United States;

Whereas September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2008 as ''National Child Awareness Month'' would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2008 as ''National Child Awareness Month''—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by such charities and organizations on behalf of children and youth as a positive investment in the future of the United States.

S. RES. 646

Whereas the prevalence of running away from home and homelessness among youths is staggering, with studies suggesting that between 1,600,000 and 2,800,000 youths live on the streets of the United States each year;

Whereas running away from home is widespread, and youths aged 12 to 17 are at a higher risk of becoming homeless than adults;

Whereas youths who run away from home most often have been expelled from their homes by their families, have been physically, sexually, or emotionally abused at home, have been discharged by State custodial systems without adequate transition plans, or have been separated from their parents by death and divorce, are too poor to secure their own basic needs, and are ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs that support runaway youths and assist youths and their families in preventing youths from running away succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youths from running away from home and supporting youths in high-risk situations are priorities for families, communities, and the Nation;

Whereas the future well-being of the United States is dependent on the opportunities provided for youths and families to acquire the knowledge, skills, and abilities necessary for youths to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youths and provide an array of community-based support to address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youths with their families and to link youths to local resources that provide positive alternatives to running away from home; and

Whereas the National Network for Youth and the National Runaway Switchboard are cosponsoring National Runaway Prevention Month in November 2008 to increase public awareness of the life circumstances of youths in high-risk situations, the need for safe, healthy, and productive alternatives to running away, and the resources and support available for youths, families, and communities: Now, therefore, be it

Resolved, That the Senate recognizes and supports the goals and ideals of National Runaway Prevention Month.

S. RES. 652

Whereas the number of elderly and disabled citizens of the United States is increasing dramatically;

Whereas assisted living is a long-term care service that fosters choice, dignity, independence, and autonomy in the elderly and disabled across the United States;

Whereas the National Center for Assisted Living created National Assisted Living Week;

Whereas the theme of National Assisted Living Week 2008 is ''Filling Life with Love''; and

Whereas this theme highlights the privilege, value, and responsibility of passing the legacies of the lives of the elderly and disabled of the United States down through the generations that care for and love them: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 8, 2008, as ''National Assisted Living Week''; and

(2) urges all people of the United States—

(A) to visit friends and loved ones who reside at assisted living facilities; and

(B) to learn more about assisted living services, including how assisted living services benefit communities in the United States.

S. RES. 651

Whereas the National Aeronautics and Space Administration was established on July 29, 1958;

Whereas on May 5, 1961, NASA successfully launched America's first manned spacecraft, Freedom 7, piloted by Alan B. Shepard, Jr.;

Whereas on February 20, 1962, John Glenn became the first American astronaut to orbit the earth;

Whereas in July of 1969 President John Kennedy's vision of landing a man on the moon and returning him safely to Earth was realized with the Apollo 11 mission, commanded by Neil A. Armstrong, Lunar Module Pilot Edwin ''Buzz'' Aldrin, Jr., and Command Module Pilot Michael Collins;

Whereas on April 12, 1981, NASA began a new era of human space flight and exploration with the launch of the first Space Shuttle Columbia, commanded by John W. Young and piloted by Robert L. ''Bob'' Crippen;

Whereas on June 18, 1983, Dr. Sally Ride became the first American woman in space as a crewmember of Space Shuttle Challenger for STS–7;

Whereas NASA has greatly expanded our knowledge and understanding of our planet and solar system through various unmanned vehicles utilized on numerous missions;

Whereas, during the Cold War, NASA's achievements served as a source of national pride and captured the imagination of the world by demonstrating a peaceful use of our technological capabilities;

Whereas NASA now serves as a model for international cooperation and American leadership through the International Space Station and other scientific endeavors;

Whereas thanks to NASA and the far-reaching gaze of the Hubble Space Telescope, we have seen further into our universe than ever before;

Whereas NASA space probes have landed on or flown by eight of the planets in our solar system;

Whereas the aeronautics research by NASA has led to great discoveries and advances in aircraft design and aviation;

Whereas the work done by NASA has expanded the scope of human knowledge, created new technologies, and inspired young men and women to enter scientific and engineering careers;

Whereas in the last fifty years, NASA has positively impacted almost every facet of our lives; and

Whereas, thanks to the heroism, courage, and supreme sacrifice of our astronaut corps over the last five decades, we are now able to live and work in space for the benefit of all humankind: Now, therefore, be it

Resolved by the Senate, That the Senate—

(1) honors the men and women of the National Aeronautics and Space Administration on the occasion of its 50th Anniversary;

(2) acknowledges the value of NASA's discoveries and accomplishments; and

(3) pledges to maintain America's position as the world leader in earth and space science, aeronautics and space exploration and technology.

H. CON. RES. 163

Whereas Dandy-Walker syndrome is the most common congenital malformation of the cerebellum and its causes are largely unknown;

Whereas between 10,000 and 40,000 people have Dandy-Walker syndrome in the United States;

Whereas the incidence of Dandy-Walker syndrome is at least 1 case per every 25,000 to 35,000 live births, however this is likely a significant underestimate because of difficulties diagnosing the syndrome;

Whereas the Metropolitan Atlanta Congenital Defects Program, Centers for Disease Control and Prevention reports that Dandy-Walker syndrome may affect as many as 1 in 5000 live born infants;

Whereas approximately 70 to 90 percent of patients with Dandy-Walker syndrome have hydrocephalus;

Whereas Dandy-Walker syndrome accounts for approximately 1 to 4 percent of hydrocephalus cases;

Whereas patients with Dandy-Walker syndrome present with developmental delay, enlarged head circumference, or signs and symptoms of hydrocephalus;

Whereas Dandy-Walker syndrome affects males and females approximately equally;

Whereas seizures occur in 15 to 30 percent of patients with Dandy-Walker syndrome;

Whereas subnormal intelligence is manifested in 41 to 71 percent of patients with Dandy-Walker syndrome;

Whereas failure to diagnose Dandy-Walker syndrome with hydrocephalus in a Neonate or a child can cause serious neurologic complications;

Whereas Dandy-Walker syndrome is named after former University of New Mexico neurosurgeon and professor Arthur E. Walker (1907–1995) and Walter E. Dandy (1883–1941), who first described the disorder in 1914; and

Whereas there are 2 known researchers dedicated to Dandy-Walker Syndrome in the United States and additional investigators are needed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress commends the Director of the National Institutes of Health for working with leading scientists and researchers to organize the first National Institutes of Health conference on hydrocephalus in September 2005 and the Inaugural ''Cerebellar Development: Bench to Bedside International Conference'' in November 2006; and

(2) it is the sense of Congress that—

(A) the Director of the National Institutes of Health should continue the current collaboration, with respect to Dandy-Walker syndrome, among the National Human Genome Research Institute, the National Institute of Biomedical Imaging and Bioengineering, the National Institute of Child Health and Human Development, the National Institute of Neurological Disorders and Stroke, and the Office of Rare Diseases;

(B) further research into the epidemiology, diagnosis, pathophysiology, disease burden, and improved treatment of Dandy-Walker syndrome and hydrocephalus should be conducted and supported; and

(C) public awareness and professional education regarding Dandy-Walker research should increase through partnerships between the Federal Government and patient advocacy organizations, such as the Dandy-Walker Alliance and the Hydrocephalus Association.

S. RES. 648

Whereas the USS Nautilus (SSN 571), built and launched at Electric Boat in Groton, Connecticut, on January 21, 1954, was the first vessel in the world to be powered by nuclear power;

Whereas the USS Nautilus overcame extreme difficulties of navigation and maneuverability while submerged under the polar ice, and became the first vessel to cross the geographic North Pole on August 3, 1958;

Whereas the USS Nautilus continued on her voyage and became the first vessel to successfully navigate a course across the top of the world;

Whereas the USS Nautilus, having claimed this historic milestone and returned home to Naval Submarine Base New London, continued to establish a series of naval records in her distinguished 25-year career, including being the first submarine to journey ''20,000 leagues under the sea'';

Whereas the USS Nautilus completed these significant and laudable achievements during a critical phase of the Cold War, providing a source of inspiration for Americans and raising the hopes of the Free World;

Whereas the USS Nautilus was the first naval vessel in peacetime to receive the Presidential Unit Citation for its meritorious efforts in crossing the North Pole;

Whereas Commander William R. Anderson of the United States Navy was awarded the Legion of Merit for his role in commanding the USS Nautilus during its historic voyage;

Whereas the USS Nautilus and its contribution to world history was praised by a range of American Presidents, including President Harry Truman, President Dwight D. Eisenhower, President Lyndon B. Johnson, President Jimmy Carter, and President Bill Clinton; and

Whereas President Eisenhower described the voyage to the North Pole as a ''magnificent achievement'' from which ''the entire free world would benefit'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the journey to the North Pole undertaken by the USS Nautilus;

(2) commends the officers and crew of the USS Nautilus on the 50th anniversary of their magnificent achievement;

(3) recognizes the importance of the USS Nautilus' journey to the North Pole as not only a military and scientific accomplishment, but also in confirming America's longstanding interest in this vital region of the world;

(4) commends the role of the USS Nautilus and the United States Submarine Force in protecting the interests of the free world during the Cold War; and

(5) supports the continuing role of the United States Submarine Force in defending our Nation in the 21st century.

S. RES. 502

Whereas, on March 21, 1983, the United States Space Foundation was founded by a small group of pioneering individuals in Colorado Springs, Colorado;

Whereas 2008 marks the 25th year of excellence and service of the Space Foundation;

Whereas the mission of the Space Foundation is to advance space-related endeavors to inspire, enable, and propel humanity;

Whereas the Space Foundation has become the leading nonprofit organization advancing the exploration, development, and use of space and space education for the benefit of all humankind;

Whereas the Space Foundation embraces all aspects of space including commercial, civil, and national security;

Whereas the current national security environment requires extensive use and advancement of space-based assets;

Whereas the Space Foundation has contributed to space education programs in all 50 States and also in Europe and Asia;

Whereas the Space Foundation is regarded internationally as a leading space advocacy organization, and is a member of the United States Delegation to the United Nations Committee on the Peaceful Uses of Outer Space; and

Whereas the Space Foundation hosts the National Space Symposium and Strategic Space and Defense, 2 of the top conferences for space professionals: Now, therefore, be it

Resolved, That the Senate—

(a) recognizes the contributions made by the Space Foundation; and

(b) commemorates the Space Foundation's 25 years of excellence and support to the Nation.

S. CON. RES. 93

Whereas sudden cardiac arrest is a leading cause of death in the United States;

Whereas sudden cardiac arrest takes the lives of more than 250,000 people in the United States each year, according to the Heart Rhythm Society;

Whereas anyone can experience sudden cardiac arrest, including infants, high school athletes, and people in their 30s and 40s who have no sign of heart disease;

Whereas sudden cardiac arrest is extremely deadly, with the National Heart, Lung, and Blood Institute giving the disease a mortality rate of approximately 95 percent;

Whereas to have a chance of surviving an attack, the American Heart Association states that victims of sudden cardiac arrest must receive a lifesaving defibrillation within the first 4 to 6 minutes of an attack;

Whereas for every minute that passes without a shock from an automated external defibrillator, the chance of survival decreases by approximately 10 percent;

Whereas lifesaving treatments for sudden cardiac arrest are effective if administered in time;

Whereas according to joint research by the American College of Cardiology and the American Heart Association, implantable cardioverter defibrillators are 98 percent effective at protecting people at risk for sudden cardiac arrest;

Whereas according to the American Heart Association, cardiopulmonary resuscitation and early defibrillation with an automated external defibrillator more than double the chances that a victim will survive;

Whereas the Yale-New Haven Hospital and the New England Journal of Medicine state that women and African-Americans are at a higher risk than the general population for dying as a result of sudden cardiac arrest, yet this fact is not well known to people at risk;

Whereas there is a need for comprehensive educational efforts designed to increase awareness of sudden cardiac arrest and related therapies among medical professionals and the greater public in order to promote early detection and proper treatment of this disease and to improve quality of life; and

Whereas the Heart Rhythm Society and the Sudden Cardiac Arrest Coalition are preparing related public awareness and education campaigns on sudden cardiac arrest to be held each year during the month of October: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month'';

(2) supports efforts to educate people about sudden cardiac arrest and to raise awareness about the risk of sudden cardiac arrest, identifying warning signs, and the need to seek medical attention in a timely manner;

(3) acknowledges the critical importance of sudden cardiac arrest awareness to improving national cardiovascular health; and

(4) calls upon the people of the United States to observe this month with appropriate programs and activities.

H. CON. RES. 296

Whereas heat stroke is a medical emergency that can be fatal if not properly and promptly treated, and 50 percent of those with heat stroke die from it;

Whereas children absorb more heat from a hot environment because they have greater surface area-to-body mass ratio than adults;

Whereas the smaller the child, the faster he or she can overheat;

Whereas children and adolescents may have a reduced ability to dissipate heat through sweating;

Whereas children and adolescents frequently do not have the physiological drive to drink enough fluids to replenish sweat losses during prolonged exercise;

Whereas youth athletes may be more easily distracted by teammates and spectators when given the opportunity to rest and rehydrate;

Whereas a recent study found that 70 percent of afterschool athletes arrive on the playing field already dehydrated;

Whereas heat-induced illness is one of the most preventable sports ailments and parents, young athletes, and coaches need to understand the physiological factors that increase the risk for heat-related illness and take steps to prevent it;

Whereas 13-year-old Kendrick Fincher from Rogers, Arkansas, collapsed during an August pre-season football practice, was rushed to the hospital, and for the next 18 days his family waited anxiously for him to regain consciousness, tragically never regained consciousness, and died on August 25, 1995, from multi-system organ failure as a result of heat stroke;

Whereas Kendrick's parents, Rhonda and Mike Fincher, founded the Kendrick Fincher Memorial Foundation in honor of their son, with the aim to raise awareness of the potentially deadly consequences of dehydration for student athletes and to provide schools with the information and equipment needed to ensure other students do not suffer from heat stroke;

Whereas the Kendrick Fincher Memorial Foundation has distributed more than 130,000 water bottles and heat illness prevention pamphlets to children and athletes throughout the United States;

Whereas the Kendrick Fincher Memorial Foundation oversees consultation with school district athletic programs to ensure they have procedures in place to prevent heat illness and dehydration;

Whereas the Kendrick Fincher Memorial Foundation provides heat stroke awareness and steps for prevention at local health fairs, community events, and the Annual Youth Run through ''cool huts'', misting stations, and free ice water;

Whereas Gatorade Company joined forces with the National Football League to lead a nationwide ''Beat the Heat'' campaign aimed at educating parents and football coaches about the importance of hydration in order to keep athletes safe in the hot summer months; and

Whereas Gatorade Company and the National Football League held Gatorade Donation Days at training camps to raise money to raise awareness of the Kendrick Fincher Memorial Foundation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of Congress that—

(A) National Heat Stroke Awareness Month provides an opportunity to educate the people of the United States about heat stroke;

(B) the Kendrick Fincher Memorial Foundation should be applauded for its efforts in promoting awareness about heat stroke; and

(C) policymakers, parents, coaches, student athletes, not-for-profit organizations, and other members of the community should work to increase awareness and prevention of heat stroke; and

(2) Congress urges national and community organizations, businesses in the private sector, and the media, through National Heat Stroke Awareness Month to promote the awareness of heat stroke.

S. RES. 634

Whereas, on April 26, 1968, after viewing the CBS Emmy-award winning documentary ''Hunger in America,'' Senator George McGovern introduced a resolution to establish a Senate Select Committee on Nutrition and Human Needs;

Whereas the resolution establishing the Select Committee on Nutrition and Human Needs was enacted on July 30, 1968;

Whereas Senator George McGovern served as the Chairman of the Select Committee on Nutrition and Human Needs from 1968 to 1977;

Whereas July 30, 2008, marks the 40th anniversary of the enactment of the resolution establishing the Select Committee on Nutrition and Human Needs, which later became the foundation of the current Subcommittee on Nutrition and Food Assistance, Sustainable and Organic Agriculture, and General Legislation Jurisdiction of the Senate Committee on Agriculture, Nutrition, and Forestry;

Whereas Senator George McGovern was committed to exposing the failure of Federal food assistance programs to reach citizens lacking in adequate quantities and quality of food;

Whereas Senators George McGovern and Robert Dole worked tirelessly in their respective roles on the Select Committee on Nutrition and Human Needs to develop a bipartisan Federal response to hunger;

Whereas the Select Committee on Nutrition and Human Needs played a key role in educating Congress, the Federal Government, and the Nation at large about the magnitude of hunger in the United States;

Whereas the work of the Select Committee on Nutrition and Human Needs was vital to reforming the Federal food stamp program, culminating in the passage of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), which made the program more efficient and more accessible to those most in need by finally eliminating the requirement that Americans pay for a portion of their food stamps;

Whereas the work of the Select Committee on Nutrition and Human Needs was essential to expanding the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) and permanently establishing the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the child and adult care food program under section 17 of the National School Lunch Act (42 U.S.C. 1766), and the summer food service program for children under section 13 of that Act (42 U.S.C. 1761);

Whereas the work of the Select Committee on Nutrition and Human Needs was instrumental in the establishment of the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) (WIC);

Whereas the Senate Committee on Agriculture, Nutrition, and Forestry remains committed to continuing the important work begun by Senators George McGovern and Robert Dole of providing a Federal response to hunger;

Whereas the Senate Committee on Agriculture, Nutrition, and Forestry provided a record-level amount of nutrition funding in the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651) to reform and strengthen Federal nutrition assistance programs;

Whereas, through the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651), the Senate Committee on Agriculture, Nutrition, and Forestry made key improvements to the food stamp program, including—

(1) increasing the food purchasing ability of low-income households by accounting for food cost inflation;

(2) increasing the minimum benefit;

(3) encouraging retirement and education savings; and

(4) allowing families to account for child care costs in calculating food assistance;

Whereas, through the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651), the Senate Committee on Agriculture, Nutrition, and Forestry helped to strengthen the domestic food assistance safety net by providing significant funding to increase commodity purchases for local area food banks;

Whereas, in 2008, more than 28,000,000 people in the United States participate in the food stamp program;

Whereas, in 2008, more than 17,500,000 low-income children receive free or reduced-price meals through the national school lunch program;

Whereas despite Federal food assistance programs, 35,500,000 people in the United States, including 12,600,000 children, continue to live in households considered to be food insecure;

Whereas children who live in households lacking access to sufficient food are more likely to be in poorer physical health than children from food secure households; and

Whereas children are particularly vulnerable to the effects of food insecurity because undernutrition can have adverse impacts on emotional health, behavior, school performance, and cognitive development: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes July 30, 2008, as the 40th anniversary of the enactment of the resolution establishing the Senate Select Committee on Nutrition and Human Needs;

(2) recognizes the substantial contributions the Select Committee on Nutrition and Human Needs made in ensuring that effective and efficient Federal food assistance programs were accessible to those most in need;

(3) recognizes that hunger continues to be an issue plaguing the United States; and

(4) supports the continued efforts of Federal, State, and local governments and private non-profit organizations to eradicate hunger in the United States.

S. RES. 657

Whereas celiac disease affects approximately 1 in every 130 people in the United States, for a total of 3,000,000 people;

Whereas the majority of people with celiac disease have yet to be diagnosed;

Whereas celiac disease is a chronic inflammatory disorder that is classified as both an autoimmune condition and a genetic condition;

Whereas celiac disease causes damage to the lining of the small intestine, which results in overall malnutrition;

Whereas, when a person with celiac disease consumes foods that contain certain protein fractions, that person suffers a cell-mediated immune response that damages the villi of the small intestine, interfering with the absorption of nutrients in food and the effectiveness of medications;

Whereas those problematic protein fractions are found in wheat, barley, rye, and oats, which are used to produce many foods, medications, and vitamins;

Whereas, because celiac disease is a genetic disease, there is an increased incidence of celiac disease in families with a known history of celiac disease;

Whereas celiac disease is underdiagnosed because the symptoms can be attributed to other conditions and are easily overlooked by doctors and patients;

Whereas, as recently as 2000, the average person with celiac disease waited 11 years for a correct diagnosis;

Whereas ½ of all people with celiac disease do not show symptoms of the disease;

Whereas celiac disease is diagnosed by tests that measure the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease can be treated only by implementing a diet free of wheat, barley, rye, and oats, often called a ''gluten-free diet'';

Whereas a delay in the diagnosis of celiac disease can result in damage to the small intestine, which leads to an increased risk of malnutrition, anemia, lymphoma, adenocarcinoma, osteoporosis, miscarriage, congenital malformation, short stature, and disorders of the skin and other organs;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjogren's syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who wrote, ''if the patient can be cured at all, it must be by means of diet'';

Whereas Dr. Samuel Gee was born on September 13, 1839; and

Whereas, by designating September 13, 2008, as National Celiac Disease Awareness Day, the Senate can raise awareness of celiac disease in the general public and the medical community: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 13, 2008, as ''National Celiac Disease Awareness Day'';

(2) recognizes that all people in the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, the Celiac Disease Foundation, the Gluten Intolerance Group of North America, and the Oklahoma Celiac Support Group No. 5 of the Celiac Sprue Association.

S. RES. 670

Whereas millions of Americans have benefitted from the courageous service of first responders across the United States;

Whereas the police, fire, emergency medical service, and public health personnel (commonly known as ''first responders'') work devotedly and selflessly on behalf of the people of the United States, regardless of the peril or hazard to themselves;

Whereas in emergency situations, first responders carry out the critical role of protecting and ensuring public safety;

Whereas the men and women who bravely serve as first responders have found themselves on the front lines of homeland defense in the war against terrorism;

Whereas first responders are called upon in the event of a natural disaster, such as the tornados in Florida and the blizzard in Colorado in December 2006, the flooding in the Northeast in April 2007, the flooding in the Midwest in June 2008, and the wildfires in the West in July 2008;

Whereas the critical role of first responders was witnessed in the aftermath of the mass shooting at the Virginia Polytechnic Institute and State University, when the collaborative effort of police officers, firefighters, and emergency medical technicians to secure the campus, rescue students from danger, treat the injured, and transport victims to local hospitals undoubtedly saved the lives of many students and faculty;

Whereas 900,000 police officers, 1,100,000 firefighters, and 891,000 emergency medical technicians risk their lives every day to make our communities safe;

Whereas these 900,000 sworn police officers from Federal, State, tribal, city, and county law enforcement agencies protect lives and property, detect and prevent crimes, uphold the law, and ensure justice;

Whereas these 1,100,000 firefighters, both volunteer and career, provide fire suppression, emergency medical services, search and rescue, hazardous materials response, response to terrorism, and critical fire prevention and safety education;

Whereas the 891,000 emergency medical professionals in the United States respond to and treat a variety of life-threatening emergencies, from cardiac and respiratory arrest to traumatic injuries;

Whereas these 2,661,000 ''first responders'' make personal sacrifices to protect our communities, as was witnessed on September 11, 2001, and in the aftermath of Hurricane Katrina, and as is witnessed every day in cities and towns across the United States;

Whereas, according to the National Law Enforcement Officers Memorial Fund, a total of 1,671 law enforcement officers died in the line of duty during the past 10 years, an average of 1 death every 53 hours or 167 per year, and 181 law enforcement officers were killed in 2007;

Whereas, according to the United States Fire Administration, from 1996 through 2005 over 1500 firefighters were killed in the line of duty, and tens of thousands were injured;

Whereas 4 in 5 medics are injured on the job, more than 1 in 2 (52 percent) have been assaulted by a patient and 1 in 2 (50 percent) have been exposed to an infectious disease, and emergency medical service personnel in the United States have an estimated fatality rate of 12.7 per 100,000 workers, more than twice the national average;

Whereas most emergency medical service personnel deaths in the line of duty occur in ambulance accidents;

Whereas thousands of first responders have made the ultimate sacrifice;

Whereas, in the aftermath of the terrorist attacks of September 11, 2001, firefighters, law enforcement officers, and emergency medical workers in the United States were universally recognized for the sacrifices they made on that tragic day, and should be honored each year as these tragic events are remembered;

Whereas there currently exists no national day to honor the brave men and women of the first responder community, who give so much of themselves for the sake of others; and

Whereas these men and women by their patriotic service and their dedicated efforts have earned the gratitude of Congress: Now, therefore, be it

Resolved, That the Senate designates September 25, 2008, as ''National First Responder Appreciation Day'' to honor and celebrate the contributions and sacrifices made by all first responders in the United States.

S. RES. 671

Whereas the University of Maryland School of Medicine was established in 1807, making it the first public and the fifth oldest medical school in the United States;

Whereas, in 1823, the University of Maryland School of Medicine became the first teaching hospital in the Nation with the construction of the Baltimore Infirmary and became the first medical school in the United States to institute a residency training program;

Whereas the School of Medicine was the founding school of the University of Maryland and is an integral part of the 11-campus University System of Maryland;

Whereas, at the Baltimore campus of the University of Maryland, the School of Medicine serves as the foundation for a large academic health center that combines medical education, biomedical research, patient care, and community service;

Whereas the University of Maryland School of Medicine is dedicated to providing excellence in biomedical education, basic and clinical research, quality patient care, and service to improve the health of the people of Maryland and the United States;

Whereas the University of Maryland School of Medicine is committed to the education and training of M.D. and Ph.D. students in fields including physical therapy, rehabilitation science, and medical research technology;

Whereas the University of Maryland School of Medicine has played a crucial role in helping to meet the health care needs of the people of Maryland and continues to recruit and develop faculty to serve as exemplary role models for students; and

Whereas the University of Maryland School of Medicine has developed a legacy of academic excellence, outstanding patient care, and ground-breaking research: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Maryland School of Medicine on its 200th anniversary; and

(2) recognizes the achievements of the University of Maryland, Baltimore, and the School of Medicine in providing outstanding service to, and in training leaders for, the local community, the State of Maryland, and the world.

S. RES. 672

Whereas negative images, stories, and influences in the day-to-day lives of Americans can detrimentally affect their emotional well-being, interactions with others, and general demeanor;

Whereas a group of teenagers participating in a leadership forum at Harding University in Searcy, Arkansas, identified a lack of encouragement as one of the greatest problems facing young people today;

Whereas the youth of our Nation need guidance, inspiration, and reassurance to counteract this negativity and to develop the qualities of character essential for future leadership in our country;

Whereas a National Day of Encouragement would serve as a reminder to counterbalance and overcome negative influences, and would also provide much-needed encouragement and support to others;

Whereas, following the events of September 11, 2001, thousands of people of the United States made sacrifices in order to bring help and healing to the victims and their families, inspiring and encouraging the Nation; and

Whereas the renewed feelings of unity, hope, selflessness, and encouragement that began on September 12, 2001, are the same feelings that the National Day of Encouragement is meant to recapture and spread: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 12, 2008, as ''National Day of Encouragement'';

(2) acknowledges the importance of encouragement and positive influences in the lives of all people; and

(3) urges the people of the United States to encourage others, whether it be through an act of service, a thoughtful letter, or words of kindness and inspiration, and to thereby boost the morale of all.

S. RES. 673

Whereas comprehensive, culturally sensitive health promotion within the workplace is essential to maintain and improve the health of American workers;

Whereas employees who improve their health also reduce their probability of chronic health conditions, lower their out-of-pocket medical and pharmaceutical costs, reduce pain and suffering, have greater levels of energy and vitality, and experience increased satisfaction with their lives and jobs;

Whereas health care costs in the United States doubled from 1990 to 2001 and are expected to double again by 2012;

Whereas employee health benefits are the fastest growing labor cost component for employers, thus posing a serious and growing challenge to business in the United States;

Whereas business leaders are struggling to find strategies to help reduce the direct costs of employer-provided health care, as well as the indirect costs associated with higher rates of absenteeism, disability, and injury;

Whereas an effective strategy to address the primary driving force of soaring health care costs requires an investment in prevention;

Whereas some employers who invest in health promotion and disease prevention have achieved rates of return on investment ranging from $3 to $15 for each dollar invested, as well as a 28 percent average reduction in sick leave absenteeism, an average 26 percent reduction in health care costs, and a 30 percent average reduction in workers' compensation and disability management claims costs;

Whereas the Healthy People 2010 national objectives for the United States include the workplace health–related goal that at least ¾ of United States employers, regardless of size, will voluntarily offer a comprehensive employee health promotion program that includes—(1) health education and programming which focuses on skill development and lifestyle behavior change along with information dissemination and awareness building, preferably tailored to employees' interests and needs; (2) supportive social and physical environments, including an organization's expectations regarding healthy behaviors, and implementation of policies that promote health and reduce risk of disease; (3) integration of the worksite wellness programs into the organization's structure; (4) linkage to related programs like employee assistance programs (EAPs) and programs to help employees balance work and family; and (5) screening programs, ideally linked to medical care to ensure follow-up and appropriate treatment as necessary;

Whereas employers should be encouraged to invest in the health of employees by implementing comprehensive worksite health promotion programs that will help achieve our national Healthy People 2010 objectives;

Whereas business leaders that have made a healthy workforce a part of their core business strategy should be encouraged to share information and resources to educate their peers on the issue of employee health management through initiatives such as the Leading by Example CEO-to-CEO Roundtable on Workforce Health and the United States Workplace Wellness Alliance;

Whereas the employers that provide health care coverage for more than 177,000,000 Americans have the potential to exert transformative leadership on this issue by increasing the number, quality, and types of health promotion programs and policies at worksites across the Nation;

Whereas, for workplace wellness efforts to reach their full potential, chief executive officers of major corporations, company presidents of small enterprises, and State governors should be encouraged to make worksite health promotion a priority; and

Whereas Congress supports the National Worksite Health Promotion goal as stated in Healthy People 2010 and encourages public employers to increase their awareness of the value of corporate investments in employee health management to help our Nation achieve this goal: Now, therefore, be it

Resolved, That the Senate calls on private and public employers to support workplace wellness and implement voluntarily worksite health promotion programs to help maximize employees' health and well being and lower health care costs.

S. RES. 674

Whereas older adults value their independence and a fall can significantly limit their ability to remain self-sufficient;

Whereas falls are the leading cause of death from unintentional injuries among older adults in the United States;

Whereas older adults are by far the population at greatest risk for falling unintentionally, with more than ⅓ of all people 65 years or older falling each year;

Whereas older adults who fall once are 2 to 3 times more likely than adults who have not fallen to fall again;

Whereas, in 2000, the Bureau of the Census reported that more than 34,800,000 adults older than the age of 65 live in the United States, and that number is expected to grow to almost 55,000,000 by 2020;

Whereas 20 to 30 percent of older adults who fall suffer moderate to severe injuries, such as bruising, hip fractures, and head traumas;

Whereas, in 2005, falls resulted in nearly 1,800,000 older adults being treated in emergency departments and more than 433,000 older adults being hospitalized;

Whereas, in 2005, nearly 16,000 people aged 65 and older died from injuries related to unintentional falls;

Whereas the Centers for Disease Control and Prevention report that the mortality rate from falls among older adults increased 45 percent between 2000 and 2004;

Whereas the total in direct costs associated with both fatal and non-fatal falls is more than $19,000,000,000 annually for hospitalization, emergency department visits, and outpatient care;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not stemmed, annual direct treatment costs will reach $43,800,000,000 by 2020, with an annual cost under the Medicare program of $32,400,000,000;

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards;

Whereas, on April 23, 2008, the Safety of Seniors Act of 2007 (Public Law 110–202) was enacted, amending the Public Health Service Act (42 U.S.C. 280b et seq.) to create a national education campaign aimed at older adults, their families, and healthcare providers, and injury prevention programs that focus on the reduction and prevention of falls among older adults; and

Whereas the Falls Free Coalition Advocacy Work Group, its numerous supporting organizations and all other supportive organizations, should be commended for their efforts to raise awareness and to promote greater understanding, research, and pilot programs to prevent falls among older adults: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 22, 2008, as ''National Falls Prevention Awareness Day'';

(2) commends the National Falls Free Coalition and all other supportive organizations for their efforts to promote awareness about preventing and reducing falls among older people in the United States;

(3) encourages the private sector, the public health community, healthcare providers, advocacy organizations, and Federal, State, and local governments to work together to increase education and awareness about the prevention of falls; and

(4) urges national and community organizations, businesses, individuals, and the media to use National Falls Prevention Awareness Day to promote awareness of this important public health problem in an effort to reduce the incidence of falls among older people in the United States.

S. RES. 675

Whereas there are approximately 510,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting for families to adopt them;

Whereas 61 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 3 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who ''age out'' of foster care by reaching adulthood without being placed in a permanent home has continued to increase since 1998, and more than 26,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas, while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, more than 20,000 children have joined forever families during National Adoption Day;

Whereas, in 2007, adoptions were finalized for over 4,200 children through more than 260 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas the President traditionally issues an annual proclamation to declare November as National Adoption Month, and National Adoption Day is on November 15, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the citizens of the United States to consider adoption during the month of November and all throughout the year.

S. RES. 676

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique ''Kiki'' Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been sponsored by the National Family Partnership and nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, committed throughout its 35 years to aggressively targeting organizations involved in the growing, manufacturing, and distribution of controlled substances, has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas, although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics demand attention, including the abuse of methamphetamines, inhalants, and prescription medications, the second most abused drug by young people in the United States;

Whereas, between 1996 and 2006, the percentages of admissions to substance abuse treatment programs as a result of the abuse of methamphetamines, prescription medications, and marijuana each significantly rose;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

NATIVE AMERICAN HERITAGE DAY ACT OF 2008

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 926, H.J. Res. 62; that the committee amendment be agreed to, the resolution be read the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the joint resolution (H.J. Res. 62) to honor the achievements and contributions of Native Americans to the United States, and for other purposes, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Heritage Day Act of 2008''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Native Americans are the descendants of the aboriginal, indigenous, native people who were the original inhabitants of the United States;

(2) Native Americans have volunteered to serve in the United States Armed Forces and have served with valor in all of the Nation's military actions from the Revolutionary War through the present day, and in most of those actions, more Native Americans per capita served in the Armed Forces than any other group of Americans;

(3) Native Americans have made distinct and significant contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

(4) Native Americans should be recognized for their contributions to the United States as local and national leaders, artists, athletes, and scholars;

(5) nationwide recognition of the contributions that Native Americans have made to the fabric of American society will afford an opportunity for all Americans to demonstrate their respect and admiration of Native Americans for their important contributions to the political, cultural, and economic life of the United States;

(6) nationwide recognition of the contributions that Native Americans have made to the Nation will encourage self-esteem, pride, and self-awareness in Native Americans of all ages;

(7) designation of the Friday following Thanksgiving of each year as Native American Heritage Day will underscore the government-to-government relationship between the United States and Native American governments; and

(8) designation of Native American Heritage Day will encourage public elementary and secondary schools in the United States to enhance understanding of Native Americans by providing curricula and classroom instruction focusing on the achievements and contributions of Native Americans to the Nation.

SEC. 3. IMPLEMENTATION OF NATIVE AMERICAN HERITAGE DAY.

Congress—

(1) designates Friday, November 28, 2008, as ''Native American Heritage Day''; and

(2) encourages the people of the United States, as well as Federal, State, and local governments, and interested groups and organizations to observe Native American Heritage Day with appropriate programs, ceremonies, and activities, including activities relating to—

(A) the historical status of Native American tribal governments as well as the present day status of Native Americans;

(B) the cultures, traditions, and languages of Native Americans; and

(C) the rich Native American cultural legacy that all Americans enjoy today.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 62) was read the third time, and passed.

Ms. MIKULSKI. Mr. President, I rise today to applaud the passage of the resolution congratulating the University of Maryland School of Medicine on its 200th anniversary. I am proud to introduce this resolution that recognizes the outstanding contributions the University of Maryland School of Medicine has made in the last 200 years to the medical community, Maryland community, and entire world.

The University of Maryland School of Medicine is the first public medical school in the country and is the fifth oldest medical school. Since 1789, it has been a leader in medical education—the first medical school in the country to build a teaching hospital for clinical instruction, the first to establish a medical library, and the first school to offer courses in preventive medicine.

Today, the University of Maryland School of Medicine is home to 25 academic departments, 7 research centers, and treats over 1 million patients a year. I commend the contributions the school has made over the past 200 years. I know the University of Maryland School of Medicine will continue to blaze trails in the future as a leader in medical research, patient care, education, and community service.

Ms. MURKOWSKI. Mr. President, I rise today in support of a resolution that commemorates the Annual Red

Ribbon Campaign. I am honored to again seek the Senate's continuing support and recognition of Red Ribbon Week, which is October 23 through October 31.

In 1985, Special Agent Enrique ''Kiki'' Camarena of the Drug Enforcement Administration was kidnapped, tortured, and murdered in the line of duty by drug traffickers. Shortly after Agent Camarena's death, Congressman DUNCAN HUNTER and high school friend Henry Lozano launched ''Camarena Clubs'' in the Agent's hometown of Calexico, CA. In honor of Agent Camarena, hundreds of club members wore red ribbons and pledged to lead drug-free lives. The campaign quickly gained statewide and then national prominence. In 1988, what is now the National Family Partnership organized the first National Red Ribbon Week, an 8-day event proclaimed by the Congress and chaired by then President and Mrs. Reagan.

This campaign is now the oldest and largest drug prevention program in the Nation, reaching millions of youth through Red Ribbon Week events. Red Ribbon Week memorializes Agent Camarena, and all those who have lost their lives in the war on drugs, by educating young people about the dangers of drug abuse, promoting drug-free activities, and supporting everyone who has stood strong against illicit drugs. The Red Ribbon that we will wear during Red Ribbon Week is a symbol of zero tolerance for illegal drug use and our commitment to help people, especially children, make the right life-decisions.

In Alaska, Red Ribbon Week is a statewide celebration involving thousands of school children and other supporters. On October 27, the Alaska Red Ribbon Coalition, in conjunction with the municipality of Anchorage, will host a Red Ribbon Week kickoff. The Red Ribbon Coalition is comprised of the Anchorage School District, the Alaska State Troopers, the Anchorage Police Department, the U.S. Drug Enforcement Administration, and the U.S. Department of Justice. Forty-three Boys & Girls Clubs across Alaska will help other Alaskan communities celebrate Red Ribbon Week throughout the State.

In addition, this year, the Red Ribbon Coalition, the Alaska National Guard, and the Iditarod Trail Committee are sponsoring the first ever Anchorage School District Idol whereby every junior high and high school in Anchorage will hold local talent competitions and select one act to move to a final competition. The acts will be judged based, among other things, on their drug-free themes, and the final competition will be held as part of the Iditarod Sled Dog Race festivities in March 2009. The plan is to broadcast the event to the students in all 50 States and across the globe who participate in the Iditarod Education Program, thus extending the reach of the 2008 Red Ribbon Week into 2009, and sharing Anchorage's Red Ribbon Week antidrug message and celebrations with the Nation and the world.

As we stand together against drugs, I thank my colleagues for joining me in what hopefully will be a continuation of the tradition of congressional support and recognition of Red Ribbon Week.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

FINANCIAL CRISIS

Ms. KLOBUCHAR. Mr. President, I stand here today to highlight my grave concerns about our financial system and the American economy—a disaster that has been building for months and, in fact, years and last week quickly hit the breaking point.

The latest crisis seemed to come so suddenly, it moved so fast, it spread so far, and went straight to the heart of the global financial system. There is no doubt we are seeing now the biggest financial challenge since the Great Depression, and we are also witnessing the most remarkable degree of Government involvement into our financial system since the 1930s.

It is truly remarkable. Consider the list: Bear Stearns, Fannie Mae, Freddie Mac, Lehman Brothers, Merrill Lynch, and AIG. These names used to be confined to the business pages. Now they are at the top of the front pages.

I have strong feelings about what happened here. During the past 8 years, the financial and economic policies of this administration have been off course. They have not managed or led the economy in a responsible manner.

We have gone from a large budget surplus, left by the Clinton administration, to an even larger budget deficit. This administration has been reckless in how it managed Government's finances, and it has been reckless in how it managed its responsibility to ensure a strong, stable financial system.

This administration acted as if the rules don't apply anymore. With loopholes here and there, they don't use the regulations. It permitted the large financial institutions to run amok, to turn the economy into a gambling hall, playing with funny money. Finally, in the 11th hour, the house managers, Bernanke and Paulson, have been asked to step in to shut down the game.

It is hard to exaggerate the magnitude of what has happened. As financial journalist Steven Pearlstein observed last week:

> This is what a Category 4 financial crisis looks like. Giant blue-chip financial institutions swept away in a matter of days. Banks refusing to lend to other banks. Russia closing its stock market to stop the panicked selling. Gold soaring $70 in a single trading session. Developing countries' currencies in a free fall. Money-market funds warning they might not be able to return every dollar invested. Daily swings of three, four, five hundred points in the Dow Jones Industrial Average.
>
> It's a painful reminder that, when you strip away all the complexity and trappings from the magnificent new global infrastructure, finance is still a confidence game—and once the confidence goes, there's no telling when the selling will stop.

In some respects, it may look as if all the action is in New York or Washington or London or Tokyo. But we know the consequences are being felt everywhere. This is a broad-based financial crisis. Everyone is affected. If you are trying to buy or sell a home, you are affected. If you are trying to refinance your home, you are affected. If you are trying to get a student loan for tuition, you are affected. If you are a small business owner trying to extend your credit line, you are affected. If you are a farmer trying to buy a new tractor, you are affected. Maybe the only people in America not affected are those who kept their money in mattresses, and we know that is not the answer.

Look at what has happened to the middle class in the last 8 years: wages down an average of $2,000 a year. Expenses up $4,400 a year. That is a net loss of $6,400 a year. That doesn't include people with babies, and childcare, and afterschool care, and the added expenses for college—$6,400 a year. We need solutions and we need them now.

Secretary Paulson has presented his proposal, and I believe we need to change that proposal. I believe there is more we need to do.

First, I believe, in the long term, we need a comprehensive plan, including both a short-term rescue strategy and a long-term approach for economic recovery and rebuilding.

Secondly, we must minimize, as much as possible, the cost to American taxpayers. Private companies that get themselves into deep trouble should not get a free bailout on the backs of America's middle class.

Third, this plan can't be limited to helping Wall Street. We must help the middle class. We must save Main Street from the mistakes of Wall Street, and we must address head on the underlying issue of the housing market and foreclosure crisis. That means providing protection and support to struggling homeowners and restoring confidence in the residential real estate market.

Finally, if this plan proposes that the Federal Government come to the rescue of private financial institutions, then the Government must secure greater oversight of how these companies conduct their business going forward. For companies that receive assistance, there should be a limit placed on dividends. Key executives should have a look-back placed in their compensation package, and there should be

a prohibiting of these golden parachutes. I cannot tell you how angry this makes me. Look at Lehman Brothers and their CEO, Richard Fuld. He earned about $45 million. This amounts to roughly $17,000 an hour—$17,000 an hour that he earned. Basically, their firm has been obliterated.

Last year, CEOs of large public companies averaged 340 more times the pay of the average workers. As Warren Buffet once said—and this is from an article by Nicholas Christopher in the New York Times:

> In judging whether corporate America is serious about reforming itself, CEO pay remains the acid test.

As he said in this article, it is a test that corporate America is failing.

People can make their money, I suppose, but once we start, as taxpayers in the U.S. Government, buying their assets and backing up their assets and bearing the risk, asking taxpayers to do that, then we have something to say about this executive compensation, and we must say it in any type of a rescue plan.

We also have to make sure going forward that the appropriate financial regulations are in place, that these loopholes are closed. There should be changes in corporate governments to improve the independence of corporate boards and reduce reckless behavior. There should be limits on speculative behavior.

I know everybody is focused a lot on Wall Street. But I have to tell you what is happening on Main Street. In my State of Minnesota, the unemployment rate is at its highest in 22 years. Minnesota's second quarter growth in personal income is only 1 percent—the 49th lowest in the country. Even that 1-percent increase is more than wiped out by inflation.

Home values in the Twin Cities area dropped nearly 14 percent in the second quarter of this year compared to last year. Heating costs this winter are expected to increase by double digits. The latest forecast shows that the cost of natural gas is expected to be 17 percent higher than it was last winter. Prices for fuel oil are expected to be 23 percent higher.

The American people still have faith in our Nation. They know our country and our economy still have great potential. We have the talent, the resources, the know-how, the entrepreneurial spirit, and a passion for innovation. The public is still bullish on America, even though Merrill Lynch may not be.

Although our immediate and urgent goal must be to stabilize the financial system and restore confidence, we also must spend this week asking those tough questions and making sure we have some answers and making sure the proposals that go through the Congress include those limits I talked about on executive pay. If we are going to be asking taxpayers in this country to bear any of this risk, they must include a long-term plan for better financial regulation of these companies. They must include a focus not just on Wall Street but also on Main Street.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

COMMENDING OLYMPIAN SHAWN JOHNSON

Mr. GRASSLEY. Madam President, I am going to address two things today. First, I wish to address an Iowan I am very proud of, a person whom, if you watched the Olympics, you saw on television recently. So I am here today as a proud Iowan and American to tell other Americans just how proud I am of this Iowan.

Millions of Americans tuned in to the Olympics this past August and witnessed phenomenal performances by American athletes. I am proud of all the athletes who competed in the Olympics but especially the 11-member Team USA with Iowa ties who represented our country in Beijing.

One of those exceptional athletes was a fellow Iowan named Shawn Johnson. Shawn was a member of the U.S. women's gymnastics team who brought home the silver in the team competition. She went on to win individual honors too. She won the Silver Medal both in all-around competition in the floor exercise, and she also received the Gold Medal for the balance beam. And that was her favorite event. All Americans were proud to see Shawn's success, but Iowans are overwhelmingly proud of the self-described—and these are not my words, but other people described her as the daredevil with a big smile.

At this year's Iowa State Fair, the famous butter sculpture, which has been a part of the State fair for the last 45 years—a sculpture made out of butter, usually a cow—this year featured a cow but also a sculpture of Shawn Johnson.

Shawn is the reigning women's world gymnastics All-Around Champion, but she is also a teenager from West Des Moines who presently attends Valley High School when she is not competing around the world. She attends football games and school dances and tries to live the life of a typical teen. She goes to class 5 hours each day and then trains at Chow's Gymnastics in her hometown. With all of this on her plate, she still manages to get straight As.

Her talent is anything but typical. As a baby, Shawn skipped the crawling and went right to walking. She climbed out of her crib before she was a year old. As a toddler, she would build a ladder out of toys, scale the entertainment center, and jump onto the couch.

After seeing their daughter's abundant energy and fearlessness, Shawn's parents Terri and Doug enrolled her in a tumbling class at age 3, and she showed promise early on. Her coach at Chows Gymnastics in West Des Moines, Liang Chow, noticed her talents and honed those talents. He even submitted a tape of Shawn to the U.S. women's gymnastics team coach Marta Karolyi because it is tough for a gymnast training in Iowa to get noticed by a national team.

Training as an elite athlete did not come cheap, though. Shawn's parents eventually mortgaged the family home three times so that their daughter could achieve her Olympic dream, and they managed to travel with Shawn to her international competitions.

In June of this year, the disastrous floods hit much of Iowa. Shawn was training with the national team, but her heart was with her fellow Iowans who were suffering, especially her coach. You see, Chow's Gymnastics, which is Shawn's second home, is located near the Raccoon River in West Des Moines, and the facility suffered a great deal of damage from the flood. Shawn, knowing what this sort of damage could mean for her coach continuing to run her business, wrote a $12,000 check from her endorsements to help get Chows Gymnastics back up and running.

Iowans have all known about Shawn and her extraordinary talent—and, of course, her big smile—for a few years now, and Iowa knew she would make them proud. But the world did not really get to know Shawn until these recent Olympics.

Despite losing the all-around competition to her U.S. teammate and close friend Nastia Luikin, Shawn handled herself with grace, poise, and genuine happiness. And when Shawn finally won the coveted Gold Medal on the incredibly difficult balance beam, her joy was written all over her face.

So I take this opportunity for my colleagues and everybody in this country to commend Shawn on her extraordinary performance in the Beijing Olympics, not only for medals that she won but for her hard work, her composure, and maturity. I compliment her. She did Iowa and America proud.

ILLEGAL DRUGS

Mr. GRASSLEY. Madam President, I am going to now visit about an issue I often visit with my colleagues about, the issue of drugs, because I served with Senator BIDEN as cochairman of the drug caucus.

As a parent and now grandparent, I remain deeply concerned about the hazardous environment to which our children are exposed. Every day, we see more and more heartbreaking stories of a child being victimized in one way or another. Some of the most disturbing trends involve deadly drugs and our own kids. More specifically, there is an alarming number of kids who are being exposed to environments where illegal drugs are being manufactured and sold. Kids are also falling prey to unscrupulous drug dealers who are disguising highly addictive drugs to make them appear as if they were candy. I believe we have a moral obligation in this country to ensure our young people have every opportunity to grow up without being accosted by drug pushers at every turn, whether it is on TV in the home or on the way to school.

As a Senator representing a State that has been among the hardest hit by the scourge of methamphetamine abuse, I have witnessed firsthand how this horrible drug has devastated individual lives and families. I have seen the havoc wreaked on the environment as well as the child welfare system. I have listened to the horror stories of those caught in the grips of addiction. This is why I joined a number of my colleagues in passing the Combat Meth Act of 2005. This landmark legislation has shown dramatic results in decreasing the number of clandestine meth labs and increasing methamphetamine seizures.

While this is certainly welcome news, particularly for our first responders and local law enforcement community, meth labs in our communities are still a reality. For instance, in 2006, there were still over 6,400 clandestine meth lab incidents throughout the country. In my home State of Iowa, we have seen an 88-percent decrease in the number of meth lab incidents since 2004 when the Iowa Legislature passed a very important piece of legislation cutting down on the number of labs. Yet there were still 240 incidents of clandestine labs last year alone.

The Combat Meth Act has been particularly helpful in cutting down on mom-and-pop meth labs. However, our efforts have given rise to new and more disturbing instances of meth production, trafficking, and abuse that are becoming more prevalent throughout our country.

A case in point can be found in the State of Missouri, where police recently made seven meth-related arrests in just as many hours in the tiny quiet town of Ozark. The house where these arrests were made belonged to a 45-year-old grandmother, who was babysitting her infant grandson while his mother was away at school. Upon her arrest, she admitted using meth but denied that she was a dealer. However, while police searched the house, six more individuals were picked up on meth-related charges.

When it was all said and done, three children under the age of 3 watched as the police arrested their parent or grandparent for selling or possessing this terrible drug.

Sadly, this is not an unusual incident. We have here a picture of a baby. Scenes such as the one depicted on this chart are seen throughout the country. According to the Drug Enforcement Administration—DEA, as we call it around this town—more than 12,000 children throughout the country have been affected, injured, or killed at meth lab sites since 2002. Thousands more have been sent to foster homes or were victims of meth-related abuse in the home during the same period.

In my State of Iowa, the Department of Human Services reports that over 1,000 children over the past 4 years were classified as victims of abuse and that nearly half of child abuse cases have been meth-related. In 2006, there were 107 reported cases of child abuse where meth was manufactured in the presence of a minor.

Due to the shocking number of children who were being victimized by drugs in one form or another, I joined my colleagues in supporting a bill called the Drug Endangered Children Act of 2005.

This bipartisan legislation established a national grant program to support state Drug Endangered Children—DEC programs. These programs assist local law enforcement, medical services, and child welfare workers to ensure that victimized children receive proper attention and treatment after living in these terrible environments.

DEC programs greatly benefit local law enforcement by helping law enforcement coordinate in close cooperation with the Department of Human Services. This ensures a seamless coverage of child welfare and law enforcement joint operations. I am pleased to report that since this program was implemented a large number of communities throughout the Nation have formed multi-disciplinary alliances for the benefit of drug-exposed children. There are 16 communities throughout Iowa that have set up DEC programs and more are in the process of setting up additional programs.

Unfortunately, the authorization for this grant program expired for fiscal year 2008. That is why Senator Feinstein and I introduced S. 1210, the Drug Endangered Children Act of 2007. This legislation would reauthorize this important grant program for an additional 2 years to assist States in coordinating law enforcement, medical services, and child welfare efforts to ensure children found in such environments receive appropriate attention and care. The Senate Judiciary Committee unanimously reported this bipartisan legislation to the floor. I urge my colleagues to join us in support of this important legislation and pass the Drug Endangered Children Act of 2007.

As cochairman of the Senate Caucus on International Narcotics Control, I can tell you that the most at-risk population for drug abuse is our young people. Research has shown time and again that if you keep children drug-free until they turn 20, chances are very slim that they will ever try or become addicted to drugs. Unfortunately, unscrupulous drug dealers are all too aware of statistics like these. They have developed new techniques and marketing gimmicks to lure in younger users. The DEA and the White House's Office of National Drug Control Policy have recently issued warnings about highly addictive and dangerous drugs being colored, packaged, and flavored in ways that appear to attract use by children.

These drug dealers are flavoring drugs with additives to make them taste like candy. For instance, some drugs that have been recovered by the DEA and local law enforcement have been flavored to taste like strawberry. I have two charts just to show you the seriousness of this problem. One of these charts is of the popular novelty candy ''Pop Rocks.'' The other is of some strawberry-flavored methamphetamine, which is known on the street as ''Strawberry Quick,'' that was seized by police during a traffic stop in Missouri. You can see how similar these two products appear. It would be very difficult for a child to distinguish between these two.

Other flavors, such as lemon, coconut, cinnamon and chocolate are clearly being used to make highly addictive and dangerous drugs seem less harmful and more appealing. These flavored drugs are also being marketed in smaller amounts, making it cheaper and more accessible to children. According to an article in USA Today, at least eight States have reported instances involving candy-flavored drugs, and many law enforcement officials are expecting these deadly substances to infiltrate their communities in the near future.

Meth is not the only drug that is being flavored or disguised by drug dealers. The DEA recently arrested three men in an undercover operation in California where candy flavored cocaine was being distributed. The DEA seized at least four different flavors of cocaine along with other dangerous substances. The estimated street value of the flavored cocaine seized in this operation was over $272,000.

The DEA also arrested 12 people in connection to a marijuana-laced candy operation in 2006. The marijuana-laced candy that was seized in this operation was packaged to look like well-known brand name candy bars. You can see in this chart, all the varieties of marijuana-laced candy that this operation

produced. Once again, you can see how it would be difficult for a child to distinguish between these marijuana candies and the real product. These drug busts further illustrate the fact that drug dealers will stop at nothing to hook a new generation on these deadly drugs.

Due to the growing trend of these candy-flavored drugs, I joined Senator Feinstein in co-sponsoring S. 1211, the Saving Kids from Dangerous Drugs Act of 2008, a bill that ought to currently move forward. Currently, Federal law enhances the criminal penalties that apply when a person sells drugs to anyone under the age of 21. When this occurs, the Federal penalties are doubled—or tripled for a repeat offense—and a mandatory minimum of at least 1 year must also apply. However, this penalty applies only to someone who actually sells drugs to someone under 21.

The Saving Kids from Dangerous Drugs Act, as amended in the Judiciary Committee, would expand the circumstances under which these enhanced penalties apply to cover the entire operation. Under our bill, the enhanced penalties that already exist would also apply to anyone over 18 years of age who knowingly or intentionally manufactures, creates, distributes, dispenses or possesses a schedule I or II controlled substance that has been combined with a candy product, is marketed or packaged as if it were similar to a candy product, or has been modified by flavoring or coloring with the intent to distribute, or sell that controlled substance to a person under 21 years of age. The DEA busts are prime examples of why we need this bipartisan bill to keep drug dealers from pedaling their poison to our children.

The fight against deadly drugs is an ongoing struggle. We must continue to do all we can to protect the most vulnerable among us. We must send a clear message to those wishing to prey on our youth that you risk serious prison time when you target our future. The National Narcotics Officers Associations Coalition is strongly supporting this measure. This organization represents 69,000 law enforcement officers who encounter these terrible substances on a daily basis and work endlessly to keep our children and communities safe. I am pleased that my colleagues on the Judiciary Committee overwhelmingly voted in favor of reporting this important legislation to the floor. I urge all of my colleagues to join us in passing the Saving Kids from Dangerous Drugs Act of 2008.

I urge all my colleagues to join us—meaning myself and Senator FEINSTEIN, the main sponsors of the bill—in passing the Saving Kids From Dangerous Drugs Act of 2008.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Vermont is recognized.

FINANCIAL CRISIS

Mr. SANDERS. Mr. President, I wish to say a few words on the crisis about which everyone in America is talking. My phones, both in Vermont and here in Washington, have been bouncing off the hook with people who are outraged about the prospect of the middle class bailing out Wall Street. They are telling me: No way; we should not be doing that.

The current financial crisis facing our country should, in fact, put an end to almost any support for the extreme rightwing economic policies President Bush has been pursuing for the last 8 years and that, in fact, were pursued even before that.

These policies include, of course, huge tax breaks for the very rich under the guise that that money will trickle on down to ordinary people and create a prosperous nation. That certainly has not been the case.

Those policies include unfettered free trade, which says it is a good thing for corporate America to be able to throw American workers out on the street, move to China, and bring those products back into this country and run up what is now over a $600 billion-a-year trade deficit.

Last but not least, and pertinent to the great financial crisis we are facing right now—a crisis which many people believe is the most serious financial problem this country has had since the Great Depression of 1929—is the whole of deregulation, not only of financial services but of energy and many other sectors in our economy, under the guise that we should have great faith in large financial institutions, that they will do the right thing and that they will benefit the people of our country and, in fact, the world.

We have learned tax breaks for the rich do not filter down but make the rich richer. We have learned unfettered free trade costs us millions of good-paying jobs. We have learned that massive deregulation, allowing large financial institutions to do whatever they want to do under the radar screen, will only hurt our economy and maybe drive it to ruin.

In the midst of all this, it is important to understand what has been going on for ordinary people in this country. Since President Bush has been in office, nearly 6 million Americans have slipped out of the middle class and into poverty all over this country. In Vermont, as I suspect in Rhode Island, working people are working two jobs; husbands and wives who were working are now reduced to going to emergency food shelves in order to buy groceries they need to take care of their families. Since George Bush has been President, the median family income for working Americans has declined by more than $2,000, a huge decrease in the income for the middle class. Since President Bush has been in office, more than 6 million Americans have lost their health insurance, over 4 million have lost their pensions, foreclosures are at an alltime high, consumer debt has more than doubled, and today we have a national debt which is almost $10 trillion, a debt we are going to be leaving to our kids and our grandchildren. That is what is happening to the middle class under these extreme rightwing economic policies.

But in terms of this debate about what we do with regard to the current financial crisis we are facing, it is also important to understand not only what is happening to the middle class and the decline of the middle class, it is also important to understand what is happening to the people on top, the wealthiest people in this country. The top one-tenth of 1 percent now earns more income than the bottom 50 percent of the American people: One-tenth of 1 percent, bottom 50 percent. The top 1 percent now owns more wealth than the bottom 90 percent. This country has the most unequal distribution of wealth and income than since just before the Great Depression in the 1920s.

Mr. President, the wealthiest 400 people in our country, since President Bush has been in office, have seen their wealth increase by $670 billion. Let me repeat that in case people are kind of scratching their heads because this is such an extraordinary number. The wealthiest 400 people—that is not a whole lot of people—in our country have seen their wealth increase by $670 billion since President Bush has been in office.

In the midst of all of that, while the rich become phenomenally richer, President Bush lowered taxes on the very wealthy so they are now paying lower income tax rates than teachers, nurses, policemen, firemen, than people in the middle class.

I raise that issue for a very simple reason. Secretary Paulson, representing the Bush administration, which year after year until a few months ago was telling us how robust and strong the economy was—I remember, as a member of the Budget Committee, having Secretary Paulson in front of us not very long ago telling us the economy was marvelous. Marvelous.

In late July of this year, President Bush himself said the foundations of the economy were strong. That was on July 31. So after having told us what most middle-class Americans knew instinctively to be wrong, having told us over and over again how strong the economy was, how robust the economy was, last week the Secretary of the Treasury basically said in so many words: I guess we made a slight mistake. The fundamentals are really not very strong. In fact, if we do not act on the largest bailout in the history of our country, and you in Congress can take

a few days to respond, but if you do not act, there will be a financial meltdown not only in America but all over the world.

So year after year, until very recently, either because of incompetence and not understanding what was going on in the economy or perhaps dishonesty and not wanting to let the American people know what was going on in the economy, we were told everything was going well. Then they say: Oops, we made a slight mistake. Actually, we are on the verge of a major financial meltdown and we want Congress to accept a $700 billion bailout, and we do not want the Congress to discuss it very much. We do not want the Congress to change it very much. It has to act immediately because if it doesn't, terrible things will happen.

Well, when we talk about the reasons for the possible need of a bailout, we cannot minimize the incredible greed, the ugly greed we have seen among many of the wealthiest people in this country in the last few years, not least of all the people on Wall Street.

Let me give you some examples. In 2005, Henry Paulson, our now Secretary of the Treasury, was then the CEO of Goldman Sachs. He received, in 2005, a $38 million bonus. At that time, that was the largest bonus ever given to a Wall Street CEO.

In December of 2006, John Mack, the CEO of Morgan Stanley, broke Mr. Paulson's record by receiving a $40 million bonus—a bonus. This is on top of other forms of compensation.

Not to be outdone, Lloyd Blankfein, the new CEO of Goldman Sachs, received a $53 million bonus later that month. In 2007, 1 year ago, Mr. Blankfein, the CEO of Goldman Sachs shattered his own record by receiving a $68 million bonus.

In October of 2007, E. Stanley O'Neal, the former chief executive of Merrill Lynch—I think we all know what has happened to Merrill Lynch very recently—collected a severance package worth an estimated $161 million.

Angelo Mozilo, the former CEO of Countrywide—we know what happened to Countrywide—received a severance package of about $110 million. That was on top of $140 million in Countrywide stock that he sold off during 2006 and 2007. Mozilo was also paid $48 million in 2006.

In 2007, here is perhaps—when we talk about Wall Street greed and when we talk about Wall Street bonuses—the most outrageous fact out there, which is that in 2007 Wall Street's five biggest firms—Bear Stearns, Goldman Sachs, Lehman Brothers, Merrill Lynch, and Morgan Stanley—paid out $39 billion in bonuses to themselves.

Wall Street investment bank bonuses are larger, just their bonuses, than the gross domestic products of Sri Lanka, Lebanon, or Bulgaria, and the average bonus—average—of $219,000 is more than four times higher than the median U.S. household income.

Why do I raise those issues and give those facts? I do that for a very simple reason; that is, I regard it as an outrage for anyone to suggest the middle class of this country, whose standard of living is going down, should be forced to bail out Wall Street when people on Wall Street have made huge amounts of money in recent years and, in general, as a result of Bush's reckless and irresponsible economic policies.

The wealthiest people have also done extraordinarily well. What President Bush would have us do is to say to the middle class that is sinking, you pay for the bailout caused by Wall Street's irresponsibility, and we do not have to ask them to do anything. They pay no price at all.

I regard that as an absolutely unacceptable outrage, something we must not allow to happen. I am open to other ideas on this issue, but for me, the bottom line on this bailout is that the middle class should not be paying. There are a number of ways we can go forward to protect the middle class. I have suggested a 5-year, 10-percent tax on incomes over $1 million a year for couples, and $500,000 for single taxpayers. That would raise more than $300 billion in revenue.

That begins the process of saying to the wealthiest people who have benefitted from Bush's reckless policies: You have to step to the plate, and this is not going to be on the middle class to provide the money for the bailout—this money, by the way, which is $2,200 for every woman, man, and child in this country and, a family of four, close to $9,000.

In addition, we have to ensure that assets purchased from banks are realistically discounted so companies are not rewarded for their risky behavior and taxpayers can recover the amount they pay for them.

Thirdly, we must require that the taxpayers receive equity stakes in the bailed-out companies so the assumption of risk is rewarded when a company's stock goes up. We are going to buy this stuff, and as stocks go up we should benefit from that. In addition, at a time when the middle class has so many serious problems; when people in my State and in the State of the Senator from Rhode Island are worried about how they are going to be able to heat their homes this winter; when millions of middle-class families are worried about how they are going to be able to send their kids to college; at a time when our infrastructure is collapsing, and we have the potential to create millions of jobs rebuilding our bridges, our roads, our rail systems; at a time when we must move from fossil fuels to energy efficiency and sustainable energy and create large numbers of jobs in that area as well; we need a major economic recovery program which puts millions of Americans to work dealing with the many unmet needs facing our country.

In addition, to my mind, any serious piece of legislation dealing with this bailout must include language which undoes the damage caused by excessive deregulation. That means reinstalling regulatory firewalls that were ripped down in 1999. And, lastly—not lastly because I think many other people have other good ideas as well, but the last point that I want to make tonight is a very important point.

We are where we are today because of the doctrine of ''too big to fail.'' The assumption is that if we allow these huge institutions to fail, they take down the entire economy and virtually all of our people suffer.

I would respond to that in the future by saying that if an institution is too big to fail, that institution is too big to exist. I should tell you that I have serious concerns right now about the Bank of America swallowing up Countrywide, swallowing up Merrill Lynch. If they were to be teetering, does anyone have any doubt that there would have to be a massive bailout for that bank? But it is not only the Bank of America. I think we have to take a very hard look at these huge institutions, which, if they fail, could impact the entire economy. I think we need to start doing something that was talked about in the early part of the 20th century about breaking up these huge institutions.

There is a lot of work that has to be done in the near future. But for me, the bottom line is that at a time when the wealthiest people made out like bandits under Bush's reckless economic policies, while at the same time the middle class declined, it would be absolutely grotesque to ask the middle class of this country to pay for this bailout.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. SESSIONS. Mr. President, I know the country is focusing on and we are all concerned about the state of the economy and some of the proposals that are being raised to fix that, including the proposal from the Secretary of the Treasury and the administration for a $700 billion expenditure. That is almost one-third of the entire governmental expenditure this year. It is more than the war in Iraq has cost, and it is an extraordinary thing.

I do not know the answer. I am not a master of the universe. I have used the phrase sometimes: Masters of the Universe. Understand that if this legislation, as was proposed, were to become law, we would have one single master of the universe, almost, the Secretary of the Treasury.

I think this Congress has a responsibility here. I want to say that. I know now is not the time to go into a lot of detail, but I want to say this Congress has a responsibility, and we are not free to dust our hands and say: Mr. Secretary, you have all the power you want to buy and sell private corporations, to spend up to $700 billion, and we are all going to be happy about it. We think you can fix it, and we will go home and do our campaigning. I think we have a bigger responsibility than that.

I wish to say—and I have great respect for Secretary Paulson, I do—I would want to know more about the nature of the crisis we are facing. I know we have a serious crisis. I wish to know why we cannot slow down a little bit and think this thing through. That is the tradition of the Senate, the saucer that cools. But we are hearing: It is a crisis, and you politicians will mess it up. Go on and get out of the way and vote this thing out and we will take care of it. But that implicates the separation of powers to an extraordinary degree and may well be adverse in the long run. The proposal certainly was not greeted by Wall Street today as an indication of a solid fix. The market dropped again, and people apparently thought it would weaken the dollar and that is the reason oil prices increased. So this is a matter we need to think about.

I urge my colleagues on the relevant committees and the leadership on the Republican side in the Senate and the Democratic side: Let's not be stampeded here. Let's ask good questions. I am one who is not adverse to taking action, appropriate action, but I think we need to not be stampeded. It is a bit hubris to think one person can fix it all and somehow that person can stand in the middle of all of the market forces and rebalance them. Do we believe in the market or not?

One socialist is reported to have said when asked: What is socialism: It is the ability to control the commanding heights of the economy. Well, financial institutions are one commanding height of the economy. Who are we not giving control of that over to?

I think in a fundamental sense, the goals I believe we should have would be first to protect the interests of the taxpayers before we spend in a manner of days an amount of money equal to and in excess of the war in Iraq—almost one-third of our annual expenditures. Let's protect the taxpayers. How do we do that? We need to find out more about the problems. We are told there are grave problems, problems, problems, and we have to act, act, act. Exactly what are those problems that require us to act so fast?

Secondly, I think our action should be respectful of the marketplace, and let's try to do what would restore integrity in the marketplace. I don't think it is necessary that we need more regulation as much as we need better, more appropriate regulation. I would note that my colleague, Senator SHELBY, the ranking Republican on the Banking Committee and former chairman, has fought for years to have more control over Freddie and Fannie and their activities, as the Wall Street Journal noted recently.

I urge my colleagues: Let's take some time. We got into this in large part by some bad government policies and actions. I think we can all admit that. The government is going to have to take action. I recognize that. But I think it is important that when we act on a matter of this size and this importance, we take enough time to understand what is in it and do the right thing, not the political thing in this political season.

I thank the Chair for the opportunity to share those thoughts. I know there are some fine Members of this Senate worried right now who are wrestling with these issues. I, for one, believe that maybe a little slower action, a little more thought, may turn out to be better in the long run than a panicky response.

I thank the Chair and yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the decision has been made that we are going to try to work with Dr. COBURN tomorrow to see if we can get part of the 34 bills he has held up for long periods of time, to see if we can get some of those passed by unanimous consent. There is a possibility that we can get 8 or 10 of them done and if we could, that would be very nice. If we can't, we will wait until next year when we have more opportunity to do things such as this and less problems of people holding things up. So we are going to do the best we can.

40TH ANNIVERSARY OF MALDEF

Mr. REID. Mr. President, I rise to call the attention of the Senate to the 40th anniversary of the leading Latino litigation, advocacy, community education, and outreach organization in the United States. The Mexican American Legal Defense and Educational Fund, MALDEF, celebrates 40 years of protecting and promoting the civil rights of Latinos in the United States.

MALDEF'S service to the Latino community is exemplary; they utilize multiple strategies to foster sound public policies, laws, and programs that secure the civil rights of Latinos. Their work on employment, education, immigration, political access, language, and public resource equity issues is pivotal to the advancement and progress of the Latino community in the United States.

Over its rich 40-year history, MALDEF has been led by some of the best and brightest Hispanic leaders who paved the way for excellence in nonprofit leadership. Thanks to the fine leadership of Mario Obledo, MALDEF's first president and general counsel; Antonia Hernandez, who served MALDEF for 23 years; and John Trasviña, MALDEF's current president and general counsel, we have much to celebrate. MALDEF's leadership is heard throughout the nation from their headquarters in Los Angeles, to San Antonio, Chicago, Washington, DC, Houston, and Sacramento.

During these especially hard times for our Latino brothers and sisters, when the anti-immigrant sentiment is at its highest, MALDEF has been fighting to challenge breaches in voting rights, workplace discrimination, access to justice, and educational access. In 2006, MALDEF went before the U.S. Supreme Court and successfully challenged a congressional redistricting plan that discriminated against Latino voters in Texas. Most recently, MALDEF won a case that will require the Texas Education Agency to fix the State's English Language Learner, ELL, programs in secondary schools and restore educational equity for our Latino students.

I commend the Mexican American Legal Defense and Educational Fund for their 40-year commitment to the Hispanic community. Their record of legal representation, advocacy, and educational outreach has indisputably improved the quality of life and opportunities of all Latinos in the U.S. It is through the hard work of organizations like MALDEF that we will be able to overcome social and economic inequalities faced by Americans of different ethnic and racial backgrounds.

RETIREMENT OF CHARLES MICHAEL ''MIKE'' NANNINI, JR.

Mr. REID. Mr. President, I rise today to recognize my friend Charles Michael ''Mike'' Nannini, a dedicated public servant who retired last month after 16 years of service to Nevada as an Elko county commissioner.

Mr. Nannini was first elected in 1992 and has since completed four terms as

county commissioner for District 1. When he retired in August, Mike was serving as the chair of the commission—a position he held numerous times throughout his tenure.

A long-time resident of Nevada and a graduate of the University of Nevada, Reno, Mike is a devoted and active member of his community. In addition to his time on the Elko County Commission, he has also served on the Elko County Planning Commission and was mayor of Wells, NV. He has contributed to Elko County as a 35-year business owner, a realtor, and a horse and cattle owner.

With an unyielding commitment to public safety, Mike served as the Sheriff Department's liaison, fought to bring a juvenile justice facility to Elko County, and served on the Central Dispatch Administrative Authority board. He has also given his time as a U.S. Forest Service and BLM Liaison, on the Metropolis Dam Rehabilitation board, and as a board member for the Heart Project, a tire recycling project.

Mike has also worked hard to bring the citizens of Elko County together—no matter how far-flung they may be. Good communication is essential in rural Nevada, and Mike made an effort to bridge gaps between larger communities and the outlying towns. As a part of this plan, he helped organize rural commission meetings so that the concerns of the unincorporated communities could be heard. Mike also served on the Elko County Fair Board, and established the annual Elko County Employee Picnic to recognize and thank county employees for their hard work to support Elko County.

Elko County has prospered under Mike's leadership, and although he is retiring, the benefits of his service will be felt for years to come. One of his long-held goals has been to see a new administration building for the county, and ground was recently broken on this project, which should be completed by 2011. Additionally, Mike continues to work on a project to restore the Bishop Creek Dam so that it may be used for recreational and agricultural needs in the county.

After many years of service, Mike will enjoy retirement with his wife Lois and their children and grandchildren. I am grateful for his service and proud to honor him and his achievements.

COMMENDING HONOR FLIGHT

Mr. MCCONNELL. Mr. President, I would like to speak briefly about a special group of Kentuckians who visited our Nation's capitol last month. In August, 39 World War II veterans from the Commonwealth visited the memorial which they inspired on the National Mall. These heroes were able to make this trip because of the Honor Flight Program, a nonprofit organization which transports surviving World War II veterans from around the country to see their memorial free of charge. Because Congress was out of session during their visit, I was back home in Kentucky. As a result, I was unable to participate in this Honor Flight event as I have in others before it. However, I hope to have the opportunity to meet more of these inspirational veterans on future Bluegrass Honor Flight trips.

The World War II Memorial was dedicated in 2004, nearly 60 years after our troops returned home. It sits, appropriately, between the Washington Monument and the Lincoln Memorial—reflecting the same principles of courage and valor that were embodied by these two great Presidents. The legacy of the World War II veterans who defended those principles from enemies of freedom is not only preserved by this memorial, but it is honored each day in the sacrifices of American troops who continue to do the same for our Nation in the war on terror.

As Americans, we are forever indebted to the brave men and women of the United States military who defend this great Nation. The veterans of World War II made tremendous sacrifices so that we could continue to live in prosperity and freedom and for that they are more than deserving of their title as the ''greatest generation.''

I would ask that my colleagues join me in honoring these Kentucky veterans:

WORLD WAR II VETERANS

Henry Alford; Salvator Amato; Fairel Bailey; Harlan Barton; Woodrow Bryant; Wilbur Cannon; Charles Carveth; Clarence Cox; Richard Dolan; Luther Drury; Francis Fleck; John Frantz; William Glye; Sam Goldstein; Eugene Haag; James Harrison; James Hunt; Paul Jones; James Lenihan; William Lippy.

Beverly Miller; Bobby Morgan; Ernest Morgan; James Nicholson; Lewis Perciful; James Plummer; Carl Rapson; Shirrelle Render; Harold Senior; Evan Shelby; Donald Stevens; Wayne Tabor; Willard Thomas; Ernest Wagner; Phillip Wells; James West, Jr.; Elmer Whitaker; Cecil Williams; Gilbert Yunt.

INTERNET SERVICES USAGE RULES AND POLICIES

Mrs. FEINSTEIN. Mr. President, I wish to inform all Senators that on Friday, September 19, 2008, the Committee on Rules and Administration approved amendments to the U.S. Senate Internet Services Usage Rules and Policies. These regulations are effective immediately.

The regulations were amended to accommodate Senate offices interested in utilizing social networking sites. I wish to emphasize that all Senate Web sites must be located in the senate.gov host domain, except for the exceptions specified in A3 of the regulations.

Mr. President, I ask unanimous consent to have the amended regulations printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE INTERNET SERVICES USAGE RULES AND POLICISE

A. SCOPE AND RESPONSIBILITY

1. Senate Internet Services (''World Wide Web and electronic mail, blogs, podcasting, streaming media, etc.'') may only be used for official purposes. The use of Senate Internet Services for personal, promotional, commercial, or partisan political/campaign purposes is prohibited.

2. Members of the Senate, as well as Committee Chairmen and Officers of the Senate may post to the Internet Servers information files which contain matter relating to their official business, activities, and duties. All other offices must request approval from the Committee on Rules and Administration before posting material on the Internet Information Servers.

3. Websites covered by this policy must be located in the Senate.gov host-domain.

a. Exceptions: A Member, Committee or Officer of the Senate (''Office'') may separately maintain websites or channels or otherwise post material on third-party websites that are available to the general public subject to Senate Rules, Regulations, Standing Orders and Statutes governing Senate operations, including the prohibition on using Senate internet resources for personal, promotional, commercial, or partisan political/campaign purposes.

To provide assistance and guidance to Offices, the Rules and Administration Committee may provide a non-exhaustive list of examples of third-party websites that, at the time they are reviewed by the Committee, agree:

a. to provide naming protocols or other methods that will enable the public to know when a site or channel is maintained by an office;

b. not to add personal, promotional, commercial or partisan political/campaign-related content or links to an Office-maintained website or channel; and

c. not to use data gathering tools on an Office-maintained website or channel that allow for collecting personal information on users and distributing it to outside parties.

b. If the use of a particular website is determined to pose a possible threat to the security of the Senate's computer network, the Committee on Rules and Administration reserves the right to direct offices to cease using these websites until the issue can be resolved.

c. The Rules Committee shall require the removal of a website or channel maintained by the Member on such third-party website or channel at the end of a Member's term.

4. It is the responsibility of each Senator, Committee Chairman (on behalf of the committee), Officer of the Senate, or office head to oversee the use of the Internet Services by his or her office and to ensure that the use of the services is consistent with the requirements established by this policy and applicable laws and regulations.

5. Official records may not be placed on the Internet Servers unless otherwise approved by the Secretary of the Senate and prepared in accordance with Section 501 of Title 44 of the United States Code. Such records include, but are not limited to: bills, public laws, committee reports, and other legislative materials.

B. POSTING OR LINKING TO THE FOLLOWING MATTER IS PROHIBITED

1. Political Matter

a. Matter which specifically solicits political support for the sender or any other person or political party, or a vote or financial

assistance for any candidate for any political office is prohibited.

b. Matter which mentions a Senator or an employee of a Senator as a candidate for political office, or which constitutes electioneering, or which advocates the election or defeat of any individuals, or a political party is prohibited.

2. Personal Matter

a. Matter which by its nature is purely personal and is unrelated to the official business activities and duties of the sender is prohibited.

b. Matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Senator on a purely personal or political basis rather than on the basis of performance of official duties as a Senator is prohibited.

c. Reports of how or when a Senator, the Senator's spouse, or any other member of the Senator's family spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Senator is prohibited.

d. Any transmission expressing holiday greetings from a Senator is prohibited. This prohibition does not preclude an expression of holiday greetings at the commencement or conclusion of an otherwise proper transmission.

3. Promotional Matter

a. The solicitation of funds for any purpose is prohibited.

b. The placement of logos or links used for personal, promotional, commercial, or partisan political/campaign purposes is prohibited.

C. RESTRICTIONS ON THE USE OF INTERNET SERVICES

1. During the 60-day period immediately preceding the date of any primary or general election (whether regular, special, or runoff) for any national, state, or local office in which the Senator is a candidate, no Member may solicit constituent input or inquiries (such as online petitions or opinion polls or issue alerts) using a Senate Internet Server (''World Wide Web and electronic mail, blogs, podcasting, streaming media, etc.''), unless the candidacy of the Senator in such election is uncontested.

2. Electronic mail may not be transmitted by a Member during the 60-day period before the date of the Member's primary or general election unless it is in response to a direct inquiry. Exceptions to this moratorium include the following: press release distribution to press organizations and email to perform administrative communication. Direct inquiries do not include a request to be added to a mailing list, subscription list, or other request to receive future mailings. During the 60-day period, electronic news letters may not be sent out.

3. During the 60-day period immediately before the date of a biennial general Federal election, no Member may solicit constituent input or inquiries (such as online petitions or opinion polls, issue alerts or request to be added to newsletter mailing lists electronic or otherwise, on behalf of another Senator who is a candidate for election, unless the candidacy of the Senator in such election is uncontested.

4. An uncontested candidacy is established when the Rules Committee receives written certification from the appropriate state official that the Senator's candidacy may not be contested under state law. Since the candidacy of a Senator who is running for reelection from a state which permits write-in votes on elections day without prior registration or other advance qualification by the candidate may be contested, such a Member is subject to the above restrictions.

5. If a Member is under the restrictions as defined in subtitle C, paragraph (1), above, the following statement must appear on the homepage: (''Pursuant to Senate policy, newsletters, petitions, opinion polls and issue alerts and other electronic communications cannot be initiated by this office for the 60-day period immediately before the date of a primary or general election.''). The words ''Senate Policy'' must be hypertext linked to the Internet services policy on the Senate Home Page.

6. A Senator's homepage may not refer or be hypertext linked to another Member's site or electronic mail address without authorization from that Member.

7. Any Links to Information not located on a Senate Internet Server must be identified as a link to a non-Senate entity, subject to the exceptions noted in (A)(3).

D. MISCELLANEOUS

Domains and Names (URL)—Senate entities must reside exclusively on Senate.gov domains, subject to the exceptions noted in (A)(3). The URL name for an official Senate Website located in the Senate.gov domain must:

1. Member sites—contain the Senator's last name.

2. Committee sites—contain the name of the committee.

3. Officer sites—contain the name of the office.

INTERNATIONAL DAY OF PEACE

Mr. HARKIN. Mr. President, I want to take some time to remind our colleagues, and indeed all Americans, that yesterday, September 21, 2008, was the International Day of Peace. The United Nations and its member states unanimously established an International Day of Peace in 1981. However it was not until 2001 that September 21 was agreed to as the permanent date. According to the U.N. resolution, the International Day of Peace should be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples. I applaud Governor Chet Culver for his proclamation affirming Iowa's observance of International Peace Day. And, at this time, I would like to do my own part to mark this day, especially on the behalf of the many Iowans who are committed to the ideals of peace.

Unfortunately, this may be International Peace Day, but sadly our leaders are faced with numerous challenges around the world that undermine the ideal of peace. The United States is in the sixth year of a devastating war in Iraq, a war of choice that was launched preemptively by the current U.S. administration. The Middle East is in turmoil. We have an ongoing genocide in Darfur. A dictator still clings to power in Zimbabwe by indefinitely postponing, without explanation, scheduled meetings to discuss the implementation of a power-sharing agreement, despite the fanfare surrounding its signing. Russia continues its illegal presence in Georgia. HIV/AIDS and malaria continue to ravage the continent of Africa. Millions of children are forced to work in abusive conditions—in many cases, as outright slaves—and are denied an education. Drought and rising food prices are causing even more hunger and famine in some of the world's poorest places.

But a true commitment to peace is not measured by a proclamation or by high-minded speeches on 1 day of the year. It takes more than good intentions and high ideals. What it takes is the hard work of diplomacy, people-to-people exchanges, and active, assertive peace movements in each country.

I agree whole-heartedly with recent remarks made by Secretary of Defense Robert Gates. He said our institutions of diplomacy and development have been chronically undermanned and underfunded relative to our military expenditure. I came across a sobering statistic along these lines just the other day. In this country we have more musicians in military bands than we do members of the Foreign Service.

What are our priorities? We spend nearly $1 billion a year on military academies to train our best and brightest young people to make war. But we spend almost nothing to train our cadre of diplomats to use diplomacy to strengthen peace around the world.

Mr. President, I have long been committed to finding peaceful solutions to conflicts. That is why I was present at the creation of the U.S. Institute of Peace. Throughout our long history, America has been proud of its strong, well-led military. And this outstanding military leadership is no accident. It is possible because we maintain prestigious, world-class military academies that train some of the best and brightest minds in America in the art and science of war.

But Americans also have a long history as a peace-loving people. Time and again, we have brokered peace agreements between warring nations, and we have intervened to head off potential conflicts. The Institute of Peace draws on this proud tradition and today makes a vital intellectual investment in the art and science of peacemaking by engaging with the Iraqi people to build peace from the community level.

Addressing worldwide hunger is crucial for ensuring the health of people in developing countries and maintaining peace throughout the world. The U.S. is a major contributor to international food aid by providing, on average for the last 6 years, roughly 55 percent of annual total food aid provided to low-income and developing countries. I believe we can still do more. That is why I worked hard to strengthen food aid programs in the 2002 and 2008 farm bills and continue to support expansion of our food aid efforts.

During my tenure in the Senate, I have consistently championed food aid

programs such as Public Law 480, title II, also known as the Food for Peace Program. Title II is extremely important in providing U.S. food developing countries meet humanitarian needs arising from emergencies or for use in development projects.

I am also a strong advocate and was a lead sponsor of the McGovern-Dole International Food for Education and Child Nutrition Program established in the 2002 farm bill, which was reauthorized in the 2008 farm bill. The McGovern-Dole program encourages education and provides food to improve nutrition in developing countries for preschoolers and school-aged children and their families through the use of both in-school programs and take-home rations. I believe that it is essential to fully fund food aid programs which help to promote a safe and healthy diet for people in developing countries, and will ultimately make the world a safer place to live.

America is strongest when we lead not by force of arms but by our democratic and moral example. It takes a sustained effort to understand our adversaries and, if at all possible, to resolve our differences peacefully. The International Day of Peace allows people to think about redoubling our diplomatic efforts and reducing violence.

I look forward to a time, hopefully not too far in the future, that will truly be a day of peace. But let us remember that peace is not merely the cessation or absence of hostilities. The ideals of peace require us to practice understanding, tolerance, and honorable compromise. The ideals of peace require us to look upon our fellow human beings and to see them as our brothers and sisters. The ideals of peace require us to reject unprovoked aggression and violence as acceptable instruments of national policy.

So, Mr. President, on this day after the International Day of Peace, I salute the many good people in Iowa, across America, and around the world who devote themselves 365 days a year to the cause of peace and nonviolence. The world is a better place because of their activism and engagement.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask that today's letters be printed in the RECORD.

You asked for comments on how the fuel costs have affected me. It has been good for my health. The high fuel prices have gotten me back on my bicycle, and I am enjoying it very much. I put baskets on my bike to carry supplies and groceries, and it works very well. When I see people driving three or four blocks to get coffee or ice cream or beer or whatever, and then listen to them complain about how much fuel costs them, I have a hard time with that. I drive a lot less than I used to, and am hoping the rest of the country will follow suite. I turned my thermostat down this past winter, and my bills went down even with rising costs. Putting a sweater on is easy. As people comment when they see my baskets full of groceries, most of them say they should do that. I am wondering why they are not. Instead they go to the gym and burn gas getting there and back to get a workout. Why not walk or ride a bike? Hopefully, folks will start thinking about how far away their job is and try to live within a short commute or bike ride away. There are lots of things people can do to consume less. More public transportation is a must and would be a lot cheaper in more ways than one, than more nuclear power plants. More bike-friendly places and bike paths would get people riding. The communities/cities of Idaho would be a much better place to live that have walk/bike friendly road/shoulders. So this is how high fuel prices have affected me in Idaho. We all need to get out of our cars and enjoy the scenery!

Thanks,

LYNN, *Rathdrum.*

I am an owner/operator truck driver. It is getting real hard to make a living out here on the road. The price of fuel is almost to the point of shutting this country down. I have just a few more payments left on my truck . At this point, I cannot make a full payment on my truck each month. So it is going to take even longer to get the job done. When I get the truck paid off, I am afraid, like many others, I will have to park my truck. I cannot haul freight for nothing. I do not enjoy it that much. I use to stay out 4–6 weeks at a time; now, I have to stay out 2 months or longer and still cannot keep the payments caught up. But I am so exhausted that I have to take a few days off. This only makes me farther behind. Thanks for the help!

DANNY.

Almost half our state of Idaho is rural, and much is in BLM Land. So, to get to Idaho cities requires driving long stretches of highway or two-lane roads. I have to drive to Garden Valley every weekend from Boise, and sometimes I have to go there two or three times per week. At 60 miles one way and 120 miles roundtrip, we have seen our gasoline bill nearly double. Next to our mortgage payment, gasoline expense has become our second highest cost in our household. I get raises very infrequently, so this has shot our budget. We do not shop as much and we have stopped going out to eat or go to any entertainment. This, in turn, has hurt our economy.

I listened to the Governor of Montana say he has enough coal and oil along with the major oil finds in the Dakotas to virtually replace the dependence we are placing on foreign energy, but our own red tape has hamstrung our domestic energy companies from developing these resources. Why? It is past time to drill in ANWR. Let us get that rolling now—we have better technology to minimize the environmental impact than any other nation on earth. The time is ripe to even consider re-introducing the 55 MPH speed limit again. I am ready to vote for nationalizing oil, natural gas, and electricity. These three resources have got to be stabilized for our nation to stay in good economic health. By not stabilizing these three resources, we are headed for economic ruin.

Right now, corn is up so high for the ethanol that farmers are producing that they are not selling corn for food. Cattle are not getting enough feed to eat, so ranchers are planning to mass sell off their herds, which will temporarily glut the marketplace then beef will soar in cost. Our airplane and automotive situation has nosedived, and the vacation industry is failing. Private truckers are parking their rigs and even selling them to Russia, so when gas and diesel prices come down, the trucking industry will not recover. Of course, the housing market is dying with the subprime mortgage mess, and banks do not have the necessary reserves on hand to even lend more money though the Fed has lowered the interest rates to 2%.

Frankly, unless some or all of the oil and natural gas industry is immediately nationalized, I fear we are economically doomed and will lead the whole world into an economic recession/depression. Please kill any legislation regarding carbon capping. There is no way there is enough CO_2 in the world to cause global warming. With CO_2 only comprising .05% of the atmosphere, even doubling, tripling, its concentration will not cause global warming, but sunspot flare activity surely can and does cause global warming. Over 21,000 scientists now agree this is true versus 2,500 who disagree. We have got to wake up and take action together. Thanks for asking for our opinion.

HERMAN.

If the U.S. government reduced some of the huge amounts of oil held in reserve, the price of oil would immediately fall. I just cannot understand why such action has not been taken and can only conclude that [partisan or illegal actions may be behind the price fixing.]

Regards,

BILL.

As a single father and college student, I pay over $500 per month in child support. I am barely making it and I depend on student loans to even survive. I cannot afford to be paying outrageous prices for gas. I have errands to run everyday. If this continues, I do not know what I can do to keep a roof over my head and feed my children when I have them. Please, we cannot ignore this price gouging.

DOUG.

Thanks, Senator Crapo, for this opportunity to share my opinions and stories about the high cost of fuels and how it is affecting my immediate family.

Two weeks ago, my husband finally broke down and called our fuel oil dealer to order 100 gallons of stove oil. It has been a cool spring. We have been wearing extra sweaters and jackets to be warm inside our home! The price for that was $450, and that did not fill up our tank. This is the end of winter; what is stove oil going to cost in the fall, next

winter? Not so long ago stove oil was pennies on the dollar. We used to burn wood, but it also takes gas for the chainsaw and truck to haul it home. You also have to buy a permit to gather the wood. It is no longer free! My Social Security check is $515 a month. I live 16 miles to our nearest town, 42 miles to Couer d' Alene, our county seat where we conduct a lot of our business. There is no public transportation to anywhere I live.

People in the East have no concept of the distance to places in the West!!! Back there you can visit several states and we are still on our way to Boise when they have come and gone to their state capitol and perhaps 5 or six bordering states. Boise is 400 miles south on what is referred to as the ''Goat Trail''. It is about an eight-hour trip by car. Folks, it is no freeway. North Idaho's freeway is I–90 & it is 75 miles wide. That is the width of the panhandle there.

We have driven the most economical car possible since 1985 when Chevrolet came out with the Chevy Sprint that consistently gives about 45 miles to the gallon. It is a 3-cylinder car that is great for commuting, but it is no luxury car. Our second car is a 1996 Subaru Legacy Outback. It carries a month's worth of groceries and other supplies. It also brings us to the top of the hill we live on when there is lots of snow on the ground.

Chevrolet first came out with the Sprint, then the Geo and now the Aveno (?I believe it is called). Each model the gas mileage has decreased significantly. In our area, doctors and dentists are driving them for the gas mileage, not for their luxury. You see, it is affecting the professionals too!

I feel that the car companies and oil companies are in cahoots to keep the gas flowing when they can and have designed fuel efficient vehicles for the modern day public. Take the time to view the DVD, ''Who Killed the Electric Car?'' It tells what happened to the electric car. It is available in the Kootenai/Shoshone public library system.

General Motors developed an electric car in the late '90's, 2000's that was leased to drivers in California. Each driver loved their car. Had fun with it and it was economical to drive with rechargeable batteries. Some models even recharged as they were driven. They did not even need to be parked to be recharged. They were economical, easy to maintain and sensible to drive. What happened to them? They were taken away from the drivers/leasee & destroyed/crushed!!!! And that under much protest!

Some of these things we've done to ourselves, but other things the American public does not have many choices when it comes to what we drive. I will tell you this all these SUV's on the highway are a disgrace to economy. And legislation was giving a tax break if you went out and purchased one a few years ago. Tell me, what kind of economic sense does that make??? They're just a pack of gas guzzlers!!!

Thanks again for the opportunity to sound off a bit!

TIFFANY, *St. Maries*.

I am 63 years old and last year, right before the prices went out of control, already had purchased an electric bike to use to get to work. Fortunately, I only live a little over a mile away and can use this bike that goes 15 miles an hour. My determination to ride this bike increased as the hot days turned into colder ones and I was able to ride my bike through November so I would not have to fill the pick-up with gas too much. Government wants us to recycle to help the environment and I am all for it, but when we try to do our part, we do not get any help in return. If you do get an electric car which no one can afford but the wealthy.

I see my single parent daughter trying to commute and make ends meet and it gets increasingly difficult because with gas prices she goes with less food for family, etc.

I think it is outrageous for our country and politicians to allow these price increases when we have the means to take care of this country. Twenty years ago they spoke of getting alternatives and did not push this issue and had they done so much more could have been done. I am afraid that before long we will see violence in this country mainly because our jobs are gone, price increases in every area of products, but no one ever increases the wages to meet the demands of other increase. What is the matter with people in government and businesses?

I do not like to see government control but because our business people will not use common sense to see what happens when the jobs go there is not sufficient jobs to go and buy the products. What is wrong with this picture? We need to start taxing products from overseas that come here so businesses will come back to the states and put our people back to work. How sad our government has deserted their own people.

I am hoping with all my heart that someone will step up to the plate and really try to make a difference. We have to do something as everything is getting out of control and it is sad because of what our forefathers have tried to do before us to make it a great country. I am angry and I do not like politics, but when I see people trying to do well for their families and that means is taken away from them, someone needs to speak up.

DEVERA, *Nampa*.

I appreciate the help trying to keep energy prices at a manageable level. As a lifelong Idahoan, I have grown accustomed to the Idaho way of life. I travel to the same hunting and fishing grounds that my father and my grandfather have previously shown me, teaching my kids to enjoy what our state has to offer. I am a married father of three kids, hoping for a couple more. I work as an accountant and, for the last two-and-a-half half years, my wife has stayed home to raise our kids. It was a giant leap of faith for us to go from two incomes down to one. We sacrificed a lot of the little luxuries but have been blessed by being able to teach our kids. As a result, my eldest daughter, who is in second grade, has excelled in school. She and her siblings love to learn. As the general costs of living have increased, I made the decision to pick up a paper route to help build our savings. I spent many years in college before finally graduating from BSU in 2005. Our savings was depleted. Just as we thought we were going to get ahead, the gas prices started going up. The speed at which they increased has not allowed wages to follow. I still throw papers, but the amount of money I can earn is much lower. My route requires me driving over 40 miles each day. This is on top of my 17-mile each way commute to work. There is little to no public transportation here, and my commute is a bit longer than a bike ride. Cost of living has risen dramatically requiring me to use the money earned from newspaper delivery to help supplement our budget to pay bills. Travel plans this spring and summer have been canceled due to the price of fuel. The number of trips I will be able to take to get in some fly fishing will be cut as well. What I would like to see is a short term help but long term solution. While an increase in domestic supply will begin to stabilize prices, it will not be a long term solution due to the volatile OPEC. We need alternative energy solutions and an increase in public transportation. I hope that our countries leaders can keep an open eye to all sources of power. INL has long been a great source for nuclear power but it seems that too many people are scared to work with. The Integral Fast Reactor was shut down during the Clinton era and years of technology was lost. We must find a better solution.

JOE, *Boise*.

I work in Hailey, which is a commute of 150 miles each work day. It now costs me in excess of one hour of my wages to make the drive. My gasoline costs are around $800 per month. We heat our house with oil and it now costs us right at $1,000 to fill our 250-gallon barrel. We cannot afford to take a vacation because of the fuel, motel, and food prices. My wife and I find this quite disheartening.

I would really like to see the United States become energy self-sufficient. I know the technology is available to help us get their let us offer entrepreneurs incentives to accomplish this. If Congress would make all cars sold in the U.S. flex fuel cars, this would drive the alternative fuel market into production. If Congress would require that all new cars meet the fuel economy requirements that are scheduled for 2020 become a requirement by 2010, this would also help. If Congress would take control over fuel and energy futures trading, this would also help. Thank Congress for taking away the incentives to the fuel producers.

We put a man on the moon in less that a decade, so I truly believe we can become self sufficient if we put our minds and hearts toward this goal.

Sincerely,

WALT, *Kimberly*.

I live ten miles from town. I moved to this location for solitude several years ago. Because of the greed of the petroleum industry, I am to the point that I cannot take my handicapped wife for a weekend drive. My propane heating bill has doubled since last year. If this greed continues, I will have to make a choice of what I can buy with the income that I have. Do I buy fuel so I can take my wife to her doctors, some of which are located in Lewiston, 55 miles from our house, or drive the ten miles to town to get her much-needed medicine, get groceries, which we cannot buy like we used to, or pay the ever-increasing heating bill from this past winter?

There are reason why the cost of fuel are on a continuing on this outragest rise. Refineries are not at capacity; there are no new refineries; the environmentalists, with the help of their liberal judges, stop any new drilling for oil; pure greed by the petroleum industry. Whenever there is a new development to increase fuel mileage, the petroleum industry buys up the patents and kills them.

WENDELL, *Orofino*.

I cannot understand why Congress cannot see the need to allow the United States to access more of our own energy sources. Yes, we need new alternative fuels, but we also need to become more realistic about our solutions to the energy crisis. We need to combine research AND start making use of our own current oil supplies. We need to start drilling in the locations where oil has already been discovered. Why has Congress ridiculed President Bush when he asked the

Saudis to produce more oil when Congress refused to do the same right in our own country? He did ask Congress first. I would also like to see the Congressmen invite the scientists who do not agree with man-made global warming to testify and bring their facts forward. Forming an energy policy on an unproven crisis does not make much sense.

GLORIA.

I drive 80 miles a day round trip to work in the Sun Valley area from Fairfield. ''Real'' people cannot afford to live within 30 miles of the Hailey/Sun Valley area due to exorbitant house prices, so the local economy is dependent on those who will drive from outlying areas. The high gas prices are crippling my family's ability to stay in South Central Idaho.

RANDY.

ADDITIONAL STATEMENTS

HONORING JAMES KETELSEN

• Mr. CORNYN. Mr. President, today I commend James Ketelsen for his vision and commitment to transforming the hopes of tens of thousands of students and families across the country through Project GRAD, an education reform program that he started when he was chairman and CEO of Tenneco in Houston, TX. Project GRAD has helped these students realize their academic potential and many of them have completed their college education with the assistance of Project GRAD scholarships and mentoring support from Project GRAD staff.

Project GRAD evolved from a scholarship program that began under Mr. Ketelsen's leadership at Tenneco. In 1988, the company began to fund a 4-year scholarship program for eligible graduates of Davis High School, at the time Houston's lowest-performing high school. By 1992, the number of Davis graduates entering college had more than quadrupled. Still, high school graduation rates and college matriculation rates continued to fall short of Mr. Ketelsen's expectations. He believed that Davis students—and all students from economically disadvantaged communities—were capable of much more if given the right investments and the right commitment. ''It's not the kids!'' he insisted. Armed with that belief, Mr. Ketelsen has dedicated the last two decades to making an enormous difference for America's highest needs students.

Today, Project GRAD has expanded to 13 communities and reaches more than 120,000 students and families from California to New York, Alaska to Georgia. In the longest-served group of schools, GRAD scholars are completing college at a rate 92 percent above the national average for students from similar demographic backgrounds. A statistically significant sample of GRAD scholarship recipients who have completed college shows that the proportion who graduated with majors in science, technology, engineering, and mathematics—concentrations of dire need for the national economy and national security—exceeded the national average for minority students by 71 percent. In the coming academic year, more than 7,500 students will attend college, funded by a Project GRAD scholarship. GRAD has already sent high school graduates to more than 100 institutions of higher education, including many of the most highly selective colleges and universities in the Nation. At the beginning of high school, many Project GRAD students would never have dreamed of attending Rice, the University of Texas, Texas A & M, Harvard, Yale, MIT, Cornell, Emory, Georgetown, or the University of Virginia. Yet, Mr. Ketelsen's Texas-sized vision, determination, and remarkable leadership of Project GRAD have transformed those expectations.

I am grateful for the energy and enthusiasm with which Mr Ketelsen has served America's children and families. Recently, Mr. Ketelsen announced his decision to step down from his post as chairman of the board of directors for Project GRAD USA. Although he is retiring from Project GRAD USA, he plans to remain active with the Houston chapter of Project GRAD. I join with my colleagues in saluting James Ketelsen for his efforts to improve education and career opportunities for children in inner-city schools. The return on his investment in education will continue for generations to come.•

A-H-S-T COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the A-H-S-T Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair effort—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The A-H-S-T Community School District received a 2005 Harkin grant totaling $500,000 which it used to help build a new elementary school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the A-H-S-T Community School District, which serves the towns of Avoca, Hancock, Shelby and Tenant. In particular, I would like to recognize the leadership of the board of education—Greg Becker, Monte Reisgard, Allen Cordes, and Lauri Fell and former members John Pattee, Mark Schroder, Sondra Dea, Gene McCool and Darlene McMartin. I would also like to recognize superintendent Mike Alexander, former superintendent Chuck Scott and business manager Nancy Collins.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the A-H-S-T Community School District. There is no question that a quality public education for every child is a top priority in their communities. I salute them, and wish them a very successful new school year.•

ALBIA COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school

board members in the Albia Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Albia Community School District received four Harkin fire safety grants totaling $435,000 to make improvements throughout the school district. The district was able to make repairs to the ceiling and walls in the practice gymnasium at the high school, replace windows at Kendall Elementary School, upgrade electrical systems in several buildings and make other safety improvements throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Albia Community School District. In particular, I would like to recognize the leadership of the board of education—president Robin Haselhuhn, vice-president Dr. John Scieszinski, Mary Wynn, Jeff Liston, Mike Stocker, Donna Whisler and Denny Amoss and former board members Kim Sawatzky, Bob Beary, Darrell Radeuchel, Bob Fluegge and Mick Brock. I would also like to recognize superintendent Kevin Crall, former superintendent Dave Sextro, high school principal Linda Hoskins, elementary school principal Nancy Foust, board secretary Peggy Newman and buildings and grounds supervisor Sam Kirby.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Albia Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

CENTRAL LYON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Central Lyon Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair—efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Central Lyon Community School District received a 2002 Harkin grant totaling $623,711 which it used to help make improvements including disability access and to build a community room and fitness center. This facility is used not only to promote wellness, but as a morning alternative school for the local community. The district also received three fire safety grants totaling $31,765 which it used to install emergency lighting and stairs and to update smoke and heat detectors and alarms in the elementary school. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Central Lyon Community School District. In particular, I would like to recognize the leadership of the board of education—president Steve Sieperda, Dr. Chet DeJong, Pat McCarty, Judy Gacke and Gail Van Berkum and former board members president Bruce Vogel, Marilyn Mammenga and Tom Wall. I would also like to recognize superintendent David Ackerman, former superintendent Bill Hutchinson, business manager Jackie Wells and former board business manager Robin Kilgore.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Central Lyon Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

COLLEGE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the College Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive

these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The College Community School District received a 2000 Harkin grant totaling $500,000 which it used to help build a new elementary school—the first new school the district had built in 30 years. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the College Community School District. In particular, I would like to recognize the leadership of the board of education—president Randy Bauer, vice president Greg Kelsey, Norm Zahradnik, Dawn Tucker, John Titler, Lauri Hughes, Dot Pospischil and board secretary Jim Rotter as well as former board President Sandy Flatgard and former secretary Jim Steffen. I would also like to recognize superintendent Richard Whitehead and former superintendent Mick Starcevich.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the College Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

GEORGE-LITTLE ROCK COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the George-Little Rock Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The George-Little Rock Community School District received a 2005 Harkin grant totaling $500,000 which it used to help renovate an old gymnasium into a fine arts center and two accessible special education classrooms. This addition is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of facility that every child in America deserves. The district also received two fire safety grants totaling $44,900 which it used to install smoke and heat detectors and update fire alarm notification systems throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the George-Little Rock Community School District. In particular, I would like to recognize the leadership of the board of education president—Warren Tiedeman, Terrence Clark, Donell Nagel, Amy Jurrens, Doug Krull and board secretary Delinda Kruger as well as former board members Roger Jurrens and Kory Hayenga. I would also like to recognize superintendent David Ackerman; former superintendent Joanne Smith; elementary and middle school principal Janel Guse; the teaching and custodial staff of George-Little Rock; the team of architects at Neumann, Monson and Wictor; Hoogendoorn Construction; the membership of the project steering committee; and the staff of the Little Rock Freelance and the Lyon County News.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the George-Little Rock Community School District. There is no question that a quality public education for every child is a top priority in their communities. I salute them, and wish them a very successful new school year.●

LINN-MAR COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Linn-Mar Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Linn-Mar Community School District received five Harkin grants totaling $1,625,000. A 2000 construction grant for $500,000 was used to help renovate Bowman Woods Elementary School to provide space for a media center, a 2002 construction grant for $200,000 was used to provide classrooms

for the Little Lions preschool at a new K–8 school and a 2005 construction grant for $500,000 was used to help build Linn Grove Elementary School. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves. The district also received two fire safety grants totaling $425,000 to install sprinkler systems at Excelsior Middle School and Linn-Mar High School.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Linn-Mar Community School District. In particular, I would like to recognize the leadership of the board of education—president Robert Crawford, vice president Ann Stark, Barry Buchholz, Bob Gilchrist, David Nicholson, Jim Green, Erik Miles and Helen Romanowsky and former board members Swati Dandekar, Mark Klopfenstein, Tom Manor, David Meyer, Tom Miller, Lorna Richards and Steve Colton. I would also like to recognize superintendent Dr. Kathleen Mulholland, former superintendent Dr. Joe Pacha, business administrator Dave Nicholson, former business administrator Dave DeWall, and principals Dona Miller, Kent Stock, Dan Ludwig, Shannon Bisgard, Dr. Marc McCoy and Jerry VanDyke.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Linn-Mar Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

MAQUOKETA COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Maquoketa Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Maquoketa Community School District received a 2002 Harkin grant totaling $228,750 and a 2003 Harkin grant totaling $240,000. The 2002 grant was used to help build four new classrooms and a restroom at Cardinal Elementary. These new classrooms allowed the district to expand their preschool program and dedicate part of the space for special needs students. The 2003 grant was used to relocate the middle school office from the second floor to the first floor main entryway, resulting in a safer and more secure environment. The district also received two fire life safety grants totaling $35,000 for updating fire alarm systems, fire doors, and fire walls. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Maquoketa Community School District. In particular, I would like to recognize the leadership of the board of education—president Anne Hawks, vice-president Brian Tabor, Marty Hudrlik, Mark Pape, and Bill Schwenker, and former members, Mary Bartels, Leslie Lawson, Troy Thede. I would also like to recognize the leadership of curriculum director and school improvement coordinator Sherri Marceau, as well as school improvement coordinator Helen Snell, school board secretary Barb McKeon and superintendent Kim Huckstadt.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Maquoketa Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them and wish them a very successful new school year.●

NASHUA-PLAINFIELD COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Nashua-Plainfield Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the tenth year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Nashua-Plainfield Community School District received Harkin grants totaling $104,200 which it used to help replace windows at the school in Plainfield. The Federal grant has made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Nashua-Plainfield Community School District. In particular, I would like to recognize the leadership of the current board of education, Brian Bierschenk, Lisa Franzen, Dawn Koob, Michael Mahoney and Gail Zwanziger. I would also like to recognize superintendent Paul Bisgard, former superintendent Linda Johanningmeier, middle school principal Ron Reusche, head custodian Dave Fordyce and custodian Richard Lindloff.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Nashua-Plainfield Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

OLIN CONSOLIDATED EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Olin Consolidated School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Olin School District received a 2002 Harkin grant totaling $575,000 which it used to help build an addition to the school. The project is a collaboration with the Olin library board and the addition houses the town's library, the district's Iowa Communications Network classroom and access for community activities. The additional space made it possible to convert the former school library into classrooms for prekindergarten, kindergarten and music. The district also received a fire safety grant totaling $20,325 to make safety improvements. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Olin Community School District. In particular, I would like to recognize the leadership of the board of education—Mike Hansen, Randy Cress, Margo Ahrendsen, Marty Francksen and Rob Strawn and former board members Brian Bean and Ned Rohwedder as well as superintendent Charles Liston, former superintendent Juanita Suhr and board secretary/treasurer Carrie Fortin. I would also like to recognize the members of the Olin Public Library board—Carrie Fortin, Margaret Kistler, Deanna Butterworth, Dianne Tenley and Jan Dierks and former board members Jean Rickels, Sandy Hansen-Heggebo, and Sandy Weirather as well as librarian Dolores Wood and former librarian Sheri Ulrich

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Olin Consolidated School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

MESSAGES FROM THE HOUSE

At 3:13 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 998. An act to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

H.R. 2352. An act to enhance the safety of elementary schools, secondary schools, and institutions of higher education.

H.R. 2535. An act to direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes.

H.R. 3036. An act to reauthorize and enhance the National Environmental Education Act, and for other purposes.

H.R. 3437. An act to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado.

H.R. 5293. An act to approve the settlement of the water rights claims of the Shoshone Paiute Tribes of the Duck Valley Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes.

H.R. 5350. An act to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes.

H.R. 5611. An act to reform the National Association of Registered Agents and Brokers, and for other purposes.

H.R. 5736. An act to designate the Department of Veterans Affairs outpatient clinic in Gadsden, Alabama, as the Colonel Ola Lee Mize Veterans Clinic.

H.R. 6229. An act to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the ''Mayor William 'Bill' Sandberg Post Office Building''.

H.R. 6338. An act to designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, as the ''Army SPC Daniel Agami Post Office Building''.

H.R. 6460. An act to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes.

H.R. 6503. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program.

H.R. 6604. An act to amend the Commodity Exchange Act to bring greater transparency

and accountability to commodity markets, and for other purposes.

H.R. 6625. An act to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes.

H.R. 6681. An act to designate the facility of the United States Postal Service located at 300 Vine Street in New Lenox, Illinois, as the ''Jacob M. Lowell Post Office Building''.

H.R. 6772. An act to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building''.

H.R. 6855. An act to extend the authority for the United States Supreme Court Police to protect court officials off the Supreme Court grounds, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 61. Concurrent resolution expressing the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts.

H. Con. Res. 388. Concurrent resolution expressing the sense of Congress that the Department of Defense and the Federal Voting Assistance Program should take certain additional and timely measures to ensure that members of the Armed Forces and their dependents and citizens living overseas are provided with reasonable information on how to register to vote and vote in the 2008 general elections.

H. Con. Res. 408. Concurrent resolution recognizing North Platte, Nebraska, as ''Rail Town USA''.

H. Con. Res. 410. Concurrent resolution recognizing the FBI on their 100th anniversary.

H. Con. Res. 415. Concurrent resolution celebrating 75 years of effective State-based alcohol regulation and recognizing State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale.

The message further announced that the House has passed the following bill and joint resolution, without amendment:

S. 171. An act a bill to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the ''Mickey Mantle Post Office Building''.

S.J. Res. 35. Joint resolution to amend Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona.

The message also announced that the House agrees to the amendment of the Senate to be bill (H.R. 3986) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 2608. An act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud.

H.R. 5551. An act to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

H.R. 5893. An act to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

ENROLLED BILLS SIGNED

At 3:54 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 996. An act to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.

S. 2339. An act to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

S. 3406. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

At 3:58 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6890. An act to extend the waiver authority for the Secretary of Education under section 105 of subtitle A of title IV of division B of Public Law 109–148, relating to elementary and secondary education hurricane recovery relief, and for other purposes.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor, and Pensions by unanimous consent, and referred as indicated:

S. 3507. A bill to provide for additional emergency unemployment compensation; to the Committee on Finance.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3535. A bill to amend the Internal Revenue Code of 1986 to index certain assets for purposes of determining gain or loss.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7672. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to the Department's decision to conduct a streamlined A-76 competition of information assurance functions; to the Committee on Armed Services.

EC–7673. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7674. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC–7675. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–7676. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–7677. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2,4-D, Bensulide, Chlorpyrifos, DCPA, Desmedipham, Dimethoate, Fenamiphos, Metolachlor, Phorate, Sethoxydim, Terbufos, Tetrachlorvinphos, and Triallate; Tolerance Actions'' (FRL No. 8375-2) received on September 12, 2008; to the Committee on Environment and Public Works.

EC–7678. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution by Permits for New Construction or Modification'' (FRL No. 8715-7) received on September 12, 2008; to the Committee on Environment and Public Works.

EC–7679. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ethoprop; Pesticide Tolerances'' (FRL No. 8382-6) received on September 12, 2008; to the Committee on Environment and Public Works.

EC–7680. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Inert Ingredient: Exemption from the Requirement of a Tolerance for amylopectin, acid-hydrolyzed, 1-octenylbutanedioate and for amylopectin, hydrogen 1-octadecenylbutanedioate'' (FRL No. 8374-1) received on September 12, 2008; to the Committee on Environment and Public Works.

EC–7681. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Withdrawal of Federal Antidegradation Policy for All Waters of the United States within the Commonwealth of Pennsylvania'' (FRL No. 8716-2) received on September 12, 2008; to the Committee on Environment and Public Works.

EC–7682. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Air Regulations Consistency Update for Massachusetts'' (FRL No. 8709-4) received on September 12, 2008; to the Committee on Environment and Public Works.

EC–7683. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Underground Storage Tank Program: Approved State Program for Hawaii'' (FRL No. 8716-3) received on September 12, 2008; to the Committee on Environment and Public Works.

EC–7684. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''A Study on the Feasibility and Advisability of Providing for Contracting with Prescription Drug Program Sponsors and Medicare Advantage Organizations on a Multi-Year Basis''; to the Committee on Finance.

EC–7685. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Unified Rule for Loss of Subsidiary Stock'' ((RIN1545-BB61)(TD 9424)) received on September 12, 2008; to the Committee on Finance.

EC–7686. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: False Claims Act Settlements with Department of Justice (DOJ)'' (LMSB-4-0908-045) received on September 12, 2008; to the Committee on Finance.

EC–7687. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transition Guidance for New Funding Rules and Funding-Related Benefit Limitations under PPA ''06'' (Notice 2008-73) received on September 12, 2008; to the Committee on Finance.

EC–7688. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 6707A and the Failure to Include on any Return or Statement any Information Required to be Disclosed under Section 6011 with Respect to a Reportable Transaction'' ((RIN1545-BF62)(TD 9425)) received on September 12, 2008; to the Committee on Finance.

EC–7689. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tier II Industry Director's Directive on the Planning and Examination of Gift Card/Certificate Issues in the Retail and Food & Beverage Industries #2'' (LMSB-04-0808-042) received on September 12, 2008; to the Committee on Finance.

EC–7690. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Applications Proposing Labeling Changes for Approved Drugs, Biologics, and Medical Devices'' ((RIN0910-ZA32)(Docket No. FDA-2008-N-0032)) received on September 8, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7691. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Irradiation in the Production, Processing and Handling of Food'' (Docket No. FDA-1999-F-2405) received on September 8, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7692. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the commercial and inherently governmental activities for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7693. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-497, ''Clean and Affordable Energy Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7694. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-473, ''Street and Alley Closing and Acquisition Procedures Amendment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7695. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-496, ''Health-Care Decisions for Persons with Developmental Disabilities Amendment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7696. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-501, ''Income Tax Secured Bond Authorization Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7697. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of U.S. Attorney for the Eastern District of Michigan, received on September 8, 2008; to the Committee on the Judiciary.

EC–7698. A communication from the Acting Administrator, Small Business Administration, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Inspector General, received on September 8, 2008; to the Committee on Small Business and Entrepreneurship.

EC–7699. A communication from the Associate Administrator, Government Contracting and Business Development, Small Business Administration, transmitting, pursuant to law, a report entitled ''Report to the U.S. Congress on Minority Small Business and Capital Ownership Development''; to the Committee on Small Business and Entrepreneurship.

EC–7700. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the disability-related complaints that U.S. and foreign passenger air carriers operating to and from the U.S. received during the calendar year 2007; to the Committee on Commerce, Science, and Transportation.

EC–7701. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the Maritime Administration for fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–7702. A communication from the Inspector General, Federal Trade Commission, informing Congress that they have begun the audit of financial statements for fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC–7703. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Dilley and Cotulla, Texas'' ((MB Docket No. 07-183)(DA 08-1714)) received on August 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7704. A communication from the Division Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Commercial Mobile Alert System, Third Report and Order'' (FCC 08-184) received on August 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7705. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Arlington and Boardman, Oregon; Boise, Caldwell, Grangeville, Hazelton, Iona, Jerome, McCall, Melba, Salmon, and Sun Valley, Idaho; Elko and Owyhee, Nevada; Finley, Pasco, and Walla Walla, Washington; and West Yellowstone, Montana'' (MB Docket No. 06–72) received on August 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7706. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Atlantic Highly Migratory Species; International Trade Permit Program; Bluefin Tuna Catch Documentation Program'' (RIN0648–AU88) received on August 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7707. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Nantucket Lightship Scallop Access Area to Scallop Vessels'' (RIN0648–XJ51) received on August 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7708. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XJ58) received on August 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7709. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of

Massachusetts'' (RIN0648–XJ37) received on August 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7710. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure'' (RIN0648–XJ27) received on August 18, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7711. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #5 and #6'' (RIN0648–XJ22) received on August 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7712. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2008 Winter II Quota'' (RIN0648–XJ34) received on August 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7713. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9; Correction'' (RIN0648–AP60) received on August 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7714. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003'' (RIN3084–AA94) received on August 19, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7715. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Proposed Establishment of Class E Airspace; Huntsville, AR'' ((Docket No. FAA–2008–0004)(Airspace Docket No. 08–ASW–2)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7716. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Bettles, AK'' ((Docket No. FAA–2007–0342)(Airspace Docket No. 07–AAL–20)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7717. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class E Airspace; Hawesville, KY'' ((Docket No. FAA–2008–0334)(Airspace Docket No. 08–ASO–11)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7718. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Phillipsburg, KS'' ((Docket No. FAA–2006–25943)(Airspace Docket No. 06–ACE–13)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7719. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Phillipsburg, KS; Confirmation of Effective Date'' ((Docket No. FAA–2006–25943)(Airspace Docket No. 06–ACE–13)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7720. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Wilkes-Barre, PA; Confirmation of Effective Date'' ((Docket No. FAA–2008–0130)(Airspace Docket No. 08–AEA–11)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7721. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Wilkes-Barre, PA; Confirmation of Effective Date; Correction'' ((Docket No. FAA–2008–0130)(Airspace Docket No. 08–AEA–11)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7722. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Staunton, VA'' ((Docket No. FAA–2008–0170)(Airspace Docket No. 08–AEA–16)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7723. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; State College, PA'' ((Docket No. FAA–2007–29375)(Airspace Docket No. 07–AEA–06)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7724. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Scottsboro, AL'' ((Docket No. FAA–2007–28591)(Airspace Docket No. 07–ASO–16)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7725. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Waynesburg, PA'' ((Docket No. FAA–2007–0022)(Airspace Docket No. 07–AEA–07)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7726. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Danville, KY; Confirmation of Effective Date'' ((Docket No. FAA–2007–0246)(Airspace Docket No. 07–ASO–26)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7727. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Gettysburg, PA; Confirmation of Effective Date'' ((Docket No. FAA–2007–0309)(Airspace Docket No. 07–AEA–20)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7728. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Black River Falls, WI; Withdrawal'' ((Docket No. FAA–2008–0024)(Airspace Docket No. 08–AGL–4)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7729. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; New Stuyahok, AK'' ((Docket No. FAA–2007–29008)(Airspace Docket No. 07–AAL–11)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7730. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Deadhorse, AK'' ((Docket No. FAA–2008–0171)(Airspace Docket No. 08–AAL–5)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7731. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Allakaket, AK'' ((Docket No. FAA–2008–0141)(Docket No. 08–AAL–4)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7732. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; St. Mary's, AK'' ((Docket No. FAA–2008–0134)(Airspace Docket No. 08–AAL–3)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7733. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; Brunswick, ME; Withdrawal'' ((Docket No. FAA–2008–0203)(Airspace Docket No. 08–ANE–99)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7734. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Georgetown, Texas'' ((Docket No. FAA–2007–29373)(Airspace Docket No. 07–ASW–10)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

EC–7735. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Low Altitude Area Navigation Route (T–Route); Southwest Oregon'' ((Docket No. FAA–2008–0038)(Airspace Docket No. 07–ANM–16)) received on August 20, 2008; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

S. 1577. A bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers (Rept. No. 110–474).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 1933. A bill to amend the Safe Drinking Water Act to provide grants to small public drinking water systems (Rept. No. 110–475).

S. 199. A bill to amend the Safe Drinking Water Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska (Rept. No. 110–476).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 906. A bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes (Rept. No. 110–477) .

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3109. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system (Rept. No. 110–478).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 3175. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program, to make technical corrections to that Act, and for other purposes (Rept. No. 110–479).

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 3192. A bill to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Tribe of Indians, the Coquille Indian Tribe, and the Confederated Tribes of the Siletz Indians of Oregon to obtain 99-year lease authority for trust land (Rept. No. 110–480).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself, Mrs. LINCOLN, Ms. SNOWE, Ms. CANTWELL, Mrs. DOLE, Mrs. CLINTON, Mr. VOINOVICH, Ms. LANDRIEU, Mr. PRYOR, Mrs. MCCASKILL, Mr. OBAMA, and Mrs. BOXER):

S. 3528. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia; to the Committee on Environment and Public Works.

By Mr. LUGAR (for himself and Mr. CASEY):

S. 3529. A bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

By Mr. BROWN:

S. 3530. A bill to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family or organ donors; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LUGAR (for himself, Mr. BIDEN, and Mr. HAGEL):

S. 3531. A bill to authorize assistance for Afghanistan, and for other purposes; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. ENSIGN, Ms. MIKULSKI, Mr. GRASSLEY, Mr. FEINGOLD, Ms. COLLINS, Ms. CANTWELL, Mr. SUNUNU, Mr. LEAHY, Mrs. DOLE, Mr. SMITH, Mr. ALEXANDER, Mr. DODD, Mrs. LINCOLN, Mr. BAYH, Mr. KERRY, Mr. HARKIN, Mrs. BOXER, Mr. OBAMA, Mrs. CLINTON, Ms. STABENOW, and Mr. BIDEN):

S. 3532. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements from gross income; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3533. A bill to establish the Daniel Webster Congressional Clerkship Program; to the Committee on Rules and Administration.

By Mr. DODD (for himself and Mr. VOINOVICH):

S. 3534. A bill to provide for the expansion of Federal programs to prevent and manage vision loss, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT:

S. 3535. A bill to amend the Internal Revenue Code of 1986 to index certain assets for purposes of determining gain or loss; read the first time.

By Mr. CARPER:

S. 3536. A bill to amend section 5402 of title 39, United States Code, to modify the authority relating to United States Postal Service air transportation contracts, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BOND:

S. 3537. A bill to establish the World War I Centennial Commission to ensure a suitable observance of the centennial of World War I, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARTINEZ (for himself, Mr. NELSON of Florida, and Mr. SALAZAR):

S. Res. 669. A resolution recognizing the efforts and contributions of outstanding Hispanic scientists in the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD (for himself, Mr. CASEY, Mr. AKAKA, Mr. BENNETT, Mr. BROWN, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COLEMAN, Mr. CRAPO, Mr. DOMENICI, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. INHOFE, Mr. KENNEDY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Ms. STABENOW, Mr. STEVENS, Mr. VOINOVICH, Mr. WHITEHOUSE, Mr. WICKER, Ms. MURKOWSKI, Mr. BARRASSO, and Mr. MENENDEZ):

S. Res. 670. A resolution designating September 25, 2008, as ''National First Responder Appreciation Day''; considered and agreed to.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. Res. 671. A resolution congratulating the University of Maryland School of Medicine on its 200th anniversary; considered and agreed to.

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. Res. 672. A resolution designating September 12, 2008, as ''National Day of Encouragement''; considered and agreed to.

By Mr. HARKIN (for himself and Mr. SMITH):

S. Res. 673. A resolution recognizing the importance of workplace wellness as a strategy to help maximize employees' health and well being; considered and agreed to.

By Ms. MIKULSKI (for herself, Mr. ENZI, Mr. BURR, and Mr. HATCH):

S. Res. 674. A resolution designating September 22, 2008, as ''National Falls Prevention Awareness Day'' to raise awareness and encourage the prevention of falls among older adults; considered and agreed to.

By Ms. LANDRIEU (for herself, Mr. COLEMAN, Mrs. LINCOLN, Mr. MARTINEZ, Mr. JOHNSON, Mr. CRAIG, Mr. LEVIN, Mr. CASEY, Mr. BAYH, Mrs. BOXER, Mr. INHOFE, Mrs. CLINTON, Mr. BURR, Mr. BUNNING, Mr. LAUTENBERG, Mr. SMITH, Mr. DEMINT, Ms. STABENOW, Mr. SPECTER, Mr. BROWNBACK, Ms. COLLINS, Mr. ROBERTS, Mr. OBAMA, Mr. ENZI, Mr. LIEBERMAN, Mr. VITTER, Mr. KERRY, Mr. DOMENICI, Mr. STEVENS, Mr. THUNE, Mrs. DOLE, Mr. COBURN, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. INOUYE, Mr. SALAZAR, Mrs. HUTCHISON, and Mr. MENENDEZ):

S. Res. 675. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. BAYH, Mr. BIDEN, Mr. CASEY, Mr. CHAMBLISS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAPO, Mrs. DOLE, Mr. DOMENICI, Mr. GRASSLEY, Mr. INOUYE, Mr. KERRY, Mr. MARTINEZ, Mr. MENENDEZ, Mr. PRYOR, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SALAZAR, and Mrs. CLINTON):

S. Res. 676. A resolution supporting the goals and ideals of Red Ribbon Week; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 677. A resolution to authorize testimony and legal representation in Ramsey, et al. v. Wilson, et al.; considered and agreed to.

By Mr. BYRD:

S. Con. Res. 100. A concurrent resolution authorizing the last surviving United States veteran of the First World War to lie in honor in the rotunda of the Capitol upon his death; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 368

At the request of Mr. BIDEN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 382

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1232

At the request of Mr. DODD, the names of the Senator from California (Mrs. BOXER) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1255

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 1255, a bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1738

At the request of Mr. BIDEN, the names of the Senator from Oregon (Mr. SMITH), the Senator from Georgia (Mr. ISAKSON), the Senator from Virginia (Mr. WEBB) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1782

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1782, a bill to amend chapter 1 of title 9 of United States Code with respect to arbitration.

S. 2263

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2263, a bill to require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards and other measurement services regarding underground communications to protect miners in the United States.

S. 2851

At the request of Mr. BUNNING, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2851, a bill to amend the Internal Revenue Code of 1986 to modify the penalty on the understatement of taxpayer's liability by tax return preparers.

S. 3021

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3021, a bill to amend title 49, United States Code, with respect to length and weight limitations for buses, trucks, and other large vehicles on Federal highways, and for other purposes.

S. 3246

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3246, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to set the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction.

S. 3308

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3308, a bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes.

S. 3344

At the request of Mr. COBURN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from North Carolina (Mr. BURR) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 3344, a bill to defend against child exploitation and child pornography through improved Internet Crimes Against Children task forces and enhanced tools to block illegal images, and to eliminate the unwarranted release of convicted sex offenders.

S. 3356

At the request of Mr. ISAKSON, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

S. 3367

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3367, a bill to amend title XVIII of the Social Security Act to revise the timeframe for recognition of certain designations in certifying rural health clinics under the Medicare program.

S. 3426

At the request of Mr. KERRY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3426, a bill to amend the Foreign Service Act of 1980 to extend comparability pay adjustments to members

of the Foreign Service assigned to posts abroad, and to amend the provision relating to the death gratuity payable to surviving dependents on Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad.

S. 3429

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3446

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3446, a bill to amend the Internal Revenue Code of 1986 to defer the tax on the gain on the sale of certain telecommunications and media businesses, and for other purposes.

S. 3484

At the request of Mr. SPECTER, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 3484, a bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

S. 3487

At the request of Mr. DURBIN, his name and the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Mr. COLEMAN), the Senator from Oregon (Mr. SMITH) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3487, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 3491

At the request of Mr. STEVENS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3491, a bill to amend the Communications Act of 1934 to improve the effectiveness of rural health care support under section 254(h) of that Act.

S. 3498

At the request of Mr. VOINOVICH, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Iowa (Mr. GRASSLEY), the Senator from Mississippi (Mr. WICKER) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3498, a bill to amend title 46, United States Code, to extend the exemption from the fire-retardant materials construction requirement for vessels operating within the Boundary Line.

S. 3509

At the request of Mr. CASEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3509, a bill to address the ongoing humanitarian crisis in Iraq and potential security breakdown resulting from the mass displacement of Iraqis inside Iraq and as refugees into neighboring countries.

S. 3521

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 3521, a bill to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers Jr. Post Office''.

S. 3526

At the request of Mr. BIDEN, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 3526, a bill to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

S. RES. 616

At the request of Mrs. LINCOLN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 616, a resolution reducing maternal mortality both at home and abroad.

S. RES. 660

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 660, a resolution condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan.

At the request of Mr. INHOFE, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Ohio (Mr. VOINOVICH), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Nevada (Mr. ENSIGN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 660, supra.

S. RES. 661

At the request of Mr. DODD, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 661, a resolution supporting the goals and ideals of National Spina Bifida Awareness Month.

S. RES. 666

At the request of Mr. ROBERTS, the names of the Senator from Missouri (Mr. BOND), the Senator from Wisconsin (Mr. KOHL), the Senator from Idaho (Mr. CRAIG) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 666, a resolution recognizing and honoring the 50th anniversary of the founding of AARP.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. CASEY):

S. 3529. A bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I am pleased today to announce the introduction of the Global Food Security Act of 2008. I would like to thank my friend Senator CASEY for lending his ideas and support to this bipartisan effort. I also thank USAID Administrator Henrietta Fore, who took an early interest in potential legislation. Her leadership is very much appreciated. Finally, I want to thank the members of USAID's informal food security team, who advised us on problems and possible legislative solutions.

As we know, food prices started a steep climb in the fall of 2007 and continued to increase during the spring of this year. The crisis has abated somewhat, largely due to the drop in energy prices. Nonetheless, this episode demonstrated that there are significant structural challenges to attaining global food security. The system is vulnerable to periodic disruptions that both expose and exacerbate deeper problems.

We live in a world where nearly 1 billion people suffer from chronic food insecurity. When droughts occur, hurricanes hit, or other disruptions arise, transitory food insecurity can put as many as 100 million people at a time in grave danger. In fact, the World Food Program reports that 25,000 people die each day from malnutrition-related causes. Health experts advise us that a diverse and secure food supply has major health benefits, including increasing child survival, improving cognitive and physical development of children, and increasing immune system function including resistance to HIV/AIDS.

Food insecurity is a global tragedy, but it is also an opportunity for the U.S. The U.S. is the indisputable world leader in agricultural production and technology. A more focused effort on our part to join with other nations to increase yields, improve food distribution, and broaden agricultural knowledge could begin a new era in U.S. diplomacy. Such an effort could solidify relationships with nations where, up to now, we have had few positive contacts. It could improve our broader trade relations and serve as a model for similar endeavors in the areas of energy and scientific cooperation. Achieving food security for all people also would have profound implications for peace and U.S. national security. Hungry people are desperate people,

and desperation often sows the seeds of conflict and extremism.

The U.S. has always stood for big ideas—from the founding of the Republic on the basis of freedom to President Kennedy's vow to put a man on the moon. One of today's big ideas should be the eradication of hunger. We can bring America's dedication to science, innovation, technology, and education together to lead an effort devoted to overcoming the obstacles to food security.

The Global Food Security Act of 2008, is a 5-year authorization that seeks to provide solutions that will have the greatest effect. First, it creates a Special Coordinator for Global Food Security and puts that person in charge of developing a food security strategy. We call on the development of that strategy to take a whole-of-government approach and to work with other international donors, the NGO community, and the private sector.

Second, the bill authorizes additional resources for agricultural productivity and rural development. U.S. foreign assistance for agriculture has declined by nearly 70 percent since the 1980s. Globally, only four percent of official development assistance from all donors is allocated for agriculture. This amounts to neglect of what should be considered one of the most vital sectors in the alleviation of poverty. Food shortages are likely to recur frequently if the U.S. and the global community fail to invest in agricultural productivity in the developing world.

World leaders must understand that over the long term, satisfying global demand for more and better food can be achieved only by increasing yields per acre. In the 1930s, my father, Marvin Lugar, produced corn yields of approximately 40 to 50 bushels per acre. Today, the Lugar farm yields about 150 bushels per acre on the same land in Marion County, IN. The Green Revolution, from 1965 to 1985, saw the introduction of high yield seeds and improved agricultural techniques that resulted in a near doubling of cereal grain production per acre over 20 years. But yields may have to be doubled or tripled again.

Increasing acreage under production will not satisfy the growth in food demand, and these steps come with serious environmental and national security costs. We need a second green revolution that will benefit developed and developing nations alike.

Recent studies have demonstrated that funds spent in agriculture can be up to four times more beneficial to economic growth than spending in other areas. It seems, therefore, that our overall foreign aid strategy would benefit from restoring agriculture programs to their former prominence. The bill increases funding for these programs in the first year by $750 million. The increase would reach $2.5 billion in year 5. Because those who subsist on less than one dollar a day spend at least half their incomes on food, according to the International Food Policy Research Institute, the bill highlights the need to focus on those living in extreme poverty.

In thinking about how to approach agricultural productivity, we tried to draw from the experience of U.S. land grant colleges and the contributions they have made to U.S. agriculture. The bill creates a new program that would strengthen institutions of higher education in the areas of agriculture sciences, research and extension programs. Investments in human capital and institutional capacity are important to developing a robust agricultural sector.

Universities and research centers can play an important role in achieving technological advances that are appropriate to local conditions. As such, the bill calls for increasing collaborative research on the full range of biotechnological advances including genetically modified technologies.

Third, the bill improves the U.S. emergency response to food crises by creating a separate Emergency Food Assistance Fund that can make local and regional purchases of food, where appropriate. Funds can be used for emergency food and agricultural assistance. The Government Accountability Office reports that it can often take 4 to 6 months from the time a crisis occurs until U.S. food shipments arrive. Our intention is to provide USAID with the flexibility to respond to emergencies more quickly, without supplanting other food programs such as P.L. 480.

I hope that our bill will begin a productive dialogue on how our government can be a more effective partner with NGO and private actors in promoting food security. There is no good reason why nearly a billion people should be food insecure or that the world should have to endure the social upheaval and risks of conflict that this insecurity causes.

I look forward to working with colleagues to improve the U.S. and global efforts to alleviate food insecurity and advance agricultural knowledge and technology worldwide.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Global Food Security Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—POLICY OBJECTIVES, PLANNING AND COORDINATION

Sec. 101. Statement of policy.
Sec. 102. Comprehensive food security strategy.
Sec. 103. Reports.

TITLE II—BILATERAL PROGRAMS

Sec. 201. Agriculture, rural development, and nutrition.
Sec. 202. Agricultural research.
Sec. 203. Higher education collaboration for technology, agriculture, research and extension.

TITLE III—EMERGENCY RESPONSE TO FOOD CRISES

Sec. 301. Emergency food assistance account.
Sec. 302. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Nearly 1,000,000,000 people worldwide suffer from food insecurity, defined as a lack of access to sufficient food to meet dietary needs for an active and healthy life.

(2) The number of food insecure increased from 849,000,000 in 2006 to 982,000,000 in 2007.

(3) The World Food Programme reports that 25,000 people die each day from malnutrition-related causes.

(4) The food security situation of lower income countries is projected to continue to deteriorate over the next decade.

(5) Nearly half of the world's food insecure live in Sub-Saharan Africa.

(6) The agricultural sector comprises large portions of the total labor force in many developing countries, as high as 70 to 80 percent in Sub-Saharan Africa, where it also contributes about 35 percent of the total gross national product (GDP).

(7) Agriculture has been shown to be an efficient engine of economic growth in developing countries.

(8) A diverse and secure food supply has health benefits, including increasing child survival, improving cognitive and physical development of children, and increasing immune system function including resistance to HIV/AIDS.

(9) Rapid increases in global food costs since 2007 threaten to significantly undermine gains achieved in poverty reduction and health programs.

(10) The poor in developing countries spend as much as 50 to 70 percent of their incomes on food.

(11) Three out of five of those suffering from hunger are rural small-scale agricultural families. One out of five is a rural landless laborer, and another one-fifth are urban poor, according to the United Nations Hunger Task Force.

(12) A comprehensive approach to food security should encompass improvements in nutrition, education, agricultural infrastructure and productivity, finance and markets, safety net programs, household incomes, and emergency preparedness.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(3) CHRONIC FOOD INSECURITY.—The term ''chronic food insecurity'' means ongoing and persistent lack of access to sufficient food to meet dietary needs for an active and healthy life.

(4) EXTREME POVERTY.—The term ''extreme poverty'' means income of less than half of the poverty level as defined by the International Bank for Reconstruction and Development for the relevant year.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' means educational institutions providing post-secondary education and training.

TITLE I—POLICY OBJECTIVES, PLANNING AND COORDINATION

SEC. 101. STATEMENT OF POLICY.

It is the policy of the United States to promote global food security, to improve agricultural productivity, to support the development of institutions of higher learning that will enhance human capacity, a knowledge economy, agricultural research and technology, and the dissemination of farming techniques to all levels of the agriculture sector, and to support sustainable farming methods.

SEC. 102. COMPREHENSIVE FOOD SECURITY STRATEGY.

(a) SPECIAL COORDINATOR.—The President shall designate an individual to serve in the Executive Office of the President as the Special Coordinator for Food Security. The coordinator shall advise and assist the President by—

(1) advising the President on international food security issues;

(2) taking such actions as are necessary to ensure the coordination of the food security efforts and programs of the United States, including the activities of Federal agencies, and

(3) overseeing the development and implementation of the strategy described in subsection (b).

(b) CONTENT OF STRATEGY.—The strategy referred to in subsection (a)(3) is a comprehensive food security strategy that—

(1) includes specific and measurable goals, benchmarks and time frames, and a plan of action to achieve the objectives described in section 101;

(2) seeks to encourage and leverage, to the greatest extent possible—

(A) private sector participation, including through the Global Development Alliances of the United States Agency for International Development and other measures; and

(B) the coordination of United States food security efforts with similar efforts of international organizations, international financial institutions, the governments of developing and developed countries, and United States and international nongovernmental organizations;

(3) provides appropriate linkages with United States international health programs, such as the President's Emergency Plan for HIV/AIDS Relief;

(4) reflects a whole-of-government approach that incorporates and encompasses the programs of relevant Federal departments and agencies that engage in some aspect of food security, including the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Defense, the Millennium Challenge Corporation, the Department of the Treasury, the Office of the United States Trade Representative, and the Department of Health and Human Services; and

(5) provides annual monitoring and evaluation of the program addressing progress toward access to food, availability of food, utilization of food, and risk factors associated with food insecure populations.

(c) IMPLEMENTATION.—The United States Agency for International Development shall be the lead agency in implementing the strategy described in subsection (b).

SEC. 103. REPORTS.

(a) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and not later than December 31 of each year thereafter through 2014, the President shall submit to the appropriate congressional committees a report on the implementation of the strategy described in section 102(b).

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a copy of the strategy and an indication of any changes made in the strategy during the preceding calendar year;

(B) an assessment of progress made during the preceding calendar year toward meeting the objectives described in section 101 and the specific goals, benchmarks, and time frames specified in the strategy described in section 102(b);

(C) a description of United States Government programs contributing to the achievement of the objectives described in section 101, including the amounts expended on such programs during the preceding fiscal year; and

(D) an assessment of United States efforts to encourage and leverage private sector participation in United States food security programs and to coordinate such programs with similar efforts of international organizations, international financial institutions, the governments of developing and developed countries, and United States and international nongovernmental organizations.

(3) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 270 days after the submission of each report under paragraph (1), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

(A) a review of, and comments addressing, the report submitted under paragraph (1); and

(B) recommendations relating to any additional actions the Comptroller General determines to be necessary to improve a global food security strategy and its implementation.

(b) PROGRAM REVIEW.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report containing—

(A) an assessment of progress made during the preceding four years toward meeting the objectives described in section 101 and the specific goals, benchmarks, and time frames specified in the strategy described in section 102(b); and

(B) an evaluation of the impact during the preceding four years of United States food security programs on food security, health, and economic growth in countries suffering from chronic food insecurity.

(2) BASIS FOR REPORT.—The report required under paragraph (1) shall be based on assessments and impact evaluations utilizing sound quantitative and qualitative methodologies and techniques for the behavioral sciences.

TITLE II—BILATERAL PROGRAMS

SEC. 201. AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.

(a) AUTHORITY.—Section 103(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(a)(1)) is amended—

(1) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) to expand the economic participation of people living in extreme poverty and those who lack access to agriculturally productive land, including through productive safety net programs and health and nutrition programs, and to integrate those living in extreme poverty into the economy.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President to provide assistance under section 103 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a) for the purpose of carrying out activities under this section, in addition to funds otherwise available for such purpose—

(1) $750,000,000 for fiscal year 2010;

(2) $1,000,000,000 for fiscal year 2011;

(3) $1,500,000,000 for fiscal year 2012;

(4) $2,000,000,000 for fiscal year 2013; and

(5) $2,500,000,000 for fiscal year 2014.

(c) COLLABORATIVE RESEARCH SUPPORT PROGRAM.—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (b), up to $35,000,000 may be made available annually for the Collaborative Research Support Program for fiscal years 2011 through 2014.

(d) CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH.—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (b), up to $45,000,000 may be made available annually for core long-term research for the Consultative Group on International Agricultural Research for fiscal years 2011 through 2014.

SEC. 202. AGRICULTURAL RESEARCH.

Section 103A of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a–1) is amended in the first sentence—

(1) by striking '', and (3) make'' and inserting '', (3) make''; and

(2) by striking the period at the end and inserting '', and (4) include research on biotechnological advances appropriate to local ecological conditions, including genetically modified technology.''.

SEC. 203. HIGHER EDUCATION COLLABORATION FOR TECHNOLOGY, AGRICULTURE, RESEARCH AND EXTENSION.

(a) FINDINGS.—Congress makes the following findings:

(1) Institutions of higher education can promote a robust agriculture sector through investments in human capital, research and technology, and extension services.

(2) Enrollment levels in higher education are 5 percent in Africa, 10 percent in South Asia, 19 percent in East Asia, and 23 percent in North Africa and the Middle East.

(3) Universities in the United States have a history of serving as engines of development.

(4) Many universities in the United States have experience in partnering with foreign universities on faculty and student exchanges, curriculum development, and joint research projects.

(5) According to a World Bank study, higher education contributes to national productivity, raises living standards, and improves a country's ability to compete globally.

(6) United States foreign assistance support for higher education has declined from the 1990s.

(b) PURPOSE.—The purpose of this section is to provide United States assistance for the development of higher educational capacity in the field of agriculture in a manner that promotes economic growth in rural areas, the alleviation of poverty and malnutrition, nutritional diversity, and good governance.

(c) DEFINITIONS.—In this section:

(1) ASSISTANCE PLAN.—The term ''assistance plan'' means a multi-year plan developed by the United States Agency for International Development in coordination with a foreign government addressing assistance for agricultural education programs.

(2) BOARD.—The term ''Board'' means the Board for Higher Education Collaboration for Technology, Agriculture, Research, and Extension.

(3) EDUCATION CENTER OF EXCELLENCE.—The term ''education center of excellence'' means an institution of higher education that is designated as the lead educational institution for purposes of the assistance plan.

(4) ELIGIBLE COUNTRY.—The term ''eligible country'' means a country that meets the requirements of subsection (h).

(d) ESTABLISHMENT OF PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall establish a program to be known as the Higher Education Collaboration for Technology, Agriculture, Research, and Extension (in this section referred to as the ''Program'' or ''HECTARE'') for the purpose of providing assistance in support of policies and programs in eligible countries that advance agricultural productivity and hunger alleviation through partnerships with institutions of higher education.

(e) FORM OF ASSISTANCE.—Assistance may be provided under this section in the form of grants, cooperative agreements, or contracts to or with eligible entities described in subsection (i) and shall be provided pursuant to assistance plans as described in subsection (g). Assistance may not be provided under this section in the form of loans.

(f) USE OF FUNDS.—Assistance provided under this section may be used to provide support to education centers of excellence in eligible countries for the following purposes:

(1) Academic exchange programs for students, faculty members, and school administrators with other education of centers of excellence and with universities in the United States.

(2) Strengthening agriculture sciences curricula.

(3) Increasing research capacity.

(4) Improving the dissemination of appropriate information and technology to farmers.

(g) ASSISTANCE PLANS.—

(1) IN GENERAL.—The Administrator shall provide assistance under this section pursuant to an assistance plan developed in coordination with an eligible country that establishes a multi-year plan for significantly improving agricultural productivity and investing in rural economies through the strengthening of agricultural programs at institutions of higher learning.

(2) ELEMENTS.—An assistance plan should—

(A) take into account the national development strategy of the eligible country;

(B) identify an education center of excellence devoted to agricultural sciences (in this paragraph referred to as a ''center'');

(C) identify the partnerships between the center and other institutions of higher learning, including schools or research institutions in the United States and foreign countries, government agencies, including local and regional governments, private sector entities, and civil society;

(D) identify appropriate channels for dissemination of farming techniques to the field; and

(E) identify the center's plans for—

(i) conducting agricultural research and technology;

(ii) strengthening the teaching of agriculture science, including programs aimed at curriculum, faculty, and students;

(iii) providing rural outreach services (extension); and

(iv) improving university administration.

(3) COORDINATION.—The Administrator, as appropriate, shall coordinate the development of assistance plans with the Global AIDS/HIV Coordinator of the Department of State to ensure coordination of such plans with education programs provided for in section 204(c) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7623(c)).

(h) ELIGIBLE COUNTRIES.—

(1) CRITERIA.—The Administrator shall identify eligible countries for purposes of this section. Such determination shall be based, to the maximum extent possible, upon objective and quantifiable indicators of a country's demonstrated commitment to the following:

(A) Investments in, and support for, rural economies, including the protection of private property rights, the promotion of private sector growth and sustainable management of natural resources, the rights of women, and the well-being of women and children.

(B) Raising agricultural productivity of small- and medium-sized farms.

(C) Alleviating poverty and hunger among the entire population.

(D) Strengthening the system of higher education institutions with regard to agriculture science, research, and technology.

(E) The wide dissemination of farming techniques.

(F) Working with other international partners, such as universities in the United States, other foreign universities, civil society, and private business and research institutions.

(G) Good governance, transparency, and anti-corruption policies.

(2) ADDITIONAL FACTORS.—The Administrator, in selecting eligible countries, shall consider—

(A) the extent to which the country clearly meets or exceeds the eligibility criteria;

(B) the opportunity to increase agricultural productivity, enhance human and institutional capacity, and reduce hunger in the country;

(C) the availability of funds to carry out this section; and

(D) the percentage of the country's population that faces chronic food insecurity.

(i) ELIGIBLE ENTITIES.—Entities eligible for assistance under this section are the following:

(1) Universities in the United States working in partnership with institutions of higher education in eligible countries.

(2) Education centers of excellence and other institutions of higher education in eligible countries.

(3) National governments of eligible countries.

(4) Regional or local governmental units of eligible countries.

(5) Nongovernmental organizations and private entities.

(j) BOARD FOR GLOBAL AGRICULTURAL EDUCATION.—

(1) ESTABLISHMENT.—The Administrator shall establish a permanent Board for Global Agricultural Education (in this section referred to as the ''Board'') for purposes of assisting in the administration of the programs authorized under this section.

(2) MEMBERSHIP.—The Board shall consist of 7 members, of whom—

(A) not less than 4 shall be selected from universities in the United States; and

(B) not less than 3 shall be selected from representatives of nongovernmental organizations devoted to agricultural research and education.

(3) DUTIES.—The duties of the Board shall include the following:

(A) Responsibility for advising the Administrator on issues related to the planning, implementation, and monitoring of activities described in this section.

(B) Advising the Administrator in the formulation of basic policy, program design, procedures, and criteria for the Program.

(C) Advising the Administrator on the qualifications of interested institutions of higher learning based on—

(i) their ability to work collaboratively to improve agricultural production, scientific research, and the dissemination of sound agricultural technologies;

(ii) their commitment to expanding and applying their academic, teaching, research, and outreach capacities; and

(iii) their commitment to partner with private organizations, civil society, and government entities.

(D) Advising the Administrator on which developing nations could benefit from programs carried out under this section and have an interest in establishing or developing agricultural institutions that engage in teaching, research, or extension services.

(4) TERM.—Terms of members shall be set by the Administrator at the time of appointment.

(5) REIMBURSEMENT OF EXPENSES.—Members of the Board shall be entitled to such reimbursement of expenses incurred in the performance of their duties (including per diem in lieu of subsistence while away from their homes or regular place of business) as the Administrator deems appropriate on a case-by-case basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for the purpose of carrying out activities under this section—

(1) $100,000,000 for fiscal year 2010;

(2) $200,000,000 for fiscal year 2011;

(3) $300,000,000 for fiscal year 2012;

(4) $400,000,000 for fiscal year 2013; and

(5) $500,000,000 for fiscal year 2014.

(l) DISCLOSURE OF FUNDING RECEIVED BY UNITED STATES UNIVERSITIES.—The Administrator shall prescribe regulations providing for the utilization by universities in the United States of alternative sources of public and private funding to carry out the purposes of this section and requiring the disclosure, not less than annually, of all such alternative funding, both prospective and received.

(m) ANNUAL REPORT.—Not later than October 1, 2009, and annually thereafter, the President shall submit to Congress a report detailing the activities carried out under this section during the preceding fiscal year and containing a projection of programs and activities to be conducted in the following year.

TITLE III—EMERGENCY RESPONSE TO FOOD CRISES

SEC. 301. EMERGENCY FOOD ASSISTANCE ACCOUNT.

(a) AUTHORITY.—Whenever the President determines it to be important to the national interest, the President may furnish on

such terms and conditions as he may determine appropriate assistance under this Act or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for the purpose of meeting unexpected urgent food assistance needs, notwithstanding any provision of law which restricts assistance to foreign countries.

(b) ESTABLISHMENT OF ACCOUNT.—

(1) ESTABLISHMENT.—There is established a United States Emergency Food Assistance Fund to carry out the purposes of this section (in this section referred to as the ''Fund'').

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President from time to time such sums as may be necessary for the Fund to carry out the purposes of this section, except that no amount of funds may be appropriated which, when added to amounts previously appropriated but not yet obligated for such purpose, would cause the total of such appropriated amounts to exceed $500,000,000.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

(c) USE OF FUNDS.—Assistance provided under this section may include the local and regional purchase and distribution of food, and the provision of emergency non-food assistance.

(d) LIMITED DELEGATION OF AUTHORITY.—The authority under subsection (a) may be delegated to the Administrator, provided that not more than $100,000,000 may be made available in any fiscal year pursuant to determinations made by the Administrator pursuant to the delegation of such authority.

(e) REPORTING REQUIREMENTS.—The Administration shall submit a report to the appropriate congressional committees not later than 5 days before providing assistance pursuant to a determination made under this section. The report shall indicate the unexpected urgent food needs to be addressed by the assistance and the amount of assistance to be provided.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $500,000,000 for fiscal year 2010 for the purpose of carrying out this title.

By Mr. CARDIN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. ENSIGN, Ms. MIKULSKI, Mr. GRASSLEY, Mr. FEINGOLD, Ms. COLLINS, Ms. CANTWELL, Mr. SUNUNU, Mr. LEAHY, Mrs. DOLE, Mr. SMITH, Mr. ALEXANDER, Mr. DODD, Mrs. LINCOLN, Mr. BAYH, Mr. KERRY, Mr. HARKIN, Mrs. BOXER, Mr. OBAMA, Mrs. CLINTON, Ms. STABENOW, and Mr. BIDEN):

S. 3532. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements from gross income; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise today to introduce a bill, the Giving Incentives to Volunteers Everywhere Act. In today's economic climate, Americans need relief from sky-rocketing oil and gas prices. This applies to everyone, including people who engage in much-needed volunteer work. In July, I introduced a similar bill to help volunteers. It gave the Internal Revenue Service authority to change the mileage rate—currently set by statute at 14 cents per mile—for calculating the deductible cost of operating a vehicle for charitable purposes. We can't let an out-of-date mileage rate exacerbate the pinch at the pump for volunteers who selflessly provide so many vital goods and services in every community across America. After working with Congressman LEWIS and Congressman RAMSTAD on compromise language we have improved the original bill. This compromise legislation will provide immediate relief for volunteers serving our elderly, poor, frail, and at-risk Americans. I am pleased that the senior Senator from Maine, Senator SNOWE, and my other colleagues, the senior Senator from New York, Senator SCHUMER, the junior Senator from Nevada, Senator ENSIGN, the senior Senator from Maryland, Senator MIKULSKI, and the senior Senator from Iowa, Senator GRASSLEY, and the junior Senator from Wisconsin, Senator FEINGOLD, are original cosponsors of this bill and I thank all of them for their support.

The Internal Revenue Code does not fix a rate for individuals who are required to use their own vehicle for work, or for individuals taking a mileage deduction for moving purposes. The IRS is able to increase the deduction amount for these purposes to reflect the current economic climate and dramatically higher fuel prices. This is exactly what the IRS recently did.

As of July 1st, the IRS modified the standard mileage rates for computing the deductible costs of operating an automobile for business, medical, or moving expenses. The revised standard mileage rate for business purposes increased from 50.5 cents per mile to 58.5 cents. For medical and moving expenses, the IRS increased the rate from 19 cents per mile to 27 cents per mile. I think the Nation's volunteers who travel on behalf of charitable organizations deserve an increase in their mileage rate, too.

My bill gives the IRS flexibility in setting the rate so that volunteers for charitable organizations could be given the same tax benefit accruing for moving, medical, and business expenses. It also provides a floor for volunteers, not allowing their rate to be set lower than moving and medical rate. In today's climate of increasing food and fuel prices, this bill will help relieve some of the pressure on charitable organizations and their volunteers. Additionally, this bill will allow the organization to reimburse the volunteer up to the business rate without any tax impact to volunteers.

Take Meals on Wheels, for example. This organization delivers nutritious meals and other nutrition services to men and women who are elderly, homebound, disabled, frail, or otherwise at-risk. The services Meals on Wheels provides significantly improve the recipients' quality of life and health, and often help to postpone institutionalization.

Over the past year, there has been nearly a 20 percent increase in fuel and food prices, coupled with reduced Government funding and fewer donations across the country. Nearly 60 percent of the estimated 5,000 programs that operate under the auspices of the Meals on Wheels Association of America have lost volunteers, in large part because it is too expensive for the volunteers to drive back and forth. Nearly half the programs have eliminated routes or consolidated meal services. About 38 percent of the programs have switched to delivering frozen meals, and about 30 percent are cutting personal visits from 5 days a week to one.

In Maryland, the Central Maryland Meals on Wheels has experienced an increase of 7 percent in food costs and suppliers are charging higher delivery fees. The cost to fill up the vans with gas has increased. Fuel costs averaged $72,538.70 in fiscal year 2007; this year, the costs have jumped to $86,790.63. This is an organization with volunteers serving over 3,100 elderly, disabled, frail and at-risk Marylanders. Its volunteers deserve relief from high gas prices just as much as people who use their car for work or for medical purposes or for moving.

Throughout the U.S., Meals on Wheels served over 3 million people and more than 250 million meals in fiscal year 2006. This is just one of thousands of charitable organizations. We need to encourage and support the Meals on Wheels volunteers and all other volunteers who need their cars to help their neighbors and communities. The Giving Incentives to Volunteers Everywhere bill will do just that, and I hope my colleagues will support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Giving Incentives to Volunteers Everywhere Act of 2008'' or the ''GIVE Act of 2008''.

SEC. 2. DETERMINATION OF STANDARD MILEAGE RATE FOR CHARITABLE CONTRIBUTIONS DEDUCTION.

(a) IN GENERAL.—Subsection (i) of section 170 of the Internal Revenue Code of 1986 (relating to standard mileage rate for use of passenger automobile) is amended to read as follows:

''(i) STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.—For purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate shall be the rate determined by the Secretary, which rate shall not

be less than the standard mileage rate used for purposes of section 213.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to miles traveled after the date of the enactment of this Act.

SEC. 3. EXCLUSION FROM GROSS INCOME FOR CHARITABLE MILEAGE REIMBURSEMENTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by adding at the end the following new section:

''SEC. 139C. CHARITABLE MILEAGE REIMBURSEMENT.

''(a) IN GENERAL.—In the case of an individual, gross income shall not include amounts received from an organization described in section 170(c)(2) as reimbursement of operating expenses with respect to the use of a passenger automobile for the benefit of such organization.

''(b) LIMITATION.—The amount excluded from gross income under subsection (a) shall not exceed the product of the standard mileage rate used for purposes of section 162 multiplied by the number of miles traveled for which such reimbursement is made.

''(c) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

''(d) NO DOUBLE BENEFIT.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to reimbursements excluded from income under subsection (a).

''(e) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).

''(f) MAINTENANCE OF RECORDS.—For purposes of this section, no exclusion shall be allowed under subsection (a) for any reimbursement unless with respect to such reimbursement the taxpayer meets substantiation requirements similar to the requirements of section 274(d).''.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 139C. Charitable mileage reimbursement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to miles traveled after the date of the enactment of this Act.

By Mr. DODD (for himself and Mr. VOINOVICH):

S. 3534. A bill to provide for the expansion of Federal programs to prevent and manage vision loss, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Vision Preservation Act of 2008 with my colleague Sen. GEORGE VOINOVICH. The goal of this legislation is to help Americans avoid the personal tragedy of unnecessary, preventable vision loss. This important legislation is supported by Prevent Blindness America, the American Foundation for the Blind, the American Academy of Ophthalmology, and the American Optometric Association

Right now there are an estimated 80 million Americans suffering from potentially blinding eye disease. Three million more Americans struggle with low vision. 1.1 million more are legally blind. Glaucoma, diabetic retinopathy, cataract and age-related macular degeneration, AMD, and other vision problems are costing tens of thousands of people in the United States their ability to see each year. With the aging baby boom generation moving toward retirement age, these numbers are expected to grow considerably. It is estimated that by 2030, the number of blind and visually impaired people will double if nothing is done.

Unsurprisingly, ''The Economic Impact of Vision Problems: The Toll of Major Adult Eye Disorders, Visual Impairment, and Blindness on the U.S. Economy,'' a study conducted by Prevent Blindness America, reveals that vision loss carries significant cost to individuals, private insurers, health care providers, and the Federal government. The study indicates that the direct and indirect costs of vision loss among adults are $51.4 billion. And over a lifetime, the cost for just one person dealing with this terrible condition is $566,000. The lifetime costs associated with just those Americans born with vision loss in 2000 is $2.5 billion.

But what makes vision loss even more tragic is that half of all blindness is preventable if action is taken soon enough. There are many health and financial challenges our nation is facing that we may just have to weather. But here is one we can do something about—and we should. That is why Sen. VOINOVICH and I are introducing the Vision Preservation Act. This legislation would improve and strengthen important public health programs at the Centers for Disease Control and Prevention, the National Institutes of Health, and the Health Resources and Services Administration, HRSA. Specifically, it would expand existing public education and awareness efforts to empower Americans to do what is necessary to protect their own vision. This legislation would also incorporate vision screening, prevention, and rehabilitation into the Maternal and Child Health Block Grants and the Community Health Centers so low income Americans who are most likely to go without needed prevention and screening can be alerted to the early warning signs of vision loss. It would improve the training and education of health professionals so that they are better prepared to help their patients identify and deal with conditions that could lead to vision loss.

These are simple steps that we in the Senate can take to help make sure that millions of Americans can live without fear of losing their sight. I urge my colleagues to join us in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Vision Preservation Act of 2008''.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) An estimated 80 million Americans have a potentially blinding eye disease, and more than 19.1 million Americans report trouble seeing, even with eye glasses or contacts. At least 1.1 million Americans are legally blind, and 200,000 Americans experience profound vision loss. Refractive errors affect approximately one third of persons 40 years or older in the United States. Visual impairment is one of the 10 more frequent causes of disability in the United States.

(2) While it is believed that half of all blindness can be prevented, the number of Americans who are blind or visually impaired is expected to double by 2030.

(3) Vision loss can, especially without appropriate rehabilitation and skills training, significantly impact an individual's ability to conduct activities of daily living, as well as developmental learning, communicating, working, health, and quality of life.

(4) One in twenty preschoolers experience visual impairment which, if unaddressed, can affect learning ability, personality, and adjustment in school.

(5) It is estimated that blindness and visual impairment cost the Federal Government more than $4 billion annually in benefits and lost taxable income, and cost the United States economy approximately $51.4 billion annually in direct medical costs, direct non medical costs, and indirect costs such as lost productivity and wages.

(6) Vision rehabilitation helps people with vision loss to live safely and independently at home and in the community, reduce medication errors, cook and perform other daily activities reliably, and avoid accidents which may lead to injury or even the onset of additional disabilities, especially among older persons living with vision loss.

(7) Recognizing that the Nation requires a public health approach to visual impairment, the Department of Health and Human Services dedicated a portion of its Healthy People 2010 initiative to vision. The initiative set out as a goal the improvement of the Nation's visual health through prevention, early detection, treatment, and rehabilitation.

(8) Greater efforts must be made at the Federal, State, and local levels to increase awareness of vision loss and its causes, its impact, the importance of early diagnosis, treatment, and rehabilitation, and effective prevention strategies.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Nation must have a full-scale integrated public health strategy to comprehensively address vision loss and its causes that, at a minimum, includes the following:

(1) Communication and education.

(2) Surveillance, epidemiology, and prevention research.

(3) Programs, policies, and systems change.

SEC. 3. VISION LOSS PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317S the following:

"SEC. 317T. PREVENTIVE HEALTH MEASURES WITH RESPECT TO VISION LOSS.

''(a) COMMUNICATION AND EDUCATION.—

''(1) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the National Institutes of Health, shall expand and intensify programs to increase awareness of vision problems, including awareness of—

''(A) the impact of vision problems; and

''(B) the importance of early diagnosis, management, and effective prevention and rehabilitation strategies.

''(2) ACTIVITIES.—In carrying out this subsection, the Secretary may—

''(A) conduct public service announcements and education campaigns;

''(B) enter into partnerships with eye-health professional organizations and other vision-related organizations;

''(C) conduct community disease prevention campaigns;

''(D) conduct testing, evaluation, and model training for vision screeners based on scientific studies; and

''(E) evaluate strategies to reduce barriers to access to treatment by optometrists and ophthalmologists.

''(3) EVALUATION.—In carrying out this subsection, the Secretary shall—

''(A) establish appropriate measurements for public awareness of vision problems;

''(B) establish appropriate measurements to determine the effectiveness of existing campaigns to increase awareness of vision problems;

''(C) establish quantitative benchmarks for determining the effectiveness of activities carried out under this subsection; and

''(D) not later than 12 months after the date of the enactment of this section, submit a report to the Congress on the results achieved through such activities.

''(b) SURVEILLANCE, EPIDEMIOLOGY, AND HEALTH SERVICES RESEARCH.—

''(1) IN GENERAL.—The Secretary shall expand and intensify activities to establish a solid scientific base of knowledge on the prevention, control, and rehabilitation of vision problems and related disabilities.

''(2) ACTIVITIES.—In carrying out this subsection, the Secretary may—

''(A) create a national ongoing surveillance system;

''(B) identify and test screening modalities;

''(C) evaluate strategies to reduce barriers to access to treatment by optometrists, ophthalmologists, and other vision rehabilitation professionals;

''(D) evaluate the efficacy and cost-effectiveness of current and future interventions and community strategies;

''(E) update and improve knowledge about the true costs of vision problems and related disabilities; and

''(F) require the Surgeon General to assess the state of vision care and vision rehabilitation in the United States.

''(c) PROGRAMS, POLICIES, AND SYSTEMS.—

''(1) IN GENERAL.—The Secretary shall expand and intensify research within the Centers for Disease Control and Prevention on the prevention and management of vision loss.

''(2) ACTIVITIES.—In carrying out this subsection, the Secretary may—

''(A) build partnerships with voluntary health organizations, nonprofit vision rehabilitation agencies, Federal, State, and local public health agencies, eye health professional organizations, and organizations with an interest in vision issues;

''(B) work with health care systems to better address vision problems and associated disabilities; and

''(C) award grants for community outreach regarding vision loss to health care institutions and national vision organizations with broad community presence.''.

SEC. 4. EXPANSION OF VISION PROGRAMS UNDER THE MATERNAL AND CHILD HEALTH SERVICE BLOCK GRANT PROGRAM.

Section 501(a)(3) of the Social Security Act (42 U.S.C. 701(a)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting '', and''; and

(3) by adding at the end the following new subparagraph:

''(G) introduce core performance measures on eye health by incorporating vision screening and examination standards into State programs under this title, based on scientific studies.''.

SEC. 5. PREVENTION AND TREATMENT FOR UNDERSERVED, MINORITY, AND OTHER POPULATIONS.

(a) EXPANSION AND INTENSIFICATION OF VISION PROGRAMS.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall expand and intensify programs targeted to prevent vision loss, treat eye and vision conditions, and rehabilitate people of all ages who are blind or partially sighted in underserved and minority communities, including the following:

(1) Vision care services at community health centers receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b).

(2) Vision rehabilitation programs at vision rehabilitation agencies, eye clinics, and hospitals.

(b) VOLUNTARY GUIDELINES FOR VISION SCREENING.—The Secretary, in consultation with eye-health professional organizations and other vision-related organizations, shall develop voluntary guidelines to ensure the quality of vision screening and appropriate referral for comprehensive eye examinations and subsequent vision rehabilitation services.

SEC. 6. VISION REHABILITATION PROFESSIONAL DEVELOPMENT GRANTS.

(a) AUTHORITY.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') may make grants to eligible institutions of higher education or nonprofit organizations for the purpose of activities described in subsection (b) relating to vision rehabilitation professional development.

(b) USE OF FUNDS.—The Secretary may not make a grant to an institution of higher education or a nonprofit organization under this section unless the institution or organization agrees to use the grant for the following:

(1) Developing and offering preparatory and continuing education training opportunities (incorporating state-of-the-art approaches, technologies, and therapies to meet the unique needs of older adults with vision loss) in—

(A) geriatrics among vision rehabilitation professionals, including professionals in the vision rehabilitation therapy, orientation and mobility, and low vision therapy fields; and

(B) vision rehabilitation among occupational therapists and others in related rehabilitation and health disciplines.

(2) Conducting, and disseminating the findings and conclusions of, research on the effectiveness of preparatory and continuing education training under paragraph (1).

(3) Developing and disseminating interdisciplinary course curricula for use in the preparation of new professionals in vision rehabilitation, occupational therapy, and related rehabilitation and health disciplines.

(4) Educating physicians, nurses, and other health care providers about the value of vision rehabilitation, to increase appropriate referral by such professionals for the full range of vision rehabilitation services available to older individuals with vision loss.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall be a university, academic medical center, national or regional nonprofit organization, community rehabilitation provider, or allied health education program, or a consortium of such entities, that—

(1) offers or coordinates education or training activities among professionals described in subsection (b)(1); or

(2) agrees to use the grant to expand its capacity to coordinate such activities.

(d) DISTRIBUTION OF GRANTS.—In awarding grants under this section, the Secretary shall ensure that grantees offer or coordinate training for current and emerging professionals—

(1) from a variety of geographic regions and a range of different types and sizes of settings and facilities, including settings and facilities located in rural, urban, and suburban areas; and

(2) serving a variety of populations of older individuals with vision loss, including racial and ethnic minorities, low-income individuals, and other underserved populations.

(e) APPLICATION.—To seek a grant under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

AMERICAN OPTOMETRIC ASSOCIATION,
Alexandria, VA, September 19, 2008.

Hon. CHRIS DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The American Optometric Association (AOA), representing over 36,000 doctors of optometry who are the frontline providers of eye and vision care, optometric researchers, educators and optometry students, deeply appreciates your continued outstanding leadership on priority eye and vision care issues before Congress.

With that in mind, it is my pleasure to inform you that the AOA wholly endorses and will be working to pass the Vision Preservation Act of 2008, legislation you have crafted to strengthen federal vision programs designed to prevent and manage vision loss.

Vision impairments are a growing problem in the US—particularly with the aging of the babyboomer generation. Approximately 80 million Americans have a potentially blinding eye disease such as diabetic retinopathy, glaucoma, cataract, and age-related macular degeneration. If we fail to take decisive action, the number of blind and visually impaired Americans will double in the next 25 years, even though half of all blindness is preventable.

By introducing the Vision Preservation Act, you are providing important leadership on vision-related programs and policies at the federal level. This bill's focus on increasing public awareness about vision problems, bolstering research at the National Eye Institute, and improving access to vision care at Federally-Qualified Health Centers, the Maternal and Child Health Bureau, and under the Medicaid program are key components that optometry and others in the vision community are completely united behind.

As the Vision Preservation Act of 2008 is considered, be assured that we will continue to work with you and your colleagues in Congress to place maximum emphasis on early identification of those individuals at risk for vision loss and need access to quality care.

If we can be of any assistance on this legislation, or any other vision related questions, please contact Alicia Kerry Jones.

Sincerely,

MICHELE HARANIN, O.D.,
Chair, AOA Federal Relations Committee.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 669—RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF OUTSTANDING HISPANIC SCIENTISTS IN THE UNITED STATES

Mr. MARTINEZ (for himself, Mr. NELSON of Florida, and Mr. SALAZAR) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 669

Whereas the purpose of the National Hispanic Scientist of the Year Award is to recognize outstanding Hispanic scientists in the United States who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the 8th annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science and Industry in Tampa, Florida, on Saturday, October 11, 2008;

Whereas proceeds from the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Youth Enriched by Science Program of the Museum of Science and Industry, known as the ''YES! Team'';

Whereas a need to acknowledge the work and effort of outstanding Hispanic scientists in the United States has led to the selection of Dr. Lydia Villa-Komaroff as the honoree of the 8th annual National Hispanic Scientist of the Year Award;

Whereas Dr. Villa-Komaroff is an internationally recognized molecular biologist who is deeply committed to the recruitment and retention of minorities in science;

Whereas Dr. Villa-Komaroff currently serves as Chief Executive Officer of Cytonome, Inc., a company building the first optical cell sorter capable of supporting rapid, sterile sorting of human cells for therapeutic use; and

Whereas Dr. Villa-Komaroff was a key member of the research team that first demonstrated that bacterial cells produce insulin and her varied and active professional life includes research positions at the Massachusetts Institute of Technology, Harvard University, and the University of Massachusetts Medical Center: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts—

(A) to honor outstanding Hispanic scientists in the United States at the annual National Hispanic Scientist of the Year Gala; and

(B) to motivate Hispanic youth to study science through ''Meet the Hispanic Scientist Day'', an opportunity for Hispanic youth to meet the honoree of the National Hispanic Scientist of the Year Award; and

(2) congratulates the 2008 National Hispanic Scientist of the Year designated by the Museum of Science and Industry, for ongoing dedication to improving the quality of, and access to, science and engineering research and education.

SENATE RESOLUTION 670—DESIGNATING SEPTEMBER 25, 2008, AS ''NATIONAL FIRST RESPONDER APPRECIATION DAY''

Mr. ALLARD (for himself, Mr. CASEY, Mr. AKAKA, Mr. BENNETT, Mr. BROWN, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COLEMAN, Mr. CRAPO, Mr. DOMENICI, Mr. DURBIN, Mr. Enzi, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. INHOFE, Mr. KENNEDY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Ms. STABENOW, Mr. STEVENS, Mr. VOINOVICH, Mr. WHITEHOUSE, Mr. WICKER, Ms. MURKOWSKI, Mr. BARRASSO, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 670

Whereas millions of Americans have benefitted from the courageous service of first responders across the United States;

Whereas the police, fire, emergency medical service, and public health personnel (commonly known as ''first responders'') work devotedly and selflessly on behalf of the people of the United States, regardless of the peril or hazard to themselves;

Whereas in emergency situations, first responders carry out the critical role of protecting and ensuring public safety;

Whereas the men and women who bravely serve as first responders have found themselves on the front lines of homeland defense in the war against terrorism;

Whereas first responders are called upon in the event of a natural disaster, such as the tornados in Florida and the blizzard in Colorado in December 2006, the flooding in the Northeast in April 2007, the flooding in the Midwest in June 2008, and the wildfires in the West in July 2008;

Whereas the critical role of first responders was witnessed in the aftermath of the mass shooting at the Virginia Polytechnic Institute and State University, when the collaborative effort of police officers, firefighters, and emergency medical technicians to secure the campus, rescue students from danger, treat the injured, and transport victims to local hospitals undoubtedly saved the lives of many students and faculty;

Whereas 900,000 police officers, 1,100,000 firefighters, and 891,000 emergency medical technicians risk their lives every day to make our communities safe;

Whereas these 900,000 sworn police officers from Federal, State, tribal, city, and county law enforcement agencies protect lives and property, detect and prevent crimes, uphold the law, and ensure justice;

Whereas these 1,100,000 firefighters, both volunteer and career, provide fire suppression, emergency medical services, search and rescue, hazardous materials response, response to terrorism, and critical fire prevention and safety education;

Whereas the 891,000 emergency medical professionals in the United States respond to and treat a variety of life-threatening emergencies, from cardiac and respiratory arrest to traumatic injuries;

Whereas these 2,661,000 ''first responders'' make personal sacrifices to protect our communities, as was witnessed on September 11, 2001, and in the aftermath of Hurricane Katrina, and as is witnessed every day in cities and towns across the United States;

Whereas, according to the National Law Enforcement Officers Memorial Fund, a total of 1,671 law enforcement officers died in the line of duty during the past 10 years, an average of 1 death every 53 hours or 167 per year, and 181 law enforcement officers were killed in 2007;

Whereas, according to the United States Fire Administration, from 1996 through 2005 over 1500 firefighters were killed in the line of duty, and tens of thousands were injured;

Whereas 4 in 5 medics are injured on the job, more than 1 in 2 (52 percent) have been assaulted by a patient and 1 in 2 (50 percent) have been exposed to an infectious disease, and emergency medical service personnel in the United States have an estimated fatality rate of 12.7 per 100,000 workers, more than twice the national average;

Whereas most emergency medical service personnel deaths in the line of duty occur in ambulance accidents;

Whereas thousands of first responders have made the ultimate sacrifice;

Whereas, in the aftermath of the terrorist attacks of September 11, 2001, firefighters, law enforcement officers, and emergency medical workers in the United States were universally recognized for the sacrifices they made on that tragic day, and should be honored each year as these tragic events are remembered;

Whereas there currently exists no national day to honor the brave men and women of the first responder community, who give so much of themselves for the sake of others; and

Whereas these men and women by their patriotic service and their dedicated efforts have earned the gratitude of Congress: Now, therefore, be it

Resolved, That the Senate designates September 25, 2008, as ''National First Responder Appreciation Day'' to honor and celebrate the contributions and sacrifices made by all first responders in the United States.

Mr. ALLARD. Mr. President, I rise to submit a resolution today that will designate September 25 as National First Responder Appreciation Day. Last year I introduced this resolution with my good friend and colleague Senator ROBERT CASEY and I am pleased Senator CASEY has joined me again in honoring our first responders. I am also pleased to be joined by Senators AKAKA, BENNETT, BROWN, CHAMBLISS, CLINTON, COLEMAN, CRAPO, DOMENICI, DURBIN, ENZI, HUTCHISON, INHOFE, KENNEDY, LANDRIEU, LEAHY, LIEBERMAN, MIKULSKI, MURRAY, PRYOR, ROCKEFELLER, SANDERS, STABENOW, STEVENS, VOINOVICH, WHITEHOUSE and WICKER in this important recognition of our men and women who keep us safe.

The contributions that our Nation's 1.1 million firefighters, 900,000 police officers, and 890,000 emergency medical professionals make in our communities are familiar to us all. Their heroics can be seen every night on our TV screens, read about in our papers, and heralded

by the survivors of every modern disaster. From the wildfires in Colorado and California, the tragic events at Virginia Tech, and the horrific damage of Hurricanes Katrina, Gustav, and Ike, our first responders regularly risk their lives to protect property, uphold the law, and save the lives of others.

The duty of a first responder is never without risk and requires the courage to place the safety of others ahead of one's own. It is courage that compels a firefighter to rush into a burning building, a police officer to charge into an active shooter, and an emergency medical professional to perform precision lifesaving procedures in the most hazardous conditions imaginable. While all of these brave Americans know the risks involved, some make that ultimate sacrifice to save another, at the cost of their own life.

Every year over 100 firefighters and nearly 200 police officers are killed in the line of duty. And while some may not consider a career in the emergency medical services dangerous, EMS workers actually have an occupational fatality rate comparable to that of firefighters and police officers. I know I speak on behalf of all Americans when I express my sincerest appreciation for their service and sacrifice.

While we recognize our first responders for their sacrifices, we also acknowledge their everyday contributions that make our communities throughout America a safer place. In addition to battling fires, firefighters reach out through fire prevention and public education, like teaching our children about fire safety and proper emergency response. In addition to arresting criminals, police officers encourage communities to stay involved in crime prevention and cooperate with law enforcement to help make our neighborhoods safer and more livable. If we or our loved ones experience a medical emergency, EMTs are there at a moment's notice to provide lifesaving care.

In many ways, our first responders embody the very best of the American spirit. With charity and compassion, these brave men and women commit themselves to preserving the highest standard of life we all enjoy in this great Nation. Through their actions they have become heroes to many, through their examples they have become role models to us all.

While various cities and towns have recognized the contributions made by their local first responders, there exists no national day to honor and thank these courageous men and women. The time has come to give our first responders the national day of appreciation that they deserve.

Designating September 25 as National First Responder Appreciation Day provides an opportunity for this institution and the people of the United States to honor first responders for their contributions, sacrifices, and dedication to public service.

I hope my colleagues will join me in supporting passage of this worthwhile resolution.

SENATE RESOLUTION 671—CONGRATULATING THE UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE ON ITS 200TH ANNIVERSARY

Ms. MIKULSKI (for herself and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 671

Whereas the University of Maryland School of Medicine was established in 1807, making it the first public and the fifth oldest medical school in the United States;

Whereas, in 1823, the University of Maryland School of Medicine became the first teaching hospital in the Nation with the construction of the Baltimore Infirmary and became the first medical school in the United States to institute a residency training program;

Whereas the School of Medicine was the founding school of the University of Maryland and is an integral part of the 11-campus University System of Maryland;

Whereas, at the Baltimore campus of the University of Maryland, the School of Medicine serves as the foundation for a large academic health center that combines medical education, biomedical research, patient care, and community service;

Whereas the University of Maryland School of Medicine is dedicated to providing excellence in biomedical education, basic and clinical research, quality patient care, and service to improve the health of the people of Maryland and the United States;

Whereas the University of Maryland School of Medicine is committed to the education and training of M.D. and Ph.D. students in fields including physical therapy, rehabilitation science, and medical research technology;

Whereas the University of Maryland School of Medicine has played a crucial role in helping to meet the health care needs of the people of Maryland and continues to recruit and develop faculty to serve as exemplary role models for students; and

Whereas the University of Maryland School of Medicine has developed a legacy of academic excellence, outstanding patient care, and ground-breaking research: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Maryland School of Medicine on its 200th anniversary; and

(2) recognizes the achievements of the University of Maryland, Baltimore, and the School of Medicine in providing outstanding service to, and in training leaders for, the local community, the State of Maryland, and the world.

SENATE RESOLUTION 672—DESIGNATING SEPTEMBER 12, 2008, AS ''NATIONAL DAY OF ENCOURAGEMENT''

Mr. PRYOR (for himself and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

S. RES. 672

Whereas negative images, stories, and influences in the day-to-day lives of Americans can detrimentally affect their emotional well-being, interactions with others, and general demeanor;

Whereas a group of teenagers participating in a leadership forum at Harding University in Searcy, Arkansas, identified a lack of encouragement as one of the greatest problems facing young people today;

Whereas the youth of our Nation need guidance, inspiration, and reassurance to counteract this negativity and to develop the qualities of character essential for future leadership in our country;

Whereas a National Day of Encouragement would serve as a reminder to counterbalance and overcome negative influences, and would also provide much-needed encouragement and support to others;

Whereas, following the events of September 11, 2001, thousands of people of the United States made sacrifices in order to bring help and healing to the victims and their families, inspiring and encouraging the Nation; and

Whereas the renewed feelings of unity, hope, selflessness, and encouragement that began on September 12, 2001, are the same feelings that the National Day of Encouragement is meant to recapture and spread: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 12, 2008, as ''National Day of Encouragement'';

(2) acknowledges the importance of encouragement and positive influences in the lives of all people; and

(3) urges the people of the United States to encourage others, whether it be through an act of service, a thoughtful letter, or words of kindness and inspiration, and to thereby boost the morale of all.

SENATE RESOLUTION 673—RECOGNIZING THE IMPORTANCE OF WORKPLACE WELLNESS AS A STRATEGY TO HELP MAXIMIZE EMPLOYEES' HEALTH AND WELL BEING

Mr. HARKIN (for himself and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 673

Whereas comprehensive, culturally sensitive health promotion within the workplace is essential to maintain and improve the health of American workers;

Whereas employees who improve their health also reduce their probability of chronic health conditions, lower their out-of-pocket medical and pharmaceutical costs, reduce pain and suffering, have greater levels of energy and vitality, and experience increased satisfaction with their lives and jobs;

Whereas health care costs in the United States doubled from 1990 to 2001 and are expected to double again by 2012;

Whereas employee health benefits are the fastest growing labor cost component for employers, thus posing a serious and growing challenge to business in the United States;

Whereas business leaders are struggling to find strategies to help reduce the direct costs of employer-provided health care, as well as the indirect costs associated with higher rates of absenteeism, disability, and injury;

Whereas an effective strategy to address the primary driving force of soaring health

care costs requires an investment in prevention;

Whereas some employers who invest in health promotion and disease prevention have achieved rates of return on investment ranging from $3 to $15 for each dollar invested, as well as a 28 percent average reduction in sick leave absenteeism, an average 26 percent reduction in health care costs, and a 30 percent average reduction in workers' compensation and disability management claims costs;

Whereas the Healthy People 2010 national objectives for the United States include the workplace health–related goal that at least ¾ of United States employers, regardless of size, will voluntarily offer a comprehensive employee health promotion program that includes—(1) health education and programming which focuses on skill development and lifestyle behavior change along with information dissemination and awareness building, preferably tailored to employees' interests and needs; (2) supportive social and physical environments, including an organization's expectations regarding healthy behaviors, and implementation of policies that promote health and reduce risk of disease; (3) integration of the worksite wellness programs into the organization's structure; (4) linkage to related programs like employee assistance programs (EAPs) and programs to help employees balance work and family; and (5) screening programs, ideally linked to medical care to ensure follow-up and appropriate treatment as necessary;

Whereas employers should be encouraged to invest in the health of employees by implementing comprehensive worksite health promotion programs that will help achieve our national Healthy People 2010 objectives;

Whereas business leaders that have made a healthy workforce a part of their core business strategy should be encouraged to share information and resources to educate their peers on the issue of employee health management through initiatives such as the Leading by Example CEO-to-CEO Roundtable on Workforce Health and the United States Workplace Wellness Alliance;

Whereas the employers that provide health care coverage for more than 177,000,000 Americans have the potential to exert transformative leadership on this issue by increasing the number, quality, and types of health promotion programs and policies at worksites across the Nation;

Whereas, for workplace wellness efforts to reach their full potential, chief executive officers of major corporations, company presidents of small enterprises, and State governors should be encouraged to make worksite health promotion a priority; and

Whereas Congress supports the National Worksite Health Promotion goal as stated in Healthy People 2010 and encourages public employers to increase their awareness of the value of corporate investments in employee health management to help our Nation achieve this goal: Now, therefore, be it

Resolved, That the Senate calls on private and public employers to support workplace wellness and implement voluntarily worksite health promotion programs to help maximize employees' health and well being and lower health care costs.

SENATE RESOLUTION 674—DESIGNATING SEPTEMBER 22, 2008, AS ''NATIONAL FALLS PREVENTION AWARENESS DAY'' TO RAISE AWARENESS AND ENCOURAGE THE PREVENTION OF FALLS AMONG OLDER ADULTS

Ms. MIKULSKI (for herself, Mr. ENZI, Mr. BURR, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 674

Whereas older adults value their independence and a fall can significantly limit their ability to remain self-sufficient;

Whereas falls are the leading cause of death from unintentional injuries among older adults in the United States;

Whereas older adults are by far the population at greatest risk for falling unintentionally, with more than ⅓ of all people 65 years or older falling each year;

Whereas older adults who fall once are 2 to 3 times more likely than adults who have not fallen to fall again;

Whereas, in 2000, the Bureau of the Census reported that more than 34,800,000 adults older than the age of 65 live in the United States, and that number is expected to grow to almost 55,000,000 by 2020;

Whereas 20 to 30 percent of older adults who fall suffer moderate to severe injuries, such as bruising, hip fractures, and head traumas;

Whereas, in 2005, falls resulted in nearly 1,800,000 older adults being treated in emergency departments and more than 433,000 older adults being hospitalized;

Whereas, in 2005, nearly 16,000 people aged 65 and older died from injuries related to unintentional falls;

Whereas the Centers for Disease Control and Prevention report that the mortality rate from falls among older adults increased 45 percent between 2000 and 2004;

Whereas the total in direct costs associated with both fatal and non-fatal falls is more than $19,000,000,000 annually for hospitalization, emergency department visits, and outpatient care;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not stemmed, annual direct treatment costs will reach $43,800,000,000 by 2020, with an annual cost under the Medicare program of $32,400,000,000;

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards;

Whereas, on April 23, 2008, the Safety of Seniors Act of 2007 (Public Law 110–202) was enacted, amending the Public Health Service Act (42 U.S.C. 280b et seq.) to create a national education campaign aimed at older adults, their families, and healthcare providers, and injury prevention programs that focus on the reduction and prevention of falls among older adults; and

Whereas the Falls Free Coalition Advocacy Work Group, its numerous supporting organizations and all other supportive organizations, should be commended for their efforts to raise awareness and to promote greater understanding, research, and pilot programs to prevent falls among older adults: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 22, 2008, as ''National Falls Prevention Awareness Day'';

(2) commends the National Falls Free Coalition and all other supportive organizations for their efforts to promote awareness about preventing and reducing falls among older people in the United States;

(3) encourages the private sector, the public health community, healthcare providers, advocacy organizations, and Federal, State, and local governments to work together to increase education and awareness about the prevention of falls; and

(4) urges national and community organizations, businesses, individuals, and the media to use National Falls Prevention Awareness Day to promote awareness of this important public health problem in an effort to reduce the incidence of falls among older people in the United States.

Ms. MIKULSKI. Mr. President, I rise today to submit legislation designating September 22, 2008, as National Falls Prevention Awareness Day. Earlier this year Senator ENZI and I worked together to pass a law that expands research and education on elder falls. Passing our resolution is yet another way we can help raise awareness and educate the Nation about this serious issue. Falls prevention helps seniors live longer, healthier, and more independent lives.

Falls are the leading cause of injury deaths among older adults. In 2005, falls among older adults accounted for 16,000 deaths, 1.8 million emergency department visas, and 433,000 hospitalizations. In Maryland alone, falls resulted in roughly 340 deaths, 23,000 falls-related emergency room visits, and 13,000 hospitalizations. The resulting costs to the individual, their families, and the health care system are avoidable.

I am pleased to continue to work with the Falls Free Coalition Advocacy Work Group comprised of the Home Safety Council, the National Council on Aging, the National Safety Council, the American Occupational Therapy Association, the American Physical Therapy Association, AARP, and many other concerned advocates to prevent elder falls. Together, I am hopeful we can continue to improve the quality of life for America's seniors through awareness and prevention.

SENATE RESOLUTION 675—EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING AMERICANS TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mr. COLEMAN, Mrs. LINCOLN, Mr. MARTINEZ, Mr. JOHNSON, Mr. CRAIG, Mr. LEVIN, Mr. CASEY, Mr. BAYH, Mrs. BOXER, Mr. INHOFE, Mrs. CLINTON, Mr. BURR, Mr. BUNNING, Mr. LAUTENBERG, Mr. SMITH,

Mr. DEMINT, Ms. STABENOW, Mr. SPECTER, Mr. BROWNBACK, Ms. COLLINS, Mr. ROBERTS, Mr. OBAMA, Mr. ENZI, Mr. LIEBERMAN, Mr. VITTER, Mr. KERRY, Mr. DOMENICI, Mr. STEVENS, Mr. THUNE, Mrs. DOLE, Mr. COBURN, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. INOUYE, Mr. SALAZAR, Mrs. HUTCHISON, and Mr. MENENDEZ (submitted the following resolution; which was considered and agreed to:

S. RES. 675

Whereas there are approximately 510,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting for families to adopt them;

Whereas 61 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 3 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who ''age out'' of foster care by reaching adulthood without being placed in a permanent home has continued to increase since 1998, and more than 26,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas, while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, more than 20,000 children have joined forever families during National Adoption Day;

Whereas, in 2007, adoptions were finalized for over 4,200 children through more than 260 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas the President traditionally issues an annual proclamation to declare November as National Adoption Month, and National Adoption Day is on November 15, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the citizens of the United States to consider adoption during the month of November and all throughout the year.

SENATE RESOLUTION 676—SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK

Ms. MURKOWSKI (for herself, Mr. BAYH, Mr. BIDEN, Mr. CASEY, Mr. CHAMBLISS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAPO, Mrs. DOLE, Mr. DOMENICI, Mr. GRASSLEY, Mr. INOUYE, Mr. KERRY, Mr. MARTINEZ, Mr. MENENDEZ, Mr. PRYOR, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SALAZAR, and Mrs. CLINTON, (submitted the following resolution; which was considered and agreed to:

S. RES. 676

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique ''Kiki'' Camarena, an 11-year special agent of the Drug Enforcement Administration who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign has been sponsored by the National Family Partnership and nationally recognized since 1988 to preserve Special Agent Camarena's memory and further the cause for which he gave his life, and is now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, committed throughout its 35 years to aggressively targeting organizations involved in the growing, manufacturing, and distribution of controlled substances, has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, the Drug Enforcement Administration, and more than 100 other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the Nation faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas, although public awareness of illicit drug use is increasing, emerging drug threats and growing epidemics demand attention, including the abuse of methamphetamines, inhalants, and prescription medications, the second most abused drug by young people in the United States;

Whereas, between 1996 and 2006, the percentages of admissions to substance abuse treatment programs as a result of the abuse of methamphetamines, prescription medications, and marijuana each significantly rose;

Whereas drug dealers specifically target children by marketing illicit drugs that mimic the appearance and names of well known brand-name candies and foods; and

Whereas parents, youths, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this week-long celebration: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week;

(2) encourages children and teens to choose to live drug-free lives; and

(3) encourages the people of the United States to promote the creation of drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

SENATE RESOLUTION 677 TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN RAMSEY, ET AL. v. WILSON, ET AL.

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 677

Whereas, in the case of Ramsey, et al. v. Wilson, et al., Case No. 06–82, pending in federal district court in the Southern District of Ohio, the United States has requested testimony from a former employee of the office of Senator George Voinovich;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission or the Senate:

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore be it

Resolved, That Anthony Condia is authorized to testify in the case of Ramsey, et al. v. Wilson, et al. and related proceedings, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Anthony Condia in connection with the action referenced in section one of this resolution.

SENATE CONCURRENT RESOLUTION 100—AUTHORIZING THE LAST SURVIVING UNITED STATES VETERAN OF THE FIRST WORLD WAR TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL UPON HIS DEATH

Mr. BYRD submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 100

Whereas the veterans of the First World War fought bravely and made heroic sacrifices for the Allied forces;

Whereas the veterans of the First World War suffered the terrors of both trench warfare and the chemical battlefield;

Whereas the veterans of the First World War suffered the scourge of the Spanish influenza pandemic;

Whereas past resolutions have sought authorization for veterans, representative of specific wars, to lie in honor in the rotunda of the Capitol;

Whereas it is the desire of all veterans to honor both those who serve and those who have served in time of war and peace;

Whereas it is the Nation's collective desire to express its gratitude for the sacrifice and service of all First World War veterans; and

Whereas Frank Woodruff Buckles, born February 1, 1901, in Bethany, Missouri, and residing in Jefferson County, West Virginia, at age 107, is believed to be the last surviving United States veteran of the First World War: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING VETERANS OF THE FIRST WORLD WAR.

(a) IN GENERAL.—In recognition of the historic contributions of United States veterans who served in the First World War, the last surviving United States veteran of the First World War shall be permitted to lie in honor in the rotunda of the Capitol upon his death, so that the citizens of the United States may pay their last respects to these great Americans.

(b) IMPLEMENTATION.—The Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take the necessary steps to implement subsection (a), including, if necessary, scheduling the use of the rotunda of the Capitol for the purposes described in such subsection at such a time as such use will not coincide with the use of the Capitol for an Inauguration or a State of the Union address.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5632. Mr. REID (for Mr. DODD (for himself, Mr. BIDEN, Mr. BROWNBACK, Mrs. BOXER, and Ms. MURKOWSKI)) proposed an amendment to the bill H.R. 5834, to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

TEXT OF AMENDMENTS

SA 5632. Mr. REID (for Mr. DODD (for himself, Mr. BIDEN, Mr. BROWNBACK, Mrs. BOXER, and Ms. MURKOWSKI)) proposed an amendment to the bill H.R. 5834, to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes; as follows:

On page 3, beginning on line 4, strike the comma and all that follows to the end period and insert the following: ''and has increased the bounty paid for turning in North Korean refugees''.

On page 3, beginning on line 11, strike ''including'' and all that follows through ''killings'' on line 17.

On page 4, line 4, strike ''On February'', and insert the following: ''Since the passage of the North Korean Human Rights Act, Congress has on several occasions expressed interest in the status of North Korean refugees, and on February''.

On page 4, line 19, strike ''at overseas posts''.

On page 5, line 10, after ''should'', insert ''continue to''.

On page 6, line 3, strike ''rights, humanitarian, and refugee issues,'' and insert the following: ''rights and humanitarian issues, and to participate in policy planning and implementation with respect to refugee issues,''.

On page 7, line 20, strike ''$4,000,000'' and insert ''$2,000,000''.

On page 9, line 13, after ''including'', insert the following: '', in coordination with the Bureau of Population, Refugees, and Migration,''.

On page 9, line 21, strike ''coordinate'' and insert ''participate in the formulation and''.

On page 11, line 13, strike ''paragraphs'' and insert ''paragraph''.

On page 11, strike line 14 and all that follows through line 19.

On page 11, line 20, strike ''(4)'' and insert ''(3)''.

On page 12, lines 3 and 4, strike ''may be provided in a classified format, if necessary'' and insert the following: ''shall be provided in unclassified form, with a classified annex, if necessary''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, September 23, at 10 a.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting to consider pending legislative issues.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 25, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing on (1) H.R. 1294, Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2007; (2) S. 514, Muscogee Nation of Florida Federal Recognition Act; (3) S. 724, Little Shell Tribe of Chippewa Indians Restoration Act of 2007; and (4) S. 1058, Grand River Bands of Ottawa Indians of Michigan Referral Act.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1027, S. 3341.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3341) to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motions to reconsider be laid upon the table, there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3341) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Financial Assistance Management Improvement Act of 2008''.

SEC. 2. REAUTHORIZATION.

Section 11 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) in the section heading, by striking ''and sunset''; and

(2) by striking ''and shall cease to be effective 8 years after such date of enactment''.

SEC. 3. WEBSITE RELATING TO FEDERAL GRANTS.

Section 6 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(2) by inserting after subsection (d) the following:

''(e) WEBSITE RELATING TO FEDERAL GRANTS.—

''(1) IN GENERAL.—The Director shall establish and maintain a public website that serves as a central point of information and access for applicants for Federal grants.

''(2) CONTENTS.—To the maximum extent possible, the website established under this subsection shall include, at a minimum, for each Federal grant—

''(A) the grant announcement;

''(B) the statement of eligibility relating to the grant;

''(C) the application requirements for the grant;

''(D) the purposes of the grant;

''(E) the Federal agency funding the grant; and

''(F) the deadlines for applying for and awarding of the grant.

''(3) USE BY APPLICANTS.—The website established under this subsection shall, to the greatest extent practical, allow grant applicants to—

''(A) search the website for all Federal grants by type, purpose, funding agency, program source, and other relevant criteria;

''(B) apply for a Federal grant using the website;

''(C) manage, track, and report on the use of Federal grants using the website; and

''(D) provide all required certifications and assurances for a Federal grant using the website.''; and

(3) in subsection (g), as so redesignated, by striking ''All actions'' and inserting ''Except for actions relating to establishing the website required under subsection (e), all actions''.

SEC. 4. REPORT ON IMPLEMENTATION.

The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by striking section 7 and inserting the following:

''SEC. 7. EVALUATION OF IMPLEMENTATION.

''(a) IN GENERAL.—Not later than 9 months after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2008, and every 2 years thereafter until the date that is 15 years after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2008, the Director shall submit to Congress a report regarding the implementation of this Act.

''(b) CONTENTS.—

''(1) IN GENERAL.—Each report under subsection (a) shall include, for the applicable period—

''(A) a list of all grants for which an applicant may submit an application using the website established under section 6(e);

''(B) a list of all Federal agencies that provide Federal financial assistance to non-Federal entities;

''(C) a list of each Federal agency that has complied, in whole or in part, with the requirements of this Act;

''(D) for each Federal agency listed under subparagraph (C), a description of the extent of the compliance with this Act by the Federal agency;

''(E) a list of all Federal agencies exempted under section 6(d);

''(F) for each Federal agency listed under subparagraph (E)—

''(i) an explanation of why the Federal agency was exempted; and

''(ii) a certification that the basis for the exemption of the Federal agency is still applicable;

''(G) a list of all common application forms that have been developed that allow non-Federal entities to apply, in whole or in part, for multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies) through a single common application;

''(H) a list of all common forms and requirements that have been developed that allow non-Federal entities to report, in whole or in part, on the use of funding from multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies);

''(I) a description of the efforts made by the Director and Federal agencies to communicate and collaborate with representatives of non-Federal entities during the implementation of the requirements under this Act;

''(J) a description of the efforts made by the Director to work with Federal agencies to meet the goals of this Act, including a description of working groups or other structures used to coordinate Federal efforts to meet the goals of this Act; and

''(K) identification and description of all systems being used to disburse Federal financial assistance to non-Federal entities.

''(2) SUBSEQUENT REPORTS.—The second report submitted under subsection (a), and each subsequent report submitted under subsection (a), shall include—

''(A) a discussion of the progress made by the Federal Government in meeting the goals of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2008, and in implementing the strategic plan submitted under section 8, including an evaluation of the progress of each Federal agency that has not received an exemption under section 6(d) towards implementing the strategic plan; and

''(B) a compilation of the reports submitted under section 8(c)(3) during the applicable period.

''(c) DEFINITION OF APPLICABLE PERIOD.—In this section, the term 'applicable period' means—

''(1) for the first report submitted under subsection (a), the most recent full fiscal year before the date of the report; and

''(2) for the second report submitted under subsection (a), and each subsequent report submitted under subsection (a), the period beginning on the date on which the most recent report under subsection (a) was submitted and ending on the date of the report.''.

SEC. 5. STRATEGIC PLAN.

(a) IN GENERAL.—The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating sections 8, 9, 10, and 11 as sections 9, 10, 11, and 12, respectively; and

(2) by inserting after section 7, as amended by this Act, the following:

''SEC. 8. STRATEGIC PLAN.

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2008, the Director shall submit to Congress a strategic plan that—

''(1) identifies Federal financial assistance programs that are suitable for common applications based on the common or similar purposes of the Federal financial assistance;

''(2) identifies Federal financial assistance programs that are suitable for common reporting forms or requirements based on the common or similar purposes of the Federal financial assistance;

''(3) identifies common aspects of multiple Federal financial assistance programs that are suitable for common application or reporting forms or requirements;

''(4) identifies changes in law, if any, needed to achieve the goals of this Act; and

''(5) provides plans, timelines, and cost estimates for—

''(A) developing an entirely electronic, web-based process for managing Federal financial assistance, including the ability to—

''(i) apply for Federal financial assistance;

''(ii) track the status of applications for and payments of Federal financial assistance;

''(iii) report on the use of Federal financial assistance, including how such use has been in furtherance of the objectives or purposes of the Federal financial assistance; and

''(iv) provide required certifications and assurances;

''(B) ensuring full compliance by Federal agencies with the requirements of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2008;

''(C) creating common applications for the Federal financial assistance programs identified under paragraph (1), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(D) establishing common financial and performance reporting forms and requirements for the Federal financial assistance programs identified under paragraph (2), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(E) establishing common applications and financial and performance reporting forms and requirements for aspects of the Federal financial assistance programs identified under paragraph (3), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

''(F) developing mechanisms to ensure compatibility between Federal financial assistance administration systems and State systems to facilitate the importing and exporting of data;

''(G) developing common certifications and assurances, as appropriate, for all Federal financial assistance programs that have common or similar purposes, regardless of whether the Federal financial assistance programs are administered by different Federal agencies; and

''(H) minimizing the number of different systems used to disburse Federal financial assistance.

''(b) CONSULTATION.—In developing and implementing the strategic plan under subsection (a), the Director shall consult with representatives of non-Federal entities and Federal agencies that have not received an exemption under section 6(d).

''(c) FEDERAL AGENCIES.—

''(1) IN GENERAL.—Not later than 6 months after the date on which the Director submits the strategic plan under subsection (a), the head of each Federal agency that has not received an exemption under section 6(d) shall develop a plan that describes how the Federal agency will carry out the responsibilities of the Federal agency under the strategic plan, which shall include—

''(A) clear performance objectives and timelines for action by the Federal agency in furtherance of the strategic plan; and

''(B) the identification of measures to improve communication and collaboration with representatives of non-Federal entities on an on-going basis during the implementation of this Act.

''(2) CONSULTATION.—The head of each Federal agency that has not received an exemption under section 6(d) shall consult with representatives of non-Federal entities during the development and implementation of the plan of the Federal agency developed under paragraph (1).

''(3) REPORTING.—Not later than 2 years after the date on which the head of a Federal agency that has not received an exemption under section 6(d) develops the plan under paragraph (1), and every 2 years thereafter until the date that is 15 years after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2008, the head of the Federal agency shall submit to the Director a report regarding the progress of the Federal agency in achieving the objectives of the plan of the Federal agency developed under paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5(d) of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by inserting '', until the date on which the Federal agency submits the first report by the Federal agency required under section 8(c)(3)'' after ''subsection (a)(7)''.

ALBUQUERQUE INDIAN SCHOOL ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to Calendar No. 925, S. 1193.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1193) to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1193) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Albuquerque Indian School Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) 19 PUEBLOS.—The term ''19 Pueblos'' means the New Mexico Indian Pueblos of—

(A) Acoma;
(B) Cochiti;
(C) Isleta;
(D) Jemez;
(E) Laguna;
(F) Nambe;
(G) Ohkay Owingeh (San Juan);
(H) Picuris;
(I) Pojoaque;
(J) San Felipe;
(K) San Ildefonso;
(L) Sandia;
(M) Santa Ana;
(N) Santa Clara;
(O) Santo Domingo;
(P) Taos;
(Q) Tesuque;
(R) Zia; and
(S) Zuni.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or a designee).

(3) SURVEY.—The term ''survey'' means the survey plat entitled ''Department of the Interior, Bureau of Indian Affairs, Southern Pueblos Agency, BIA Property Survey'' (prepared by John Paisano, Jr., Registered Land Surveyor Certificate No. 5708), and dated March 7, 1977.

SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF 19 PUEBLOS.

(a) ACTION BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall take into trust all right, title, and interest of the United States in and to the land described in subsection (b) (including any improvements and appurtenances to the land) for the benefit of the 19 Pueblos.

(2) ADMINISTRATION.—The Secretary shall—

(A) take such action as the Secretary determines to be necessary to document the transfer under paragraph (1); and

(B) appropriately assign each applicable private and municipal utility and service right or agreement.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a)(1) is the 2 tracts of Federal land, the combined acreage of which is approximately 18.3 acres, that were historically part of the Albuquerque Indian School, more particularly described as follows:

(1) TRACT B.—The approximately 5.9211 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey.

(2) TRACT D.—The approximately 12.3835 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey.

(c) SURVEY.—The Secretary may make minor corrections to the survey and legal description of the Federal land described in subsection (b) as the Secretary determines to be necessary to correct clerical, typographical, and surveying errors.

(d) USE OF LAND.—The land taken into trust under subsection (a) shall be used for the educational, health, cultural, business, and economic development of the 19 Pueblos.

(e) LIMITATIONS AND CONDITIONS.—The land taken into trust under subsection (a) shall remain subject to any private or municipal encumbrance, right-of-way, restriction, easement of record, or utility service agreement in effect on the date of enactment of this Act.

SEC. 4. EFFECT OF OTHER LAWS.

(a) IN GENERAL.—Except as otherwise provided in this section, land taken into trust under section 3(a) shall be subject to Federal laws relating to Indian land.

(b) GAMING.—No gaming activity (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)) shall be carried out on land taken into trust under section 3(a).

FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to the immediate consideration of H.R. 6893.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6893) to amend Parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6893) was ordered to a third reading, was read the third time, and passed.

NORTH KOREAN HUMAN RIGHTS ACT

Mr. REID. Mr. President, I ask unanimous consent that the committee on Foreign Relations be discharged from further consideration of H.R. 5834, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5834) to amend the North Korean Human Rights Act of 2004 to promote respect for fundamental human rights of the people of North Korea, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BIDEN. Mr. President, I am pleased that the Senate is considering H.R. 5834, a bill to reauthorize the North Korea Human Rights Act. The act underscores U.S. concern about the poor human rights conditions inside North Korea and the difficulties faced by thousands of North Koreans who have fled the country and become refugees. I support this bill because I believe our Government's approach to North Korean human rights and refugee issues must be seamlessly integrated into a coherent strategy that promotes regional peace and stability, advances core U.S. national security interests by verifiably eliminating North Korea's pursuit of nuclear weapons, and step by step encourages North Korea to adhere to international norms in the areas of human rights, security, and trade.

It is essential that the United States reach out and begin a dialogue with North Korea on issues related to basic human rights. Four years ago, I was proud to work with my colleague, Senator BROWNBACK of Kansas, on an amendment to the North Korean Human Rights Act that created within the Department of State a Special Envoy for Human Rights in North Korea. In reauthorizing the act, the Congress expresses its intent that the envoy should be a full-time employee, and Congress elevates the post to the rank of ambassador, subject to the advice and consent of the Senate. The incumbent special envoy has pursued his duties part-time while residing outside of Washington, making coordination with the Department more difficult and limiting the overall effectiveness of his diplomatic efforts. By expressing the sense of the Congress that the new ambassador should be a full-time position, the Congress does not preclude the possibility that the President may find it desirable to nominate as ambassador an individual who already has other duties closely related to those to be pursued by the Ambassador for North Korean Human Rights Issues. Indeed, such dual assignments are not uncommon within the State Department.

The bill acknowledges that the new Ambassador for North Korean Human Rights Issues should be able to participate in policy planning and implementation with respect to refugee issues, particularly given the fact that returning refugees are among those most likely to be persecuted by North Korean authorities. But it is my expectation that the State Department's Bureau of Population, Refugees, and Migration (PRM) will continue to play the leading role on North Korean refugee issues, engaging with China and other nations to ensure humane treatment in accordance with international norms. PRM has the staffing, expertise, congressional authorization, and experience needed to spearhead U.S. efforts in this area, and they should continue to do so.

The new Ambassador for North Korean Human Rights Issues will have to approach the job with quiet determination and considerable patience. Discussing human rights issues with North Korean authorities will not be easy, and the new ambassador will need to have both excellent diplomatic skills and a deep understanding of East Asia and the particular circumstances on the Korean Peninsula. Change will not come easily, and is more likely to flow from dialogue and engagement than from bombast and condemnation.

There are many issues on the table, ranging from family reunification visits for the thousands of Korean-Americans with relatives in the north, to ending the persecution of people of faith inside North Korea. Other humanitarian issues may also enter the mix, including food security and public health. It is my hope that the new ambassador will work with our treaty ally, South Korea, and with other countries neighboring North Korea to craft an approach to human rights issues that can, step by step, see an improvement in the lives of average North Koreans and compassionate care for those who have fled the country. In this effort, the ambassador may find it useful to draw appropriate lessons from the Helsinki process in Europe, but ultimately the approach will have to be one that is specifically tailored to the North Korean situation.

As Congress passes this legislation, we must not lose sight of the fact that members of the Bush administration are toiling to convince North Korea to resume the disablement of its nuclear facilities and to agree to a verification mechanism for its nuclear declaration. These efforts are of vital importance. It is regrettable that progress has been derailed over a dispute about sanctions relief and the verification protocol. North Korea should understand that if Pyongyang honors its commitments, we stand ready to honor ours. On the basis of action-for-action, I hope the United States and North Korea, along with other members of the Six Party Talks, will work to accomplish the denuclearization of the Korean Peninsula and the full integration of North Korea into the community of nations. In exchange for the complete and verifiable elimination of its nuclear weapons programs, North Korea stands to receive energy assistance, sanctions relief, and security assurances from the United States and other members of the Six Party Talks. I look forward to the day when North Korea is truly at peace with its neighbors and enjoys normal relations with the United States. It is a future that is within North Korea's grasp if it abandons its pursuit of nuclear weapons.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5632) was agreed to, as follows:

(Purpose: To make certain technical and clarifying amendments)

On page 3, beginning on line 4, strike the comma and all that follows to the end period and insert the following: ''and has increased the bounty paid for turning in North Korean refugees''.

On page 3, beginning on line 11, strike ''including'' and all that follows through ''killings'' on line 17.

On page 4, line 4, strike ''On February'', and insert the following: ''Since the passage of the North Korean Human Rights Act, Congress has on several occasions expressed interest in the status of North Korean refugees, and on February''.

On page 4, line 19, strike ''at overseas posts''.

On page 5, line 10, after ''should'', insert ''continue to''.

On page 6, line 3, strike ''rights, humanitarian, and refugee issues,'' and insert the following: ''rights and humanitarian issues, and to participate in policy planning and implementation with respect to refugee issues,''.

On page 7, line 20, strike ''$4,000,000'' and insert ''$2,000,000''.

On page 9, line 13, after ''including'', insert the following: '', in coordination with the Bureau of Population, Refugees, and Migration,''.

On page 9, line 21, strike ''coordinate'' and insert ''participate in the formulation and''.

On page 11, line 13, strike ''paragraphs'' and insert ''paragraph''.

On page 11, strike line 14 and all that follows through line 19.

On page 11, line 20, strike ''(4)'' and insert ''(3)''.

On page 12, lines 3 and 4, strike ''may be provided in a classified format, if necessary'' and insert the following: ''shall be provided in unclassified form, with a classified annex, if necessary''.

The amendment was ordered to be engrossed and the bill be read a third time.

The bill (H.R. 5834), as amended, was read the third time, and passed.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 677.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 677) to authorize testimony and legal representation in Ramsey, et al. v. Wilson, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in a civil action in Federal district court in the Southern District of Ohio. In this action under the Federal Tort Claims Act, in which the plaintiffs seek damages arising out of an accident involving a pickup truck, the United States has requested testimony from a former employee in Senator VOINOVICH's office who was traveling in his own car on official Senate business at the time of the accident. A trial in this case is scheduled to commence on November 10, 2008. Senator VOINOVICH would like to cooperate. This resolution would authorize the Senator's former staffer to testify in connection with this action, and in related proceedings, with representation from the Senate Legal Counsel.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motions to reconsider be laid upon the table en bloc; that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 677) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 677

Whereas, in the case of Ramsey, et al. v. Wilson, et al., Case No. 06–82, pending in federal district court in the Southern District of Ohio, the United States has requested testimony from a former employee of the Office of Senator George Voinovich;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate:

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Anthony Condia is authorized to testify in the case of Ramsey, et al.

v. Wilson, et al., and related proceedings, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Anthony Condia in connection with the action referenced in section one of this resolution.

UNANIMOUS CONSENT AGREEMENT—S. 3507

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 3507 and that it be referred to the Finance Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3535

Mr. REID. Mr. President, I understand there is a bill at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3535) to amend the Internal Revenue Code of 1986 to index certain assets for purposes of determining gain or loss.

Mr. REID. I now ask for its second reading—I do that in order to place the bill on the calendar under the provisions of rule XIV—and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ADVANCING AMERICA'S PRIORITIES ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 894, S. 3297.

ORDERS FOR TUESDAY, SEPTEMBER 23, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., September 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; that following morning business, the Senate proceed to the consideration of H.R. 6049, the tax extenders legislation, under the previous order; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, under the previous order the Chair has issued, the Senate will consider up to three amendments to the tax extenders legislation with limited debate on the amendments and on the bill. The first vote of the day is expected to occur prior to the caucus luncheons and the remaining votes to occur in the afternoon. This bill is one of the most important ones done by this Congress. It is so important that we get this bill done. I hope the House will accept this legislation very quickly.

RECESS UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 6:42 p.m., recessed until Tuesday, September 23, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3037:

To be lieutenant general

MAJ. GEN. SCOTT C. BLACK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CARROLL F. POLLETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES H. PILLSBURY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. DAVID N. BLACKORBY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID E. GRAETZ
BERT S. KOZEN
BRUCE A. POSTMA
STEPHEN E. VAUGHN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

ORMAN W. BOYD
SCOTT R. CARSON
BRENT V. CAUSEY
RANDALL C. DOLINGER
THOMAS L. DUDLEY, JR.
THOMAS E. ENGLE
THOMAS G. EVANS
JOEL C. HARRIS
FRANKLIN L. JACKSON, JR.
YOUN H. KIM
KARL O. KUCKHAHN, JR.
WILLIAM H. PHILLIPS, JR.
JIM L. PITTMAN
JONATHAN E. SHAW

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHRISTOPHER C. CARLSON
JAMES R. COTTER
STEVEN E. DYESS
BRADFORD L. FIPPS
RALPH J. GORE, JR.
PHILLIP L. HUNTER
WYLIE W. JOHNSON
DAVID B. KOCH
JEFFREY D. MCGRADY
ALVIN E. MILLER
BERNARD K. NISWANDER
JOHN C. PETTIT
DAVID A. POLLOK, JR.
MARK SACHS
OTTO C. SCHNARR, JR.
STEPHEN B. SHOW
HARRY W. TERMAAT
LARRY O. TONEY
KEVIN R. TURNER
JAMES G. WINTER, JR.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

BILL NELSON, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

BOB CORKER, OF TENNESSEE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, September 22, 2008:

DEPARTMENT OF STATE

BILL NELSON, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

BOB CORKER, OF TENNESSEE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

HOUSE OF REPRESENTATIVES—*Monday, September 22, 2008*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. CARNAHAN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 22, 2008.

I hereby appoint the Honorable RUSS CARNAHAN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

WALL STREET BAILOUT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Well, Secretary Paulson has submitted a simple proposal to Congress. This is it, three pages. It is about $1 billion a word, and it is quite simple: Secretary Paulson gets the key to the Treasury, can start off by borrowing $700 billion in the name of the American people, maybe more later, and it waives all laws. All laws. No oversight, no one looking over his shoulder, no conflict of interest rules. Not even court review. A pretty simple proposal.

He insists this has to be done, without meaningful discussion or debate or any change by the Congress, sort of an immediate authorization for use of financial force. Does this remind anybody of anything, like the rush into Iraq on election eve a number of years ago? It is all too familiar.

He wants to take care of Wall Street's illiquid assets, as what he nicely labels them. Nice charitable pundits have said Cash For Trash. Wall Street could then return to business as usual. That is Mr. Paulson's plan. He is of, by, for, and about Wall Street, former head of Goldman Sachs. He wants to go back to the way things were.

They should never go back to the way things were. There need to be consequences, and there needs to be major change in the financial structures and the financial instruments and the regulation of Wall Street, something this administration still continues to deny, or says, oh, we'll do it later after we give them everything they want up front, after we bail them out.

Now, many want a condition on what will happen here. They want to have oversight. That is good. They want to limit executive compensation for any firm that takes a bailout. That is good. They want a linkage to a Main Street stimulus package and jobs. That is good. Those are all good. But we have got to question and take our time here to question the basic premise: Should we just take all their junk that people like Hank Paulson created, exotic instruments, the big party they have been throwing? Should we just take that and give it to the taxpayers and borrow the money from who knows where? Or, should we take an equity stake in these firms? That is what the government did when it bailed out Chrysler. It said, okay, we'll bail you out, but we own you; and when you come back, we're going to make money for the taxpayers.

Secretary Paulson wants to set it up so that the taxpayers at best, and in an all likelihood this wouldn't happen, might break even some day. No. We need to take an equity assurance in these firms, or we need to extend them loans, have them marked down as junk to market. There's a market for it. It's about 22 cents on the dollar. Make them mark it down. And then if they're threatened and they're liquid, they can come to us and ask for a loan, and the terms are going to be stiff. And we aren't going to give it to just any one of these firms. No. We need to do this. We need to do it with oversight, and executive compensation is key no matter which way we go.

Oh, let the boards of directors control. Come on, boards of directors are all like first cousins and closer. These people are all feathering each other's nest. Hank Paulson himself got a $50 million bonus for 1 year, the same year Wall Street rewarded itself with $60 billion in bonuses. That is not a mistake. Billion dollars in bonuses in 2006.

These people are out of control. They don't understand the real world. And for them to talk about Main Street and pretend they're populist and they care about Main Street and student loans and homeowners' equity is a bunch of BS.

We need major structural reform, and we are the last bulwark here, the House of Representatives, the United States Senate. Because if we pass this bill as they propose it, we will be doing an incredible disservice to the American people, to the world economy. And what if his bet doesn't work? Yeah, the execs come out whole and they scoot that money offshore into hidey-holes or into gold or something else. But what if it doesn't work? And we have extended our credit about as far as it will go. Where are we going to borrow $700 billion? What is the next step?

We need a much more targeted, deliberative approach. Congress can't come up with it in 3 days or 4 days. We shouldn't be rushed into this. If it takes a week, 2 weeks, 3 weeks, a month, the world will wait. They will wait for a thoughtful plan that cures the disease in addition to getting us beyond this initial problem. That is the job of this Congress. We should not be rolled by our Wall Street exec who is masquerading as Secretary of the Treasury.

BAILING OUT WALL STREET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Mr. Speaker, it is also with great concern that I come before my colleagues to address a financial crisis of epic proportions.

Our Federal Government has taken drastic measures mainly in the form of a taxpayer-funded bailout in an attempt to put a stop to the complete deterioration of our financial system.

Just this weekend, the administration composed a comprehensive bailout to relieve private sector financial institutions and banks of their toxic mortgage assets to the tune of 700 billion taxpayer-backed dollars.

This plan increases our excessively high national debt to $11.3 trillion while also allowing foreign banks, which hold U.S. mortgage debt, to benefit from the billions provided by this bailout.

This plan constitutes the largest government bailout in history, yet it does nothing to protect the taxpayers. The Secretary of Treasury will have unlimited authority to purchase the most toxic of assets from any number of solvent, private sector financial institutions.

Furthermore, this plan comes in the wake of last week's $85 billion bailout of major insurance company American International Group and the Treasury's $200 billion bailout of out-of-control GSES Fannie Mae and Freddie Mac.

Mr. Speaker, these bailouts come at a great price and expose American taxpayers to vast financial risk. Through these bailouts, our Federal Government is effectively risking hard-earned taxpayers' dollars to protect private sector companies that utilized reckless investment strategies with little regard to the consequences. Clearly, our financial and regulatory structures have failed us, and now the looming question on everybody's mind is, who is next?

Mr. Speaker, bailout after bailout is not a strategy, and it is certainly not a sustainable cure to our financial ills. These bailouts are an assault on American capitalism and have introduced a large degree of financial hazard into our economic system.

As an elected official, I am worried about this weekend's comprehensive bailout plan that gives the Secretary of Treasury unprecedented authority and virtually no oversight, aside from having to submit semiannual reports to Congress. This is unacceptable, and we must do something to protect taxpayers before adjourning this Congress.

Several years ago I became concerned with the financial picture of both Fannie Mae and Freddie Mac, when as a member of the oversight subcommittee of the House Energy and Commerce Committee, I participated in the Enron hearings, and learned of the fraud and abuses perpetrated through accounting procedures. Moreover, I heard how Freddie Mac had also misapplied the Financial Accounting Standard Board's (FASB) standards for derivatives and hedging in its financial statement.

In 2003, as Chairman of the Commerce, Trade, and Consumer Protection Subcommittee, I held hearings on FASB accounting standards, including a hearing on Freddie Mac's fraudulent accounting practices. I planned on holding additional hearings on Freddie Mac's restatement, and developing legislation on accounting standards when jurisdiction over FASB was suddenly stripped away from my subcommittee and transferred to the Financial Services committee—seemingly the result of intensive lobbying efforts on Freddie's part.

I firmly believe, my colleagues, we need to establish congressional oversight of the Treasury, perhaps in the form of a commission that can monitor the transfer of this money, so that we may have better accountability and transparency as the government proceeds in bailing out company after company.

Additionally, we need better regulatory structures, and we should institute immediate controls to prevent massive short-selling of stocks which only further corrodes the market. And, further, we must ensure that the CEOs of these solvent, private companies do not walk away with millions of dollars in severance packages at the expense of taxpayers. Why not give taxpayers warrants for the upside in these companies that are being bailed out by taxpayers so that they benefit from this sacrifice? Unfortunately, this plan would put taxpayers at a risk for losses that belong to those companies that recklessly sought profits—profits for the stockholders and executives through dividends, salaries, bonuses and presumed stock appreciation.

I stress to my colleagues today, this is not a case of partisan politics. Our constituents' 401(k)s are at risk. The nationalization of private assets is inherently un-American. As free enterprising Americans, we need to let our markets determine the winners and the losers, not the United States Treasury.

Economists say we are in the midst of the greatest financial crisis since the 1930s, and yet the Democratic leadership intends on ending this 110th Congress on Friday.

Mr. Speaker, we have more work to do. We should not adjourn this Congress until we have a set of real solutions to work with, and these solutions should not involve risking any additional taxpayer dollars. I firmly believe that our Congress has a bigger role to play in ensuring that bailout and bankruptcy are not words the American people get used to hearing. We owe at least that much to the people who put us here.

The plan developed this weekend puts taxpayer dollars at risk with little or no benefit to those who pay the taxes, and I stand here today to firmly oppose it.

The Federal Deposit Insurance Corp. is a likely candidate to seek a taxpayer-funded "loan" or bailout from the government. This is particularly worrisome, given the fact that the FDIC exists for the sole purpose of insuring the deposits in our Nation's banks. If the FDIC's insurance fund continues to slip as bank failures persist, we may be facing another Treasury rescue.

WALL STREET BAILOUT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SHERMAN) for 5 minutes.

Mr. SHERMAN. Let me join the bipartisan chorus of skeptical voices about this $700 billion bailout.

We live in an era of great concentration of power in the Executive Branch and great concentration of wealth on Wall Street. Today, we are asked to approve the greatest power grab any executive has ever asked for and the greatest transfer of wealth Wall Street could imagine. $700 billion is supposed to be given to the administration, and they will give it to Wall Street.

They are going to buy the worst of the worst assets in the back of any investment bank's closet. They can decide what to pay. They can buy from this one and not that one. They can have as much politics and as much cronyism as they are able to conceal, and there will be no oversight So, they can conceal a lot. No standards, no accountability. They can pay any price to any person for any toxic asset, and they can refuse to pay any price to any person for any toxic asset.

This $700 billion is on top of the Fannie and Freddie Mac bailouts, which were not bailouts so much of those entities. Those entities are really now part of the government. They were bailouts of the Wall Street investors in the bonds that had been guaranteed by Freddie and Fannie.

So we have already transferred hundreds of billions of dollars to Wall Street; we are now told to do $700 billion. And be sure, if we do the $700 billion now, they will be back for a few hundred billion in a while and a few hundred billion beyond that.

The truth is we don't know. The truth is they don't know. If we pass this bill, Wall Street could be sagging in a few weeks anyway. If we don't pass this bill, Wall Street could rebound by the end of the year. No one can make your 401(K) safe. No one can tell you whether your 401(K) will be safe regardless of whether we pass this bill or not. The only thing that is certain is that if we pass this bill, Wall Street executives will be happy.

This bill allows whatever money we give to a Wall Street firm, they can invest it overseas the next day. And if a foreign entity has invested in these bonds, these toxic assets, they don't get bailed out by their own government; they can sell those bonds to a U.S. entity on Monday, and the taxpayer can be stuck with these toxic assets by Tuesday.

We are told we are going to get regulatory and corporate governance reform next year; but this bill does not include a fast track provision to assure that serious proposals are considered, particularly when they are subject to filibuster in the Senate. Why no fast track for every kind of regulatory and corporate governance reform?

The administration was gagged kicking and screaming into providing $3 billion of help to home owners who face troubled loans. They want over $1 trillion for Wall Street. That shows you the ratio of their compassion.

There is nothing in this proposal from the administration to limit executive compensation. So when we pay $1 billion to a Wall Street firm, the next day they can use that money to hand out huge and enormous bonuses to their executives. I would propose that we have a 50 percent surtax on the executive compensation paid to the executive of any bailed out entity, starting with Bear Stearns and Fannie and Freddie and AIG, and continuing through those who benefit from this bill.

We clearly need a stimulus, at least a well-crafted stimulus program.

And, finally, why should the Department of the Treasury have total carte blanche? We should require that every major contract entered into under this bill and every purchase of toxic assets be approved in advance by the GAO; otherwise, this is just a license to the Treasury to hand out money in return for trash, cash for trash, and they get to decide how to do it.

If you are skeptical about this bill, please meet with me and others at 2:30 today in Room 2220, that is 2220 at 2:30, and let's discuss how we can make a bill that reflects American values and not Wall Street values.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 2008.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 19, 2008, at 12:24 p.m.:

That the Senate passed S. 531.

That the Senate passed S. 2606.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPPS) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God, our Savior and Guide, over this weekend Your people gathered for public worship. Communal prayer teaches us to live with grateful hearts, even in tense and depressing times. We thank You, Lord, for the gifts of family, the benefits of daily work and the freedoms of this Nation.

As Congress assembles for another week, may our prayer together turn our hearts from self-seeking to a true awareness of our communal sharing in Your goodness and the necessary efforts to protect our national interests and clear the way to economic stability for all.

May Your holy will be accomplished through just legislation and give You glory, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. FILNER) come forward and lead the House in the Pledge of Allegiance.

Mr. FILNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TAXPAYERS SACRIFICE ALL AND RECEIVE NOTHING

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Madam Speaker, the title of my 1-minute is called ''Taxpayers Sacrifice All and Receive Nothing.''

The plan that developed this weekend for a comprehensive bailout of private sector financial institutions put taxpayers at risk with little or no benefit to those who pay the taxes.

This plan will put taxpayers at a risk for losses that belong to those companies that recklessly sought profits, profits for the stockholders and executives through dividends, salaries, bonuses and presumed stock appreciation. Instead, taxpayers who assume this risk should also enjoy an equity premium that goes beyond the return of their funds with interest for this bailout.

The taxpayers, after being awarded interest from their funds, as if they had invested in bonds, should have warrants as an equity kicker to sweeten their deal, giving them premium for their risk. Any institutional lender would demand as much and more. In this way, the taxpayers could share in the upside success of the companies that they rescue.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

COMMENDING THE HONOR FLIGHT NETWORK

Mr. FILNER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1287) commending the Honor Flight Network, its volunteers, and donors, for enabling World War II veterans to travel to our Nation's capital to see the World War II Memorial created in their honor.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1287

Whereas in 2004, nearly 60 years after World War II ended, veterans of that war and all those who supported the war effort at home received recognition of their service, sacrifice, and victory through the dedication of a national World War II Memorial located on the National Mall in Washington, District of Columbia;

Whereas many veterans of World War II are now in their 80s and 90s, and are unable, physically or financially, to visit our Nation's capital to see the World War II Memorial for themselves;

Whereas Earl Morse of Ohio and Jeff Miller of North Carolina created the Honor Flight Network to enable World War II veterans to travel to the Memorial;

Whereas now operating in communities in over 30 States, the Honor Flight Network is a grassroots, nonprofit organization that uses commercial and chartered flights to send veterans on an all-expenses paid trip to Washington, District of Columbia;

Whereas the Honor Flights are staffed by volunteers and funded by donations;

Whereas former Senator Bob Dole, himself a wounded veteran of World War II, led the fundraising campaign to build the Memorial and often greets veterans arriving at the Memorial through the Honor Flight Network;

Whereas of the 16,000,000 veterans who served in World War II, an estimated 2,500,000 are alive today and dying at a rate of over 900 a day; and

Whereas the Honor Flight Network is working against time to thank America's World War II veterans: Now, therefore, be it

Resolved, That the House of Representatives expresses its deepest appreciation to the Honor Flight Network, its volunteers, and donors, who honor America's World War II veterans with an opportunity to see the World War II Memorial in Washington, District of Columbia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to support House Resolution 1287, a resolution commending the Honor Flight

Network, its volunteers, its donors and friends for enabling World War II veterans to travel to our Nation's Capital to see the World War II Memorial created in their honor. It is a pleasure for me to stand before you today to pay tribute to the Honor Flight Network.

This is a nonprofit organization that was created solely to honor America's World War II veterans for all their sacrifices by bringing them to Washington, DC without charging them a penny. The visit for them is to reflect at the World War II Memorial and visit with their fellow veterans.

The memorial, as you all know, honors the 16 million veterans who served in the Armed Forces of the United States during World War II, the more than 400,000 that made the ultimate sacrifice in defense of our Nation and the millions who supported the war effort at home.

The memorial itself is a testament to the spirit, sacrifice and commitment of the American people to the common defense of our Nation and equally important to the broader causes of peace and freedom from tyranny throughout the world. Above all, the memorial stands as an important symbol of American national unity, a timeless reminder of the moral strength and awesome power that can flow when free people are united and bonded together in a common and just cause. I sincerely hope that every World War II veteran will eventually be able to experience this great memorial, which we specifically created in their honor.

I am saddened, Madam Speaker, that not all veterans will be able to see this remarkable site. But, fortunately, the Honor Flight Network has made this dream a reality for many veterans by helping them see firsthand the memorial, an experience that certainly live with them and their families for the rest of their lives.

This program was conceived by Earl Morse, a physician's assistant and retired Air Force captain, to honor the veterans he has taken care of for almost three decades. After retiring from the Air Force in 1998, Earl was hired by the Department of Veterans Affairs to work in a small clinic in Springfield, Ohio.

In May of 2004, the World War II Memorial was finally completed and dedicated in Washington, DC, which quickly became the topic of discussion amongst his World War II veteran patients. Earl repeatedly asked these veterans if they would ever travel out to visit the memorial. Most felt that eventually somehow they would make it to D.C., perhaps with a friend or family member.

As summer turned to fall and then winter, these same veterans returned to the clinic for their follow-up visits. Earl asked if they accomplished their dream of visiting the World War II Memorial.

By now, for most of the veterans who were asked the question, reality had settled in. It was clear to most of them that it was simply not financially or physically possible for them to make the journey. Most of these heroes were in their eighties and lacked the physical and mental wherewithal to complete a trip of their own. Families and friends lacked the resources and time to complete a trip to D.C.

Earl could tell that the majority of the veterans had given up all hope of ever visiting the memorial that was specifically created to honor them, their sacrifice and their service. That is when Earl decided that there had to be a way to get these heroes to D.C. to see this memorial.

In December of 2004 Earl asked one of his World War II patients if he could personally fly him out to D.C. free of charge to visit the memorial. The patient, Mr. Loy, broke down and cried. He said at his age he would probably never get to see his memorial. He accepted the offer, and soon thereafter Earl received help from other pilots to make these hopes and dreams a reality for other veterans.

At the end of the first year, Honor Flight took 137 World War II veterans to their memorial. The mission and ideals of the program began to spread across America. One individual, Jeff Miller, from Hendersonville, North Carolina, led the expansion into areas not serviced by direct commercial flights to the Washington, DC area, and HonorAir was born.

In February of 2006, Earl and Jeff combined efforts and cofounded this Honor Flight Network. By the end of 2006, almost 1,000 World War II veterans realized their dream of visiting their memorial. The program presently has 69 hubs in 30 States, and by the end of this year, the Honor Flight Network hopes to have a hub in all 50 States.

One veteran who was able to have this experience, Ed Vitikas, put it best. He said, ''It's the trip of a lifetime.'' In the future, Honor Flight plans on paying tribute to America's other heroes that served during the Korean and Vietnam Wars, followed by veterans of more current wars.

Today, by passing House Resolution 1287, we express our gratitude and heartfelt thanks to an organization that has given so much to our veterans by commending the Honor Flight Network, its volunteers and donors, for enabling World War II veterans to travel to our Nation's Capital to so the World War II Memorial created in their honor.

Mr. Speaker, I would like to thank our colleagues, JERRY MORAN from Kansas, DAVID HOBSON from Ohio and HEATH SHULER from North Carolina, for submitting this resolution. I ask that all my colleagues from both sides of the aisle support this resolution.

I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 1287 would provide commendation to the Honor Flight Network, its volunteers and donors for enabling World War II veterans to travel to our Nation's Capital to see the World War II Memorial created in their honor.

Honor Flight Network was initially conceived in 2004 by Earl Morse, a physician's assistant and retired Air Force captain, to simply honor veterans he has taken care of for the past 27 years. Its sole purpose was to fly veterans to Washington, D.C. to visit the memorials dedicated to honor their sacrifice.

Today, Honor Flight Network has flown more than 800 World War II veterans to the memorial. It is a grassroots, nonprofit organization, and currently operates successfully in 30 States. My office has been involved in setting up three of these special honor flights for World War II veterans, and in June of 2007 I had the pleasure of partaking in one of these events myself.

The Honor Flight Network relies on support from volunteers and the funding from donors. These individuals help us to honor our veterans in return for all they have sacrificed to make this a better world.

Without the support of our volunteers, we would not be able to provide our heroes with the opportunity to fly to Washington, DC to see the memorial created in their honor. In reviewing the current legislative priorities for the Honor Flight Network, it is evident that their efforts have continued to supply support and recognition to World War II veterans through democracy.

Madam Speaker, I urge my colleagues to support House Resolution 1287.

Madam Speaker, I have no further speakers and yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 1287.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

In conclusion, maybe as a segue to a bill we have in a couple minutes, this is a memorial to World War II veterans. For over 62 years, the Filipinos, who were drafted to fight in World War II and helped us win the battle in the Pacific, have not been granted the rights and benefits of being veterans of our Nation. They played a very important role, slowing up the Japanese advance,

harassing them so that MacArthur could return, and continuing to help us fight the battle of the Pacific. We would not have won the battle in the Pacific as quickly as we did were it not for our Filipino World War II veterans.

I just want to say for the record that I and millions of people around the country regard this World War II Memorial on the Mall as also commemorating the contributions of the Filipinos who fought by our side in World War II.

Mrs. MILLER of Michigan. Madam Speaker, I rise today in strong support of H. Res. 1287—Commending the Honor Flight Network.

The Honor Flight's mission is to provide an all expenses paid trip for WWII veterans to Washington, DC, to visit the memorial that has been dedicated to honor their service and their sacrifices for our country.

Unfortunately, we are losing "The Greatest Generation" with every passing day, and many are not able to have the opportunity to visit the World War II monument, which memorializes the sacrifice made by so many.

Thankfully, Honor Flight organizations from all over the Nation have taken it upon themselves to make sure WWII veterans who otherwise would be unable to make the trip to D.C., have an opportunity to do so.

This amazing group, made up entirely of unpaid volunteers, raises money and donates time to ensure these veterans of World War II see not only the WWII monument, but also the changing of the guard at Arlington National Cemetery—all at no cost to the veteran.

These honor flights take veterans to Washington from April through November each year, and provide flights, deluxe tour bus service, t-shirts, scooters, wheelchairs, oxygen and meals—at a cost of $20,000 per flight. Many people say they are grateful for the sacrifices of our Nation's veterans, but this group puts it that idea into action.

In my home state of Michigan, over 414 veterans were flown to Washington, DC by Honor Flight of Michigan last year, and so far this year 346 veterans have been afforded the opportunity to see Washington, DC.

I can think of no group more worthy of recognition than the Honor Flight Network. These fine Americans do great work, and I personally want to thank them for honoring our Nation's veterans—they have fought, bled, and sacrificed on our behalf and we owe them a debt that can never be repaid.

However, I'm grateful to see Americans working together in partnership with business and the donations of hard working men and women can be applied to honoring the "Greatest Generation" of Americans.

Mr. MORAN of Kansas. Madam Speaker, I rise today in support of House Resolution 1287.

Several of my colleagues and I have had the honor in recent years of joining former Senator Bob Dole to greet groups of World War II veterans arriving at the World War II Memorial for the first time through a grassroots, nonprofit organization called Honor Flight.

I introduced House Resolution 1287 earlier this year to express our country's appreciation to the Honor Flight Network, its founders Earl Morse of Ohio and Jeff Miller of North Carolina, its volunteers and its donors across the country who make this moving experience possible for our Nation's World War II veterans. By introducing this resolution, I also seek to call attention to this worthy organization in the hope that more of my colleagues as well as those watching and reading at home will support Honor Flight in their communities.

Many World War II veterans are in their 80s and 90s and are unable, physically or financially, to visit our Nation's capital and see the World War II Memorial, which is a beautiful tribute to their service, sacrifice and victory over 60 years ago. We are losing these veterans at a rate of 900 each day. Working against time to say "thank you," Honor Flight uses chartered or commercial flights to enable World War II veterans to see the Memorial created in their honor.

Today, we commend the Honor Flight Network, its volunteers and donors now operating in over 30 States who honor World War II veterans by making it possible for them to experience our Nation's gratitude for their service.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1287.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FILIPINO VETERANS EQUITY ACT OF 2008

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6897) to authorize the Secretary of Veterans Affairs to make certain payments to eligible persons who served in the Philippines during World War II, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Filipino Veterans Equity Act of 2008".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Philippine islands became a United States possession in 1898 when they were ceded from Spain following the Spanish-American War.

(2) During World War II, Filipinos served in a variety of units, some of which came under the direct control of the United States Armed Forces.

(3) The regular Philippine Scouts, the new Philippine Scouts, the Guerilla Services, and more than 100,000 members of the Philippine Commonwealth Army were called into the service of the United States Armed Forces of the Far East on July 26, 1941, by an executive order of President Franklin D. Roosevelt.

(4) Even after hostilities had ceased, wartime service of the new Philippine Scouts continued as a matter of law until the end of 1946, and the force gradually disbanded and was disestablished in 1950.

(5) Filipino veterans who were granted benefits prior to the enactment of the so-called Rescissions Acts of 1946 (Public Laws 79–301 and 79–391) currently receive full benefits under laws administered by the Secretary of Veterans Affairs, but under section 107 of title 38, United States Code, the service of certain other Filipino veterans is deemed not to be active service for purposes of such laws.

(6) These other Filipino veterans only receive certain benefits under title 38, United States Code, and, depending on where they legally reside, are paid such benefit amounts at reduced rates.

(7) The benefits such veterans receive include service-connected compensation benefits paid under chapter 11 of title 38, United States Code, dependency indemnity compensation survivor benefits paid under chapter 13 of title 38, United States Code, and burial benefits under chapters 23 and 24 of title 38, United States Code, and such benefits are paid to beneficiaries at the rate of $0.50 per dollar authorized, unless they lawfully reside in the United States.

(8) Dependents' educational assistance under chapter 35 of title 38, United States Code, is also payable for the dependents of such veterans at the rate of $0.50 per dollar authorized, regardless of the veterans' residency.

SEC. 3. PAYMENTS TO ELIGIBLE PERSONS WHO SERVED IN THE PHILIPPINES DURING WORLD WAR II.

(a) COMPENSATION FUND.—

(1) IN GENERAL.—There is in the general fund of the Treasury a fund to be known as the "Filipino Veterans Equity Compensation Fund" (in this section referred to as the "compensation fund").

(2) AVAILABILITY OF FUNDS.—Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary of Veterans Affairs without fiscal year limitation to make payments to eligible persons in accordance with this section.

(b) PAYMENTS.—During the one-year period beginning on the date of the enactment of this Act, the Secretary shall make a payment to an eligible person who, during such period, submits to the Secretary an application containing such information and assurances as the Secretary may require.

(c) ELIGIBLE PERSONS.—An eligible person is any person who served—

(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

(d) PAYMENT AMOUNTS.—Each payment under this section shall be—

(1) in the case of an eligible person who is not a citizen of the United States, in the amount of $9,000; and

(2) in the case of an eligible person who is a citizen of the United States, in the amount of $15,000.

(e) LIMITATION.—The Secretary may not make more than one payment under this section for each person described in subsection (f).

(f) ELIGIBILITY OF INDIVIDUALS LIVING OUTSIDE THE UNITED STATES ENTITLED TO CERTAIN

SOCIAL SECURITY BENEFITS.—Receipt of a payment under this section shall not affect the eligibility of an individual residing outside the United States to receive benefits under title VIII of the Social Security Act (42 U.S.C. 1001 et seq.) or the amount of such benefits.

(g) RELEASE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the acceptance by an eligible person of a payment under this section shall be final, and shall constitute a complete release of any claim against the United States by reason of any service described in subsection (c).

(2) PAYMENT OF PREVIOUSLY AWARDED BENEFITS.—Nothing in this section shall prohibit a person from receiving any benefit to which the person is entitled based on a claim for which benefits are awarded before the date of the enactment of this Act.

(h) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year in which payments are made from the compensation fund under this section, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible persons receiving benefits, the amounts paid out of the compensation fund, and the administration of the compensation fund.

(i) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out this section.

(j) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the compensation fund $198,000,000, to remain available until expended, to make payments under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

□ 1215

Madam Speaker, this bill, rights a wrong that has existed for more than 60 years. Filipino servicemembers played a critical role in the United States' victory in the Pacific during World War II.

They exhibited great courage, as we all know, in the epic battles of Bataan and Corregidor. Many died in the famous Bataan Death March. Those who survived, and others who escaped, continued to harass the Japanese as guerilla units. When MacArthur returned, they joined in the victory of the retaking of the Philippines.

This bill would provide a one-time payment to the courageous Filipino soldiers who fought side-by-side with American GIs. There is no disputing the valiant service that these men provided in the Pacific.

Unfortunately, during a less-than-noble moment in our history, Congress passed the Rescission Acts of 1946, which stripped them of their veteran status and denied them the right of any benefit. While some veteran benefits have been restored for a few soldiers on a limited and piecemeal basis, for the large majority, they have never received a dime for their service. This is wrong.

When these men were called up to service by President Roosevelt, they were still considered Americans who were under territorial rule. Even if decades later, we must recognize the service of our Filipino soldiers and demonstrate the gratitude all of our soldiers deserve for doing what they were asked to do nobly and without complaint.

Let me remind you what President Truman said when he signed the so-called Rescission Acts, even though he disagreed with part of it. Truman said the passage and approval of this legislation ''does not release the United States from its moral obligation to provide for the heroic Filipino veterans who sacrificed so much. Philippine Army veterans fought as American nationals under the American flag and under the direction of our military leaders.''

H.R. 6897, as amended, will give a long overdue one-time payment of $15,000 for U.S. citizens and $9,000 for those who were citizens. By doing this, we will provide a small, yet meaningful, measure of recognition and thanks to these brave men who deserve far, far more.

It is time that this Congress and our Nation recognize their contributions to the successful outcome of World War II, recognize the injustice visited upon them and act to correct this injustice. To those who ask if we can afford to redeem this debt, I say we can't afford not to. The historical record remains blotted until we recognize these veterans.

I hope all my colleagues will join me in supporting these veterans and would reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I request such time as I may consume.

Let me start out in this discussion of this bill, H.R. 6897, that Mr. FILNER from San Diego has done a very exceptional job in his assiduous efforts to pass this bill. I admire him for his efforts.

I don't all together agree with him, and I will point to that in my speech, but this in no way implies that his efforts aren't appreciated for the Filipinos who fought for us in World War II and for those Filipinos who receive money who are not U.S. citizens because of this bill.

I would have to point out that he has said there are no benefits provided for the Filipino veterans. I have here an Overview of Filipino Veterans' Benefits, a report that indicates that, in fact, in 1946, $200 million was authorized to give them benefits. So his statement is not entirely accurate.

We do have a report of Congress that shows money was authorized, $200 million in 1946 was worth a lot of money. I think we should put that in perspective before we start discussing this further.

As pointed out, it is a lump sum payment to Filipino veterans of World War II subject to appropriations. Now, think about that for a second. There is no money in here authorized for this. This is subject to appropriation. They have to find the money. We don't know where this money, roughly $200 million, is going to come from.

I don't agree with the notion frequently put forth that there was a breach of promise put forth to the Filipino veterans by the United States Government, and that we must make some sort of belated payments to them for their service during World War II. The Congressional Research Service, as I pointed out, has provided an excellent objective and nonpartisan report on the Filipino veterans benefits from World War II.

It does not, as I pointed out, support the breach of promise theory that we often hear from my distinguished chairman and also, from a lot of Filipino veterans groups. Both the United States and the Philippine Governments are already providing benefits to many Filipino World War II veterans, so they are already getting benefits.

This bill is significantly different from the legislation that was previously marked up last July, H.R. 760, the Filipino Veterans Equity Act of 2007, and it also differs from the original language of the Senate-passed version of S. 1315. Both bills utilize funding from overturning the court decision in Hartness v. Nicholson to, among other things, pay pension benefits to Filipino veterans of World War II.

At least in that case they did attempt to find some money. So they had a legitimate way to get money to pay for this. That is not true in this bill today. It has taken out discretionary spending left to the appropriators, and the appropriators don't know where they are going to get the money either.

It's apparent from the legislation before us that my distinguished chairman took pause before moving forward. He listened, and this is a credit to him, he listened to the veterans service organizations who opposed the bill, his original bill. He listened to his colleagues on the Veterans' Affairs Committee, and then he carefully drafted the bill that we have before us today.

It does not take money away from any other veterans group to pay for these funds, and it makes the payment of the lump sum subject to appropriation. This bill would authorize a payment of $15,000 for World War II Filipino veterans who are United States citizens and $9,000 for those who are not citizens of the United States and live in the Philippines.

I appreciate the committee accepting our ranking member, Mr. BUYER's amendment to the bill, which provides

that payment of the lump-sum benefit would be final and constitute a complete release of any claim against the United States by those recipients that are covered under this legislation. However, World War II Filipino veterans would continue to receive benefits already awarded.

During discussions of the previously mentioned Filipino veterans equity bills, which utilized offsets from overturning the Hartness decision, Ranking Member BUYER had staff contact the various veterans organizations regarding the use of these funds. The American Legion, AMVETS, and NAUS, strongly opposed using the Hartness funds to provide for the Filipino veterans. That was then, that was back then.

While their positions vary regarding overturning the Hartness decision, there are other organizations such as the Paralyzed Veterans of America, the Military Officers Association of America and the Gold Star Wives of America, believe that there are many higher priorities than additional benefits for Filipino veterans of World War II.

Why don't we talk about some of those higher priorities, because this is what the veterans service organizations feel strongly about. If you are going to give this money to the Filipinos, what about the higher priorities of these other people? How about improvements to the Specially Adaptive Housing Grant, the PVA; improvement to the Specially Adaptive Automobile Grant, PVA, increases to the mileage reimbursement rate, PVA and MOAA; increases in supplemental insurance coverage for disabled veterans, MOAA; increases to the DIC rate for American surviving spouses, GSW; increases to the maximum death benefit pension for the surviving widow of a veteran not entitled to a VA compensation, GSW.

Why, I would think, would we give $200 million for Filipino veterans who are not even U.S. citizens while not providing a priority for these? Obviously, there are many, many higher priorities that we as a Nation at war should be meeting. We should be devoting our available resources to meeting the needs of our veterans and the returning warriors that are coming back from Afghanistan and from Iraq.

Now, during last Wednesday's markup session, Mr. BUYER, the ranking Republican member of the full committee offered, and then he had to withdraw, a second amendment to this bill, which would have authorized $198 million to fund the VA veterans small business loan program that was terminated in 1986. Think of that, we could have, instead of this bill, we could have had the VA veterans small business loan program reenacted for all these veterans coming back from Afghanistan and from Iraq. Surely they could use this to help create jobs and start their own companies and provide for jobs for more Americans.

The program authorized VA to either guarantee a loan made by a vendor or make a loan up to $200,000 for a veteran-owned small business. Sounds like a good idea to me. The original program gave preference to disabled veterans, and Mr. BUYER added a preference for members of the National Guard and Reserves, who have been ordered to active duty in support of the global war on terror.

Each of us on this committee has veteran constituents who are also small business owners, and many of these veterans are members of the Guard or Reserves. Unfortunately, one of the prices many of these dedicated citizen soldiers have paid is being forced to close their small businesses, or at least seeing their small businesses decline significantly while they are serving on active duty.

Obviously this program for small business loans that was terminated in 1986 was good and could have been done at a higher priority than the bill we have this afternoon. So, simply said, by authorizing a loan program for veteran-owned small businesses, we would have been responding to that unintended consequence of their willingness to serve their Nation.

While the amendment was withdrawn due to procedural issues, it received such strong interest among the committee members that Mr. BUYER plans to introduce the amendment as a bill, just simply, later this week. We will all have a chance to vote on it, and I encourage any interested Member to contact either the VA Committee, Republican staff, or to cosponsor Mr. BUYER's bill. We should be looking for ways to better assist our Nation's veterans, obviously, and I know you and everybody in this chamber agrees with that, to help returning warriors, instead of settling these questionable claims.

I urge my colleagues, when they consider to vote for this bill, to consider the priorities of all the veterans. I, for one, in good conscience, have trouble supporting the passage of this bill, particularly in light of what we are seeing here this week, with the Treasury asking to raise the debt ceiling, asking for $700 billion for Wall Street.

There are so many higher priorities for our Nation's veterans and for this bill. As I pointed out, we don't know where the funding for this bill is going to come from. With a price tag of almost 200 million, it's all subject to appropriations.

I conclude by saying while Filipinos of U.S. citizenship living in the United States will receive $15,000, we are giving $9,000 to Filipino veterans who are not citizens of the United States. If you take $9,000 based upon the cost of living in the Philippines versus what it is here in the United States, the Filipino veterans at $9,000 are getting a huge sum of money.

I can't, in good conscience say that this bill has a high priority than the ones we are talking about, and so I urge my colleague carefully look at this and to take into account the Overview of the Filipino Veterans Benefits report that shows they were authorized money of $200 million in 1946. Indeed, I think if you look at the priorities, you will see there are other priorities we should consider first.

With that, I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I would yield as much time as she may consume to the gentlelady from Guam (Ms. BORDALLO), who has been a strong fighter on behalf of these Filipino veterans in her career in Congress.

Ms. BORDALLO. Thank you, Mr. Chairman, for the time.

Madam Speaker, I rise today in support of H.R. 6897, the Filipino Veterans Equity Act. H.R. 6897 would recognize the valor of the Filipino veterans of the Second World War by providing a one-time payment to the surviving 18,000 Filipino soldiers who are scattered today and living throughout the United States and also in my own district in the Territory of Guam.

□ 1230

Madam Speaker, as a member of the Congressional Asian Pacific American Caucus and the United States-Philippines Friendship Caucus, I strongly urge this House to pass H.R. 6897 and help restore due justice which is long overdue, over 60 years. Many attempts have been made by this Congress to correct this injustice, so it is time to close this chapter.

These are heroes who served shoulder to shoulder with our Nation's Armed Forces. President Franklin Delano Roosevelt drafted these brave Filipino soldiers during the height of the conflict between the Allies and the Imperial Japanese forces; and their presence turned the tide in battles such as Bataan and Corregidor.

Their bravery and loyalty to America was questioned by none. However, the Rescission Act of 1946 stripped these veterans of their veteran status.

As a Congress, Madam Speaker, we must recognize the service of these brave Filipino soldiers and correct this injustice once and for all. While I hope this Congress will restore full equity to our Filipino veterans, the lump sum payment proposed by this bill to the remaining 18,000 Filipino veterans is a step forward. I recognize the legislative constraints surrounding the passage of H.R. 6897, and I support its advancement in the legislative process.

I want to go on record this afternoon to commend Chairman FILNER of the House Veterans' Affairs Committee for his leadership on this issue, and I also commend Congressman MIKE HONDA and our Speaker, NANCY PELOSI, for their dedicated work on this bill.

It is the duty of this Congress to recognize the service of these Filipino veterans during World War II and to correct the injustice placed upon them so

I urge us to vote ''yes'' on H.R. 6897 and to continue to work for full justice and equity for our Filipino veterans.

Mr. STEARNS. Madam Speaker, I have no further speakers, so I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6897, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Madam Speaker, let me say this is an important bill for our Nation, for our moral standing, and for our historical standing. There has been a blot on our record for the last 62 years. We now have a chance to remove it.

I am surprised to hear from my friend, Mr. STEARNS, that he wants to play off one veteran against another and say there are higher priorities. That is what he and his ranking member objected to in our pay-for in S. 1315.

As we deal with the very real problems of our veterans returning from Iraq and Afghanistan, we have 24 million other veterans to care for, whether they be from the Persian Gulf War I, Korea, Vietnam or World War II. We have injustices. I don't think the gentleman from Florida would have any problem dealing with the injustices from Vietnam where we have not honored our Agent Orange claims, and we will try to take care of that. I don't think he would have any problem honoring the atomic veterans of World War II who, involved in the testing of atomic weapons, were not told of the dangers and risks, and they have cancers today that they cannot get compensation for. We have to correct that.

So, yes, we are involved with the current veterans, but we also have to correct injustices of the past as we are trying to do here in this bill on Filipino veterans.

Madam Speaker, I misspoke when I said I didn't have any further speakers, and if Mr. STEARNS wants more time, he can take from us before Ms. RICHARDSON takes the floor.

Mr. STEARNS. That is very kind, and Dr. FILNER knows how much I respect him and have enjoyed working with him on the Veterans' Committee. We have been on trips together, and both our wives appreciate each other and understand our friendship.

I think I made my points. The only thing I would say to him, is he advocating that we give veterans benefits to soldiers in Vietnam who are not U.S. citizens? Is he suggesting that new program this afternoon, that we go back and identify all those veterans in Vietnam who are now Vietnam citizens, not U.S. citizens, that may have been pro-America back then?

Mr. FILNER. Would the gentleman yield?

Mr. STEARNS. The time is yours. So I appreciate your consideration here. Actually, you might answer that question.

Mr. FILNER. What you ask, I think, has already taken place. We do, in fact, compensate those who were our allies, whether from Laos or Cambodia or Thailand.

But more importantly, in World War II, Mr. STEARNS, there were nationalities of 67 countries who fought in the war to help us. We have compensated the nationals who were not our citizens of 66 of those countries. Only one has not been, and that is the Philippines. It is true that they got their independence after the war in 1946, and the $200 million that you referred to was given to that new government. But they simply have not received the compensation and benefits that we granted to other nationals of World War II, to other nationals in Korea and Vietnam. There is a real historical precedent for all of that.

Mr. STEARNS. If the gentleman would yield, I would just add to that, it is 66 out of 66 because the overview of the Filipino Veterans Benefit Study showed that we authorized $200 million in 1946 for the Filipinos. So actually you are correct, but the United States Government has already done this so this bill here is seeking to do something which has already been done.

Mr. FILNER. Reclaiming my time, Mr. STEARNS, if you were a Filipino veteran at the time, that money was awarded to the Government of the Philippines. I am not sure what they ended up giving back. But we are 62 years later. That would never have accomplished the analogous benefits that our brave veterans of World War II have received.

I would yield such time as she may consume to Ms. RICHARDSON from California, and thank her for being here.

Ms. RICHARDSON. Madam Speaker, I rise in strong support of H.R. 6897, the Filipino Veterans Equity Act, and urge my colleagues to join last year's 116 cosponsors who felt strongly about the need for us to finally move forward and to act in a moral way.

I want to acknowledge Chairman FILNER for his leadership on bringing this legislation before us today. He has pleaded with all of us, Members of Congress, to do the right thing.

Being an American is more than standing up on Memorial Day and saluting the flag. Being American is also one who is willing to take the responsibility for those who have enabled us to have that freedom, and Mr. FILNER has never hesitated in my short 1 year of being here. He has constantly pleaded for us to finally make this right.

At the end of World War II, President Harry Truman stated it was a moral obligation of our Nation to look at the welfare of Filipino veterans. Well, here we are today in this great, incredible building, the House of Representatives, where our Nation has an opportunity, finally, a long overdue process, to fulfill our moral obligation.

Indeed, many would not be enjoying the freedoms that we have today if it were not for the courageous efforts of those 470,000 Filipino veterans that answered the call during World War II.

As a Nation, some tend to measure our war heroes based on the suffering. They suffered as well. I am not just giving a speech and reciting history. I have a large Filipino population in my district and it is without hesitation that they stand side by side on Memorial Day, Armed Services Day, and really have a desire for us to recognize the incredible commitment that they did. In fact, 60,000 Filipino soldiers were forced to march 65 miles without food, water and medicine while they were being bayonetted and killed. They are our first class heroes, those who provided a service and didn't hesitate to do so.

Back in 1946, General Omar Bradley, the U.S. Administrator of Veterans' Affairs, put it best when he said ''the service of the Filipino Commonwealth Army in the U.S. Armed Forces during World War II has met the definition of a U.S. veteran.'' Has met the definition of a U.S. veteran.

In my district, as I said, I have numerous Filipino veterans who in their golden years, we are not talking about, as our chairman said, 62 years ago. These are people who, men, women, children, have failed to have adequate benefits for a work that they did. Isn't that what this Congress is all about? That's what I believe it is about.

So, Madam Speaker, I join Chairman FILNER and all of us who look forward to passing finally this resolution, this resolution which will bring back not a stain in America but one we can look back and say yes, for those who helped us to have freedom, we recognize that and we are willing to do the right thing.

Mr. FILNER. Madam Speaker, I see my friend would like some additional time, and so I yield to Mr. STEARNS.

Mr. STEARNS. This is sort of a compliment in a way. H.R. 760, which you offered, was for roughly $1.4 billion, as I recollect, give or take. This bill is for $198 million. So you are to be commended in your perseverance for trying to pass the bill, you have reduced the amount from $1.4 billion to $198 million. But I would say to you in all respect, is this the timing that you want in the middle of a possible financial meltdown in America? That you want to give funds, taxpayer funds, to people in the Philippines who are not U.S. citizens? I just wonder whether the timing is appropriate here in Congress.

Mr. FILNER. I yield to Ms. RICHARDSON.

Ms. RICHARDSON. Mr. STEARNS, we are not just talking about people in the Philippines. We are talking about people who live in Carson, California, residents of mine, people who do not have health care benefits, people who do not have adequate pay for the work that they do. If we can spend billions of dollars, as will be coming before this House, $700 billion to assist corporations of people who made millions of dollars, surely we can issue a check for work that has been done. All the more reason why they need the money today, because these are real people. These are not corporations. These are not presidents. These are people who are surviving on paychecks of $500 and $600 a month.

Mr. FILNER. I want to end the debate now. Mr. STEARNS, I appreciate it. You pointed out, by the way, the discrepancy in the funds between this one and my H.R. 760, which I think was about $900 million. You are right, this is not my first choice. This is a second choice brought about by the actions of those who opposed it and would not allow it to pass.

Mr. STEARNS, You spent a lot of time on the $200 million from 1946. By my quick calculations, each of the quarter million veterans at the time would have received less than $1,000 at that moment.

Madam Speaker, I think we have a historical record to correct. I strongly urge my colleagues to correct it.

Mr. ROHRABACHER. Madam Speaker, I rise in strong support of H.R. 6897, the Filipino Veterans Equity Act of 2008. I am very pleased to see so much enthusiasm in recognizing World War II Filipino veterans who have so long deserved our gratitude for their service to this nation. As Americans, we have a moral obligation to care for the veterans who have sacrificed so much to ensure that we here at home can continue to pursue the ideals that have been the foundation of our country for over two centuries.

For many years I have met with individuals of the Filipino community who have longed for acknowledgement of the sacrifices they made not only for their own land, but also ours. While these veterans were once eligible for benefits under programs administered by the Veterans' Administration, these benefits were stripped by the passage of the Rescission Acts of 1946. Since then, some of these benefits have been reinstituted, but not to the extent deserved.

The Philippine Islands were possessions of the United States through 1946 and the military forces of the Commonwealth of the Philippines were inducted by President Roosevelt under the command of the United States Armed Forces of the Far East. They were not just allies during the war who fought alongside our soldiers; they were our soldiers. My father, a late World War II Veteran, encountered combat in the Philippines and served with the Filipino veterans, whom he considered comrades in every sense of the word.

The passage of Filipino Veterans Equity Act of 2008 is imperative to help close this chapter of our past. Most of the Filipino Veterans have already passed away with no adequate compensation or recognition for their service to this country, yet that should not keep us from acting today to ensure that those still left are acknowledged. I am pleased to see that H.R. 6897 is on suspension today and ask my colleagues to give it their support.

Mr. ISSA. Madam Speaker, today I rise to speak in support of H.R. 6897, the "Filipino Veterans Equity Act of 2008."

Recently Congress honored the 67th anniversary of President Franklin Roosevelt's military order conscripting the Philippine military forces into the service of the United States Armed Forces. On July 26, 1941, President Roosevelt said, "In this great struggle of the Pacific the loyal Americans of the Philippine Island are called upon to play a crucial role . . . I count on every Philippine man, woman, and child to do his duty. We will do ours."

H.R. 6897 recognizes the service of these veterans to our Nation and commitment of President Roosevelt.

In World War II, approximately 200,000 Filipinos served under the command of General MacArthur in the Far East, in guerrilla units, and the Philippine Scouts. Their service to our country was a critical component to the allied success in the Pacific.

Approximately 13,000 survivors of the total estimated 200,000 Filipino World War II veterans now reside in the United States and in the Philippines, many of which are not receiving benefits they earned as servicemen for the U.S. military.

Since coming to Congress and as co-chairman of the U.S.-Philippines Friendship Caucus I have urged my House colleagues to support legislation providing equity to World War II Filipino veterans.

While not perfect, H.R. 6897 would make payments to those that have yet to receive recognition for their service to the United States.

With each passing year, there are fewer surviving Filipino veterans. I urge my colleagues to join me in supporting H.R. 6897 to give these veterans their long overdue recognition.

Mr. BACA. Madam Speaker, I rise today in support of H.R. 6897, Filipino Veterans Equity Act of 2008. Congress must recognize the veteran status of the 250,000 Filipinos who served in the United States Armed Forces in World War II.

In 1941, President Roosevelt drafted 140,000 Filipinos into the Service. They were promised US citizenship in exchange for fighting for our country. Unfortunately, in 1946 they were denied citizenship and Veteran's benefits. It was a post-war cost-cutting measure that President Truman said he later regretted signing into Law.

We have a chance to right a wrong that has been allowed to continue for over 60 years. We must act quickly to honor these brave men before it is too late. I urge my colleagues to join me and vote in support of H.R. 6897, Filipino Veterans Equity Act of 2008.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise in support of the 18,000 surviving Filipino Veterans of World War II who have yet to receive the benefits and recognition for their service to this country that was promised to them many years ago.

As my colleagues know, Filipino soldiers were an essential part of United States military operations during World War II. These brave men fought alongside our American soldiers under the command of General Douglas MacArthur.

In return for their heroic efforts, our Government promised these Filipino soldiers that they would receive full veteran status and the benefits awarded to their American compatriots in recognition of their sacrifices.

However, to date, over 60 years later, we have not kept this promise. This is shameful.

200,000 Filipinos fought alongside American soldiers in World War II. Today, only 18,000 of these Filipino veterans are still living. It is imperative that we act to provide these surviving veterans with the benefits we promised them and the respect that they deserve.

I will vote for H.R. 6897 because it begins to address this misguided policy by the U.S. Government by providing a one-time payment to surviving Filipino veterans—$15,000 for U.S. citizens and $9,000 for those veterans who have remained citizens of the Philippines.

However, the benefit provided in H.R. 6897 is only a small fraction of what we owe these veterans. I am disappointed that this legislation does not go as far as the Senate-passed provisions in S. 1315, which would give Filipino WWII veterans full veteran status and all the benefits that go along with that designation. Full veteran status is not only important because of the benefits received, but also because of the honor that the designation affords.

Nonetheless, I believe that it is important that the House pass this legislation which at long last will give formal congressional recognition to contributions and sacrifices of these soldiers.

Despite my belief that we should do more, I urge my colleagues to vote in support of H.R. 6897. It is imperative that we pass this legislation as soon as possible to move the process forward with the goal of keeping our word to these brave soldiers.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6897, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STEARNS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

VETERANS' BENEFITS ENHANCEMENT ACT OF 2008

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1315) to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Enhancement Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference to title 38, United States Code.

TITLE I—INSURANCE MATTERS

Sec. 101. Administrative costs of service disabled veterans' insurance.
Sec. 102. Modification of Servicemembers' Group Life Insurance coverage.
Sec. 103. Designation of fiduciary for traumatic injury protection coverage under Servicemembers' Group Life Insurance in case of lost mental capacity or extended loss of consciousness.

TITLE II—HOUSING MATTERS

Sec. 201. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.

TITLE III—LABOR AND EDUCATION MATTERS

Sec. 301. Coordination of approval activities in the administration of education benefits.
Sec. 302. Waiver of residency requirement for Directors for Veterans' Employment and Training.
Sec. 303. Modification of special unemployment study to cover veterans of Post 9/11 Global Operations.

TITLE IV—COURT MATTERS

Sec. 401. Recall of retired judges of the United States Court of Appeals for Veterans Claims.
Sec. 402. Additional discretion in imposition of practice and registration fees.
Sec. 403. Annual reports on workload of United States Court of Appeals for Veterans Claims.
Sec. 404. Report on expansion of facilities for United States Court of Appeals for Veterans Claims.

TITLE V—OTHER MATTERS

Sec. 501. Clarification of purpose of the outreach services program of the Department of Veterans Affairs.
Sec. 502. Termination or suspension of contracts for cellular telephone service for servicemembers undergoing deployment outside the United States.
Sec. 503. Maintenance, management, and availability for research of assets of Air Force Health Study.
Sec. 504. National Academies study on risk of developing multiple sclerosis as a result of certain service in the Persian Gulf War and Post 9/11 Global Operations theaters.
Sec. 505. Comptroller General report on adequacy of dependency and indemnity compensation to maintain survivors of veterans who die from service-connected disabilities.

SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—INSURANCE MATTERS

SEC. 101. ADMINISTRATIVE COSTS OF SERVICE DISABLED VETERANS' INSURANCE.

Section 1922(a) is amended by striking ''directly from such fund'' and inserting ''directly from such fund; and (5) administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund''.

SEC. 102. MODIFICATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Paragraph (1)(C) of section 1967(a) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(2) CONFORMING AMENDMENT.—Paragraph (5)(C) of such section 1967(a) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(b) REDUCTION IN PERIOD OF COVERAGE FOR DEPENDENTS AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking ''120 days after''.

SEC. 103. DESIGNATION OF FIDUCIARY FOR TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE IN CASE OF LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is mentally incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

TITLE II—HOUSING MATTERS

SEC. 201. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 is amended by adding at the end the following new subsection:

''(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

''(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.''.

TITLE III—LABOR AND EDUCATION MATTERS

SEC. 301. COORDINATION OF APPROVAL ACTIVITIES IN THE ADMINISTRATION OF EDUCATION BENEFITS.

(a) COORDINATION.—

(1) IN GENERAL.—Section 3673 is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure the coordination of approval activities performed by State approving agencies under this chapter and chapters 34 and 35 of this title and approval activities performed by the Department of Labor, the Department of Education, and other entities in order to reduce overlap and improve efficiency in the performance of such activities.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) HEADING.—The heading of such section is amended to read as follows:

''§ 3673. Approval activities: cooperation and coordination of activities''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 36 is amended by striking the item relating to section 3673 and inserting the following new item:

''3673. Approval activities: cooperation and coordination of activities.''.

(3) STYLISTIC AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by inserting ''COOPERATION IN ACTIVITIES.—'' after ''(a)''; and

(B) in subsection (c), as redesignated by paragraph (1)(A) of this subsection, by inserting ''AVAILABILITY OF INFORMATION MATERIAL.—'' after ''(c)''.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the following:

(1) The actions taken to establish outcome-oriented performance standards for State approving agencies created or designated under section 3671 of title 38, United States Code, including a description of any plans for, and the status of the implementation of, such standards as part of the evaluations of State approving agencies required by section 3674A of title 38, United States Code.

(2) The actions taken to implement a tracking and reporting system for resources expended for approval and outreach activities by such agencies.

(3) Any recommendations for legislative action that the Secretary considers appropriate to achieve the complete implementation of the standards described in paragraph (1).

SEC. 302. WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Section 4103(a)(2) is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following new subparagraph:

''(B) The Secretary may waive the requirement in subparagraph (A) with respect to a Director for Veterans' Employment and Training if the Secretary determines that the waiver is in the public interest. Any such waiver shall be made on a case-by-case basis.''.

SEC. 303. MODIFICATION OF SPECIAL UNEMPLOYMENT STUDY TO COVER VETERANS OF POST 9/11 GLOBAL OPERATIONS.

(a) MODIFICATION OF STUDY.—Subsection (a)(1) of section 4110A is amended—

(1) in the matter before subparagraph (A), by striking ''a study every two years'' and inserting ''an annual study'';

(2) by redesignating subparagraph (A) as subparagraph (F);

(3) by striking subparagraph (B) and inserting the following new subparagraphs:

''(A) Veterans who were called to active duty while members of the National Guard or a Reserve Component.

''(B) Veterans who served in combat or in a war zone in the Post 9/11 Global Operations theaters.''; and

(4) in subparagraph (C)—

(A) by striking ''Vietnam era'' and inserting ''Post 9/11 Global Operations period''; and

(B) by striking ''the Vietnam theater of operations'' and inserting ''the Post 9/11 Global Operations theaters''.

(b) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

''(c) In this section:

''(1) The term 'Post 9/11 Global Operations period' means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or law.

''(2) The term 'Post 9/11 Global Operations theaters' means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.''.

TITLE IV—COURT MATTERS

SEC. 401. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) REPEAL OF LIMIT ON SERVICE OF RECALLED RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) is amended by striking ''or for more than a total of 180 days (or the equivalent) during any calendar year''.

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

(1) IN GENERAL.—Section 7296(c) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans' Benefits Enhancement Act of 2008 and who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title, the retired pay of the judge shall (subject to section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement, as adjusted from time to time under subsection (f)(3).

''(ii) In the case of a judge other than a recall-eligible retired judge, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(B) A judge who retired before the date of the enactment of the Veterans' Benefits Enhancement Act of 2008 and elected under subsection (d) to receive retired pay under this subsection, or a judge who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection, shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

''(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.''.

(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED PAY OF NEW JUDGES WHO ARE RECALL-ELIGIBLE.—Section 7296(f)(3)(A) is amended by striking ''paragraph (2) of subsection (c)'' and inserting ''paragraph (1)(A)(i) or (2) of subsection (c)''.

(3) PAY DURING PERIOD OF RECALL.—Subsection (d) of section 7257 is amended to read as follows:

''(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

''(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge's annuity under section 7296(c)(1)(A) of this title, whichever is applicable.''.

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: ''Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.''.

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) is amended by adding at the end the following new sentence: ''This paragraph shall not apply to a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years of recalled service on the Court under this section.''.

SEC. 402. ADDITIONAL DISCRETION IN IMPOSITION OF PRACTICE AND REGISTRATION FEES.

Section 7285(a) is amended—

(1) in the first sentence, by inserting ''reasonable'' after ''impose a'';

(2) in the second sentence, by striking '', except that such amount may not exceed $30 per year''; and

(3) in the third sentence, by inserting ''reasonable'' after ''impose a''.

SEC. 403. ANNUAL REPORTS ON WORKLOAD OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

''§ 7288. Annual report

''(a) IN GENERAL.—The chief judge of the Court shall submit annually to the appropriate committees of Congress a report summarizing the workload of the Court for the last fiscal year that ended before the submission of such report. Such report shall include, with respect to such fiscal year, the following information:

''(1) The number of appeals filed.

''(2) The number of petitions filed.

''(3) The number of applications filed under section 2412 of title 28.

''(4) The number and type of dispositions.

''(5) The median time from filing to disposition.

''(6) The number of oral arguments.

''(7) The number and status of pending appeals and petitions and of applications described in paragraph (3).

''(8) A summary of any service performed by recalled retired judges during the fiscal year.

''(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7287 the following new item:

''7288. Annual report.''.

SEC. 404. REPORT ON EXPANSION OF FACILITIES FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Court of Appeals for Veterans Claims is currently located in the District of Columbia in a commercial office building that is also occupied by other Federal tenants.

(2) In February 2006, the General Services Administration provided Congress with a preliminary feasibility analysis of a dedicated Veterans Courthouse and Justice Center that would house the Court and other entities that work with the Court.

(3) In February 2007, the Court notified Congress that the ''most cost-effective alternative appears to be leasing substantial additional space in the current location'', which would ''require relocating other current government tenants'' from that building.

(4) The February 2006 feasibility report of the General Services Administration does not include an analysis of whether it would be feasible or desirable to locate a Veterans Courthouse and Justice Center at the current location of the Court.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Court of Appeals for Veterans Claims should be provided with appropriate office space to meet its needs, as well as to provide the image, security, and stature befitting a court that provides justice to the veterans of the United States; and

(2) in providing that space, Congress should avoid undue disruption, inconvenience, or cost to other Federal entities.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,

the Administrator of General Services shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the feasibility of—

(A) leasing additional space for the United States Court of Appeals for Veterans Claims within the building where the Court was located on the date of the enactment of this Act; and

(B) using the entirety of such building as a Veterans Courthouse and Justice Center.

(2) CONTENTS.—The report required by paragraph (1) shall include a detailed analysis of the following:

(A) The impact that the matter analyzed in accordance with paragraph (1) would have on Federal tenants of the building used by the Court.

(B) Whether it would be feasible to relocate such Federal tenants into office space that offers similar or preferable cost, convenience, and usable square footage.

(C) If relocation of such Federal tenants is found to be feasible and desirable, an analysis of what steps should be taken to convert the building into a Veterans Courthouse and Justice Center and a timeline for such conversion.

(3) COMMENT PERIOD.—The Administrator shall provide an opportunity to such Federal tenants—

(A) before the completion of the report required by paragraph (1), to comment on the subject of the report required by such paragraph; and

(B) before the Administrator submits the report required by paragraph (1) to the congressional committees specified in such paragraph, to comment on a draft of such report.

TITLE V—OTHER MATTERS

SEC. 501. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 is amended by inserting '', or from the National Guard or Reserve,'' after ''active military, naval, or air service''.

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

''(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;''.

SEC. 502. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR SERVICEMEMBERS UNDERGOING DEPLOYMENT OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 305 the following new section:

''SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE.

''(a) IN GENERAL.—A servicemember who receives orders to deploy outside of the continental United States for not less than 90 days may request the termination or suspension of any contract for cellular telephone service entered into by the servicemember before that date if the servicemember's ability to satisfy the contract or to utilize the service will be materially affected by that period of deployment. The request shall include a copy of the servicemember's military orders.

''(b) RELIEF.—Upon receiving the request of a servicemember under subsection (a), the cellular telephone service contractor concerned shall, at the election of the contractor—

''(1) grant the requested relief without imposition of an early termination fee for termination of the contract or a reactivation fee for suspension of the contract; or

''(2) permit the servicemember to suspend the contract at no charge until the end of the deployment without requiring, whether as a condition of suspension or otherwise, that the contract be extended.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

''Sec. 305A. Termination or suspension of contracts for cellular telephone service.''.

SEC. 503. MAINTENANCE, MANAGEMENT, AND AVAILABILITY FOR RESEARCH OF ASSETS OF AIR FORCE HEALTH STUDY.

(a) PURPOSE.—The purpose of this section is to ensure that the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are maintained, managed, and made available as a resource for future research for the benefit of veterans and their families, and for other humanitarian purposes.

(b) ASSETS FROM AIR FORCE HEALTH STUDY.—For purposes of this section, the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are the assets of the Air Force Health Study transferred to the Medical Follow-Up Agency under section 714 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2290), including electronic data files and biological specimens on all participants in the study (including control subjects).

(c) MAINTENANCE AND MANAGEMENT OF TRANSFERRED ASSETS.—The Medical Follow-Up Agency shall maintain and manage the assets transferred to the Agency from the Air Force Health Study.

(d) ADDITIONAL NEAR-TERM RESEARCH.—

(1) IN GENERAL.—The Medical Follow-Up Agency may, during the period beginning on October 1, 2008, and ending on September 30, 2012, conduct such additional research on the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate toward the goal of understanding the determinants of health, and promoting wellness, in veterans.

(2) RESEARCH.—In carrying out research authorized by this subsection, the Medical Follow-Up Agency may, utilizing amounts available under subsection (f)(1)(B), make grants for such pilot studies for or in connection with such research as the Agency considers appropriate.

(e) ADDITIONAL MEDIUM-TERM RESEARCH.—

(1) REPORT.—Not later than March 31, 2012, the Medical Follow-Up Agency shall submit to Congress a report assessing the feasability and advisability of conducting additional research on the assets transferred to the Agency from the Air Force Health Study after September 30, 2012.

(2) DISPOSITION OF ASSETS.—If the report required by paragraph (1) includes an assessment that the research described in that paragraph would be feasible and advisable, the Agency shall, utilizing amounts available under subsection (f)(2), make any disposition of the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate in preparation for such research.

(f) FUNDING.—

(1) IN GENERAL.—From amounts available for each of fiscal years 2009 through 2012 for the Department of Veterans Affairs for Medical and Prosthetic Research, amounts shall be available as follows:

(A) $1,200,000 shall be available in each such fiscal year for maintenance, management, and operation (including maintenance of biological specimens) of the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study.

(B) $250,000 shall be available in each such fiscal year for the conduct of additional research authorized by subsection (d), including the funding of pilot studies authorized by paragraph (2) of that subsection.

(2) MEDIUM-TERM RESEARCH.—From amounts available for fiscal year 2012 for the Department of Veterans Affairs for Medical and Prosthetic Research, $200,000 shall be available for the preparation of the report required by subsection (e)(1) and for the disposition, if any, of assets authorized by subsection (e)(2).

SEC. 504. NATIONAL ACADEMIES STUDY ON RISK OF DEVELOPING MULTIPLE SCLEROSIS AS A RESULT OF CERTAIN SERVICE IN THE PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct a comprehensive epidemiological study for purposes of identifying any increased risk of developing multiple sclerosis as a result of service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations or in the Post 9/11 Global Operations theaters.

(b) ELEMENTS.—In conducting the study required under subsection (a), the Institute of Medicine shall do the following:

(1) Determine whether service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, increased the risk of developing multiple sclerosis.

(2) Identify the incidence and prevalence of diagnosed neurological diseases, including multiple sclerosis, Parkinson's disease, amyotrophic lateral sclerosis, and brain cancers, as well as central nervous system abnormalities that are difficult to precisely diagnose, in each group as follows:

(A) Members of the Armed Forces who served during the Persian Gulf War in the Southwest Asia theater of operations.

(B) Members of the Armed Forces who served in the Post 9/11 Global Operations theaters.

(C) A non-deployed comparison group for those who served in the Persian Gulf War in the Southwest Asia theater of operations and the Post 9/11 Global Operations theaters.

(3) Compare the incidence and prevalence of the named diagnosed neurological diseases and undiagnosed central nervous system abnormalities among veterans who served during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/

11 Global Operations theaters, in various locations during such periods, as determined by the Institute of Medicine.

(4) Collect information on risk factors, such as pesticide and other toxic exposures, to which veterans were exposed while serving during the Persian Gulf War in the Southwest Asia theater of operations or the Post 9/11 Global Operations theaters, or thereafter.

(c) REPORTS.—

(1) INTERIM REPORT.—The contract required by subsection (a) shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, interim progress reports on the study required under subsection (a). Such reports shall not be required to include a description of interim results on the work under the study.

(2) FINAL REPORT.—The contract shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, a final report on the study by not later than December 31, 2011. The final report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the study.

(d) FUNDING.—The Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the study required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(2) The term ''Persian Gulf War'' has the meaning given that term in section 101(33) of title 38, United States Code.

(3) The term ''Post 9/11 Global Operations theaters'' means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

SEC. 505. COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than 10 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the Committees on Veterans' Affairs and Appropriations of the House of Representatives a report on the adequacy of dependency and indemnity compensation payable under chapter 13 of title 38, United States Code, to surviving spouses and dependents of veterans who die as a result of a service-connected disability in replacing the deceased veteran's income.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a description of the current system for the payment of dependency and indemnity compensation to surviving spouses and dependents described in subsection (a), including a statement of the rates of such compensation so payable;

(2) an assessment of the adequacy of such payments in replacing the deceased veteran's income; and

(3) such recommendations as the Comptroller General considers appropriate in order to improve or enhance the effects of such payments in replacing the deceased veteran's income.

□ 1245

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

I forgot to say on the last bill that my colleagues from California, Mr. ROHRABACHER and Mr. ISSA, are strongly supportive of it, and will participate, I'm sure, in helping us get the required votes to pass this bill.

S. 1315, I first want to point out, is amended. It was and is still a comprehensive bill that will help millions of our veterans, including recently wounded and transitioning OIF/OEF veterans.

What we have done to amend it is to move this from a mandatory spending bill to a discretionary spending bill by removing all of the mandatory provisions and also the PAYGO provisions that have caused so much controversy. So now we have a bill that will continue this Congress' unprecedented record of putting our veterans first and making them a top priority.

This bill would potentially provide extensive benefits to all of our Nation's veterans in the areas of insurance, disability compensation, education, pension, housing, and other critical VA benefits. The bill would only invoke discretionary spending and would not require an offset under the PAYGO rules adopted by this Congress.

This bill would ensure that permanently disabled servicemembers who are hospitalized and receiving medical care and treatment can receive structural alterations to their homes before they come home. I think this is a provision that Mr. STEARNS mentioned as one of the high priority items in his previous list.

It also would ensure that so-called State approving agencies, and the Departments of Labor and Education and other Federal agencies collaborate to improve the efficiency of education benefits for our servicemembers and veterans, as well as establish outcome-oriented performance standards for the administration of our new GI bill benefits.

It would better enable Congress to provide adequate oversight of the Court of Appeals for Veterans Claims, while allowing this highly specialized court to maintain its discretion to administer fair justice for our veterans filing appeals of VA decisions.

I want to state again, for the Record, that this bill does not require any mandatory spending, and veterans may stand to benefit if it is passed and ultimately enacted. I hope people will take a look at the new bill and see it as a comprehensive veterans bill that will help veterans in all of our districts. I urge my colleagues to give this bill support.

I reserve the balance of my time.

Mr. STEARNS. Madam Speaker, I request as much time as I may consume.

I rise in support of this bill, S. 1315, as amended, the Veterans Benefit Enhancement Act of 2008. It's a modest bill. But it would enhance veterans insurance and housing benefits and improve benefits and services for transitioning for servicemembers.

The manager's amendment to this bill would remove the language in the original Senate-passed bill that would have overturned a decision made by the United States Court of Appeals for veterans claims in the case of Hartness v. Nicholson, that held VA must pay a special monthly pension benefit to severely disabled, elderly, homebound and poor wartime veterans pursuant to a law enacted in 2001. I'm pleased that this detrimental provision that would have impacted our most vulnerable veterans, has simply been removed from this bill. That's good.

The manager's amendment also removes all mandatory spending provisions in the Senate-passed bill that would have utilized the funding that would have been available if the disabled veterans no longer were to receive their special monthly pensions.

Now, what remains is a bill that is a compilation of numerous veteran benefit provisions. Among these, I'd like to highlight just a few that will benefit our servicemembers and our veterans.

This bill would ensure that severely disabled servicemembers can receive structural alterations to their homes prior to discharge from active duty. Right now, even if they know they are going to be discharged, they must wait until discharge to receive this very necessary housing benefit.

This bill would expand SGLI to include certain members of the Individual Ready Reserve for the first time. It would allow the termination or suspension of cellular telephone contracts upon the request of servicemembers undergoing deployment outside the United States. That is good.

And finally, Madam Speaker, the legislation would improve the administration of veterans' education and employment programs and of the U.S. Court of Appeals for Veterans Claims.

Madam Speaker, passage of this manager's amendment will provide improved benefits to our Nation's veterans. These heroes have sacrificed so much for our Nation's, freedom and we must ensure that their needs are met.

So I urge my colleagues to support the bill as amended.

I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 1315, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to express my gratitude to all the men and women who have served and are currently serving in our Armed Forces. It is there courage and sacrifice that has paved for the rights and freedoms we enjoy.

Since September 2001, more than 1,700,000 members of the Armed Forces have been deployed to Iraq and Afghanistan, and nearly 611,000 have been deployed more than once. Many of our men and women in the armed forces have given the ultimate sacrifice to secure the freedoms of others. As of May 3, 2008 over 4,500 died and over 32,000 wounded while deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom (Afghanistan).

The members of our Armed Forces and their families deserve all the medical, financial, education, and moral support that our Nation can provide. The resolution we considered today provides an opportunity for each of us, regardless of political views, religion, ethnicity, gender, or background to come together, and to recognize and honor our nation's heroes and those that support them and their families.

Though we may be divided by our positions on the war in Iraq, we stand together to support our veterans. Our nation has a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of this country. We must be united in seeing that every soldier, sailor, airman, and marine is welcomed back with all the care and compassion this grateful nation can bestow.

All too many of our veterans are left without the help and support they need to transition from the horrors they bravely face on the front lines of battle to successful civilian life. According to the Veteran's Affairs Department, as of 2006, on any given night, 196,000 veterans of all ages were homeless.

The V.A. also reports 400 veterans of the wars in Iraq and Afghanistan alone have already become homeless, and this figure only takes into account those who have sought services from V.A.-sponsored programs. Experts have predicted that the trauma resulting from the extreme horrors of these modern wars could lead to a surge in homeless veterans in the coming years.

Though I have opposed the war in Iraq from its inception, I remain absolutely committed to ensuring that we recognize, celebrate, and honor the service of our sons and daughters in and returning from, Iraq and Afghanistan.

I am proud to support S. 1315 by my colleague in the Senate, Senator AKAKA. I firmly believe that we should celebrate and support our armed forces and their families, and I remain committed, as a Member of Congress, to both meeting the needs of veterans of previous wars, and to provide a fitting welcome home to those who are now serving. Current serving military personnel and veterans have kept their promise to serve our nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to them.

S. 1315

The Veteran's Benefits Enhancement Act of 2007 will assist with: life insurance issues, housing matters; better coordination and more money for educational work recognition of the contribution of Filipino World War II Veterans, assists retired judges of the U.S. Court of Appeals for Veterans Claims Court, adds osteoporosis to the list of diseases presumed to be service-oriented and therefore compensable with respect to former Prisoners of War (POWs), authorizes supplemental benefits for burial and funeral expenses of veterans, provides for specially adapted housing assistance for disabled veterans whose disability due to severe burn injury, assistance in the purchases of automobiles for disabled veterans, authorizes the Institute of Medicine of the National Academies to maintain and manage the assets (including electronic data files and biological specimens of study participants) transferred to the Agency from the Air Force Health Study. Also, for them to conduct additional research toward the goal of understanding the determinants of health, and promoting wellness, in veterans. Requires an Agency report to Congress assessing the feasibility and advisability of conducting additional research on such assets after the end of FY2012, and provides funding for the Secretary of Veteran's Affairs to contract with the Institute, to conduct a comprehensive epidemiological study to identify any increased risk of developing multiple sclerosis as a result of service in the Persian Gulf or in the Post 9/11 global operations theaters; and (2) an interim and final results report from the Institute to the Secretary and the veterans' committees.

Currently, there are over 25 million veterans in the United States. There are more than 1,633,000 veterans living in Texas and more than 32,000 veterans living in my Congressional district alone. I hope we will all take the time to show appreciation to those who have answered the call to duty. As the Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."

Madam Speaker, I encourage my colleagues to join me in supporting our troops, their families, and those groups that are working to support them.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 1315, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 160) to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Revolutionary War and War of 1812 Battlefield Protection Act''.

SEC. 2. BATTLEFIELD ACQUISITION GRANT PROGRAM FOR BATTLEFIELDS OF THE REVOLUTIONARY WAR AND WAR OF 1812.

(a) GRANT PROGRAM.—The American Battlefield Protection Act of 1996 (section 604 of division I of Public Law 104–333; 16 U.S.C. 469k) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

''(e) BATTLEFIELD ACQUISITION GRANT PROGRAM FOR BATTLEFIELDS OF THE REVOLUTIONARY WAR AND WAR OF 1812.—

''(1) DEFINITIONS.—In this subsection:

''(A) BATTLEFIELD REPORT.—The term 'battlefield report' means the document entitled 'Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States', prepared by the National Park Service, and dated September 2007.

''(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or local government.

''(C) ELIGIBLE SITE.—The term 'eligible site' means a site that—

''(i) is not within the exterior boundaries of a unit of the National Park System; and

''(ii) is identified in the battlefield report.

''(D) SECRETARY.—The term 'Secretary' means the Secretary of the Interior, acting through the American Battlefield Protection Program.

''(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program for nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under which the Secretary may make grants to eligible entities to pay the Federal share of the cost of acquiring fee-simple or lesser interests from willing sellers in eligible sites for the preservation and protection of those eligible sites.

''(3) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

''(4) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

''(5) LIMITATIONS ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3)).

''(6) REPORTS.—

''(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this subsection, the Secretary shall submit to Congress a report on the activities carried out under this subsection.

''(B) UPDATE ON BATTLEFIELD REPORT.—Not later than 3 years after the date of the enactment of this subsection, the Secretary shall submit to Congress a report that updates the battlefield report to reflect—

''(i) preservation activities carried out at the 677 battlefields and associated sites identified in

the battlefield report during the period between publication of the battlefield report and the update;

''(ii) changes in the condition of the battlefields and associated sites during that period; and

''(iii) any other relevant developments relating to the battlefields and associated sites during that period.

''(7) AUTHORIZATIONS OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated to the Secretary from the Land and Water Conservation Fund to provide grants under this subsection $10,000,000 for each of fiscal years 2009 through 2013.

''(B) UPDATE OF BATTLEFIELD REPORT.—There are authorized to be appropriated to the Secretary to carry out paragraph (6)(B), $500,000.''.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES TO OTHER BATTLEFIELD ACQUISITION PROGRAM.—Subsection (d) of the American Battlefield Protection Act of 1996, as added by section 3 of Civil War Battlefield Preservation Act of 2002 (Public Law 107–359; 116 Stat. 3016), is amended—

(A) in the subsection heading, by striking ''BATTLEFIELD ACQUISITION GRANT PROGRAM'' and inserting ''BATTLEFIELD ACQUISITION GRANT PROGRAM FOR BATTLEFIELDS OF THE CIVIL WAR''; and

(B) in paragraph (2), by striking ''grant program'' and inserting ''grant program for battlefields of the Civil War''; and

(2) TERMINATION OF AUTHORITY.—Subsection (f) of the American Battlefield Protection Act of 1996, as redesignated by subsection (a)(1), is amended—

(A) in the subsection heading, by striking ''REPEAL'' and inserting ''EXPIRATION''; and

(B) in paragraph (1), by striking ''is repealed'' and inserting ''expires''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 160, the Revolutionary War and War of 1812 Battlefield Protection Act was introduced by my colleague on the Natural Resources Committee, the Honorable Congressman RUSH HOLT. This bill would provide Federal matching grants to help in the acquisition and preservation of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812.

Urbanization, suburban sprawl and unplanned commercial and residential development have increasingly encroached upon these battlefield sites, threatening their historical integrity, and even resulting in the loss of some sites all together. A 2007 National Park Service study concluded that as many as 170 Revolutionary War and War of 1812 battlefields and associated sites face imminent injury or destruction in the next decade.

H.R. 160 will enable State and local governments to obtain Federal grants to leverage matching private funds to acquire endangered sites for preservation and protection of these places which influence the course of our American history.

I want to thank the gentleman from New Jersey (Mr. HOLT) for all his work on this legislation and his commitment to the preservation of these historic places. I ask my colleagues to support passage of this measure.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself as much time as I may consume.

During hearings on this bill, the committee heard testimony from historian David Hackett Fischer, whose writings on the Revolutionary War point out George Washington's support for property rights and strong actions that he took to ensure that his soldiers respect the property of civilians, even when the property belonged to a Tory sympathizer.

Washington personally gave strict orders to forbid looting, even though plunder was the norm at the time, and even though many of his men were hungry, dressed in rags and marched barefoot in the snow. It is remarkable that in so desperate a situation with so noble a cause, he imposed on the Patriot side such a high standard on private property.

Washington's honorable policy stood in stark contrast to the routine seizure of booty by the British and Hessian troops. It is no accident over the course of the early years of the war, 1776 and 1777, in the battleground of New Jersey, a population that was once evenly divided in its loyal threw its support to the American cause. There are lessons we can learn from Washington's example.

In earlier battlefield protection efforts, the National Park Service uses its eminent domain powers to seize land from unwilling sellers. The justified resentment of this caused hurt and subsequent efforts.

Our enthusiasm for battlefield protection notwithstanding, I hope as we set out to preserve historic sites that we copy George Washington, not George III.

I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT), the sponsor of this legislation.

Mr. HOLT. Madam Speaker, I thank the gentlelady from Guam. And I rise as the author of H.R. 160, the American revolution and War of 1812 Battlefield Protection Act, and to urge support of this legislation by my colleagues.

I would like to thank Chairman RAHALL and Chairman GRIJALVA for their help in bringing this legislation to the floor today.

Madam Speaker, from the shot heard around the world at Lexington to the beginning of the winning, when Washington crossed the Delaware, to the surrender of Lord Cornwallis at Yorktown, the stories of the American revolution bring to life the ideals of liberty and democracy fostered by our Nation's Founders.

History is best experienced by those who can touch it, feel it, live it, and the battlefields of the American Revolution and the War of 1812 provide a great opportunity for Americans to experience where and how the epic struggle for our Nation's independence took place.

Preserving these American historic treasures is essential in remembering the sacrifices that our forefathers made to secure our freedom and independence, and essential for educating future generations about our rich cultural history.

Unfortunately, urbanization, suburban sprawl, unplanned development are constantly encroaching on many of the significant battlefields of that period. This encroachment poses a severe and growing risk to preservation of these historically significant sites.

As Ms. BORDALLO has just said, this spring the National Park Service published its report to Congress on the historic preservation of Revolutionary War and the War of 1812 sites in the United States. And this report shows that there is a great need to act and to act quickly to preserve these sites. Out of the 677 nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, 99 are already lost forever, 234 are fragmented or in poor condition, an additional 170 are in danger of being destroyed in the next decade.

H.R. 160 will authorize the use of money in the Land and Water Conservation Fund for the preservation and protection of the Revolutionary War and War of 1812 battlefields and related historical sites, in addition to the Civil War sites already covered under current law. And I might add, that law has been very successful. This legislation is patterned after the Civil War battlefields legislation which has been so successful.

This bill will allow officials of the American Battlefield Protection Program to collaborate with State and local governments and nonprofit organizations to preserve and protect the most endangered historical sites, and to provide up to 50 percent of the costs of purchasing battlefield land threatened by sprawl and commercial development.

□ 1300

The story of the American Revolution and the War of 1812 crisscrosses 33 States, from New York to Louisiana,

from Georgia to Oregon, and enacting this legislation will allow these States to better preserve their history and their role in these engagements.

I have also introduced legislation that I hope Congress will pass next year to provide additional funding for the program created in H.R. 160, the American Revolution and War of 1812 Commemorative Coin Act.

As the gentleman from Alaska alluded, my home State of New Jersey has a unique role in the American Revolution. In 2006, I am pleased to report, Congress took action to help protect the battlefields and historic sites where this conflict took place. We passed legislation that created the Crossroads of the American Revolution national heritage area, linking together 14 counties in New Jersey where more military engagements took place than in any other State. New Jersey was truly the crossroads of the American Revolution for a number of reasons, and I am pleased that we are taking steps to preserve the record of those engagements. H.R. 160 will allow many more historic battlefields to be preserved for our children's and our children's children to enjoy. We want to give Americans the opportunity to learn history. People who know history can be better citizens today and more engaged in current civic affairs.

I urge my colleagues to support this important legislation.

Mr. YOUNG of Alaska. I have no further speakers, and I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 160, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. YOUNG of Alaska. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2008

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2933) to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civil War Battlefield Preservation Act of 2008''.

SEC. 2. AUTHORIZATION EXTENDED.

The American Battlefield Protection Act of 1996 (16 U.S.C. 469k) is amended—

(1) in subsection (d)(7)(A), by striking ''fiscal years 2004 through 2008'' and inserting ''fiscal years 2009 through 2013''; and

(2) by striking subsection (e).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, since its inception in 1996, the American battlefield protection program has provided grants for preserving endangered Civil War battlefields which are specifically not part of the National Park System.

The program contains two components. The battlefield preservation grants program is designed to help State and local government, organizations and citizens protect battlefield sites. The battlefield acquisition grant program provides matching funds to help State and local governments acquire and preserve battlefield sites.

Together, these grant programs have helped to protect more than 15,000 acres at 72 Civil War battlefields and have leveraged $52 million in non-Federal funding for battlefield protection. With enactment of H.R. 160, which was just considered, this program will be expanded to include Revolutionary War and War of 1812 sites, making the program even stronger.

I commend our colleague, Representative GARY MILLER of California, for his leadership on this issue and his commitment to historic preservation. This is a truly bipartisan measure with more than 100 cosponsors from both parties. I ask my colleagues to support passage of this measure.

I reserve the balance of my time.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

The American Civil War captures the imagination of people like no other event in our history. In bookstores, most shelves in the history section are devoted to events of the 1860s. On weekends, battles are reenacted by serious hobbyists who strive for authenticity in costume, weaponry and skirmish details. Pictures of Lincoln are found in countless homes and classrooms, Confederate flags adorn pickup trucks, and the words of the Gettysburg Address are as familiar as the 23rd Psalm.

As a nation, we clearly recognize the continuing importance of the War Between the States. So it is natural that we should try to find appropriate ways to keep safe the places where our great-grandfathers witnessed events so noble and so horrific.

But since our country is about liberty rather than glorification of the state, we have to safeguard not just the hills and the mud on which they fought but also the freedoms for which they fought. Therefore, it would be tragic if we allow our well-meaning enthusiasm for protecting historic sites to result in programs that diminish the property rights of our fellow citizens. This bill has two important safeguards: First, a ''willing seller'' provision—and we need to make sure the seller's willingness is uncoerced. Second, a sunset provision on the program's funding authorization. The bill's sponsors are to be commended for including these safeguards.

I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I have no further speakers, but I reserve the balance of my time.

Mr. YOUNG of Alaska. I at this time, Madam Speaker, yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman from Alaska for yielding.

There are no Civil War battlefield sites in California. There was one place where shots were fired near the Arizona border, but I do admit to having more than a passing interest in the study of and learning about the Civil War. I stand today strongly in favor of this bill. I can't tell you how many times I invoke the quotes or the deeds or the actions of politicians and generals and citizens from the Civil War and the Civil War era in giving us guidance and perspective on how we deal with some of our problems today.

As we today and this week are facing a financial crisis which is not something that could ever even have been conceived in the Civil War but they certainly dealt with crises of their own. How they dealt with them and how they worked with them and the courage with which they faced them are instructive to all of us today.

These battlefield sites bring that history alive. They remind us of the sacrifices that those who came before us made to give us what we have today, and they instruct us and teach us of the bravery and the courage and the principles upon which they stood and

how we can remember and call upon the same bravery and courage and principles today.

As was said, this bill not only protects private property rights but also leverages a tremendous amount of private funds, largely private funds, that are collected from around the country to preserve these battlefield sites.

Madam Speaker, again I stand in strong support of this bill, both for what the Civil War sites have done for us in the past and what they can continue to do to teach us in the future.

Ms. BORDALLO. Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, we have no further requests for time, and I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I would like to make mention, and I think it is fitting that we are entertaining this bill today on what marks the 146th anniversary of the Emancipation Proclamation.

Mr. GARY G. MILLER of California. Madam Speaker, thank you for the opportunity to express the importance of H.R. 2933, a bill to reauthorize the Civil War Battlefields Preservation Program. I would like to thank Chairman RAHALL and Ranking Member YOUNG of the Committee on Natural Resources for shepherding this bill through their committee. Additionally, Chairman GRIJALVA and Ranking Member BISHOP of the Subcommittee on National Parks, Forests, Public Lands must be recognized for their work preserving the American landscape for generations of future citizens to enjoy. Additionally, I would like to particularly thank everyone at the Civil War Battlefield Preservation Trust, especially their President, James Lighthizer, for all the work they have done bringing attention and awareness to the need for preservation. Without the Trust, hundreds of acres of land would likely be lost forever.

Preservation of our Nation's Civil War Battlefields is an issue that I hold close to my heart and fresh in my mind. Without a physical link to the past, we are left with only a passing glimpse of who we are as a Nation.

Our historic battlefields provide outdoor classrooms for visitors to recreate the history of heroes from generations come and gone. In 1993, the Civil War Sites Advisory Commission, a blue-ribbon panel was created by Congress to investigate the status of America's battlefields. The Commission reported that 384 Civil War battlefields were considered high priority and were in serious danger of destruction. The report concluded that almost 20 percent of the Civil War battlefields were lost or fragmented, 17 percent in poor condition, and 60 percent to have been lost or in imminent danger of being fragmented and lost as coherent historic sites. Congress recognized the need to safeguard the only living link to the "War Between the States" and in fiscal year 1999 a preservation program was financed for the first time.

In 2002, I authored the bill that created the Civil War Battlefield Preservation Program. To date, this program has helped save more than 15,000 acres in 14 States. The American Battlefield Protection Program, an arm of the National Park Service, manages and competitively awards the Civil War Battlefield Preservation Program grants. Furthermore, this legislation will facilitate the creation of partnerships at the State and local level, encouraging the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields.

The program's 50/50 matching grants formula encourages both public and private sector investment in battlefield protection. Grants are directed to State and local governments for land acquisition only and are not issued to nonprofit or private groups. Grant money cannot be used for administrative costs or overhead.

The grants are awarded based on five requirements: (1) The battlefield must be on the list of 384 priority sites determined by the Civil War Sites Advisory Commission; (2) The land must be outside the authorized boundaries of the National Park System, thus keeping the program from contributing to National Park Service maintenance costs; (3) Any land acquired with the assistance of the grant program may not be subsequently converted to a non-conservation use without the prior written permission of the Secretary of the Interior; (4) Any grant awarded must be supported by an appraisal of the property's value in accordance with federal standards for property appraisals; and (5) Any land acquired with the assistance of the grant program must be protected by a perpetual easement to ensure its preservation for future generations.

The effect of this program and intent of this legislation is to preserve nationally significant Civil War battlefields through conservation and purchases of those battlefields from willing sellers at fair market value. Preservation of historic battlefields involves only willing sellers when properties become available, and since only willing sellers are involved in the transaction, all private property rights are preserved. There is absolutely no eminent domain authority associated with this program. Willing sellers are compensated at fair-market value and the program allows preservation groups to compete with developers to buy land.

Among the sites saved as a result of this program are historic properties at: Fort Donelson, Tennessee, where the Union scored its first major victory of the war and Union General Ulysses S. Grant earned the nickname "Unconditional Surrender"; Antietam, Maryland, where 23,000 soldiers were killed, marking the bloodiest day in American history and leading to the issuance of the Emancipation Proclamation; and, Chancellorsville, Virginia, where a much smaller Confederate force defeated the larger Union force, while suffering the loss of the famed General Thomas "Stonewall" Jackson.

Despite the progress, we still have more to do. Many sites have only been partially preserved and those that have no opportunity for acquisition run the risk of being lost forever. Only about 20 percent of the actual battlefields upon which the Civil War was fought are currently preserved. All of the rest of that hallowed ground is either unprotected or has already been destroyed.

These battlefields offer a porthole to the past. The vivid imagery of an epic conflict can remind visitors of the struggles our country has gone through to preserve the banner of liberty and justice for all. Memorializing the conflict, Oliver Wendell Holmes said, "We have shared the incommunicable experience of war. We felt, we still feel, the passion of life to its top. In our youths, our hearts were touched by fire." By preserving this Nation's historic Civil War Battlefields, we can give visitors a sense of what Mr. Holmes was talking about.

Since fiscal year 1999, Congress has appropriated $36 million to preserve Civil War Battlefields and the White House included a $4 million request for the program as part of its fiscal year 2009 budget. H.R. 2933 is a clean bill that would extend the authorization, from fiscal years 2009 through 2013 for battlefield preservation grants under the Civil War Battlefield Preservation Act of 2002. The program's necessity, and proof that the preservation of history is a bipartisan issue, is demonstrated by more than 100 cosponsors divided nearly equally between Republicans and Democrats. A companion bill, authored by Senator JIM WEBB of Virginia, has already been approved by the Senate Committee on Energy and Natural Resources and enjoys widespread support in that chamber. I thank the Speaker and I respectfully request and urge you to support this legislation.

Mr. BROWN of South Carolina. Madam Speaker, I rise today to urge the passage of H.R. 2933, the Civil War Battlefield Preservation Act of 2007.

H.R. 2933 was introduced by my good friend and colleague Congressman GARY MILLER and I have paid special attention to this bill as it as made its way through the legislative process of the Committee on Natural Resources of which I am a member.

H.R. 2933 is an important bill for the residents of coastal South Carolina and I am proud to be an original cosponsor of this legislation.

The current Civil War Battlefield Preservation Program funds preservation and conservation efforts at many famous Civil War battlefields across the Nation. It is very important that we preserve these sites for future generations to observe and visit these sites that are so important to our Nation's history.

Some of the more famous locations in my district include, Fort Sumter, the target of the first shots of the Civil War as well as the assault on Morris Island's Battery Wagner, which is the battle which inspired the Academy Award winning movie Glory.

Other famous battles fought at Secessionville, Grimball's Landing, Simmon's Bluff and sites in and around the Charleston Harbor would also be eligible to receive funding for preservation and conservation.

Madam Speaker, reauthorization of the Civil War Battlefield Preservation Program could not come at a better time. In just 3 years, America will commemorate the 150th anniversary of the beginning of the Civil War.

I know that in my district the planning has already started and many residents of coastal South Carolina are planning to observe this important date from where the first shots of the Civil War were fired.

I urge all of my colleagues to vote "yes" on this bill as swift passage of H.R. 2933 would

help in the preparation, preservation and conservation of many of these hallowed sites in advance of this important anniversary.

Ms. BORDALLO. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2933, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. YOUNG of Alaska. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK BOUNDARY EXPANSION AND REDESIGNATION ACT OF 2008

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4828) to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Palo Alto Battlefield National Historical Park Boundary Expansion and Redesignation Act of 2008''.

SEC. 2. DESIGNATION OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Palo Alto Battlefield National Historic Site is hereby designated the ''Palo Alto Battlefield National Historical Park''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper or other record of the United States to Palo Alto Battlefield National Historic Site is deemed to be a reference to the Palo Alto Battlefield National Historical Park.

(c) CONFORMING AMENDMENTS.—The Palo Alto Battlefield National Historic Site Act of 1991 (Public Law 102–304; 106 Stat. 256; 16 U.S.C. 461) is amended—

(1) by striking ''National Historic Site'' each place it appears and inserting ''National Historical Park'';

*(2) in the heading for section 3, by striking ''**NATIONAL HISTORIC SITE**'' and inserting ''**NATIONAL HISTORICAL PARK**''; and*

(3) by striking ''historic site'' each place it appears and inserting ''historical park''.

SEC. 3. BOUNDARY EXPANSION.

Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (Public Law 102–304; 106 Stat. 256; 16 U.S.C. 461) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph:

''(2) The historical park also shall consist of approximately 34 acres as generally depicted on the map entitled 'Palo Alto Battlefield NHS Proposed Boundary Expansion', numbered 469/80,012, and dated May 21, 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.''; and

(3) in paragraph (3), as so redesignated, by striking ''map referred to in paragraph (1)'' and inserting ''maps referred to in paragraphs (1) and (2)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, Palo Alto Battlefield National Historic Site, located in Brownsville, Texas, is the only National Park Service unit dedicated to the preservation and interpretation of the Mexican-American War. The park preserves the site of the Battle of Palo Alto, the first battle of the war, but fighting was not limited to the parcel of land currently preserved by the park. Fighting at a site called Resaca de la Palma proved pivotal in permanently repulsing the Mexican army from Texas.

H.R. 4828 would amend the act creating Palo Alto Battlefield National Historic Site to designate the 34 acres of the Resaca de la Palma as a unit of the park. In recognition of the expansion of the park to include the noncontiguous Resaca de la Palma unit, the bill will also redesignate Palo Alto Battlefield National Historic Site as Palo Alto Battlefield National Historical Park.

This is a good piece of legislation, and I commend my colleague and my good friend, Representative SOLOMON ORTIZ from Texas, for his hard work on adding this unit to the park. I enthusiastically support passage of this measure.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this legislation. The Palo Alto battlefield in Brownsville, Texas is the site of the second battle of the U.S. War with Mexico. During the battle, American forces drove Mexican troops back across the Rio Grande River. This bill adds 34 acres to the Palo Alto Battlefield National Historic Site and provides for a cooperative agreement under which the Brownsville Community Foundation and the National Park Service would co-manage this land that is owned by the foundation.

I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ORTIZ), the sponsor of this bill.

Mr. ORTIZ. Madam Speaker, I want to say thank you to both Chairman Bordallo and my good friend from Alaska (Mr. YOUNG) who have had an opportunity to spend time in my district.

Today I rise in support of H.R. 4828, the Palo Alto Battlefield National Historical Park Boundary Expansion and Redesignation Act of 2008. The battle of Resaca de la Palma—fought in 1846 in what is now the city of Brownsville, Texas—marked one of the early victories in the United States-Mexican War for the American forces.

General Zachary Taylor, who would later become the 12th President of the United States, was a very notable participant in this battle.

□ 1315

The United States troops suffered 45 men dead and 228 wounded; Mexican forces counted 169 dead and 228 wounded.

H.R. 4828 will expand the Palo Alto Battlefield National Historic Site, currently under the National Park Service, to include the Resaca de la Palma Battlefield site.

The bill will preserve the battlefield site, support education and special events there, and develop an interpretive trail with exhibits, living history programs, and other community gatherings.

The site will also conserve the increasingly rare Rio Grande delta landscape and protect native chaparral, prairie and brush, and native species. It used to be more than 100 acres, but now it has been reduced to 34 aches of land, so we need to preserve this site.

Though the battle at Resaca de la Palma was fought by two warring nations, it is historically significant because it is unique to the south Texas border culture. More than just a relic of the past, the Resaca de la Palma Battlefield is a vast, outdoor classroom that preserves a vital piece of our Nation's history.

My hope is that scholars, historians, and everyday citizens will learn and appreciate the sacrifice of all those who perished here on this battlefield.

A coalition of local groups, community leaders, and private citizens has done a tremendous job in maintaining the Resaca de la Palma. I wish to thank them for their hard work and dedication in preserving an important piece of our Nation's history.

But it is now vital for the site to have full support and resources that

only the National Park Service can provide. I ask my colleagues to join me in support of this legislation.

And I thank you and Chairman YOUNG and Chairman BORDALLO for supporting this bill.

Mr. YOUNG of Alaska. I have no other requests for speakers. I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I again urge Members to support this very important piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 4828, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. YOUNG of Alaska. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MINUTE MAN NATIONAL HISTORICAL PARK BOUNDARY REVISION ACT

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5853) to expand the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts to include Barrett's Farm, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Minute Man National Historical Park Boundary Revision Act''.

SEC. 2. MINUTE MAN NATIONAL HISTORICAL PARK BOUNDARY REVISION.

(a) IN GENERAL.—The boundary of the Minute Man National Historical Park is modified to include the area as generally depicted on the map titled ''Minute Man National Historical Park Proposed Boundary'', numbered 406/81001, and dated July 2007. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

(b) ACQUISITION OF LANDS.—The Secretary of the Interior may acquire land or interest in land with the area described in subsection (a), by purchase from willing sellers with donated or appropriated funds, by donation, or by exchange.

(c) ADMINISTRATION OF LANDS.—Lands added to the park under this section shall be administered by the Secretary of the Interior as part of the Minute Man National Historical Park in accordance with applicable laws and regulations.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 5853, the Minute Man National Historical Park Boundary Revision Act, was introduced by our colleague from Massachusetts, the honorable Congresswoman TSONGAS. This bill would modify the boundary of the Minute Man National Historical Park in Massachusetts to include the historic site of Barrett's Farm.

Colonel James Barrett was a leading Revolutionary War patriot and military figure, and his farm in Concord played a significant role in the events leading up to the opening battles of the Revolutionary War at Lexington and Concord in April 1775.

A 2007 study from the National Park Service concluded that the boundary adjustment was important to ensure the protection of these nationally significant resources and values. And this bill enjoys extensive public support, as well as the support of the entire Massachusetts congressional delegation.

I thank Representative TSONGAS for her leadership on this legislation, and I ask my colleagues to support passage of this measure.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

H.R. 5853 has been adequately explained by the Democrat bill manager, and we have no objections to the legislation.

I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as she may consume to the gentlelady from Massachusetts, Congresswoman TSONGAS, the sponsor of the bill.

Ms. TSONGAS. Madam Speaker, I am very pleased to be speaking on behalf of H.R. 5853, the Minute Man National Historical Park Act, which extends the boundary of the Minute Man National Park located in Concord, Massachusetts, to include historic Barrett's Farm.

This bill is a simple, noncontroversial boundary adjustment of 67 acres to the current national park and enjoys the support of the National Park Service and Save Our Heritage, the nonprofit organization which currently owns Barrett's Farm.

It may seem like small change, but the preservation of such a significant site is monumentally important to the history of this country.

Barrett's Farm is the former home of Colonel James Barrett, the commander of the Middlesex militia during the Revolutionary War. It was also used to store the militia's munitions in the weeks preceding the Battle of Concord and Lexington.

On April 19, 1775, General Thomas Gage, the commander of all British forces in North America, ordered 700 of his troops to march to Barrett's Farm and destroy these supplies. Our colonial militia learned of the British plot in advance, and Paul Revere made his famous ride, calling his fellow countrymen to arms.

By the time the British reached Barrett's Farm, the colonial militia's guns were safely hidden, and Colonel Barrett had strategically positioned the militia to strike the British Army. Barrett's militia confronted British soldiers at the North Bridge in Concord, where the infamous ''shot heard 'round the world'' was fired, launching our war for independence.

Through the hard work and ongoing efforts of the nonprofit group, Save Our Heritage, Barrett's Farm has been kept in excellent condition. Private donations throughout the years have been used for its upkeep and restoration. Our country is indebted to these committed people for preserving this national historical treasure.

But it is time for this important location to be part of the larger Minute Man National Park so that the considerable resources and expertise of the National Park Service can be put towards the restoration and permanent preservation of this remarkable piece of Massachusetts' rich revolutionary history.

It will also enable park visitors to have a more complete understanding of how and where our American Revolution began.

I urge the House to pass this bill to protect Colonel James Barrett's Farm so that current and future generations can learn about the role this site played in the birth of our Nation.

I want to thank Chairman RAHALL and Chairman GRIJALVA for their leadership on this bill, and I would also like to thank all the cosponsors of this bill for their support.

I urge my colleagues today to vote for this important piece of legislation.

Mr. YOUNG of Alaska. Madam Speaker, we have no other requests for speakers, and I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I again urge Members to support the bill,

and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5853.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FORT DAVIS NATIONAL HISTORIC SITE EXPANSION

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6176) to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED ACREAGE OF THE FORT DAVIS NATIONAL HISTORIC SITE.

Public Law 87–213 (16 U.S.C. 461 note) is amended as follows:

(1) In the first section—

(A) by striking ''the Secretary of the Interior'' and inserting ''(a) The Secretary of the Interior'';

(B) by striking ''476 acres'' and inserting ''646 acres''; and

(C) by adding at the end the following:

''(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map titled 'Fort Davis Proposed Boundary Expansion', numbered 418/80,045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site.''.

(2) By repealing section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 6176 was introduced by our colleague from Texas, Representative CIRO RODRIGUEZ. The bill increases the acreage ceiling for the Fort Davis National Historic Site in west Texas and authorizes the National Park Service to acquire from willing sellers approximately 55 acres adjacent to the park.

Fort Davis National Historic Site, authorized in 1961, is regarded as one of the best preserved forts in the American Southwest. The fort was strategically located to protect emigrants, mail coaches, and freight wagons traveling through the Southwest. The fort is also known because the famed all-black ''Buffalo Soldier'' regiments established after the Civil War were stationed there.

The bill would expand the boundary of the park to encompass some already completed acquisitions and to permit the acquisition of three parcels that total approximately 55 acres on the southwestern boundary of the park.

Madam Speaker, Congressman RODRIGUEZ is to be commended for his tireless efforts on behalf of this legislation, and I would also note the administration supports this bill.

I urge my colleagues to support passage of this measure.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

I believe the bill has been explained very well, and I do support the bill.

Mr. RODRIGUEZ. Madam Speaker, it is with great pleasure that I stand here today in support of H.R. 6176, legislation to authorize the expansion of Fort Davis National Historic Site in Fort Davis, Texas. I would like to thank my good friends Chairman GRIJALVA and Chairman RAHALL for their support of this legislation.

Fort Davis Historic Site is considered by many to be one of the most well preserved forts in the Southwest. This fort has historical and cultural importance to the communities of West Texas and it is our job to protect and preserve this piece of our Nation's history. In the 1800s the District I represent today was scattered with U.S. Army forts designed to protect travelers and settlers along the western trade routes from San Antonio to El Paso. The oldest and most preserved of these forts is Fort Davis, now a National Historic Site.

This legislation authorizes the National Park Service to acquire a prominent bluff on the western view shed of the site. It is the desire of the community of Fort Davis and the surrounding region that the Fort Davis Historic Site acquire the prominent bluff so that landscape of the Fort Davis Historic Site can remain the same as it was in the 19th century.

Fortunately a strong community movement led to the purchase of the land by a conservationist, who, in conjunction with the Conservation Fund, hopes to sell or donate the land to the National Park Service.

The bluff that the legislation aims to protect is vital to the experience of the visitors to the Fort Davis National Historic Site as well as the surrounding community of Fort Davis. It is my hope that this legislation will provide protection for this important historic site and will allow the park to continue to serve as an example of a typical western military fort from the 1800s.

Thank you for bringing this piece of legislation to the House floor for the communities of West Texas. I strongly urge my colleagues to vote in favor of H.R. 6176, legislation to protect Fort Davis and this important piece of West Texas history.

Mr. YOUNG of Alaska. I have no other speakers, and I yield back my time.

Ms. BORDALLO. Madam Speaker, I urge my colleagues to support this piece of legislation, and I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 6176.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DEAFY GLADE LAND EXCHANGE ACT

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6159) to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Deafy Glade Land Exchange Act''.

SEC. 2. LAND EXCHANGE, MENDOCINO NATIONAL FOREST, CALIFORNIA.

(a) LAND EXCHANGE REQUIRED.—If Solano County, California (in this section referred to as the ''County'') conveys to the Secretary of Agriculture all right, title, and interest of the County in and to four parcels of land consisting of a total of approximately 160 acres identified on the map entitled ''Fouts Springs-Deafy Glade Federal and Non-Federal Lands'' and dated July 17, 2008, the Secretary shall convey to the County, in exchange, all right, title, and interest of the United States in and to the parcel of land in the Mendocino National Forest in the State of California (including any improvements on the land) comprising approximately 82 acres and known as the Fouts Springs Ranch, as also depicted on the map.

(b) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service. With the agreement of the County, the Secretary may make technical corrections to the map and the legal descriptions of the land to be exchanged under this section.

(c) LAND EXCHANGE PROCESS.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange under this section.

(d) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be exchanged under subsection (a) shall be determined by a survey satisfactory to the Secretary. The costs of the survey and any administrative costs related to the land exchange shall be borne by the County.

(e) CONDITION ON USE OF CONVEYED LAND.—As a condition of the conveyance to the

County under subsection (a), the County shall agree to continue to use the land acquired by the County under such subsection for purposes consistent with the purposes listed in the special use authorization for the Fouts Springs Ranch in effect as of the date of the enactment of this Act.

(f) EASEMENT AUTHORITY.—The Secretary may grant an easement to provide continued access to, and maintenance and use of, the facilities covered by the special use authorization referred to in subsection (e) as necessary for the continued operation of the Fouts Springs Ranch conveyed under subsection (a).

(g) MANAGEMENT OF ACQUIRED LAND.—The lands acquired by the Secretary under subsection (a) shall be added to and administered as part of the Mendocino National Forest and managed in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.) and the laws and regulations applicable to the National Forest System.

(h) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to such additional terms and conditions as the Secretary and the County may agree upon.

SEC. 3. SALE OR EXCHANGE OF NOAA PROPERTY IN NORFOLK, VIRGINIA.

(a) IN GENERAL.—The Secretary of Commerce may sell or exchange to the City of Norfolk, Virginia, in accordance with chapter 13 of title 40, United States Code, real property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration (in this section referred to as ''NOAA''), including land and improvements thereon, located at 538 Front Street, Norfolk, Virginia, consisting of approximately 3.78 acres, if the Secretary—

(1) determines that the conveyance is in the best interests of NOAA and the Federal Government; and

(2) has provided prior notification to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate.

(b) CONSIDERATION.—

(1) IN GENERAL.—For any conveyance under this section the Secretary shall require the City of Norfolk to provide consideration to the United States that is not less than the fair market value of the property conveyed by the United States.

(2) FORM.—Consideration under this subsection may include any combination of—

(A) cash or cash equivalents;

(B) other property (either real or personal); and

(C) consideration in-kind, including—

(i) provision of space, goods, or services of benefit to NOAA including construction, repair, remodeling, or other physical improvements of NOAA property;

(ii) maintenance of NOAA property;

(iii) provision of office, storage, or other useable space; or

(iv) relocation services associated with conveyance of property under this section.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine fair market value for purposes of paragraph (1) based upon a highest- and best-use appraisal of the property conveyed under subsection (a) conducted in conformance with the Uniform Appraisal Standards for Professional Appraisal Practice.

(c) USE OF PROCEEDS.—Amounts received under subsection (b)(2)(A) by the United States as proceeds of any conveyance under this section shall be available to the Secretary, subject to appropriation, for—

(1) activities related to the operations of, or capital improvements, to NOAA property; or

(2) relocation and other costs associated with the sale or exchange.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of property by the United States under subsection (a) as the Secretary considers appropriate to protect the interest of the United States, including the recoupment of any profit the City of Norfolk may realize within three years after the date of conveyance to the City due to resale of the property

(e) TERMINATION.—The authority granted to the Secretary under subsections (a) and (b) shall terminate at the end of the 24-month period beginning on the date of enactment of this Act if no contract for sale or exchange under subsection (a) has been entered into by the City of Norfolk and the United States.

The SPEAKER pro tempore. Pursuant to the rule, gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 6159 provides for a land exchange between the Forest Service and Solano County, California.

Solano County has a special use permit for the Fouts Springs Youth Correctional Facility on 82 acres of land in the Mendocino National Forest. The county has been working diligently for many years to acquire wilderness quality forest lands to exchange with the Forest Service in order to acquire the lands occupied by the youth correctional facility.

Madam Speaker, we believe that there are numerous public benefits to this land exchange. An analysis produced by the Forest Service found that this land exchange would benefit their hazardous fuels program to reduce the threat of catastrophic fire, and the land exchange would be of equal value.

Furthermore, the lands the Forest Service would acquire are wilderness-quality lands bordering the Snow Mountain Wilderness Area and have been identified as priority areas for land acquisition by the Forest Service dating as far back as 1992.

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Madam Speaker, the chairman of the Committee on Education and Labor, Representative GEORGE MILLER, is to be commended for his efforts on behalf of Solano County and this youth facility.

I ask my colleagues to support passage of this measure.

Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is an effort that's been adequately explained, and I support the legislation.

Mr. GEORGE MILLER of California. Madam Speaker, I rise in strong support of H.R. 6159, the Deafy Glade Land Exchange Act.

The Fouts Springs Youth facility has been managed by Solano County, Colusa County, and their partners for nearly fifty years. The bill before the House today guarantees that they can continue their good work.

Fouts Springs has helped rehabilitate California's young offenders, and provided youths from across the state with much-needed structure and significant vocational education opportunities.

Presently, Solano County operates Fouts Springs on behalf of several other California counties under a special use authorization.

H.R. 6159, the Deafy Glade Land Exchange Act, will give Solano County the 82 acres that they use at Fouts Springs, and in exchange would give to the Mendocino National Forest 160 acres of nearby land known as Deafy Glade.

The Deafy Glade property has access to the Snow Mountain Wilderness Area, and has been a high priority for acquisition by the Forest Service since at least the early 1990s. As we learned in testimony before the Natural Resources Committee by Solano County Supervisor John Vasquez, the Deafy Glade parcels would be a key addition to the Mendocino National Forest's trail system.

The bill before the House today contains several small changes from the legislation as introduced, which should ensure that Solano County can continue to operate Fouts Springs as they do today.

I want to thank Chairman NICK RAHALL, Subcommittee Chairman RAUL GRIJALVA, and the Natural Resources Committee staff, for all of the time and energy they have spent with me and with my staff to improve this legislation and help move it forward. I also want to thank Ranking Members DON YOUNG and ROB BISHOP for their efforts. In particular, I want to recognize the efforts of Meghan Conklin and David Watkins from Chairman Grijalva's staff, as well as the work of my legislative director, Ben Miller.

I urge my colleagues to support the Deafy Glade Land Exchange Act, and I look forward to passage of this legislation.

Mr. YOUNG of Alaska. Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I again urge all of the Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the

rules and pass the bill, H.R. 6159, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRAIL OF TEARS DOCUMENTATION ACT

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5335) to amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Trail of Tears Documentation Act''.

SEC. 2. ADDITIONS TO TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(1) By amending subparagraph (C) to read as follows:

''(C) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

''(i) The Benge and Bell routes.

''(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

''(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

''(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).''.

(2) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: ''No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 5335, introduced by our colleague from Tennessee, Representative WAMP, implements the recommendations of a National Park Service study that examined the possibility of adding several side trails associated with the Trail of Tears National Historic Trail.

Congress designated the original National Historic Trail in 1987 to commemorate the two main routes used during the forced removal of more than 15,000 Cherokee Indians from their ancestral homelands in the southeastern United States. At that time, many of the side routes used during the removal were not well documented.

Subsequent research has identified these routes, and in 2006 Congress directed the National Park Service to determine which, if any, of these routes would be eligible for addition to the existing trail.

The National Park Service found a number of components eligible for designation and recommended adding routes in Tennessee and Alabama. H.R. 5335 adds those routes to the existing trail.

I ask my colleagues to support passage of this measure.

Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

This legislation, H.R. 5335, has been explained by the good manager of the bill, and we support the legislation.

I would like to, at this time, acknowledge the bill's author, Congressman ZACH WAMP, and of course Congressman SHULER. Both of them have asked me and asked the leadership of the Resources Committee to move this legislation.

I support the legislation because it does recognize the angst of those that marched on this trail. I strongly compliment both of those gentlemen for their hard work.

Mr. SHULER. Madam Speaker, I rise today to voice my strong support for H.R. 5335, the Trail of Tears Documentation Act. As a cosponsor of this legislation, I feel that it is imperative that Congress make it a priority to protect and preserve these historic routes.

H.R. 5335 amends the National Trails System Act to provide for the inclusion of new trail segments, land components, and campsites associated with the Trail of Tears National Historic Trail.

The Trail of Tears was a significant and shameful chapter in American history. In 1838–1839, the U.S. Government forcibly removed Cherokee Indians from their ancestral homelands in western North Carolina and other parts of the southeastern United States and resettled them in Indian Territory west of the Mississippi River. Over 15,000 Cherokees were systematically rounded up from their homes and forced to travel by foot, horseback, boat, and wagon across the southern U.S. to Indian Territory. More than 1,000 people died from exposure, illness, and exhaustion during the roundup and removal.

I am proud to have grown up alongside the Qualla Boundary in western North Carolina, home to the Eastern Band of Cherokee Indians. The EBCI are descended from the Cherokee who resisted removal by taking to their ancestral mountains, where they still live to this day and keep alive the traditions and values of their forefathers.

The Trail of Tears Act designated two primary travel routes, the northern land route and the water routes. This amendment specifically adds other significant routes that were used by the Cherokee during the resettlement. These include: the Bell and Benge routes, the land components of the water routes, the routes from the roundup forts and camps in Alabama, Georgia, North Carolina, and Tennessee, and the related campsites located along the routes and land components.

I am a proud co-sponsor of this bill, and I commend Congressman ZACH WAMP for introducing this legislation and fighting to ensure its passage in the 110th Congress. I ask that my colleagues join me in honoring the memory of all of the Cherokee who suffered during the removal on the Trail of Tears.

Mr. WAMP. Madam Speaker, I'd like to thank Chairman RAHALL and Ranking Member YOUNG and their staff for their help. I'd also like to thank all 21 cosponsors for their involvement and especially Congressman HEATH SHULER, who helped me champion this very worthy initiative. Most of all, I would like to thank Principal Chief of the Cherokee Nation, Chad Smith and Principal Chief of the Eastern Band of Cherokee, Michell Hicks, as well as the National and State Trail of Tears Associations.

I am very proud of H.R. 5335, the Trail of Tears Documentation Act and count it as a great privilege to be the lead sponsor. When I was a little boy, my mother told me of my own Cherokee heritage. Her grandfather, Luna Meadows was half Cherokee. His mother, Little Flower, was a full-blooded Cherokee midwife. So completing the story of the Cherokee Removal is personal for me and very important for our country as the Trail of Tears and the forced removal is one of the seminal injustices in American history. It must be told accurately, honestly and completely. I urge passage of this bill and enactment of the legislation.

This bill is the subsequent measure to H.R. 3085, the Trail of Tears Study Act which was signed into law in December 2006. H.R. 3085 directed the National Park Service to complete a study on expanding the current Trail of Tears National Historic Trail to include previously omitted components. In 1987 when the original Trail was designated, the historical documentation available for these known passages was sparse and ambiguous. Since that time however, significant research on the proposed additions has been documented by National Park Service historians through military journals, newspaper accounts and vouchers—compelling us to reconsider these passages. In fact, the NPS has noted that now these proposed trails are better documented than the

primary routes that currently make up the Trail of Tears.

The Cherokee removal is only one tribe's story of the Indian Removal Act of 1830, but it is the most visible in American history. It is not just an Arkansas and Oklahoma story; it started in North Carolina, Tennessee, Georgia and Alabama. These distinct routes and campgrounds proposed in the Trail of Tears Documentation Act more fully reflect this tragic saga of a proud people's forced removal. The story is not yet complete until we commemorate the full experience.

The arteries I want to highlight are the detachments led by John Benge that traveled 734 miles starting at Fort Payne, Alabama continuing through Tennessee, Kentucky, Missouri, Arkansas and Oklahoma. And the Treaty Party Group led by John Bell which traveled 765 miles starting at Charleston, Tennessee crossing west over Moccasin Bend and traveling through Arkansas. It was the only one of the 17 detachments that did not disband in Oklahoma.

Also included are 29 forts and the emigration depots concentrated around Fort Payne, Alabama; Ross's Landing—present day Chattanooga, Tennessee; and Fort Cass—present day Charleston, Tennessee where the Cherokee initially were taken after being rounded up from their homes for the long journey west.

The National Park Service has demonstrated strong partnerships geared toward respecting the private property of citizens in its administering of the current Trail of Tears National Historic Trail and will continue to do so upon the addition of the Benge, Bell Routes and associated components. In fact, as the NPS traveled throughout the U.S. conducting public hearings on the proposal in the designated areas, the support and belief in this initiative were overwhelming.

The designation and interpretation of the additional sites and trails associated with the Cherokee Removal will enhance public understanding of American history. Our greatness as a nation is our ability to look at our own history objectively and in proper perspective, being mindful of the errors of the past in order not to repeat them. Through this legislation we will honor the historic footsteps taken by the Cherokee and celebrate our future as we remember the past.

Finally, because of historical significance, H.R. 5335 enjoys broad support not only within Congress, but also with the Cherokee Nation, Eastern Band of Cherokee and associated trail organizations. The legislation is a good example of how Congress can better understand a national event through an accurate portrayal of the people, the places and the actions involved. We can learn a lot from history and in this case, ensure that it will never be repeated.

Mr. COLE of Oklahoma. Madam Speaker, I come here in support of H.R. 5335, which would amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail. First, I would like to thank my colleague from Tennessee, Congressman WAMP, for sponsoring this important legislation. As an Oklahoman, this legislation is significant to my district, where many of my constituents are descendants of those who survived the Trail of Tears. However, as the only Native American currently serving in Congress this bill is also personally important to me, as my ancestors were forcibly relocated from Mississippi to Oklahoma through the Trail of Tears, though not one of the routes originally documented in the original Historic Trail. Of the dozens of tribes that call Oklahoma home today, very few are originally from the area. Virtually all of the tribes in Oklahoma experienced the tragedy of the forced relocation process.

Madam Speaker, when the Trail of Tears Historic Trail was created by Congress in 1987, it designated two main routes taken by the Cherokee during the removal process. Historically, many routes used during removal were not well documented at the time and were not included in the designation. Since that time, researchers have identified other routes taken by Native Americans during the relocation process. A feasibility study, ordered by Congress and released in September 2007, did find additional trail segments. This bill, pursuant to the feasibility study, adds additional land components, round up routes and water routes to the Trail of Tears Historic Trail. I am happy to be an original co-sponsor of this legislation.

Not only will these additional designations help to raise awareness about this tragic chapter of our Nation's history, but will provide many across Indian country with better access to their past and collective history. The Trail of Tears crystallized the idea of race as a determining factor in American public policy and documents the first federally legislated forced removal of Native people from traditional homelands. The physical route of the Trail of Tears National Historic Trail and historic sites associated with the Trail and removal reflect the lifestyles of Native people at the time of removal, the harshness of the journey West and their remarkable adaptation to new surroundings. Thousands of Native Americans in Oklahoma and elsewhere will be able to visit these sites and identify with their ancestors' desperate journey westward.

Madam Speaker, though this bill calls awareness to one of the most tragic events in our Nation's history, it also is ultimately a story of survival. The tribes that were relocated have once again established themselves and remain strong. This achievement only helps exemplify the astonishing fortitude of American Indians.

Again, I thank Congressman WAMP for introducing this crucial legislation. As the only Native American currently serving in Congress, I am proud to support the intention of this bill and I urge Members to vote for its passage.

Mr. YOUNG of Alaska. Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5335, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CAMP HALE STUDY ACT

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3336) to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing a historic district to the Camp Hale on parcels of land in the State of Colorado, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Camp Hale Study Act''.

SEC. 2. SPECIAL RESOURCE STUDY OF THE SUITABILITY AND FEASIBILITY OF ESTABLISHING CAMP HALE AS A UNIT OF THE NATIONAL PARK SYSTEM.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, (hereinafter referred to as the ''Secretary'') shall complete a special resource study of Camp Hale to determine—

(1) the suitability and feasibility of designating Camp Hale as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of Camp Hale by the National Park Service, other Federal, State, or local government entities or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 3. EFFECT OF STUDY.

Nothing in this Act shall affect valid existing rights, including—

(1) all interstate water compacts in existence on the date of the enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(2) water rights decreed at the Camp Hale site or flowing within, below, or through the Camp Hale site;

(3) water rights in the State of Colorado;

(4) water rights held by the United States; and

(5) the management and operation of any reservoir, including the storage, management, release, or transportation of water.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in

which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 3336 was introduced by our colleague from Colorado, Representative DOUG LAMBORN. The bill directs the National Park Service to study how best to preserve Camp Hale near Leadville, Colorado.

Camp Hale operated from 1942 to 1965 as a winter and a high-altitude training venue for the 10th Mountain Division and other elements of the U.S. Armed Forces.

The 250,000-acre camp was also used by the Central Intelligence Agency as a secret center for training Tibetan refugees in guerilla warfare to resist the Chinese occupation.

The lands were returned to the Forest Service in 1966. Today, the camp is part of the White River and San Isabel National Forest. Camp Hale was placed on the National Register of Historic Places in 1992.

Madam Speaker, I urge my colleagues to support passage of this measure, and I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

I want to thank Congressman LAMBORN for initiating this National Park Service study of Camp Hale so Americans can appreciate the events that occurred during World War II and the Cold War because people forget about the Cold War. A lot of activity went on.

The Tennessee Pass and Camp Hale served as the training site for the 10th Mountain Division, a specialized skiing unit whose heroism during World War II inspired our Nation. Later the site was used for covert training operations furthering the cause of freedom during the Cold War.

Colorado today benefits from the ski area and the educational opportunities presented by this unique landmark. Listing Tennessee Pass and Camp Hale as a unit of the National Park Service will allow us to learn about and experience this unique piece of history.

Madam Speaker, I urge passage of this legislation and yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3336, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System.''.

A motion to reconsider was laid on the table.

BOX ELDER UTAH LAND CONVEYANCE ACT

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3849) to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Box Elder Utah Land Conveyance Act''.

SEC. 2. CONVEYANCE OF CERTAIN LANDS TO MANTUA, BOX ELDER, UTAH.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the town of Mantua, Utah (in this section referred to as the ''town''), all right, title, and interest of the United States in and to parcels of National Forest System land in the Wasatch-Cache National Forest in Box Elder County, Utah, consisting of approximately 31.5 acres within section 27, township 9 north, range 1 west, Salt Lake meridian and labeled as parcels A, B, and C on the map entitled ''Box Elder Utah Land Conveyance Act'' and dated July 14, 2008.

(b) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the town.

(c) USE OF LAND.—As a condition of the conveyance under subsection (a), the town shall use the land conveyed under such subsection for public purposes.

(d) REVERSIONARY INTEREST.—In the quitclaim deed to the town prepared as part of the conveyance under subsection (a), the Secretary shall provide that the land conveyed to the town under such subsection shall revert to the Secretary, at the election of the Secretary, if the land is used for other than public purposes.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 3849, introduced by Representative BISHOP of Utah, requires the Secretary of Agriculture to convey, without consideration, approximately 31.5 acres of National Forest System land in the Wasatch-Cache National Forest in Utah to the town of Mantua, Utah.

The conveyed land will be used by the town of Mantua to develop a new town cemetery, a new town hall, a fire station, an elementary school, a court and law enforcement facilities, and a memorial park.

Madam Speaker, the Committee on Natural Resources amended this measure to require that, as a condition of the conveyance, the town of Mantua shall use the land for public purposes only, and the land shall revert to the Secretary if used for another purpose.

We have no objections to H.R. 3849.

Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

I would like to commend Congressman ROB BISHOP and his staff for their hard work and diligence on this land conveyance. I would also like to thank Chairman RAHALL for allowing this bill to go forward.

This legislation will help the community of Box Elder, Utah, gain much needed land and help the Forest Service better meet its management needs.

Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, again, I urge all Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3849, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ROOSEVELT NATIONAL FOREST BOUNDARY ADJUSTMENT AND LAND CONVEYANCE

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3299) to provide for a boundary adjustment and land conveyance involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY ADJUSTMENT AND LAND CONVEYANCES, ROOSEVELT NATIONAL FOREST, COLORADO.

(a) BOUNDARY ADJUSTMENT.—The boundaries of Roosevelt National Forest, Colorado, are hereby modified to exclude from the national forest a parcel of real property consisting of approximately 7 acres within the Crystal Lakes Subdivision as depicted on the map entitled ''Crystal Lakes Encroachment, HR 3299'' and dated July 15, 2008.

(b) CONVEYANCE OF LAND REMOVED FROM NATIONAL FOREST.—The Secretary of Agriculture shall use the authority provided by Public Law 97–465 (commonly known as the Small Tracts Act; 16 U.S.C. 521c-521i) to convey all right, title, and interest of the United States in and to the real property excluded from the boundaries of Roosevelt National Forest under subsection (a) to the landowners whose real property adjoins the excluded land and who, as of the date of the enactment of this Act, occupy the excluded land.

(c) CONSIDERATION.—The conveyances required by subsection (b) shall be made without consideration.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the land excluded from the boundaries of Roosevelt National Forest under subsection (a) and conveyed under subsection (b) shall be determined by a survey satisfactory to the Secretary.

SEC. 2. SALE OR EXCHANGE OF NOAA PROPERTY IN NORFOLK, VIRGINIA.

(a) IN GENERAL.—The Secretary of Commerce may sell or exchange to the City of Norfolk, Virginia, in accordance with chapter 13 of title 40, United States Code, real property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration (in this section referred to as ''NOAA''), including land and improvements thereon, located at 538 Front Street, Norfolk, Virginia, consisting of approximately 3.78 acres, if the Secretary—

(1) determines that the conveyance is in the best interests of NOAA and the Federal Government; and

(2) has provided prior notification to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate.

(b) CONSIDERATION.—

(1) IN GENERAL.—For any conveyance under this section the Secretary shall require the City of Norfolk to provide consideration to the United States that is not less than the fair market value of the property conveyed by the United States.

(2) FORM.—Consideration under this subsection may include any combination of—

(A) cash or cash equivalents;

(B) other property (either real or personal); and

(C) consideration in-kind, including—

(i) provision of space, goods, or services of benefit to NOAA including construction, repair, remodeling, or other physical improvements of NOAA property;

(ii) maintenance of NOAA property;

(iii) provision of office, storage, or other useable space; or

(iv) relocation services associated with conveyance of property under this section.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine fair market value for purposes of paragraph (1) based upon a highest- and best-use appraisal of the property conveyed under subsection (a) conducted in conformance with the Uniform Appraisal Standards for Professional Appraisal Practice.

(c) USE OF PROCEEDS.—Amounts received under subsection (b)(2)(A) by the United States as proceeds of any conveyance under this section shall be available to the Secretary, subject to appropriation, for—

(1) activities related to the operations of, or capital improvements, to NOAA property; or

(2) relocation and other costs associated with the sale or exchange.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of property by the United States under subsection (a) as the Secretary considers appropriate to protect the interest of the United States, including the recoupment of any profit the City of Norfolk may realize within three years after the date of conveyance to the City due to resale of the property

(e) TERMINATION.—The authority granted to the Secretary under subsections (a) and (b) shall terminate at the end of the 24-month period beginning on the date of enactment of this Act if no contract for sale or exchange under subsection (a) has been entered into by the City of Norfolk and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 3299, introduced by Representative MUSGRAVE from Colorado, would provide for a boundary adjustment in land conveyances involving the Roosevelt National Forest in Colorado to correct the effects of an erroneous land survey.

This bill responds to an ongoing boundary dispute between the Forest Service and private land owners with property adjacent to the forest.

Madam Speaker, we have no objections to H.R. 3299.

Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I wish to congratulate Congresswoman MUSGRAVE on this bill. H.R. 3299 provides a legislative solution for a number of homeowners in Larimer County, Colorado, who own real property adjacent to the Roosevelt National Forest and have occupied or improved their property in good faith and in reliance on 1975 land surveys.

A recent forest resurvey now claims that a small portion of the Roosevelt National Forest is occupied by these adjacent land owners. This bill conveys approximately seven acres occupied by the affected landowners to those landowners and is long overdue.

Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I again urge all Members to support this important piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3299, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes.''.

A motion to reconsider was laid on the table.

COMMEMORATING THE 75TH ANNIVERSARY OF THE GRAND COULEE DAM

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1374) commemorating the 75th anniversary of the Grand Coulee Dam and recognizing its critical role in the national and economic security of the United States and the contributions of hydroelectric power to the reduction of greenhouse gas emissions.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1374

Whereas the Grand Coulee Dam was one of the largest public construction projects of President Franklin D. Roosevelt's ''New Deal'', in response to the Great Depression;

Whereas construction of the Grand Coulee Dam began in the summer of 1933 and was completed in 1942;

Whereas 107 individuals lost their lives during the construction process;

Whereas the Grand Coulee Dam became the largest concrete structure in the world, with 12 million cubic yards of concrete—enough to build a sidewalk around the Earth twice;

Whereas during World War II electricity from the Grand Coulee Dam was needed to run the aluminum plants that supported the production of ships and planes;

Whereas forecasts of energy shortages in the 1960s led to the construction of a 3rd power plant at the Grand Coulee Dam, more than doubling its generating capacity;

Whereas the 3 primary purposes of the Grand Coulee Dam are generating 6.5 million

kilowatts of electricity, supplying water for irrigation as part of the Columbia Basin Project, and providing much-needed flood control to the Columbia River Basin;

Whereas the Columbia Basin Project includes 300 miles of canals and more than 3,000 miles of irrigation ditches, which supply water to 500,000 acres of farmland, an area twice the size of the State of Delaware;

Whereas the crops grown on this farmland are worth more than $500 million per year; and

Whereas the Grand Coulee Dam is the cornerstone of the electric power system in the State of Washington and the largest hydroelectric power facility in North America: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the 75th anniversary of the Grand Coulee Dam;

(2) honors the sacrifice of the 107 individuals who lost their lives during the construction of the Grand Coulee Dam; and

(3) recognizes that—

(A) the Grand Coulee Dam continues to play a critical role in the national and economic security of the United States by providing vital electric power and crop irrigation;

(B) hydroelectric power is a clean, renewable resource that is emissions-free and plays a major role in controlling emissions of greenhouse gases; and

(C) having clean, affordable hydroelectric power helps reduce the reliance of the United States on foreign oil imports and supports the successful wind power industry in the Northwestern United States by ensuring the availability of electricity in the absence of sufficient wind power.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, House Resolution 1374 recognizes the 75th anniversary of the Grand Coulee Dam in providing for an important source of energy generation in the Northwest.

I would like to commend my colleague, Congresswoman MCMORRIS RODGERS, for her sponsorship of this resolution and her efforts to champion hydropower as an important source of energy generation.

I ask my colleagues to support passage of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to support the resolution authored by CATHY MCMORRIS RODGERS, DOC HASTINGS, and the entire State of Washington delegation.

The Grand Coulee Dam is the largest concrete structure ever built in the United States, with enough concrete to build a sidewalk around the Earth twice. The dam helped us win World War II by providing much needed electricity to build fighter planes and naval ships. The dam was also constructed to provide flood control, recreation and irrigation.

□ 1345

Today, it serves over 600,000 acres of irrigated cropland which feeds consumers nationwide and around the world.

As you know, we have major energy problems in this Nation. The Grand Coulee Dam is an example of what our country has done right. It's a shining beacon of clean, renewable, domestic energy. In 2006, the dam provided 22,000 gigawatts of emission-free hydroelectricity. This translates into the reduction of 18 million tons of carbon dioxide, into 55,000 tons of sulfur dioxide and into 44,000 tons of nitrogen oxide.

Without this clean form of energy, 36.4 barrels of fuel oil, 10.7 million tons of coal or 223 billion cubic feet of natural gas will have to be used to keep the lights on. In fact, Grand Coulee is so environmentally friendly that the NBC Today Show focused solely on the dam as part of the Earth Day broadcast.

Despite the consensus that hydropower is clean, renewable and emissions-free, the Democrat leadership continues to exclude long-term hydropower resources, such as the Grand Coulee Dam, as part of its proposed renewable portfolio standard. This is logic-free given the reduction in greenhouse gas emissions that I just mentioned. We hope the Democrats come to their senses and see the reality that large hydropower sources should be counted as a renewable resource in future bills.

Madam Speaker, this resolution couldn't be brought up at a better time. I strongly support the 75th anniversary of the Grand Coulee Dam.

I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I have no further speakers. I again urge Members to support the bill.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1374.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

IRONWORKER TRAINING PROGRAM FOR NATIVE AMERICANS

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6685) to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IRON WORKING TRAINING PROGRAM FOR NATIVE AMERICANS.

(a) IN GENERAL.—To the extent funds are made available for this purpose, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall annually provide a grant to an eligible entity to provide an iron working training program for members of federally recognized Indian tribes. An eligible entity that receive a grant under this section shall provide a program that meets the requirements of subsection (b) and may require such other criteria of the program and participants of the program as the eligible entity considers appropriate to further the goals of the program.

(b) REQUIREMENTS.—A program funded by a grant under this section shall—

(1) provide specialized training in iron working skills to adult members of federally recognized Indian tribes;

(2) provide classroom and on-the-job training; and

(3) facilitate job placement for participants upon successful completion of the requirements of the program.

(c) ELIGIBLE ENTITY.—To be eligible for a grant under this section, an entity shall—

(1) have proven experience in providing successful iron working training programs to Native American populations; and

(2) have the facilities necessary to carry out such a program with a grant provided under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 6685 would provide an authorization for appropriations that has been made for many years for an Interior

Department program which makes grants available to fund a Native American ironworker training program. This program would provide members of federally recognized Indian tribes with both classroom and on-the-job ironwork training.

With unemployment rates increasing to a staggering rate of over 80 percent on some Indian reservations, this program is desperately needed. It will provide the program participants with the knowledge and the ability to join a skilled labor force as a career.

I want to commend our colleague Mr. LYNCH of Massachusetts for his hard work and for his dedication to this piece of legislation, and I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

H.R. 6685 reauthorizes a vital educational grant program to train members of federally recognized Indian tribes to become ironworkers. By the way, they are outstanding ironworkers, and they always have been. They built the City of New York and New Jersey, itself, and I have to recognize their capabilities.

This apprentice program has trained thousands of Native Americans over the years, providing graduates with careers, earning above-average wages. Graduates of this program have been a significant source of economic support in their tribal communities. I urge my colleagues to support this legislation.

I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I have no additional speakers. I urge all Members to support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 6685.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM ACT

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1907) to authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coastal and Estuarine Land Conservation Program Act''.

SEC. 2. AUTHORIZATION OF COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 307 the following new section:

''AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

''SEC. 307A. (a) IN GENERAL.—The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

''(b) PROPERTY ACQUISITION GRANTS.—The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

''(1) a Coastal Zone Management Plan or Program approved under this title;

''(2) a National Estuarine Research Reserve management plan;

''(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or

''(4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

''(c) GRANT PROCESS.—The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

''(1) The Secretary shall consult with the coastal state's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).

''(2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders, shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.

''(3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

''(4) The applicant shall identify the values to be protected by inclusion of the lands in the program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

''(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations.

''(6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State's or territory's approved coastal zone plan, program, and policies prior to submittal to the Secretary.

''(7)(A) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological value.

''(B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that—

''(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state; and

''(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment.

''(8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested stakeholders with expertise in land acquisition and conservation procedures.

''(9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

''(10) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program's effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

''(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS.—

''(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.

''(2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.

''(3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local government access) to or use of private property unless such property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.

''(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.

''(f) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may not make a grant under the program unless the

Federal funds are matched by non-Federal funds in accordance with this subsection.

''(2) COST SHARE REQUIREMENT.—

''(A) IN GENERAL.—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

''(B) WAIVER OF REQUIREMENT.—The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

''(3) OTHER FEDERAL FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

''(4) SOURCE OF MATCHING COST SHARE.—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

''(A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that—

''(i) the land meets the criteria set forth in section 2(b) and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;

''(ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and

''(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.

''(B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.

''(C) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non- Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.

''(g) RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.—No less than 15 percent of funds made available under this section shall be available for acquisitions benefitting National Estuarine Research Reserves.

''(h) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter.

''(i) TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.—If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide—

''(1) such assurances as the Secretary may require that—

''(A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity;

''(B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

''(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the Secretary in accordance with applicable Federal law for redistribution in the grant process; and

''(2) certification that the property (including any interest in land) will be acquired from a willing seller.

''(j) REQUIREMENT FOR PROPERTY USED FOR NON-FEDERAL MATCH.—If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), the grant recipient must to the Secretary's satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

''(k) DEFINITIONS.—In this section:

''(1) CONSERVATION EASEMENT.—The term 'conservation easement' includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

''(2) INTEREST IN PROPERTY.—The term 'interest in property' includes a conservation easement.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2009 through 2013.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 1907 would authorize the existing Coastal and Estuarine Land Conservation Program, which is administered by the National Oceanic and Atmospheric Administration.

This very popular program was first established under the fiscal year 2002 Appropriations Act for the Departments of Commerce, Justice, State, and Related Agencies.

Since its inception, the CELCP program has awarded more than $176 million in matching grants to eligible coastal States and territories to acquire properties or conservation easements from willing sellers to protect fish and wildlife habitat from future development and to preserve scarce coastal open space.

This bill was introduced by Congressman JAMES SAXTON and was subsequently reported by the Committee on Natural Resources. This legislation would formally authorize the program consistent with past appropriations acts and with NOAA's own program guidelines.

Madam Speaker, the existing CELCP program is both targeted and effective, and it addresses a critical habitat conservation need in many coastal States and territories. The bill is strongly supported by the administration, by the Coastal States Organization and by several respected conservation organizations, including the Nature Conservancy and the Trust for Public Land.

I commend Congressman SAXTON for his steadfast efforts to authorize this program and to protect and to conserve the coastal zone of the United States. I ask my colleagues to support the passage of this important legislation.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself as much time as I may consume.

I would like to take this opportunity to congratulate Congressman JIM SAXTON, who has worked tirelessly on this legislation and to have it scheduled for floor debate today. He cannot be here because he is en route.

He has had a long and distinguished career championing ocean and coastal causes in the House of Representatives. He will be missed as he retires at the end of this Congress. I thank him for his service and for his leadership on the Natural Resources Committee as well as for his being a former Merchant Marine and Fisheries Committee member. I wish him good winds and fair seas in his next voyage in life.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as she may consume to my friend, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 1907, which formally codifies NOAA's Coastal and Estuarine Land Conservation Program, informally known as the CELCP program.

First, I want to thank the chairman of the Natural Resources Committee, Mr. RAHALL, and the chairwoman of the subcommittee, Ms. BORDALLO, for bringing H.R. 1907 before us today. I also want to join with the ranking member, Mr. YOUNG, in recognizing the author of this legislation, Mr. SAXTON, for his leadership in all of the areas that he has worked on, especially in this area. Those comments of my colleague from Alaska were very well said. For years, Mr. SAXTON has been a champion for the marine environment, and his passion for our oceans will be missed.

Mr. Speaker, it's well-known that more and more people are moving to the coast to enjoy its beauty and its recreational opportunities. An estimated 60 percent of Americans will live along our coasts during the next 2 years. More than ever, the pressures of urbanization and of coastal pollution threaten to impair watersheds, to impact wildlife habitat and to cause irreparable damage to our fragile coastal ecology.

We see strong signals of what continuing down this path could bring us: beach closings, fish kills, human health impacts, and a lack of public access to beaches and to coastal waters. That's why we need initiatives like the Coastal and Estuarine Land Conservation Program, the CELCP program.

This existing program pairs willing sellers through community-based initiatives with sources of Federal funds in order to enhance environmental protection. Lands can be acquired in full or through easements, and none of the lands purchased through this program would be held by the Federal Government. It puts land conservation initiatives in the hands of State and local communities. That's why it's supported by the Coastal States Organization.

In my congressional district, we've worked collaboratively with coastal communities, with environmental groups, with willing sellers, and with the State to conserve lands around the Morro Bay National Estuary, on the nationally significant Gaviota Coast and near the Piedras Blancas Outstanding Natural Area.

These lands are home to a wide variety of plants and animal species that are particularly threatened by encroaching development and pollution. By working with local communities to purchase lands and easements, California has been able to successfully preserve the natural and scenic heritage of some of its last undeveloped stretches of coastline.

Mr. Speaker, programs like CELCP will help other coastal States to participate in these community-based conservation efforts. Given the importance of healthy, productive and accessible coastal areas, it's time to formally authorize CELCP. This legislation makes important improvements in the program. It provides a better framework for its administration, and it will ensure the consistent implementation throughout the country.

I know that we all would like to do something like this in honor and in the memory of our good friend in his days in Congress, Mr. SAXTON. So I want to thank the chairwoman and Mr. SAXTON for their leadership on this legislation. I look forward to working with them in the coming days to ensure its passage so that we can fill this vital need for coastal protection. I urge all of my colleagues to support H.R. 1907.

Mr. YOUNG of Alaska. Mr. Speaker, at this time, I will recognize Mrs. MUSGRAVE from Colorado for as much time as she may consume.

Mrs. MUSGRAVE. Mr. Speaker, due to a traffic problem, I am a little bit late in getting into this Chamber to make comment on H.R. 3299, and I so much appreciate the opportunity.

That bill under consideration today provides for a boundary adjustment to the Roosevelt National Forest to correct an erroneous survey.

In May of 2006, a number of my constituents who live in the Crystal Lakes Subdivision in Larimer County, Colorado contacted my office after they received notice from the Forest Service that they were encroaching upon Federal property. You can imagine what a surprise this was to those folks. Many of those people who had purchased the land in the 1970s, improved it, built homes on it and had literally lived there for decades.

However, the Forest Service informed these homeowners that a survey that had been conducted in 2003 and in 2004 had found that the earlier survey that was conducted in 1975 was, indeed, inaccurate. This 1975 survey was privately commissioned and was used in the development of the Crystal Lakes Subdivision.

Thirty years after the property was originally developed, landowners have now been informed that the portions of the land they paid for and that they improved may actually be on Federal property. Even more, a number of these landowners were faced with the reality that their homes might be on Federal land.

□ 1400

The property owners bought this land and made the improvements all in good faith, and are now faced with an undue burden to deal with this mistake.

The only recourse for individuals whose homes are within the area of dispute is the Small Tracts Act. However, this requires homeowners to pay for this land a second time at current fair market value. Obviously, the land prices in this beautiful area have increased dramatically over the past three decades and this purchase would place an enormous financial burden on these homeowners. The uncertainty associated with this dispute has made it difficult for impacted property owners to sell their property. H.R. 3299 would remedy these problems by conveying without consideration the disputed areas to the impacted homeowners.

The 7 acres involved in this boundary dispute are a miniscule fraction of the 1.3 million acres of the Arapaho-Roosevelt National Forest. Because this land has been cleared and it has been occupied, obviously, for a number of years, transferring it back to the Forest Service would not enhance the environment or the scenic attributes of the area. Additionally, H.R. 3299 would not in any way impact the integrity or affect the operation of the forest.

The landowners impacted by this boundary dispute need resolution and certainty. H.R. 3299 did that by allowing them to keep the land they purchased and improved.

Mr. Speaker, I want to take this opportunity to thank Chairman RAHALL and Congressman YOUNG, as well as Chairman GRIJALVA and Mr. BISHOP for moving this legislation through the Natural Resources Committee. I am grateful for the support of my colleagues of H.R. 3299.

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I too would like to go on record as commending Mr. SAXTON for his long and distinguished career as a champion for the oceans. We will all miss him and his passion for protecting the marine environment.

Mr. Speaker, I urge all Members to support the bill before us today. In closing, I would like to thank the gentleman from Alaska, the distinguished ranking member of the Natural Resources Committee, Mr. YOUNG, for managing the bills with me today.

Mr. SAXTON. Mr. Speaker, I rise today to urge my colleagues to join me in supporting authorization of the Coastal and Estuarine Land Conservation Program. H.R. 1907—the Coastal and Estuarine Land Conservation Program Act authorizes a voluntary partnership program to provide badly needed Federal funds for the purchase and protection of sensitive coastal ecosystems with the goal of better ensuring the ecological and economic health of our coastal communities.

It is well known that more and more people are moving to the coast to enjoy its beauty and recreational opportunities. An estimated 60 percent of Americans will live along our coasts by 2010. Fourteen of our Nation's 20 largest cities are located on the coast. More than ever, the pressures of urbanization and pollution along our Nation's shores threaten to impair watersheds, impact wildlife habitat and cause irreparable damage to the fragile coastal ecology.

Created by Congress in fiscal year 2002, the Coastal and Estuarine Land Conservation Program—also known as CELP—was modeled after the successful Forest Legacy Program. To date, this program has invested nearly $200 million towards 150 conservation projects in 26 of the Nation's 35 coastal and Great Lakes States and territories. This Federal investment has leveraged more than an equal amount of State, local and private funding, demonstrating the importance of coastal protection throughout the Nation and the critical role of Federal funding to its success.

More importantly, the program has helped to conserve lands and waters that will offer numerous benefits to local communities by preserving water quality, natural areas for wildlife and birds, and outdoor recreational opportunities—thereby protecting for the future the very

things we love about the coasts. Although the program has been in existence for six years, it has yet to be formally authorized. This legislation seeks to do just that.

This bill will formally authorize this Federal/State partnership program explicitly for conservation of coastal lands. CELP will award grants on a competitive basis to the 35 coastal and Great Lakes States and territories or National Estuarine Research Reserves for the purpose of protecting lands that are critical to the health of our coasts and estuaries. This legislation will allow coastal States to compete for 1 to 1 matching funds to acquire land or easements from willing sellers to protect coastal areas that have considerable conservation, recreation, ecological, historical or aesthetic values threatened by development or conversion.

By establishing a plan for the preservation of our coastal areas, the Act will build on the foundation laid down by the Coastal Zone Management Act, and will encourage voluntary land conservation partnerships among the Federal Government, State agencies, local governments, private landowners and non-profits. It will not only improve the quality of coastal areas and the marine life they support, but also sustain surrounding communities and their way of life.

I thank Representative CAPPS and all of our cosponsors for their support of H.R. 1907 and I ask my colleagues to support this legislation.

Mr. FARR. Mr. Speaker, I rise in support of H.R. 1907 the Coastal and Estuarine Land Conservation and Protection Act authored by my friend and fellow co-chair of the House Oceans Caucus from New Jersey, Mr. JIM SAXTON.

I would like to take this opportunity to express my gratitude for all that Mr. SAXTON has done during his distinguished career in this House to help protect and promote the oceans. He has been a great ally in the fight to keep our oceans from harm and make sure that they will be healthy and productive for our grandchildren's grandchildren. Mr. SAXTON joined me in coauthoring a comprehensive ocean management bill, H.R. 21, known as Oceans–21, that would create a national ocean policy and create coordinated State and Federal management of our oceans. I will continue the fight for the oceans but I will miss having the leadership, friendship, and vision of JIM SAXTON next year.

The conservation of coastal habitat a necessary action identified in the final reports of both the Pew Oceans Commission and the U.S. Commission on Ocean Policy. Coastal areas are vitally important to our ocean health, since most of our use of the oceans, both recreational and commercial take place in the coastal zone. Estuaries provide even-more important services such as mitigating the impacts from runoff and are known to be the nurseries that support our country's fisheries.

This bill is necessary to authorize a coastal land conservation program and extend the utility of one of our best ocean management laws: the Coastal Zone Management Act. The Coastal Zone Management Act allows States and the Federal Government to cooperate in the management of the resources and environment of the coasts. States which have approved coastal management plans and National Estuarine Research Reserves will be eligible for grants to conserve coastal lands and estuaries that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function.

I also lend my support to this bill because I have seen the good that this program can do. The Elkhorn Slough, covering 1,330 acres in my district, is one of the relatively few coastal wetlands remaining in California. It became a part of the National Estuarine Research Reserve System in 1979. The main channel of the slough, which winds inland nearly seven miles, is flanked by a broad salt marsh second in size in California only to San Francisco Bay.

Elkhorn Slough is home to more than 400 species of invertebrates, 80 species of fish and 200 species of birds. The channels and tidal creeks of the slough are nurseries for many species of fish and help support fishing off of the West Coast. At least six threatened or endangered species utilize the slough or its surrounding uplands, including peregrine falcons, Santa Cruz long-toed salamanders, California red-legged frogs, brown pelicans, least terns and Southern Sea Otters. The slough is also an important stop on the Pacific Flyway, providing feeding and resting ground for many types of migrating waterfowl and shorebirds.

Mr. Speaker, this bill authorizes a program that is necessary for the protection of our coasts and our oceans for future generations. I cannot emphasize enough the need for this Congress to provide for ocean stewardship now. I support the Coastal and Estuarine Land Conservation and Protection Act and I urge my colleagues to join me.

Mr. CASTLE. Mr. Speaker, today I rise in strong support of the Coastal and Estuarine Land Conservation Program (CELCP) Act, H.R. 1907.

CELCP is a wonderful example of a public/private partnership. I believe strongly in protecting lands currently threatened by the rapid development across the country and I am so pleased that CELCP is able to make such a valuable contribution to the protection of coastal and estuarine lands, which are considered important for their ecological, conservation, recreational, historical and aesthetic value.

This program provides badly needed federal funds for the purchase and protection of sensitive coastal ecosystems with the goal of better ensuring the ecological and economic health of our coastal communities—this is critical in light of the fact that 60 percent of Americans will live along the coast by 2010.

I have been privileged to work with Representative Saxton and applaud his dedication to formally authorizing this program that Congress has funded since 2003. By establishing a plan for the preservation of our coastal areas, authorizing CELCP will build on the successful Coastal Zone Management Act, and it will continue to encourage partnership programs among federal government, state agencies, local governments, private landowners and non-profits.

CELCP has certainly provided the backbone for strong partnerships in Delaware, through the Nature Conservancy, and DNREC, and NOAA—and I look forward to the continued success of the program.

As we all know too well, protecting open space is particularly important in Delaware, where rapid development is underway. Delaware's CELCP funding totals around $10 million; most recently it has helped ensure that Blackbird Creek, with wetlands, forest, and important species, remains ecologically valuable today and in the future.

I urge my colleagues on both sides of the aisle to join me in supporting H.R. 1907.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ELLISON). The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1907, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GREAT LAKES—ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

Ms. SUTTON. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 45) expressing the consent and approval of Congress to an interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 45

Whereas the interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin reads as follows:

"AGREEMENT

"Section 1. The states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by the respective state legislatures and consent by the Congress of the United States as follows:

"GREAT LAKES—ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

"ARTICLE 1

"SHORT TITLE, DEFINITIONS, PURPOSES AND DURATION

"Section 1.1. Short Title. This act shall be known and may be cited as the ''Great Lakes—St. Lawrence River Basin Water Resources Compact.''

"Section 1.2. Definitions. For the purposes of this Compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

"Adaptive Management means a Water resources management system that provides a systematic process for evaluation, monitoring and learning from the outcomes of operational programs and adjustment of policies, plans and programs based on experience and the evolution of scientific knowledge concerning Water resources and Water Dependent Natural Resources.

"Agreement means the Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement.

"Applicant means a Person who is required to submit a Proposal that is subject to management and regulation under this Compact. **Application** has a corresponding meaning.

"Basin or **Great Lakes—St. Lawrence River Basin** means the watershed of the Great Lakes and the St. Lawrence River upstream from Trois-Rivières, Québec within the jurisdiction of the Parties.

"Basin Ecosystem or **Great Lakes—St. Lawrence River Basin Ecosystem** means the interacting components of air, land, Water and living organisms, including humankind, within the Basin.

"Community within a Straddling County means any incorporated city, town or the equivalent thereof, that is located outside the Basin but wholly within a County that lies partly within the Basin and that is not a Straddling Community.

"Compact means this Compact.

"Consumptive Use means that portion of the Water Withdrawn or withheld from the Basin that is lost or otherwise not returned to the Basin due to evaporation, incorporation into Products, or other processes.

"Council means the Great Lakes—St. Lawrence River Basin Water Resources Council, created by this Compact.

"Council Review means the collective review by the Council members as described in Article 4 of this Compact.

"County means the largest territorial division for local government in a State. The County boundaries shall be defined as those boundaries that exist as of December 13, 2005.

"Cumulative Impacts mean the impact on the Basin Ecosystem that results from incremental effects of all aspects of a Withdrawal, Diversion or Consumptive Use in addition to other past, present, and reasonably foreseeable future Withdrawals, Diversions and Consumptive Uses regardless of who undertakes the other Withdrawals, Diversions and Consumptive Uses. Cumulative Impacts can result from individually minor but collectively significant Withdrawals, Diversions and Consumptive Uses taking place over a period of time.

"Decision-Making Standard means the decision-making standard established by Section 4.11 for Proposals subject to management and regulation in Section 4.10.

"Diversion means a transfer of Water from the Basin into another watershed, or from the watershed of one of the Great Lakes into that of another by any means of transfer, including but not limited to a pipeline, canal, tunnel, aqueduct, channel, modification of the direction of a water course, a tanker ship, tanker truck or rail tanker but does not apply to Water that is used in the Basin or a Great Lake watershed to manufacture or produce a Product that is then transferred out of the Basin or watershed. **Divert** has a corresponding meaning.

"Environmentally Sound and Economically Feasible Water Conservation Measures mean those measures, methods, technologies or practices for efficient water use and for reduction of water loss and waste or for reducing a Withdrawal, Consumptive Use or Diversion that i) are environmentally sound, ii) reflect best practices applicable to the water use sector, iii) are technically feasible and available, iv) are economically feasible and cost effective based on an analysis that considers direct and avoided economic and environmental costs and v) consider the particular facilities and processes involved, taking into account the environmental impact, age of equipment and facilities involved, the processes employed, energy impacts and other appropriate factors.

"Exception means a transfer of Water that is excepted under Section 4.9 from the prohibition against Diversions in Section 4.8.

"Exception Standard means the standard for Exceptions established in Section 4.9.4.

"Intra-Basin Transfer means the transfer of Water from the watershed of one of the Great Lakes into the watershed of another Great Lake.

"Measures means any legislation, law, regulation, directive, requirement, guideline, program, policy, administrative practice or other procedure.

"New or Increased Diversion means a new Diversion, an increase in an existing Diversion, or the alteration of an existing Withdrawal so that it becomes a Diversion.

"New or Increased Withdrawal or Consumptive Use means a new Withdrawal or Consumptive Use or an increase in an existing Withdrawal or Consumptive Use.

"Originating Party means the Party within whose jurisdiction an Application or registration is made or required.

"Party means a State party to this Compact.

"Person means a human being or a legal person, including a government or a non-governmental organization, including any scientific, professional, business, non-profit, or public interest organization or association that is neither affiliated with, nor under the direction of a government.

"Product means something produced in the Basin by human or mechanical effort or through agricultural processes and used in manufacturing, commercial or other processes or intended for intermediate or end use consumers. (i) Water used as part of the packaging of a Product shall be considered to be part of the Product. (ii) Other than Water used as part of the packaging of a Product, Water that is used primarily to transport materials in or out of the Basin is not a Product or part of a Product. (iii) Except as provided in (i) above, Water which is transferred as part of a public or private supply is not a Product or part of a Product. (iv) Water in its natural state such as in lakes, rivers, reservoirs, aquifers, or water basins is not a Product.

"Proposal means a Withdrawal, Diversion or Consumptive Use of Water that is subject to this Compact.

"Province means Ontario or Québec.

"Public Water Supply Purposes means water distributed to the public through a physically connected system of treatment, storage and distribution facilities serving a group of largely residential customers that may also serve industrial, commercial, and other institutional operators. Water Withdrawn directly from the Basin and not through such a system shall not be considered to be used for Public Water Supply Purposes.

"Regional Body means the members of the Council and the Premiers of Ontario and Québec or their designee as established by the Agreement.

"Regional Review means the collective review by the Regional Body as described in Article 4 of this Compact.

"Source Watershed means the watershed from which a Withdrawal originates. If Water is Withdrawn directly from a Great Lake or from the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. If Water is Withdrawn from the watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River, then the Source Watershed shall be considered to be the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively, with a preference to the direct tributary stream watershed from which it was Withdrawn.

"Standard of Review and Decision means the Exception Standard, Decision-Making Standard and reviews as outlined in Article 4 of this Compact.

"State means one of the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio or Wisconsin or the Commonwealth of Pennsylvania.

"Straddling Community means any incorporated city, town or the equivalent thereof, wholly within any County that lies partly or completely within the Basin, whose corporate boundary existing as of the effective date of this Compact, is partly within the Basin or partly within two Great Lakes watersheds.

"Technical Review means a detailed review conducted to determine whether or not a Proposal that requires Regional Review under this Compact meets the Standard of Review and Decision following procedures and guidelines as set out in this Compact.

"Water means ground or surface water contained within the Basin.

"Water Dependent Natural Resources means the interacting components of land, Water and living organisms affected by the Waters of the Basin.

"Waters of the Basin or Basin Water means the Great Lakes and all streams, rivers, lakes, connecting channels and other bodies of water, including tributary groundwater, within the Basin.

"Withdrawal means the taking of water from surface water or groundwater. **Withdraw** has a corresponding meaning.

"Section 1.3. Findings and Purposes.

''The legislative bodies of the respective Parties hereby find and declare:

''1. Findings:

''a. The Waters of the Basin are precious public natural resources shared and held in trust by the States;

''b. The Waters of the Basin are interconnected and part of a single hydrologic system;

''c. The Waters of the Basin can concurrently serve multiple uses. Such multiple uses include municipal, public, industrial, commercial, agriculture, mining, navigation, energy development and production, recreation, the subsistence, economic and cultural activities of native peoples, Water quality maintenance, and the maintenance of fish and wildlife habitat and a balanced ecosystem. And, other purposes are encouraged, recognizing that such uses are interdependent and must be balanced;

''d. Future Diversions and Consumptive Uses of Basin Water resources have the potential to significantly impact the environment, economy and welfare of the Great Lakes—St. Lawrence River region;

''e. Continued sustainable, accessible and adequate Water supplies for the people and economy of the Basin are of vital importance; and,

''f. The Parties have a shared duty to protect, conserve, restore, improve and manage

the renewable but finite Waters of the Basin for the use, benefit and enjoyment of all their citizens, including generations yet to come. The most effective means of protecting, conserving, restoring, improving and managing the Basin Waters is through the joint pursuit of unified and cooperative principles, policies and programs mutually-agreed upon, enacted and adhered to by all Parties.

''2. Purposes:

''a. To act together to protect, conserve, restore, improve and effectively manage the Waters and Water Dependent Natural Resources of the Basin under appropriate arrangements for intergovernmental cooperation and consultation because current lack of full scientific certainty should not be used as a reason for postponing measures to protect the Basin Ecosystem;

''b. To remove causes of present and future controversies;

''c. To provide for cooperative planning and action by the Parties with respect to such Water resources;

''d. To facilitate consistent approaches to Water management across the Basin while retaining State management authority over Water management decisions within the Basin;

''e. To facilitate the exchange of data, strengthen the scientific information base upon which decisions are made and engage in consultation on the potential effects of proposed Withdrawals and losses on the Waters and Water Dependent Natural Resources of the Basin;

''f. To prevent significant adverse impacts of Withdrawals and losses on the Basin's ecosystems and watersheds;

''g. To promote interstate and State-Provincial comity; and,

''h. To promote an Adaptive Management approach to the conservation and management of Basin Water resources, which recognizes, considers and provides adjustments for the uncertainties in, and evolution of, scientific knowledge concerning the Basin's Waters and Water Dependent Natural Resources.

"Section 1.4. Science.

''1. The Parties commit to provide leadership for the development of a collaborative strategy with other regional partners to strengthen the scientific basis for sound Water management decision making under this Compact.

''2. The strategy shall guide the collection and application of scientific information to support:

''a. An improved understanding of the individual and Cumulative Impacts of Withdrawals from various locations and Water sources on the Basin Ecosystem and to develop a mechanism by which impacts of Withdrawals may be assessed;

''b. The periodic assessment of Cumulative Impacts of Withdrawals, Diversions and Consumptive Uses on a Great Lake and St. Lawrence River watershed basis;

''c. Improved scientific understanding of the Waters of the Basin;

''d. Improved understanding of the role of groundwater in Basin Water resources management; and,

''e. The development, transfer and application of science and research related to Water conservation and Water use efficiency.

"ARTICLE 2

"ORGANIZATION

"Section 2.1. Council Created.

''The Great Lakes—St. Lawrence River Basin Water Resources Council is hereby created as a body politic and corporate, with succession for the duration of this Compact, as an agency and instrumentality of the governments of the respective Parties.

"Section 2.2. Council Membership.

''The Council shall consist of the Governors of the Parties, ex officio.

"Section 2.3. Alternates.

''Each member of the Council shall appoint at least one alternate who may act in his or her place and stead, with authority to attend all meetings of the Council and with power to vote in the absence of the member. Unless otherwise provided by law of the Party for which he or she is appointed, each alternate shall serve during the term of the member appointing him or her, subject to removal at the pleasure of the member. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as an original appointment for the unexpired term only.

"Section 2.4. Voting.

''1. Each member is entitled to one vote on all matters that may come before the Council.

''2. Unless otherwise stated, the rule of decision shall be by a simple majority.

''3. The Council shall annually adopt a budget for each fiscal year and the amount required to balance the budget shall be apportioned equitably among the Parties by unanimous vote of the Council. The appropriation of such amounts shall be subject to such review and approval as may be required by the budgetary processes of the respective Parties.

''4. The participation of Council members from a majority of the Parties shall constitute a quorum for the transaction of business at any meeting of the Council.

"Section 2.5. Organization and Procedure.

''The Council shall provide for its own organization and procedure, and may adopt rules and regulations governing its meetings and transactions, as well as the procedures and timeline for submission, review and consideration of Proposals that come before the Council for its review and action. The Council shall organize, annually, by the election of a Chair and Vice Chair from among its members. Each member may appoint an advisor, who may attend all meetings of the Council and its committees, but shall not have voting power. The Council may employ or appoint professional and administrative personnel, including an Executive Director, as it may deem advisable, to carry out the purposes of this Compact.

"Section 2.6. Use of Existing Offices and Agencies.

''It is the policy of the Parties to preserve and utilize the functions, powers and duties of existing offices and agencies of government to the extent consistent with this Compact. Further, the Council shall promote and aid the coordination of the activities and programs of the Parties concerned with Water resources management in the Basin. To this end, but without limitation, the Council may:

''1. Advise, consult, contract, assist or otherwise cooperate with any and all such agencies;

''2. Employ any other agency or instrumentality of any of the Parties for any purpose; and,

''3. Develop and adopt plans consistent with the Water resources plans of the Parties.

"Section 2.7. Jurisdiction.

''The Council shall have, exercise and discharge its functions, powers and duties within the limits of the Basin. Outside the Basin, it may act in its discretion, but only to the extent such action may be necessary or convenient to effectuate or implement its powers or responsibilities within the Basin and subject to the consent of the jurisdiction wherein it proposes to act.

"Section 2.8. Status, Immunities and Privileges.

''1. The Council, its members and personnel in their official capacity and when engaged directly in the affairs of the Council, its property and its assets, wherever located and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by the Parties, except to the extent that the Council may expressly waive its immunity for the purposes of any proceedings or by the terms of any contract.

''2. The property and assets of the Council, wherever located and by whomsoever held, shall be considered public property and shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive or legislative action.

''3. The Council, its property and its assets, income and the operations it carries out pursuant to this Compact shall be immune from all taxation by or under the authority of any of the Parties or any political subdivision thereof; provided, however, that in lieu of property taxes the Council may make reasonable payments to local taxing districts in annual amounts which shall approximate the taxes lawfully assessed upon similar property.

"Section 2.9. Advisory Committees.

''The Council may constitute and empower advisory committees, which may be comprised of representatives of the public and of federal, State, tribal, county and local governments, water resources agencies, water-using industries and sectors, water-interest groups and academic experts in related fields.

"ARTICLE 3

"GENERAL POWERS AND DUTIES

"Section 3.1. General.

''The Waters and Water Dependent Natural Resources of the Basin are subject to the sovereign right and responsibilities of the Parties, and it is the purpose of this Compact to provide for joint exercise of such powers of sovereignty by the Council in the common interests of the people of the region, in the manner and to the extent provided in this Compact. The Council and the Parties shall use the Standard of Review and Decision and procedures contained in or adopted pursuant to this Compact as the means to exercise their authority under this Compact.

The Council may revise the Standard of Review and Decision, after consultation with the Provinces and upon unanimous vote of all Council members, by regulation duly adopted in accordance with Section 3.3 of this Compact and in accordance with each Party's respective statutory authorities and applicable procedures.

The Council shall identify priorities and develop plans and policies relating to Basin Water resources. It shall adopt and promote uniform and coordinated policies for Water resources conservation and management in the Basin.

"Section 3.2. Council Powers.

''The Council may: plan; conduct research and collect, compile, analyze, interpret, report and disseminate data on Water resources and uses; forecast Water levels; conduct investigations; institute court actions; design, acquire, construct, reconstruct, own, operate, maintain, control, sell and convey real and personal property and any interest

therein as it may deem necessary, useful or convenient to carry out the purposes of this Compact; make contracts; receive and accept such payments, appropriations, grants, gifts, loans, advances and other funds, properties and services as may be transferred or made available to it by any Party or by any other public or private agency, corporation or individual; and, exercise such other and different powers as may be delegated to it by this Compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers or which may be reasonably implied therefrom.

"Section 3.3. Rules and Regulations.

''1. The Council may promulgate and enforce such rules and regulations as may be necessary for the implementation and enforcement of this Compact. The Council may adopt by regulation, after public notice and public hearing, reasonable Application fees with respect to those Proposals for Exceptions that are subject to Council review under Section 4.9. Any rule or regulation of the Council, other than one which deals solely with the internal management of the Council or its property, shall be adopted only after public notice and hearing.

''2. Each Party, in accordance with its respective statutory authorities and applicable procedures, may adopt and enforce rules and regulations to implement and enforce this Compact and the programs adopted by such Party to carry out the management programs contemplated by this Compact.

"Section 3.4. Program Review and Findings.

''1. Each Party shall submit a report to the Council and the Regional Body detailing its Water management and conservation and efficiency programs that implement this Compact. The report shall set out the manner in which Water Withdrawals are managed by sector, Water source, quantity or any other means, and how the provisions of the Standard of Review and Decision and conservation and efficiency programs are implemented. The first report shall be provided by each Party one year from the effective date of this Compact and thereafter every 5 years.

''2. The Council, in cooperation with the Provinces, shall review its Water management and conservation and efficiency programs and those of the Parties that are established in this Compact and make findings on whether the Water management program provisions in this Compact are being met, and if not, recommend options to assist the Parties in meeting the provisions of this Compact. Such review shall take place:

''a. 30 days after the first report is submitted by all Parties; and,

''b. Every five years after the effective date of this Compact; and,

''c. At any other time at the request of one of the Parties.

''3. As one of its duties and responsibilities, the Council may recommend a range of approaches to the Parties with respect to the development, enhancement and application of Water management and conservation and efficiency programs to implement the Standard of Review and Decision reflecting improved scientific understanding of the Waters of the Basin, including groundwater, and the impacts of Withdrawals on the Basin Ecosystem.

"ARTICLE 4

"WATER MANAGEMENT AND REGULATION

"Section 4.1. Water Resources Inventory, Registration and Reporting.

''1. Within five years of the effective date of this Compact, each Party shall develop and maintain a Water resources inventory for the collection, interpretation, storage, retrieval exchange, and dissemination of information concerning the Water resources of the Party, including, but not limited to, information on the location, type, quantity, and use of those resources and the location, type, and quantity of Withdrawals, Diversions and Consumptive Uses. To the extent feasible, the Water resources inventory shall be developed in cooperation with local, State, federal, tribal and other private agencies and entities, as well as the Council. Each Party's agencies shall cooperate with that Party in the development and maintenance of the inventory.

''2. The Council shall assist each Party to develop a common base of data regarding the management of the Water Resources of the Basin and to establish systematic arrangements for the exchange of those data with other States and Provinces.

''3. To develop and maintain a compatible base of Water use information, within five years of the effective date of this Compact any Person who Withdraws Water in an amount of 100,000 gallons per day or greater average in any 30-day period (including Consumptive Uses) from all sources, or Diverts Water of any amount, shall register the Withdrawal or Diversion by a date set by the Council unless the Person has previously registered in accordance with an existing State program. The Person shall register the Withdrawal or Diversion with the Originating Party using a form prescribed by the Originating Party that shall include, at a minimum and without limitation: the name and address of the registrant and date of registration; the locations and sources of the Withdrawal or Diversion; the capacity of the Withdrawal or Diversion per day and the amount Withdrawn or Diverted from each source; the uses made of the Water; places of use and places of discharge; and, such other information as the Originating Party may require. All registrations shall include an estimate of the volume of the Withdrawal or Diversion in terms of gallons per day average in any 30-day period.

''4. All registrants shall annually report the monthly volumes of the Withdrawal, Consumptive Use and Diversion in gallons to the Originating Party and any other information requested by the Originating Party.

''5. Each Party shall annually report the information gathered pursuant to this Section to a Great Lakes—St. Lawrence River Water use data base repository and aggregated information shall be made publicly available, consistent with the confidentiality requirements in Section 8.3.

''6. Information gathered by the Parties pursuant to this Section shall be used to improve the sources and applications of scientific information regarding the Waters of the Basin and the impacts of the Withdrawals and Diversions from various locations and Water sources on the Basin Ecosystem, and to better understand the role of groundwater in the Basin. The Council and the Parties shall coordinate the collection and application of scientific information to further develop a mechanism by which individual and Cumulative Impacts of Withdrawals, Consumptive Uses and Diversions shall be assessed.

"Section 4.2. Water Conservation and Efficiency Programs.

''1. The Council commits to identify, in cooperation with the Provinces, Basin-wide Water conservation and efficiency objectives to assist the Parties in developing their Water conservation and efficiency program. These objectives are based on the goals of:

''a. Ensuring improvement of the Waters and Water Dependent Natural Resources;

''b. Protecting and restoring the hydrologic and ecosystem integrity of the Basin;

''c. Retaining the quantity of surface water and groundwater in the Basin;

''d. Ensuring sustainable use of Waters of the Basin; and,

''e. Promoting the efficiency of use and reducing losses and waste of Water.

''2. Within two years of the effective date of this Compact, each Party shall develop its own Water conservation and efficiency goals and objectives consistent with the Basin-wide goals and objectives, and shall develop and implement a Water conservation and efficiency program, either voluntary or mandatory, within its jurisdiction based on the Party's goals and objectives. Each Party shall annually assess its programs in meeting the Party's goals and objectives, report to the Council and the Regional Body and make this annual assessment available to the public.

''3. Beginning five years after the effective date of this Compact, and every five years thereafter, the Council, in cooperation with the Provinces, shall review and modify as appropriate the Basin-wide objectives, and the Parties shall have regard for any such modifications in implementing their programs. This assessment will be based on examining new technologies, new patterns of Water use, new resource demands and threats, and Cumulative Impact assessment under Section 4.15.

''4. Within two years of the effective date of this Compact, the Parties commit to promote Environmentally Sound and Economically Feasible Water Conservation Measures such as:

''a. Measures that promote efficient use of Water;

''b. Identification and sharing of best management practices and state of the art conservation and efficiency technologies;

''c. Application of sound planning principles;

''d. Demand-side and supply-side Measures or incentives; and,

''e. Development, transfer and application of science and research.

''5. Each Party shall implement in accordance with paragraph 2 above a voluntary or mandatory Water conservation program for all, including existing, Basin Water users. Conservation programs need to adjust to new demands and the potential impacts of cumulative effects and climate.

"Section 4.3. Party Powers and Duties.

''1. Each Party, within its jurisdiction, shall manage and regulate New or Increased Withdrawals, Consumptive Uses and Diversions, including Exceptions, in accordance with this Compact.

''2. Each Party shall require an Applicant to submit an Application in such manner and with such accompanying information as the Party shall prescribe.

''3. No Party may approve a Proposal if the Party determines that the Proposal is inconsistent with this Compact or the Standard of Review and Decision or any implementing rules or regulations promulgated thereunder. The Party may approve, approve with modifications or disapprove any Proposal depending on the Proposal's consistency with this Compact and the Standard of Review and Decision.

''4. Each Party shall monitor the implementation of any approved Proposal to ensure consistency with the approval and may take all necessary enforcement actions.

''5. No Party shall approve a Proposal subject to Council or Regional Review, or both, pursuant to this Compact unless it shall

have been first submitted to and reviewed by either the Council or Regional Body, or both, and approved by the Council, as applicable. Sufficient opportunity shall be provided for comment on the Proposal's consistency with this Compact and the Standard of Review and Decision. All such comments shall become part of the Party's formal record of decision, and the Party shall take into consideration any such comments received.

"Section 4.4. Requirement for Originating Party Approval.

''No Proposal subject to management and regulation under this Compact shall hereafter be undertaken by any Person unless it shall have been approved by the Originating Party.

"Section 4.5. Regional Review.

''1. General.

''a. It is the intention of the Parties to participate in Regional Review of Proposals with the Provinces, as described in this Compact and the Agreement.

''b. Unless the Applicant or the Originating Party otherwise requests, it shall be the goal of the Regional Body to conclude its review no later than 90 days after notice under Section 4.5.2 of such Proposal is received from the Originating Party.

''c. Proposals for Exceptions subject to Regional Review shall be submitted by the Originating Party to the Regional Body for Regional Review, and where applicable, to the Council for concurrent review.

''d. The Parties agree that the protection of the integrity of the Great Lakes—St. Lawrence River Basin Ecosystem shall be the overarching principle for reviewing Proposals subject to Regional Review, recognizing uncertainties with respect to demands that may be placed on Basin Water, including groundwater, levels and flows of the Great Lakes and the St. Lawrence River, future changes in environmental conditions, the reliability of existing data and the extent to which Diversions may harm the integrity of the Basin Ecosystem.

''e. The Originating Party shall have lead responsibility for coordinating information for resolution of issues related to evaluation of a Proposal, and shall consult with the Applicant throughout the Regional Review Process.

''f. A majority of the members of the Regional Body may request Regional Review of a regionally significant or potentially precedent setting Proposal. Such Regional Review must be conducted, to the extent possible, within the time frames set forth in this Section. Any such Regional Review shall be undertaken only after consulting the Applicant.

''2. Notice from Originating Party to the Regional Body.

''a. The Originating Party shall determine if a Proposal is subject to Regional Review. If so, the Originating Party shall provide timely notice to the Regional Body and the public.

''b. Such notice shall not be given unless and until all information, documents and the Originating Party's Technical Review needed to evaluate whether the Proposal meets the Standard of Review and Decision have been provided.

''c. An Originating Party may:

''i. Provide notice to the Regional Body of an Application, even if notification is not required; or,

''ii. Request Regional Review of an application, even if Regional Review is not required. Any such Regional Review shall be undertaken only after consulting the Applicant.

''d. An Originating Party may provide preliminary notice of a potential Proposal.

''3. Public Participation.

''a. To ensure adequate public participation, the Regional Body shall adopt procedures for the review of Proposals that are subject to Regional Review in accordance with this Article.

''b. The Regional Body shall provide notice to the public of a Proposal undergoing Regional Review. Such notice shall indicate that the public has an opportunity to comment in writing to the Regional Body on whether the Proposal meets the Standard of Review and Decision.

''c. The Regional Body shall hold a public meeting in the State or Province of the Originating Party in order to receive public comment on the issue of whether the Proposal under consideration meets the Standard of Review and Decision.

''d. The Regional Body shall consider the comments received before issuing a Declaration of Finding.

''e. The Regional Body shall forward the comments it receives to the Originating Party.

''4. Technical Review.

''a. The Originating Party shall provide the Regional Body with its Technical Review of the Proposal under consideration.

''b. The Originating Party's Technical Review shall thoroughly analyze the Proposal and provide an evaluation of the Proposal sufficient for a determination of whether the Proposal meets the Standard of Review and Decision.

''c. Any member of the Regional Body may conduct their own Technical Review of any Proposal subject to Regional Review.

''d. At the request of the majority of its members, the Regional Body shall make such arrangements as it considers appropriate for an independent Technical Review of a Proposal.

''e. All Parties shall exercise their best efforts to ensure that a Technical Review undertaken under Sections 4.5.4.c and 4.5.4.d does not unnecessarily delay the decision by the Originating Party on the Application. Unless the Applicant or the Originating Party otherwise requests, all Technical Reviews shall be completed no later than 60 days after the date the notice of the Proposal was given to the Regional Body.

''5. Declaration of Finding.

''a. The Regional Body shall meet to consider a Proposal. The Applicant shall be provided with an opportunity to present the Proposal to the Regional Body at such time.

''b. The Regional Body, having considered the notice, the Originating Party's Technical Review, any other independent Technical Review that is made, any comments or objections including the analysis of comments made by the public, First Nations and federally recognized Tribes, and any other information that is provided under this Compact shall issue a Declaration of Finding that the Proposal under consideration:

''i. Meets the Standard of Review and Decision;

''ii. Does not meet the Standard of Review and Decision; or,

''iii. Would meet the Standard of Review and Decision if certain conditions were met.

''c. An Originating Party may decline to participate in a Declaration of Finding made by the Regional Body.

''d. The Parties recognize and affirm that it is preferable for all members of the Regional Body to agree whether the Proposal meets the Standard of Review and Decision.

''e. If the members of the Regional Body who participate in the Declaration of Finding all agree, they shall issue a written Declaration of Finding with consensus.

''f. In the event that the members cannot agree, the Regional Body shall make every reasonable effort to achieve consensus within 25 days.

''g. Should consensus not be achieved, the Regional Body may issue a Declaration of Finding that presents different points of view and indicates each Party's conclusions.

''h. The Regional Body shall release the Declarations of Finding to the public.

''i. The Originating Party and the Council shall consider the Declaration of Finding before making a decision on the Proposal.

"Section 4.6. Proposals Subject to Prior Notice.

''1. Beginning no later than five years of the effective date of this Compact, the Originating Party shall provide all Parties and the Provinces with detailed and timely notice and an opportunity to comment within 90 days on any Proposal for a New or Increased Consumptive Use of 5 million gallons per day or greater average in any 90-day period. Comments shall address whether or not the Proposal is consistent with the Standard of Review and Decision. The Originating Party shall provide a response to any such comment received from another Party.

''2. A Party may provide notice, an opportunity to comment and a response to comments even if this is not required under paragraph 1 of this Section. Any provision of such notice and opportunity to comment shall be undertaken only after consulting the Applicant.

"Section 4.7. Council Actions.

''1. Proposals for Exceptions subject to Council Review shall be submitted by the Originating Party to the Council for Council Review, and where applicable, to the Regional Body for concurrent review.

''2. The Council shall review and take action on Proposals in accordance with this Compact and the Standard of Review and Decision. The Council shall not take action on a Proposal subject to Regional Review pursuant to this Compact unless the Proposal shall have been first submitted to and reviewed by the Regional Body. The Council shall consider any findings resulting from such review.

"Section 4.8. Prohibition of New or Increased Diversions.

''All New or Increased Diversions are prohibited, except as provided for in this Article.

"Section 4.9. Exceptions to the Prohibition of Diversions.

''1. Straddling Communities. A Proposal to transfer Water to an area within a Straddling Community but outside the Basin or outside the source Great Lake Watershed shall be excepted from the prohibition against Diversions and be managed and regulated by the Originating Party provided that, regardless of the volume of Water transferred, all the Water so transferred shall be used solely for Public Water Supply Purposes within the Straddling Community, and:

''a. All Water Withdrawn from the Basin shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from outside the Basin may be used to satisfy any portion of this criterion except if it:

''i. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;

''ii. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;

''iii. Maximizes the portion of water returned to the Source Watershed as Basin Water and minimizes the surface water or groundwater from outside the Basin;

''b. If the Proposal results from a New or Increased Withdrawal of 100,000 gallons per day or greater average over any 90-day period, the Proposal shall also meet the Exception Standard; and,

''c. If the Proposal results in a New or Increased Consumptive Use of 5 million gallons per day or greater average over any 90-day period, the Proposal shall also undergo Regional Review.

''2. Intra-Basin Transfer. A Proposal for an Intra-Basin Transfer that would be considered a Diversion under this Compact, and not already excepted pursuant to paragraph 1 of this Section, shall be excepted from the prohibition against Diversions, provided that:

''a. If the Proposal results from a New or Increased Withdrawal less than 100,000 gallons per day average over any 90-day period, the Proposal shall be subject to management and regulation at the discretion of the Originating Party.

''b. If the Proposal results from a New or Increased Withdrawal 100,000 gallons per day or greater average over any 90-day period and if the Consumptive Use resulting from the Withdrawal is less than 5 million gallons per day average over any 90-day period:

''i. The Proposal shall meet the Exception Standard and be subject to management and regulation by the Originating Party, except that the Water may be returned to another Great Lake watershed rather than the Source Watershed;

''ii. The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the Water will be transferred, including conservation of existing water supplies; and,

''iii. The Originating Party shall provide notice to the other Parties prior to making any decision with respect to the Proposal.

''c. If the Proposal results in a New or Increased Consumptive Use of 5 million gallons per day or greater average over any 90-day period:

''i. The Proposal shall be subject to management and regulation by the Originating Party and shall meet the Exception Standard, ensuring that Water Withdrawn shall be returned to the Source Watershed;

''ii. The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the Water will be transferred, including conservation of existing water supplies;

''iii. The Proposal undergoes Regional Review; and,

''iv. The Proposal is approved by the Council. Council approval shall be given unless one or more Council Members vote to disapprove.

''3. Straddling Counties. A Proposal to transfer Water to a Community within a Straddling County that would be considered a Diversion under this Compact shall be excepted from the prohibition against Diversions, provided that it satisfies all of the following conditions:

''a. The Water shall be used solely for the Public Water Supply Purposes of the Community within a Straddling County that is without adequate supplies of potable water;

''b. The Proposal meets the Exception Standard, maximizing the portion of water returned to the Source Watershed as Basin Water and minimizing the surface water or groundwater from outside the Basin;

''c. The Proposal shall be subject to management and regulation by the Originating Party, regardless of its size;

''d. There is no reasonable water supply alternative within the basin in which the community is located, including conservation of existing water supplies;

''e. Caution shall be used in determining whether or not the Proposal meets the conditions for this Exception. This Exception should not be authorized unless it can be shown that it will not endanger the integrity of the Basin Ecosystem;

''f. The Proposal undergoes Regional Review; and,

''g. The Proposal is approved by the Council. Council approval shall be given unless one or more Council Members vote to disapprove.

A Proposal must satisfy all of the conditions listed above. Further, substantive consideration will also be given to whether or not the Proposal can provide sufficient scientifically based evidence that the existing water supply is derived from groundwater that is hydrologically interconnected to Waters of the Basin.

''4. Exception Standard. Proposals subject to management and regulation in this Section shall be declared to meet this Exception Standard and may be approved as appropriate only when the following criteria are met:

''a. The need for all or part of the proposed Exception cannot be reasonably avoided through the efficient use and conservation of existing water supplies;

''b. The Exception will be limited to quantities that are considered reasonable for the purposes for which it is proposed;

''c. All Water Withdrawn shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from the outside the Basin may be used to satisfy any portion of this criterion except if it:

''i. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;

''ii. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;

''d. The Exception will be implemented so as to ensure that it will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin with consideration given to the potential Cumulative Impacts of any precedent-setting consequences associated with the Proposal;

''e. The Exception will be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures to minimize Water Withdrawals or Consumptive Use;

''f. The Exception will be implemented so as to ensure that it is in compliance with all applicable municipal, State and federal laws as well as regional interstate and international agreements, including the Boundary Waters Treaty of 1909; and,

''g. All other applicable criteria in Section 4.9 have also been met.

''Section 4.10. Management and Regulation of New or Increased Withdrawals and Consumptive Uses.

''1. Within five years of the effective date of this Compact, each Party shall create a program for the management and regulation of New or Increased Withdrawals and Consumptive Uses by adopting and implementing Measures consistent with the Decision-Making Standard. Each Party, through a considered process, shall set and may modify threshold levels for the regulation of New or Increased Withdrawals in order to assure an effective and efficient Water management program that will ensure that uses overall are reasonable, that Withdrawals overall will not result in significant impacts to the Waters and Water Dependent Natural Resources of the Basin, determined on the basis of significant impacts to the physical, chemical, and biological integrity of Source Watersheds, and that all other objectives of the Compact are achieved. Each Party may determine the scope and thresholds of its program, including which New or Increased Withdrawals and Consumptive Uses will be subject to the program.

''2. Any Party that fails to set threshold levels that comply with Section 4.10.1 any time before 10 years after the effective date of this Compact shall apply a threshold level for management and regulation of all New or Increased Withdrawals of 100,000 gallons per day or greater average in any 90 day period.

''3. The Parties intend programs for New or Increased Withdrawals and Consumptive Uses to evolve as may be necessary to protect Basin Waters. Pursuant to Section 3.4, the Council, in cooperation with the Provinces, shall periodically assess the Water management programs of the Parties. Such assessments may produce recommendations for the strengthening of the programs, including without limitation, establishing lower thresholds for management and regulation in accordance with the Decision-Making Standard.

''Section 4.11. Decision-Making Standard.

''Proposals subject to management and regulation in Section 4.10 shall be declared to meet this Decision-Making Standard and may be approved as appropriate only when the following criteria are met:

''1. All Water Withdrawn shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use;

''2. The Withdrawal or Consumptive Use will be implemented so as to ensure that the Proposal will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources and the applicable Source Watershed;

''3. The Withdrawal or Consumptive Use will be implemented so as to incorporate Environmentally Sound and Economically Feasible Water Conservation Measures;

''4. The Withdrawal or Consumptive Use will be implemented so as to ensure that it is in compliance with all applicable municipal, State and federal laws as well as regional interstate and international agreements, including the Boundary Waters Treaty of 1909;

''5. The proposed use is reasonable, based upon a consideration of the following factors:

''a. Whether the proposed Withdrawal or Consumptive Use is planned in a fashion that provides for efficient use of the water, and will avoid or minimize the waste of Water;

''b. If the Proposal is for an increased Withdrawal or Consumptive use, whether efficient use is made of existing water supplies;

''c. The balance between economic development, social development and environmental protection of the proposed Withdrawal and use and other existing or planned withdrawals and water uses sharing the water source;

''d. The supply potential of the water source, considering quantity, quality, and reliability and safe yield of hydrologically interconnected water sources;

''e. The probable degree and duration of any adverse impacts caused or expected to be caused by the proposed Withdrawal and use under foreseeable conditions, to other lawful consumptive or non-consumptive uses of water or to the quantity or quality of the Waters and Water Dependent Natural Resources of the Basin, and the proposed plans and arrangements for avoidance or mitigation of such impacts; and,

''f. If a Proposal includes restoration of hydrologic conditions and functions of the Source Watershed, the Party may consider that.

''Section 4.12. Applicability.

''1. Minimum Standard. This Standard of Review and Decision shall be used as a minimum standard. Parties may impose a more restrictive decision-making standard for Withdrawals under their authority. It is also acknowledged that although a Proposal meets the Standard of Review and Decision it may not be approved under the laws of the Originating Party that has implemented more restrictive Measures.

''2. Baseline.

''a. To establish a baseline for determining a New or Increased Diversion, Consumptive Use or Withdrawal, each Party shall develop either or both of the following lists for their jurisdiction:

''i. A list of existing Withdrawal approvals as of the effective date of the Compact;

''ii. A list of the capacity of existing systems as of the effective date of this Compact. The capacity of the existing systems should be presented in terms of Withdrawal capacity, treatment capacity, distribution capacity, or other capacity limiting factors. The capacity of the existing systems must represent the state of the systems. Existing capacity determinations shall be based upon approval limits or the most restrictive capacity information.

''b. For all purposes of this Compact, volumes of Diversions, Consumptive Uses, or Withdrawals of Water set forth in the list(s) prepared by each Party in accordance with this Section, shall constitute the baseline volume.

''c. The list(s) shall be furnished to the Regional Body and the Council within one year of the effective date of this Compact.

''3. Timing of Additional Applications. Applications for New or Increased Withdrawals, Consumptive Uses or Exceptions shall be considered cumulatively within ten years of any application.

''4. Change of Ownership. Unless a new owner proposes a project that shall result in a Proposal for a New or Increased Diversion or Consumptive Use subject to Regional Review or Council approval, the change of ownership in and of itself shall not require Regional Review or Council approval.

''5. Groundwater. The Basin surface water divide shall be used for the purpose of managing and regulating New or Increased Diversions, Consumptive Uses or Withdrawals of surface water and groundwater.

''6. Withdrawal Systems. The total volume of surface water and groundwater resources that supply a common distribution system shall determine the volume of a Withdrawal, Consumptive Use or Diversion.

''7. Connecting Channels. The watershed of each Great Lake shall include its upstream and downstream connecting channels.

''8. Transmission in Water Lines. Transmission of Water within a line that extends outside the Basin as it conveys Water from one point to another within the Basin shall not be considered a Diversion if none of the Water is used outside the Basin.

''9. Hydrologic Units. The Lake Michigan and Lake Huron watersheds shall be considered to be a single hydrologic unit and watershed.

''10. Bulk Water Transfer. A Proposal to Withdraw Water and to remove it from the Basin in any container greater than 5.7 gallons shall be treated under this Compact in the same manner as a Proposal for a Diversion. Each Party shall have the discretion, within its jurisdiction, to determine the treatment of Proposals to Withdraw Water and to remove it from the Basin in any container of 5.7 gallons or less.

''Section 4.13. Exemptions.

''Withdrawals from the Basin for the following purposes are exempt from the requirements of Article 4.

''1. To supply vehicles, including vessels and aircraft, whether for the needs of the persons or animals being transported or for ballast or other needs related to the operation of the vehicles.

''2. To use in a non-commercial project on a short-term basis for firefighting, humanitarian, or emergency response purposes.

''Section 4.14. U.S. Supreme Court Decree: Wisconsin et al. v. Illinois et al.

''1. Notwithstanding any terms of this Compact to the contrary, with the exception of Paragraph 5 of this Section, current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water by the State of Illinois shall be governed by the terms of the United States Supreme Court decree in Wisconsin et al. v. Illinois et al. and shall not be subject to the terms of this Compact nor any rules or regulations promulgated pursuant to this Compact. This means that, with the exception of Paragraph 5 of this Section, for purposes of this Compact, current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water within the State of Illinois shall be allowed unless prohibited by the terms of the United States Supreme Court decree in Wisconsin et al. v. Illinois et al.

''2. The Parties acknowledge that the United States Supreme Court decree in Wisconsin et al. v. Illinois et al. shall continue in full force and effect, that this Compact shall not modify any terms thereof, and that this Compact shall grant the parties no additional rights, obligations, remedies or defenses thereto. The Parties specifically acknowledge that this Compact shall not prohibit or limit the State of Illinois in any manner from seeking additional Basin Water as allowed under the terms of the United States Supreme Court decree in Wisconsin et al. v. Illinois et al., any other party from objecting to any request by the State of Illinois for additional Basin Water under the terms of said decree, or any party from seeking any other type of modification to said decree. If an application is made by any party to the Supreme Court of the United States to modify said decree, the Parties to this Compact who are also parties to the decree shall seek formal input from the Canadian Provinces of Ontario and Québec, with respect to the proposed modification, use best efforts to facilitate the appropriate participation of said Provinces in the proceedings to modify the decree, and shall not unreasonably impede or restrict such participation.

''3. With the exception of Paragraph 5 of this Section, because current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Water by the State of Illinois are not subject to the terms of this Compact, the State of Illinois is prohibited from using any term of this Compact, including Section 4.9, to seek New or Increased Withdrawals, Consumptive Uses or Diversions of Basin Water.

''4. With the exception of Paragraph 5 of this Section, because Sections 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12 (Paragraphs 1, 2, 3, 4, 6 and 10 only), and 4.13 of this Compact all relate to current, New or Increased Withdrawals, Consumptive Uses and Diversions of Basin Waters, said provisions do not apply to the State of Illinois. All other provisions of this Compact not listed in the preceding sentence shall apply to the State of Illinois, including the Water Conservation Programs provision of Section 4.2.

''5. In the event of a Proposal for a Diversion of Basin Water for use outside the territorial boundaries of the Parties to this Compact, decisions by the State of Illinois regarding such a Proposal would be subject to all terms of this Compact, except Paragraphs 1, 3 and 4 of this Section.

''6. For purposes of the State of Illinois' participation in this Compact, the entirety of this Section 4.14 is necessary for the continued implementation of this Compact and, if severed, this Compact shall no longer be binding on or enforceable by or against the State of Illinois.

''Section 4.15. Assessment of Cumulative Impacts.

''1. The Parties in cooperation with the Provinces shall collectively conduct within the Basin, on a Lake watershed and St. Lawrence River Basin basis, a periodic assessment of the Cumulative Impacts of Withdrawals, Diversions and Consumptive Uses from the Waters of the Basin, every 5 years or each time the incremental Basin Water losses reach 50 million gallons per day average in any 90-day period in excess of the quantity at the time of the most recent assessment, whichever comes first, or at the request of one or more of the Parties. The assessment shall form the basis for a review of the Standard of Review and Decision, Council and Party regulations and their application. This assessment shall:

''a. Utilize the most current and appropriate guidelines for such a review, which may include but not be limited to Council on Environmental Quality and Environment Canada guidelines;

''b. Give substantive consideration to climate change or other significant threats to Basin Waters and take into account the current state of scientific knowledge, or uncertainty, and appropriate Measures to exercise caution in cases of uncertainty if serious damage may result;

''c. Consider adaptive management principles and approaches, recognizing, considering and providing adjustments for the uncertainties in, and evolution of science concerning the Basin's water resources, watersheds and ecosystems, including potential changes to Basin-wide processes, such as lake level cycles and climate.

''2. The Parties have the responsibility of conducting this Cumulative Impact assessment. Applicants are not required to participate in this assessment.

''3. Unless required by other statutes, Applicants are not required to conduct a separate cumulative impact assessment in connection with an Application but shall submit information about the potential impacts of a Proposal to the quantity or quality of the Waters and Water Dependent Natural Resources of the applicable Source Watershed.

An Applicant may, however, provide an analysis of how their Proposal meets the no significant adverse Cumulative Impact provision of the Standard of Review and Decision.

"ARTICLE 5

"TRIBAL CONSULTATION

"Section 5.1. Consultation with Tribes.

''1. In addition to all other opportunities to comment pursuant to Section 6.2, appropriate consultations shall occur with federally recognized Tribes in the Originating Party for all Proposals subject to Council or Regional Review pursuant to this Compact. Such consultations shall be organized in the manner suitable to the individual Proposal and the laws and policies of the Originating Party.

''2. All federally recognized Tribes within the Basin shall receive reasonable notice indicating that they have an opportunity to comment in writing to the Council or the Regional Body, or both, and other relevant organizations on whether the Proposal meets the requirements of the Standard of Review and Decision when a Proposal is subject to Regional Review or Council approval. Any notice from the Council shall inform the Tribes of any meeting or hearing that is to be held under Section 6.2 and invite them to attend. The Parties and the Council shall consider the comments received under this Section before approving, approving with modifications or disapproving any Proposal subject to Council or Regional Review.

''3. In addition to the specific consultation mechanisms described above, the Council shall seek to establish mutually-agreed upon mechanisms or processes to facilitate dialogue with, and input from federally recognized Tribes on matters to be dealt with by the Council; and, the Council shall seek to establish mechanisms and processes with federally recognized Tribes designed to facilitate on-going scientific and technical interaction and data exchange regarding matters falling within the scope of this Compact. This may include participation of tribal representatives on advisory committees established under this Compact or such other processes that are mutually-agreed upon with federally recognized Tribes individually or through duly-authorized intertribal agencies or bodies.

"ARTICLE 6

"PUBLIC PARTICIPATION

"Section 6.1. Meetings, Public Hearings and Records.

''1. The Parties recognize the importance and necessity of public participation in promoting management of the Water Resources of the Basin. Consequently, all meetings of the Council shall be open to the public, except with respect to issues of personnel.

''2. The minutes of the Council shall be a public record open to inspection at its offices during regular business hours.

"Section 6.2. Public Participation.

''It is the intent of the Council to conduct public participation processes concurrently and jointly with processes undertaken by the Parties and through Regional Review. To ensure adequate public participation, each Party or the Council shall ensure procedures for the review of Proposals subject to the Standard of Review and Decision consistent with the following requirements:

''1. Provide public notification of receipt of all Applications and a reasonable opportunity for the public to submit comments before Applications are acted upon.

''2. Assure public accessibility to all documents relevant to an Application, including public comment received.

''3. Provide guidance on standards for determining whether to conduct a public meeting or hearing for an Application, time and place of such a meeting(s) or hearing(s), and procedures for conducting of the same.

''4. Provide the record of decision for public inspection including comments, objections, responses and approvals, approvals with conditions and disapprovals.

"ARTICLE 7

"DISPUTE RESOLUTION AND ENFORCEMENT

"Section 7.1. Good Faith Implementation.

''Each of the Parties pledges to support implementation of all provisions of this Compact, and covenants that its officers and agencies shall not hinder, impair, or prevent any other Party carrying out any provision of this Compact.

"Section 7.2. Alternative Dispute Resolution.

''1. Desiring that this Compact be carried out in full, the Parties agree that disputes between the Parties regarding interpretation, application and implementation of this Compact shall be settled by alternative dispute resolution.

''2. The Council, in consultation with the Provinces, shall provide by rule procedures for the resolution of disputes pursuant to this section.

"Section 7.3. Enforcement.

''1. Any Person aggrieved by any action taken by the Council pursuant to the authorities contained in this Compact shall be entitled to a hearing before the Council. Any Person aggrieved by a Party action shall be entitled to a hearing pursuant to the relevant Party's administrative procedures and laws. After exhaustion of such administrative remedies, (i) any aggrieved Person shall have the right to judicial review of a Council action in the United States District Courts for the District of Columbia or the District Court in which the Council maintains offices, provided such action is commenced within 90 days; and, (ii) any aggrieved Person shall have the right to judicial review of a Party's action in the relevant Party's court of competent jurisdiction, provided that an action or proceeding for such review is commenced within the time frames provided for by the Party's law. For the purposes of this paragraph, a State or Province is deemed to be an aggrieved Person with respect to any Party action pursuant to this Compact.

''2. a. Any Party or the Council may initiate actions to compel compliance with the provisions of this Compact, and the rules and regulations promulgated hereunder by the Council. Jurisdiction over such actions is granted to the court of the relevant Party, as well as the United States District Courts for the District of Columbia and the District Court in which the Council maintains offices. The remedies available to any such court shall include, but not be limited to, equitable relief and civil penalties.

''b. Each Party may issue orders within its respective jurisdiction and may initiate actions to compel compliance with the provisions of its respective statutes and regulations adopted to implement the authorities contemplated by this Compact in accordance with the provisions of the laws adopted in each Party's jurisdiction.

''3. Any aggrieved Person, Party or the Council may commence a civil action in the relevant Party's courts and administrative systems to compel any Person to comply with this Compact should any such Person, without approval having been given, undertake a New or Increased Withdrawal, Consumptive Use or Diversion that is prohibited or subject to approval pursuant to this Compact.

''a. No action under this subsection may be commenced if:

''i. The Originating Party or Council approval for the New or Increased Withdrawal, Consumptive Use or Diversion has been granted; or,

''ii. The Originating Party or Council has found that the New or Increased Withdrawal, Consumptive Use or Diversion is not subject to approval pursuant to this Compact.

''b. No action under this subsection may be commenced unless:

''i. A Person commencing such action has first given 60 days prior notice to the Originating Party, the Council and Person alleged to be in noncompliance; and,

''ii. Neither the Originating Party nor the Council has commenced and is diligently prosecuting appropriate enforcement actions to compel compliance with this Compact.

The available remedies shall include equitable relief, and the prevailing or substantially prevailing party may recover the costs of litigation, including reasonable attorney and expert witness fees, whenever the court determines that such an award is appropriate.

''4. Each of the Parties may adopt provisions providing additional enforcement mechanisms and remedies including equitable relief and civil penalties applicable within its jurisdiction to assist in the implementation of this Compact.

"ARTICLE 8

"ADDITIONAL PROVISIONS

"Section 8.1. Effect on Existing Rights.

''1. Nothing in this Compact shall be construed to affect, limit, diminish or impair any rights validly established and existing as of the effective date of this Compact under State or federal law governing the Withdrawal of Waters of the Basin.

''2. Nothing contained in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective Parties relating to common law Water rights.

''3. Nothing in this Compact is intended to abrogate or derogate from treaty rights or rights held by any Tribe recognized by the federal government of the United States based upon its status as a Tribe recognized by the federal government of the United States.

''4. An approval by a Party or the Council under this Compact does not give any property rights, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to or over any land belonging to or held in trust by a Party; neither does it authorize any injury to private property or invasion of private rights, nor infringement of federal, State or local laws or regulations; nor does it obviate the necessity of obtaining federal assent when necessary.

"Section 8.2. Relationship to Agreements Concluded by the United States of America.

''1. Nothing in this Compact is intended to provide nor shall be construed to provide, directly or indirectly, to any Person any right, claim or remedy under any treaty or international agreement nor is it intended to derogate any right, claim, or remedy that already exists under any treaty or international agreement.

''2. Nothing in this Compact is intended to infringe nor shall be construed to infringe upon the treaty power of the United States of America, nor shall any term hereof be construed to alter or amend any treaty or term thereof that has been or may hereafter be executed by the United States of America.

''3. Nothing in this Compact is intended to affect nor shall be construed to affect the application of the Boundary Waters Treaty of 1909 whose requirements continue to apply in addition to the requirements of this Compact.

''Section 8.3. Confidentiality.

''1. Nothing in this Compact requires a Party to breach confidentiality obligations or requirements prohibiting disclosure, or to compromise security of commercially sensitive or proprietary information.

''2. A Party may take measures, including but not limited to deletion and redaction, deemed necessary to protect any confidential, proprietary or commercially sensitive information when distributing information to other Parties. The Party shall summarize or paraphrase any such information in a manner sufficient for the Council to exercise its authorities contained in this Compact.

''Section 8.4. Additional Laws.

''Nothing in this Compact shall be construed to repeal, modify or qualify the authority of any Party to enact any legislation or enforce any additional conditions and restrictions regarding the management and regulation of Waters within its jurisdiction.

''Section 8.5. Amendments and Supplements.

''The provisions of this Compact shall remain in full force and effect until amended by action of the governing bodies of the Parties and consented to and approved by any other necessary authority in the same manner as this Compact is required to be ratified to become effective.

''Section 8.6. Severability.

''Should a court of competent jurisdiction hold any part of this Compact to be void or unenforceable, it shall be considered severable from those portions of the Compact capable of continued implementation in the absence of the voided provisions. All other provisions capable of continued implementation shall continue in full force and effect.

''Section 8.7. Duration of Compact and Termination.

''Once effective, the Compact shall continue in force and remain binding upon each and every Party unless terminated.

This Compact may be terminated at any time by a majority vote of the Parties. In the event of such termination, all rights established under it shall continue unimpaired.

''ARTICLE 9

''EFFECTUATION

''Section 9.1. Repealer.

''All acts and parts of acts inconsistent with this act are to the extent of such inconsistency hereby repealed.

''Section 9.2. Effectuation by Chief Executive.

''The Governor is authorized to take such action as may be necessary and proper in his or her discretion to effectuate the Compact and the initial organization and operation thereunder.

''Section 9.3. Entire Agreement.

''The Parties consider this Compact to be complete and an integral whole. Each provision of this Compact is considered material to the entire Compact, and failure to implement or adhere to any provision may be considered a material breach. Unless otherwise noted in this Compact, any change or amendment made to the Compact by any Party in its implementing legislation or by the U.S. Congress when giving its consent to this Compact is not considered effective unless concurred in by all Parties.

''Section 9.4. Effective Date and Execution.

''This Compact shall become binding and effective when ratified through concurring legislation by the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania and consented to by the Congress of the United States. This Compact shall be signed and sealed in nine identical original copies by the respective chief executives of the signatory Parties. One such copy shall be filed with the Secretary of State of each of the signatory Parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the Council upon its organization. The signatures shall be affixed and attested under the following form:

''In Witness Whereof, and in evidence of the adoption and enactment into law of this Compact by the legislatures of the signatory parties and consent by the Congress of the United States, the respective Governors do hereby, in accordance with the authority conferred by law, sign this Compact in nine duplicate original copies, attested by the respective Secretaries of State, and have caused the seals of the respective states to be hereunto affixed this _____ day of (month), (year).'': Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Congress consents to and approves the interstate compact regarding water resources in the Great Lakes—St. Lawrence River Basin described in the preamble;

(2) until a Great Lakes Water Compact is ratified and enforceable, laws in effect as of the date of enactment of this resolution provide protection sufficient to prevent Great Lakes water diversions; and

(3) Congress expressly reserves the right to alter, amend, or repeal this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. SUTTON) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Mr. Speaker, this legislation gives congressional consent to the Great Lakes-St. Lawrence River Basin Water Resources Compact. Before I continue, I would like to commend the distinguished chairman of the Transportation and Infrastructure Committee, Mr. JAMES OBERSTAR, who sponsored the House version of this legislation, as well as the senior Senator from Michigan, CARL LEVIN, for their hard work in spearheading this effort. I would also like to thank the distinguished chairman of the Judiciary Committee, Congressman JOHN CONYERS, for his support.

Today, Congress considers this legislation pursuant to our duty in article I, section 10, clause 3 of the Constitution, the ''compacts clause,'' to review and approve agreements between States or between States and foreign governments to ensure that they are consistent with the broader national interests.

In the case before us, there is no question that the compact designed and agreed to by eight States is in our national interest. The Great Lakes Compact will help to preserve and improve this important natural resource, our Great Lakes, for years to come. The Great Lakes are one of our greatest treasures, an important natural asset that we must never take for granted and that we must always protect.

With one-fifth of the world's fresh water, the Great Lakes attracted the early settlers to the legion, and today nearly 33 million people live and work within the basin, spanning eight States: Minnesota, Wisconsin, Illinois, Indiana, Michigan, Pennsylvania, New York and my home State of Ohio.

Mr. Speaker, the Great Lakes are not only a source of drinking water, but they are also essential for recreation, jobs and the overall health of our economy. Lake Erie alone supports 240,000 jobs and $5.8 billion in wages. The Great Lakes are also highways, moving goods, people and services throughout the region. In addition, the Great Lakes support a multi-billion dollar a year sport fishing and recreational boating industry, and also support travel and tourism throughout the region.

However, the Great Lakes are vulnerable to depletion. Each year, rainfall and snowmelt replenish only about 1 percent of the water in the basin. Uncontrolled and careless diversions of water could thus be highly detrimental to the health of the Great Lakes. This compact will bring an end to destructive diversions of water from the basin.

The purpose of this compact is to formalize cooperation among the Great Lakes States, to develop and implement regional goals and objectives for water conservation while preserving the States' flexibility regarding their water management programs.

New or increased diversions of water from the basin will be banned and community rights will be respected as long as appropriately rigorous standards are met. In addition, every 5 years the regional goals and objectives for water conservation will be reviewed to deal with any new issues that arise.

As is routinely the case, Mr. Speaker, Congress expressly reserves the right to alter, amend or repeal this resolution in the future and to strengthen the compact, if necessary.

The people of the eight States have worked diligently to craft this compact to preserve this vital resource, and it is urgent that we approve it now to ensure that our Great Lakes are here for future generations.

I urge all of my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Ohio pretty thoroughly covered this already.

The compact we are called upon to approve today caps off years of effort. That effort has been undertaken by the Great Lakes States to address jointly the use of one of our Nation's greatest features, the abundant waters of the Great Lakes and the St. Lawrence River Basin.

This compact embodies important advances in the management of these extraordinary bodies of water. The States, users of these waters in the United States, and Canadian authorities that share interest in the basin, all support the compact.

Earlier this year, we passed H.R. 6577 to approve this compact. In all essential respects, Senate Joint Resolution 45 is identical to H.R. 6577. I am therefore pleased to support our adoption of the Senate resolution so that this important legislation can be passed and signed into law as soon as possible.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, before I yield to the distinguished gentleman from Michigan, at this time I would like to insert into the RECORD correspondence between Representatives PETER VISCLOSKY and DAVID HOBSON and Governor Jim Doyle, Chair of the Council of Great Lakes Governors. This correspondence clarifies the Council's intent and interpretation of section 4.11.2 of the Compact's decisionmaking standard relating to the scale and scope of impacts that would be deemed sufficiently significant such to preclude approval of a withdrawal proposal.

I would like to thank Representatives VISCLOSKY and HOBSON for their dedicated efforts on this matter and their continued dedication to preserving our Great Lakes.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 25, 2008.

Hon. JIM DOYLE,
Chairman, Council of Great Lakes Governors, East Wacker Drive, Chicago, Illinois.

DEAR GOVERNOR DOYLE: We write regarding H.R. 6577, a measure to approve the Great Lakes-St. Lawrence River Basin Water Resources Compact.

It has been brought to our attention that there are concerns regarding the scope and scale of impacts considered in the Decision-Making Standard under Section 4.11.2 of H.R. 6577. As the House proceeds forward with action to approve the Compact, we are writing to clarify and confirm the interpretation of this provision.

As you are aware, as part of the criteria governing review and approval of proposals for water withdrawals, Section 4.11.2 of the Compact requires a demonstration that ''Withdrawal or Consumptive Use will be implemented so as to ensure that the Proposal will result in no significant individual or cumulative adverse impacts to the quantity and quality of the Waters and Water Dependant Natural Resources and the applicable Source Watershed.'' During the states' adoption of the Compact, a concern was raised in a number of jurisdictions regarding a potential ambiguity as to the scale of impacts that would preclude withdrawal approvals.

This issue is of particular importance, because interpreted improperly, this provision could thwart economic development and threaten existing operations seeking to expand. Because of the ambiguity in terms of how the definition of ''Source Watershed'' and Section 4.11.2 work together, the question has been raised as to whether the significance of impacts is to be judged based on impacts upon the overall Source Watershed, which is defined as the drainage area of each Great Lake, or can measurable impacts on flow within just a few hundred feet of a stream, which occurs with many withdrawals, be enough to preclude a project. If Section 4.11.2 is misread, it could become a serious impediment to the states' undertaking and approving economic development projects, which we are sure is not the Governors' intent.

On December 5, 2005, Sam Speck, Chair of the Working Group that drafted the Compact, indicated that the Working Group intended the term ''Waters and Water Dependant Natural Resources'' to refer to all waters of the Basin, and that the scope of impact consideration is to assure that ''there be no significant adverse impacts to the Great Lakes-St. Lawrence River Basin as a whole'' as well as no significant adverse impacts to the Source Watershed as a whole.

Several state legislatures, including Indiana, Ohio, and Pennsylvania, reflected this position in their respective legislation adopting the Compact. Those states included in their legislation provisions expressing and clarifying the intent of the legislatures in adopting Section 4.11.2 (see Indiana Senate Enrolled Act No. 45 of 2008 at Section 10; Ohio House Bill 416 (as adopted) at Section 1522.07(B); and Pennsylvania Act 43 of 2008 at Section 5(3)).

Consistent with Chairman Speck and the statements of legislative intent provided by the above states, we would respectfully request that you confirm that the following interpretation correctly expresses the understanding and view of the Council of Great Lakes Governors, as prime drafters and sponsors of the Compact, with respect to the scope of impact question:

1. Section 4.11.2 of the Great Lakes-St. Lawrence River Basin Water Resources Compact is intended to require that a withdrawal or consumptive use of Great Lakes water will be implemented so as to ensure that the withdrawal or consumptive use will result in no significant individual or cumulative adverse impacts to the quantity or quality of the waters and water dependent natural resources of either of the following:

(a) The basin considered as a whole;

(b) The applicable source watershed considered as a whole.

2. States may take into consideration, as part of the evaluation of reasonable use as provided in Section 4.11.5 of the Compact, those impacts of a withdrawal or consumptive use on the quantity or quality of waters and water dependent natural resources that have only localized impacts which are not of import to the basin or source watershed considered as a whole.

3. As provided in Section 4.12.1 of the Compact, the Compact's standard is a minimum standard and that states may, as a matter of state law, adopt by state statutes, regulations or other means relating to the assessment and consideration of impacts which are more stringent than the decision-making standard set forth in the Compact.

We would appreciate your written response confirming the able interpretation, which we would intend be reflected in the legislative history of the Compact as the House proceeds. We look forward to working with you and the other Council members in continuing efforts to approve the Compact before the end of this session.

Thank you for your consideration of this request. Do not hesitate to let us know if you have any questions or need additional information.

Sincerely,

PETER J. VISCLOSKY,
Member of Congress.
DAVID L. HOBSON,
Member of Congress.

COUNCIL OF
GREAT LAKES GOVERNORS,
Chicago, IL, August 28, 2008.

Hon. PETER J. VISCLOSKY,
Rayburn HOB,
Washington, DC.
Hon. DAVID L. HOBSON,
Rayburn HOB,
Washington, DC.

DEAR REPRESENTATIVE VISCLOSKY AND REPRESENTATIVE HOBSON: Thank you for your letter dated August 25, 2008 regarding H.R. 6577. The interpretation of Section 4.11.2 of the Great Lakes-St. Lawrence River Basin Water Resources Compact included in your letter is consistent with the Great Lakes Governors' interpretation of Section 4.11.2.

Thank you again for your commitment to ensure that the Great Lakes are sustainably managed for the benefit of generations to come. If we can be of assistance as our shared efforts move forward, please do not hesitate to contact me or David Naftzger, Executive Director of the Council of Great Lakes Governors.

Sincerely,

JIM DOYLE,
Governor of Wisconsin,
Chair, Council of Great Lakes Governors.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentlewoman for yielding time.

Mr. Speaker, I rise in opposition to the Great Lakes-St. Lawrence River Basin Water Resource Compact. I am deeply concerned that this compact would allow Great Lakes water to be defined as a product. By allowing water to be defined as a product, the compact would subject the Great Lakes to international trade agreements, such as the North America Free Trade Agreement or the World Trade Organization.

There is also no language in the compact that recognizes the Great Lakes waters held in trust. The public owns the water of the Great Lakes, and anything we pass should preserve this.

While the original intent of the Great Lakes Compact was to protect our water from diversion, the compact that the States have sent to Congress may unintentionally have the opposite effect and set a precedent that would open the door to diversions.

The Great Lakes Governors have spent more than 3 years addressing the

local and State implications of the compact. Unfortunately, we have not done the same deliberative process. We have spent less than 20 legislative days since the introduction of this legislation. We have had no hearings in the House to consider the Federal or international implications. We are rushing to a vote when one of our Nation's most precious natural resources, the Great Lakes, is at stake.

Before we ratify the Great Lakes Compact, the following questions must be fully investigated. How does the compact's exemption of water in a container smaller than 5.7 gallons affect the Federal prohibition on diversions of water under the Water Resources Development Act?

Will creating a definition of Great Lakes water as a product subject it to international trade law or agreements such as NAFTA?

Would actions taken by the Great Lakes States to protect the Great Lakes against efforts by international commercial entities who seek to privatize the Great Lakes ever be subject to claims under the general agreements on tariffs and trade or to WTO?

I have asked these questions of the International Joint Commission, the United States Trade Representative and the Department of State before Congress adjourned for the August recess. While these agencies have acknowledged my request, they were unable to provide me with any substantive responses. This alone should be reason enough to vote on this legislation until we have the answers to my questions.

I cannot in good conscience vote to approve legislation that may unintentionally open the Great Lakes to diversions through privatization, commercialization and exportation. It is imperative that we take our time to ensure that the legal protections we seek to enact and preserve to restore the quality and quantity of the Great Lakes water be done properly.

I urge my colleagues to vote ''no'' on Senate Joint Resolution 45 so that we may fully address the questions and pass a compact that protects the Great Lakes.

In my 16 years here in the House of Representatives, I have fought to protect these Great Lakes. Why are we rushing now to do a compact that we have not had time to examine, when the State Department cannot answer our questions, when we don't have the answers?

After we pass this legislation, it will be too late to say, oh, we might have made a mistake here. Let's not open up our Great Lakes water to commercialization and to international agreements we have no control over. Let's get the answers before we pass this legislation.

Mr. COBLE. Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. I thank the gentleman from Michigan for his passionate statement.

We have specifically retained the right to amend and alter the compact. I would just also mention that we have worked to effectively address the gentleman's concerns in the committee report.

Mr. STUPAK. Mr. Speaker, will the gentlewoman yield?

Ms. SUTTON. I yield to the gentleman from Michigan.

Mr. STUPAK. What assurance do we have that if we seek to amend the compact after this is passed that the States are going to go along with us?

Ms. SUTTON. I think we have the assurances that the States will act reasonably in their best interests and our best interests as a region.

Mr. STUPAK. But once the law is passed, you can't go back and amend it, unless the States take the initiative, because under WRDA and what you are verifying here, the States would have control over it. So even if the Congress wanted us to change the compact because they are diverting our water, we can't do it unless the States act first. You are giving up the right. You are ratifying this compact, and the only way you can only come back into this compact is through the States, and not necessarily the Federal Government.

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Ms. SUTTON. Well, I respectfully disagree with the gentleman. We are not really giving up our rights. This has always been a joint effort with a specific responsibility left with the States, a specific responsibility left with this Congress, and we retained this.

Mr. STUPAK. Four of the five Great Lakes are international bodies of water where the States have no say over it. That's why the Federal Government must ratify it. If we continue to ratify this compact without getting our answers, you cannot go back and reopen the international agreement unless both sides agree, including the eight States and the two provinces of Canada.

Ms. SUTTON. I thank the gentleman for the point that he raises. I believe that the agreement and the committee report language effectively addresses that concern.

Mr. STUPAK. I have one other inquiry: Why are we rushing this compact? There is no end date that it has to be done before the end of the year.

It's an open-ended commitment. Why can't we wait? What's the rush?

Ms. SUTTON. I will take back my time, and I will answer the gentleman's question.

Mr. Speaker, our Great Lakes' water is currently, at present, at risk to be carelessly diverted from our basin, and that is why action is so important here today. If we allow that to happen, this water will never return.

All eight Great Lakes States have agreed to this compact. I would like to thank Ohio's Governor Ted Strickland for guiding this essential compact through the Ohio State House and Senate.

A stretch of Lake Erie shoreline touches my congressional district, and Lake Erie contributes over $9 billion in tourism and travel revenue to our State's economy. In my district we already utilize Lake Erie commercially through Lorain Harbor, and we need this compact to protect our Great Lakes, our water, our source of recreation, our jobs and our economy, and we need this compact now.

For the overall health of our Great Lakes and our region, we must pass this compact today to protect our Great Lakes and ensure that future generations will have this great resource. I urge my colleagues to support the Great Lakes compact.

Mr. EHLERS. Mr. Speaker, I rise today in strong support of S.J. Res. 45, the Great Lakes—St. Lawrence River Basin Water Resources Compact. This resolution represents the culmination of efforts, which started nearly a decade ago, to create a framework to govern water withdrawals from the Great Lakes Basin.

The Great Lakes comprise the largest source of freshwater in the world—20 percent of the Earth's total and 95 percent of the surface freshwater in the United States—and they provide drinking water, transportation and recreation to tens of millions of people in the United States and Canada. Although the Great Lakes contain copious amounts of fresh water, less than one percent of the water in the Great Lakes is renewed every year through rain, snow melt, and groundwater recharge, with the remaining ninety-nine percent remaining in the lakes each year. In other words, the Great Lakes are a non-renewable resource that is currently at jeopardy from large-scale water diversions outside the Great Lakes Basin.

The catalyst for the creation of a Great Lakes Compact came in 1998 when the government of Ontario granted a permit to a private Canadian company to ship up to 160 million gallons of water per year to Asia. Thankfully, the public outcry was so strongly opposed that the deal died.

In the wake of this incident, Congress included language in the Water Resources Development Act (WRDA) of 2000 which prohibited the export of Great Lakes water from the basin unless the request for withdrawal received unanimous approval of all eight Great Lakes governors. WRDA 2000 also encouraged the Great Lakes states, in consultation with Canada, to develop and implement a compact that would govern withdrawals of water from the Great Lakes Basin.

In 2005, the 8 Great Lakes governors, in collaboration with the Canadian provinces of Ontario and Quebec, local governments, and other stakeholders, endorsed the Great Lakes Compact and referred it to the state legislatures for consideration.

On July 9, 2008, my home state of Michigan became the last Great Lake state to approve

the Compact—sending it to Congress for final ratification.

The Senate passed S.J. Res. 45 by unanimous consent on August 1 and the House Judiciary Committee approved a similar House version (H.R. 6577) by voice vote on July 30. I am an original cosponsor of H.R. 6577.

The Great Lakes Compact prohibits new or increased out-of-basin, large-scale water diversions except under special circumstances, and it requires all of the Great Lakes states to develop water conservation and efficiency programs.

With respect to small-scale water diversions (containers less than 5.7 gallons), such as for bottled water, beer, and canned foods, the Compact allows states to choose how to regulate these small transfers. For instance, Michigan regulates bottled water under the Compact by requiring producers to obtain a state permit for new or increased water withdrawals of more than 200,000 gallons per day. Under Michigan law, a permit may be granted if, among other requirements, there are no individual or cumulative adverse impacts, the water withdrawal is reasonable under common law principles, and the producer has certified that it is in compliance with water conservation measures.

Although some have voiced concern over this ''bottled water exemption,'' I believe these small-scale withdrawals are better left to the states to regulate. In addition, much of the bottled water will likely remain the Great Lakes watershed, and changing the agreement now would mean the entire process must start over. With water predicted to become the oil of the future, it is imperative that we pass this agreement now so that we ensure the water in the Great Lakes Basin stays within the basin.

I hope my colleagues will join me, the Great Lakes governors, state legislatures, the U.S. Senate, and President Bush in supporting the Great Lakes Compact. Vote for S.J. Res. 45.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S.J. Res. 45, the Great Lakes-St. Lawrence River Basin Water Resources Compact.

In July, I, together with the gentleman from Michigan (Mr. CONYERS, Jr.), Chairman of the Committee on the Judiciary, the gentleman from Ohio (Mr. LATOURETTE), and the gentleman from Michigan (Mr. EHLERS), introduced H.R. 6577, the ''Great Lakes-St. Lawrence River Basin Water Resources Compact'', the House companion bill for the legislation that we consider today.

H.R. 6577 received the bipartisan support of almost 50 Great Lakes Members and the Committee on the Judiciary ordered the bill reported favorably to the House on July 30. However, to expedite implementation of the Compact, the House agreed to consider the Senate companion legislation (S.J. Res. 45), which the other body passed on August 1. Today, we hope to complete the long process for implementation of the Great Lakes-St. Lawrence River Basin Water Resources Compact by sending this ''consent of Congress'' directly to the President, where he has said he will sign it. I strongly urge my colleagues to support this important legislation for the protection of the Great Lakes for current and future generations.

Mr. Speaker, the Great Lakes are national and international treasures, serving as both the nation's largest fresh water resource and one of the largest systems of fresh water on earth—containing nearly 20 percent of the world supply. Formed by melting glaciers 10,000 to 12,000 years ago, the Great Lakes contain enough fresh water to cover the entire landmass of the continental United States to a depth of almost 10 feet.

Yet, despite their massive volume, the Lakes' water is a fragile resource. Rainfall and snowmelt replenish only about one percent of the water in the Great Lakes each year, with the remaining 99 percent of the volume being carried over from year-to-year. It is this unique circumstance that requires the nation, and Congress, to be vigilant in protecting the waters of the Great Lakes for the use and sustainability of the environmental, economic, and public health of the Great Lakes Basin.

The Committee on Transportation and Infrastructure has been integral in protecting the waters of the Great Lakes from water diversions. In the Water Resources Development Act of 1986 (''WRDA 1986''), the Committee required that each of eight Great Lakes States consent to any diversion of water from the Great Lakes Basin. WRDA 1986 prohibited any diversion of Great Lakes water by any State, Federal agency, or private entity for use outside the Great Lakes Basin without the consent of each of the eight Governors of the Great Lakes States.

Unfortunately, however, the waters of the Great Lakes are still at risk.

In 1998, Congress learned of a plan, approved by the Canadian province of Ontario, to export up to 160 million gallons of water from Lake Superior for sale to Asia. After this incident, a decision was made by the Governors of the eight Great Lakes States and Congress to strengthen Federal and interstate protections of Great Lakes waters.

In the Water Resources Development Act of 2000, the Committee on Transportation and Infrastructure strengthened the prohibition on diversions of Great Lakes waters by explicitly prohibiting exports, and ''encourage[d] the Great Lakes, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin.''

This ''common conservation standard'' is embodied in the Great Lakes—St. Lawrence River Basin Water Resources Compact (''Compact''), as proposed for the consent of Congress in S.J. Res. 45. The protections contained in the Compact are consistent with the underlying prohibition of diversions and exports of Great Lakes water without consent of all eight Great Lakes States under section 1109 of WRDA 1986. In addition, the Compact should be viewed as supplementary to current laws and regulations, and as an effort by the eight Great Lakes States and Congress to strengthen protections already in place.

First, the Compact establishes that ''all new or increased diversions of Great Lakes waters are prohibited,'' except within the limited exceptions contained in the Compact.

The Compact also requires each of the Great Lakes States to regulate any proposed new or increased withdrawals of Great Lakes water so as to not ''physically impact'' the waters and water-dependent natural resources of the Basin, including the physical, chemical, and biological integrity of the Basin watersheds.

In addition, the Compact establishes a process for the inventory, registration, and reporting of Great Lakes water withdrawals, diversions, and consumptive uses within the Basin.

With respect to small-scale water uses, such as bottled water, beer, and canned goods, the Compact allows individual States to choose how to regulate smaller transfers of water in products. For example, the State of Michigan chose to regulate bottled water under the Compact by requiring producers to obtain a permit for new or increased water withdrawals of more than 200,000 gallons per day. Under Michigan law, a permit may be granted if, among other requirements, there are no individual or cumulative adverse impacts, the water withdrawal is reasonable under state common law principles, and the producer has certified that it is in compliance with water conservation measures. This state program ensures that bottled water proposals receive careful scrutiny.

It is time for the U.S. House of Representatives to join with the Governors and State legislatures of all eight Great Lakes States, the U.S. Senate, and the administration in support of the Great Lakes—St. Lawrence River Basin Water Resources Compact.

I strongly urge my colleagues to join me in supporting S.J. Res. 45.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the legislation before the House to grant congressional approval of the Great Lakes Compact.

Passage of this legislation today is essential to the health of the Great Lakes. With the approval of the Compact, at long last we will close the door to bulk diversion of Great Lakes water. The Compact also establishes a comprehensive management framework to protect this shared resource and requires Great Lake states to control their own large-scale water use.

Some will say that the agreement does not go far enough and that Congress should hold off approving the Compact until changes are made. We have to be careful not to let the perfect become the enemy of the good. The agreement before us is the product of years of effort and enjoys broad support from all eight Great Lakes states, the environmental community, conservation groups, and other key stakeholders. The region has come together behind this plan as the best way to protect the Great Lakes. It is now time for Congress to act.

There is no question that we're in a much stronger position to protect the Great Lakes with the Compact than without it. I urge the House to join me in supporting this vital legislation.

Mr. DINGELL. Mr. Speaker, I rise today in strong support of S.J. Res. 45, Great Lakes—St. Lawrence River Basin Water Resources Compact. As an original cosponsor of the companion legislation reported by the House Judiciary Committee and as co-chair of the Great Lakes Task Force, I am very pleased that Congress is taking this historic and much-

needed step forward to enact legislation implementing a framework for overall management of our precious natural resource: the Great Lakes basin.

The Great Lakes make up 20 percent of the world's surface freshwater and 90 percent of the surface freshwater of the United States. The Basin provides its surrounding states with major economic benefits, some of which include tourism, manufacturing jobs, shipping, and clean drinking water. It also provides habitat for millions of breeding mallards, other ducks, and migratory waterfowl, and supports a diversity of species and ecosystems vital to our natural world. We in Congress, as well as state and local policymakers, have attempted to address the potential threat low water levels in the Great Lakes will have in the future on our national treasure. In 2000, the Congress directed the governors of the 8 Great Lakes States to negotiate a water management agreement. In 2005, the governors completed negotiations, which included coordination with the Canadian Premiers in Ontario and Quebec. Since then, the State Legislatures in all 8 states have agreed to the Compact, and the governors have signed the legislation. On August 4, 2008 I proudly took part as Governor Granholm signed the Compact after it was ratified by the Michigan Legislature. In the Senate, our senior Senator, CARL LEVIN, provided extraordinary leadership to get the bill passed through that body. Today, with the active support of members representing the Great Lakes' states, we will vote on this legislation in the House.

The Great Lakes—St. Lawrence River Basin Water Resources Compact will mandate a general ban on new diversions of water from the Basin with limited exceptions for communities near the Basin meeting rigorous standards. All of the Great Lakes' states and their communities will have to comply with new standards and all will be subject to consistent decision-making and appeals processes. The Compact also calls on Great Lakes' states to develop regional goals and objectives for water conservation and efficiency. One of the most important aspects of the Compact, it is designed in a way that will ensure the Great Lakes Basin continues to provide a solid economic base for its surrounding states.

Mr. Speaker, as I have recently noted, the Great Lakes Basin deserves much more attention than it has gotten over the past 8 years from the Bush Administration. One of the ways we protect the Great Lakes is by providing its governing agencies with the money they need to do their job. With my support, the House passed last week the Great Lakes Legacy Reauthorization Act which, among other things, authorized $150 million a year for 5 years to clean up toxic pollutants contaminating the Lakes. Another way we will serve the best interest of the Great Lakes is by moving forward with the Great Lakes Compact and, with the help of our future President—hopefully one from Illinois who understands the importance of protecting the Great Lakes—put the Basin on a path of sustained water levels over the long-term.

Some have expressed concerns about the Great Lakes Compact, such as whether the Compact will subject Great Lakes waters to international trade agreements, what the legal and practical implications are of exempting diversions of water in containers less than 5.7 gallons, and whether the designation of water as a ''product'' would subject state actions restricting diversions to claims under the World Trade Organization. These considerations and questions were raised as states legislatures were deliberating on approval of the Compact. The acknowledged need for action now—and not some time in the future—coupled with the reassurances of language already in the Compact prompted all 8 Great Lakes states to ratify the Compact. Today, the House must respond with the same urgency; we must not let the perfect be the enemy of the good.

Mr. Speaker, again, I thank my colleagues from the Great Lakes' delegation who have worked so hard on the Compact over the years, and urge them to join me in voting ''yes'' on S.J. Res. 45.

Mr. KIRK. Mr. Speaker, as a co-chairman of the Congressional Great Lakes Task Force I am pleased to rise in support of S.J. Res. 45, the Great Lakes—St. Lawrence River Basin Water Resources Compact. This bipartisan legislation, supported by the Council of Great Lakes Governors, the Great Lakes Commission, Alliance for the Great Lakes and more, would implement a host of water conservation and transparency measures that will limit water diversions and encourage responsible, sustainable water use. A state-by-state approach will not solve the problem—S.J. Res. 45 is a comprehensive, regional solution to prevent the selling off of our most important natural resource.

The Great Lakes are among the Nation's most precious natural resources. As the world's largest freshwater system, the lakes provide food, recreation, drinking water, and jobs for nearly 40 million people. Yet the Great Lakes face a number of threats, ranging from sewage and industrial pollution to invasive species and decreasing water levels. These hazards threaten not only the ecosystem and water supply, but also the long-term economic stability of the entire Midwest.

Studies document that lake levels have been on the decline since the 1970s. According to the Army Corps of Engineers, the Great Lakes are now a combined 3.5 feet below their long-term average. Many factors are believed to contribute to the declining levels, including increasing air and water temperatures which reduce the ice cover of the lakes and result in faster evaporation during winter. In fact, the National Wildlife Federation estimates that the lakes could drop up to 8 feet this century if action is not taken.

While Congress can take steps to help mitigate the effects of global warming, Great Lakes states must regulate water use. We run the risk that without water diversion safeguards, the drop in lake levels could continue—we must set standards to responsibly manage water use. In 1998, the Canadian Nova Group tried to ship Lake Superior water in bulk to Asia. Last October, then-Presidential candidate Bill Richardson suggested that western states use Great Lakes water to meet their growing water demand. Clearly, the desire to seize Great Lakes water exists, and we must prevent the large-scale depletion of our resource.

Perhaps the most shocking example of water mismanagement is the Aral Sea at the borders of Uzbekistan and Kazakhstan. In 50 years, what once was the world's fourth largest inland sea lost 75 percent of its water due to irresponsible irrigation and regional growth. This demonstrates how seemingly limitless supplies of water can vanish quickly.

To protect the Great Lakes, Congress needs to pass the Great Lakes—St. Lawrence River Basin Water Resources Compact. As a proud original cosponsor to H.R. 6577, the House companion version, we must do everything we can to protect this national treasure for future generations to enjoy. I hope my colleagues will join me in supporting this sorely needed legislation.

Mr. REYNOLDS. Mr. Speaker, I rise today to show my strong support for S.J. Res. 45, the Great Lakes—St. Lawrence River Basin Water Resources Compact. As a Member who represents two critical natural resources, Lake Erie and Lake Ontario, both part of the Great Lakes Basin, I believe this legislation is extremely timely and worthwhile to the long-term future of the Great Lakes. This bill will help address the needs of my community, as well as the many challenges that the Great Lakes Basin faces. It will have an impact on millions of gallons of freshwater, millions of people who use the Great Lakes for rest and relaxation, as well as thousands of jobs supported by the Great Lakes.

By passing this resolution today, and ratifying the Great Lakes Compact, we have the power and ability to ensure this precious resource is protected for generations to come. The Compact, which has already been ratified by all eight states affected, outlines a concrete plan of action to provide for protection of the Great Lakes now, and in the future. This Compact is imperative in helping protect this national treasure for the millions of Americans who enjoy the Great Lakes. I am pleased that Congress chose not to run the risk of leaving the Great Lakes unprotected and at risk for our children and grandchildren.

I would like to thank the Speaker for answering our call and moving this essential resolution right away. With the Senate having already passed this landmark legislation and the President indicating his support and willingness to sign it as soon as it gets to his desk, this is a historic day for the Members of the Great Lakes states from both sides of the aisle. It has been a pleasure working with a broad coalition of Members to ensure the long-term protection of the Great Lakes.

I urge all of my colleagues to support this resolution.

Mr. EMANUEL. Mr. Speaker, I rise today in support of S.J. Res. 45, the Great Lakes—St. Lawrence River Basin Water Resources Compact. I am proud to be an original co-sponsor of the House companion, H.R. 6577.

Almost 40 million people now get their daily drinking water from the Great Lakes. It is the largest body of surface freshwater in North America and contains 20 percent of the world's freshwater supply. It is the economic engine that drives the Midwest. And just as important, the Lakes are a national treasure.

Today we are taking historic action to protect this national treasure by passing the Great Lakes Compact. In 1998, a Canadian company proposed to take water from the Lakes by tanker to Asia, but the Council of

Great Lakes Governors (CGLG) banded together and partnered with their Canadian counterparts to find a way to protect our Great Lakes water. The result of that cooperation was the Great Lakes—St. Lawrence River Basin Water Resources Compact that we are passing today.

The Great Lakes are a closed system, and less than 1 percent of Great Lakes water is returned annually through snowmelt, rain and groundwater recharge. We need to protect this resource by not only keeping pollutants out, but also by keeping Great Lakes water in the Great Lakes basin.

All eight Great Lakes states have approved the Compact, and I am proud that my home state of Illinois acted quickly, passing it in August of 2007 as the second state to ratify the Compact. Additionally, Ontario and Quebec have passed companion legislation approving the Compact.

The Compact prohibits diversions of Great Lakes water outside of the basin without the permission of the other Great Lakes states, creates regional goals and objectives for water conservation and efficiency, and includes other protections for one of our greatest national resources.

As a father and a member of Congress, ensuring that the Lakes are around for future generations is of the utmost importance to me, which is why I am proud to support the Great Lakes Compact.

Ms. MOORE of Wisconsin. Mr. Speaker, the Great Lakes Compact before the House today is the result of years of efforts by the Great Lakes governors, other elected officials including state legislators from both sides of the partisan divide, and others who live, work, or recreate in the region to work together to help ensure a set of shared principles and protections for the Great Lakes.

The collaboration that has produced the compact that is before us today was undertaken because of concerns that without a comprehensive and basin wide approach to the current and future threats to these bodies of water, we would lose them.

These threats include a growing demand for water by users—including utilities, agriculture, manufacturers, concerns about the impacts of climate change, declining water levels of the Lakes, and pollution.

While the agreement has widespread support among elected officials, environmental groups, and others, I do understand that some have raised concerns about some aspects of the agreement.

That is to be expected because while this is a good agreement it is by no means a perfect agreement. It wasn't meant to be perfect. If it was, we would still be waiting for an agreement.

But it is a good agreement, especially since we know that simply doing nothing is not an option or solution. This agreement was good enough to bring governors from eight states and both sides of the aisle together. It was good enough to win the approval of legislatures in eight states (with a combined 1,300 legislators.)

Together with companion efforts in the Canadian provinces of Ontario and Quebec, the Compact would place new emphasis on a shared commitment to conservation and set new decision-making standards for Great Lakes water use.

The compact would require each state to use a consistent standard to review proposed uses of basin water, ban new diversions of water from the basin, and calls for the development of regional goals and objectives for water conservation and efficiency.

This legislation before us today would formally give Congress's assent to the compact, as required by law.

The document before us today also is a recognition by the stakeholders who are bound by its terms—and with approval by the House, the Congress as well—that we all have a shared duty ''to act together to protect, conserve, restore, improve, and effectively manage the waters and water dependent natural resources'' of the Great Lakes basin ''for the use, benefit, and enjoyment of all citizens, including generations yet to come.''

One of the most effective means to do this is through unified and cooperative policies and programs as outlined in this agreement. It would be a shame if after the hard work and negotiations and compromise that has shaped this process from day one, that Congress would let this opportunity slip away.

The Senate has already approved this bill and I urge my colleagues here in the House to do likewise.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in opposition to S.J. Resolution 45, which expresses the consent and approval of Congress to an inter-state compact regarding water resources in the Great Lakes-St. Lawrence River Basin.

The Great Lakes are among America's most valued natural resources, containing over 90 percent of our fresh surface water. Effective management of the Great Lakes-St. Lawrence River Basin is crucial to protect against harmful diversion of water that causes environmental damage and depletion of the lakes.

I do not believe this bill has undergone a thorough, rigorous vetting process to ensure that its provisions provide strong enough protections against privatization, commercialization, and exportation of Great Lakes water. While that this legislation does take important steps toward ensuring protection of the lakes, I have several unanswered concerns with the bill as it stands now.

Any bill seeking to protect the Great Lakes from diversion efforts must have strong language protecting against the commercialization and diversion of Great Lakes water in the international trade system. I am deeply concerned that this bill defines Great Lakes water as a ''product,'' potentially subjecting it to international trade law obligations under NAFTA, GATT, or the WTO. Furthermore, by exempting diversions of water in containers smaller than 5.7 gallons, how does this bill protect Great Lakes water from privatization claims from bottled water companies and other large commercial entities? The International Joint Commission, the U.S. State Department, and the U.S. Trade Representative have failed to provide answers to these questions.

I also believe strongly that any Great Lakes Compact must ensure full, active participation of the Tribes in the Great Lakes-St. Lawrence River Basin in any decision-making process. Language in this legislation requires ''reasonable notice'' to Tribes for commentary and an obligation to ''inform'' the Tribes of meetings and hearings regarding diversion of water. The intention of this language is right, but it must be stronger to ensure Tribes have a strong voice in any decisions related to the Great Lakes Basin.

The Great Lakes Compact is a critical piece of legislation, concerning one of America's most precious natural resources. We must hold it to the highest standards to ensure that the environmental and economic integrity of the lakes are protected in a manner that is inclusive of all stakeholders. I urge my colleagues to oppose this legislation until these concerns have been resolved.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to support S.J. Res. 45, the Great Lakes-St. Lawrence River Basin Water Resources Compact. This bill will help protect the Great Lakes by ensuring that water taken from the Great Lakes does not exceed the rate the lakes can be naturally replenished.

Lake Michigan is, without question, the most treasured resource to residents in States that border it and is our ''Grand Canyon,'' something in which we take enormous pride. In addition to its sentimental value, the Great Lakes, including Lake Michigan, serve as an important resource, providing 20 percent of all the surface water in the world, Despite their size the Great Lakes are a fragile resource. Only 1 percent of the water in the Great Lakes gets replenished by snow and rainwater every year.

As a result, the Great Lakes have been put in jeopardy by efforts to divert large portions of water from the Great Lake basin to support business efforts throughout the midwest and Canada. The Compact will prohibit new or increased Great Lakes basin diversions to outside the region, except under special circumstances to provide public drinking water. It will also require all Great Lakes States to develop water resource inventories and efficiency programs, and give public notice of large proposed new water uses. Finally, it will establish uniform standards across the Great Lake States for evaluating new in-basin uses of Great Lakes water. These all are good practices of stewardship of the Great Lakes, and will allow us to preserve the Lakes, while at the same time exercising intelligent use of it as a natural resource.

The Great Lakes Compact has been approved by the Governors and State legislators of all eight Great Lake States, the U.S. Senate and the Bush administration. I believe that it is vital that the House joins them in supporting the Compact. Doing so will protect the people and environment of the Great Lakes by ensuring that the uses of its resources are done in a deliberate and consensual manner between the Great Lakes States.

Again, Mr. Speaker, I urge adoption of the Great Lakes-St. Lawrence River Basin Water Resources Compact.

Mr. SUTTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. SUTTON) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 45.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STUPAK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONWIDE MORTGAGE FRAUD TASK FORCE ACT OF 2008

Ms. SUTTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6853) to establish in the Federal Bureau of Investigation the Nationwide Mortgage Fraud Task Force to address mortgage fraud in the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nationwide Mortgage Fraud Coordinator Act of 2008''.

SEC. 2. ESTABLISHMENT IN THE FEDERAL BUREAU OF INVESTIGATION OF THE NATIONWIDE MORTGAGE FRAUD COORDINATOR.

(a) ESTABLISHMENT.—The Director of the Federal Bureau of Investigation shall assign the Chief of its Financial Crimes Section, Criminal Investigative Division, in addition to other assigned duties, to be the Nationwide Mortgage Fraud Coordinator.

(b) DUTIES OF THE COORDINATOR.—The Nationwide Mortgage Fraud Coordinator shall oversee all Federal Bureau of Investigation activities related to the investigation of mortgage fraud, including the following:

(1) Establishing and operating regional task forces, consisting of the voluntary participation of Federal, State, and local law enforcement and prosecutorial agencies, to organize initiatives to investigate mortgage fraud, including initiatives to enforce all pertinent Federal and State mortgage fraud laws.

(2) Providing training to Federal, State, and local law enforcement and prosecutorial agencies with respect to mortgage fraud, including related Federal and State laws.

(3) Collecting and disseminating data with respect to mortgage fraud, including, to the extent practicable, Federal, State, and local data relating to mortgage fraud investigations and prosecutions.

(4) Preparing an annual report describing the Federal Bureau of Investigation's efforts to combat mortgage fraud and the results of these efforts. This report shall be submitted by the Federal Bureau of Investigation to Congress. The initial report shall be submitted no later one year after the date of the enactment of this Act.

(5) Making recommendations to the Director as to the need for resources to combat mortgage fraud.

(6) Performing other duties as assigned that are related to the investigation and prosecution of mortgage fraud.

(c) OPTIONAL FUNCTIONS.—The Nationwide Mortgage Fraud Coordinator shall have the following optional responsibilities:

(1) Establishing a toll free hotline and other information systems for—

(A) receiving reports of mortgage fraud;

(B) providing the public with access to information and resources with respect to mortgage fraud; and

(C) directing reports or allegations of mortgage fraud to the appropriate Federal, State, or local law enforcement and prosecutorial agency, including any appropriate regional task force.

(2) Creating a database with respect to suspensions and revocations of mortgage industry licenses and certifications to facilitate the sharing of such information by States.

(d) OPTIONAL RESPONSIBILITY OF THE DEPARTMENT OF JUSTICE.—The Department of Justice, upon consideration of any recommendations by the Nationwide Mortgage Fraud Coordinator, may—

(1) propose legislation to Federal, State, and local legislative bodies to assist in the detection, investigation, and prosecution of mortgage fraud, including measures to address mortgage loan procedures and property appraiser practices that provide opportunities for mortgage fraud; and

(2) make recommendations to Congress as to the need for additional resources to combat mortgage fraud.

(e) SUNSET.—This section shall sunset September 30, 2015.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. SUTTON) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 6853, as amended, the Nationwide Mortgage Fraud Task Force Act, was introduced by Congressman MEEK from Florida. H.R. 6853 directs the Federal Bureau of Investigation to designate a high-level official to coordinate mortgage fraud investigations.

Mortgage fraud is one of the fastest-growing white-collar crimes in the United States. The FBI estimates that the number of cases grew from approximately 17,000 in 2004 to 46,000 in 2007.

The losses from these crimes amount to billions of dollars spread among the financial institutions that have been struggling in the wake of the collapse of the real estate market.

Beyond the direct harm to the defrauded lender, this crime has far wider ripple effects in our neighborhoods and in our national economy.

In our neighborhoods, mortgage fraud has resulted in abandoned houses that cannot be easily resold because they are now owned by a bank and tied up in litigation. These houses often sit empty, deteriorating and becoming overgrown with weeds, an invitation to burglars or other criminal elements, and a blight on the entire neighborhood. In our economy, mortgage fraud has exacerbated the subprime loan crisis that is now having wide-spread effects on the entire financial system.

Mortgage fraud can take many forms and may involve dishonest borrowers, appraisers, settlement agents, loan officers, brokers or other persons, including phony straw purchasers under the direction of others. These can be difficult, time consuming and resource-intensive cases to investigate and prosecute. This bill will help the FBI meet these challenges by directing it to appoint a nationwide mortgage fraud coordinator to coordinate the FBI's efforts.

The coordinator would supervise regional task forces, coordinate investigations and facilitate appropriate training and information sharing. They would also prepare reports to assist Congress in undertaking any additional legislative response as may be warranted.

This is an important bill that addresses an important issue facing our communities and our families. I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6853, the Nationwide Mortgage Fraud Task Force Act of 2008. I appreciate the willingness of my colleagues on the other side of the aisle to address some concerns that we had with the bill.

However, I understand that despite improvements to the bill, there was a rush to bring it to the floor. The Judiciary Committee held no hearings or markups on the bill. At a minimum, the committee could have sought the input of FBI Director Mueller when he appeared before our committee last Tuesday. Unfortunately, however, we were not aware of the majority desire to move this legislation at that time.

The subprime mortgage crisis has taken a toll on millions of Americans across the country. Inflated housing prices, combined with fluctuating mortgage interest rates, have left many homeowners struggling to make their monthly mortgage payments or, worse, facing foreclosure on their homes.

Many factors have contributed to this crisis, including predatory lending by corrupt lenders, mortgage fraud and even foreclosure fraud. Estimated losses for mortgage fraud are between 4 and 6 billion dollars, with $813 million in losses in fiscal year 2007 alone.

According to the Federal Bureau of Investigation, the western region of

the United States led the Nation with 37 percent of mortgage fraud-related reports filed during fiscal year 2007. States with the most significant mortgage fraud problems in 2008 include Florida, Nevada, Michigan, California, Utah, Georgia, Virginia, Illinois, New York and Minnesota. Other States significantly affected by mortgage fraud included Arizona, Maryland, Utah, Nevada, Missouri, Indiana, Tennessee, Virginia, New Jersey and Connecticut.

Clearly this is a nationwide problem. The FBI has been actively investigating mortgage fraud since 1999. In his testimony before our Judiciary Committee last week, FBI Director Robert Mueller informed us that 42 FBI mortgage fraud task forces are currently handling 1,400 mortgage fraud investigations across the country. This includes 24 investigations into large-scale corporate fraud. The FBI's Operation Malicious Mortgage is an immense multiagency operation focused primarily on three types of mortgage fraud, lending fraud, foreclosure rescue schemes and mortgage-related bankruptcy schemes.

As of June, this operation has nabbed more than 400 defendants, 173 convictions, and 81 sentencings in crimes accounting for more than $1 billion in estimated losses. Just last month, in my home State of North Carolina, four defendants were indicted in Federal court for using various fraud schemes, including inflated property values and false representations to lenders to secure financing for the purchase of property and mobile homes.

H.R. 6853 lends additional support to the FBI for its mortgage fraud investigations and provides additional tools to State and local law enforcement. The bill designates the chief of the FBI's Financial Crimes Section as the nationwide mortgage fraud coordinator and directs her to oversee all mortgage fraud investigations, provide additional training to State and local law enforcement, and collect and report annual mortgage fraud data to the Congress.

Again, I thank my colleagues for amending the bill to address our objections and concerns, and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, at this time it's my honor to yield 5 minutes to the gentleman from Florida, the sponsor of this bill, Mr. MEEK.

Mr. MEEK of Florida. I want to thank the gentlewoman from the great State of Ohio for yielding to me and my good friend from North Carolina. Both of their explanations about H.R. 6853 are very accurate of the situation.

Mr. Speaker, we have a number of Americans that are trying to get homes or tried to get homes, and we have individuals that are preying upon them. This is really one of the most egregious white-collar crimes that are out there right now.

With this bill, it will give the FBI some direction in working with local law enforcement to bring about the kind of coordination we need in our country to be able to assist Americans or be able to save Americans from falling victim to mortgage fraud.

In my community alone, in Miami-Dade County, there was a task force set up. Just last year, they were able to not only arrest 71 individuals, but they were able to generate more cases because of the coordination they have and expertise that they have, but that's a metropolitan city. With this legislation, it will bring about the coordination of smaller police departments and also prosecutor offices that will be able to move faster on these mortgage crimes.

Many of the Members have been given the statistics that have plagued our country thus far, but this legislation is very, very urgent. Right now, we are facing a crisis on Wall Street, but we have a number of Americans that are facing a crisis because they have been had by those that are out there preying upon them and that are coordinating themselves in a more detailed way than law enforcement at this time. But we are catching up and legislation, like the legislation that is before us, will allow us to do so.

I want to commend the FBI for what they have been able to do thus far. With this legislation, it will give even more focus to mortgage fraud.

Also, I just want to state for the record that we have been in communication with the FBI. They are fully aware of this. I think the reason why we have an amendment, this bill has been amended, is the fact that the coordinator will serve better than just an overall task force that will create regional task forces, that will then come back to the Congress and give us some legislative ideas on how we can even pinpoint more efforts towards this particular crime.

As you know, many, many Americans, many Americans have saved up their money to be able to purchase their first home. Many of these individuals that are out there coordinating to take their money, to take their life savings, to be able to take every little thing that they have punched in for and punched out for many, many years, some of them have taken the money their loved ones left for them once they have passed on to be able to buy that first home, and for them to be taken advantage of is one of the bad things that we look at in our society.

We do know we have undesirables out there that are willing to prey on hard-working Americans. This legislation is urgent. It's right now for the moment.

I am glad we are on the floor. I want to thank the chairman of the committee, and, also, our colleagues on the other side of the aisle, for working to push this legislation to passage here in the House and hopefully through the Senate and on to the President of the United States, so that we don't have to continue to see the number of victims, especially seniors and especially first-time home buyers, fall victim to these individuals that are out there.

I ask for the Members to please support H.R. 6853, the legislation that would create a nationwide mortgage coordinator in the FBI.

□ 1430

Mr. COBLE. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I believe that people who commit fraud should be held responsible at the highest degree. I think the greatest form of fraud that we have in America and has been part of the problem that has created this financial crisis is an act passed by Congress called the Community Reinvestment Act. This has created a system that people are fraudulently giving mortgages, but it has also created a system where groups, community development organizations such as Acorn are holding financial institutions hostage. They use threats, extortion and bribes to try to get these financial institutions to give loans to people who can't pay, and it has created a system in America that has caused a meltdown in our whole financial system.

If we are going to start dealing with fraud in America, we need to start dealing with the greatest source of fraud, and the Community Reinvestment Act is one of those. We need to repeal the Community Reinvestment Act. We need to stop Acorn and other types of organizations like this from threatening our financial institutions. We need to put America back on a strong financial basis. Only by repealing the Community Reinvestment Act will we do so. We have to find solutions. We can't just play around the edges as we are doing now.

We will be voting on a bill very shortly to try to bail out financial institutions in America. I am very skeptical of the bill, frankly. But we do know that there are some very inherent problems in bills that were passed by this House as well as the Senate and put into law.

We need to repeal the Community Reinvestment Act as well as other acts such as that which have created this house of cards financially that is collapsing around our ears.

Ms. SUTTON. Mr. Speaker, may I inquire how many more speakers the gentleman from North Carolina has.

Mr. COBLE. I have no more speakers, and I yield back the balance of my time.

Ms. SUTTON. I thank the distinguished gentleman from North Carolina.

Mr. Speaker, H.R. 6853 is an important bill that addresses a large problem that is facing our communities and families. I urge my colleagues to support this important legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. SUTTON) that the House suspend the rules and pass the bill, H.R. 6853, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ELDER ABUSE VICTIMS ACT OF 2008

Ms. SUTTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5352) to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Elder Abuse Victims Act of 2008''.

TITLE I—ELDER ABUSE VICTIMS

SEC. 101. ANALYSIS, REPORT, AND RECOMMENDATIONS RELATED TO ELDER JUSTICE PROGRAMS.

(a) IN GENERAL.—Subject to the availability of appropriations to carry out this section, the Attorney General, in consultation with the Secretary of Health and Human Services, shall carry out the following:

(1) STUDY.—Conduct a study of laws and practices relating to elder abuse, neglect, and exploitation, which shall include—

(A) a comprehensive description of State laws and practices relating to elder abuse, neglect, and exploitation;

(B) a comprehensive analysis of the effectiveness of such State laws and practices; and

(C) an examination of State laws and practices relating to specific elder abuse, neglect, and exploitation issues, including—

(i) the definition of—

(I) ''elder'';

(II) ''abuse'';

(III) ''neglect'';

(IV) ''exploitation''; and

(V) such related terms the Attorney General determines to be appropriate;

(ii) mandatory reporting laws, with respect to—

(I) who is a mandated reporter;

(II) to whom must they report and within what time frame; and

(III) any consequences for not reporting;

(iii) evidentiary, procedural, sentencing, choice of remedies, and data retention issues relating to pursuing cases relating to elder abuse, neglect, and exploitation;

(iv) laws requiring reporting of all nursing home deaths to the county coroner or to some other individual or entity;

(v) fiduciary laws, including guardianship and power of attorney laws;

(vi) laws that permit or encourage banks and bank employees to prevent and report suspected elder abuse, neglect, and exploitation;

(vii) laws relating to fraud and related activities in connection with mail, telemarketing, or the Internet;

(viii) laws that may impede research on elder abuse, neglect, and exploitation;

(ix) practices relating to the enforcement of laws relating to elder abuse, neglect, and exploitation; and

(x) practices relating to other aspects of elder justice.

(2) DEVELOPMENT OF PLAN.—Develop objectives, priorities, policies, and a long-term plan for elder justice programs and activities relating to—

(A) prevention and detection of elder abuse, neglect, and exploitation;

(B) intervention and treatment for victims of elder abuse, neglect, and exploitation;

(C) training, evaluation, and research related to elder justice programs and activities; and

(D) improvement of the elder justice system in the United States.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, submit to the chairman and ranking member of the Special Committee on Aging of the Senate, and the Speaker and minority leader of the House of Representatives, and the Secretary of Health and Human Services, and make available to the States, a report that contains—

(A) the findings of the study conducted under paragraph (1);

(B) a description of the objectives, priorities, policies, and a long-term plan developed under paragraph (2); and

(C) a list, description, and analysis of the best practices used by States to develop, implement, maintain, and improve elder justice systems, based on such findings.

(b) GAO RECOMMENDATIONS.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall report to Congress any recommendations with respect to any Federal legislation, regulations, or programs determined by the Comptroller General to be necessary to improve elder justice in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2009 through 2015.

SEC. 102. VICTIM ADVOCACY GRANTS.

(a) GRANTS AUTHORIZED.—The Attorney General, after consultation with the Secretary of Health and Human Services, may award grants to eligible entities to study the special needs of victims of elder abuse, neglect, and exploitation.

(b) AUTHORIZED ACTIVITIES.—Funds awarded pursuant to subsection (a) shall be used for pilot programs that—

(1) develop programs for and provide training to health care, social, and protective services providers, law enforcement, fiduciaries (including guardians), judges and court personnel, and victim advocates; and

(2) examine special approaches designed to meet the needs of victims of elder abuse, neglect, and exploitation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of the fiscal years 2009 through 2015.

SEC. 103. SUPPORTING LOCAL PROSECUTORS AND COURTS IN ELDER JUSTICE MATTERS.

(a) GRANTS AUTHORIZED.—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to eligible entities to provide training, technical assistance, policy development, multidisciplinary coordination, and other types of support to local prosecutors and courts handling elder justice-related cases, including—

(1) funding specially designated elder justice positions or units in local prosecutors' offices and local courts; and

(2) funding the creation of a Center for the Prosecution of Elder Abuse, Neglect, and Exploitation to advise and support local prosecutors and courts nationwide in the pursuit of cases involving elder abuse, neglect, and exploitation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2009 through 2015.

SEC. 104. SUPPORTING STATE PROSECUTORS AND COURTS IN ELDER JUSTICE MATTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to eligible entities to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to State prosecutors and courts, employees of State Attorneys General, and Medicaid Fraud Control Units handling elder justice-related matters.

(b) CREATING SPECIALIZED POSITIONS.—Grants under this section may be made for—

(1) the establishment of specially designated elder justice positions or units in State prosecutors' offices and State courts; and

(2) the creation of a position to coordinate elder justice-related cases, training, technical assistance, and policy development for State prosecutors and courts.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2009 through 2015.

SEC. 105. SUPPORTING LAW ENFORCEMENT IN ELDER JUSTICE MATTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, the Postmaster General, and the Chief Postal Inspector for the United States Postal Inspection Service, shall award grants to eligible entities to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to police, sheriffs, detectives, public safety officers, corrections personnel, and other first responders who handle elder justice-related matters, to fund specially designated elder justice positions or units designed to support first responders in elder justice matters.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of the fiscal years 2009 through 2015.

SEC. 106. EVALUATIONS.

(a) GRANTS UNDER THIS TITLE.—

(1) IN GENERAL.—In carrying out the grant programs under this title, the Attorney General shall—

(A) require each recipient of a grant to use a portion of the funds made available through the grant to conduct a validated evaluation of the effectiveness of the activities carried out through the grant by such recipient; or

(B) as the Attorney General considers appropriate, use a portion of the funds available under this title for a grant program under this title to provide assistance to an eligible entity to conduct a validated evaluation of the effectiveness of the activities carried out through such grant program by each of the grant recipients.

(2) APPLICATIONS.—

(A) SUBMISSION.—To be eligible to receive a grant under this title, an entity shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, which shall include—

(i) a proposal for the evaluation required in accordance with paragraph (1)(A); and

(ii) the amount of assistance under paragraph (1)(B) the entity is requesting, if any.

(B) REVIEW AND ASSISTANCE.—

(i) IN GENERAL.—An employee of the Department of Justice, after consultation with an employee of the Department of Health and Human Services with expertise in evaluation methodology, shall review each application described in subparagraph (A) and determine whether the methodology described in the proposal under subparagraph (A)(i) is adequate to gather meaningful information.

(ii) DENIAL.—If the reviewing employee determines the methodology described in such proposal is inadequate, the reviewing employee shall recommend that the Attorney General deny the application for the grant, or make recommendations for how the application should be amended.

(iii) NOTICE TO APPLICANT.—If the Attorney General denies the application on the basis of such proposal, the Attorney General shall inform the applicant of the reasons the application was denied, and offer assistance to the applicant in modifying the proposal.

(b) OTHER GRANTS.—Subject to the availability of appropriations under this section, the Attorney General shall award grants to appropriate entities to conduct validated evaluations of grant activities that are funded by Federal funds not provided under this title, or other funds, to reduce elder abuse, neglect, and exploitation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $7,000,000 for each of the fiscal years 2009 through 2015.

SEC. 107. DEFINITIONS.

In this title:

(1) ELDER.—The term ''elder'' means an individual age 60 or older.

(2) ELDER JUSTICE.—The term ''elder justice'' means—

(A) from a societal perspective, efforts to—

(i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

(ii) protect elders with diminished capacity while maximizing their autonomy; and

(B) from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

(3) ELIGIBLE ENTITIES.—The term ''eligible entity'' means a State or local government agency, Indian tribe or tribal organization, or any other public or nonprofit private entity that is engaged in and has expertise in issues relating to elder justice or a field necessary to promote elder justice efforts.

TITLE II—ELDER SERVE VICTIM GRANT PROGRAMS

SEC. 201. ESTABLISHMENT OF ELDER SERVE VICTIM GRANT PROGRAMS.

(a) ESTABLISHMENT.—The Attorney General, acting through the Director of the Office of Victims of Crime of the Department of Justice (in this section referred to as the ''Director''), shall, subject to appropriations, carry out a three-year grant program to be known as the Elder Serve Victim grant program (in this section referred to as the ''Program'') to provide grants to eligible entities to establish programs to facilitate and coordinate programs described in subsection (e) for victims of elder abuse.

(b) ELIGIBILITY REQUIREMENTS FOR GRANTEES.—To be eligible to receive a grant under the Program, an entity must meet the following criteria:

(1) ELIGIBLE CRIME VICTIM ASSISTANCE PROGRAM.—The entity is a crime victim assistance program receiving a grant under the Victims of Crime Act of 1984 (42 U.S.C. 1401 et seq.) for the period described in subsection (c)(2) with respect to the grant sought under this section.

(2) COORDINATION WITH LOCAL COMMUNITY BASED AGENCIES AND SERVICES.—The entity shall demonstrate to the satisfaction of the Director that such entity has a record of community coordination or established contacts with other county and local services that serve elderly individuals.

(3) ABILITY TO CREATE ECRT ON TIMELY BASIS.—The entity shall demonstrate to the satisfaction of the Director the ability of the entity to create, not later than 6 months after receiving such grant, an Emergency Crisis Response Team program described in subsection (e)(1) and the programs described in subsection (e)(2).

For purposes of meeting the criteria described in paragraph (2), for each year an entity receives a grant under this section the entity shall provide a record of community coordination or established contacts described in such paragraph through memoranda of understanding, contracts, subcontracts, and other such documentation.

(c) ADMINISTRATIVE PROVISIONS.—

(1) CONSULTATION.—Each program established pursuant to this section shall be developed and carried out in consultation with the following entities, as appropriate:

(A) Relevant Federal, State, and local public and private agencies and entities, relating to elder abuse, neglect, and exploitation and other crimes against elderly individuals.

(B) Local law enforcement including police, sheriffs, detectives, public safety officers, corrections personnel, prosecutors, medical examiners, investigators, and coroners.

(C) Long term care and nursing facilities.

(2) GRANT PERIOD.—Grants under the Program shall be issued for a three-year period.

(3) LOCATIONS.—The Program shall be carried out in six geographically and demographically diverse locations, taking into account—

(A) the number of elderly individuals residing in or near an area; and

(B) the difficulty of access to immediate short-term housing and health services for victims of elder abuse.

(d) PERSONNEL.—In providing care and services, each program established pursuant to this section may employ a staff to assist in creating an Emergency Crisis Response Teams under subsection (e)(1).

(e) USE OF GRANTS.—

(1) EMERGENCY CRISIS RESPONSE TEAM.—Each entity that receives a grant under this section shall use such grant to establish an Emergency Crisis Response Team program by not later than the date that is six months after the entity receives the grant. Under such program the following shall apply:

(A) Such program shall include immediate, short-term emergency services, including shelter, care services, food, clothing, transportation to medical or legal appointment as appropriate, and any other life-services deemed necessary by the entity for victims of elder abuse.

(B) Such program shall provide services to victims of elder abuse, including those who have been referred to the program through the adult protective services agency of the local law enforcement or any other relevant law enforcement or referral agency.

(C) A victim of elder abuse may not receive short-term housing under the program for more than 30 consecutive days.

(D) The entity that established the program shall enter into arrangements with the relevant local law enforcement agencies so that the program receives quarterly reports from such agencies on elder abuse.

(2) ADDITIONAL SERVICES REQUIRED TO BE PROVIDED.—Not later than one year after the date an entity receives a grant under this section, such entity shall have established the following programs (and community collaborations to support such programs):

(A) COUNSELING.—A program that provides counseling and assistance for victims of elder abuse accessing health care, educational, pension, or other benefits for which seniors may be eligible under Federal or applicable State law.

(B) MENTAL HEALTH SCREENING.—A program that provides mental health screenings for victims of elder abuse to identify and seek assistance for potential mental health disorders such as depression or substance abuse.

(C) EMERGENCY LEGAL ADVOCACY.—A program that provides legal advocacy for victims of elder abuse and, as appropriate, their families.

(D) JOB PLACEMENT ASSISTANCE.—A program that provides job placement assistance and information on employment, training, or volunteer opportunities for victims of elder abuse.

(E) BEREAVEMENT COUNSELING.—A program that provides bereavement counseling for families of victims of elder abuse.

(F) OTHER SERVICES.—A program that provides such other care, services, and assistance as the entity considers appropriate for purposes of the program.

(f) TECHNICAL ASSISTANCE.—The Director shall enter into contracts with private entities with experience in elder abuse coordination or victim services to provide such technical assistance to grantees under this section as the entity determines appropriate.

(g) REPORTS TO CONGRESS.—Not later than 12 months after the commencement of the Program, and annually thereafter, the entity shall submit a report to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives, and the Chairman and Ranking Member of the Special Committee on Aging of the Senate. Each report shall include the following:

(1) A description and assessment of the implementation of the Program.

(2) An assessment of the effectiveness of the Program in providing care and services

to seniors, including a comparative assessment of effectiveness for each of the locations designated under subsection (c)(3) for the Program.

(3) An assessment of the effectiveness of the coordination for programs described in subsection (e) in contributing toward the effectiveness of the Program.

(4) Such recommendations as the entity considers appropriate for modifications of the Program in order to better provide care and services to seniors.

(h) DEFINITIONS.—For purposes of this section:

(1) ELDER ABUSE.—The term ''elder abuse'' means any type of violence or abuse, whether mental or physical, inflicted upon an elderly individual, and any type of criminal financial exploitation of an elderly individual.

(2) ELDERLY INDIVIDUAL.—The term ''elderly individual'' means an individual who is age 60 or older.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Justice to carry out this section $3,000,000 for each of the fiscal years 2009 through 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. SUTTON) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Mr. Speaker, it is estimated that each year perhaps as many as 5 million elders are abused, neglected and exploited. And the incidence of elder abuse is likely to only get worse in coming years as 76 million baby boomers reach retirement age.

The legal protections against elder abuse vary significantly from State to State, and the National Center on Elder Abuse has estimated that only one in six cases even gets reported. H.R. 5352, the Elder Abuse Victims Act of 2008, is sponsored by the gentleman from Pennsylvania (Mr. SESTAK).

H.R. 5352 will help provide training, technical assistance and other support to State and local law enforcement officials to help them catch and prosecute those who prey on elders. This bill will authorize funding for specialized elder justice police officers and units, as well as for special elder justice positions and units within State and local prosecutors' offices and courts.

It will also help provide other services to elders who are victimized. In addition to training for health care, social, and protective service providers, it establishes an Elder Serve Victim Grant Program with regional emergency crisis response teams. These teams will provide short term emergency service to elder victims, including shelter, care, food, clothing, transportation to legal or medical appointments, and other life services as warranted.

Finally, it asks the Attorney General and the GAO to examine State and Federal laws and recommend ways to more effectively address this outrageous and growing problem.

In addition to Congressman SESTAK, I also want to commend the gentleman from Illinois, RAHM EMANUEL, and the gentleman from New York, PETER KING, and the distinguished gentleman from Kentucky (Mr. YARMUTH) for their leadership in making this a bipartisan initiative. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5352, the Elder Abuse Victims Act of 2008. I wish to thank my colleagues on the other side of the aisle for having worked with the Judiciary Committee Republicans to address our concern with this bill. I am pleased that we now have legislation before us that enjoys bipartisan support.

Elder abuse is a serious problem facing our older Americans. Adults over the age of 50 account for 12 percent of our Nation's murder victims and 7 percent of other serious and violent crime victims, and our eldest seniors, those over 80 years of age, are abused and neglected at two to three times the proportion of all other senior citizens.

With the population of people aged 85 or older expected to double by 8.9 million by the year 2030, the problem is inevitably sure to grow. H.R. 5352, the Elder Abuse Victims Act, seeks to curb these acts of abuse against the elderly. The bill authorizes grants to State and local law enforcement, prosecutors, and courts to aid in the investigation and prosecution of elder abuse.

The bill directs the Justice Department to complete a study of State laws and practices relating to elder abuse, neglect and exploitation. The bill also directs the Department to develop a long-term plan addressing the prevention and detection of elder abuse, intervention and treatment of victims, and training and evaluation of elder abuse programs. The National Institute of Justice within the Department has been studying elder justice issues for several years and issued a preliminary report on the subject in 2006. It is fitting that the National Institute of Justice continue its work and undertake the study directed by this legislation.

During the Judiciary Committee markup of H.R. 5352, we expanded the scope of these grants to include identity theft, mail fraud, and telemarketing fraud as additional types of victimization for elder abuse grants. The bill now also authorizes the Department of Justice to award grants for electronic monitoring of older Americans. These funds will support monitoring programs offered by local law enforcement agencies and first responders to locate missing elderly.

These changes, among others, have improved H.R. 5352 and will assist States with protecting our senior citizens and prosecuting elder abuse.

I urge my colleagues to support the bill.

I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I am the last speaker on my side, so I reserve the balance of my time to close.

Mr. COBLE. I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, H.R. 5352, the Elder Abuse Victims Act, is a good bill. Our seniors deserve to know that we are doing everything we can to protect them from abuse. I urge my colleagues to support the bill.

Mr. YARMUTH. Mr. Speaker, I rise in support of Elder Abuse Victims Act of 2008, which includes the ElderServe Act, which I introduced last May to protect our Nation's senior citizens from abuse through better coordination of services.

In my hometown of Louisville, for over half a century, we've seen first-hand as ElderServe Inc, a local non-profit, has facilitated the coordination necessary for thousands and thousands of seniors to have peace in their golden years.

One of the many areas that ElderServe has excelled is providing emergency services to seniors who experience physical or psychological abuse and neglect—problems that afflict more than two million victims nationwide.

Experts estimate that only 20 percent of all cases of elder abuse are reported. Still 70 percent of the caseload at Adult Protective Services comes from victims over the age of 65. These instances of abuse and neglect know no boundaries, affecting men and women across all racial, social, socio-economic, and geographic divides. And with the country's 76 million baby boomers approaching retirement age, the problems will only intensify if we don't create a network equipped to respond.

The ElderServe Act will create Emergency Crisis Response Teams, or ECRT's, that foster community collaboration between existing services and consolidating services for elder abuse victims. In most communities, victims of elder abuse have great difficulty navigating services and aid. But in Louisville, ECRT's have been incredibly successful in bringing various entities together to provide immediate help and services to elder abuse victims. The approach ensures that elder abuse victims no longer fall through the cracks and are given the housing, healthcare, and follow up they need. For those who cannot go to law enforcement, law enforcement will come to them.

The ElderServe Act authorizes the creation of pilot programs that will coordinate local law enforcement, short-term housing placements, bereavement services, adult protective services, legal advocacy services, job placement assistance, health care, and other services.

If the program is infused with same passion and care as we have seen in Louisville; if we provide necessary resources, we will have created a reliable place that a senior can turn to, anywhere in the Nation, to recover from and also to prevent elder abuse.

America's seniors spent decades working, contributing, and raising families in our communities. Yet each day thousands are assaulted or neglected, with nowhere to turn but an overtaxed, under-coordinated system. For many they receive help too late or not at all. Many give up waiting for help, and others never seek assistance in the first place. The ElderServe Act can change all that. I, therefore, strongly urge my colleagues to join me in supporting Elder Abuse Victims Act and working to eliminate elder abuse forever.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise today in strong support of H.R. 5352, the "Elder Abuse Victims Act of 2008". This bills addresses health and safety issues for elders. This bill will protect the most vulnerable members of our society: the elderly.

I strongly support this bill and have authored an amendment that was accepted in Committee. I will discuss more about my amendment later. I urge my colleagues to support this bill.

Each year in the United States, between one-half million to five million elders are abused, neglected or exploited. Experts agree that most cases are never reported. Data collected on the problem is minimal, and there has been no comprehensive national approach to solving the many problems. In fact, the House has held only one hearing on elder abuse, over 16 years ago, in 1991. These problems likely will increase in the next 30 years, as 76 million baby boomers approach retirement.

H.R. 5352 establishes a national Elder Justice Coordinating Council and Advisory Board on Elder Abuse, Neglect, and Exploitation. Its purpose is to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and providing training for law enforcement and prosecutors.

My amendment, which was included at the Committee, allows a voluntary electronic monitoring pilot program to assist with the elderly when they are reported missing. Specifically, my amendment allows the Attorney General, in consultation with the Secretary of Health and Human Services, to issue grants to states and local government to carry out pilot programs to provide voluntary electronic monitoring services to elderly individuals to assist in the location of such individuals when they are reported missing. This amendment helps elderly people. I urge my colleagues to support this bill.

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H.R. 5352, the Elder Abuse Victims Act of 2008.

This bipartisan legislation increases prosecutions by providing technical, investigative, coordination, and victim assistance resources to law enforcement to support elder justice cases. Additionally, it also provides grants for training, technical assistance, policy development, multidisciplinary coordination and other types of support to local prosecutors handling elder justice—related cases.

Elder abuse is a silent but widespread problem: reports reveal that 500,000 to 5 million senior Americans will be victims of some form of abuse every year, causing illness, suffering, and premature death. In my home state of Illinois, reports to the Illinois Elder Abuse and Neglect Program increased by 48% between 1997 and 2005.

Few pressing social issues have been as systematically ignored as elder abuse. Over the past 25 years, Congress passed comprehensive bills to address child abuse and crimes against women, yet there is not one full-time Federal employee working on elder abuse in the entire Federal Government.

A comparison of federal money spent to fight abuse and neglect shows that less than 2 percent of federal dollars spent on abuse and neglect goes toward elder abuse. In addition, no federal law has yet been enacted that adequately and comprehensively addresses the issues of elder abuse, neglect, and exploitation.

Since my election to Congress, I have been working with my colleagues Rep. PETER KING and Senators JOHN BREAUX, ORRIN HATCH and BLANCHE LINCOLN to pass the Elder Justice Act to protect vulnerable seniors. I am glad the bill before us, the Elder Abuse Victims Act includes many of the crucial law enforcement provisions of the Elder Justice Act. This bill is the first step to understanding—and therefore eradicating—elder abuse.

Mr. Speaker, I thank my colleague from Pennsylvania for including these crucial provisions in his legislation and I urge my colleagues to join me in voting for H.R. 5352, the Elder Abuse Victims Act.

Ms. SUTTON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. SUTTON) that the House suspend the rules and pass the bill, H.R. 5352, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMEMORATING THE 50TH ANNIVERSARY OF THE AZOREAN REFUGEE ACT OF 1958

Ms. SUTTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1438) commemorating the 50th anniversary of the Azorean Refugee Act of 1958 and celebrating the extensive contributions of Portuguese-American communities to the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1438

Whereas from September 27, 1957, until October 24, 1958, a series of violent eruptions and earthquakes that amounted to a natural calamity destroyed the economic infrastructure in Faial Island, Portugal, and impacted all of the 9 islands in the Azores archipelago;

Whereas most of Faial Island's 25,000 people lost their livelihoods in the midst of fumes, smoke, lava, and constant earthquakes, and had no choice but to escape to other islands in the Azores;

Whereas the United States offered a helping hand to the distressed people of the Azores by introducing and passing the Azorean Refugee Act, spearheaded by Senators John Pastore of Rhode Island and John F. Kennedy of Massachusetts, which became Public Law 85–892;

Whereas the Azorean Refugee Act made 1,500 special nonquota immigrant visas available to the destitute victims of the Capelinhos Volcano in the Azores, and was extended until 1962 to allow the entry of an even greater number of refugees;

Whereas the eruption of the Capelinhos Volcano led to a wave of Portuguese immigration that brought more than 175,000 Azoreans to the United States between 1960 and 1980;

Whereas according to the United States Census from the year 2000, there were 1,176,615 Portuguese-Americans in the United States, and the vast majority of these were of Azorean descent;

Whereas major communities of Portuguese-Americans of Azorean descent can be found in southeastern New England; the areas around San Francisco, San Diego, and the San Joaquin Valley, California; Hawaii; and the New Jersey/New York metropolitan area;

Whereas these recent immigrants have built on the work initiated by earlier arrivals, and through their remarkable work ethic have, among other activities, distinguished themselves in farming and fishing;

Whereas by the 1970s, roughly half of all dairy farms in the San Joaquin Valley were owned and operated by Portuguese-Americans and contributed to making California the number one dairy producing State in the Nation;

Whereas the Portuguese of the American east coast have dominated the fishing industry, and contributed to making New Bedford, Massachusetts, one of our Nation's greatest seaports;

Whereas Portuguese immigrants and their descendants have contributed substantially to American workforce, leadership, and culture, and produced successful physicians, lawyers, and university professors;

Whereas in the public sector, Portuguese-Americans have become legislators at the local, State, and Federal level, State attorney generals, justices, judges, and successful lawyers, and are members of school committees and boards, as well as city councils;

Whereas as the governor of California, Ronald Reagan proclaimed the 2nd week of March as Portuguese Immigrant Week in 1969; and

Whereas President John F. Kennedy recognized that immigrants coming from the Azores had made excellent contributions to our Nation as citizens: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the 50th anniversary of the Azorean Refugee Act of 1958;

(2) celebrates the Azorean Refugee Act of 1958 as worthy and admirable legislation

that represented America at its finest, reaching out to people in need; and

(3) recognizes the momentous contributions of Portuguese immigrants and their descendants to the United States, who have so greatly enriched our Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. SUTTON) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1438 is sponsored by our colleagues from California, Representatives NUNES and COSTA.

H. Res. 1438 commemorates the 50th anniversary of the Azorean Refugee Act of 1958, and celebrates the extensive contributions of Portuguese-American communities to the United States.

From September 27, 1957, until October 24, 1958, a series of violent disruptions and earthquakes destroyed the infrastructure of Faial Island, in Portgual's Azores archipelago, and impacted the other eight islands in the Azores as well.

The majority of the Faial Island's 25,000 people lost their livelihoods in the midst of fumes, smoke, lava and constant earthquakes, and had no choice but to escape to other islands in the Azores.

The United States, as we so often have in crises of these magnitudes, offered a helping hand to the distressed people of the region through the Azorean Refugee Act. This was spearheaded by Senators John Pastore of Rhode Island and John F. Kennedy of Massachusetts.

The Azorean Refugee Act made 1,500 special non-quota immigrant visas available to the destitute victims of the Capelinhos Volcano in the Azores. It was later extended to allow entry of an even greater number of refugees.

As a result, more than 175,000 Azoreans came to the United States between 1960 and 1980. The 2000 census placed the total number of Portuguese Americans at 1,176,615. The vast majority of these are of Azorean descent.

The communities founded by those immigrants can be found in southeastern New England, the areas around San Francisco, San Diego, and San Joaquin Valley, California, Hawaii, and the New Jersey/New York metropolitan area.

In a very short period of time, these immigrants have built on the accomplishments of earlier arrivals. Through their remarkable work ethic, they have distinguished themselves in innumerable fields of endeavor, especially in farming and fishing. By the 1970s, roughly half of all of the dairy farms in the San Joaquin Valley were owned and operated by Portuguese Americans, helping to make California the number one dairy-producing State in the Nation.

□ 1445

On the East Coast, Portuguese-Americans have played a prominent role in the fishing industry, and contributed to making New Bedford, Massachusetts one of our Nation's greatest seaports.

Portuguese immigrants and their descendants have contributed substantially to this Nation. They are leaders in business, culture and many other professions. They are found in every level of government and in our military, proudly serve the Nation that offered them a helping hand when they needed it most.

This Nation has been repaid many times over during the last half century by these immigrants from the Azores and their descendents. Their success story is a demonstration of just what makes our country so great and so strong. By welcoming people with talent and initiative from around the world, we have become a better nation. The Azoreans are a prime example of just how important this has been to the United States over the generations.

I am pleased to stand with my colleagues to mark the 50th anniversary of the Azorean Refugee Act of 1958. It is fitting that we honor this group of Americans and recall how well they have repaid our generosity and our openness. It is a lesson for our generation and for future generations.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield such time to myself as I may consume.

I support this resolution. H. Res. 1438, Mr. Speaker, commemorates the 50th anniversary of the Azorean Refugee Act of 1958, and celebrates the contributions that Portuguese-Americans have made to the United States.

In the late 1950s a series of volcanic eruptions and earthquakes devastated the Portuguese Azorean islands. In an important humanitarian gesture, the United States absorbed thousands of Azorean refugees following the enactment of the Azorean Refugee Act of 1958.

Since that time, hundreds of thousands of Azoreans and other Portuguese have migrated to the United States. They have made important contributions to many aspects of American society and the American economy. They are most well-known for their contributions to America's fishing and dairy industries.

President Jaime Gama of the Portuguese Parliament, the Assembly of the Republic, is currently heading a delegation visiting Washington. This is a perfect opportunity for us to pass H. Res. 1438 to commemorate the Azorean Refugee Act, and to acknowledge the continuing friendship between the American and the Portuguese people.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, at this time it is my honor to yield 5 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, today it is my honor to rise in strong support of House Resolution 1438, which commemorates, as noted by the two previous speakers, the 50th anniversary of the Azorean Refugee Act of 1958.

This resolution is sponsored by the Portuguese Caucus, my colleagues and good friend Congressman DEVIN NUNES and Congressman DENNIS CARDOZA. We've worked on this together, not only to take note of this significant anniversary, but also to coordinate with our guests, the President of the Portuguese Parliament and three members of the House of Deputies.

It was September 27, 1957, when the island of Faial experienced a series of volcanic eruptions that lasted for over a year and shattered the economic infrastructure of that island, and had impacts throughout the Archipelago.

During that time, two great United States Senators, John Pastore of Rhode Island, who represented a large Portuguese constituency, and Senator John F. Kennedy of Massachusetts, later to become the 35th President of the United States, offered to help those who were suffering as a result of this natural event that devastated the islands. They did so by drafting and passing the law of Azorean Refugee Act of 1958.

It made available special non-quota immigrant visas available to the victims of the earthquakes and volcanoes, and it was extended until 1963, that allowed even more refugees to come to the United States.

Between 1960 and 1980, over 175,000 Azoreans have come to establish and develop their roots in the United States and, at the same time, maintain their family relationships to their friends and their members of their families in the Azores and in Portugal. In fact, the 2000 U.S. Census showed that there were almost 2 million Portuguese-Americans in the United States, many of them of Azorean descent.

Mr. Speaker, these Portuguese immigrants have contributed greatly to the fabric of our Nation, not only in the Northeast and New England, but in California as well. As has been noted, they have participated in all walks of life. In my district and Mr. CARDOZA

and Mr. NUNES' the Portuguese-Americans have been dominant in the San Joaquin Valley, not just in the dairy industry, but yes, they've also become teachers and doctors and judges and yes, even Members of Congress.

The Portuguese culture is thriving in the San Joaquin Valley, and there are many festas throughout the year, family reunions, the exchanges of those traditions and the ties that bind us quite well.

It's important to note that we have, as I mentioned a moment ago, a visiting delegation. Up in the gallery we have the President of the Assembly of the Republic of Portugal, President Jaime Gama. With him are the former Speaker, Joao Moto Amaral, next to him is a member of the House of Deputies, Antonio Filipe, as well as Ricardo Rodrigues. And we're very appreciative that they be could be here to witness this 50th anniversary and this acknowledgment, because we need to understand that it's more than just like immigrants before and immigrants since. We have had a solid relationship with Portugal with the largest Air Force base, military strategic diplomatic involvement as it relates to just not Europe but the Middle East and Africa, all very vital to America's interests.

Again, we want to recognize all those Portuguese-Americans for their contributions to our Nation, the Azoreans who came to America under this Azorean Refugee Act. We want to thank our Portuguese Caucus, Congressman NUNES, CARDOZA, Congressman FRANK, Congressman KENNEDY and MCGOVERN, all who are cosponsors of this resolution who represent significant Portuguese communities.

We also want to thank Chairman CONYERS, Ranking Member LAMAR SMITH and the leadership on both sides for moving this resolution in an expedited fashion through the committee process and onto the floor. We urge an ''aye'' vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is reminded that it is improper to refer to guests in the gallery.

Ms. SUTTON. May I inquire how many more speakers the gentleman from North Carolina has?

Mr. COBLE. I have no more speakers, and I yield back, Mr. Speaker.

Ms. SUTTON. I thank my friend from North Carolina, not only for his work in support of this resolution, but for all the things that we're able to work together on in the Judiciary Committee.

Mr. Speaker, House Resolution 1438 is an important bill to commemorate the 50th anniversary of the Azorean Refugee Act and celebrate the extensive contributions of Portuguese-American communities to our Nation.

I commend the distinguished gentleman, Mr. COSTA, for his leadership on this issue. I urge my colleagues to support this resolution.

Mr. NUNES. Mr. Speaker, I would like to begin by taking us back 50 years ago, to the islands of the Azores, in the middle of the Atlantic Ocean. At that time, the peaceful communities of these islands relied on each other to maintain their livelihood, and the mainly agrarian lifestyles of its peoples were sustained by this interconnectedness. Then, in 1957, a tragic and unexpected turn of events, brought about by a natural disaster, severely destabilized the lives of these proud and hard-working people.

It was September 27, 1957, when the island of Faial experienced a series of volcanic eruptions that lasted for over a year and immediately shattered its economic infrastructure. In its aftermath, the Capelinhos volcano left behind overwhelming material, physical and psychological damage.

The cohesive Portuguese communities already present in the United States at the time rallied behind the victims of this volcano, and unified into a great movement that called for special quotas to allow these victims into the United States. In 1958, in great part resulting from these efforts, Senator John Pastore from Rhode Island introduced S. 3942, the Azorean Refugee Act. This bill proposed the issuance of 1,500 non-quota visas to the Faial victims, providing relief in face of such devastating tragedy. Senator John Fitzgerald Kennedy cosponsored this bill, and along with Senator Pastore, became one of the leading proponents of this legislation. Their efforts finally materialized on August 18, 1958, when the Azorean Refugee Act was finally signed into law, becoming Public Law 85–892.

By November of 1959, the 1,500 special quota visas allowed by the Azorean Refugee Act had already been issued, with more than 3,000 persons from Faial having already immigrated to United States. With the rippling effects of the Capelinhos volcano still being felt in the Azores, the number of visas was elevated to 2,000 in 1960, and then in 1961, a new law permitted the entrance for 2,500 additional Azorean refugees. In total, more then 5,000 visas were issued, effectively shifting the formerly restrictive immigration laws of our country.

The Portuguese community's push to liberalize our immigration policies transformed this Act into one of the most important special laws in our history. In this sense, it was the most important contribution of the Portuguese-American community to the eventual reform of American immigration policy in 1965. As a direct result of the Azorean Refugee Act, the United States Government began to liberalize its immigration laws, and around 25,000 Portuguese citizens eventually immigrated to this country. This law revitalized the long history of Portuguese immigration to the United States, and once again, allowed our great Nation to benefit from the many qualities these people had to offer.

The immigrants arriving from the Azores reached the shores of the United States as manual laborers, and without much proper education they relied solely on the fruits of their hard work to earn their living. Portuguese immigrants distinguished themselves in farming, fishing, and other trades, and built for this Nation a solid foundation of honesty and pride in their work. Subsequent generations have rested upon this heritage to succeed in our society, with a great many Portuguese-American communities producing professors, lawyers, physicians, judges, politicians and other leading figures of our society.

Fifty years later, the admirable successes of Portuguese-American communities throughout California, New England, and elsewhere are a testament to their remarkable work ethic and integrity, which truly inspire us all. Their story is one of sweat, toils, and struggles before a new land, and in itself reflects the very spirit o$ this nation.

For all of that, this resolution recognizes the great importance, of the Azorean Refugee Act, and the vast contributions made by these Azorean communities, who truly turned tragedy into triumph. Let us never forget that America's strength rests on the inclusion of people from all parts of the world and in the generosity that flows from our ideals of life, liberty and the pursuit of happiness.

Ms. SUTTON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. SUTTON) that the House suspend the rules and agree to the resolution, H. Res. 1438.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING AND HONORING THE 50TH ANNIVERSARY OF THE FOUNDING OF AARP

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1464) recognizing and honoring the 50th anniversary of the founding of AARP.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1464

Whereas AARP is a nonprofit, nonpartisan organization with over 40 million members that is dedicated to improving the quality of life of people 50 and over as they age;

Whereas AARP was founded in 1958 by Ethel Percy Andrus, a retired educator from California, around the principles of promoting independence, dignity and purpose for older Americans and encouraging current and future generations ''To Serve, not to be served'';

Whereas AARP's vision is ''A society in which everyone ages with dignity and purpose and in which AARP helps people fulfill their goals and dreams'';

Whereas AARP's mission is dedicated to enhancing the quality of life for all as we age, leading positive social change and delivering value to members through information, advocacy, and service;

Whereas AARP's nonpartisan advocacy activities help millions of individuals participate in the Nation's legislative, judicial, and administrative processes;

Whereas AARP is a trusted source of reliable information on health, financial security, and other important issues of the 50+ population;

Whereas AARP provides an opportunity for volunteerism and service for its millions of members to better their families, communities, and the Nation;

Whereas AARP Services is a leader in the marketplace by being a force influencing companies to offer new and better services for AARP's members;

Whereas AARP Foundation, its philanthropic arm, delivers information, education, and direct service program to the most vulnerable age 50+ Americans;

Whereas AARP Foundation's Tax Aide, the Nation's largest, free, volunteer-run tax preparation program has helped over 40 million low- and middle-income taxpayers;

Whereas AARP Foundation's job placement program has helped over 400,000 low-income older Americans find jobs, giving them purpose and dignity;

Whereas AARP's Driver Safety Program has helped over 10 million old drivers sharpen their driving skills; and

Whereas, in 2008, its 50th anniversary, AARP renews its commitment to improving the quality of life for all older Americans and helping people of all generations fulfill their goals and dreams: Now, therefore, be it

Resolved, That the House of Representatives recognizes and commends AARP for 50 years of outstanding service, promoting the lives and retirement security of older persons age 50 and older, and to future generations for aging Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 1464 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, it is with great honor and privilege that I rise in support of House Resolution 1464 in commemoration and recognition of the AARP's 50th anniversary.

In what started as a campaign to obtain affordable health care for retired teachers, AARP founder, Ethel Percy Andrus, began a movement dedicated to serving and advocating for its nearly 40 million members and all Americans over the age of 50. For the past 50 years, the AARP has advocated tirelessly to address the needs of the elderly, contributing immensely to the greater well-being of some of our most vulnerable citizens.

During this time, the AARP has also provided trusted research and information that continues to shape public policy. This national organization exemplifies the ideals of service and advocacy, and has been a tremendous force in enhancing opportunities for older Americans in their search for quality health care, pension and retirement security, financial and overall well-being.

In addition, I would also like to thank and congratulate AARP's CEO, Bill Novelli and the countless volunteers and staff for their leadership and commitment to furthering the organization's mission of a healthy and secure elderly population in the United States. I would like to extend my congratulations and appreciation to the AARP for their exceptional dedication and service, and I wish this organization continued success in years to come.

I urge the adoption of this resolution, and reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I join my colleague from California in support of House Resolution 1464, recognizing and honoring the 50th anniversary of the founding of the AARP. While I urge my colleagues to support this resolution, I must also remind all of my colleagues that we, in Congress, must do our part to serve our constituents over the age of 50 by approving an all-of-the-above comprehensive energy package that will put our Nation on the path to energy independence, a real energy policy, and not one that just pays lip service to parts and parcel of energy policy, one that really looks at solving our energy problems going forward.

With that, I would say that I urge my colleagues to support this resolution, and I urge my Democratic colleagues to work with us across the aisle and to serve those constituents that the AARP serves in approving essential energy policy as well.

I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. I yield back.

Mr. GEORGE MILLER of California. Mr. Speaker, it is with great honor and privilege that I rise in support of H. Res. 1464, in commemoration and recognition of the AARP's 50th anniversary of providing outstanding service and advocacy on the behalf of America's aging citizens.

In what started as a campaign to attain affordable healthcare for retired teachers, AARP founder Ethel Percy Andrus began a movement that has become a committed organization championing the needs of nearly 40 million members and all Americans over the age of 50.

The AARP has enjoyed 50 years of nonpartisan advocacy for consumer rights, has provided trusted research and information that continues to shape public policy, and has addressed consumer needs of the elderly, contributing immensely to the greater necessities of some of our most vulnerable citizens.

This national organization exemplifies the ideals of service and outreach, and has been a tremendous force in enhancing opportunities for older Americans in their search for quality healthcare, pension and retirement security, financial and overall well-being.

I would like to extend my congratulations and appreciation to the AARP for their exceptional dedication and service, and I wish this organization continued success in the great work that they do for years to come.

I would also like to thank and congratulate AARP's CEO, Bill Novelli, and the countless volunteers and staff, for their leadership and commitment to furthering the organization's mission of a healthy and secure elderly population in the United States.

Mrs. DAVIS of California. Mr. Speaker, I urge adoption of this resolution, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1464.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1500

ELEMENTARY AND SECONDARY EDUCATION HURRICANE RECOVERY RELIEF

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6890) to extend the waiver authority for the Secretary of Education under section 105 of subtitle A of title IV of division B of Public Law 109–148, relating to elementary and secondary education hurricane recovery relief, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF WAIVER AUTHORITY TO EASE FISCAL BURDENS.

Section 105 of subtitle A of title IV of division B of Public Law 109–148 (119 Stat. 2797) is amended—

(1) in the second sentence of subsection (b), by striking ''2008'' and inserting ''2009''; and

(2) in subsection (c)(2), by striking ''for fiscal year 2006 or 2007'' and inserting ''for any fiscal year''.

SEC. 2. HOLD HARMLESS FOR LOCAL EDUCATIONAL AGENCIES SERVING MAJOR DISASTER AREAS.

In the case of a local educational agency that serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to severe storms, tornadoes, or flooding in the Midwest or hurricanes in the Gulf of Mexico in calendar year 2008, the amount made available for such local educational agency under each of sections 1124, 1124A, 1125, and 1125A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333, 6334, 6335, and 6337) for fiscal year 2009 shall be not less than the amount made available for such local educational agency under each of such sections for fiscal year 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

California (Mrs. DAVIS) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material into the RECORD on H.R. 6890.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6890 which will aid schools affected by Hurricanes Gustav, Ike, Katrina, and Rita in addition to those impacted by this summer's flooding in the Midwest.

This August marked the third year since Hurricanes Katrina and Rita struck the gulf coast. People lost their homes, their livelihoods, and their family members. Entire towns were leveled and cities emptied. While in the past 3 years, the affected States have made great strides towards normalcy, many school districts, many school districts still struggle to deal with the loss of students, teachers, facilities, and funding.

And only a few weeks ago, Hurricanes Gustav and Ike hit the still-recovering region causing an incredible amount of damage to its communities, the extent of which has yet to be fully realized. Many students are not yet back in their homes. Many schools were destroyed by the storms or by flooding. Many teachers have not yet returned, and much of the affected States' resources have gone to addressing other recovery needs.

It is not surprising that as a result of storms like these, school budgets are stretched thin and students' education suffers.

As part of the Hurricane Education Recovery Act of 2005, Congress granted the Secretary of Education the authority to waive several requirements in order to ease fiscal burdens on the States where a major disaster had been declared. These provisions have proved useful to all States affected by Hurricanes Katrina and Rita with Alabama, Louisiana, Mississippi, and Texas all applying for and receiving waivers.

This bill extends the waivers allowing Restart programs to be more flexible with their fiscal resources. It will allow schools in the affected regions to continue on their road to recovery by devoting funds to their most pressing needs so that they can better serve students who have been through so much in the past few years.

This bill also guarantees that schools affected by the most recent storms and flooding will maintain the same level of funding under Federal grant programs in the 2009 and 2010 school year as they received for the current school year. By allowing school districts to maintain their previous level of funding for the next year, this provision allows them to rebuild and prepare for the return of their students without having to deal with the additional challenge of reduced resources.

It reassures families that when they do return to their homes, their children's education will not suffer. By bringing students and families back to the region, it's an important step in helping those devastated areas recover and become vibrant communities once more.

Mr. Speaker, once again, I urge the adoption of H.R. 6890.

I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 6890 which would extend the authority of the Secretary of Education to waive certain requirements for those States impacted by Hurricanes Katrina and Rita. The legislation would also ensure that those school districts that experienced widespread damage by the severe storms, tornadoes, or flooding in the Midwest or hurricanes in the gulf coast receive the same amount of funding under the title I program as they did last year.

I want to thank my fellow members of the Louisiana delegation for working with me in introducing this bill and their ongoing work alongside with me to assist those impacted by the devastating natural disasters that have hit the gulf coast as well as the Midwest.

Mr. Speaker, the events over the past month when Hurricane Ike hit the Texas and Louisiana coast and Hurricane Gustav hit the Louisiana coast remind us of the damaging impact that natural disasters have on our Nation's residents and their local communities. As thousands of residents return to their homes and towns, they'll need help in rebuilding their houses and their livelihoods. Local elementary and secondary schools—both public and private—will need help in replacing textbooks and other instructional materials so that students can get back to learning and a little bit of normalcy.

Just over 3 years ago, our Nation experienced one of the worst disasters in our history when Hurricanes Katrina and Rita devastated Louisiana and the Mississippi gulf coast. More than 1,100 public and private schools were forced to close, and approximately 158,000 students were displaced as a direct result of the hurricanes. The loss of business and government infrastructure, jobs, and housing deprived school districts of local property taxes that normally fund school operations.

In the Midwest, we know that the massive flooding experienced over the summer in Iowa and recently in Illinois has devastated local communities and schools. Louisiana and Texas are still assessing the damage done as a result of Hurricanes Gustav and Ike, but the initial assessments paint a grim picture.

In the aftermath of these natural disasters, Congress should assist those public and private elementary, middle, and high schools that are struggling to re-open and re-enroll students for families returning to these devastated areas.

In 2006, we provided funds to States and public and private schools in the gulf region impacted by Hurricanes Katrina and Rita to replace instructional materials, recover student and personnel data systems, and other important services to get schools back up and running. We also guaranteed that those school districts in the gulf coast receive the same amount of funding under the title I program for fiscal year 2006 as they received for fiscal year 2005.

We provided the Secretary of Education with limited authority to waive certain financial requirements to ensure that those states that were heavily impacted by the destruction could use several funds to meet their financial commitments. These waivers have proven critical to the recovery of schools in several impacted areas and enabled them to access much-needed reconstruction funds.

The bill we have before us today, H.R. 6890, would extend this temporary authority for another fiscal year through September 30, 2009.

As we continue to assess the damage in the Midwest and along the gulf coast, similar to the assistance provided back in 2006, H.R. 6890 also guarantees that those school districts in the Midwest impacted by flooding and the gulf coast impacted by Hurricanes Gustav and Ike receive the same amount of funding under the title I program for this upcoming school year as they received for the last school year.

I urge my colleagues to support H.R. 6890. I'm thankful to the committee and to the gentlelady from California for bringing this resolution to the floor.

I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I thank my colleague, and I continue to reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I urge the adoption of H.R. 6890, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CLAY). The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 6890, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to extend the waiver authority for the Secretary of Education under section 105 of subtitle A of title IV of division B of Public Law 109–148, relating to elementary and secondary education hurricane recovery relief, and for other purposes.''.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS OF THE NATIONAL LEARN AND SERVE CHALLENGE

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1463) recognizing the benefits of service-learning as a teaching strategy to effectively engage youth in the community and classroom, and supporting the goals of the National Learn and Serve Challenge, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1463

Whereas service-learning is a teaching method that enhances academic learning by integrating classroom content with relevant activities aimed at addressing identified community or school needs;

Whereas service-learning has been used both in school and community-based settings as a teaching strategy to enhance learning by building on youth experiences, granting youth a voice in learning, and making instructional goals and objectives more relevant to youth;

Whereas service-learning has been identified as an effective tool in addressing the Nation's dropout epidemic by making education more hands-on and relevant, especially to disadvantaged youth;

Whereas service-learning provides great benefits to disadvantaged and at-risk youth by building self-confidence, which often translates into overall academic and personal success;

Whereas service-learning provides not only meaningful experiences, but a greater quantity and quality of interactions between youth and potential mentors in the community;

Whereas service-learning simultaneously empowers youth as both engaged learners and actively engaged citizens and contributors to the community;

Whereas youth engaged in service-learning provide critical service to the community by addressing a variety of needs in American towns, cities, and States, including needs such as tutoring for young children, elderly care, community nutrition, disaster relief, environmental stewardship, financial education, public safety, and a host of other needs;

Whereas far reaching and diverse research shows that service-learning enhances the academic, career, cognitive, and civic development of kindergarten through 12th-grade students, and of higher education students;

Whereas service-learning strengthens and increases the number of partnerships among institutions of higher education, local schools, and communities, which strengthen communities and improve academic learning;

Whereas service-learning programs unleash a multitude of skilled and enthusiastic college students to serve in the communities surrounding their colleges;

Whereas service-learning programs engage students in community-based research and are strengthening the ability of America's nonprofit organizations to meet community needs;

Whereas Learn and Serve America, the only federally funded program dedicated to service-learning, annually engages over 1,500,000 youth in service-learning;

Whereas Learn and Serve America engages these youth by leveraging public-private investment that leads to a highly cost-effective $25 per participant amount;

Whereas the National Learn and Serve Challenge is an annual event that takes place from October 6 through October 12 that spotlights the value of service-learning to youth as well as to schools, college campuses, and communities; and

Whereas the National Learn and Serve Challenge encourages others to launch service-learning activities, and increases the recognition of Learn and Serve America: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the benefits of service-learning in enriching and enhancing academic outcomes for youth, engaging youth in positive experiences in the community, and making more constructive choices regarding their lives;

(2) encourages schools, school districts, college campuses, community-based organizations, non-profits, and faith-based organizations to work towards providing youth with more service-learning opportunities; and

(3) expresses support for the goals of the National Learn and Serve Challenge.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 1463 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself as much time as I may consume.

Mr. Speaker, I rise today to recognize the benefits of service learning as a teaching strategy and to support the goals of the National Learn and Serve Challenge.

Service learning is an educational model that can be used from kindergarten to the university level across all subjects and disciplines. More than just community service, service learning challenges students to apply their classroom lessons by asking them to investigate a problem in their community, plan solutions, take action through service, and then reflect on their experience.

By integrating classroom learning with real-world challenges in the community, service learning can make school assignments come alive for our students. At the same time, we are also encouraging our young people to help improve our local neighborhoods. Studies have shown a connection between service learning and higher academic achievement, enhanced classroom engagement, increased attendance, better problem solving skills, and a deeper understanding of cognitive complexities.

Research also suggests that students involved in service-learning opportunities build self-confidence, leadership skills, and increase their tolerance of others. This all makes service learning a successful strategy in reducing negative behaviors such as those that lead to dropping out, arrest, or unintended pregnancies.

In addition, service learning promotes involvement in our democracy, development of strong ethics, and a sense of social responsibilities. For example, studies have shown that high school students that participated in service learning are more likely to vote 15 years after their experience than those that did not participate.

And finally, students who are exposed to service learning build important social and personal skills. Service learning is an onramp to civic engagement for a lifetime.

In order to call attention to the many benefits of service learning, the National Learn and Serve Challenge will take place October 6–12. This week-long nationwide celebration of service will raise awareness of service learning and foster collaborative partnerships between local schools, institutions of higher education, and their surrounding communities. The organization has set an ambitious goal of having 5 million college students and 50 percent of K–12 schools engaged in meaningful service by 2010.

Mr. Speaker, once again, I express my support for the National Learn and Serve Challenge, and I encourage more schools to take advantage of the many benefits service learning can have on our students and our communities.

I urge the adoption of this resolution.

I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I might consume.

I rise today in support of House Resolution 1463 which recognizes the benefits of service learning as a teaching strategy to effectively engage youth in the community and classroom, and it supports the goals of the National Learn and Serve Challenge.

Young Americans, from kindergartners to college students, have the desire, power, and ability to make a real difference in their communities. Service learning offers a unique opportunity for them to get involved in a

concrete way by integrating community service projects with classroom learning. It enriches the learning experience, teaches civic responsibility, and strengthens communities.

Research has shown that service-learning programs can have positive impacts on youth in three general areas: academic engagement and achievement; civic attitudes and behaviors; and social and personal skills. The studies also demonstrate that students gain the maximum benefit when their service-learning experience includes a direct tie to the curriculum, planning, and design of service projects by students, structured reflection on the service experience in the classroom, and continuity of service for at least one semester.

Service-learning programs work. They meet the Nation's needs by putting the talents and energies of America's youth to work solving real issues in their communities such as homelessness, elderly care, and illiteracy. In addition, students' lives are enriched through service learning as they become engaged in their own educational process. We see the results and benefits of the work they do, and they become civic-minded Americans who make a contribution to the communities in which they live.

Learn and Service America is the only Federally funded program dedicated to service learning and enables over 1.5 million students to make meaningful contributions to their community while building academic and civic skills. Through its annual weeklong National Learn and Serve Challenge, the program spotlights the value of service learning to youth, schools, and communities and instills an ethic of lifelong community service.

In light of the recent natural disasters that have stricken our Nation, it is important that young people are encouraged to incorporate service into their lives and make a difference in their community and country. The intangible benefits alone—such as pride, satisfaction, and accomplishment—are worthwhile reasons to serve.

Today I applaud the efforts of Learn and Serve America and the millions of dedicated youth volunteers for their service, and I would like to encourage all Americans to work together so we can more effectively meet the pressing needs facing our Nation.

I urge my colleagues to support this resolution.

□ 1515

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I urge the adoption of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1463, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORABLE STEPHANIE TUBBS JONES COLLEGE FIRE PREVENTION ACT

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 642) to establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Honorable Stephanie Tubbs Jones College Fire Prevention Act''.

SEC. 2. ESTABLISHMENT OF THE HONORABLE STEPHANIE TUBBS JONES FIRE SUPPRESSION DEMONSTRATION INCENTIVE PROGRAM.

(a) GRANTS.—The Secretary of Education (in this Act referred to as the ''Secretary''), in consultation with the United States Fire Administration, shall establish a demonstration program to award grants on a competitive basis to eligible entities for the purpose of installing fire sprinkler systems, or other fire suppression or prevention technologies, in student housing and dormitories owned or controlled by such entities.

(b) ELIGIBLE ENTITY.—For purposes of this Act, the term ''eligible entity'' means any of the following:

(1) An institution of higher education (as that term is defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including an institution eligible to receive assistance under part A or B of title III or title V of such Act.

(2) A social fraternity or sorority exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)), the active membership of which consists primarily of students in attendance at an institution of higher education (as that term is defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)).

(c) SELECTION PRIORITY.—In making grants under subsection (a), the Secretary shall give priority to eligible entities that demonstrate the greatest financial need.

(d) RESERVED AMOUNTS.—

(1) IN GENERAL.—Of the amount made available to the Secretary for grants under this section for each fiscal year, the Secretary shall award—

(A) not less than 10 percent to eligible entities that are institutions described in subsection (b)(1) that are eligible to receive assistance under part A or B of title III or title V of the Higher Education Act of 1965 ; and

(B) not less than 10 percent to eligible entities that are social fraternities and sororities described in subsection (b)(2).

(2) PLAN REQUIRED.—The Secretary shall develop a plan to inform entities described in subparagraphs (A) and (B) of paragraph (1) that such entities may be eligible to apply for grants under this section.

(3) INSUFFICIENT APPLICANTS.—If the Secretary determines that there are an insufficient number of qualified applicants to award the reserved amounts required in accordance with paragraph (1), the Secretary shall make available the remainder of such reserved amounts for use by other eligible entities.

(e) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(f) MATCHING REQUIREMENT.—As a condition of receipt of a grant under subsection (a), the applicant shall provide (directly or through donations from public or private entities) non-Federal matching funds in an amount equal to not less than 50 percent of the cost of the activities for which assistance is sought.

(g) SUPPLEMENT NOT SUPPLANT.—Funds made available under this program shall be used to supplement, not supplant, other funds that would otherwise be expended to carry out fire safety activities.

(h) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 2 percent of a grant made under subsection (a) may be expended for administrative expenses with respect to the grant.

(i) REPORTS.—Not later than 12 months after the date of the first award of a grant under this section and annually thereafter until completion of the program, the Secretary shall provide to the Congress a report that includes the following:

(1) The number and types of eligible entities receiving assistance under this section.

(2) The amounts of such assistance, the amounts and sources of non-Federal funding leveraged for activities under grants under this section, and any other relevant financial information.

(3) The number and types of student housing fitted with fire suppression or prevention technologies with assistance under this section, and the number of students protected by such technologies.

(4) The types of fire suppression or prevention technologies installed with assistance under this section, and the costs of such technologies.

(5) Identification of Federal and State policies that present impediments to the development and installation of fire suppression or prevention technologies.

(6) Any other information determined by the Secretary to be useful to evaluating the overall effectiveness of the program established under this section in improving the fire safety of student housing.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act such sums for each of the fiscal years 2009 through 2011.

SEC. 3. ADMISSIBILITY AS EVIDENCE.

(a) PROHIBITION.—Notwithstanding any other provision of law and subject to subsection (b), any application for assistance under this Act, any negative determination on the part of the Secretary with respect to such application, or any statement of reasons for the determination, shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(b) EXCEPTION.—This section does not apply to the admission of an application, determination, or statement described in subsection (a) as evidence in a proceeding to enforce an agreement entered into between the

Secretary and an eligible entity under section 2.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H.R. 642 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 642, the College Fire Prevention Act. This legislation is the result of the life work of the late Representative Stephanie Tubbs Jones.

Many of us know the commitment of Representative Tubbs Jones to the cause of campus fire safety. Every September, she would come to the floor to advocate for the recognition of September as Campus Fire Safety Month. Because of her efforts, States around the country also recognized September as Campus Fire Safety Month and helped to make students aware of the dangers they face and to ensure that colleges and universities do all they can to assist students.

H.R. 642 builds on Representative Tubbs Jones' work to protect students on campus by creating a demonstration program within the Department of Education to encourage colleges and universities to install fire sprinkler systems and other fire suppression and prevention technologies in student housing and dormitories.

I can think of no better time to talk about campus fire safety than now, when our students are returning to schools. We all know that in the hustle and bustle of moving in and getting ready for class, thoughts of whether one is prepared for a fire can sometimes get lost.

Historically, August and September are two of the most fatal months for campus fires. We can assist institutions in avoiding these preventable tragedies by encouraging colleges and universities to educate students about fire safety before they arrive on campus.

In passing this legislation here today, we not only honor the work of Representative Stephanie Tubbs Jones, but we also ensure the safety of students on campus.

I urge the passage of this timely and important legislation.

I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 642, the Honorable Stephanie Tubbs Jones College Fire Prevention Act, and I join my colleagues in honoring our colleague.

So often in this Chamber, we consider legislation to expand access to college and strengthen our Federal higher education programs. Today, we have an opportunity to discuss the need to bolster safety on college campuses, specifically fire safety.

The timing and the name of this bill are appropriate because this month is often designated as Campus Fire Safety Month, and there was no Member more concerned about protecting our college students from the dangers of fire than the late Representative Stephanie Tubbs Jones. This bill would honor Representative Tubbs Jones by naming a demonstration program in her honor.

Our Nation's college students should be able to live on campus with the confidence that they will be safe in their dorms, apartments, or other housing. This measure will take a step toward ensuring that colleges have the ability to ensure their buildings are properly equipped with the latest fire safety measures.

This measure, combined with the provisions enacted by Congress in the Higher Education Opportunity Act, will increase campus fire safety on colleges and universities. The provisions included in the Higher Education Opportunity Act required colleges to provide a fire safety report to the Secretary of Education. The report must include statistics showing the number of fires and injuries resulting from fires on campus over the past year. It will also require colleges to report on the type of fire prevention technologies they are utilizing and any plans the colleges may have to improve their fire prevention and detection technologies. The bill before us today will help colleges think creatively about fire safety and ensure that they have the funds to move forward with their plans.

Today, we have the opportunity to honor Representative Tubbs Jones' commitment to the safety of college students and pass a measure that will help colleges keep our young people safe from devastating fires.

While I urge my colleagues to support this resolution, our efforts to help college students will be incomplete until we also approve a true and honest all-of-the-above energy reform package that puts our Nation on the path to energy independence. Our higher education system is being squeezed by high energy costs just as the rest of society is. Schools are being forced to limit their operations and reduce the number of school days just to save on utility costs and save their students the price of a day's commute.

The majority met behind closed doors to craft a bill that offers more in the way of political cover than actual energy reform. This is not the change Americans need, and it's not the change they deserve. We need a real energy policy, not one that looks good on paper but keeps vital American resources under lock and key.

Mr. Speaker, I urge my colleagues to support this bill.

I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I'm pleased to recognize the gentleman from South Carolina (Mr. CLYBURN) for as much time as he may consume.

Mr. CLYBURN. Let me begin by thanking Representative SUSAN DAVIS for allowing me to participate in this session here this afternoon.

I would like to take a moment to say a personal word about my dear friend Stephanie Tubbs Jones, who was a powerful voice for justice, equality and opportunity, who served the people of Ohio's 11th Congressional District and this Nation with passion and dedication. Unfortunately, Stephanie passed away unexpectedly last month, and it is a great loss to this cause and to our country.

Throughout her five terms in Congress, Representative Tubbs Jones tirelessly advocated for campus fire safety and was the author of numerous pieces of legislation on the issue. She introduced, and saw pass, a resolution supporting the goals and ideals of Campus Fire Safety Month. She was also the primary sponsor of the College Fire Prevention Act, which she introduced in the 107th Congress and then reintroduced in the 108th, the 109th and the 110th.

I am here today to pay tribute to her efforts as a champion for campus fire safety and am proud to take her place as the lead sponsor of the College Fire Prevention Act so that we can continue her legacy by passing this important measure and renaming it the Stephanie Tubbs Jones College Fire Prevention Act.

The Stephanie Tubbs Jones College Fire Prevention Act will establish a demonstration incentive program within the Department of Education to promote the installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing or dormitories.

Since January 2000, over 125 people have died in campus-related fires, with over 83 percent of them occurring in off-campus housing. That is why National Campus Fire Safety Month is focused on educating students about fire safety so they can be prepared no matter where a fire should ignite.

Congress has not ignored this growing problem. We realize that knowledge is power, and that is why we passed the provisions of the Campus Fire Safety Right-to-Know Act in the 2008 Higher Education Opportunity Act, which became law last month.

This legislation requires the Secretary of Education to report the number of campus-related fires that have occurred and the number of deaths and

interests that resulted from those fires. The report will also contain the number of residence hall rooms equipped with automatic fire sprinkler systems and fire alarms. It is also important that this report give parents and students an understanding of how much fire prevention training is provided to students and staff, the college or university's fire safety policies, and any future plans for improving fire safety.

Nearly a year ago, I took to this floor to offer my condolences to the families, friends and loved ones of students lost in a fire at Ocean Isle, North Carolina. Seven students perished in that fire; six from the University of South Carolina, which I proudly represent in this body, and one from Clemson University. At that time, we mourned their lives and the future promise they held and the fact that they were cut short in such a dramatic way.

However, today, I think we can see the legacy of their lives in this room. We have made strides in promoting campus fire safety because of their moving stories, and we will continue to improve campus fire safety to prevent other families from sharing in this tragic experience.

Today, I'm here to pay that favor forward.

□ 1530

I add my voice to those here today to pay tribute to Representative Tubbs Jones' courageous efforts and say that I am committed to the issue of campus fire safety.

Mr. BOUSTANY. Mr. Speaker, we're pleased to join our colleagues on the other side of the aisle in paying this tribute to our colleague.

Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, we come on the floor once again to honor the life and work of the late Stephanie Tubbs Jones, and we do that with this bill, very important bill, H.R. 642, the College Fire Prevention Act. I'm delighted that Mr. CLYBURN was able to be here and to continue her legacy in this way.

Mr. WHITFIELD. Mr. Speaker, as a cosponsor of this legislation, I would like to thank my colleagues and the Education and Labor Committee for allowing this legislation to be considered today. Additionally, I would like to recognize Congresswoman Stephanie Tubbs Jones, who during her five terms in Congress, worked to advance fire safety, particularly on college campuses.

Mr. Speaker, far too many of our nation's young people have been lost to senseless fire tragedies at places where they are supposed to be encouraged to grow and kept safe—their own college campuses. According to the Center for Campus Fire Safety, 94 people have been killed in student housing fires since January of 2000. Sadly, many of these deaths may have been preventable with the help of proper fire safety technology.

This legislation will establish a demonstration incentive program within the Department of Education to promote the installation of fire sprinkler systems, or other fire suppression or prevention technologies. This program is vital to helping ensure that our students are provided the most technologically advanced fire safety equipment. I am confident that this will not only help make colleges safer across the country, but will also save lives.

I urge my colleagues to join me in supporting this bipartisan and important piece of legislation.

Mrs. DAVIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 642, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 642

Mr. CLYBURN (during consideration of H.R. 642). Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 642, a bill originally introduced by Representative Tubbs Jones of Ohio, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

OREGON SURPLUS FEDERAL LAND ACT OF 2008

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6370) to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oregon Surplus Federal Land Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(2) LIGHT STATION.—The term ''Light Station'' means the Cape Arago Light Station on Chief's Island in the State of Oregon.

(3) MAPS.—The term ''maps'' means the maps filed under section 3(d).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) TRIBES.—The Term ''Tribes'' means the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians in the State of Oregon.

SEC. 3. TRANSFER OF ADMINISTRATIVE JURISDICTION.

(a) IN GENERAL.—As soon as practicable, but not later than 5 years, after the date of enactment of this Act and subject to subsection (c), the Commandant shall transfer to the Secretary, to hold in trust for the benefit of the Tribes, administrative jurisdiction over the Federal land described in subsection (b).

(b) DESCRIPTION OF LAND.—The Federal land referred to in subsection (a) consists of the parcels of Coast Guard land (including any improvements to the land) comprising approximately 24 acres, located in Coos County, Oregon, in the areas commonly know as ''Gregory Point'' and ''Chief's Island'', as depicted on the maps.

(c) CONDITIONS.—

(1) COMPLIANCE WITH APPLICABLE LAW.—Before completing the transfer of administrative jurisdiction under subsection (a), the Commandant shall execute any actions required to comply with applicable environmental and cultural resources laws.

(2) TRUST STATUS.—On transfer of administrative jurisdiction over the land under subsection (a), the land transferred to the Secretary shall be—

(A) held in trust by the United States for the Tribes; and

(B) included in the reservation of the Tribes.

(3) MAINTENANCE OF CAPE ARAGO LIGHT STATION.—

(A) IN GENERAL.—The transfer of administrative jurisdiction over the Light Station under subsection (a) shall be subject to the conditions that the Tribes—

(i) shall—

(I) use, and make reasonable efforts to maintain, the Light Station in accordance with—

(aa) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(bb) the Secretary of the Interior's Standards for the Treatment of Historic Properties under part 68 of title 36, Code of Federal Regulations; and

(cc) any other applicable laws; and

(II) submit any proposed changes to the Light Station for review and approval by the Secretary, in consultation with the Oregon State Historic Preservation Officer, if the Secretary determines that the changes are consistent with—

(aa) section 800.5(a)(2)(vii) of title 36, Code of Federal Regulations; and

(bb) the Secretary of the Interior's Standards for Rehabilitation under section 67.7 of title 36, Code of Federal Regulations;

(ii) shall make the Light Station available to the general public for educational, park, recreational, cultural, or historic preservation purposes at times and under conditions determined to be reasonable by the Secretary;

(iii) shall not—

(I) sell, convey, assign, exchange, or encumber the Cape Arago Light Station (or any part of the Light Station) or any associated historic artifact conveyed in conjunction with the transfer under subsection (a), unless the sale, conveyance, assignment, exchange, or encumbrance is approved by Secretary; or

(II) conduct any commercial activities at the Cape Arago Light Station (or any part of the Light Station) or in connection with any historic artifact conveyed in conjunction with the transfer under subsection (a) in any manner, unless the commercial activities are approved by the Secretary; and

(iv) shall allow the United States, at any time, to enter the Light Station without notice, for purposes of ensuring compliance with this section, to the extent that it is not practicable to provide advance notice.

(B) REVERSION.—If the Tribes fail to meet any condition described in subparagraph (A), the Light Station, or any associated historic artifact conveyed in conjunction with the transfer under subsection (a), shall, at the option of the Secretary—

(i) revert to the United States; and

(ii) be placed under the administrative control of the Secretary.

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall file the maps entitled ''Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Land Transfer Maps'' and legal descriptions of the parcels to be transferred under subsection (a) with—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(C) the Secretary.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Commandant may correct any errors in the maps and legal descriptions.

(3) AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate office of the Department of the Interior.

(e) EASEMENTS.—The Coast Guard may retain easements on, or other property interests as may be necessary in, the land described in subsection (b) to operate, maintain, relocate, install, improve, replace, or remove any aid to navigation located on the land as may be required by the Coast Guard.

(f) TRIBAL FISHING RIGHTS.—No fishing rights of the Tribes that are in existence on the date of enactment of this Act shall be enlarged, impaired, or otherwise affected by the transfer of administrative jurisdiction under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6370.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Oregon Surplus Federal Land Act requires the Commandant of the Coast Guard to transfer the Cape Arago Light Station and the surrounding area in Coos County, Oregon, in my congressional district, to the Secretary of the Interior to hold in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

Under this bill, the Confederated Tribes will assume responsibility for maintenance of the light station and must provide reasonable public access.

I would also like to point out that H.R. 6370 leaves it to the Secretary of the Interior and the Commandant of the Coast Guard to determine the exact amount of land that will be transferred and to develop the appropriate maps. This body has passed similar bills in the past.

H.R. 6370 clearly leaves all authority of the transfer and trust with the relevant agencies. The Coast Guard and the Coos County Commissioners support the transfer. And this bill will put an historic piece of land to good use while protecting and preserving its cultural significance.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

I support the bill's purpose to transfer administrative jurisdiction over a light station and approximately 24 acres of public land in the State of Oregon from the Coast Guard to the Secretary of the Interior. The land and structures will be held in trust for a federally recognized tribe and would be available for tribal and public interests that were approved by the Secretary of the Interior. Lastly, the bill would prohibit the use of the land for any commercial activity that is not expressly approved by the Secretary.

However, I am disappointed that the bill is being brought to the floor without a map specifically detailing the location and amount of land which is to be transferred under the bill.

The land has not been surveyed, and there is a question between the Department of the Interior and Coast Guard on the boundaries of this land that is proposed for transfer.

I support the bill, but I do have reservations about the lack of a precise description of the land to be transferred. I hope that the majority, under Mr. DEFAZIO's leadership, will work with our side to ensure that the land is surveyed promptly and that the final transfer should be delayed until such maps are available.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

I thought that we could have this issue resolved before we came to the floor. Unfortunately, the Coast Guard has to actually contract for a survey, which, through the Federal procurement process, takes a while. But I can assure the gentleman that there are a number of other bills I'm familiar with, mostly under the jurisdiction of the Resources Committee, that have had similar problems, and these issues were resolved before the interagency transfer was finalized and took place. That just is sort of logical; they need to know what they're transferring, and they need to have a legal description and map. So I assure the gentleman, to the best of my ability as a member of the legislative branch, that the administrative branch will fulfill their duties in this matter.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 6370, the ''Oregon Surplus Federal Land Act of 2008'', introduced by the gentleman from Oregon (Mr. DEFAZIO).

H.R. 6370 transfers 24 acres of federally owned land, which includes the Cape Arago Light Station, in Coos County, Oregon, from the Coast Guard to the Secretary of the Interior to be held in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians. The Commandant shall transfer the Light Station within 5 years of the date of enactment of this Act.

The Cape Arago Light Station no longer functions as an aid to navigation since the light has been extinguished. Over the past decade, the Coast Guard has been disposing of its lighthouses and has determined it no longer needs the property at Cape Arago. This is beneficial to the Confederated Tribes and they are eager to manage the land since it once served as a burial site and is sacred to them.

Under the bill, the Confederated Tribes are prohibited from selling, conveying, assigning, exchanging or encumbering the property in the future without the approval of the Secretary. The Tribes are also prohibited from conducting any commercial activities on the property without the approval of the Secretary. The property with the Light Station is to be made available to the general public for educational, park, recreational, cultural, or historic preservation purposes.

The Committee attempted to obtain maps of the actual property that is being transferred from the Coast Guard to the Secretary of the Interior. However, the Coast Guard has been unable to develop formal maps of the area yet. Therefore, the Coast Guard and the Secretary will have to develop maps depicting the property being transferred. This has been done numerous times before—such as in the conveyance of Sentinel Light Station in Alaska in the Coast Guard and Maritime Transportation Act of 2004 (P.L. 108–293) and the conveyance of the Naval Reserve Pier in Portland, Oregon, Slip Point Light Station in Callam County, Washington, and Point Pinos Light in Monterey County, California, in the Maritime Transportation Security Act of 2002 (P.L. 107–295).

I urge my colleagues to join me in supporting H.R. 6370.

Finally, I insert in the RECORD an exchange of letters between Chairman NICK J. RAHALL, II, Chairman of the Committee on Natural Resources, and me.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, September 22, 2008.

Hon. JAMES OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR JIM: Thank you for the opportunity to work with you on H.R. 6370, the Oregon Surplus Federal Land Act of 2008, concerning provisions regarding a Native American tribe and the Secretary of the Interior which are within the jurisdiction of the Committee on Natural Resources.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, I will not seek a sequential referral of H.R. 6370. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the committee report on H.R. 6370 and into the Congressional Record during consideration of the measure on the House floor.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II,
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 22, 2008.

Hon. NICK J. RAHALL, II
Chairman, Committee on Natural Resources, Washington, DC.

DEAR CHAIRMAN RAHALL: Thank you for your September 22, 2008 letter regarding H.R. 6370, the ''Oregon Surplus Federal Land Act of 2008''. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Natural Resources. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Natural Resources has jurisdiction in H.R. 6370.

This exchange of letters will be placed in the Committee Report on H.R. 6370 and inserted in the Congressional Record as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

Mr. BOOZMAN. Mr. Speaker, again, I support H.R. 6370, and I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 6370.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING GSA ACTIONS IN EASTLAKE, OHIO, AND KOOCHICHING COUNTY, MINNESOTA

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6524) to authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EASTLAKE, OHIO.

(a) RELEASE OF RESTRICTIONS.—Subject to the requirements of this section, the Administrator of General Services is authorized to release the restrictions contained in the deed that conveyed to the city of Eastlake, Ohio, the parcel of real property described in subsection (b).

(b) PROPERTY DESCRIPTION.—The parcel of real property referred to in subsection (a) is the site of the John F. Kennedy Senior Center located at 33505 Curtis Boulevard, city of Eastlake, Ohio, on 10.873 acres more or less as conveyed by the deed from the General Services Administration dated July 20, 1964, and recorded in the Lake County Ohio Recorder's Office in volume 601 at pages 40–47.

(c) CONSIDERATION.—

(1) IN GENERAL.—The city of Eastlake shall pay to the Administrator $30,000 as consideration for executing the release under subsection (a).

(2) DEPOSIT OF PROCEEDS.—The Administrator shall deposit any funds received under paragraph (1) into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(3) AVAILABILITY OF AMOUNTS DEPOSITED.—To the extent provided in appropriations Acts, amounts deposited into the Federal Buildings Fund under paragraph (2) shall be available for the uses described in section 592(b) of title 40, United States Code.

(d) FILING OF INSTRUMENTS TO EXECUTE RELEASE.—The Administrator shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release under subsection (a).

SEC. 2. KOOCHICHING COUNTY, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—Subject to the requirements of this section, the Administrator of General Services shall convey to Koochiching County, Minnesota, the parcel of real property described in subsection (b), including any improvements thereon.

(b) PROPERTY DESCRIPTION.—The parcel of real property referred to in subsection (a) is the approximately 5.84 acre parcel located at 1804 3rd Avenue in International Falls, Minnesota, which is the former site of the Koochiching Army Reserve Training Center.

(c) QUITCLAIM DEED.—The conveyance of real property under subsection (a) shall be made through a quit claim deed.

(d) CONSIDERATION.—

(1) IN GENERAL.—Koochiching County shall pay to the Administrator $30,000 as consideration for a conveyance of real property under subsection (a).

(2) DEPOSIT OF PROCEEDS.—The Administrator shall deposit any funds received under paragraph (1) (less expenses of the conveyance) into a special account in the Treasury established under section 572(b)(5)(A) of title 40, United States Code.

(3) AVAILABILITY OF AMOUNTS DEPOSITED.—To the extent provided in appropriations Acts, amounts deposited into a special account under paragraph (2) shall be available to the Secretary of the Army in accordance with section 572(b)(5)(B) of title 40, United States Code.

(e) REVERSION.—The conveyance of real property under subsection (a) shall be made on the condition that the property will revert to the United States, at the option of the United States, without any obligation for repayment of the purchase price for the property, if the property ceases to be held in public ownership or ceases to be used for a public purpose.

(f) OTHER TERMS AND CONDITIONS.—The conveyance of real property under subsection (a) shall be made subject to such other terms and conditions as the Administrator considers appropriate to protect the interests of the United States.

(g) DEADLINE.—The conveyance of real property under subsection (a) shall be made not later than 90 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6524.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6524, a bill to authorize the administrator of General Services to transfer a parcel of real property in Eastlake, Ohio, to the city of Eastlake. Further, the bill authorizes the transfer of real property in the Koochiching Army Reserve Training Center in Koochiching County, Minnesota, to the County of Koochiching.

The city of Eastlake will compensate the General Services $30,000 for the real property transfer and the County of Koochiching also will compensate the General Services $30,000 for the real property transfer. The General Services Administration will forward to the Secretary of the Army the net proceeds for the transfer.

The parcel of real property in Eastlake is an approximate 10-acre site, which includes the John F. Kennedy Senior Citizen Center. In 1964, the city of Eastlake purchased the property and, consistent with the deed restriction, used the site for recreational uses

for over 40 years. The bill will lift the deed restrictions and thus allow the city to use the property for economic development purposes. The senior center has been moved to a better location. Further, the city has purchased over 17 acres for parks and recreational uses, increasing the overall acreage devoted to open space and parkland.

The first parcel in Minnesota is 5½ acres, which includes the U.S. Army Armory Building, which will pay to have the roof replaced, install a new boiler and heating system, and make extensive repairs to the ceiling. The Army reported the property excess in January 2006 and GSA accepted the report of excess in February 2006. GSA screened the property with other Federal agencies, but there were no expressions of interest. Likewise, no expressions of interest from homeless shelter providers were received by GSA.

Mr. Speaker, I commend both Chairman OBERSTAR and my colleague, Congressman LATOURETTE, for working on these essential pieces of legislation and for ensuring compensation will be made to the General Services, and the Federal taxpayers will be fully protected.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6524. This legislation will allow the General Services Administration to remove the public use deed restriction on a former National Park property in the community of Eastlake, Ohio, and dispose of a surplus property in Koochiching County, Minnesota.

Since its transfer to Eastlake, Ohio, in 1964, the former National Park Service property has met its public use requirements by serving as a senior center. Because the community has built a new center to replace the aging John F. Kennedy Senior Citizen, Eastlake desires to make use of the property for other purposes. The city of Eastlake would pay the General Services Administration $30,000 for removal of the restrictions on the use of the property.

For more than 40 years, the real estate has served the purpose intended in the initial agreement. And this bill will allow the property to be repurposed to continue to serve the community.

The community of Koochiching County, Minnesota, has similar plans for a parcel of property that has for years served as a military training facility. The changing needs of the U.S. Army Reserve and the community now mean that the property can serve the public interests better by housing several local government agencies.

The conveyance of property in Koochiching has restrictions that will ensure that the property continue to serve the community. GSA does not oppose either of those provisions. In fact, in conversations with staff, GSA indicated that if GSA had the authority, it would remove the deed restriction on the property and convey the Minnesota property at no cost because GSA believes the public interest has been and is being served by the provisions in the bill.

Each of these properties has served the General Services Administration purposes well, but the changing needs of the communities of Eastlake and Koochiching County now require that the properties be repurposed. In both cases, the needs of the community can be better served through adaptive reuse of these properties.

I support the bill and encourage my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 6524, a bill to authorize the Administrator of General Services to transfer parcels of real property in Eastlake, Ohio, and Koochiching County, Minnesota.

The Koochiching parcel is approximately 5½ acres located at 1804 3rd Avenue in International Falls, Koochiching, Minnesota. The Koochiching Army Reserve Training Center site includes the U.S. Army Armory Building. The bill transfers the property to Koochiching County, which will pay to have the roof replaced, install a new boiler and heating system, and make extensive repairs to the ceiling. The Army reported the property excess in January 2006 and the General Services Administration, GSA, accepted the report of excess in February 2006. GSA screened the property with other Federal agencies but there were no expressions of interest.

The conveyance will be by quitclaim deed and the County of Koochiching will pay $30,000 to GSA for the real property transfer. The General Services Administration will forward to the Secretary of the Army the net proceeds from the Koochiching transfer.

The parcel of real property in Eastlake is an approximate 10-acre site which includes the John F. Kennedy Senior Citizen Center. In 1964, the city of Eastlake purchased the property and, consistent with the deed restriction, used the site for recreational uses for more than 40 years. The bill will lift the deed restrictions and thus allow the city to use the property for economic development purposes. The city of Eastlake has provided a better location for the senior citizens center. The city of Eastlake will pay $30,000 to GSA for the real property transfer.

I urge my colleagues to join me in supporting H.R. 6524.

Finally, I insert in the RECORD an exchange of letters between Chairman IKE SKELTON, Chairman of the Committee on Armed Services, and me.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 22, 2008.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN SKELTON: I write to you regarding H.R. 6524, to authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other purposes.

I appreciate your willingness to waive further consideration of H.R. 6524, notwithstanding the jurisdictional interest of the Committee on Armed Services. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this or similar legislation. Furthermore, I agree to support your request for appointment of conferees from the Committee on Armed Services if a conference is held on this matter.

This exchange of letters will be placed in the Committee Report on H.R. 6524 and inserted in the Congressional Record as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees. I understand that you prefer to consider such property transfers in National Defense Authorization Acts and I greatly appreciate your courtesy in waiving further consideration of H.R. 6524.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, September 18, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, House Committee on Transportation and Infrastructure, Washington, DC.

DR. MR. CHAIRMAN: On July 31, 2008, the Committee on Transportation and Infrastructure ordered H.R. 6524, to authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other purposes, to be reported.

As you know, this measure contains certain provisions that are within the jurisdiction of the Committee on Armed Services. These provisions transfer property for which the Department of Defense has real property interests. For many years, our committee has authorized such transfers through annual National Defense Authorization Acts (NDAA).

Given the expressed need for the legislation to move expeditiously, and out of my respect for you and our friendship, I am prepared to make an extraordinary exception to my committee's long-standing practice of always considering such property transfers in the NDAA.

Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 6524. I do so with the understanding that by waiving further consideration of the bill, the Committee does not waive any future jurisdictional claims over similar measures. In the event of a conference with the Senate on this bill, the Committee on Armed Services reserves the right to seek the appointment of conferees.

I would appreciate the inclusion of this letter and a copy of the response in your Committee's report on H.R. 6524 and the Congressional Record during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON,
Chairman.

Mr. BOOZMAN. Mr. Speaker, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 6524.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING DR. GUION S. ''GUY'' BLUFORD, JR., AND THE 25TH ANNIVERSARY OF HIS HISTORIC FLIGHT AS THE FIRST AFRICAN-AMERICAN IN SPACE

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1466) honoring Dr. Guion S. ''Guy'' Bluford, Jr., and the 25th anniversary of his historic flight as the first African-American in space.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1466

Whereas Dr. Guion S. ''Guy'' Bluford, Jr., born in West Philadelphia, Pennsylvania, was trained as an aerospace engineer and an Air Force pilot, conducted several combat missions, logged over 5,000 hours on numerous aircraft, conducted scientific research on computational fluid dynamics, and became a National Aeronautics and Space Administration (NASA) astronaut in 1979;

Whereas in the early morning hours of August 30, 1983, Dr. Bluford became the first African-American to enter outer space as a crew member of the STS–8 space shuttle mission;

Whereas Dr. Bluford's pioneering STS–8 flight was the first mission to both launch and land at night;

Whereas this mission successfully deployed a satellite, tested operations of the shuttle's robotic arm, and released Getaway Special canisters to support science experiments;

Whereas on October 30, 1985, Dr. Bluford launched with the crew of STS 61–A, the first shuttle crew to include 8 members, to conduct the United States-German cooperative D–1 Spacelab mission that was dedicated to advancing our understanding of the human vestibular and orientation systems and to conducting microgravity research in materials science, life sciences, and communication and navigation;

Whereas Dr. Bluford went on to successfully complete 2 additional shuttle missions with the space shuttle Discovery's launch of the STS–39 on April 28, 1991, and the STS–53 on December 2, 1992;

Whereas among his other technical assignments, Dr. Bluford worked on space shuttle systems, the shuttle robotic arm, payload safety and flight software verification in the Shuttle Avionics Integration Laboratory and the Flight Systems Laboratory, and on Spacelab systems and experiments;

Whereas in remarking on his pioneering role as the first African-American in space, Dr. Bluford recounted, ''I wanted to set the standard, do the best job possible so that other people would be comfortable with African-Americans in space and African-Americans would be proud of being participants in the space program . . . and encourage others to do the same.''; and

Whereas in 1993, Dr. Bluford left NASA and retired as a Colonel in the Air Force to continue his distinguished service to the United States space program through leadership positions in private industry and space-related organizations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) salutes the 25th anniversary of the pioneering accomplishments of Dr. Guion ''Guy'' S. Bluford, Jr. as the first African-American in space; and

(2) extends its gratitude and deep appreciation for Dr. Bluford's dedication, commitment, and excellence as an astronaut and a leader in support of the Nation's space program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1466, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

□ 1545

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 1466, honoring Dr. Guion S. ''Guy'' Bluford, Jr. on the 25th anniversary of his historic flight as the first African American in space.

This year marks the 50th anniversary of the House Committee on Science and Technology and also the 50th anniversary of the National Aeronautics and Space Administration, NASA.

The past five decades of our space program have brought remarkable achievements in human space flight and in human exploration, in space and Earth science and in aeronautics. Mr. Speaker, these achievements would not have been possible without the contributions of many individuals who have served NASA and our space program. Some of those individuals also broke barriers along the way and have provided inspiration to all of those who have followed them.

Earlier this year, we honored the 25th anniversary of Dr. Sally K. Ride's flight as the first woman in space. Today, we celebrate the 25th anniversary of Dr. Guion S. Bluford, Jr. as the first African American in space.

Dr. Bluford's path to his pioneering flight exemplifies the ''right stuff'' so characteristic of NASA's astronauts. He graduated from Penn State University with a degree in aerospace engineering. As a distinguished Air Force ROTC graduate, he went on to complete pilot training and combat crew training, flew combat missions, and returned to serve with the 3630th Flying Training Wing at Sheppard Air Force Base in Texas.

Dr. Bluford went on to earn master's and doctoral degrees in aerospace engineering from the Air Force Institute of Technology, and he held several positions in the Air Force Flight Dynamics Laboratory at Wright-Patterson Air Force Base in Ohio.

In 1979, Dr. Bluford became a NASA astronaut. On August 30, 1983, he made history when he lifted off with the space shuttle crew of STS–8 as the first African American in space. During the mission, the crew successfully deployed a satellite, conducted operations with the shuttle's robotic arm and collected measurements to improve our understanding of how space affects biophysiological systems.

On October 30, 1985, Dr. Bluford flew with the crew of STS–61–A, a German D–1 spacelab mission that included over 70 scientific experiments in materials processing, in life sciences, in fluid physics, and in navigation.

I would add, Mr. Speaker, that, indeed, that was my mission at spacelab while I was at Goddard Space Flight Center.

His third and fourth flights on shuttle STS–39 in 1991 and on shuttle STS–53 in 1992 involved deploying payloads and in conducting numerous experiments. During his astronaut service, Dr. Bluford logged over 688 hours in space. In 1993, Dr. Bluford left NASA and retired from the Air Force to accept a position in private industry.

Mr. Speaker, Dr. Guion Bluford's leadership as an aviator, as an astronaut and as a private sector official is an inspiration for all Americans. I urge my colleagues in Congress to join me in saluting Dr. Guion S. ''Guy'' Bluford, Jr. on the 25th anniversary of his historic flight as the first African American in space and to honor his distinguished service to the Nation and to the space program.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Arkansas is recognized.

There was no objection.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1466, which honors the life and accomplishments of an amazing man, astronaut Dr. Guy Bluford, Jr.

Guy Bluford was born in West Philadelphia, Pennsylvania on November 22, 1942, and he is perhaps best known as the first African American in space. He was selected for NASA's astronaut program in August 1979, and he became a mission specialist on the eighth space shuttle mission, which launched from the Kennedy Space Center, Florida on August 30, 1983. This was the third flight of the space shuttle Challenger

and the first mission with a night launch and with a night landing.

Dr. Bluford is a veteran of four space flights. After STS–8, Dr. Bluford went on to serve as mission specialist on STS–61–A, on STS–39 and on STS–53, and he logged over 688 hours in space.

These early missions paved the way for the scientific research and international cooperation that today are vital aspects of the International Space Station.

Prior to his service with NASA, Guy Bluford received a bachelor of science degree in aerospace engineering from Pennsylvania State University in 1964, a master's of science degree with distinction in aerospace engineering from the Air Force Institute of Technology in 1974, a doctor of philosophy in aerospace engineering with a minor in laser physics from the Air Force Institute of Technology in 1978, and a master's of business administration from the University of Houston, Clear Lake, in 1987.

What is, perhaps, less well-known about Guy Bluford is the service he has given to the Nation since leaving the astronaut corps. After leaving NASA in July 1993, he retired from the Air Force and held several executive-level positions in America's aerospace industry. Dr. Bluford also served the Nation in other capacities, including as a member of the Columbia Accident Investigation Board. He has been a member of the National Research Council Aeronautics and Space Engineering Board. He has served on the board of trustees of the Aerospace Corporation and on the board of advisors for the Coalition for Space Exploration.

I am proud to support this resolution honoring such a prominent American citizen, executive and astronaut. Mr. Speaker, I urge my colleagues to support House Resolution 1466.

I reserve the balance of my time.

Ms. EDWARDS of Maryland. I reserve the balance of my time.

Mr. BOOZMAN. If the gentlelady has no other speakers, I will go ahead and yield back the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and agree to the resolution, H. Res. 1466.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2008

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2606) to reauthorize the United States Fire Administration, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This subtitle may be cited as the ''United States Fire Administration Reauthorization Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The number of lives lost each year because of fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. In 2006, the National Fire Protection Association reported 3,245 civilian fire deaths, 16,400 civilian fire injuries, and $11,307,000,000 in direct losses due to fire.

(2) Every year, more than 100 firefighters die in the line of duty. The United States Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) The Federal Government should continue to work with State and local governments and the fire service community to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the 30,300 fire departments of the United States through training, emergency incident data collection, fire awareness and education, and support of research and development activities for fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the data collection capabilities of the United States Fire Administration is essential for accurately tracking and responding to the magnitude and nature of the fire problems of the United States.

(6) The research and development performed by the National Institute of Standards and Technology, the United States Fire Administration, other government agencies, and nongovernmental organizations on fire technologies, techniques, and tools advance the capabilities of the fire service of the United States to suppress and prevent fires.

(7) Because of the essential role of the United States Fire Administration and the fire service community in preparing for and responding to national and man-made disasters, the United States Fire Administration should have a prominent place within the Federal Emergency Management Agency and the Department of Homeland Security.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (C), by striking ''and'' after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding after subparagraph (D) the following:

''(E) $70,000,000 for fiscal year 2009, of which $2,520,000 shall be used to carry out section 8(f);

''(F) $72,100,000 for fiscal year 2010, of which $2,595,600 shall be used to carry out section 8(f);

''(G) $74,263,000 for fiscal year 2011, of which $2,673,468 shall be used to carry out section 8(f); and

''(H) $76,490,890 for fiscal year 2012, of which $2,753,672 shall be used to carry out section 8(f).''.

SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) AMENDMENTS TO FIRE ACADEMY TRAINING.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) by amending subparagraph (H) to read as follows:

''(H) tactics and strategies for dealing with natural disasters, acts of terrorism, and other man-made disasters;'';

(2) in subparagraph (K), by striking ''forest'' and inserting ''wildland'';

(3) in subparagraph (M), by striking ''response'';

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following:

''(I) tactics and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

''(J) tactics and strategies for fighting fires occurring at the wildland-urban interface;

''(K) tactics and strategies for fighting fires involving hazardous materials;

''(L) advanced emergency medical services training;''.

(b) ON-SITE TRAINING.—Section 7 of such Act (15 U.S.C. 2206) is amended—

(1) in subsection (c)(6), by inserting '', including on-site training'' after ''United States''';

(2) in subsection (f), by striking ''4 percent'' and inserting ''7.5 percent''; and

(3) by adding at the end the following:

''(m) ON-SITE TRAINING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may enter into a contract with nationally recognized organizations that have established on-site training programs that comply with national voluntary consensus standards for fire service personnel to facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

''(2) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not enter into a contract with an organization described in paragraph (1) unless such organization provides training that—

''(i) leads to certification by a program that is accredited by a nationally recognized accreditation organization; or

''(ii) the Administrator determines is of equivalent quality to a fire service training program described by clause (i).

''(B) APPROVAL OF UNACCREDITED FIRE SERVICE TRAINING PROGRAMS.—The Administrator may consider the fact that an organization has provided a satisfactory fire service training program pursuant to a cooperative agreement with a Federal agency as evidence that such program is of equivalent quality to a fire service training program described by subparagraph (A)(i).

''(3) RESTRICTION ON USE OF FUNDS.—The amounts expended by the Administrator to carry out this subsection in any fiscal year

shall not exceed 7.5 per centum of the amount authorized to be appropriated in such fiscal year pursuant to section 17.''.

(c) TRIENNIAL REPORTS.—Such section 7 (15 U.S.C. 2206) is further amended by adding at the end the following:

''(n) TRIENNIAL REPORT.—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the National Fire Academy curriculum, including—

''(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

''(2) the desired training outcome of all such changes.''.

(d) REPORT ON FEASIBILITY OF PROVIDING INCIDENT COMMAND TRAINING FOR FIRES AT PORTS AND IN MARINE ENVIRONMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the United States Fire Administration shall submit to Congress a report on the feasibility of providing training in incident command for appropriate fire service personnel for fires at United States ports and in marine environments, including fires on the water and aboard vessels.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the necessary curriculum for training described in paragraph (1).

(B) A description of existing training programs related to incident command in port and maritime environments, including by other Federal agencies, and the feasibility and estimated cost of making such training available to appropriate fire service personnel.

(C) An assessment of the feasibility and advisability of the United States Fire Administration developing such a training course in incident command for appropriate fire service personnel for fires at United States ports and in marine environments, including fires on the water and aboard vessels.

(D) A description of the delivery options for such a course and the estimated cost to the United States Fire Administration for developing such a course and providing such training for appropriate fire service personnel.

SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) INCIDENT REPORTING SYSTEM DATABASE.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following:

''(d) NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.—

''(1) IN GENERAL.—The Administrator shall update the National Fire Incident Reporting System to ensure that the information in the system is available, and can be updated, through the Internet and in real time.

''(2) LIMITATION.—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use not more than an aggregate amount of $5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out the activities required by paragraph (1).''.

(b) TECHNICAL CORRECTION.—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking ''assist State,'' and inserting ''assist Federal, State,''.

SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND RESEARCH DISSEMINATION.

(a) ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended to read as follows:

''(d) RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE.—The Administrator may, in coordination with the Secretary of Agriculture, the Secretary of the Interior, and the Wildland Fire Leadership Council, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, in sponsoring and encouraging research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

''(1) the rural and remote areas of the United States; and

''(2) the wildland-urban interface.''.

(b) TECHNOLOGY RESEARCH DISSEMINATION.—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following:

''(h) PUBLICATION OF RESEARCH RESULTS.—

''(1) IN GENERAL.—For each fire-related research program funded by the Administration, the Administrator shall make available to the public on the Internet website of the Administration the following:

''(A) A description of such research program, including the scope, methodology, and goals thereof.

''(B) Information that identifies the individuals or institutions conducting the research program.

''(C) The amount of funding provided by the Administration for such program.

''(D) The results or findings of the research program.

''(2) DEADLINES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the information required by paragraph (1) shall be published with respect to a research program as follows:

''(i) The information described in subparagraphs (A), (B), and (C) of paragraph (1) with respect to such research program shall be made available under paragraph (1) not later than 30 days after the Administrator has awarded the funding for such research program.

''(ii) The information described in subparagraph (D) of paragraph (1) with respect to a research program shall be made available under paragraph (1) not later than 60 days after the date such research program has been completed.

''(B) EXCEPTION.—No information shall be required to be published under this subsection before the date that is 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008.''.

SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

''The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by—

''(1) educating fire services about such standards;

''(2) encouraging the adoption at all levels of government of such standards; and

''(3) making recommendations on other ways in which the Federal Government can promote the adoption of such standards by fire services.''.

SEC. 8. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

Section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) is amended by adding at the end the following:

''(c) STATE AND LOCAL FIRE SERVICE REPRESENTATION.—

''(1) ESTABLISHMENT OF POSITION.—The Secretary shall, in consultation with the Administrator of the United States Fire Administration, establish a fire service position at the National Operations Center established under subsection (b) to ensure the effective sharing of information between the Federal Government and State and local fire services.

''(2) DESIGNATION OF POSITION.—The Secretary shall designate, on a rotating basis, a State or local fire service official for the position described in paragraph (1).

''(3) MANAGEMENT.—The Secretary shall manage the position established pursuant to paragraph (1) in accordance with such rules, regulations, and practices as govern other similar rotating positions at the National Operations Center.''.

SEC. 9. COORDINATION REGARDING FIRE PREVENTION AND CONTROL AND EMERGENCY MEDICAL SERVICES.

(a) IN GENERAL.—Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

''(e) COORDINATION.—

''(1) IN GENERAL.—To the extent practicable, the Administrator shall use existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

''(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with Federal, State, and local government agencies and departments and nongovernmental organizations concerned with any matter related to programs of fire prevention and control.

''(3) COORDINATION OF EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator related to emergency medical services provided by fire service-based systems with Federal, State, and local government agencies and departments and nongovernmental organizations so concerned, as well as those entities concerned with emergency medical services generally.''.

(b) FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES BEST PRACTICES.—Section 8(c) of such Act (15 U.S.C. 2207(c)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) The Administrator is authorized to conduct, directly or through contracts or grants, studies of the operations and management aspects of fire service-based emergency medical services and coordination between emergency medical services and fire

services. Such studies may include the optimum protocols for on-scene care, the allocation of resources, and the training requirements for fire service-based emergency medical services.''.

SEC. 10. AMENDMENTS TO DEFINITIONS.

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking ''Administration'' and inserting ''Administration, within the Federal Emergency Management Agency'';

(2) in paragraph (7), by striking the ''and'' after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) 'wildland-urban interface' has the meaning given such term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).''.

SEC. 11. SUPPORTING THE ADOPTION OF FIRE SPRINKLERS.

Congress supports the recommendations of the United States Fire Administration regarding the adoption of fire sprinklers in commercial buildings and educational programs to raise awareness of the important of installing fire sprinklers in residential buildings.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on S. 2606, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of S. 2606, the U.S. Fire Administration Reauthorization Act of 2008. This bill is a companion bill to H.R. 4847 that passed out of the House last April.

The U.S. Fire Administration is an invaluable resource for our Nation's firefighters and for the communities they protect. Through training, data collection, fire education for the public, and for the support for fire-related research and development, the USFA provides critical tools and leadership. To the fire service from small-scale individual tragedies such as house fires and car accidents to the community- and region-wide disasters of terrorist attacks or floods, firefighters are often the first to arrive on the scene and are the last to leave.

We depend on our firefighters, but firefighters also depend on us. They depend on the public and on their elected officials to make sure that they have the resources, the equipment and the training they need to do their job. If they are not properly equipped, we are all at risk.

Congress saw the need to create the USFA in 1973 when the America Burning report called attention to over 6,000 Americans each year who died in fires and to the 100,000 who were injured. Through the leadership of the USFA and others, the number of people killed in fires each year has dropped by 50 percent down to approximately 3,000, and injuries have dropped by 84 percent. While impressive, 3,000 deaths are still far too many, especially when so many of these deaths and injuries are from our most vulnerable populations—children and the elderly.

S. 2606 is nearly identical to the House bill that passed unanimously on this floor in April. The bill reauthorizes this important agency for 4 years at funding levels that will enable the USFA to fully carry out its mission.

I want to highlight that S. 2606 reflects the priorities for this agency as expressed by members of the fire service community at a Science and Technology Committee meeting held last year.

S. 2606 authorizes the USFA to focus on the pressing challenges of fighting fires in the wildland-urban interface. As communities spread deeper into fire-prone wildlands, local fire departments are faced with the daunting challenge of fighting fires that differ significantly from those they are trained to tackle. The bill also authorizes the USFA to offer training for fires involving hazardous materials as well as advanced topics on emergency medical services.

Firefighters today are called upon to respond to an ever broader array of emergencies. This authorization bill gives the USFA the authority to make sure its training program keeps pace with the increasing challenges to the fire service.

S. 2606 is the product of bipartisan and bicameral collaboration, and it is supported by major fire service organizations, including the International Association of Fire Chiefs, the International Association of Firefighters, the National Volunteer Fire Council, the National Fire Protection Association, and the Congressional Fire Services Institute.

The resources and leadership of USFA are an essential part of the ability of the fire service to protect our cities, towns and communities. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I rise, of course, in support of S. 2606, a bill reauthorizing the United States Fire Administration. It's a companion bill to H.R. 4847, which passed the House in April with unanimous support after moving through the Committee on Science and Technology by regular order.

This act authorizes the activities of the United States Fire Administration for fiscal year 2009 through 2012. USFA provides critical support to our Nation's firefighters through training, through research and development and through logistical support. For instance, the USFA provides firefighter training to over 80,000 firefighters per year; it compiles nationwide data on fire control and prevention activities, and it oversees the fire grants programs that have dramatically improved the capabilities and the preparedness of our Nation's fire services.

This is an extremely important agency in our committee's jurisdiction. I'd like to thank Mr. MITCHELL and Dr. GINGREY, vice chair and ranking member of the Technology and Innovation Subcommittee, for their hard work over the past year on this matter.

The United States Fire Administration does a wonderful job of providing support to first responders across the country. The reauthorization of this agency is an important priority for me, and I urge the passage of S. 2606.

I reserve the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mr. HALL of Texas. I have no other speakers. I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I risk in strong support of S. 2606, the United States Fire Administration Reauthorization Act of 2008.

This legislation reauthorizes the United States Fire Administration (USFA) for fiscal years 2009 through 2012 for the agency's activities in training, fire education and awareness, data collection, research, and standards development and promotion. S. 2606 provides $291 million in federal funds over this 5-year period, which is consistent with previously authorized levels and allows only for a modest growth in funding, capped at 3 percent in any of the fiscal years covered by this bill.

The mission of USFA is to limit economic and life loss ''due to fire and related emergencies, through leadership, advocacy, coordination and support.'' This organization provides vital assistance in the areas of training, fire education and awareness, and awards grants to a number of local fire departments across the country. Since its inception in 1974, USFA has trained over 1 million firefighters through local delivery courses as well as through the National Fire Academy in Emmitsburg, Maryland. USFA has provided support critical to reducing deaths and injuries in the U.S. from fire by 25 percent between 1996 and 2006.

S. 2606 is the Senate companion bill to H.R. 4847, which the House passed on April 3rd of this year by a vote of 412–0. The Senate bill includes the same authorization amounts and makes minor modifications to the House-passed version that only further improve the legislation. I am proud to say that this legislation has been crafted in both a bipartisan and bicameral way—with community stakeholders—to ensure that it meets the

needs of our firefighting community. I commend my colleagues on the Science Committee in particular Chairman GORDON, Ranking Member HALL and Mr. MITCHELL of Arizona, who is the lead sponsor of the House-passed bill—for their diligence in bringing this important legislation to the House floor today.

Mr. Speaker, S. 2606 authorizes USFA to continue its current operations and expand training and research in a fiscally responsible manner. The bill will provide firefighter training to over 80,000 firefighters per year and facilitate the delivery of education and training programs to firefighters through local training efforts. S. 2606 also aids research into techniques, systems, and equipment to improve fire prevention and control in sparsely developed communities that have been particularly hard hit by fire in the past few years. This legislation also specifically addresses the issue of fighting fires in an urban-wildland interface—like the wildfires we saw last year in Southern California—by implementing methods to better respond and prepare for fires that move from wildlands to suburban and urban areas.

As a physician, I am particularly pleased that S. 2606 includes language I offered in the Science Committee to improve emergency medical care by facilitating USFA's coordination with other groups as well as its ability to disseminate information on best-practices for EMS operations and management.

Firefighters are called upon to extract victims from car crashes, building fires or collapses, and all other emergencies. It is critical that patients receive consistent care under medical direction. While I do not expect USFA to pursue studies into the medical care EMS patients should receive, I believe that this language in S. 2606 will give the Administrator the authority and flexibility to conduct studies into training, system design, and on-scene patient management. This will allow the Administrator to work with appropriate federal agencies and existing medical services in these local communities.

Mr. Speaker, it has been a great honor to work with the men and women of our Nation's fire services—including the Congressional Fire Services Institute, the International Association of Fire Fighters, the International Association of Fire Chiefs, and the National Volunteer Fire Council—on this important legislation. The United States Fire Administration is a vital link to these first responders and this agency has made substantial contributions to improving fire services throughout the country. S. 2606 will ensure that USFA remains vibrant and productive in the years to come.

Mr. Speaker, I would like to thank my colleagues on both sides of the aisle for their support and thoughtful contributions to this bill. I urge passage of S. 2606 that will enable the USFA to continue its record of achievement as well as prepare firefighters for the challenges they will face in the future.

Mr. MITCHELL. Mr. Speaker, I rise in support of S. 2606, the United States Fire Administration Reauthorization.

Last year, I was proud to introduce H.R. 4847, the House version of the U.S. Fire Administration Reauthorization along with my colleague from Georgia, Dr. GINGREY. I voted for and the House unanimously passed H.R. 4847 by a vote of 412 to zero on April 3, 2007.

Firefighters are often the first—and the last-to leave an emergency scene. Whether it's putting out a house fire or a wildfire—or responding to a terrorist attack or a car accident—we depend on firefighters every day.

But firefighters also depend on us. They depend on the public and their elected officials to make sure that they have the resources, the equipment and the training they need to do their job. Without those tools, we put them and all of us at unnecessary risk.

The U.S. Fire Administration is an invaluable resource for our Nation's firefighters and the communities they protect. Through training, data collection, fire education for the public, and support for fire related research and development, USFA provides critical tools and leadership to the fire service. The resources and leadership of USFA are an essential part of the ability of the fire service to protect our cities, towns, and communities.

Firefighters today are called upon to respond to an ever broader array of emergencies. This authorization bill gives USFA the authority to make sure its training program keeps pace with the increasing challenges to the fire service.

S. 2606 reauthorizes this important agency for four years at funding levels that will enable USFA to fully carry out its mission.

Last fall, the Science and Technology Committee's Subcommittee on Technology and Innovation, of which I am a member, heard testimony about the priorities of the Nation's fire service community for USFA. This bill directly reflects these priorities.

Fighting wildfires in urban areas requires special training—and I'm proud that this legislation enhances Fire Administration training for wildland-urban interface fires. In Arizona, one of the toughest challenges our firefighters face is wildfires in the wildland-urban interface.

This bill also authorizes USFA to focus on the pressing challenges of fires involving hazardous materials as well as advanced topics in emergency medical services.

This legislation is the product of bipartisan collaboration and is supported by major fire service organizations, including the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Volunteer Fire Council, the National Fire Protection Association, and the Congressional Fire Services Institute.

The Senate passed S. 2606 unanimously on September 18, 2008. I urge my colleagues to support this vital legislation, bringing it one step closer to becoming law.

Mr. WU. Mr. Speaker, I am proud to support this legislation to reauthorize the United States Fire Administration (USFA). I want to congratulate Mr. MITCHELL from Arizona for his work on this issue and for being instrumental in the passage of the House version of this bill earlier this year. I also want to commend Chairman GORDON for his leadership of the Committee on Science and Technology throughout the 110th Congress.

USFA was formed by Congress in 1974 in response to a report that found there were over 12,000 deaths annually due to fire in this country and over 300,000 fire injuries each year. Through the hard work of USFA and others, we have been fortunate to see that number drop dramatically.

We are now a much safer nation, thanks to improved awareness of fire safety practices, increased use of smoke detectors and sprinklers, and other fire safety measures. Still, approximately 3,000 people die each year in fires and 10,000 more are injured. We also still see too many firefighters die in the line of duty, protecting our families and homes. We have a lot more work to do.

USFA supports local fire departments in a variety of manners. It offers training and career development to thousands of mid-level firefighters, fire chiefs, and other emergency management officials. USFA is a great way for the federal government to help coordinate the efforts for firefighters at the local level.

USFA also develops fire education and awareness curriculum material to be used in training citizens across the country, aiming its messages at groups who suffer the highest fire casualties, such as the young and the elderly.

While Congress is working to reauthorize and build on this important program, the president is cutting the budget for this agency. The President's FY09 budget cuts funding to USFA by more than 5 percent.

As firefighters learn to respond to new issues such as fires in the wildland-urban interface, terrorist events, and harmful materials incidents, we need to provide sufficient funds to train and prepare them for these situations.

Firefighters risk their lives everyday, so they can protect ours. Passing this legislation is one way we can express our great appreciation. I recommend my colleagues support this legislation so it can be signed into law before the end of the 110th Congress.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and pass the Senate bill, S. 2606.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HALL of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

EXPRESSING SUPPORT FOR THE DESIGNATION OF A 4–H NATIONAL YOUTH SCIENCE DAY

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1390) expressing support for the designation of a 4–H National Youth Science Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1390

Whereas barely 18 percent of 12th grade students perform at or above the proficient level in science;

Whereas the need for science education, especially outside the classroom, is crucial to our country's ability to remain globally competitive;

Whereas today only 32.4 percent of undergraduates in the United States are leaving college with a bachelor's degree in science or engineering, compared to 63.3 percent in Japan, 62.1 percent in Germany, and 56.2 percent in China;

Whereas American businesses will face a competitive crisis with the advancing science- and technology-driven global economy unless they have a workforce that has been trained in scientific fields;

Whereas the future global economy will be driven by market sectors that are based in science, engineering, and technology;

Whereas current scientists and engineers are retiring in record numbers, creating a potentially large void of skilled workers;

Whereas 4–H and other out-of-school programs that focus on science, engineering and technology are an important part of educating and developing leaders who are well-trained and technically competent;

Whereas 4–H is preparing America's future workforce by developing their passion for science, engineering, and technology at an early age;

Whereas 4–H's educational programs have an unparalleled reach of more than 6,000,000 youth in all 50 States;

Whereas 4–H, in partnership with more than 106 land-grant universities, shape programs in the sciences that are important to today's workforce and critical for managing the world's resources for years to come;

Whereas youth, parents, teachers, schools, and youth organizations have the ability to participate in fun, accessible, science-related activities that encourage youth exploration and experimentation at an early age; and

Whereas October 8, 2008 would be an appropriate day to designate as 4–H National Youth Science Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses support for the designation of a 4–H National Youth Science Day;

(2) requests that the President issue a proclamation calling upon the people of the United States to observe 4–H National Youth Science Day;

(3) encourages the people of the United States to observe the day with appropriate ceremonies and activities; and

(4) encourages young people of all ages and backgrounds to pursue science studies and enter into science careers.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H. Res. 1390, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Resolution 1390 and 4–H programs across America. 4–H works with over 6 million youths in all 50 States to help develop citizenship, leadership and life skills. 4–H has been doing this and doing it well for over 100 years.

What some people may not know is that one of 4–H's primary focuses today is in the area of science and technology. Through its summer camps, fairs, cultural events and other programs, 4–H has focused on the goal of providing American youths with a solid background in science and technology. Moreover, 4–H programs get children excited and interested in these fields, which we know is a critical element in a child's education success in the sciences.

As this resolution correctly points out, American students consistently rank behind our international peers in the fields of science and technology. We clearly need to do more if we want to ensure that the next generation of Americans have the high-tech skills to compete in the global marketplace. That is why it is so important that organizations like 4–H continue to do the excellent work they are doing.

I would like to thank the sponsor of this resolution, Mr. CARDOZA, for recognizing the importance of the work of 4–H in the advancement of science, and I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us today would designate October 8 as 4–H National Youth Science Day. I, as well as 21 other Members of this body, was a proud member of 4–H and know firsthand the good work that this organization performs. ''Head, heart, hands and health,'' that is what the four Hs stand for.

With over 6 million youth participating, it is a much larger organization today than it was when I was a boy, but it has the focus of helping young people reach their full potential. That focus remains the same.

As we discuss frequently on this floor, and as the newspapers reflect almost daily, our innovative spirit is the stronghold of the Nation's success. But we must do a better job of energizing our children to be interested in science, engineering and technology if we are to remain the world's leader in innovation.

The purpose of the 4–H National Youth Science Day is to do just that. The National Science Experiment is the designated activity for the first annual 4–H National Youth Science Day and will focus on water conservation. Through this special day and through its science, engineering and technology programs, 4–H has a goal of preparing 1 million new young people to excel in science, engineering and technology by 2013. I applaud them for these endeavors, and encourage my colleagues to join me in supporting this resolution.

Mr. CARDOZA. Mr. Speaker, I rise today in full support of officially recognizing October 8, 2008, as 4–H National Youth Science Day.

To show its commitment to providing a quality science education, 4–H National Youth Science Day will take place during National 4–H Week and features a ''National Science Experiment''—a designated science activity that will engage youth across the country in environmental issues relating to water conservation and groundwater contamination.

Over 100 years ago, 4–H began with the creation of agriculture projects geared at ensuring the future of our Nation's rural youth. Today, with a membership of 6 million young people, 4–H is America's largest youth organization and is an essential tool to engage and educate our future generations of scientists and inventors at a young age.

My own daughter Brittany had a very positive experience with 4–H in California learning how to sew and quilt and raising her heifer named Lucy.

4–H's efforts to make science education enjoyable and interesting are noteworthy as barely 18 percent of 12th grade students in the United States are currently performing at or above the proficient level in science.

Similarly, only 32.4 percent of undergraduates in America are leaving college with a bachelor's degree in science or engineering, and a majority of scientists believe that the United States is falling behind in science and innovation.

In response to these sobering statistics, the National Academy of Sciences issued the timely report Rising Above the Gathering Storm, calling for an ambitious national program to address the need for increased math and science education.

According to the report, two important factors that America depends on to compete successfully in the global marketplace are: (1) a well-trained and technically competent workforce; and (2) the production of scientific and technological innovations.

Recognizing and promoting these goals is critical if America is going to remain a competitive leader in the global economy, and assistance from programs like 4–H will be vital in this effort.

I urge my colleagues to join me in my support for H. Res. 1390 to officially recognize October 8, 2008, as 4–H National Youth Science Day and encourage young people of all ages and backgrounds to pursue their interest in science and innovation.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentlewoman from

Maryland (Ms. EDWARDS) that the House suspend the rules and agree to the resolution, H. Res. 1390.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HEAVY DUTY HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 2008

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6323) to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act of 2008''.

SEC. 2. ADVANCED HEAVY DUTY HYBRID VEHICLE TECHNOLOGY RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a competitive research, development, demonstration, and commercial application program (referred to in this Act as the ''program'') to provide grants to applicants to carry out projects to advance research and development and to demonstrate technologies for advanced heavy duty hybrid vehicles.

(b) APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall issue requirements for applying for grants under the program.

(2) SELECTION CRITERIA.—The Secretary shall establish selection criteria for awarding grants under the program. In evaluating applications, the Secretary shall—

(A) consider the ability of applicants to successfully complete both phases described in subsection (c); and

(B) give priority to applicants who are best able to—

(i) fill existing research gaps and achieve the greatest advances beyond the state of current technology; and

(ii) achieve the greatest reduction in fuel consumption and emissions.

(3) PARTNERS.—An applicant for a grant under this section may carry out a project in partnership with other entities.

(4) SCHEDULE.—

(A) APPLICATION REQUEST.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register, and elsewhere as appropriate, a request for applications to undertake projects under the program. Applications shall be due not later than 90 days after the date of such publication.

(B) APPLICATION SELECTION.—Not later than 90 days after the date on which applications for grants under the program are due, the Secretary shall select, through a competitive process, all applicants to be awarded a grant under the program.

(5) NUMBER OF GRANTS.—The Secretary shall determine the number of grants to be awarded under the program based on the technical merits of the applications received. The number of grants awarded under the program shall not be less than 3 or more than 7, and at least half of the grants awarded shall be for plug-in hybrid technology.

(6) AWARD AMOUNTS.—The Secretary shall award not more than $3,000,000 to each recipient per year for each of the 3 years of the project.

(c) PROGRAM REQUIREMENTS; TWO PHASES.—Each grant recipient shall be required to complete two phases:

(1) PHASE ONE.—

(A) IN GENERAL.—In phase one, the recipient shall research and demonstrate advanced hybrid technology by producing or retrofitting one or more advanced heavy duty hybrid vehicles.

(B) REPORT.—Not later than 60 days after the completion of phase one, the recipient shall submit to the Secretary a report containing data and analysis of—

(i) the performance of each vehicle in carrying out the testing procedures developed by the Secretary under subparagraph (E);

(ii) the performance during such testing of each vehicle's components, including the battery, energy management system, charging system, and power controls;

(iii) the projected cost of each vehicle, including acquisition, operating, and maintenance costs; and

(iv) the emissions levels of each vehicle, including greenhouse gas levels.

(C) TERMINATION.—The Secretary may terminate the grant program with respect to the project of a recipient at the conclusion of phase one if the Secretary determines that the recipient cannot successfully complete the requirements of phase two.

(D) TIMING.—Phase one begins upon receipt of a grant under the program and has a duration of one year.

(E) TESTING PROCEDURES.—The Secretary shall develop standard testing procedures to be used by recipients in testing each vehicle. Such procedures shall include testing a vehicle's performance under typical operating conditions.

(2) PHASE TWO.—

(A) IN GENERAL.—In phase two, the recipient shall demonstrate advanced manufacturing processes and technologies by producing or retrofitting 50 advanced heavy duty hybrid vehicles.

(B) REPORT.—Not later than 60 days after the completion of phase two, the recipient shall submit to the Secretary a report containing—

(i) an analysis of the technological challenges encountered by the recipient in the development of the vehicles;

(ii) an analysis of the technological challenges involved in mass producing the vehicles; and

(iii) the manufacturing cost of each vehicle, the estimated sale price of each vehicle, and the cost of a comparable non-hybrid vehicle.

(C) TIMING.—Phase two begins at the conclusion of phase one and has a duration of two years.

(d) RESEARCH ON VEHICLE USAGE AND ALTERNATIVE DRIVE TRAINS.—The Secretary shall conduct research into alternative power train designs for use in advanced heavy duty hybrid vehicles. Such research shall compare the estimated cost, including operating and maintenance costs, emissions reductions, and fuel savings of each design with similar non-hybrid power train designs under the conditions in which these vehicles are typically used, including, for each vehicle type—

(1) number of miles driven;

(2) time spent with the engine at idle;

(3) horsepower requirements;

(4) length of time the maximum or near maximum power output of the vehicle is needed; and

(5) any other factors that the Secretary considers appropriate.

(e) REPORT TO THE CONGRESS.—Not later than 60 days after the Secretary receives the reports from grant recipients under subsection (c)(2)(B), the Secretary shall submit to the Congress a report containing—

(1) an identification of the grant recipients and a description of the projects to be funded;

(2) an identification of all applicants who submitted applications for the program;

(3) all data contained in reports submitted by grant recipients under subsection (c);

(4) a description of the vehicles produced or retrofitted by recipients in phase one and phase two of the project, including an analysis of the fuel efficiency of such vehicles; and

(5) the results of the research carried out under subsections (d) and (h).

(f) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall coordinate, and not duplicate, activities under this Act with other programs and laboratories of the Department of Energy and other Federal research programs.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to the program established pursuant to this section.

(h) ELECTRICAL GRID RESEARCH PILOT PROGRAM.—The Secretary shall establish a pilot program through the National Laboratories and Technology Centers of the Department of Energy to research and test the effects on the domestic electric power grid of the widespread use of plug-in hybrid vehicles, including plug-in hybrid vehicles that are advanced heavy duty hybrid vehicles.

(i) DEFINITIONS.—For purposes of this section:

(1) ADVANCED HEAVY DUTY HYBRID VEHICLE.—The term ''advanced heavy duty hybrid vehicle'' means a vehicle with a gross weight between 14,000 pounds and 33,000 pounds that is fueled, in part, by a rechargeable energy storage system.

(2) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; or

(F) sulfur hexafluoride.

(3) PLUG-IN HYBRID.—The term ''plug-in hybrid'' means a vehicle fueled, in part, by electrical power that can be recharged by connecting the vehicle to an electric power source.

(4) RETROFIT.—The term ''retrofit'' means the process of creating an advanced heavy duty hybrid vehicle by converting an existing, fuel-powered vehicle.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary $16,000,000 for each of fiscal years 2009 through 2011 to carry out this section.

(2) Of the funds authorized under paragraph (1), not more than $1,000,000 per fiscal year may be used for—

(A) carrying out the studies required under subsection (d);

(B) carrying out the pilot program required under subsection (h); and

(C) the administration of the program.

SEC. 3. EXPANDING RESEARCH IN HYBRID TECHNOLOGY FOR LARGE VEHICLES.

Subsection (g)(1) of the United States Energy Storage Competitiveness Act of 2007 (enacted as section 641(g)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231(g)(1))) is amended by inserting ''vehicles with a gross weight over 16,000 pounds,'' before ''stationary applications''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 6323, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

It is my pleasure to put before the House today H.R. 6323 by Mr. JIM SENSENBRENNER, ranking member of the Investigations and Oversight Subcommittee of the Science and Technology Committee. By enhancing the Department of Energy's research program in heavy-duty hybrid trucks, this bill draws much-needed focus to a very critical component of the transportation sector, commercial trucks.

We are learning the hard way just how much the health of our economy can hinge on the commercial transportation sector. Skyrocketing fuel costs translate directly into higher prices for consumers since the large majority of products we consume or use, from food to building materials, are at some point transported by medium to heavy-duty truck. We must take measures to ensure that this remains a vibrant economic sector.

The heavy-duty truck sector also plays a role in our energy security and environmental health. Approximately one-fourth of the Nation's fuel use and the majority of transportation-based emissions can be attributed to heavy-duty trucks. One large tractor-trailer rig uses as much fuel annually as 48 passenger vehicles. We can see how even small improvements in their efficiency can have a substantial impact.

As with passenger vehicles, hybrid technologies hold the greatest promise for improving the fuel economy and emissions of commercial trucks, but considerable research and development is required to put these technologies on the road. While the technological requirements for hybrid trucks are very different, advances in this sector can benefit the domestic automotive sector as a whole by invaluable lessons learned in designing and manufacturing these systems.

Mr. SENSENBRENNER and his staff have worked closely with the majority to ensure that grants under this program explore a wide range of hybrid technologies and applications. Mr. SENSENBRENNER's bill represents a commonsense approach to chipping away at our energy challenge.

I believe this is an important piece of legislation in the large and complex puzzle that is our transportation sector, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.R. 6323, the Heavy-Duty Hybrid Vehicle Research, Development, and Demonstration Act of 2008, sponsored by my good friend, Congressman SENSENBRENNER.

While most of the attention of hybrid vehicles has been focused on passenger cars, large, heavy-duty hybrid trucks have received limited funds for Federal research and development programs. However, because trucks generally use much more fuel per year than passenger cars, the overall potential savings are very significant.

The Environmental Protection Agency estimates that a typical delivery truck using a hydraulic hybrid system could save up to 1,000 gallons of fuel per year. In light of the proposed savings in fuel use and resulting emissions reduction, the Heavy-Duty Hybrid Vehicle Research, Development, and Demonstration Act of 2008 aims to encourage the advancement of the needed technology to bring about these savings.

The bill directs the Secretary of Energy to establish a grant program for the development of advanced heavy-duty hybrid vehicles. The grants are rewarded in two phases. In phase one, grant recipients are required to build or retrofit one or more advanced heavy-duty hybrid vehicles and to collect required data. In phase two, grant recipients are required to produce and/or retrofit 50 heavy-duty hybrid vehicles, collect required data and report on the results.

In addition, the bill directs the secretary to conduct a study of alternative power train designs for use in advanced heavy-duty hybrid vehicles. Further, it directs the secretary to establish a pilot program through DOE's National Laboratories to research and test the effects on the domestic electric power grid of the widespread use of plug-in hybrid vehicles, including heavy-duty plug-in hybrid trucks.

Mr. Speaker, H.R. 6323 passed out of the Committee on Science and Technology with bipartisan support and with input from both sides of the aisle. I thank Congressman SENSENBRENNER for introducing the bill and Chairman GORDON for helping us to advance it. I think it makes good sense, and it certainly deserves passage.

Ms. EDWARDS of Maryland. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Texas for yielding.

We are talking about the need to improve our ability to use the energy that we have in this country and certainly to get additional energy, and I want to call to the attention of people who are paying attention to this debate something that has come out in the press which we Republicans have been saying for a long time, and it has to do with the no-energy bill that passed the House last week.

I am going to hit some high spots, and, Mr. Speaker, then I would like to put the rest of the material into the RECORD.

Mr. Speaker, the Boston Globe op-ed by Jeff Jacoby, 9/21/08, the title, ''Speaker Pelosi's Bill, a Feint of Supporting Offshore Exploration That Would Actually Make Drilling More Difficult.''

''The bill permanently bans all drilling within 50 miles of the U.S. companies, which just happens to where most of the recoverable oil and gas reserves are.''

The Wall Street Journal editorial, ''Pelosi's Drilling Ruse.''

''The sudden pro-drilling makeover of the Pelosi Democrats has always had an air, a gale, really, of election-year convenience, and the House proved it Tuesday by passing an energy bill that would put any bunko man to shame. This confidence trick won't expand domestic oil and gas supplies even a bit. The real game was to give vulnerable Democrats political cover by letting them vote for more offshore drilling while making more drilling all but impossible, thus appeasing the party's green wing. The House bill shows that the Pelosi Democrats simply aren't serious about expanding domestic energy supplies.'' Wall Street Journal, 9/19/08.

The Oregonian from 9/17/08. This is a column by David Reinhard. ''Nancy Pelosi's Drilling Charade.''

''Pelosi's alternative energy choice? Snake oil. How lame is the energy bill that Speaker Nancy Pelosi had House Democrats pass through the House on Tuesday? Louisiana Senator Mary Landrieu said before the vote that Pelosi's handiwork would be 'dead on arrival' in the Senate.''

The title of that article is ''Pelosi's Bill is an Obvious Charade'' and appeared 9/17/08.

Some other editorials. The Augusta Chronicle. ''Nothing. That's what this Congress came up with after months of high fuel costs and concern over our dependence on foreign oil and after a summer recess in which Senators and Representatives could have listened to the American people but did not. Congress came up with nothing, a fake energy exploration that would only weaken America.''

The title of that was ''They've Blown a Ruse; Congress Fails Yet Again.'' Augusta Chronicle editorial, September 21, 2008.

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Another one, the Northwest Florida Daily News editorial, ''Don't be fooled by House Democrats' disingenuous bill to lift the Federal Government's ban on offshore drilling . . . It's a bill intended to give voters the impression that Democrats favor offshore drilling—while maintaining their opposition to it.'' That's in an article called ''Drilling for Political Advantage,'' September 20, 2008.

It is refreshing to see that some of our newspaper folks are paying attention to what's going on in the House of Representatives and calling attention to it to the American public. Republicans did that all the month of August, calling attention to the fact that the Democrats refused to do anything to help hard-working Americans by lowering the price of gasoline. The American people deserve better than this.

I am going to give one more quote from the Wall Street Journal. ''This confidence trick won't expand domestic oil-and-gas supplies even a bit . . . As Congress runs down the clock for this term, the likelihood of reaching some grand pre-election energy bargain is vanishing fast. The House bill shows that the Pelosi Democrats aren't serious about expanding domestic energy supplies.'' That, again, was in the Wall Street Journal, September 19, 2008.

Republicans have a commonsense plan, it's called the American Energy Act. We believe in all of the above, conservation, alternatives, drilling for additional supply, using the money that would come from those leases to provide the alternative.

''Coming next week from Nancy Pelosi and the House Democrats: legislation that allows oil and gas drilling on the moon! The bill would have the same result as energy legislation passed Tuesday—no increase in domestic oil production—and it certainly wouldn't be any less cynical * * * The Democrats' intent here is so transparent it's embarrassing. Americans know the country needs to use all its resources to power the future and speed economic recovery. That includes offshore oil drilling—where the oil is.'' (''Let's Drill for Oil—Where There Isn't Any,'' Las Vegas Review Journal Editorial, September 19, 2008)

''Pelosi, who opposes new drilling for American oil, allowed the vote only because this summer Democrats were on the wrong side of offshore exploration, which seven in 10 Americans favor. Unfortunately, the House-passed bill is nothing more than a fig leaf for Democrats as they prepare to face frustrated voters in November.'' (''Same Old Drill: 'No-Energy' Bill Risks Voter Wrath,'' The Oklahoman Editorial, September 19, 2008)

''This way, Democrats can claim to be opening the way to offshore drilling * * * under the restrictions included in the bill, no real drilling is likely to happen.'' (''Drilling Bill Lacks Substance,'' Buffalo News Editorial, September 22, 2008)

''If House Democrats were looking to give Americans relief at the gas pump in the energy legislation passed on Sept. 16, they failed. In a jarring twist, the legislation offers a solution and then negates it. If Americans were hoping for at least half a loaf from this legislation, they were disappointed.'' (''Energy Legislation Less Than Half a Loaf,'' Reading Eagle Editorial, September 20, 2008)

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

The bill we are considering now is a step toward energy for the future, toward investing in the kinds of technologies that will transform where we are today on energy to be where we need to be to complete in the global marketplace.

I am very pleased to be here in support of Mr. SENSENBRENNER's bill that is a commonsense approach to making an investment in the kind of electric hybrid technology that will transform our commercial trucking sector so that we make the kinds of investments in energy that we have to make today to compete in tomorrow's marketplace.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and pass the bill, H.R. 6323, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HALL of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HONORING THE 50TH ANNIVERSARY OF THE SUCCESSFUL DEMONSTRATION OF THE FIRST INTEGRATED CIRCUIT

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1471) honoring the 50th anniversary of the successful demonstration of the first integrated circuit and its impact on the electronics industry.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1471

Whereas in May 1958 Jack St. Clair Kilby joined Texas Instruments because it was the only company that would permit him to work full-time on miniaturization of electronics;

Whereas just four months later on September 12, 1958, Jack Kilby demonstrated the first integrated circuit by combining a transistor, several resistors, and a capacitor on a half inch piece of germanium in an attempt to reduce transistor costs;

Whereas Jack Kilby spent his career at Texas Instruments, a productive engineering career that resulted in over 60 patents and seminal inventions, including the electronic calculator;

Whereas Jack Kilby received the National Medal of Science in 1969 and the National Medal of Technology in 1990, and shared the Nobel Prize in Physics in 2000, for his invention of and contributions to the development of the integrated circuit;

Whereas during Kilby's lifetime integrated circuits provided a million fold decrease in the costs of electronics;

Whereas Kilby's achievement revolutionized electronics and permitted it to grow to over $1,500,000,000,000 in annual sales world wide;

Whereas the integrated circuit revolutionized computing and made possible getting a man to the moon and modern space exploration;

Whereas the integrated circuit led to a revolution in communications, transportation, and medical industries; and

Whereas the future will inevitably bring equally far-reaching integrated circuit-based advances in many fields: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the research and development efforts of Jack Kilby and his contemporaries, who by inventing and perfecting the integrated circuit brought us modern electronics and changed the world; and

(2) recognizes the importance of continued advancements in electronics to the well-being of America.

The SPEAKER pro tempore. Pursuant to the rule, the gentlelady from Maryland (Ms. EDWARDS) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Resolution 1471, the resolution now under consideration

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

September 12 of this year came and went with little mention of the 50th anniversary of one of the most important events of the 20th century. We owe a debt to Congressman HALL for introducing the resolution to remind us of the great importance of Jack Kilby's

experiment and for giving us the opportunity to celebrate the positive contributions of the electronics industry to our well-being.

Jack Kilby knew he was on to something important. He turned down offers from other leading electronics companies to go to Texas Instruments in May 1958, because Texas Instruments was the one company that would let him work full time on miniaturization of electronics. Just 4 months later, he demonstrated what others had been unable to do, that it was possible to create an integrated circuit by combining a transistor, a capacitor and resistors.

All this happened within a year of the Sputnik, the Russian satellite that was a wake-up call regarding the state of American science and engineering. There were computers then, but they were a mass of vacuum tubes and wires that filled a room but provided very little computing power. Radios, television and communications equipment also existed, but, once again, were fairly complicated devices with limited utility.

The miniaturization that Jack Kilby espoused revolutionized electronics. Thanks to the efforts of others, including Bob Noyce and his colleagues at Fairchild, integrated circuits rapidly moved from germanium to widely available silicon.

Early integrated circuit applications allowed mankind to reach the moon by the end of the 1960s. It completely changed the face of national defense. It allowed Jack Kilby to intent the calculator. It made the Internet possible. It allowed electronics to be the future of automobiles, airplanes, entertainment, medical equipment and manufacturing controls.

Before Jack Kilby died, the circuits he invented had become microscopic and had decreased in price by a factor of a million. During our lifetimes, they will continue to drop in price, increase in sophistication and be even more integral building blocks for life as we know it.

I am extremely pleased the leadership of this Committee on Science and Technology has seen fit to push this tribute to such an important set of achievements. I urge my colleagues to join with me in voting for this legislation that honors a group of individuals who truly changed the world for the better.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I rise in support of H. Res. 1471, which honors the 50th anniversary of the invention of the integrated circuit by Jack St. Clair Kilby. On September 12, 1958, in a Dallas lab of Texas Instruments, Jack St. Clair Kilby gathered a small group of coworkers to unveil a stunning achievement. Before them sat a thin piece of metal attached to monitoring equipment.

When powered on, it became clear that the single piece of metal was doing the work of several simple electronic components, including transistors, capacitors and resistors. Jack had created the first microchip.

I go back a long ways with Texas Instruments. I knew very well Erik Johnson, who started Texas Instruments. I have talked with him personally on several occasions about TI and how he bought it. He said he bought it on a Saturday morning, and the next morning, Sunday morning, he was driving out to look at what he had bought and turned on his radio, because he had promised his wife he would be back in time to go to church with her. He turned on his radio, and the announcement was that the Japanese were bombing Pearl Harbor.

I said to Erik Johnson, Mr. Johnson, as an engineer, you are wonderful, but as a matter of timing, you are perfect, because that launched the world into war and TI has been a major player in the victory that they achieved some 4 or 5 years later. This breakthrough is a similar breakthrough that they have had time and time again at TI.

For much of the 20th century, the electronics industry had relied on vacuum tubes as the basis for its design. By 1958, these bulky and fragile devices were beginning to be widely replaced by transistors made of semiconducting metals, which were tougher, which were smaller, which produced less heat. These features allowed electrical engineers to design much more complicated systems.

However, as the number of components increased, engineers were having a harder time reliably connecting everything. Cutting edge devices might require connecting thousands of components to thousands of tiny wires by hand.

Jack Kilby solved that problem. Over the summer of 1958, Jack created a way to build all of the wires, transistors and other electrical components into a single piece of metal. In essence, electronics manufacturers could take a solid piece of metal and etch a complete, electronic device into it, no assembly required.

This breakthrough, the integrated circuit, revolutionized the world. Jack Kilby's work, as well as fellow integrated circuit pioneers, Geoffrey Drummer and Robert Noyce, heralded the beginning of an encompassing transformation of modern society. Their work paved the way for the modern electronics industry. Electronic devices that once required a small building and teams of engineers working around the clock now fit neatly into pocket.

Integrated circuits continue to be a cornerstone of the American economy and an important priority of our research and development institutions. Fifty years after the first demonstration of an integrated circuit, it's fitting that Congress recognizes achievement and the importance of this sector now and in the future.

I urge my colleagues to support H. Res. 1471.

Mr. Speaker, I reserve the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I have no further requests for time and reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Texas for yielding me some time.

Mr. Speaker, I think it's very appropriate that we are heralding this innovation today. I want to tie this into what we have been trying to do here on the House, what Republicans have been trying to do all this year, and that is to allow us to create more American-made energy by drilling in Alaska and drilling on the Outer Continental Shelf and using that money that we, the Federal Government would get, for the leases, to find new and exciting alternatives for our energy situation, the challenges that we face. I want to highlight again what some newspapers across the country have said about the cynical bill that was passed last week by Speaker PELOSI and the Democrats and show that this is understood all across the country.

The New Hampshire Union Leader editorial said, ''Drilling for cover: Pelosi & Co.'s phony bill . . . Democrats in the U.S. House want you to think that they support expanded drilling for oil and natural gas. They don't. Their vote on Tuesday proved it . . . This bill is a total fraud. It gives access to only 12 percent of the estimated oil reserves we are currently not allowed to access. . . . The bill . . . does not allow States to share revenues from oil leases granted there. So States such as California, which faces a huge budget shortfall, have less incentive to give that approval. Democrats who have opposed expanded domestic drilling forever suddenly found themselves on the losing end of a major economic issue after gas prices hit $4 a gallon. Now they are pushing a phony drilling bill to fool the American people into believing that Democrats support new oil exploration.''

In the Honolulu, Hawaii, Star-Bulletin editorial, ''House energy bill falls short of bipartisan solution. Representative NEIL ABERCROMBIE's admirable effort to craft a comprehensive energy plan worthy of bipartisan support has been cast aside. Instead, the Democratic House leadership has pushed through a surrogate measure on a party-line vote that is doomed either in the Senate or by presidential veto, while providing Democrats political cover from voters angry about high gasoline prices. . . . The bill backed by

PELOSI, a long-time opponent of offshore drilling, would keep the ban in effect within 50 miles of the shore. It would allow drilling from 50 to 100 miles from the shore if adjacent States gave their approval and would extend it beyond 100 miles with or without such approval. That means that 88 percent of the estimated 18 billion barrels of oil in waters now under drilling bans would remain off limits.''

The Washington Examiner editorial. ''Pelosi's sham editorial bill is an oily dodge.'' It says, ''The reality is this sham legislation effectively keeps the 26 year-old congressional drilling ban in place for 85 percent of all offshore petroleum reserves. Pelosi's measure allows virtually no drilling within 100 miles of U.S. coastlines, yet that's where most of the untapped resources are.

□ 1630

''Incredibly, that's not the worst of it. Pelosi's bill leaves in place the endless delays created via lawsuits filed by rabid environmentalists. U.S. Representative JOHN SHADEGG calls this problem the bill's 'litigation loophole.'''

The Charleston, West Virginia Daily Mail editorial, ''A Drilling Bill That Does Nothing. When House Democrats came back to Washington, they quickly passed a bill that Democratic Senator MARY LANDRIEU of oil-producing Louisiana pronounced dead on arrival in the Senate.''

It goes on to say: ''Pelosi's plan is a slap in the face of Americans. Americans need to be as independent of foreign oil as possible. The public sees that. Yet Democrats refuse to pursue policies that will increase American oil production. This position is senseless, and it is especially so in an election year.''

The Los Angeles Times editorial: ''Wasted Energy Bill. House Democrats' push for expanded offshore oil and gas drilling was more about electoral positioning than drilling, aimed at convincing voters that the party shares their pain at the pump.''

And then an op-ed in Forbes, ''Washington's Offshore Snake Oil. On Tuesday, the House Democrats went on the record supporting an offshore drilling bill in a piece of legislation that now heads promptly over to the Senate to die.''

Mr. Speaker, I would like to put the remainder of my comments in the RECORD.

Investor's Business Daily Editorial: ''Drill-Shy Congress . . . House Democrats have passed an 'oil drilling bill that bans drilling where most of the oil is . . . On that first day of the new fiscal year, the congressional prohibitions expire on offshore drilling for oil and natural gas, as well as for the oil shale available in Western states. The Democratic-controlled, do-nothing Congress for once is frantic to do something before that deadline hits. In a big election year, with summer gas prices exceeding $4 a gallon, voters won't swallow an extension of the ban. So Speaker Nancy Pelosi on Tuesday had the House of Representatives pass legislation she unveiled less than 24 hours earlier, with Republicans blocked from offering amendments . . . But Texas Rep. Jeb Hensarling, the Republicans' Study Committee chairman, correctly called the bill 'a sham' with no provision addressing the dire need for construction of new oil refineries, 'no clean coal, no energy exploration in arctic Alaska, no nuclear energy and—if you read it—no exploration in the Outer Continental Shelf for energy in their bill.' '' (9/18/08)

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and agree to the resolution, H. Res. 1471.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 32 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COHEN) at 6 o'clock and 30 minutes p.m.

MESSAGE FROM THE SENATE

A message from the senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment, concurrent resolutions of the House of the following titles:

H. Con Res. 163. Concurrent resolution expressing the sense of Congress in support of further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus.

H. Con. Res. 296. Concurrent resolution expressing support for the designation of August 2008 as ''National Heat Stroke Awareness Month'' to raise awareness and encourage prevention of heat stroke.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 62. Joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5244, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2008

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–867) on the resolution (H. Res. 1476) providing for consideration of the bill (H.R. 5244) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6685, by the yeas and nays;

H.R. 1907, by the yeas and nays;

H.R. 6853, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

IRONWORKER TRAINING PROGRAM FOR NATIVE AMERICANS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6685, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 6685.

The vote was taken by electronic device, and there were—yeas 302, nays 72, not voting 59, as follows:

[Roll No. 616]

YEAS—302

Abercrombie	Bishop (NY)	Carnahan
Ackerman	Blumenauer	Carney
Aderholt	Boehner	Carson
Allen	Bono Mack	Castle
Altmire	Boren	Castor
Andrews	Boswell	Cazayoux
Arcuri	Boucher	Chabot
Baca	Boustany	Chandler
Bachus	Boyd (FL)	Childers
Baird	Boyda (KS)	Clarke
Baldwin	Braley (IA)	Clay
Barrow	Brown (SC)	Cleaver
Bartlett (MD)	Brown, Corrine	Clyburn
Bean	Buchanan	Cohen
Becerra	Butterfield	Cole (OK)
Berkley	Calvert	Conyers
Berman	Camp (MI)	Cooper
Berry	Capito	Costa
Biggert	Capps	Costello
Bilbray	Capuano	Courtney
Bishop (GA)	Cardoza	Cramer

Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lampson
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Pitts
Platts
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—72

Akin
Bachmann
Barrett (SC)
Barton (TX)
Bilirakis
Blackburn
Blunt
Bonner
Boozman
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Coble
Conaway
Davis, David
Deal (GA)
Duncan
Everett
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Hastings (WA)
Hensarling
Herger
Hoekstra
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Lamborn
Latta
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCarthy (CA)
Mica
Miller (FL)
Moran (KS)
Myrick
Nunes
Paul
Pence
Petri
Price (GA)
Radanovich
Rogers (KY)
Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Stearns
Thornberry
Walberg
Whitfield (KY)

NOT VOTING—59

Alexander
Bishop (UT)
Brady (PA)
Brady (TX)
Cubin
Culberson
Davis, Tom
Dicks
Doolittle
English (PA)
Etheridge
Fallin
Feeney
Giffords
Gilchrest
Gonzalez
Granger
Graves
Gutierrez
Hinchey
Hulshof
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Kagen
Kennedy
Knollenberg
Langevin
Latham
McCrery
McHenry
McKeon
McMorris Rodgers
Meeks (NY)
Moore (WI)
Moran (VA)
Neal (MA)
Neugebauer
Pascrell
Payne
Pearce
Pickering
Poe
Pryce (OH)
Reyes
Rohrabacher
Rush
Sestak
Shuster
Sires
Tancredo
Tiberi
Tierney
Udall (CO)
Udall (NM)
Weiner
Weldon (FL)
Weller
Westmoreland

□ 1856

Messrs. BONNER, ROGERS of Kentucky and CANTOR changed their vote from ''yea'' to ''nay.''

Messrs. SCOTT of Georgia, REHBERG and INGLIS of South Carolina changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1907, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1907, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 313, nays 59, not voting 61, as follows:

[Roll No. 617]

YEAS—313

Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Everett
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shays
Shea-Porter
Sherman
Shuler
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—59

Akin
Bachmann
Barrett (SC)
Barton (TX)
Blackburn
Blunt
Broun (GA)
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Conaway
Davis, David
Deal (GA)
Duncan
Ehlers
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Goodlatte
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Linder
Manzullo
Marchant
Miller, Gary
Moran (KS)
Nunes
Paul
Pence
Price (GA)
Radanovich
Sali
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Thornberry
Tiahrt
Wamp
Wilson (NM)

NOT VOTING—61

Abercrombie
Alexander
Becerra
Brady (PA)
Brady (TX)
Cubin
Culberson
Davis, Tom
Dicks
Doolittle
English (PA)
Etheridge
Fallin
Feeney
Giffords
Gilchrest
Gohmert
Gonzalez
Granger
Graves
Gutierrez
Hulshof
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Kagen
Kirk
Knollenberg
Larson (CT)
Latham
McCrery
McHenry
McKeon
McMorris Rodgers
Meeks (NY)
Moore (WI)
Moran (VA)
Neal (MA)
Neugebauer
Pascrell
Payne
Pearce
Pickering
Poe
Pryce (OH)
Ramstad
Reyes
Rohrabacher
Rush
Sestak
Shuster
Sires
Tancredo
Tiberi
Tierney
Udall (CO)
Udall (NM)
Weiner
Weldon (FL)
Weller
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONWIDE MORTGAGE FRAUD TASK FORCE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6853, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. SUTTON) that the House suspend the rules and pass the bill, H.R. 6853, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 350, nays 23, not voting 60, as follows:

[Roll No. 618]

YEAS—350

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gillibrand
Gohmert
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—23

Broun (GA)
Cannon
Coble
Conaway
Duncan
Everett
Flake
Foxx
Garrett (NJ)
Gingrey
Inglis (SC)
Johnson, Sam
King (IA)
Kingston
Lamborn
Lewis (KY)
Linder
Mack
Manzullo
Miller (FL)
Paul
Wamp
Whitfield (KY)

NOT VOTING—60

Alexander
Becerra
Blackburn
Brady (PA)
Brady (TX)
Crenshaw
Cubin
Culberson
Davis, Tom
Dicks
Doolittle
English (PA)
Etheridge
Fallin
Feeney
Frank (MA)
Giffords
Gilchrest
Gonzalez
Granger
Graves
Gutierrez
Hulshof
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Kagen
Knollenberg
Larson (CT)
Latham
McCrery
McHenry
McKeon
McMorris Rodgers
Meeks (NY)
Moore (WI)
Moran (VA)
Neal (MA)
Neugebauer
Pascrell
Payne
Pearce
Pickering
Poe
Pryce (OH)
Reyes
Rohrabacher
Rush
Sestak
Shuster
Sires
Tancredo
Tiberi
Tierney
Udall (CO)
Udall (NM)
Weiner
Weldon (FL)
Weller
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1912

Messrs. BURTON of Indiana and PENCE changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to establish in the Federal Bureau of Investigation the Nationwide Mortgage Fraud Coordinator to address mortgage fraud in the United States, and for other purposes.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted ''yea'' on rollcall votes 616, 617, and 618.

KING HENRY TAKES OVER

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, the people in Washington State are very troubled by the fact that King George has been deposed by King Henry.

We picked up Newsweek magazine today, and we have a King, King Henry. We're supposed to give him $700 billion of our money. He doesn't want any review. He wants to be able to do whatever he wants with it. He doesn't want any congressional oversight. And worst of all, our new King is like the old King: he doesn't want any sacrifice.

He says, Oh, we can't threaten the salaries of these investment bankers that drove us into the ditch. We can't get anybody to pay for this.

This is the third time we've done it with this bunch: first the war that didn't get paid for, and then the tax cuts that didn't get paid for, and now King Henry takes over to distribute $700 billion. He's going to be there for 4 months. And in 4 months, he will make deals; and then he will go out and he will be able to catch a pass he threw to himself.

IN RECOGNITION OF BULGARIA'S CENTURY OF INDEPENDENCE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today is the 100th anniversary of independence for the people of the Republic of Bulgaria.

On September 22, 1908, Bulgaria emerged from the control of the Ottoman Empire as an independent nation. Following World War II, Bulgaria was subject to totalitarian rule for much of the 20th century until the defeat of communism in the beginning of the 1990s.

Today, Bulgaria is a dynamic member of NATO and the European Union. I am grateful for the growing partnership between the United States and Bulgaria, in particular their courageous military contributions in the global war on terrorism. Last month, I was grateful to visit our extraordinary friends during a visit to joint Bulgaria-U.S. training bases in Bulgaria.

As the co-chair of the Bulgarian Caucus, I have seen firsthand for the people of Bulgaria this remarkable achievement of freedom and democracy. The friendship between Bulgaria and America has never been stronger. Much credit is due to the professionalism of the departing ambassador, Ambassador Elena Poptodorova.

In conclusion, God bless our troops, and we will never forget September the 11th.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WAR IS NOT THE WAY TO STOP TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, ever since 9/11, the current administration has relied on military force alone to fight terrorism. This policy has been a disaster. There have been over 34,000 Americans killed or hurt in Iraq, but we aren't any safer. And now our troops in Afghanistan are facing a growing insurgency.

The lesson we must learn from all this is that we cannot bomb and torture our way to friendship and cooperation around the world. We must eliminate the root causes of terrorism, which are poverty and despair. And to do that, we must focus on helping Nations like Iraq and Afghanistan to make social, economic, and political progress.

Former Congressman Charlie Wilson is an actual expert on this subject. Congressman Wilson represented the Second District of Texas from 1973 to 1997. He was the subject of the popular recent movie, ''Charlie Wilson's War.'' The movie shows how Wilson helped the Afghans to beat back the Soviet invasion in their country in the 1980s.

Charlie Wilson understands that military force alone is not the answer to the world's problems. He believes that diplomacy and development assistance are actually the best answers.

Charlie described his position in an op-ed he wrote for The Washington Post last month. The op-ed is entitled, ''Charlie Wilson's Peace,'' and I hope that every Member of the House will read it.

Wilson writes that after the defeat of the Soviets, his request for funds to rebuild Afghanistan was turned down. The result was a disaster for America.

Wilson writes, ''Instead of intensifying our diplomatic and humanitarian efforts, we simply walked away, leaving a destroyed country that lacked roads, schools, and any plan or hope for rebuilding.

''Into this void marched the Taliban and al Qaeda. Had we remained engaged in Afghanistan, investing in education, health, and economic development, the world would be a very different place today.''

I want to repeat, Mr. Speaker, Wilson's point because it is an important one. He says that al Qaeda became more powerful because the Afghan people did not receive the right kind of assistance from the United States. Yes, we gave them weapons, but we left them in rubble, and that's where terrorism grows.

Wilson goes on to say that ''we cannot afford to aspire to anything less than defeating poverty, disease, and ignorance wherever they exist. It is a relatively small but incredibly effective investment that helps ensure our future national security and economic prosperity.''

Charlie Wilson's experience in Afghanistan, Mr. Speaker, was over 20 years ago, but it is a real lesson for us today. It tells us that we won't defeat al Qaeda just by increasing the number of our troops in Afghanistan. We must focus our efforts in Afghanistan and Iraq on reconstruction.

That means redeploying our troops out of Iraq on a firm timetable, and then working with regional and international partners to rebuild that devastated land. Electricity and water must be restored to every home. Jobs must be created. The shattered educational and health care systems must be rebuilt. The Iraqi Government must stop dragging its feet and spend the money it has budgeted for essential services.

And this House ought to take every chance to promote reconciliation in Iraq. Representative SHAYS and I have introduced legislation, H.R. 5925, to support the United States Institute for Peace, which has been carrying out important reconciliation projects in Iraq since 2004. The institute has worked to prevent violence and promote the rule of law, and it deserves our help.

Mr. Speaker, the current administration has only 4 months to go. I hope that the next administration will learn from this administration's mistakes. Starting next January 20, America must begin to export compassion and hope instead of war and occupation.

REAGAN HIGH SCHOOL RAIDER STUDENT CREDIT UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, today I want to congratulate a group of enterprising students and teachers at Ronald Reagan High School in Pfafftown, North Carolina. This month, Reagan High School launched North Carolina's first ever high school student-run credit union.

This is truly an historic and groundbreaking achievement. I want to congratulate all the faculty and students at Reagan who have been involved in getting the Raider Student Credit Union off the ground. Working hand in hand with Allegacy Federal Credit Union, they have created a student-run enterprise that should make these students proud.

When I recently visited the school to participate in the grand opening of the Raider Student Credit Union, I was so impressed by the students' ambition

and work ethic. Many of them are pictured here with their faculty advisers. These students are a driving force in the creation of this unique and educational institution.

The new credit union is a part of the Reagan High School's financial literacy program and is a partnership with a local credit union, Allegacy Federal Credit Union. Reagan High School students are operating the branch three days a week during the school's lunch period, offering withdrawal and deposit services to its members.

At a time when so many Americans are struggling with family finances and with financial literacy at a low ebb, it is very encouraging to witness this school's commitment to educating students about good money management.

It is exciting to observe the commitment to financial literacy and life skills among the student body at Reagan High School. I am confident that the students who participate in the day-to-day operation of the Raider Student Credit Union will emerge from their high school years better equipped to take on the financial challenges they will face as adults.

Equally as important, students will come away with valuable work skills that will serve them as they enter the workplace in the coming years and that will help catapult those who are involved into successful careers.

A recent survey on financial literacy found that young people are increasingly undereducated on matters of financial literacy. Financial literacy and financial education are much-needed tonics in an age of maxed-out credit cards and financial stress.

Many people find themselves in financial difficulties because they were not educated about their options and various financial opportunities. I am confident that this new credit union will equip the students at Ronald Reagan High School with the financial skills to make wise decisions for their financial futures.

I hope that the initiative and innovation that Reagan High School has demonstrated with the Raider Student Credit Union will inspire more schools to follow in their footsteps, not only to start credit unions of their own but to find unique ways to prepare students to take their place in our productive society.

With this groundbreaking program, Ronald Reagan High School has helped to set the pace for financial education in North Carolina's high schools. It is important to note that not only is the Raider Student Credit Union the first high school credit union in North Carolina, it is also an investment in the lives and success of this school's students.

THE LATEST REALITY GAME—WALL STREET BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, here is the latest reality game. Let's play Wall Street Bailout.

Rule one: Rush the decision. Time the game to fall in the week before Congress is set to adjourn and just 6 weeks before an historic election so your opponents will be preoccupied, pressured, distracted, and in a hurry.

Rule two: Disarm the public through fear. Warn that the entire global financial system will collapse and the world will fall into another Great Depression. Control the media enough to ensure that the public will not notice this.

Bailout will indebt them for generations, taking from them trillions of dollars they earned and deserve to keep.

Rule three: Control the playing field and set the rules. Hide from the public and most of the Congress just who is arranging this deal. Communicate with the public through leaks to media insiders. Limit any open congressional hearings. Communicate with Congress via private teleconferencing calls. Heighten political anxiety by contacting each political party separately. Treat Members of Congress condescendingly, telling them that the matter is so complex that they must rely on those few insiders who really do know what's going on.

Rule four: Divert attention and keep people confused. Manage the news cycle so Congress and the public have no time to examine who destroyed the prudent banking system that served America so well for 60 years after the financial meltdown of the 1920s.

Rule five: Always keep in mind the goal is to privatize gains to a few and socialize loss to the many. For 30 years in one financial scandal after another, Wall Street game masters have kept billions of dollars of their gain and shifted their losses to American taxpayers. Once this bailout is in place, the greed game will begin again.

But I have a counter-game. It's called Wall Street Reckoning. Congress shouldn't go home to campaign. It should put America's accounts in order.

□ 1930

To Wall Street insiders, it says ''no'' on behalf of the American people. You have perpetrated the greatest financial crimes ever on this American republic. You think you can get by with it because you are extraordinarily wealthy and the largest contributors to both Presidential and congressional campaigns in both major parties, but you are about to be brought under firm control.

First, America doesn't need to bail you out, it needs to secure the real assets and property, not your paper, that means the homes and properties of hardworking Americans who are about to lose their homes because of your mortgage greed. There should be a new job for regional Federal Reserve Banks. We want no home foreclosed if a serious work-out agreement can be put into place. And if you don't do it, we want a notarized statement by a Federal Reserve official that they tried and failed.

Second, taxpayers should directly gain any equity benefits that may flow from this historic bailout. We want the American people to get first priority in taking ownership of the institutions that want to pass their toxic paper onto the taxpayers.

Third, before any bailouts for Wall Street, America needs major job creation to rebuild our major infrastructure. America needs assets, not paper. We need working assets.

Fourth, the time for real financial regulatory change is now, not next year. A modernized Glass Eagle Act must be put in place. We need to reestablish locally-owned community savings banks across this country and create within the Justice Department a fully funded unit to prosecute every single high-flying thief whose fraud and criminal acts created this debacle and then forced their disgorgement of assets going back 15 years.

Fifth, any refinancing must return a major share of profits to a new Social Security and Medicare lockbox, where the monies can go to pay for a dignified and assured retirement for every American. This Member isn't voting for a penny of it. Those who created and profited from this game of games must be brought to justice. The assets they stole must be returned to the American taxpayers, right down to the tires on their Mercedes.

Mr. Speaker, I ask my colleagues to join me in cosponsoring my bill to create an independent commission to investigate these well-heeled wrongdoers. Real reform now, or nothing.

SEVEN DEADLY SINS OF DEREGULATION—AND THREE NECESSARY REFORMS

(By Robert Kuttner)

The current carnage on Wall Street, with dire spillover effects on Main Street, is the result of a failed ideology—the idea that financial markets could regulate themselves. Serial deregulation fed on itself. Deliberate repeal of regulations became entangled with failure to carry out laws still on the books. Corruption mingled with simple incompetence. And though the ideology was largely Republican, it was abetted by Wall Street Democrats.

Why regulate? As we have seen ever since the sub-prime market blew up in the summer of 2007, government cannot stand by when a financial crash threatens to turn into a general depression—even a government like the Bush administration that fervently believes in free markets. But if government must act to contain wider damage when large banks fail, then it is obliged to act to prevent damage from occurring in the first place. Otherwise, the result is what economists term

''moral hazard''—an invitation to take excessive risks.

Government, under Franklin Roosevelt, got serious about regulating financial markets after the first cycle of financial bubble and economic ruin in the 1920s. Then, as now, the abuses were complex in their detail but very simple in their essence. They included the sale of complex securities packaged in deceptive and misleading ways; far too much borrowing to finance speculative investments; and gross conflicts of interest on the part of insiders who stood to profit from flim-flams. When the speculative bubble burst in 1929, sellers overwhelmed buyers, many investors were wiped out, and the system of credit contracted, choking the rest of the economy.

In the 1930s, the Roosevelt administration acted to prevent a repetition of the ruinous 1920s. Commercial banks were separated from investment banks, so that bankers could not prosper by underwriting bogus securities and foisting them on retail customers. Leverage was limited in order to rein in speculation with borrowed money. Investment banks, stock exchanges, and companies that publicly traded stocks were required to disclose more information to investors. Pyramid schemes and conflicts of interest were limited. The system worked very nicely until the 1970s—when financial innovators devised end-runs around the regulated system, and regulators stopped keeping up with them.

SEVEN DEADLY SINS

Sin One: Allowing Mortgage Lending to Become a Casino. Until 1969, Fannie Mae was part of the government. Mortgage lenders were tightly regulated. Homeownership rates soared throughout the postwar era, from about 44 percent on the eve of World War II to 64 percent by the mid-1960s. Nobody in the mortgage business got filthy rich, and hardly anyone lost money. Fannie's job was to buy mortgages from banks and thrift institutions, to replenish their money to make mortgages, and along the way to set standards. Fannie financed its operations by selling bonds. In the late 1970s, private Wall Street firms started emulating Fannie. They packaged mortgages, and converted them into bonds. Over time, their standards deteriorated, because they could make more money creating riskier products. In order to avoid losing market share, Fannie emulated some of the same abuses. Government did not step in to regulate the affair—which was a time bomb waiting for the creation of the sub-prime mortgage business.

Sin Two: Allowing Unregulated Bond Rating Agencies to Decide What was Safe. Subprime is only the best known of a widespread fad known as ''securitization.'' The idea is to turn loans into bonds. Bonds are given ratings by private companies that have official government recognition, such as Moody's and Standard and Poors, but no government regulation. These rating agencies have become thoroughly corrupted by conflicts of interest. If you want to package and sell bonds backed by risky loans, you go to a bond-rating agency and pay it a hefty fee. In return, the agency helps you manipulate the bond so that it qualifies for a triple-A rating, even if the underlying loans include many that are high-risk. Without the collusion of the bond-rating agencies, sub-prime lending never would have gotten off the ground, because it would not have found a mass market. Had regulators looked inside this black box, they would have shut it down. They might have needed new legislation, but they never asked for it. And public-minded regulators might have done a lot under existing law, since banks (which are regulated) were heavily implicated in the financing of subprime.

Sin Three: Failing to Police Sub-prime. The core idea of bank regulation is that government inspectors periodically examine the quality of bank assets. If too large a portion of a bank's loan portfolio is behind in its interest payments, the bank is made to raise more capital as a cushion against losses. Problems are nipped in the bud. But complex securities require more sophisticated regulation than simple loans. Regulators basically waived the rule on adequate capital for the new wave of mortgage lenders who created sub-prime. Many mortgage companies were not banks. They made loans only to sell them off to the Wall Street sinners of Deadly Sin No. 1 (see above). So there was no loan portfolio to examine, and no real capital. The Democratic Congress anticipated this problem in 1994, when it passed the Homeownership Opportunity and Equity Protection Act. This prescient law required the Federal Reserve to regulate the loan-origination standards of mortgage companies that were not otherwise government-regulated. But Alan Greenspan, a free-market zealot, never implemented the law. And when Republicans took over Congress in 1995, they never called him on the carpet.

Sin Four: Failure to Stop Excess Leverage. The financial economy is crashing today because so much speculation was done with borrowed money. A typical leverage ratio of a hedge fund or private equity company is 30 to one. That means $30 of debt for $1 of actual capital. If you make one serious miscalculation, you are out of business. And in the case of sub-prime mortgage companies, the leverage ratio was infinite, because they had no capital. The game was entirely based on creating debt. As long as times were good, financial firms could keep borrowing to finance their deals. But once investors looked down, they panicked. Some parts of the system are unregulated, such as hedge funds and private-equity companies. But they all ultimately get a lot of their funding from banks. And regulators do retain the power to look closely at banks' books (see Sin No. 3 above). Had they used that power to police the kind of highly risky stuff banks were underwriting they could have shut it down.

Sin Five: Failure to Police Conflicts of Interest. Remember the accounting scandals of the 1990s? In those scandals, accounting firms were paid once to audit corporate books and then again to help clients cook the books and still pass muster with the audit. That was a sheer conflict of interest. Though accountants were (loosely) regulated, Congress did not crack down until cooked books caused the stock market to crash. A second conflict of interest was the corruption of stock analysts, who were telling customers to buy dubious stocks because their bosses were profiting from underwriting the same stocks. In the aftermath of the dot-com bust, Congress narrowly cracked down on these two abuses with the Sarbanes-Oxley Act but simply ignored others—such as the role of bond-rating agencies and the habit of basing executive bonuses on stock prices that could easily be manipulated by the same executives.

Sin Six: Failing to Regulate Hedge Funds and Private Equity. When Roosevelt's New Deal acted to rein in the abuses in financial markets, it regulated the major players—commercial banks, investment banks, stock brokers, holding companies, and stock exchanges. But two of the biggest purveyors of risk today—hedge funds and private-equity firms—simply did not exist. Today, private-equity firms and hedge funds do most of the things banks and investment banks do. They basically create credit by making markets in exotic securities. They buy and sell firms. They speculate in financial markets with borrowed money, taking much bigger risks than regulated banks. According to House Banking Committee Chair Barney Frank, more than half the credit created in recent years has been created by essentially unregulated institutions. The people in charge of the government—conservative Republicans—took the view that these new-wave financial players offered transactions between consenting adults who needed no special consumer protection. But they were oblivious to the risks to the larger system.

Sin Seven: Repeal of the Glass-Steagall Act. This action, in 1999, was one of two major cases when a cornerstone of New Deal regulation was explicitly repealed. (The other was the repeal of the Public Utility Holding Company Act, and if your utility rates are sky-high, you can thank Congress for that, too.) Glass-Steagall provided that if you wanted to speculate as an investment bank, good luck to you. But commercial banks were part of the banking system. They created credit. They were regulated, supervised, usually enjoyed FDIC insurance, and had access to advances from the Fed in emergencies. So commercial banks and investment banks were two different creatures that should stay out of each other's knitting.

But beginning in the 1980s, regulators who didn't believe in regulation either allowed explicit waivers of some aspects of Glass-Steagall or looked the other way as commercial banks and investment banks became more alike. By 1999, when Citigroup had jumped the gun and assembled a supermarket that included a commercial bank, investment bank, stock brokerage, and insurance company, Glass Steagall was so hollowed out that it was effectively dead. The coup de grace was its official repeal, in the Gramm-Leach-Bliley Act. That's Gramm as in former Sen. Phil Gramm, a deregulation zealot and top adviser to John McCain.

THREE BASIC REFORMS

What all of these sins had in common was that they led financial markets to misprice assets. In plain English, that means buyers were purchasing securities based on bad information, often with borrowed money. When firms started losing money on subprime in mid-2007 and other owners decided it was time to get their money out, the whole miracle of leverage went into reverse. And it spilled over into other securities that had been mispriced thanks to all the conflicts of interest tolerated by regulators.

That's why, no matter how much taxpayer money the Federal Reserve and the Treasury keep pumping in, they can't turn dross back into gold. The next administration and the Congress need to return the financial economy to its historic task of supplying capital to the real economy—of connecting investors to entrepreneurs—and shut down the purely casino aspects of the system that have only enriched middlemen and passed along huge risks to everyone else.

Reform One: If it Quacks Like a Bank, Regulate it Like a Bank. Barack Obama said it well in his historic speech on the financial emergency last March 27 in New York. ''We need to regulate financial institutions for what they do, not what they are.'' Increasingly, different kinds of financial firms do the same kinds of things, and they are all capable of infusing toxic products into the nation's financial bloodstream. That's why

Treasury Secretary Hank Paulson has had to extend the government's financial safety net to all kinds of large financial firms like A.I.G. that have no technical right to the aid and no regulation to keep them from taking outlandish risks. Going forward, all financial firms that buy and sell products in money markets need the same regulation and examination. That will be the essence of the 2009 version of the Glass-Steagall Act.

Reform Two: Limit Leverage. At the very heart of the financial meltdown was extreme speculation with esoteric financial securities, using astronomical rates of leverage. Commercial banks are limited to something like 10 to one, or less, depending on their conditions. These leverage limits need to be extended to all financial players, as part of the same 2009 banking reform.

Reform Three: Police Conflicts of Interest. The conflicts of interest at the core of bond-raising agencies are only one of the conflicts that have been permitted to pervade financial markets. Bond-rating agencies should probably become public institutions. Other conflicts of interest should be made explicitly illegal. Yes, financial markets keep ''innovating.'' But some innovations are good, and some are abusive subterfuges. And if regulators who actually believe in regulation are empowered to examine all financial institutions, they can issue cease-and-desist orders when they encounter dangerous conflicts.

We're talking about a Roosevelt-scale counterrevolution here. But nothing less will prevent the financial collapse from cascading into Great Depression II. And the public should never again forget that this needless collapse was brought to us by free-market extremists.

[From Robert Reich's Blog, Sept. 21, 2008]

WHAT WALL STREET SHOULD BE REQUIRED TO DO, TO GET A BLANK CHECK FROM TAXPAYERS

(By Robert Reich)

The frame has been set, the dye cast. Treasury Secretary Hank Paulson, presumably representing the Bush administration but indirectly representing Wall Street, and Fed Chief Ben Bernanke, want a blank check from Congress for $700 billion or possibly a trillion dollars or more to take bad debt off Wall Street's balance sheets. Never before in the history of American capitalism has so much been asked of so many for (at least in the first instance) so few.

Put yourself in the shoes of a member of Congress, including our two presidential candidates. The Treasury Secretary and Fed Chair have told you this is necessary to save the economy. If you don't agree, you risk a meltdown of the entire global financial system. Your own constituents' savings could go down with it. An election is six weeks away. Besides, in the last two days of trading, since rumors spread that the Treasury and the Fed were planning something of this sort, stock prices revived.

Now—quick—what do you do? You have no choice but to say yes.

But you might also set some conditions on Wall Street.

The public doesn't like a blank check. They think this whole bailout idea is nuts. They see fat cats on Wall Street who have raked in zillions for years, now extorting in effect $2,000 to $5,000 from every American family to make up for their own nonfeasance, malfeasance, greed, and just plain stupidity. Wall Street's request for a blank check comes at the same time most of the public is worried about their jobs and declining wages, and having enough money to pay for gas and food and health insurance, meet their car payments and mortgage payments, and save for their retirement and childrens' college education. And so the public is asking: Why should Wall Street get bailed out by me when I'm getting screwed?

So if you are a member of Congress, you just might be in a position to demand from Wall Street certain conditions in return for the blank check.

My five nominees:

1. The government (i.e. taxpayers) gets an equity stake in every Wall Street financial company proportional to the amount of bad debt that company shoves onto the public. So when and if Wall Street shares rise, taxpayers are rewarded for accepting so much risk.

2. Wall Street executives and directors of Wall Street firms relinquish their current stock options and this year's other forms of compensation, and agree to future compensation linked to a rolling five-year average of firm profitability. Why should taxpayers feather their already amply-feathered nests?

3. All Wall Street executives immediately cease making campaign contributions to any candidate for public office in this election cycle or next, all Wall Street PACs be closed, and Wall Street lobbyists curtail their activities unless specifically asked for information by policymakers. Why should taxpayers finance Wall Street's outsized political power—especially when that power is being exercised to get favorable terms from taxpayers?

4. Wall Street firms agree to comply with new regulations over disclosure, capital requirements, conflicts of interest, and market manipulation. The regulations will emerge in ninety days from a bi-partisan working group, to be convened immediately. After all, inadequate regulation and lack of oversight got us into this mess.

5. Wall Street agrees to give bankruptcy judges the authority to modify the terms of primary mortgages, so homeowners have a fighting chance to keep their homes. Why should distressed homeowners lose their homes when Wall Streeters receive taxpayer money that helps them keep their fancy ones?

Wall Streeters may not like these conditions. Well, you should tell them that the public doesn't like the idea of bailing out Wall Street. So if Wall Street doesn't accept these conditions, it doesn't get the blank check.

[From Bloomberg.com, Sept 19, 2008]

SUE THEM, JAIL THEM, MAKE THEM PAY FOR MELTDOWN: ANN WOOLNER

(Commentary by Ann Woolner)

As it stands, the rest of us will be paying much money over a long time for the greed and bad judgment of those who melted down the economy.

Hundreds of billions of taxpayer dollars are propping up firms that a relative few money lenders and Wall Street wizards ruined.

If that weren't enough, the crisis is shrinking the money that Americans diligently socked away for retirement, down payments on first homes, college for the kids or this winter's heating bill. We might as well have opened our windows and tossed out cash.

Beyond crimping living standards around the globe, the crumbling of the U.S. financial system has prompted action radical for a nation devoted to free enterprise. However necessary, it's nothing short of astounding that the U.S. government essentially nationalized the largest insurance company in the country.

The real kick in the teeth is that the executives who inflicted all this financial pain, who forced unprecedented government takeovers, walk away with hundreds of millions of dollars. It's up to us—innocent little us—to dig into our pockets, into our futures and into our children's futures to fix their spectacular errors.

Stanley O'Neal took a $161 million package last year when he left Merrill Lynch & Co. (remember Merrill Lynch?), even without a severance package in the mix. Angelo Mozilo, founder and top executive at Countrywide Financial Corp., reaped almost $122 million during 2007 in stock options alone.

For a mere three months at the helm of American International Group Inc., Chief Executive Officer Robert Willumstad gets a $7 million package.

SELLING STOCK OPTIONS

And while the value of Richard Fuld's shares in Lehman Brothers Holdings Inc. plunged roughly $1 billion, he still pulled in almost $490 million by selling options and share grants in the 14 years that the company's been public, according to Fortune magazine.

We now know those shares were grossly overpriced, resting as they did on subprime mortgages. Shouldn't he give back most of it? All of it?

At least the government is blocking the $24 million given to the fired top guns at Fannie Mae and Freddie Mac, both taken over earlier this month.

As a rule, it isn't easy to take back money or benefits awarded as part of an employment contract, unless you can figure out some way the executive violated the contract's terms.

But it's worth a try. Consider these options.

Toss the rascals in jail. Criminal prosecution allows the government to seize ill-gotten gains. Snip the straps off those golden parachutes and grab them. Take over bank accounts, investment accounts, mansions, private planes and yachts.

BEAR STEARNS

The feds did bring charges against a couple of Bear Stearns Cos. hedge fund managers in June, and Federal Bureau of Investigation Director Robert Mueller told Congress this week his agency is pursuing possible suspects ''as far up the corporate chain as necessary.''

The hitch is that proving executives lied in criminal ways is easier said than done, Enron and WorldCom convictions notwithstanding.

''Criminal prosecutions need to be specific, detail-oriented fact patterns where clear-cut criminality can be established,'' says Robert Mintz, a white-collar criminal defense lawyer and former prosecutor.

''These are broad, sweeping market failures that have swept up so many individuals and so many institutions that prosecutors will have a hard time singling out any entity, much less any institution, and hold them responsible,'' says Mintz, a partner in McCarter and English in Newark, New Jersey.

OK, so file civil suits.

SUE THE DIRECTORS

WorldCom shareholders sued and wrangled $18 million from the pockets of directors, who agreed to pay more than 20 percent of their combined net worth. Another $36 million came from the directors' insurance carriers.

These days, collecting from an insurer might not be the best idea. If AIG is doing

the insuring, it would be the taxpayers paying out.

William McGuire, former CEO of UnitedHealth Group Inc., agreed this month to personally cough up $30 million to resolve a lawsuit over stock-option backdating. That's on top of the $600 million in benefits—mostly in stock options—he said he will turn in to resolve another shareholder suit.

The problem is that it normally takes something akin to criminal conduct, such as options backdating or accounting fraud, for civil suits to take money out of the hands of the accused. And, as previously noted, it isn't clear we will have that here.

STRICTER REGULATION

Well, what about government regulators? The U.S. Securities and Exchange Commission didn't do anything to prevent this meltdown. But at least, with New York Attorney General Andrew Cuomo leading the charge, federal and state regulators have forced investment banks to buy back billions of dollars worth of auction-rate securities said to have been sold under dubious claims of reliability.

The bankruptcy law may give Lehman Brothers creditors a chance to grab some of the bonuses the firm paid out last year.

If they can show bonuses were based on bogus claims of solvency, they can go after them, according to compensation expert Paul Hodgson of the Corporate Library, which analyzes corporate governance issues.

Some plaintiffs' lawyers apply the same principle when pushing for tougher corporate governance rules as part of settling a case.

The idea is that CEOs and CFOs who drew bonuses based on earnings that had to later be restated, for whatever reason, must automatically return the excess amount, according to Darren Robbins, a partner in Coughlin Stoia Geller Rudman & Robbins.

Frankly, it's only fair.

DRILL HERE, DRILL NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, a number of the speakers tonight have been talking about the bailout on Wall Street. And we've been told by the head of the Treasury and the FDIC that, unless we do this, there could be real dire consequences for the entire economy of the United States.

The amount that we've been talking about, which will be brought to the floor, is somewhere in the neighborhood of $700 billion, which is directly going to go to our national debt, in all probability. Hopefully, some of those assets that are going to be bought will be able to be sold down the road and the money repaid to the Treasury.

But the thing that bothers me the most is we haven't done anything that will really create new jobs. The speaker that just spoke talked about the creation of new jobs. And we passed an energy bill last week that really isn't going to do anything. And we have the ability to drill off the Continental Shelf and Alaska and elsewhere. And we can get billions and billions of dollars in money coming into the United States Treasury from these assets that we have already, and that is, oil, gas, shale, and other commodities that will help us with our energy crisis.

We have an energy crisis right now, and we have not passed an energy bill that will do anything. Boone Pickens has been on television talking about the transfer of wealth, $700 billion a year. It's an odd consequence that we're going to be asking for $700 billion for the ''Wall Street bailout'' and at the same time we're denying the drilling for oil and other energy products here in the United States which could save $700 billion of our money that's going overseas to Saudi Arabia, to Nigeria, down south to Venezuela. And so the United States is actually turning over our money that we could keep here at home and create hundreds and thousands of jobs and really help this economy if we could just go after the energy sources that we already have here in the United States.

I just don't understand it. We're sending $700 billion to Saudi Arabia, and they're going to be buying these assets here in the United States. It's going to be our money that's purchasing the oil that gives them the money to buy the products here in the United States. It makes no sense, especially when we have the energy products right here in this country, offshore and up in ANWR, and elsewhere, trillions of square feet of gas, millions of barrels of oil, and we can't drill for them because of the environmental concerns that people are talking about. And we could do it in an environmentally safe way.

It makes no sense to me whatsoever to send $700 billion out of this country that we can keep here at home creating jobs. And at the same time that we're sending that $700 billion out of this country to buy oil from other parts of the world, we're asked to give $700 billion to bail out bad investments that have been made, bad loans that have been made. It just doesn't make sense to me.

If we're really concerned about the economy of the United States, we need to drill here, we need to drill now. Use alternative sources of energy as well—wind and solar and everything else—but we need to drill here in the United States. The American people are suffering. They're still playing $4 plus for a gallon of gas, $80 to fill up a 20-gallon tank on a car or a truck. The American people can't afford it. And we could be saving that money, reducing the price of oil and gasoline dramatically, if we drilled here and drilled now, keeping $700 billion of our money here instead of sending it overseas, and especially at a time when we're going to be bailing out financial institutions to the tune of $700 billion.

It's really odd. We're sending $700 billion of our money overseas—we don't need to—at a time when we could sure use it here at home to deal with our financial crisis.

We need to drill here, we need to drill now. We need to lower the price of gasoline and oil and other energy products and we're not doing it. And I simply don't understand it, Mr. Speaker.

And I want to say it one more time; the energy bill we passed last week isn't going to doing anything. It's not going to provide one barrel of new oil from the United States. And we're going to continue to send to Saudi Arabia, Nigeria, Venezuela, and elsewhere, $700 billion of America's money, which could be used to create hundreds of thousands of jobs. It makes no sense. We should drill here, we should drill now. We should move toward energy independence and immediately start lowering the price of gasoline and other fuel products.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from New York (Ms. CLARKE) is recognized for 60 minutes as the designee of the majority leader.

Ms. CLARKE. Mr. Speaker, on behalf of the Congressional Black Caucus, our chairman, Ms. CAROLYN KILPATRICK, and the 42 other members, it's my privilege to come and discuss the topic of the hour—I believe the topic of the century—and that is the collapse of our financial service sector and the proposed bailout that we've all heard of this past weekend.

You know, it wasn't that long ago that I heard a gentleman who was serving as Secretary of State to the United States saying to us, when we launched into Iraq and we knew that there was going to be a whole lot of trouble and it was going to be an expensive venture, that if we went in there and we broke it, we own it. Well, ladies and gentlemen, another example of breaking it, now owning it.

You know, the Bush administration and the folks on the other side of the aisle turned a blind eye and a deaf ear in the name of so-called ''free markets''—which, in fact, is not free and all Americans are learning today it's costing us $700 billion; very, very expensive lesson. Because when the call for regulation in this sector went on deaf ears and more deregulation was the mantra, and keeping the free market free led to this feeding frenzy that now has all of us pulling out our hair wondering how we got here. Well, I can tell you that in communities like mine, we got here because people were given bad loan products, they were given subprime loans. There was no investigation, due diligence done to make sure that individuals could, indeed, understand the terms and conditions in which they were being subjected. And we turned a blind eye to

that. We felt that the crisis in the subprime market was only for those people, and it wouldn't impact on the overall society. So we said, well, poor them, and they should have known better. Where are the folks screaming ''they should have known better'' now? Where are they now that the so-called folks in the know who should have known better allowed their corporate interests and corporate greed to supercede their obligation to our Nation, to our overall economy, to our well-being, where are they today? Well, they're meeting behind closed doors.

There are meetings taking place all over the place this evening, folks trying to scramble here and there to come up with the best deal for ''the bailout.'' Well, I can tell you that in just about all of the offices of the members of the Congressional Black Caucus the phones are ringing off the hook. They're ringing off the hook for people who have had to file bankruptcy because they had no health care insurance and someone got ill in the family and they had to use everything they owned to pay off health care costs that have skyrocketed and they've had to refinance and refinance and refinance their homes over and over again to get the money needed to help in a health care crisis. And we're getting phone calls from people who got their economic stimulus rebate only to face skyrocketing oil costs and gasoline costs and costs of living just going up while their wages have stayed stagnant. And we're getting calls from individuals who, due to lack of real management in these financial firms, are mid, low-level employees that are now unemployed and who also bought into the ''American dream'' and their mortgages are coming due and they don't know where their next check will come from.

Well, we are in an economic crisis, and I think we need to not have amnesia at this time. We need to remember where all of our financial woes have come from. They've come from an administration and a party that the free market is truly free, that the need for regulation is something that is not a part of being Americans when we regulate every other part of our lives and we regulate just about everything else we do except for the feeding frenzy and the greed that is taking place in this Nation over the past 12 years.

It's unfortunate that we've arrived at this moment in time, and it's a very expensive wake-up call for all of us. I understand that folks are moving very aggressively to address the financial crisis, as quoted by our speaker, NANCY PELOSI, ''to aggressively address the financial crisis.'' ''We will investigate the Bush administration's mismanagement of financial regulation, how it led to this crisis, and what solutions Congress can act upon.''

''I don't think the American people want us to wait until next year. We would hope to have something as soon as we can.'' And I agree. We must have some accountability here. This is not a time to use fear tactics, to get people to just go along, to get along. This is a time for accountability.

□ 1945

We are at a time where the crossroads have come and where we're right at that fork, and either we will continue with the same or we will make a change for the betterment of our civil society.

Let me just say that, as we look at this bailout, it is our hope that we will look at Main Street and, as opposed to the trickle-down economics that got us to where we are today, that we will start at Main Street and will look at the needs of those who have been given these flimflam subprime loans and will work to make sure that we can keep Americans in their homes. We need to come out of this process with a corridor or with a pathway for American families to be able to renegotiate their terms in the same way that our financial institutions are asking for the renegotiation of their terms.

What is good for those who have benefited from this feeding frenzy, from this bonanza, from this greed, from this run-on money is good enough for those who have had to pay the cost. It is our hope that that will be a part of what ultimately is negotiated so that we can pass in this House a bill that is reflective of the desire of the American people.

The financial rescue that we are asking to consider this week will require some legislative solutions. It will conduct investigations into how Wall Street actually got into this crisis, and it will clean up what has become a huge mess, and it will insulate Main Street from Wall Street. We want to know how we will prevent this from ever happening again.

Congress is ready to work, but we are ready to work as coequal partners in this process. We are not willing to have the administration dictate to us the terms under which we will do what needs to be done to set our financial house in order. It's not up to us to simply hand over a $700 billion blank check to those in the financial sectors who are now in crises and hope for a better outcome.

The CBC, working along with our colleagues throughout this body in the New Direction Congress, will work to protect taxpayers' interests. We will make sure that the necessary safeguards that we believe will provide a responsible solution will include independent oversight and protection for homeowners with reasonable limits on executive compensation for CEOs and for other top executives.

I think one of the things that really boggles the mind of the average, everyday American is the fact that the corporate CEOs have gotten away with wrecking their corporations while receiving bonuses—golden parachutes—when they're asked to leave. Now, for the average, everyday American, when they don't perform well at their jobs, all that they can expect is an escort out the door of their employers'. Yet somehow we've gotten it so twisted that we are actually giving rewards for bad performance. This has got to stop.

I do not understand how in a day and time when we're asking for accountability from everyone that we would enable these individuals who have been reckless in their endeavors to walk away scot-free. So we are clear that whatever we legislate this week will have implications for those who are in executive office and for those who are seeking to receive compensation as they depart from jobs poorly done.

I see that I have been joined this evening by the very distinguished gentleman from Chicago, Illinois, by a gentleman who has been a part of the Congressional Black Caucus for quite some time now and who has been a leader in education, in labor and in understanding the challenges of our urban communities across this Nation. I know he, like so many other members of the Congressional Black Caucus, has been getting phone calls throughout the weekend, starting Friday into today, nonstop, from his constituents who have been raising their concerns and their issues about the crisis that we're in, and they've been giving their advice about what they would like to see from us as a body representing their interests.

So, at this time, I yield as much time as he would like to consume to the gentleman from Chicago, Illinois, Congressman DANNY DAVIS.

Mr. DAVIS of Illinois. Well, thank you very much.

I just want to commend and to thank you, Representative CLARKE, for the leadership that you've taken on this issue as well as on a number of others. When you were elected, those of us who knew of your history and who knew of your family's history in New York were all delighted to know that we were going to have a queen warrior join us in the House of Representatives, and that's exactly what you have demonstrated yourself to be.

With every phone call that I have gotten—and I represent a district where the people like to be engaged and where they like to be involved—one of my biggest bills is probably my phone bill. That's because our phones are constantly being used all the time, all the time, all the time.

In practically every call that we have gotten, the people have said, ''Don't fall for the okey-doke.'' So, you know, you have to ask them ''What is the 'okey-doke'? What are you talking about? What are you asking us not to fall for?'' They'll say, ''Don't fall for

any bailout plan that only bails out financial institutions, that only bails out financial investors, that only bails out sophisticated traders, that only bails out people who really know and who understand markets and who have got all of these sophisticated tools and all of this information. Make sure that John Smith gets bailed out. Make sure that Sally Jones gets bailed out. Make sure that Mary Jackson gets bailed out.''

In essence, what they were saying is make sure that, as to any bailout plan, it has built into it consumer interest for the little guy—for the person who has invested and who has created a life savings that is being wiped out without a minute's notice, for the individuals who've got retirement plans that they've meticulously tried to put together and from which they're hoping to have some little nest egg at the end of their work. Make sure that these individuals' interests are, in fact, protected; make sure that they are included, and make sure that there is enough oversight to protect them.

As a matter of fact, one guy called, and he just said, ''If you want to make sure that you do something, make sure that you regulate, regulate, regulate, regulate, regulate and that you have oversight, oversight, oversight, oversight and that you have enough independence and enough people involved in oversight who don't have the institutional interests nor the self-interests that will take them away from the public interest.''

So it's the public interest that we're talking about protecting. I don't believe in having more oversight than you need to. I don't believe in regulating more than what is necessary, but I can tell you that I believe sincerely that deregulation has been part of the culprit. We know that people have come to us and have said, ''You're strangling our ability to grow and to make money.'' Well, how much money do you really want to make? When is enough, enough, enough?

Another person told me the other day that the history of the world, my sweet, is deciding who eats and who gets to eat. It seems to me that there is an opportunity with this crisis, that there is an opportunity to make sure that bailout plans and schemes will create jobs, that they will promote the redevelopment of many of our inner city and depressed rural communities throughout the country and that they will make sure that the money goes where it is actually needed.

So I am prepared to vote for that kind of a bailout plan. I am not prepared to vote for anything that does not represent the serious consideration of the public interest. I'm hoping that as we debate, discuss, develop, and align things this week that that's what we're going to come up with.

So I again want to commend you. I want to thank you. I want to appreciate your leadership, to appreciate the work that is being done. I can tell you that, when the dust settles and after all is said and done, the American people will judge us by what we do for America, not just by what we do for any category or for any group of interest entities but by what we do for America.

I thank you again, and it has really been a pleasure to stop by. I've got to go and do what just regular people do, you know. I've got to go and wash.

I yield back the balance of my time.

Ms. CLARKE. I thank the gentleman from Chicago, Illinois for his eloquence and for the sharing of his insights based on the constituency that he represents and based on the years of knowledge and on the years of experience that he has had here in Washington in dealing with these matters.

This is truly an unprecedented time, but we have got to look back a bit to really get a sense of how we got here. Follow me on this chart over here. It's building a wall of debt.

When you look back at the year 2001, our debt was at $5.8 trillion. Fast forward to 2009, and it is projected that our debt will have basically doubled in that time. Then let's also recollect the philosophy of the Bush administration and of the Republicans of this body. There was a great proclamation about the ownership society. That is, we want to make sure that this Nation is underpinned by the need and by the capacity and by the ability to own.

Well, at the end of the day, what we see is that we own a whole lot of debt. On top of this debt, we're going to be owning $700 billion in poor assets, in assets that no one else was able to leverage to create profit. There were all of those loans that were given to those who wanted to be a part of the ownership society. In their hearts, they knew it was the best thing to do, but they were seized upon by unscrupulous individuals who provided a product that was basically a pipe dream.

□ 2000

We were all part of the ownership society, all right. And in the words of Colin Powell, you broke it, you own it. And I just find it quite interesting that everyone is getting on TV, particularly those who were responsible because of their lack of stewardship, because of their breaking of the public trust, to say, you know, no one is to blame here. Well, when you pursue policies that create such damage to American finance, American households and communities, the American psyche, well, I think you need to own that too.

So today we are talking more about some of the proposals that are coming before us. I just want to put in a word about the fact that in this whole ownership society there was also a lack of discipline, and discipline can be shaped up in a number of different ways.

The way I like to discuss it, it has to do with regulation. I find it ironic that there are people in the financial world, real bigwigs, who have not been able to come to grips with the fact that their joyride is over, that happy days are not here again, but that they have driven our economy into the ground, and they are all lining up right now to want to be part of the solution, without regulation, without accountability.

Those days are over. I can tell you that the members of the Congressional Black Caucus, the members of the Democratic Caucus, the Members of the new Congress are not going to sit by idly have false proclamations made without substantiation.

We have back in March of 2008 when we spoke about the issue of regulation and the need for regulation, our own President saying, ''I'm deeply concerned about law and regulation that will make it harder for the markets to recover, and, when they recover, make it harder for this economy to be robust.''

Well, Mr. President, the markets failed with no regulation. Regulation was not a part of the equation here.

Then you have our nominee in the Republican Party, Senator MCCAIN, who says, ''I am always for less regulation. I would like to see a lot of the unnecessary government regulations eliminated.'' March of this year. Now, everyone knew. Everyone knew this was coming down the pipe, and they are now the ones calling for regulation.

Well, now that the horse is out of the barn and the crisis has hit, it is easy to make that determination, because hindsight is 20–20. But when reasonable people pleaded, held hearings to talk about the need to regulate what was going on, when we saw predatory lending becoming a cancer, a gangrene in communities of color, when we saw the subprime foreclosure market just eat communities alive, there was no mercy. There was a wink and a nod, and the feeding frenzy continued.

Then it spread to the prime market, and the feeding frenzy continued. It continued so much so that in many of these financial institutions folks were almost delusional about the condition that their companies were in. Overnight it seemed, all of a sudden everything came cascading down.

You know, for the average American, we don't get bailouts. We get reprimanded. We get marginalized. We get being told that we are irresponsible. Yet I hear none of that terminology for all of these folks who have not only upset the U.S. market, their reckless behavior has upset the world market. The world market.

We have an over abiding obligation in the United States of America. We are looked to around the world for our excellence, for our ability to handle our affairs, and that has been eroded to nothing under the Bush administration. Not in one area can we say that

we have held to the American ideals, and this economic crisis marks that.

Let me also share with you something you already know, and this has to do with our economy, it has to do with the loss of jobs. Back when Bill Clinton was President of the United States, as you can see, our economy was robust and we were on a path to prosperity with respect to job growth and development.

Under the Bush administration, in just 8 years we have brought so many families, so many communities into poverty. The number of new jobs needed per month to keep pace with the growth in the working age population, 150,000. And look at the performance of the Bush administration.

This says it all, folks. We are in an economic downturn. Individuals are unemployed, health care costs are skyrocketing, energy costs are through the roof, financial markets are crashing. All of this, all of this did not happen overnight. It certainly hasn't happened since the new Congress. This was a building process.

And for individuals to stand up and say that it was the Democratic Congress that caused this to happen, it is insulting the intelligence of the American people. It started during a period of time where the philosophy was in place that anything goes in the free market. It started when there was a philosophy in place that said that the ownership society is one that does not need to be regulated. It started and continued on a path of destruction under the leadership of the Bush administration.

Compounding that is the continued war in Iraq. Compounding that is the cost of health care, that grows exponentially each month. Compounding that is the loss and the hemorrhaging of jobs. So Wall Street has now caught up and our economy is so fragile that meetings are taking place throughout Capitol Hill in every nook and cranny to save, to save, our financial well-being.

When we say our financial well-being, it is truly our financial well-being, because we have known in urban communities for quite some time when the unemployment rate was rising that something was wrong. It was an indicator. When people began losing their homes, filing for bankruptcy. When folks who had formerly been middle-class had quickly in the blink of an eye become part of the working poor or homeless, no one shed a tear. And now every news media outlet is crying the woes of the financial giants.

Well, I guess this is the day of reckoning, and this is the time where the great equalizer is making things happen in real time, because this Congress has an obligation, and I certainly will not be voting for any bailout that does not include a bailout of the people that I represent.

When the Bush administration took office in 2001, it inherited a projected surplus for 2008 of $651 billion, $651 billion when they took office from the Democratic President Bill Clinton. The unemployment rate as we know it today continues to increase, from 4.7 percent to 6.1 percent, and shows no sign of slowing down. We are truly, truly being governed by an administration that has moved in the wrong direction, and our economy is a reflection of those policies.

So what is the House of Representatives being asked to do? Well, this week we will begin going over a number of proposals. The package that has been talked about so much in the press puts limits on executive compensation and sets the economic structure in a way in which we will advocate help for homeowners from foreclosure so the crisis will not cripple our communities.

We are calling for oversight. Oversight. The Government Accountability Office needs to monitor the progress of any proposed programs. We are granting the Treasury Department way too much power as estimated and as called upon by many of you out there in our communities, and there needs to be much more transparency.

The anything-goes Bush administration policies have been irresponsible. The non-regulation of financial institutions has led to this crisis, let there be no mistake about it. There is a lot of spin going on out there. There are a lot of folks who want to sugarcoat what has been in my estimation a dereliction of duty.

We need to move in a new direction, with responsible regulation and safeguards for middle-class folks, for folks who live in urban centers who have been paying for all of these bailouts. We will also launch an investigation of the regulatory failures and mismanagement that has treated our financial system as a cash cow for some. And, most importantly, we will build a future of financial security for those who are hurting in our Nation right now, in particular those who are in the working and middle-class.

It is clear that the administration has requested that Congress authorize in very short order very sweeping and unprecedented powers for the Treasury Secretary to confront a financial crisis of what people are saying are epic proportions. Well, that is going to come at a price as well. This administration has not demonstrated that it can be charged with the responsibility of managing the affairs of this Nation in a way in which harm is not done to its people. So, good luck with that one.

In working with the administration, we will strengthen the proposal by ensuring that the government is accountable to taxpayers in any future action under this broad grant of authority.

Now, we don't want to make this seem as though we are not going to work in a bipartisan manner. We are. But we are not going to have shoved down our throats policies that promote more of the same bad behavior. That behavior is gone, it is in the past, and we are saying that if you want to collaborate, we are willing to work with you, but there has to be a recognition of the failures so that we don't repeat them in the future.

□ 2015

When the Bush administration took office in 2001, there was a projected surplus of $651 billion. Today we stand on the advent of having to bail out the financial institutions of this Nation to the tune of $700 billion.

While people say that, well, this is not going to impact the budget because we are seeing this really as an investment as opposed to an expenditure, well, we have to expend it first, and we have to create an environment that encourages the purchase of what has been bad business. How we shape that is really up to those in the financial sector to come to the table.

But I can tell you, the American people will not be left holding the bag here. They will not be left holding the bag for those who decided that they were going to treat this country like their own personal ATM and that they were going to bankrupt us at a time when we should be experiencing great prosperity.

The debate has begun, the conversations are being had throughout the Capitol across party lines. As we concern ourselves about our financial instability, we reflect on those who live in our communities, who are senior citizens, who could have been hoodwinked into partially privatizing their Social Security and the proposals that are coming out of the Republican party to partially privatize and invest for health care.

If we had pursued those policies, can you imagine the hysteria in so many parts of our community where people have invested their lives, their well-being in a scheme that benefited the most wealthiest sectors of our Nation?

Can you imagine that under the Bush administration the tax cuts that were given to this same class of folks, the wealthy, and you look at the rising of the deficit, and you look at all of these indicators of greed, of free-market greed, you have to ask yourselves, do we and can we trust, again, an administration and a party that would be so derelict of duty, that would be so frivolous as to cause the type of hardship that we are all digging deep to endure right now?

Well, in this new Congress, under the Democratic leadership of Speaker PELOSI, that type of behavior has come to an end. As we debate, as we go over all of the proposals, as we vet every line, every comma, every period of what is being proposed for legislation, I

assure you that the members of the Congressional Black Caucus, under the leadership of Congresswoman CAROLYN KILPATRICK, will keep their finger on the pulse of what is happening and what has happened and what must never be allowed to happen again within our communities, within communities across this Nation that have had to bear the brunt of this feeding frenzy, have had to shoulder the burden of economic crisis way before Wall Street met its day of reckoning.

We will be there to make sure that there is some parity for those who are struggling each month to keep up with that mortgage payment, for those who are concerned about how to juggle the mortgage payment with the home heating oil payment and the health care costs, for those who are still caught in the credit crunch and their child's tuition bill is coming up, to those who are just trying to get by and do their part as Americans. You are not forgotten in this new-direction Congress.

We stand with you, as a part of you, as we struggle through this debacle in our financial sector. I assure you, at the end of the day, we will come out of this process much stronger, much wiser, and certainly understanding that the days of free-for-all feeding frenzy, unregulated financial markets in the United States are over. By extension, we will be setting an example for how business will be conducted around the world.

I thank you for being a wonderful Speaker pro tempore and for being there as we have our conversations during our CBC hour to open eyes and ears about the challenge that we will face this week. We will face it with all courage and dignity.

THE FINANCIAL CRISIS

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. LATTA) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATTA. Mr. Speaker, I appreciate this opportunity to control this hour. A lot has happened, not only this week, but in the last several weeks here in this great country of ours.

We have been talking a lot today about what's been happening on the financial markets, but we always have to worry about what's happening on the energy markets. As you know, we have all seen those commercials on television from T. Boone Pickens talking about that $700 billion transfer of wealth out of this country in 1 year's time. When we are talking right now about what is happening in the financial markets, we are talking about maybe a bailout of $700 billion.

Not only are those two numbers both very, very high, but they are also the same. We can't watch those American dollars flowing out of the country that should be staying right here. As we stand here today, we have about a $9.6 trillion national debt, of which $2.6 trillion of that is owned by foreign governments.

One of the things that I have been saying for a good long period of time is what happens when they start dictating to the United States. I think one of the most interesting stories that did not get a lot of play, but was on the front page of the Washington Times during the Fannie Mae and Freddie Mac bailout, is that when the bailout was being worked out, the foreign banks out there, and creditors, had about $1 trillion of Fannie and Freddie. They are secured, but we have a lot of American banks out there that didn't have that preferential treatment, and they are on pennies on the dollar.

But, again, as one of the things that was stated in that article, which I again found very, very interesting, it could be one of the first times since maybe the Revolutionary War when a foreign power is actually telling the United States what it is going to be doing. I think these are very, very tough times, but they are also times for action that we have to be doing in this country.

At this time, I would like to recognize the gentlelady from North Carolina (Ms. FOXX) who has been a great advocate. I would like to yield to her at this time.

Ms. FOXX. Well, I thank you, Congressman, my colleague from Ohio (Mr. LATTA), for yielding time and for stepping in to lead this hour this evening, because we have many of our colleagues who are tied up in meetings right now dealing with the issues that we have been talking about.

I heard a little bit of the comments that were made by our colleague from New York (Ms. CLARKE) in the previous leadership hour. I have great respect and affection for her, but she made a couple of comments that I have a concern about that I thought it might be useful to make a couple of comments about. We will try to tie the issue of energy in with the issue of the financial situation that we are facing here in the same way.

She said a comment that we don't have enough regulations on the banks and that we need more regulations. I think that most Americans now understand that one of the major problems that we have in our country with jobs going overseas is the impact of too many government regulations.

We are, in many ways, regulating ourselves out of business in this country. We may have wrong regulations for banks and investment firms, may not have the right regulations for them, but I don't think it's that we don't have enough regulations for them. Again, in many ways, we have too many regulations.

I was interested in Congressman LATTA's comments about the fact that we had, we know, in talking about the energy issues, and our good friend T. Boone Pickens has done a lot to raise the awareness of the American people by talking about the fact that we transfer out of this country every year $700 billion, the largest transfer of wealth ever in the history of any society. It is a bit ironic that the figure that has been shared with us, that is needed for this proposed bailout, various companies on Wall Street, is $700 billion.

You know, it would be really simple if this Democratic Congress had paid attention to what Republicans have been saying for the last 20 months and, say, let us start developing more American-made energy. Let us stop transferring all of that money out of this country to foreign countries, many of which don't like us, many of which are doing everything they can to destroy us. Keep that money here and let us create jobs and wealth in this country. It would be a marvelous thing for us to be able to do.

The price of oil spiked up again today, the largest increase, I believe, in 1 day that's ever occurred. Well, we can have energy independence in this country. I am convinced of it, most people are convinced of it. Never before have we seen ourselves so dependent on other nations, and there is no reason for it.

What we have to do, though, is use the wonderful resources that the good Lord has given us in this country and use those to our advantage. Many of us have talked over and over again, in the last 2 months, particularly, about the opportunity to drill in ANWR, in the Arctic National Wildlife Refuge.

In fact, I don't think too many people have mentioned that when that refuge was set aside, there was specifically written into the bill that set it aside language that said part of that property would be used for drilling in the future.

□ 2030

That is simply being ignored by the Democratic majority in this House.

The other place that we need to be drilling is on the Outer Continental Shelf. Every other nation in the world that has oil and gas resources along their coastlines is tapping those resources for their benefit. We are the only Nation in the world where it is locked up.

Now next week the moratorium, the congressional moratorium will expire, and with that we have the opportunity to make that property available for leasing. It would result in huge amounts of money for this country, coming into this country. It is projected to be $2.3 trillion.

Now I happen to believe that some of that should be shared with the States,

but all of that money can come into this country and we would be able to change our balance of payments once we are able to use those resources and change the whole way we operate in this country.

In terms of the bill that is being worked on to be presented to us today or tomorrow, I have some grave concerns about the fact that people are saying there are no alternatives. There are lots of alternatives to simply writing a blank check to the Treasury Department. We could again be cutting the Federal budget. We could be doing lots of other things. We could arrange to bring in the private sector to help with this transition. I know many people think the situation is really dire, but part of our problem is that our colleagues who have preceded us in this Congress in the last several years, many of them have thought that the Federal Government should be doing everything, and we have gotten ourselves into a bind by trying to fund everything in the world out of Washington. If we would pay attention to the Constitution that we are sworn to uphold in this body, then we would narrow dramatically what our scope of practice is here.

Last week I spoke on the floor about a bill that we were dealing with that was funding education programs. As I have said on the floor many, many times, it doesn't say anywhere in the Constitution that funding education is a function of the Federal Government. So I believe that we could solve most of our financial crises, and I have to believe we probably are in a crisis right now because that is what we have been told over and over again, but too many of the things that are brought up here are called crises and they are not, but I have to believe that if we would again pay attention to what the Constitution says and become fiscally responsible, we would not have to go into dire measures to deal with the problems when they come up.

And so I want to say, and much of what we are dealing with now has to do with prices having gone up and people not being able to pay their mortgages because the price of gasoline has doubled in the last 2 years. And my colleague said before we can't blame this on the Democratic Congress. I don't have a chart out here right now but I could get one in a hurry that shows that when the Democrats took control of Congress 20 months ago, the price of gasoline started going up, the unemployment rate started going up, the number of foreclosures started going up. It really is difficult to deny that those things are coincidental.

Now, I am a social scientist and I am very wary of declaring cause and effect, but the markers are simply too strong to deny the relationship of them. I think it is something that we need to continue to talk about because the bill that was passed last week by the Democrat majority did not respond to the situation that we are facing as far as energy is concerned. In fact, it did just the opposite. It made it even more difficult for us to deal with the high prices of energy in this country.

You don't have to take my word for it, the editorial pages of the major newspapers and non-major newspapers of this country agree with us. I will just quote from some of them because they have said what we have said here on the floor. We can be dismissed as being partisan, but most of these newspapers are not partisan newspapers. And, if anything, they are very liberal newspapers saying these things.

I am going to quote from the Waco Tribune editorial, September 22, 2008. It is entitled, ''Energy Package Stalls Out: Hastily Passed House Bill Appears Dead in the Water.

''Which is why it was doubling disappointing to survey the energy bill passed by the U.S. House last week. Swiftly engineered by House Speaker NANCY PELOSI and Democratic allies, it's a limp-wristed approach to pressing energy problems. In seeking to appease everyone, it satisfies no one, offshore drilling enthusiasts and environmentalists included.''

There is an editorial in the Buffalo News, September 22, 2008. ''This way, Democrats can claim to be opening the way to offshore drilling . . . under the restrictions included in the bill, no real drilling is likely to happen.''

An article from the Augusta Chronicle, an editorial, September 22, 2008. ''This just in: Nothing. That's what this Congress came up with after months of high fuel costs and concern over our dependence on foreign oil, and after a summer recess in which Senators and Representatives could have listened to the American people but did not. Congress came up with nothing—a fake energy exploration bill that would only weaken America. House Speaker NANCY PELOSI, who is devoting her career to blocking new energy for America, allowed a bill that would permit drilling for oil 100 miles offshore, which is prohibitive. Under the bill, coastal States could go 50 miles closer in—but have no incentive to, as the Democrats' bill doesn't share revenues with the States.'' The title is ''They've Blown a Ruse; Congress Fails Yet Again.''

This goes on and on with article after article saying why the bill that was passed was a sham and a joke.

Mr. Speaker, I would like to enter into the RECORD the remainder of these quotes from the newspapers from this week.

''If House Democrats were looking to give Americans relief at the gas pump in the energy legislation passed on Sept. 16, they failed. In a jarring twist, the legislation offers a solution and then negates it. If Americans were hoping for at least half a loaf from this legislation, they were disappointed,'' (''Energy Legislation Less Than Half a Loaf,'' Readinq Eaqle Editorial, September 20, 2008)

''Don't be fooled by House Democrats'' disingenuous bill to lift the federal government's ban on offshore oil drilling. Rather than address a shortage of supply in the face of growing demand, the bill seeks to appease angry voters without harming the Democrats' mission to force America off fossil fuels * * * This isn't a bill intended to tap vast untapped reserves. It's a bill intended to give voters the impression that Democrats favor offshore drilling—while maintaining their opposition to it.'' (''Drilling for Political Advantage,'' Northwest Florida Daily News Editorial, September 20, 2008)

''Coming next week from Nancy Pelosi and the House Democrats: legislation that allows oil and gas drilling on the moon! The bill would have the same result as energy legislation passed Tuesday—no increase in domestic oil production—and it certainly wouldn't be any less cynical * * * The Democrats' intent here is so transparent it's embarrassing. Americans know the country needs to use all its resources to power the future and speed economic recovery. That includes offshore oil drilling—where the oil is.'' (''Let's Drill for Oil—Where There Isn't Any,'' Las Vegas Review Journal Editorial, September 19, 2008)

''Pelosi, who opposes new drilling for American oil, allowed the vote only because this summer Democrats were on the wrong side of offshore exploration, which seven in 10 Americans favor. Unfortunately, the House-passed bill is nothing more than a fig leaf for Democrats as they prepare to face frustrated voters in November.'' (''Same Old Drill: 'No-Energy' Bill Risks Voter Wrath,'' The Oklahoma Editorial, September 19, 2008)

''The sudden pro-drilling makeover of the Pelosi Democrats has always had an air—a gale, really—of election-year convenience, and the House proved it Tuesday by passing an energy bill that would put any bunko man to shame. This confidence trick won't expand domestic oil-and-gas supplies even a bit * * * As Congress runs down the clock for this term, the likelihood of reaching some grand pre-election energy bargain is vanishing fast. The House bill shows that the Pelosi Democrats simply aren't serious about expanding domestic energy supplies.'' (''Pelosi's Drilling Ruse,'' Wall Street Journal Editorial, September 19, 2008)

''Congress may as well close the windows, lock the doors and take a vacation. If the energy bill the House passed Tuesday night is any indication, the lower chamber is already out to lunch * * * The House this week finally responded, tweaking the drilling bans just enough to pass a bill that Republican leader John Boehner correctly calls 'a hoax.'" (''Energy Bill is a Dry Well,'' Bend Bulletin Editorial (OR), September 19, 2008)

''On Tuesday, House Democrats made an embarrassingly weak attempt to protect themselves * * * Therefore, House leaders produced a ''compromise bill'' and quickly moved it to a vote. It passed along largely party lines, and Democratic incumbents in tight races can claim they voted for drilling. Voters should not fall for that old trick.'' (''Democrats Drill for Political Cover,'' Roanoke Times Editorial, September 18, 2008)

I want to say to my colleagues who are going to be here during this hour talking about this issue, we have many, many alternatives to giving a blank check to the Treasury. We have many, many alternatives to the bill that was passed last week by the Democrat House.

Republicans know that. Republicans have presented those in the American Energy Act which we have proposed. I want to say that I for one, and I believe my colleagues are pro-American energy, and we are waiting for our Democrat colleagues to leave their anti-American energy stance and join us in being pro-American energy.

Mr. LATTA. I thank the gentlelady from North Carolina for her eloquence and steadfastness and willingness to roll up her sleeves to work for a solution on these problems that we have.

Mr. Speaker, at this time I would like to recognize my good friend, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my colleague from Ohio for yielding. The gentlewoman from North Carolina is such a strong voice on energy policy that we think this country ought to be pursuing.

I didn't hear the first few minutes of the hour, Mr. Speaker, but clearly we on this side of the aisle were most disappointed last week. We, as you know, spent a lot of time during the August recess, I think 134 of us, some several days, some one or two days, but came back from our break, if you will, to try to address the people who were here during August visiting the Nation's Capitol, the people's House. It was a most enjoyable time.

We talked to the American people. They came down and sat in these chairs that we occupy. They got to see where we voted. They weren't just up in the gallery. Because we were Members and we were not in session, we were permitted to bring, to escort people into the Chamber. And on many days the Chamber was almost full. It was almost like a day of voting on an important issue for us. I think they enjoyed it. Many of these people were Republicans, many were Democrats, some probably Independents. We weren't overly political. We just tried to make the point that to solve this problem, we really do need a comprehensive approach.

Some may, and I have heard some on the Democrat side of the aisle say that we are Johnny one note. All we can talk about is drill, drill, drill. Drill, baby, drill. Drill here, drill now, and low prices. While that has been the cornerstone of the American Energy Act, the All-of-the-Above Act, it certainly isn't the only thing in that act. There are so many provisions, not the least of which is conservation, and to foster and pay for research and development for fuels, alternative energy sources such as the sun and the wind, to continue research and development on taking this abundant supply of coal that we have in this country, and everybody knows what coal looks like. When you mine it, it is in a solid form. I think, Mr. Speaker, that I read recently that in the United States of America there are 1.4 trillion tons of known coal resources and maybe twice that much. But if it is limited to 1.4 trillion tons, I think we burn, generating electricity mainly in this country, about 20 billion tons a year. So we may well have 150 years worth of coal to produce electricity.

So this research and development to take that coal, that rock that we all know, to convert it into gas, gasification, just methane gas, natural gas, or to liquefy it and basically turn it into petroleum and diesel fuel. So we have the capability of doing that.

We have something like 1.5 trillion barrels or at least 900 billion, but I think the closer estimate is 1.5 trillion barrels of petroleum that is embedded in a rock, not coal, but in a way you can think of it as coal, in the Rocky Mountain States. There are three or four States, Colorado being one of them, and this rock can be mined just like coal or anything else, copper ore, anything that we mine, and we can extract that petroleum from this rock. You can almost think of a sponge that was fully soaked, saturated with water, and you just kind of squeeze out the water.

It is a little more complicated than that and it is going to take some more research and development, but the Democratic majority in their Energy Independence and Security Act of 2007 put a provision in the bill that said you couldn't use that. That no agency of the Federal Government, including the Department of Defense and the Department of the Air Force which uses all of that jet fuel, they couldn't enter into a contract because the mining or production, burning of that alternative fuel would result in one little scintilla increase in carbon dioxide emission.

We hear, and I will yield back to my colleague in just a second, but I want to make this point. When this 110th Congress convened in January of 2007, the first witness we had in the Science Committee, and this was kind of unprecedented, was none other than the Speaker of the House. We were thrilled. That was an honor. The Speaker of the House was going to be the one witness at the Science Committee talking about global warming.

And several weeks later our second witness was former Vice President Al Gore who had just gotten an Oscar for the documentary film ''An Inconvenient Truth,'' I think was the name of it, again in regard to global warming.

□ 2045

Well, the price of gasoline at the pump at that time was maybe $2.50 a gallon or a little less than that, $2.33 a gallon. And it was clear that Madam Speaker's passion, and she said it later, and she said it recently, her passion was to save the Earth in regard to global warming and carbon capture and all of that. And of course Vice President Gore, the same thing. And I could understand their passion.

I didn't necessarily agree with all of the scientists, the U.N. committee that had those five different reports on global warming and what we should do about it, capping trade and whether or not these were just sort of natural cycles and phases of the sun. And you have little ice ages and warm ages and that sort of thing.

But even giving them the benefit of the doubt, and we are talking about some very bright scientists, that that is a priority maybe when gasoline is $2, $2.25 a gallon. But when it's $4 a gallon, and crude oil, light sweet crude is $140 a barrel, that cannot be the number one priority of this country, when we're on the verge of going bankrupt.

We literally, I really say, Mr. Speaker, I don't know if my colleagues would agree with me, but I truly believe that what we're facing now in the financial markets, it all started with this dependency on foreign sources and being at the—they almost have a gun at our head in regard to this.

So the number one priority, at least from this side of the aisle, is to have a comprehensive energy plan, lower these prices and become totally independent. It doesn't mean that we will not continue to buy fossil fuel from foreign sources, but at least we wouldn't have to. And so that's why we're here tonight, to talk about that.

I want to thank my colleagues for letting me speak maybe a little longer than they had anticipated I would. But the gentlewoman from Minnesota is here tonight, Mrs. BACHMANN, and she's been here so much over the last 2 months talking about this issue, as has Congressman LATTA from Ohio. So at this point I yield back to my colleagues, and I thank you for letting me participate.

Mr. LATTA. I thank the gentleman for his eloquence also tonight and for all of his hard work on trying to get this energy issue resolved, because it really is the number 1 issue that's really facing so many Americans out there.

And I know that when I go home a lot, and I go home every weekend and I put a lot of miles on the car, I know as well as you all do. When you're at the gas station you have a lot of people come up to you and ask you the same question, what are we going to do about this energy question.

And as we talk about it for a little bit, we talk about what we're doing down here and what we're trying to get accomplished, it's kind of interesting every so often because then some people ask you, well, how do you stand it, with all this? And I say, you know, it's not that bad. If you know what the problem is and we know what the solution is, we just have to get there. So I'm two-thirds of the way there, and I think that's the best way to go.

And as the gentleman was talking about, as where we are today and it's a

real crisis, and I'd like to invite my good friend, the gentlelady from Minnesota, to the podium also to talk about not only energy but also some of the financial things going on in the country at this time.

But as has been pointed out, I know by the gentlelady from North Carolina, the big story today was that crude prices went up over $30 a barrel in a 1-day jump. And suddenly, finally a record jump of $16.37, and what that's spurred on by is by this financial problem that we have in this country. It's just not on the energy side, where we had all of these folks out there trying to find where's a safe haven to be right now. So they're looking at commodities for that currency hedge. And so you watch gold, silver, copper all posting strong gains today. But at the same time we saw oil that had been slowly but steadily going down, and trying to help the American people out there not have to spend so much at the pump.

And I know the gentlelady has been very, very concerned on this same issue. And at this time I'd just like to turn over to you for a little bit to chat a little bit about where we are on the financial side, and we can talk about the energy issue at the same time.

Mrs. BACHMANN. Thank you to Congressman BOB LATTA. Thank you so much for your leadership on this issue and also for the fact that you've been willing to take on interest group after interest group on this issue, because one thing that I have learned, being a freshman Member of Congress, is that there are interest groups who are speaking loud and clear, and they aren't speaking on behalf of the American people who need to get gas prices back down to $2 a gallon or less, what they were just months ago. It wasn't that long ago that gas prices were $2.32 cents a gallon. And I'm sure that our colleague from Georgia, Mr. GINGREY, remembers. When we took office in January of 2007, gas prices were $2.32 a gallon. What are we being told now? That'll never happen again. We can never get gas prices back down to that level.

Well, we can't if the special interests that are now running this town stay in charge. They're exactly right. We never can get it down. But we can get it down to $2.32 a gallon if we do what the American people called us to do when we came here, because as Congressman LATTA knows, this is a congressionally created problem. This is not a problem of lack of energy resources in this country. This is not a problem of lack of technology for accessing these resources.

The problem is the United States Congress that has made it virtually illegal to access the answer to our problem that's contained right here underground, whether it's 27 percent of all the world's coal supplies, as I heard Congressman GINGREY state in his remarks, or whether it's the fact that we are the ''Saudi Arabia of Oil'' with three States, Colorado, Utah and Wyoming, that have more oil than all of Saudi Arabia contained in shale oil. Or whether the answer is in natural gas, which we have over 420 trillion cubic square feet in the Gulf Coast region, or whether it's wind or solar or conservation. We've got it all. And again, the United States Congress is the problem.

What's that led to?

That's led to the largest wealth transfer in American history. Over $700 billion has gone out of our pockets directly overseas to people who don't like us to purchase energy. $700 billion.

Isn't it interesting that what we are hearing right now in this financial crisis is that the American people are being asked to pony up $700 billion to bail out private companies out of a financial mess that they've gotten themselves into. So just think about that for a moment.

Had we been drilling here in our own country, rather than going overseas to purchase foreign sources of energy, we would have had $700 billion worth of American dollars staying here within our own borders.

Now, Congressman LATTA, I'm sure that you would agree with me that we would far prefer to see $700 billion worth of investment stay in the United States, because that would mean $700 billion worth of jobs that could have been created in the United States.

Mr. LATTA. You're absolutely right, because when you're talking about that $700 billion, that translates into about 70 percent of all the oil that we use every day is imported in this country. And you're absolutely right, because when that price of oil keeps escalating up, then the question becomes what happened to the regular American person out there?

Well, the problem is this. That means a person or a family won't be able to buy a new car because they've got to worry about what oil prices are.

I have the largest washing machine plant in the world in my district. So that means of those 5 million washing machines, the problem then becomes, well, maybe people won't be able to buy washing machines.

Mrs. BACHMANN. If the gentleman would yield?

Mr. LATTA. Absolutely.

Mrs. BACHMANN. What that means is $700 billion translates to one-sixth of the American economy. Eighteen percent of the American economy was transferred from your pocket at the pump overseas to people who don't like us very much. Now those countries are enriched with $700 billion worth of American money that could have stayed here.

You mentioned that you had the largest washing machine plant in the United States. I have the largest window manufacturer in my district. Well, we all know what's happened with the mortgage industry and with the housing industry. Imagine the impact that that's made on this company in my district for manufacturing windows. This is tremendously important. This is real. This is real pain that the American people are feeling, and it is fueling this crisis that we're seeing, both on Main Street and on Wall Street.

I don't know about you, but I've gotten an earful when I'm home talking to my constituents, and they want to know that, they are incredulous that the Democrat-controlled Congress, because, again, Republicans have not controlled Congress for almost 2 years. The Democrats have controlled Congress.

And under Democrat control, in 2 years we have seen gas prices escalate 76 percent. That's right. Gas prices have escalated 76 percent, and we have seen the largest wealth transfer in American history go out of your pocket over to countries that don't like us very much.

How can we reverse that?

Congressman LATTA, what would be the solution that we can reverse that so that we could keep American money right here in the economy and start buying those American-made washing machines that are in your district and American-made windows that are in my district?

Mr. LATTA. You're absolutely right, because we need self-sufficiency on energy in this country; we keep the money in our own pockets. And you know, when it comes down to it, my district, I had the Corning International Manufacturers. You know, we have the ninth largest number of manufacturing jobs in the Fifth Congressional District in Ohio. That's a lot of jobs that are all dependent on one thing: energy.

You know, when I go into my plants, I try to go in plants every week when I'm home. If we're here Monday through Thursday, I'm usually someplace on Friday. And the one thing that they'll do every time, they'll say, you know, what's driving us in cost here is the problem with energy. And a lot of times it's the oil. Well, it's the oil base that they have to have in their product that they make. It could be the energy that they have to consume to make that product. It could be higher electric costs. It could be, you know, you go right down the line of what it is.

And the problem that we have been having in this country is we haven't been taking care of ourselves. We have to have what we've been advocating on our side of the aisle is an all-of-the-above energy policy. And that policy, of course, is what we're talking about is having more nuclear, to have more clean coal technology, to go out and have oil, have natural gas, as you pointed out, and to have that solar,

that wind, that hydrogen, that ethanol, the biodiesel.

But as our good friend from Georgia just mentioned a little bit ago when talking about coal, we have 24 percent of the world's known coal supplies in this country, and we're absolutely stymied at this time in not being allowed to get to that coal, because we could take that coal. I have an individual in my district that's invented a clean coal technology, and that's what we have to do. We have to utilize what we have here in this country so we don't transfer that wealth overseas.

You're absolutely right when you talk about that 420 trillion cubic feet of gas, 86 billion barrels offshore right now. You know, what has just been passed last week under the Democrat plan, we're not going to get to that oil. You want to know the reasons why? Well, first of all, a lot of that oil is within that 50 miles offshore, not 50 miles to 100. And the second thing is there's nothing in that bill talking about lawsuits and preventing those lawsuits from slowing these leases from being developed. Because if we can do that, we can start developing.

But it's about time that Americans take care of Americans because we're in a situation here, and you're absolutely right what you're talking about on the financial side, we're in a crisis stage here. We've watched all these dollars go overseas.

I talked a little bit earlier about what happened with that $2.6 trillion of our national debt now being owned by foreign countries, $1 trillion being owned when it came to Fannie and Freddie Mac by foreign creditors, that they're actually dictating to us now. They're at the table. They're bargaining, or maybe they're not even bargaining. They might be dictating. And we're in a situation that we have got to get something done in this country, and I'm sure that you are very well aware of it.

Mrs. BACHMANN. And if the gentleman would yield on that point, I just wanted to mention regarding jobs once more. Both yourself and I, together with eight of our colleagues, went up to Alaska 2 months ago. And while we were up in Alaska looking at the ANWR region, which, by the way is the most perfect place on the planet to drill for oil, absolutely perfect place. It's perfectly sited. Without any environmental degradation, we could increase American energy supplies by over 50 percent if we would bring on line just oil production in ANWR alone.

But one thing we heard when we were up there from the people who were giving us tours, the Mineral Management Service, the Bureau of Land Management told us that just bringing on line oil production in Colorado and Alaska would add over 750,000 jobs.

□ 2100

Over 750,000, three-quarters of a million American jobs, and the jobs in Alaska, we were told, start out with an astounding starting-level salary of $100,000 a year. Now, imagine that. How many Americans wouldn't be willing to go and work where they could be making $100,000 a year? Rather than being one of the largest importers of energy, America could turn around our economy by being one of the largest exporters of energy and one of the largest job creators of energy.

One thing I wanted to add, if I could just take a moment to a talk a little bit about the current economy and the current meltdown in the financial markets.

I have the privilege of sitting on the Financial Services Committee. And one thing that's important to remember, just as this energy crisis was created by the United States Congress because Congress made it illegal to access American energy and has put into law a Prohibition-era mentality on American-made energy production, so, too, Congress created this financial services mess. You ask how. Let me just briefly explain and just in a nutshell how this occurred.

Back in the 1930s, Congress created private companies to back mortgages. So when you go to buy a house from your bank, the bank doesn't keep that mortgage. The bank sells it to an organization called Freddie or Fannie. They're private companies. But the problem is, government implied, with a wink and a nod, that government would back up those mortgages from Freddie and Fannie. So these are private companies, but they can take any bloomin' risk they want because Uncle Sam said you're going to foot the bill in case those mortgages went sour.

Well, fast forward to the late 1970s. In 1977, the Credit Reinvestment Act was passed, and in the early 1990s, there were amendments made to the Credit Reinvestment Act. What did that do? It suspended, for the first time in American history, 200 years' worth of sound financial loan making.

So before when you and your wife, Congressman LATTA, if you went to get a loan to buy a house or my husband and I got a loan to buy a house, we had to show that we were credit-worthy risks. Under the Community Reinvestment Act, the banks were ordered under penalty of fine and lawsuit, ''You don't make loans anymore to people who are creditworthy. Now you're forced to make loans to people who are not creditworthy.'' It turned the world upside down.

So the world of banking became like ''Alice in Wonderland'' where banking rules were turned topsy-turvy on their heads and banks were fined or threatened with lawsuits if they did not make loans, a certain quota of loans to people who weren't creditworthy. Guess what? That's when a new product called subprime loans started to be made. And unfortunately, now we all know what subprime loans are. They were made to people who weren't creditworthy, who, in other words, had no means to pay those loans back.

So what is happening today? Today the markets have melted down, and now the American taxpayer is being told, you, Mr. Speaker, and the American people, are being told that they have to pay for what private companies agreed to in contracts. So the beleaguered taxpayer is the forgotten man in this equation.

The American taxpayer didn't ask to be a part of these subprime contracts. They didn't receive any of the benefits. They didn't receive any of the profits when profits were being made. But now that losses are on the horizon, now the American taxpayer is being asked—not asked, forced to pony up at minimum $700 billion of new taxes; which, ironically, $700 billion is the exact amount of money that you, in essence, Mr. Speaker, the American people, have been taxed by these artificially high prices of gasoline.

There is no reason why gas prices would be $4 right now, no reason, if we would legalize American energy production. So had we been legalizing American energy production and we had prices low for the American people to pay, whether it's through heating oil or whether it's through natural gas that they pay or through electricity or at the pump, we wouldn't have been enriching all of these foreign countries. We would have had that much more money in our economy, and we may not have seen the meltdown because people would have had the wherewithal to pay their mortgages, to have high-paying jobs, and we may not have seen the subprime mess.

Mr. LATTA. Well, when you're talking about who's going to be footing this bill, the other things that scares me is this. The reports out right now is that China will become the number one manufacturing country in the world next year. The United States, after more than 100 years, is getting knocked off that hill as being number one.

So as we are in a situation where the taxpayers are being asked pretty much again to step up, foot these bills, who is going to pay it? Because the problem is the jobs.

When I'm out at these factories in my district, one of the things that I ask the folks that are running the companies is, ''Out of curiosity, how far do your people drive in?'' It's not uncommon in my district that the people are driving 50 miles one way to work.

Well, then you talk to the people out on the floor, and they're saying, ''You know what? If I have to drive 500 miles a week, with gas prices as they are, is it really worth it to me to actually have this job, or should I try to find a job some place closer to home?''

Then the manager of the companies then say, ''If I lose these trained employees, where am I going to get the people to run this plant? I'm going to have to move it either across the country or out of the country.''

It's almost like the dog is chasing its tail here. And we've got a real situation in this country where the people out there don't have the dollars in their pockets because they're paying more and more out.

We had that report not too long ago that said we used about 4½ percent less fuel and energy this past summer. That was almost like a good news/bad news. Good news is we have more fuel supply, but the bad news is we had companies not making product. We had people not going places. We have a lot of places in my area, the State of Ohio, especially along Lake Erie—which is a huge tourist destination area—and a lot of people said, ''You know what? We can't take that summer vacation this year. We can't go there.'' So by them not doing that, they didn't help the local tourist trade in our area.

So it's a very tough situation. You know, when other countries are out there, they're exploring. As you pointed out as we were talking about oil shale that 2.1 trillion barrels, trillion barrels. And you're absolutely right; we are the Saudi Arabia when it comes to oil shale.

At the same time you have got the Chinese and the Indians and the French and a lot of other countries in the world right now are out there producing energy. And you have got China in the next 25 to 30 years, they're probably going to build 40 nuclear power plants. The Indians are going to be building another 25 to 30 in the next 25 years. You have the French. The French right now are at least 75 percent nuclear. They have enough power that they can export that power into Europe.

And here in this country we've got a situation where they're saying, ''What are we going to do in the future? What have we done?'' You know, the last nuclear power plant site in this country was 1977. Last one to go on line was in 1996. That's a crisis.

Mrs. BACHMANN. It's a crisis, and if the gentleman would yield.

It seems that our energy policy right now is being determined by bureaucracy and by socialistic tendencies, not by the free market. It's imperative that people have the ability to choose the energy needs that they have.

Here in the State of Minnesota, the people that I represent, they're all very soon going to be turning their thermostats up. Some homes are heated by natural gas, some by fuel oil. And we're going to be looking potentially at dramatic spikes in costs for people on their fuel oil and home energy heating.

People in Minnesota don't have a choice. They have to turn on their fuel. As the gentleman had stated, people right now are making choices about whether or not they could even afford to go to work if they're travelling 50 miles to be able to get to work.

I represent people in the great city of Saint Cloud, Minnesota. I toured a nursing home recently. One thing I was told by the administrators was a lot of the people that they have doing some of the basic work in the nursing homes are making not a high level of income and they don't see also that it's worth it for them to go to work. This is not a good situation that they're being put in. And again, this is artificial because we don't need to be in this situation.

Again, it's because, unfortunately, the Democrat-controlled Congress has maintained a prohibition-era mentality with American energy production. They're just saying, ''No way, no how.'' I don't understand that, Representative LATTA. I absolutely don't understand the mindset that says when you're sitting on your own solution, why in the world wouldn't you legalize and open the door to American energy production so we can create jobs and people can pay a lower cost, and so we aren't sending $700 billion overseas.

Here is something I'm very concerned about, Representative LATTA. It is Sharia Law, because many of the Islamic nations are now wanting to do business under Sharia Law, Islamic law. This is happening now in the United Kingdom, and this is very concerning. All of the equity, all of the liquidity, the dollars that are available to do business now are in the hands of the people of the Middle East. It makes sense. We just sent them $700 billion of American money——

Mr. LATTA. In one year.

Mrs. BACHMANN. In one year at the gas pump.

So just think about this now: $700 billion has left American pockets, has gone overseas to the Middle East, to OPEC nations that don't like us very much, they're sitting on $700 billion worth of capital. Guess what Americans are starved for right now? Capital. Money. We have to go somewhere. Our banks right now are starved for money. We're in a credit crunch right now. But Middle Eastern nations are saying, ''Hey, you want to do business with us? You need to come under Sharia, Islamic law.''

So now think of that. American companies would have to come under—not under American law, but under Sharia Law if they conduct business transactions, let alone the Chinese nation that is in the process of buying up United States' securities.

These are very sobering times for us in the United States Congress. We may make the most important decision and cast the most important vote of the 110th Congress this week. And that vote will be on how we handle this financial crisis. And would that the Democrat Congress last week had passed a real energy freedom bill so we could unlock American energy resources and create wealth here in the United States rather than taxing the American people yet one more time so we can continue to send more money over to OPEC and tax more money from people to put in Washington, D.C.

You don't want to send more money to the United States Congress that has proved themselves completely incapable of handling the American people's money. The Democrat-led Congress has proved itself completely incompetent in handling the American people's money.

Mr. LATTA. You bring up a very interesting point when you're talking about what is happening, especially with the oil situation.

When we went up to ANWR, there were 11 of us from the House side that went up. And we saw that pipeline. We saw mile marker zero, that 800-mile pipeline. That pipeline, as you remember, was carrying 2.1 million barrels of oil a day down it. It's at 700,000 barrels today. The problem we're going to have is we're watching about a 15 percent reduction every year in that pipeline. And because the Prudhoe Bay area and the other areas, they're slowly starting to tap out.

When that pipeline gets down to 300,000 barrels a day, as you remember, probably the most telling problem that we're going to have up there is that pipeline can't flow any more. And it's just that they can't say we're just going to shut the pipeline off and we'll turn it back on in a few years. Once that oil stops, that pipeline is ruined.

So if we can't get that million extra barrels a day that could be coming from ANWR—and let's just talk about that ANWR area as you mentioned a little bit earlier.

It's the size of South Carolina, 19 million acres. Congress, in 1980, had set aside that section 1002 ground which was about 1.5 million acres. The area that we're looking——

Mrs. BACHMANN. If the gentleman will yield, it was 2,000 acres out of the 19 million.

Mr. LATTA. That's absolutely correct. And you're looking at that 1.5 million acres. The area that we're looking at is comprised of about 2,000 acres, which most of us from the farm country know that there's 640 acres in a section. So we're talking about 3½ sections of land, a little over 3½ square miles, probably. That's a pin drop up in Alaska.

And Alaskans, 80 percent, want those jobs. They want to make sure that they get that oil down here. They want to make sure there is natural gas. Right now, as you remember, what's happening with that natural gas? They can't bring itself. There's no pipeline. So they're reinjecting it back in the ground.

□ 2115

When you're talking about your constituents out there wondering what they're going to do this winter about—I've got my constituents right now that are only buying half a tank of propane because the problem is it is the same price as it was for a full tank last year.

So, the problem is, what happens when they run out of that half a tank of propane halfway through winter? It is a crisis, and we have got to address it, and if we are going to stop the flow of watching our dollars leave this country, if we want to make sure that we can have a future for our kids and that the people aren't living from hand-to-mouth and they start thinking about their future, that they can put things away for their own retirement, thinking about their kids' college education. And then to buy those things, the only thing we didn't talk about. Buying that new house, putting new windows in from that company that makes them up in your district.

So we've got a problem, and that problem's got to be solved now. We can't wait. We can't say we will pass this on to another Congress and pass this on to another generation, because we're going to be held responsible by every future generation as to what we do in this House Chamber in the next week.

Mrs. BACHMANN. If the gentleman would yield, unfortunately, that's exactly what happened last week by the Democrat-controlled Congress. They kicked the can down the road to the next Congress, because the bill that they passed won't produce one new drop of oil or one new watt of electricity.

What was that whole exercise for? Did they not realize that for 21 months that gas prices have gone up 76 percent? This is shocking. This is the only thing my constituents have been talking about is the dramatic escalation in the price of energy. Everyone else seems to get it, but unfortunately, the Democrat-controlled Congress sat on its hands for 21 months, and just as the clock is striking midnight now on the 110th Congress, they pass a cruel hoax of a bill last week that won't go anywhere. It's dead on arrival in the Senate. The President will veto it. And here we are, looking at this huge crisis. And what do the American people have to look forward to? A reduction in energy prices? Not on your life.

Today, there was a dramatic increase in the price of oil. Why? Because international investors in oil commodities see, hey, the Democrat-controlled Congress, they're not going to do anything about bringing down the price of oil, and guess what, the clock is timing out now on the 110th Congress; I guess we can go ahead and increase the price of oil. That's speculators.

What speculators do is set a pricing function, and they do it based upon information. And the information that this Democrat-controlled Congress has sent out to the world markets is don't worry, we're not going to do anything to increase American energy production; we're going to keep it exactly as it is. And what that does is guarantee that the poor, beleaguered American taxpayer, the forgotten man in all of this, is doomed to pay even higher prices of energy.

This is not good news, not good news at all.

Mr. LATTA. Something else at play in the hands in the last few weeks is called a hurricane, by not having diversification in this country and not having our fields dispersed around this country where we can get oil and natural gas. Everything had to be shut down in the gulf. Not only is everything shut down in the gulf, but we also then lost refineries. We haven't had new refineries built in almost three decades in this country.

So we don't take care of ourselves. The problem has been in this country, we say, you other countries take care of us, we'll pay for this oil. It's not too expensive.

But boy, I tell you, the chickens have come home to roost by now because by watching what's happening in the gulf and still knowing that we can't get the production up in the gulf, they're saying we might be out for another seven to eight days and maybe a little bit longer before we get back up. But at the same time, when I left Bowling Green this morning, I filled up the car. It was $3.79 a gallon. That was before there was a spike of $16.37. So when I get home, gas will probably be over $4 a gallon again, and people are going to say, wait a minute, what are we going to do.

One of the things I did this morning was I was at our senior center in Wood County at their Meals on Wheels, the kitchen where they make the meals. They send out about 750 per day from that place. The problem is this: These folks are out there, a lot of the volunteers are saying, wait, I can't afford to volunteer my time anymore because I can't afford the gasoline.

We've got volunteer firemen around this country, they're out there. We have all these people that do so much greatness for this country by being volunteers that are being shut off from doing it, not because they don't want to do it, because they can't afford the price of a gallon of gasoline.

One of the bills I've introduced recently is to say, let's take that 14 cents for the volunteers that drive that Meals on Wheels vehicle, or their own personal use, and get that up to the business expense.

That's the problem we have. It's not taking care of ourselves. It's only having a very small area that we're going to get our oil from in this country. It's having overreliance, like 70 percent, on other countries that bring us the oil and the resources that we need when we should be taking care of them ourselves.

Mrs. BACHMANN. You're dead on when you talk about the hurricane, dealing with Hurricane Ike recently, and the devastation that ensued in the gulf coast region, and then also we look on the international front what's happening.

Russia invaded Georgia not too long ago, and of course, we know that a big part of that invasion had to do with controlling oil. I mean, it was only a few months ago that we saw newspaper accounts. It almost seemed humorous because there was a Russian-made submarine that traveled under the arctic region and planted a Russian flag at the bottom of the Arctic Sea and said, We take this Arctic Sea for Russia.

Well, as if the Americans hadn't been there years prior and had made claims, but it makes sense because just several weeks later the U.S. Geological Survey released a report that stated there's an estimated 90 billion, 90 billion barrels of oil that are under the Arctic Sea. There are tremendous international pressures right now and particularly with Russia making very aggressive incursions in the Arctic and also in Georgia. This makes the United States even more vulnerable.

But again, great news is on the horizon. We have the answer right here in our border. The problem has been the Democrat-controlled Congress has said ''no'' to American energy production.

Mr. LATTA. Well, I want to thank the gentlelady for her time this evening and for her expertise and all of the work that she's done.

HONORING THE RETIREMENT OF REPRESENTATIVE MIKE MCNULTY

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from New York (Mr. ACKERMAN) is recognized for 60 minutes.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the Special Order in honor of the retirement of Representative MIKE MCNULTY.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, this is a bittersweet moment for me and for all of the members of the New York State delegation specifically and the Members of the House of Representatives in its entirety because our good friend, and my best friend in the Congress, MIKE MCNULTY, after 20 years of laboring in the vineyards here in Washington, getting on a flight every single

week, coming down to Washington, going back home, representing the people of his district so diligently, will be leaving us at the end of this, his tenth Congress.

He is going to be sorely missed. They said, people don't have friends in Washington. This is truly an outstanding misstatement in the case of MIKE MCNULTY. He has friends galore on both sides of the aisle that he has met and kept and maintained close relationships with throughout his entire political career, which is not just the 20 years that he has spent here with us.

At the age of 22, MIKE entered politics, one of the youngest mayors in the history of anyplace in America. He went from the supervisor of Green Island to the mayor thereof, represented those people for so many years before being elected to the New York State Assembly, and proudly served as their assemblyman before coming here.

We have many members of the delegation who wish to speak, some of whom are here tonight, Mr. Speaker. I will fill in and continue some of my remarks, but I want to get some of them up to the microphone at this late hour. I guess we will start with Mr. HINCHEY, if you are prepared to start us off.

Mr. HINCHEY. Well, I thank you very much, and I very much appreciate your taking the time and providing us with the opportunity to say a few things about our close friend and ally MIKE MCNULTY, someone with whom we have worked for a long time, and I say that myself because MIKE and I have been working together first in the State legislature in Albany since 1982, and I think about 6 years later, 1988 he was elected to the Congress of the United States. And I'm happy to say that I was very envious about the fact that he left Albany and came to Washington, and I tried to follow him. It took me a few years to do it, but in 1993, I came down here and I've been serving with him ever since, both of us here in this Congress.

He's an extraordinary man, someone with a very remarkable history. He started out in public office because of his strong desire to serve other people as the town supervisor in Green Island. At the age of 22, he was elected to be the town supervisor, and when he was elected at that age, he was the youngest town supervisor elected in any town in the State of New York.

So from the very beginning, when he first became involved in public life and working on behalf of the general public, he started off in a very remarkable way.

After being town supervisor, he was elected mayor, and then as I said, he was elected to the State Assembly in Albany and served there in a very, very envious sort of way, a remarkable kind of way, one that made us all pay attention to him. He was a very, very strong leader in Albany, New York, in the State Assembly.

But then when he came down here to Washington, he started off in something else that was even more dramatic. Shortly after he was elected and came here, he became a member of the Ways and Means Committee, one of the most important and significant committees here in this Congress. And as a member of that committee, he has done an extraordinary job.

He is now chairman of the Subcommittee on Social Security, and he has done a very wonderful piece of work, strengthening Social Security, protecting Social Security, protecting it from people like the President of the United States who in 2005 wanted to privatize Social Security. And if you think about the economic consequences that we're experiencing today as a result of the huge declines in financial institutions, you can imagine what the Social Security system would look like if it hadn't been for people like MIKE MCNULTY standing up and defending Social Security and making sure that it wasn't privatized and that it remains strong and went on to the people of our country.

One of the ways in which MIKE has served here is to be the acting Speaker of this Congress, this House of Representatives, and he did so I think probably more than anyone else that I know of, all the time that he spent there and doing that leadership position in such an exemplary way.

So he is someone who has set an example for all of us, from the first time he was elected to be town supervisor, then as mayor, then as a member of the State legislature, and then coming here to serve in this House of Representatives and to do it in a very remarkable way.

He's also a person who has demonstrated what it's like to be a strong family man. He is married to Nancy Ann Lazzaro, and he and she have been married now for 37 years. MIKE and Nancy have four daughters: Michele, Angela who's often called Jody, Nancy and Maria. They have five grandchildren: Lola Madelon and Daniel Patrick Sovie, and Teigin Michele, Elijah Michael, and Morgyn Jean Legault. A wonderful family, and I can only say how happy I am to have served with him, both in Albany and here in this Congress of the United States.

□ 2130

He has been here for 20 years. And I must say that I'm sorry he is leaving, but I understand that he feels the responsibility to spend a little more time at home. And that is something, again, that I admire in him, again, for the leadership that he is providing.

So I must say, Mr. Speaker, that this gentleman from the State of New York has set a wonderful example for anyone who wishes to serve the people of their communities, their State, and their country by the example that he has set in all of those areas.

MICHAEL, I thank you. I thank you for everything that you've done. I thank you for your friendship, for your leadership, and for the example that you have set for all of us to hopefully follow and be as good in our service as you have been in yours. Thank you, MICHAEL, for everything that you've done.

I yield back the time.

Mr. ACKERMAN. We're indebted to Congressman MAURICE HINCHEY, known to most of us as ''Mo,'' for his remarks about our good friend, MIKE.

And now, representing our downstate constituencies, the gentleman from New York representing the Seventh Congressional District, the chief deputy whip of the House, JOE CROWLEY, a member of the Committee on Foreign Affairs, Committee on Ways and Means.

Mr. CROWLEY. I want to thank my good friend, Congressman ACKERMAN, for holding this Special Order this evening.

It's late; it's 9:30. And I want to thank all my colleagues from New York who are here on the floor right now. I would venture to say that if it was a little earlier, MICHAEL, we would have every New Yorker here this evening. And, who knows, before the evening is out, we may just have that, or close to it. But it's only a reflection of the time of the evening we're doing this Special Order, MICHAEL, and not a reflection upon you because I think the heartfelt appreciation of all your colleagues will be made known to you at some point. But we, from the New York delegation, want to take this opportunity to let you know what you know already, how special you are to all of us.

I have known MIKE MCNULTY—although you may not know this—for 24 years. In fact, MIKE was present in the Chamber when I was sworn in as a freshman member of the New York State Assembly. He was there as backup to swear me in in case Dick Connor didn't show or Stan Lundine, who was then the Lieutenant Governor, who was going to come in. Both did make it, but MIKE was there as well.

I didn't really know MIKE at the time, but MIKE is an institutional guy, and being one of the local legislators, was there to make sure that the legislature performed in a ceremonial way as well, as it did in terms of an efficient way in terms of doing the people's business. And MIKE has a great appreciation for the history of the New York State legislature and the House of Representatives as well.

I have traveled the world with MIKE MCNULTY. My first trip with MIKE MCNULTY—he may not remember this—was not to what he may be thinking as Ireland, but it was actually Israel some 21, 22 years ago. And what a great trip that was, both of our first exposure to the Holy Land and to Israel and to experience that together,

not only Jerusalem, but Galilee and all the important places from an historical and a religious aspect that I know he appreciated tremendously.

And that brings me to another issue, and that is international again, it is Ireland. There are many people in the Democratic and Republican Caucus who take their rightful place in terms of their input in bringing peace with justice—and we continue in that vein—to northern Ireland, the whole island of Ireland. But MIKE MCNULTY takes second seat to no one on that issue. From his days in the legislature in his support of the McBride principles—and MIKE MCNULTY was there when Sean McBride came to the New York legislature and addressed the New York Assembly. It was there, when the New York Senate refused to even let him on the floor of the Senate, but MIKE, through his moral suasion, was able really to accommodate Sean McBride on the floor of the House of the State Assembly, along with his colleagues, and how historic that was, the champion of the McBride principles MIKE MCNULTY was in the New York State legislature.

One of the founding members of the Irish Legislative Society—I know he is still a frequent visitor to their meetings, I know how much it means to him. But MIKE and I also had the chance to travel to Ireland on two occasions. Probably the most special occasion was with former President Clinton in year 2000 as he was ending his term as President. And we were there for the Thank You Tour, the Farewell Tour. And what a great opportunity that was for both of us to be in our ancestral homeland to see America so appreciated by another country for what we did to bring peace and justice to northern Ireland. We continue in that vein, and we will do so in MIKE's honor.

MIKE has been no stranger to trials and tribulations himself. On a personal level, he has known physical difficulties. And whenever we see MICHAEL struggle, we all say, thank you, God, that I don't have that. And MIKE has carried that for not only himself, but for all of us and for any person who has known a disability in this country. He has done it in a quiet and a dignified way, and it's something that I want him to know I've always admired you for, MICHAEL.

He has also known the loss of a brother, a brother who was killed during the Vietnam War. But MICHAEL has taken every ounce of anger and frustration and he has channeled it for the betterment of our country. We can all take a lesson, a page out of MICHAEL MCNULTY's life. And if we could all do just a little bit of what MIKE MCNULTY has done with the channeling of his own life experiences, we would all be a better Nation for it.

And I would just say lastly about MIKE—and I know my other colleagues want to speak as well—but I had the great honor this year to serve as the third member of the Ways and Means; there's CHARLIE RANGEL, there's MIKE MCNULTY, downstate and upstate, and now JOE CROWLEY. But MIKE welcomed me to the committee.

And there is a certain decorum that goes on in the committee, a certain way of doing things. It has its own Sergeant at Arms, its own little way of life. And knowing that MIKE MCNULTY was on the committee was of great comfort to me—not that I'm afraid of new beginnings, but it was a little challenging at first. I don't serve on the subcommittee that MIKE serves as chair on, but MICHAEL knows that I've sat in on a number of his hearings this year and last year and got to see MICHAEL in action as he asked piercing questions of people who came before the committee.

MIKE MCNULTY was always prepared. MIKE MCNULTY was not caught off guard too often. MIKE MCNULTY was always prepared when it came to his committee work, but also when it came to votes on the floor. MIKE was always thoughtful about every position he took. He wasn't someone you just could come up to and say, MIKE, I need your vote. It was, well, let me tell you why I'm not voting that way, or let me tell you why I'm supporting you. That's the kind of legislator MIKE MCNULTY was—from Green Island, New York.

And I know MIKE's dad and his family are incredibly proud of the career that MIKE MCNULTY has had, serving both in the House of Representatives and the State Assembly and as Mayor of Green Island, that MIKE's career is not over. It is a new beginning for MIKE MCNULTY, maybe it's going back to his hometown, maybe it's going back to the Capitol region that he has served so well all these years. MIKE has many, many, many more years of contributions to make both to the State of New York and to our country.

MIKE, I love you. You are a great man. And you will always be my friend. So thank you for your years of service.

Mr. ACKERMAN. Now from the 24th Congressional District of the Empire State whose constituents are contiguous to MIKE's—also a MIKE—MIKE ARCURI.

Mr. ARCURI. I'm here tonight, I rise to honor MIKE MCNULTY.

You know, I think I'm probably one of the only ones that remembers MIKE way back. I was a college student at University of Albany when MIKE was representing the Village of Green Island as mayor. And I can remember listening to the news and hearing not only about MIKE, but about his entire family that served the Albany area for so many years with distinction. And I can't even tell you how great an honor it was when I finally was able to meet him, and then to serve with him here.

But I want to talk about my experience with MIKE MCNULTY in a little different way. I'm one of the new Members, one of the three new members of the New York delegation. And being a new Member, obviously, you look for people to get advice. And MIKE, being the Dean of the Upstate delegation, I naturally turned to him. And so many times I would sit down next to him and ask him questions. And I can't tell you how many times he would turn to me and say, well, MIKE, I think you might want to handle it this way, or think about it this way. And there was one time in particular when we were dealing with an issue that was difficult and I was a little bit concerned about it. And MIKE sat down and said, MIKE, really, you will see that it will work out, just think it through and handle it. And I don't think 2 days passed when exactly the advice that he gave me went exactly the way he said it would go, and the issue worked out.

And it wasn't just the fact that MIKE is always there to give freshman Members like myself advice, it's not only the quality of the advice that he gives, but the way that he gives the advice, in a patient way, in an understanding way, never forgetting what it's like to be new, never forgetting what it's like to not be completely familiar with the procedure, and just having the patience of a brother, of an older brother sitting down and explaining things. And that means a lot, MIKE. It has meant a lot to me, and I know it has meant a lot to the other freshmen.

What you have done for this institution, for the State of New York is incredible. And it's an honor to not only have been able to know you, but to have been able to have served with you.

So congratulations and good luck to MIKE MCNULTY, the consummate gentleman from New York.

Mr. ACKERMAN. Mr. Speaker, I would just like to advise our colleagues—and just put MIKE MCNULTY on the alert because he never gets caught off guard—that when we all finish, we are going to ask him to honor us by saying a few words, if he would.

Now, from the distinguished gentlewoman from the 18th Congressional District, chairman of the Subcommittee on State and Foreign Operations and Related Programs of the Committee on Appropriations and Homeland Security, NITA LOWEY.

Mrs. LOWEY. And I want to thank you, my friend from New York, for organizing this Special Order.

I think, frankly, it would have been more appropriate if we had organized it in the Chinese restaurant down the street because I know that there have been many special hours where Mr. ACKERMAN and Mr. MCNULTY and those of us that were lucky to join you really had wonderful evenings together, talking about the Congress, talking about life in general, and families.

I want to rise today, Mr. Speaker, to recognize the accomplishments of my good friend, Representative MIKE MCNULTY.

I didn't know you for all the 39 years of dedicated public service, but since you've been here, we've worked closely together, and I consider you a really good friend. MIKE's exemplary commitment has earned the admiration of constituents and colleagues alike.

And MIKE and I had a very special relationship. I do remember when it came time to get committees—and in those days, MIKE MCNULTY and I were fortunate to be asked to be on both Ways and Means and Appropriations. And the gentleman that MIKE was knew that appropriations was my first choice. And MIKE was generous enough—and perhaps wise enough—to choose the outstanding Ways and Means Committee. But I do remember those discussions, and I remember how gracious and elegant you were.

I also remember, MIKE MCNULTY, the time when I was exploring running for the Senate. And I had traveled a bit around New York and I met quite a few people. And no matter what, and no matter who was the opposition, every time I would come to the floor MIKE said, ''I'm with you. I'm with you.'' MIKE is the kind of friend who, when he's with you, he's with you, and you can always count on MIKE MCNULTY.

I also remember—and perhaps I won't discuss it on the floor today—that MIKE MCNULTY and my husband have had a very special relationship. We've had some good times together. And MIKE would always say, ''So, where's Steve? Where's Steve? We have some business to do today.'' And I'll remember those times, and I do hope we get to share many more.

MIKE, I also remember what a special experience it was for us both to get blessed by the Pope. And I remember very clearly MIKE MCNULTY and others who have had that experience before said, fill your pockets, fill your pockets with rosary beads. And boy, I filled my pockets so that I still have draws of them left, MIKE MCNULTY. So if there's anyone special that needs a little bit of blessing from our special trip with the Pope, I would be very happy to share it with you.

□ 2145

Now, when I look back at MICHAEL's background—a graduate of the College of Holy Cross in Worcester, Mass., MIKE began his career by serving as the youngest town supervisor in New York.

It's hard to believe that after 8 short years as town supervisor you were elected mayor of the Village of Green Island, New York, that you served until 1977 when you were elected to represent New York's 106th Assembly District, that in the New York legislature you served as the chairman of the assembly's Democratic study group, and that you chaired the subcommittees on alcoholism and corrections and transportation capital improvements. Later, you were appointed to the Legislative Commission on Rural Resources, an administrative review commission. In 1988, the same year I was elected, you were elected to represent New York's 23rd Congressional District in the United States Congress. In 1992, you were elected to represent New York's 21st Congressional District, which includes Albany, Montgomery, Schenectady, and Schoharie Counties with almost 80 percent of the vote.

I don't know how you did that. I've never gotten 80 percent of the vote, MICHAEL.

You were reelected for your 10th term in the United States House of Representatives in 2006, serving on the Armed Services Committee, the Small Business Committee, the International Relations Committee, the Committee on Post Office and Civil Service. You're currently serving on the Ways and Means Committee for the 15th year on which you chair the Subcommittee on Social Security.

Again, you've been such a tireless advocate for seniors. You championed the needs of hardworking families as a member of the Labor and Working Families Caucus, and you've really balanced your distinguished career with an equally impressive family life.

We've talked about your wife of 37 years. Now I've been married 47 years, MICHAEL, so I wish you good luck and success for the future when you'll be spending a lot more time with family—with Nancy and your four daughters: Michele, Angela, Nancy, and Maria, and with your five grandchildren. I have eight, so they can continue to work on that. They are Lola, Daniel, Teigin, Elijah, and Morgyn.

We've had such wonderful times together. I have such enormous respect for you. You're a real gentleman. You're a hard worker. You're the kind of person who I am proud to have as a friend and who I am proud to serve with in this Congress.

I want to congratulate you on your very successful career in public service and on your unparalleled devotion to your constituents. There is a lot more work to be done, so even though you're going home to be with family and friends, I know that all of the many challenges that we all face together will continue to attract you and will compel you to continue your great career in public service.

So thank you, my friend. I look forward to continuing to work with you and to keeping in touch with you. You're very, very special, and we all love you.

Thank you.

Mr. ACKERMAN. Thank you very much, NITA.

It's not quite Green Island, but the gentleman from Long Island would like to say a few words about being a member of the MIKE MCNULTY fan club, STEVE ISRAEL, a member of the Committee on Appropriations.

Mr. ISRAEL. Thank you. I would like to thank my friend and dear colleague, Mr. ACKERMAN, for the time.

I actually rise to demand equal time, Mr. MCNULTY. The gentlewoman from New York talked about having Chinese food for dinner from time to time. The gentlemen from New York—Mr. ACKERMAN, MIKE MCNULTY and I—have shared some Italian food also at various Italian restaurants in Washington, D.C., and I think that they deserve as much time as Chinese food.

Mr. Speaker, it is a rule, a practice, a custom, and a tradition of this Chamber that we refer to each other as the ''gentleman'' or as the ''gentlewoman.'' No Member of this body more deserves the title of ''gentleman'' than the gentleman from New York, MIKE MCNULTY. He is a gentleman in every true sense of the word.

MIKE and GARY ACKERMAN and I often sit together on the floor of this Chamber during votes. Sitting with MIKE is like sitting on an island of civility and of decency in turbulent and shark-infested waters. That's not to say that MIKE doesn't fight for his principles. He fights for his principles but not by shoving people out of the way and not with sharp elbows but with a quiet and respected determination. He has been doing that for 20 years.

Now, some Members of this body, having been here for 20 years, might grow jaded. They may begin to take it for granted. They may start to forget just what a glorious place this is but not MIKE. He was recently quoted in the Congressional Quarterly as saying, ''Especially at night when the Capitol is lit up, I still pinch myself. It is an honor to serve here.''

Nothing makes MIKE MCNULTY prouder than serving here in this Capitol except for maybe one thing, and that is his family. I've had the privilege of meeting members of his family here in Washington and when I visited Albany. When he introduces them to any of his colleagues, I can't think of anybody prouder than MIKE MCNULTY.

With always a gentle smile, with always a glint in his eye, his constituents have had a remarkable treasure representing them in Washington. I know they will miss him in Washington, but they gain him and his leadership at home.

Mr. Speaker, one of my favorite poets in the world is Rudyard Kipling, and one of my favorite poems of Kipling's is ''If.'' In that poem, he writes:

''If you can keep your head when all about you are losing theirs and blaming it on you, if you can trust yourself when all men doubt you . . . '' and then he goes on, ''If you can talk with crowds and keep your virtue or walk with kings—nor lose the common

touch, if neither foes nor loving friends can hurt you; if all men count with you but none too much, if you can fill the unforgiving minute with 60-seconds' worth of distance run, yours is the Earth and everything that's in it, and—which is more—you'll be a Man, my son!''

We all know that MIKE MCNULTY is a great man, but more than that, Mr. Speaker, he is a gentleman who still pinches himself even late at night, under a gloriously lit dome, that has been made better and brighter for his presence here and for the work he will continue to do for our country.

I yield back my time.

Mr. ACKERMAN. I just want to remind the gentleman that he is still alive. Thank you very much, Mr. ISRAEL, for that eloquence.

Now, one of the newer members of our delegation, a celebrity in his own right, is the Chair of the Subcommittee on Disability Assistance and Memorial Affairs, on Transportation and Infrastructure, on the Select Committee on Energy Independence and Global Warming, and on Veterans' Affairs, the Honorable JOHN HALL.

Mr. HALL of New York. Thank you, Congressman.

Mr. Speaker, I rise to honor my distinguished colleague from New York, Congressman MIKE MCNULTY.

After nearly 40 years of public service, Congressman MCNULTY is retiring, and he will be sorely missed. I will resist the suggestion of one of our fellow New York delegation members to sing that he's still the one, but I will say that, at the age of 22, he was elected to serve as supervisor of Green Island, making him at the time the youngest supervisor in New York. Since, he has served as mayor, as assemblyman and, for the last 20 years, as a Member of Congress. While his role may have changed, his dedication to fighting for the interests of New York's capital region have remained constant.

MIKE is known as a worker. I've observed that in the short time that I've been here. As the chairman of the Subcommittee on Social Security, he has worked to make sure that our seniors receive the benefits that they need in economic times where that effort is even more important than ever and when we can see how important it was that he was there to help protect against privatizing that Social Security.

I have only been honored to serve one term in this body with MIKE, but have already been impressed by the spirit of cooperation and of teamwork that he brings to the New York delegation. In addition to ''gentleman,'' I would add the word ''statesman.''

Some of us get more excited about issues. That doesn't mean that you care more or less about them, but MIKE's temperament has impressed me in its evenness and in its equanimity. I think that we could use a good dose of that from time to time here because we on both sides of the aisle and even in our own caucus have strong feelings about the issues, about the critical, important and immediate issues that we face.

So I will be sad that at the end of this session and that at the end of this term we'll be saying goodbye to Congressman MCNULTY, but I'm glad that he is here now, this week especially and as we go forward through the rest of this term, to help us deal with the serious issues we have on our plate and that the country is facing in these difficult times with the thoughtfulness, with the work ethic and with the equanimity and level-headedness that he brings to the Congress.

I wish you, Congressman MCNULTY, the best of luck and good times as you retire from the House to return home to your family and to your district. It has been an honor to serve with you.

I yield back.

Mr. ACKERMAN. Ladies and gentlemen of the House, I'm not addressing the Speaker as I should because it's quite unusual for those of us here on the floor who are controlling the time to get a request from the Speaker pro tem who wishes to step down from the chair in order to address the House.

So, Mr. Speaker, it's my privilege and pleasure to yield some time to the representative from the Fourth District of Pennsylvania, a member of the House Committee on Small Business, of the Committee on Education and Labor and of Transportation and Infrastructure, the Speaker pro tem, Congressman JASON ALTMIRE.

Mr. ALTMIRE. I thank the gentleman from New York.

I know it is somewhat unusual to come down from the chair, but I did not want our colleagues to think nor certainly the American people watching tonight to think that New York has a monopoly on the MIKE MCNULTY fan club, because I certainly count myself as does, I'm sure, every Member of this House in that group.

I've told MICHAEL before that I was a staffer on Capitol Hill in the early 1990s, and people always ask now and asked even then ''Why is it so infrequent that you see large groups of people in the Chamber? You know, you seem to be speaking. There's not a lot of people there.'' It's because people are back in their offices, and they're watching it on TV. At the staff level, you do the same thing. You pay attention to what's happening on the House floor.

As a very young staffer, beginning in 1991, I learned about the House, and I learned about the procedures of the House by watching what was going on. In those days when the Democrats had control of Congress before the 14 years that they lost it, no one served in the chair more than Mr. MCNULTY. We enjoyed watching him, and I learned so much as a young staffer about this institution by watching Mr. MCNULTY in the chair.

I just could not sit without thinking of the great, pleasant irony for me that, on this night when we're honoring Mr. MCNULTY, I was actually in the chair.

So I wanted to come down and tell you that the spirit of Mr. MCNULTY is certainly going to live in this Chamber for a very, very long time and that the legacy lives on through his many legislative accomplishments and through, I'm sure, the countless—they have to number in the thousands—number of constituent services that you've provided over the years, the countless accomplishments. The spirit will remain within each of us who has had the honor to serve with him.

So I did just want to take a few minutes to say, A, it's not just New York that holds you in high esteem tonight but that I'm a better person for having known Mr. MCNULTY and that I know I'm a better House Member for having known him. So I thank Mr. MCNULTY.

I would yield my time back to Mr. ACKERMAN. Thank you for the opportunity.

Mr. ACKERMAN. Thank you, Mr. Speaker.

Mr. Speaker, if I can use some of the remaining time, this is a very fast-moving place. There are a lot of people who have been pretty hard-charging around here over the 26 years that I've been here and certainly over the history of the Congress, and we'll remember a lot of them because they're loud and boisterous, thundering; some people would say ''eloquent'' when referring to some, but all too often, we don't notice the quiet heroes who make all of the difference, who come here to our Nation's Capital, not for self-aggrandizement but unashamedly to full time represent only and exclusively the interests of the people who sent them here. Such a person is our friend MIKE MCNULTY.

You'll forgive us, Mr. Speaker, for having the braggadocio as New Yorkers, as we're supposed to have, I'm told, to be ever so proud of MIKE MCNULTY and of all that he represents and will always represent.

□ 2200

I was going to read a good part of his biography, much of which has been alluded to by some of our Members here, but I think I will bypass that, because those are all historical notes, and just talk about MIKE for a couple of minutes.

MIKE is truly one of the heroes to anybody who has ever met him. Much has been made of the fact that he was the youngest town supervisor, mayor, at the time of his election some 39 years ago, and has been in public service for his entire life. But it is not just

being the youngest, but being one of the best, being one of the most humane, being one of the most compassionate. And I must say as a fellow Eagle Scout, I have always been in awe of MIKE because he became an Eagle Scout at the age of 12, not something very easily accomplished.

If you know anything about MIKE, you know that is even more extraordinary, because when MIKE was born in 1947 to Mr. and Mrs. Jack McNulty of Green Island, they were so very, very proud of MIKE, as they were of their other children, having great hopes and aspirations that he would be able to achieve and accomplish and make his mark on the world. And then when he was 2 years old they found out that he had the scourge of our time, of our generation, that he had polio, that he was not able to walk.

What a challenge that is for a family. What a challenge that is for a young man, not to be able to run around with his friends and grow up in the same way and do the same kinds of things with such ease that other people have. And yet MIKE persevered and made a full recovery.

I daresay that there are probably not too many people in the House except those who are close to MIKE that even knew that he had polio. And those accomplishments, not just the physical accomplishments of being able to get past that, but of being able to contribute to our society, to make a mark and to make a difference, without bringing any of the baggage that so many of us would probably bring to our careers and the rest of our lives. Not a note of bitterness, not a mark of anger, not a sign of why me, but always what can I do to help you, what can I do to contribute to society.

I try to think of words, as we all have, that would describe MIKE . I go back to the time we were Boy Scouts, in very different places, and he is the embodiment of trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, at least with the taxpayers' money, brave, clean and reverent. He is all of the above.

He is a man of great integrity, respected in this House by everybody. I don't know a person of the 435 Members of this House who doesn't truly hold MIKE MCNULTY in the highest of esteem. And he is very different in his approach to his job than so many other people that we can think of, presently and historically, people to whom we subscribe sharp elbows, as the word is; people who would push other people out of the way to get in front of the cameras, to beat them to the microphone, to get out a press release, to claim credit for something. MIKE has always been content just to get the job done, absent the big lights and the big crowds.

This is a place of show horses and showboats, and among this crowd, MIKE is a workhorse and a work boat. People would be absolutely astonished to know that it has been MIKE MCNULTY for these years who has often fought on their behalf successfully to maintain Social Security, something that in a few years hopefully he is going to enjoy for many, many, many years to come, and the work he has done on so many other things without taking credit. MIKE is about not taking credit. And in a place where there is very little of that going around, he is virtuous and a virtuoso.

One of the newspapers on Capitol Hill does this story every once in awhile about the Obscure Caucus. Well, MIKE is the chairman, as they always call him, of the Obscure Caucus. Not because of lack of contribution, but because of lack of spotlight; because of diligent work; because of doing his homework; because of always being prepared, for always being effective, for always getting things done. He is the quiet man around here, a very quiet guy, very respectful.

He is very religious, loves his church and its values that he holds very dearly. He doesn't wear them on his sleeve, but it is something that is very important to him. But so is respect for everybody else and their beliefs.

I remember traveling up to Albany once to one of the major synagogues in that town to participate, and MIKE being the Man of the Year. The Rabbi told me MIKE goes to synagogue on the Jewish High Holidays. He is given a place of honor, a seat of his own. It doesn't violate the gift rule.

He is the kind of person that we all want our kids to grow up to be, somebody who is respectable and respectful.

I traveled with him to Ethiopia with our dear friend Mickey Leland. MIKE didn't flinch. It didn't concern him that it was a lot more strenuous a trip for the Sub-Sahara region of the dark continent than it would be for most anybody else. He didn't blink. We flew in small planes, in and out, up in the Gandhara region, participating in the saving and rescue of the Ethiopian Jewish community that fled to Israel.

His work for the Irish people is legendary. His work for all people is admired by each and every one of us.

His family loves him, and there is not a conversation that I have ever had with MIKE that he doesn't mention my kids by name. I mentioned his children, his wife, Nancy, their great marriage, his five grandchildren of whom he is so proud and who I always see winding up in the newspapers upstate, as we call it, in pictures. These are his grandchildren, pictures with presidents and VIPs and movie stars, and every once in awhile they let MIKE get into the picture.

MIKE is going to be leaving Congress, and we are going to miss him. But he is going to go home to Nancy and the kids and the grandchildren and Big Jack, as his father is called. MIKE has been in public life for I think four different decades. His dad, Big Jack, has been in public life for seven. He still gets around, so proud of MIKE, and MIKE is so proud of him.

You know, there is a song, and I won't sing it here because it is against the rules and we certainly have previous speakers that sing a lot better than I do, but this song, the words of which are ''climb every mountain, ford every stream; follow every rainbow, until you find your dream.''

MIKE has shared his dream here with his friends and the American people, and now he follows his rainbow home, home in Albany, where he also served as speaker pro tem, chaired the New York State Assembly probably more than anybody in anyone's recent memory, as he did here during the early years when Democrats controlled the House; doing that not just because he knew the rules of the House better than anybody else, but because he thought it was his job to let other Members go home after putting in a full day's work, and he was willing to shoulder the responsibility, as you do tonight, Mr. Speaker, in keeping the House open while other Members prepare for tomorrow's day's work.

So, MIKE, as you follow that rainbow back to Nancy and the kids, knowing that you have a long career of some other kind, I hope, many offers I am sure, will come in, you are a quiet prize that the public will not allow to leave their midst. We are all going to miss you, buddy. I am going to miss you especially. Thank you for your service here, which ends this session, and thank you for your friendship, which will endure forever.

Now, Mr. Speaker, I would like to coax the recalcitrant, reticent, quiet Mr. MCNULTY to the microphone.

Mr. MCNULTY. I thank my friend. And for anyone who is listening tonight, you have seen ample demonstration of why I am such a grateful person, all of these wonderful friends. No one could have a better friend in the world than GARY ACKERMAN. And I want to thank him, and Representatives LOWEY, HINCHEY, CROWLEY, ARCURI, ISRAEL and HALL for the many kind things that they have said tonight about me and the members of my family.

I want to thank, of course, all of the members of the New York delegation, and also my dear friend the Speaker pro tem, my buddy, JASON, for his very kind words. I shall always be grateful for having been a member of our State delegation, chaired by CHARLIE RANGEL. I am grateful to all of my Democratic colleagues.

I am grateful to all of my Republican colleagues, especially JIMMY WALSH, who is a classmate of mine in the class of 1988, along with NITA LOWEY, and JIM is also retiring this year.

I am grateful to all of those with whom I have served through the years, all of the Speakers, from Jim Wright to NANCY PELOSI, and all of the Republican leaders, from Bob Michel to JOHN BOEHNER. And I am grateful to all of the staff of this great institution for the wonderful work that they do for us each and every day.

I have been truly blessed in my life. Paralyzed by polio in 1949, God eventually granted me a near complete recovery. And just look at my life since then. I have been blessed with a large and loving family, many wonderful friends, and a career that I have thoroughly enjoyed for 39 years, as town supervisor, as mayor. And as one of my colleagues back home said, and it is true, there is nothing more special than being elected mayor of your hometown.

□ 2215

Then to go to the New York State Assembly for 6 years, and then 20 years here in the United States Congress, and Steve is right, when I am walking outside and I see the dome lit up at night, I still pinch myself that I am here, MIKE MCNULTY, an average guy, from Green Island, New York, population 2,500. When I was a young public official, I had a dream. This was it, my dream came true.

I am especially grateful to my family, as others have pointed out, my wife of 37 years, Nancy; and our daughters, Michele, Angela, Nancy and Maria. I am especially grateful to them for the many sacrifices that they made so that I could pursue this career in public life, and all those of you who have families know what I am talking about. Thank you to our grandchildren, Teigin and Elijah, Lola, Morgyn and Daniel, for the joy they bring to us each and every day.

I send out a special message of love to Teigin tonight. She is in the hospital, and, hopefully, she will be right back in action very soon.

She was so proud to be here, standing right there in that spot at the beginning of this Congress, holding my hand when I stood up and voted to elect the first woman to serve as the Speaker of the United States House of Representatives. That was a very special moment for me, for the country and for Teigin. So I have special thoughts for Teigin tonight.

I am grateful to the others that you have mentioned, my mom and dad, and all of those who went before us, all the members of my family and to Frank and Lola Lazzaro, all the members of Nancy's great family, for their steadfast support all through the years.

As I look back on my life, I look forward to the challenges that lie ahead, but up to this point, I just have to acknowledge how much has been given to me. I have to acknowledge all of the lucky breaks that I have had in my life and in my career.

In thankfulness and gratitude for that, I have tried, to the best of my ability, to give back. I shall always endeavor for the rest of my life to live according to the fundamental principle that life is to give, not to take.

Mr. ACKERMAN. Mr. Speaker, as MIKE prepares to wrap up this part of his career, return home at the top of his game, under his own terms, under his own steam, we wish him Godspeed. We will be up to visit. Can't say that we are drinking buddies, MIKE, but we are certainly eating buddies, take-out in good restaurants up your way.

Come down here and back into the city. We will be putting together a group of guys and gals just to hang out.

Ms. MATSUI. Mr. Speaker, I rise today to congratulate my colleague and dear friend Representative MIKE MCNULTY on his upcoming retirement, and compliment his two decades of honorable service in the House, and nearly 40 years serving in elected office. His absence from the House will be felt, and I wish him happiness and success for the future and the successes it is sure to bring.

For 20 years Congressman MCNULTY has served his New York district with integrity and the utmost concern for his constituents and their communities. In his nearly 40 years serving those communities, MICHAEL has always advocated for intelligent and just solutions to the issues that touch his constituent's lives. As a mayor and New York State Legislator, Congressman MCNULTY advocated for improvements in substance-abuse education and prevention and fought for his communities' infrastructure and economic improvements. As a member of the House he has continued this advocacy on not only local issues, but humanitarian as well. He has been a leader on issues of human rights, hunger, poverty, and international affairs. In 2006, MIKE was re-elected with nearly 78 percent of the vote, a well-deserved affirmation by his constituents of a job and career well done.

Congressman MCNULTY is a fairminded and level-headed individual who brought a wealth of experience and insight to his seat as Chairman of the Subcommittee on Social Security. His character is one of deliberate and thoughtful decision making, based on insight and a true understanding of his district and our country. He is an ever dependable friend and a colleague I greatly respect.

I had the opportunity to serve last year with MIKE as a Helsinki Commissioner, and visited Kyiv, working to further address continued humanitarian issues there. His work, our discussions and the successes we walked away with were exemplary of his high level of understanding and his personal attention to the challenges that the people of the region continue to face.

While I know that Congressman MCNULTY will be greatly missed by his colleagues here, I also know that his character and passion for a better world will only lend itself to continued service and continued good work.

Mr. Speaker, I ask all my colleagues to join me in congratulating Congressman MCNULTY, and wishing him our best for his future.

Mr. STARK. Mr. Speaker, I rise today to recognize my good friend and colleague, MIKE MCNULTY (NY–21), who is retiring after 10 terms in Congress.

With nearly 40 years in elective public office, MIKE has served his community as a local leader, a member of the state legislature, and its representative in Congress.

During his Congressional service, I have been privileged to work by his side on the Ways and Means Committee. On our Committee, MIKE can always be counted on to stand up for the interests of working families, senior citizens, and people with disabilities.

Most recently, as Chairman of the Social Security Subcommittee, MIKE has been a leader in protecting Social Security from Republican attempts to privatize it. He's also initiated improvements to the program as well. For example, in this Congress, Chairman MCNULTY was able to secure $150 million in additional funding for the Social Security Administration to lessen the backlog of cases and better serve beneficiaries.

While MIKE has never been one to reach for the headlines, when it came to speak up for seniors and the middle class, MIKE's voice was always heard loud and clear. We will miss MIKE's friendship and his steady leadership in Congress. The people of upstate New York are losing an outstanding representative, and we are all grateful for his lifetime of service to his community and our Nation.

Mr. WALSH of New York. Mr. Speaker, I rise today with great pride to honor someone who is a good friend and for whom I have great respect—Rep. MICHAEL MCNULTY. For two decades MIKE has served as a Member for the House of Representatives, first for the 23rd and then for the 21st Congressional District of New York State. We were elected together to the House of Representatives in 1988, and this year we will leave together. It has been a great honor to work with MIKE for so many years. He has been and will continue to be a good friend.

MIKE began his career in public office in November 1969 as Town Supervisor of Green Island, 8 years later becoming Mayor of the Village of Green Island. He then went on to be elected to represent New York's 106th Assembly District in 1982. Six years later MIKE was elected to the U.S. House of Representatives for the 23rd Congressional District of New York in 1988, and was re-elected in 1990. In 1992, he was elected to represent the new 21st Congressional District, and was re-elected in 1994, 1996, 1998, 2000, 2002, 2004, and 2006.

During his ten terms in office, MIKE has served on the Armed Services Committee, the Small Business Committee, the International Relations Committee, the Committee on Post Office and Civil Service, the Select Committee on Hunger, and the Executive Committee of the Congressional Human Rights Caucus.

MIKE is also currently serving in his fifteenth year on the Ways and Means Committee. I must praise MIKE'S effectiveness as a member of this important committee. Throughout his tenure he has sought to serve wisely and justly, while never failing to attend to the needs of New York State.

In addition, I would like to note MIKE'S service in the chair as the Speaker pro tempore, a position he often occupied during his tenure. He served honorably in that role and was always considered to be fair and impartial.

Many of you may not know that MIKE is a true citizen of the world, having visited an incredible number of countries, spanning all seven continents. One of my most memorable experiences with MIKE was my first trip to Ireland with him and former President Clinton. I fondly remember that Congressional delegation trip and many others that MIKE and I took together.

I thank MIKE for his 20 years of serving the United States and New York and recognize his wife Nancy and his four daughters Michele, Jody, Nancy and Maria for sharing him with us for so many years. I congratulate MIKE on a job well done and wish him the best in a well-deserved retirement.

Mrs. GILLIBRAND. Mr. Speaker, I rise today to honor Congressman MICHAEL MCNULTY, the distinguished Representative of New York's 21st District, as he prepares to conclude 20 years of service to the people of Upstate New York in the House of Representatives.

In Congress, MICHAEL MCNULTY has been more than simply a colleague to me over the past 2 years, but also a mentor and friend. I have benefited greatly from his constant advice and counsel as I navigate through my first term in Congress. He has always been there to offer an encouraging word or friendly piece of advice. For that and many other reasons, I will miss his presence here in the House Chamber.

Congressman MCNULTY started on his path to service when he became an Eagle Scout at the age of 12, displaying at an early age his leadership and dedication to public service. He then went on to become the youngest Town Supervisor in New York State when he was elected as Supervisor of the Town of Green Island at the age of 22.

Congressman MCNULTY's service in elected office spans almost four decades, as supervisor and mayor of the Village of Green Island, a member of the New York State Assembly and a Member of this House since 1988. In Congress, MICHAEL MCNULTY has distinguished himself by serving his constituents on several important committees, including for fifteen years on the Ways and Means Committee, where he is currently the Chairman of the Subcommittee on Social Security.

As Congressman MCNULTY leaves us here in Congress, he goes home to spend more time with his lovely wife Nancy, their four daughters and five grandchildren, who I know he adores. Our loss is truly their gain, and I am sure that they are thrilled that he will be able to spend more time with them back home in New York.

In conclusion, Mr. Speaker, I thank Congressman MCNULTY for his friendship and his service to the people of New York and the United States. I wish him every success in all of his future endeavors.

Mr. MCNULTY. Mr. Speaker, you have seen ample demonstration of why I am such a grateful person, with all of these wonderful friends. No one could have a better friend in the world than GARY ACKERMAN. And I want to thank him, and Representatives LOWEY, HINCHEY, CROWLEY, ARCURI, ISRAEL and HALL for the many kind things that they have said about me and the members of my family.

I want to thank, of course, all of the members of the New York delegation, and also my dear friend the Speaker pro tem, my buddy, JASON ALTMIRE, for his very kind words. I shall always be grateful for having been a member of our State delegation, chaired by CHARLIE RANGEL. I am grateful to all of my Democratic colleagues.

I am grateful to all of my Republican colleagues, especially JIMMY WALSH, who is a classmate of mine in the class of 1988, along with NITA LOWEY. JIM is also retiring this year.

I am grateful to all of those with whom I have served through the years, all of the Speakers, from Jim Wright to NANCY PELOSI, and all of the Republican leaders, from Bob Michel to JOHN BOEHNER. And I am grateful to all of the staff of this great institution for the wonderful work that they do for us each and every day.

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Then to go to the New York State Assembly for 6 years, and then 20 years here in the United States Congress. And STEVE ISRAEL is right, when I am walking outside and I see the dome lit up at night, I still pinch myself that I am here, MIKE MCNULTY, an average guy, from Green Island, New York, population 2,500. When I was a young public official, I had a dream. This was it, and my dream came true.

I am especially grateful to my family, as others have pointed out, my wife of 37 years, Nancy; and our daughters, Michele, Angela, Nancy and Maria. I am especially grateful to them for the many sacrifices that they made so that I could pursue this career in public life, and all those of you who have families know what I am talking about. Thank you to our grandchildren, Teigin and Elijah, Lola, Morgyn and Daniel, for the joy they bring to us each and every day.

I send out a special message of love to Teigin tonight. She is in the hospital, and, hopefully, she will be right back in action very soon.

She was so proud to be here, standing right there in that spot at the beginning of this Congress, holding my hand when I stood up and voted to elect the first woman to serve as the Speaker of the United States House of Representatives, NANCY PELOSI. That was a very special moment for me, for the country and for Teigin. So I have special thoughts for Teigin tonight.

I am grateful to the others that you have mentioned, my mom and dad, Madelon and Jack McNulty, and all of those who went before us, all the members of my family and to Frank and Lola Lazzaro, and all the members of Nancy's great family, for their steadfast support all through the years.

As I look back on my life and I look forward to the challenges that lie ahead, I just have to acknowledge how much has been given to me. I have to acknowledge all of the lucky breaks that I have had in my life and in my career.

In thankfulness and gratitude for that, I have tried, to the best of my ability, to give back. I shall always endeavor for the rest of my life to live according to the fundamental principle that life is to give, not to take.

Mrs. MALONEY of New York. Mr. Speaker, today we recognize and salute the contribution of MIKE MCNULTY as he prepares to retire as one of our best.

Since I arrived in the House, I have been proud to stand with MIKE, as he fights for New York's working families.

He has carried on his family's tradition of public service since 1969 when he first won office—at age 22—as Green Island Town Supervisor. Elected to Congress in 1988, he has distinguished himself as a member of this House over the past 20 years, fighting for the needs of his Albany-based district.

As Chair of the Social Security Subcommittee of the Ways and Means Committee, he has protected Social Security from misguided attempts to privatize it, putting the retirement of millions at risk.

I'm glad to have had the honor to serve with MIKE MCNULTY, and wish him a long and happy retirement away from the House.

Mr. ACKERMAN. Mr. Speaker, we yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEARCE (at the request of Mr. BOEHNER) for today and until 2 p.m. tomorrow on account of traveling in New Mexico on business.

Mr. POE (at the request of Mr. BOEHNER) for today on account of recovery efforts following Hurricane Ike.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 26.

Mr. JONES, for 5 minutes, September 26.

Mr. SALI, for 5 minutes, September 23.

Ms. FOXX, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today, September 23, 24 and 25.

Mr. BURTON of Indiana, for 5 minutes, today, September 23, 24, 25 and 26.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's

table and, under the rule, referred as follows:

S. 531. An act to repeal section 10(f) of Public Law 93–531, commonly known as the ''Bennett Freeze'', to the Committee on Natural Resources.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2608. An act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud.

H.R. 5551. An act to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

H.R. 5893. An act to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 996. An act to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.

S. 2339. An act to designate the Department of Veterans Affairs clinic in Alpena, Michigan, as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

S. 3406. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

ADJOURNMENT

Mr. HALL of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 23, 2008, at 9:00 a.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2007, the first and second quarters of 2008, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, KAY A. KING, PH.D., HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 27 AND JULY 8, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kay A. King, Ph.D.	6/27	6/29	Nigeria		648.00		(3)				648.00
	6/29	7/01	Zambia		745.00						745.00
	7/01	7/06	South Africa		1,401.00						1,401.00
	7/06	7/07	Liberia		140.00						140.00
Committee total					2,934.00						2,934.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

KAY A. KING, July 22, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UNITED KINGDOM, KAZAKHSTAN, AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 27 AND JULY 3, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Alcee L. Hastings	6/28	7/02	Kazakhstan		2,646.32		6,287.73				8,934.05
	7/02	7/03	Italy		639.00		(3)				639.00
Hon. Zach Wamp	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,646.32						2,646.32
	7/02	7/03	Italy		639.00						639.00
Hon. Robert Aderholt	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,646.32						2,646.32
	7/02	7/03	Italy		639.00						639.00
Hon. Mike McIntyre	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,646.32						2,646.32
	7/02	7/03	Italy		639.00						639.00
Hon. Loretta Sanchez	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,646.32						2,646.32
	7/02	7/03	Italy		639.00						639.00
Hon. Hilda L. Solis	6/28	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,646.32						2,646.32
	7/02	7/03	Italy		639.00						639.00
Hon. Diane Watson	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,646.32						2,646.32
	7/02	7/03	Italy		639.00						639.00
Hon. Madeleine Z. Bordallo	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,646.32						2,646.32
	7/02	7/03	Italy		639.00						639.00
Hon. G.K. Butterfield	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,646.32						2,646.32
	7/02	7/03	Italy		639.00						639.00
Hon. Gwen S. Moore	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,646.32						2,646.32
	7/02	7/03	Italy		639.00						639.00
Fred Turner	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,375.20						2,375.20
	7/02	7/03	Italy		639.00						639.00
Robert Hand	6/27	6/28	United Kingdom		631.79		(3)				631.79
	6/28	7/02	Kazakhstan		1,627.20						1,627.20
	7/02	7/03	Italy		489.00						489.00
Shelly Han	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,375.20						2,375.20

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UNITED KINGDOM, KAZAKHSTAN, AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 27 AND JULY 3, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	7/02	7/03	Italy		639.00						639.00
Lale Mamaux	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,375.20						2,375.20
	7/02	7/03	Italy		639.00						639.00
Winsome Packer	6/28	7/03	Kazakhstan		2,812.98		4,000.00				6,812.98
Mischa Thompson	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,291.20						2,291.20
	7/02	7/03	Italy		639.00						639.00
Daniel Redfield	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,375.20						2,375.20
	7/02	7/03	Italy		639.00						639.00
Taylor Morgan	6/27	6/28	United Kingdom		711.79		(3)				711.79
	6/28	7/02	Kazakhstan		2,375.20						2,375.20
	7/02	7/03	Italy		639.00						639.00
Committee total					67,092.22		10,287.73				77,379.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. ALCEE L. HASTINGS, Chairman, July 28, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GHANA, LIBERIA, DEMOCRATIC REPUBLIC OF THE CONGO, KENYA, MALAWI AND MAURITANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 28 AND JULY 8, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Price	6/28	6/29	Ghana		424.00		(3)				424.00
Hon. Lois Capps	6/28	6/29	Ghana		424.00		(3)				424.00
Hon. Jim Cooper	6/28	6/29	Ghana		424.00		(3)				424.00
Hon. Mel Watt	6/28	6/29	Ghana		424.00		(3)				424.00
Hon. Brad Miller	6/28	6/29	Ghana		424.00		(3)				424.00
John Lis	6/28	6/29	Ghana		424.00		(3)				424.00
Brad Smith	6/28	6/29	Ghana		424.00		(3)				424.00
Thomas Ross	6/28	6/29	Ghana		424.00		(3)				424.00
Rachael Leman	6/28	6/29	Ghana		424.00		(3)				424.00
Janice McKinney	6/28	6/29	Ghana		424.00		(3)				424.00
Barbara Chow	6/28	6/29	Ghana		424.00		(3)				424.00
Hon. David Price	6/29	7/01	Liberia		600.00		[3] 195.00				795.00
Hon. Lois Capps	6/29	7/01	Liberia		600.00		[3] 195.00				795.00
Hon. Jim Cooper	6/29	7/01	Liberia		600.00		[3] 195.00				795.00
Hon. Mel Watt	6/29	7/01	Liberia		600.00		[3] 195.00				795.00
Hon. Brad Miller	6/29	7/01	Liberia		600.00		[3] 195.00				795.00
Hon. Keith Ellison	6/29	7/01	Liberia		390.00		5,866.24				6,256.24
John Lis	6/29	7/01	Liberia		600.00		[3] 195.00				795.00
Brad Smith	6/29	7/01	Liberia		600.00		[3] 195.00				795.00
Thomas Ross	6/29	7/01	Liberia		600.00		[3] 195.00				795.00
Rachael Leman	6/29	7/01	Liberia		600.00		[3] 195.00				795.00
Janice McKinney	6/29	7/01	Liberia		600.00		[3] 195.00				795.00
Barbara Chow	6/29	7/01	Liberia		600.00		[3] 195.00				795.00
Hon. David Price	7/01	7/02	DRC		372.00		(3)				372.00
Hon. Lois Capps	7/01	7/02	DRC		372.00		(3)				372.00
Hon. Jim Cooper	7/01	7/02	DRC		372.00		(3)				372.00
Hon. Mel Watt	7/01	7/02	DRC		372.00		(3)				372.00
Hon. Brad Miller	7/01	7/02	DRC		372.00		(3)				372.00
Hon. Keith Ellison	7/01	7/02	DRC		372.00		(3)				372.00
John Lis	7/01	7/02	DRC		372.00		(3)				372.00
Brad Smith	7/01	7/02	DRC		372.00		(3)				372.00
Thomas Ross	7/01	7/02	DRC		372.00		(3)				372.00
Rachael Leman	7/01	7/02	DRC		372.00		(3)				372.00
Janice McKinney	7/01	7/02	DRC		372.00		(3)				372.00
Barbara Chow	7/01	7/02	DRC		372.00		(3)				372.00
Hon. David Price	7/02	7/05	Kenya		1,074.00		(3)				1,074.00
Hon. Lois Capps	7/02	7/05	Kenya		1,074.00		(3)				1,074.00
Hon. Jim Cooper	7/02	7/05	Kenya		1,074.00		(3)				1,074.00
Hon. Mel Watt	7/02	7/05	Kenya		1,074.00		(3)				1,074.00
Hon. Brad Miller	7/02	7/05	Kenya		1,074.00		(3)				1,074.00
Hon. Keith Ellison	7/02	7/05	Kenya		1,074.00		(3)				1,074.00
John Lis	7/02	7/05	Kenya		1,074.00		(3)				1,074.00
Brad Smith	7/02	7/05	Kenya		1,074.00		(3)				1,074.00
Thomas Ross	7/02	7/05	Kenya		1,074.00		(3)				1,074.00
Rachael Leman	7/02	7/05	Kenya		1,074.00		(3)				1,074.00
Janice McKinney	7/02	7/05	Kenya		1,074.00		(3)				1,074.00
Barbara Chow	7/02	7/05	Kenya		1,074.00		(3)				1,074.00
Hon. David Price	7/05	7/06	Malawi		315.00		(3)				315.00
Hon. Lois Capps	7/05	7/06	Malawi		315.00		(3)				315.00
Hon. Jim Cooper	7/05	7/06	Malawi		315.00		(3)				315.00
Hon. Mel Watt	7/05	7/06	Malawi		315.00		(3)				315.00
Hon. Brad Miller	7/05	7/06	Malawi		315.00		(3)				315.00
Hon. Keith Ellison	7/05	7/06	Malawi		315.00		(3)				315.00
John Lis	7/05	7/06	Malawi		315.00		(3)				315.00
Brad Smith	7/05	7/06	Malawi		315.00		(3)				315.00
Thomas Ross	7/05	7/06	Malawi		315.00		(3)				315.00
Rachael Leman	7/05	7/06	Malawi		315.00		(3)				315.00
Janice McKinney	7/05	7/06	Malawi		315.00		(3)				315.00
Barbara Chow	7/05	7/06	Malawi		315.00		(3)				315.00
Hon. David Price	7/06	7/07	Mauritania		340.00		(3)				340.00
Hon. Lois Capps	7/06	7/07	Mauritania		340.00		(3)				340.00
Hon. Jim Cooper	7/06	7/07	Mauritania		340.00		(3)				340.00
Hon. Mel Watt	7/06	7/07	Mauritania		340.00		(3)				340.00
Hon. Brad Miller	7/06	7/07	Mauritania		340.00		(3)				340.00
Hon. Keith Ellison	7/06	7/07	Mauritania		340.00		(3)				340.00
John Lis	7/06	7/07	Mauritania		340.00		(3)				340.00
Brad Smith	7/06	7/07	Mauritania		340.00		(3)				340.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GHANA, LIBERIA, DEMOCRATIC REPUBLIC OF THE CONGO, KENYA, MALAWI AND MAURITANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 28 AND JULY 8, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas Ross	7/06	7/07	Mauritania		340.00		(3)				340.00
Rachael Leman	7/06	7/07	Mauritania		340.00		(3)				340.00
Janice McKinney	7/06	7/07	Mauritania		340.00		(3)				340.00
Barbara Chow	7/06	7/07	Mauritania		340.00		(3)				340.00
Committee total											44,877.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. DAVID E. PRICE, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Winsome Packer	4/01	4/28	Austria		6,736.43						6,736.43
	5/09	6/30	Austria		18,615.00		5,695.00				24,310.90
Hon. Alcee L. Hastings	4/12	4/15	Denmark		1,416.00		9,800.98				11,216.98
Hon. Hilda Solis	4/13	4/15	Denmark		944.00		6,638.98				7,582.98
Fred Turner	4/13	4/15	Denmark		944.00		9,858.40				10,802.40
Mischa Thompson	4/13	4/15	Denmark		944.00		6,638.98				7,582.98
Alex Johnson	5/13	5/19	Uzbekistan		1,236.00		12,399.47				13,635.47
Winsome Packer	5/13	5/17	Poland				1,488.05				1,488.05
Shelly Han	5/18	5/22	Czech Republic		1,443.07		7,308.47				8,751.54
	5/27	6/02	Macedonia		1,362.00						1,362.00
Ronald McNamara	5/18	5/23	Georgia		1,760.00		10,340.62				12,100.62
Orest Deychakiwsky	5/18	5/23	Georgia		1,760.00		10,340.62				12,100.62
Hon. Alcee L. Hastings	5/24	5/25	Denmark		713.93		8,612.72				9,326.65
	5/25	5/27	Russia		942.00						942.00
	5/27	5/28	Finland		632.00						632.00
	5/28	5/31	Austria		1,525.15						1,525.15
Mischa Thompson	5/28	6/03	Austria		1,793.00		5,695.42				7,488.42
Alex Johnson	5/28	6/01	Austria		1,095.00		5,695.42				6,790.42
Committee total					43,861.58		100,514.03				144,375.61

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. ALCEE L. HASTINGS, Chairman, July 29, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jean Schmidt	6/13	6/16	Kosovo		557.00		(3)				557.00
	6/16	6/17	Bosnia		277.00		(3)				277.00
	6/17	6/18	Ireland		61.65		3,020.00				3,081.65
Hon. Nick Lampson	5/25	5/26	India				(3)				
	5/26	5/27	Pakistan		96.00		(3)				96.00
	5/23	5/25	Germany		391.00		(3)				391.00
	5/27	5/28	Italy		273.00		(3)				273.00
Hon. Collin C. Peterson	5/27	5/30	Belgium		1,739.04		(3)				1,739.04
Hon. Tim Holden	5/27	5/30	Belgium		2,058.44		(3)				2,058.44
Hon. Frank D. Lucas	5/27	5/30	Belgium		1,739.04		(3)				1,739.04
Hon. Lincoln Davis	5/27	5/30	Belgium		2,058.44		(3)				2,058.44
Hon. Virginia Foxx	5/27	5/30	Belgium		2,048.44		(3)				2,058.44
Delegation & Control	5/27	5/30	Belgium				(3)		6,406.94		6,406.94
Chandler Goule	5/27	5/30	Belgium		1,739.04		(3)				1,739.04
Martha Josephson	5/27	5/30	Belgium		1,739.04		(3)				1,739.04
Nona Darrell	5/27	5/30	Belgium		1,739.04		(3)				1,739.04
Hon. Collin C. Peterson	5/30	5/31	France		792.06		(3)				792.06
Hon. Frank D. Lucas	5/30	5/31	France		792.06		(3)				792.06
Hon. Lincoln Davis	5/30	5/31	France		846.75		(3)				846.75
Hon. Virginia Foxx	5/30	5/31	France		846.75		(3)				846.75
Nona Darrell	5/30	5/31	France		792.06		(3)				792.06
Chandler Goule	5/30	5/31	France		792.06		(3)				792.06
Martha Josephson	5/30	5/31	France		792.06		(3)				792.06
Hon. Tim Holden	5/29	5/31	France		846.75		(3)				846.75
Delegation and Control	5/29	5/31	France				(3)		7,575.70		7,575.70
Hon. Collin C. Peterson	5/31	6/03	Spain		1,615.42		(3)				1,615.42
Hon. Frank D. Lucas	5/31	6/03	Spain		1,615.42		(3)				1,615.42
Hon. Lincoln Davis	5/31	6/03	Spain		1,615.42		(3)				1,615.42
Hon. Tim Holden	5/31	6/03	Spain		1,615.42		(3)				1,615.42
Nona Darrell	5/31	6/03	Spain		1,615.42		(3)				1,615.42
Chandler Goule	5/31	6/03	Spain		1,615.42		(3)				1,615.42
Martha Josephson	5/31	6/03	Spain		1,615.42		(3)				1,615.42
Delegation and Control	5/31	6/03	Spain				(3)		4,587.23		4,587.23
Hon. Virginia Foxx	5/31	6/02	Spain		1,126.95		6,949.47				8,076.42
Committee total					35,461.61		9,969.47		18,569.87		64,000.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. COLLIN C. PETERSON, Chairman, July 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Greg Lankler	3/29	4/01	Germany		1,449.00						1,449.00
	4/01	4/02	Austria		221.00						221.00
Commercial air transportation							7,457.69				7,457.69
Misc. travel cost							65.80				65.80
Hon. Carolyn Kilpatrick	5/16	5/16	Haiti		80.00		(3)				80.00
Hon. Roybal-Allard	5/16	5/16	Haiti		80.00		(3)				80.00
Hon. Barbara Lee	5/16	5/16	Haiti		80.00		(3)				80.00
Hon. Allen Boyd	5/24	5/26	Germany		391.00		(3)				391.00
	5/26	5/27	Pakistan		126.00		(3)				126.00
	5/27	5/28	Italy		273.00		(3)				273.00
Hon. James Moran	5/24	5/25	Egypt		133.00		(3)				133.00
	5/25	5/30	United Arab Emirates		697.41		(3)				697.41
	5/30	5/31	France		203.00		(3)				203.00
Hon. Ray LaHood	5/24	5/25	Cyprus		371.81		(3)				371.81
	5/25	5/27	Kazakhstan		1,088.00		(3)				1,088.00
	5/27	5/29	Saudi Arabia		843.17		(3)				843.17
	5/29	5/31	United Arab Emirates		1,105.00		(3)				1,105.00
	5/31	6/02	Egypt		559.31		(3)				559.31
Hon. Jack Kingston	5/25	5/25	Cyprus		371.81		(3)				371.81
	5/25	5/27	Kazakhstan		1,088.00		(3)				1,088.00
	5/27	5/29	Saudi Arabia		843.17		(3)				843.17
	5/29	5/31	United Arab Emirates		1,105.00		(3)				1,105.00
	5/31	6/02	Egypt		559.31		(3)				559.31
Hon. Rush Holt	6/09	6/10	Netherlands		233.00						233.00
Commercial air transportation							7,685.00				7,685.00
Committee total					11,900.99		15,208.49				27,109.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. DAVID R. OBEY, Chairman, July 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Germany, Pakistan, Afghanistan, and Italy, with CODEL Capuano, April 10–15, 2008:											
Hon. Frank LoBiondo	4/11	4/11	Germany		150.00						150.00
	4/12	4/13	Afghanistan		75.00						75.00
	4/13	4/14	Pakistan								
	4/14	4/15	Italy		150.00						150.00
Visit to Israel, April 21–22, 2008:											
Roger Zakheim	4/21	4/22	Israel		260.00						260.00
Visit to England, Afghanistan and Pakistan, April 24–29, 2008:											
Hon. Adam Smith	4/24	4/26	England		181.00						181.00
	4/26	4/27	Afghanistan		25.00						25.00
	4/27	4/28	Pakistan		684.00						684.00
	4/28	4/29	England		181.00						181.00
Hon. Mac Thornberry	4/24	4/26	England		181.00						181.00
	4/26	4/27	Afghanistan		25.00						25.00
	4/27	4/28	Pakistan		684.00						684.00
	4/28	4/29	England		181.00						181.00
Hon. Gabrielle Giffords	4/24	4/26	England		181.00						181.00
	4/26	4/27	Afghanistan		25.00						25.00
	4/27	4/28	Pakistan		684.00						684.00
	4/28	4/29	England		181.00						181.00
Hon. Bill Shuster	4/24	4/26	England		181.00						181.00
	4/26	4/27	Afghanistan		25.00						25.00
	4/27	4/28	Pakistan		684.00						684.00
	4/28	4/29	England		181.00						181.00
Hon. K. Michael Conaway	4/24	4/26	England		181.00						181.00
	4/26	4/27	Afghanistan		25.00						25.00
	4/27	4/28	Pakistan		684.00						684.00
	4/28	4/29	England		181.00						181.00
William Natter, III	4/24	4/26	England		181.00						181.00
	4/26	4/27	Afghanistan		25.00						25.00
	4/27	4/28	Pakistan		684.00						684.00
	4/28	4/29	England		181.00						181.00
Alexander Kugajevsky	4/24	4/26	England		181.00						181.00
	4/26	4/27	Afghanistan		25.00						25.00
	4/27	4/28	Pakistan		684.00						684.00
	4/28	4/29	England		181.00						181.00
Delegation Expenses	4/27	4/28	Pakistan						1,117.57		1,117.57
Visit to the Czech Republic with CODEL Cramer, May 2–8, 2008:											
Hon. Jim Marshall	5/02	5/08	The Czech Republic		660.00						660.00
Commercial airfare							6,535.94				6,535.94
Visit to Iraq, Kuwait, June 2–8, 2008:											
Michael Casey	6/03	6/06	Kuwait		432.00						432.00
	6/04	6/05	Iraq								
Commercial airfare							16,839.81				16,839.81
Paul Arcangeli	6/03	6/06	Kuwait		432.00						432.00
	6/04	6/05	Iraq								
Commercial airfare							4,997.34				4,997.34
Debra Wada	6/03	6/06	Kuwait		432.00						432.00
	6/04	6/05	Iraq								
Commercial airfare							16,839.81				16,839.81
Stephanie Sanok	6/03	6/06	Kuwait		415.50						415.50
	6/04	6/05	Iraq								
Commercial airfare							16,839.81				16,839.81
Joshua Holly	6/03	6/06	Kuwait		416.00						416.00
	6/04	6/05	Iraq								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial airfare							16,839.81				16,839.81
Jenness Simler	6/03	6/06	Kuwait		409.34						409.34
	6/04	6/05	Iraq								
Commercial airfare							16,839.81				16,839.81
Committee total					11,328.84		95,732.33		1,117.57		108,178.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. IKE SKELTON, Chairman, July 31, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Cooper	5/16	5/19	Egypt		$411.00		[3]				$411.00
Committee total					411.00						411.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military airfare.

Hon. JOHN M. SPRATT, Jr., Chairman, July 29, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. GEORGE MILLER, Chairman, July 25, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Charlie Melancon	5/24	5/25	Cyprus		156.00			(3)			156.00
	5/26	5/27	Kazakhstan		374.00			(3)			374.00
	5/27	5/29	Saudi Arabia		306.00			(3)			306.00
	5/29	5/31	United Arab Emirates		386.00			(3)			386.00
	5/31	6/02	Egypt		206.00			(3)			206.00
Committee total					1,428.00						1,428.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. JOHN D. DINGELL, Chairman, July 31, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Abramowitz	5/25	5/26	China		264.00						264.00
	5/26	5/29	North Korea		733.00		1,155.35				1,888.35
	5/29	5/30	China		289.00						289.00
	5/25	5/30					[4] 9,756.21				9,756.21
Douglas Anderson	5/27	5/30	Germany		1,146.00						1,146.00
	5/30	5/31	United Kingdom		535.00						535.00
	5/27	5/31					[4] 9,132.77				9,132.77
David Beraka	5/26	5/28	Denmark		866.00						866.00
	5/28	5/30	United Kingdom		935.00						935.00
	5/26	5/30					[4] 8,398.97				8,398.97
Hon. Don Burton	5/27	5/30	Belgium		2,058.44		(3)				2,058.44
	5/30	5/31	France		846.75		(3)				846.75
	5/31	6/03	Spain		1,615.42		(3)				1,615.42
Hon. Steve Chabot	4/11	4/12	Jordan		237.43		(3)				237.43
	4/12	4/13	Iraq				(3)				
	4/13	4/14	Belgium		349.29		(3)				349.29
Hon. Eliot L. Engel	6/13	6/16	Kosovo		557.00		(3)		[5] 12,510.93		13,067.93
	6/16	6/17	BiH		277.00		(3)				277.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	6/17	6/18	Ireland		147.00		5,520.00				5,667.00
Hon. Eni F. H. Faleomavaega	5/02	5/06	Greece		1,752.00				[5] 3,321.00		5,073.00
	5/06	5/07	Germany		210.00						210.00
	5/02	5/07					[4] 7,875.81				7,875.81
	6/17	6/19	Germany		782.00		8,691.94				9,473.94
	6/26	6/30	Hong Kong		3,108.00		10,625.66		[5] 2,168.00		15,901.66
Hon. Jeff Fortenberry	5/16	5/19	Egypt		584.00		(3)				584.00
Hon. Luis G. Fortuño	5/24	5/25	Egypt		577.00		(3)				577.00
	5/25	5/30	United Arab Emirates		2,685.84		(3)				2,685.84
	5/30	5/31	France		203.00		(3)				203.00
Mark Gage	5/25	5/28	Italy		1,420.00						1,420.00
	5/28	5/29	United Kingdom		505.00						505.00
	5/25	5/29					[4] 8,222.13				8,222.13
Hon. Sheila Jackson-Lee	5/16	5/16	Haiti				(3)				
Nurjadi Jasin	5/20	5/21	Indonesia		479.76						479.76
	5/21	5/24	Timor Leste		576.60						576.60
	5/20	5/24					[4] 804.34				804.34
Jonathan Katz	6/13	6/16	Kosovo		557.00		(3)				557.00
	6/16	6/17	BiH		277.00						277.00
	6/17	6/18	Ireland		147.00		5,520.00				5,667.00
Sarah Kiko	5/30	6/06	Uganda		2,179.85		10,630.69				12,810.54
Vili Lei	5/02	5/06	Greece		1,752.00						1,752.00
	5/06	5/07	Germany		210.00						210.00
	5/02	5/07					[4] 7,875.81				7,875.81
	6/28	7/06	Australia		2,851.00		13,523.66				16,374.66
Noelle LuSane	4/11	4/14	South Africa		1,407.00		10,406.31				11,813.31
Pearl-Alice Marsh	5/30	6/07	Uganda		2,315.39		10,420.94				12,736.33
Peter Martin	6/19	6/23	Italy		2,190.50		9,482.39				11,672.89
Hon. Gregory W. Meeks	5/16	5/16	Haiti		80.00		(3)				
Mark Milosch	6/29	7/01	China		732.00		9,664.51				10,396.51
Jonathan Cobb Mixter	5/25	5/26	China		309.00						309.00
	5/26	5/29	North Korea		813.00		2,510.35				3,323.35
	5/29	5/31	China		618.00						618.00
	5/25	5/31					[4] 9,756.21				9,756.21
Hon. Donald M. Payne	4/11	4/14	South Africa		1,407.00		10,406.31				11,813.31
Don Phan	5/25	5/26	China		309.00						309.00
	5/26	5/29	North Korea		813.00		1,155.35				1,968.35
	5/29	5/31	China		618.00						618.00
	5/25	5/31					[4] 9,756.21				9,756.21
Sarah Preisser		5/27	Italy		N/A		2,225.35				2,225.35
Eric Richardson	5/24	5/26	China		618.00						618.00
	5/26	5/29	North Korea		813.00		1,155.35				1,968.35
	5/29	5/31	China		618.00						618.00
	5/24	5/31					[4] 9,756.21				9,756.21
David Richmond	5/02	5/06	Greece		1,752.00						1,752.00
	5/06	5/07	Germany		210.00						210.00
	5/02	5/07					[4] 7,875.81				7,875.81
	6/28	7/06	Australia		2,851.00		13,523.66				16,374.66
Sheri Rickert	5/29	5/31	United Kingdom		1,029.21						1,029.21
	6/01	6/06	Uganda		1,653.85						1,653.85
	5/29	6/06					[4] 10,766.98				10,766.98
Robin Roizman	5/25	5/28	Italy		1,869.00						1,869.00
	5/28	5/29	United Kingdom		535.00						535.00
	5/25	5/29					[4] 8,222.13				8,222.13
Hon. Loretta Sanchez	5/27	5/30	Belgium		2,058.44		3,977.40				6,035.84
	5/30	5/31	France		846.75		(3)				846.75
	5/31	6/03	Spain		1,615.42		(3)				1,615.42
Daniel Silverberg	5/28	5/31	Israel		866.00		6,942.30				7,808.30
Amanda Sloat	—	5/28	Italy		N/A		4,235.10				4,235.10
Hon. Christopher H. Smith	6/21	6/23	Italy		1,233.82		7,598.61				8,832.43
	6/29	7/01	China		732.00		9,664.51				10,396.51
Jason Steinbaum	5/27	5/30	Haiti		732.00		1,395.80				2,118.80
	6/13	6/16	Kosovo		557.00		(3)				557.00
	6/16	6/17	BiH		277.00		(3)				277.00
	6/17	6/18	Ireland		147.00		5,520.00				5,667.00
Tuchrello William	5/20	5/21	Indonesia		224.17						224.17
	5/21	5/24	Timor Leste		559.53						559.53
	5/20	5/24					[4] 776.54				776.54
Robyn Wapner	5/27	5/30	Haiti		723.00		1,455.80				2,178.80
Hon. Diane E. Watson	5/16	5/16	Haiti		80.00		(3)				80.00
Lynne Weil	5/26	5/28	Denmark		726.00						726.00
	5/28	5/30	United Kingdom		935.000						935.00
	5/26	5/30					[4] 5,650.06				5,650.06
Kristin Wells	5/27	5/30	Germany		1,046.00						1,046.00
	5/30	5/31	United Kingdom		519.00						519.00
	5/27	5/31					[4] 9,406.95				9,406.95
Lisa Williams	5/02	5/06	Greece		1,752.00						1,752.00
	5/06	5/07	Germany		210.00						210.00
	5/02	5/07					[4] 7,875.81				7,875.81
	6/28	7/06	Australia		2,851.00		13,523.66				16,374.66
Committee total					74,036.46		312,839.95		17,999.93		404,876.34

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Round trip airfare.
[5] Indicates delegation costs.

Hon. HOWARD L. BERMAN, Chairman, July 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. ROBERT A. BRADY, Chairman, July 31, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Keith Ellison	5/16		Haiti		241.00						241.00
Hon. Hank Johnson	5/16		Haiti		241.00						241.00
Committee total					482.00						482.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. JOHN CONYERS, Jr., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nick J. Rahall II	5/24	5/25	Cyprus		371.81		(3)		14,261.19		14,633.00
Rick Healy	5/24	5/25	Cyprus		318.25		(3)				318.25
Amelia Jenkins	5/24	5/25	Cyprus		318.25		(3)				318.25
Linda Livingston	5/24	5/25	Cyprus		318.25		(3)				318.25
Christopher Fluhr	5/24	5/25	Cyprus		318.25		(3)				318.25
Hon. Nick J. Rahall, II	5/26	5/27	Kazakhstan		1,088.00		(3)				1,088.00
Rick Healy	5/26	5/27	Kazakhstan		1,088.00		(3)				1,088.00
Amelia Jenkins	5/26	5/27	Kazakhstan		1,088.00		(3)				1,088.00
Linda Livingston	5/26	5/27	Kazakhstan		1,088.00		(3)				1,088.00
Christopher Fluhr	5/26	5/27	Kazakhstan		1,088.00		(3)				1,088.00
Hon. Nick J. Rahall, II	5/27	5/29	Saudi Arabia		843.17		(3)		8,035.42		8,878.59
Rick Healy	5/27	5/29	Saudi Arabia		781.78		(3)				781.78
Amelia Jenkins	5/27	5/29	Saudi Arabia		781.78		(3)				781.78
Linda Livingston	5/27	5/29	Saudi Arabia		781.78		(3)				781.78
Christopher Fluhr	5/27	5/29	Saudi Arabia		781.78		(3)				781.78
Hon. Nick J. Rahall II	5/29	5/31	United Arab Emirates		1,105.00		(3)				1,105.00
Rick Healy	5/29	5/31	United Arab Emirates		1,105.00		(3)				1,105.00
Amelia Jenkins	5/29	5/31	United Arab Emirates		1,105.00		(3)				1,105.00
Linda Livingston	5/29	5/31	United Arab Emirates		1,105.00		(3)				1,105.00
Christopher Fluhr	5/29	5/31	United Arab Emirates		1,105.00		(3)				1,105.00
Hon. Nick J. Rahall, II	5/31	6/02	Egypt		559.31		(3)				559.31
Rick Healy	5/31	6/02	Egypt		558.75		(3)				558.75
Amelia Jenkins	5/31	6/02	Egypt		558.75		(3)				558.75
Linda Livingston	5/31	6/02	Egypt		558.75		(3)				558.75
Christopher Fluhr	5/31	6/02	Egypt		558.75		(3)				558.75
David Whaley	6/21	6/29	Chile		1,595.00		6,135.00				7,730.00
Julia Hathaway	6/21	6/29	Chile		1,595.00		6,135.00				7,730.00
Committee total					22,564.41		12,270.00		22,296.61		57,131.02

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. NICK J. RAHALL II, Chairman, July 31, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Christopher Bright	4/11	4/12	Jordan		312.43		(3)				312.43
	4/12	4/13	Iraq								
	4/13	4/14	Belgium		474.29						474.29
Christopher Davis	4/11	4/12	Jordan		223.43						223.43
	4/12	4/13	Iraq								
	4/13	4/14	Belgium		304.29						304.29
Margaret Daum	4/11	4/12	Jordan		191.43						191.43
	4/12	4/13	Iraq								
	4/13	4/14	Belgium		291.29						291.29
Hon. Todd Russell Platts	4/11	4/12	Jordan		171.43						171.43
	4/12	4/13	Iraq								
	4/13	4/14	Belgium		235.29						235.29
Hon. Stephen Lynch	4/11	4/12	Jordan		312.43						312.43
	4/12	4/13	Iraq								
	4/13	4/14	Belgium		474.29						474.29
Delegation costs—Brussels									3,228.74		3,228.74
Hon. Christopher Shays	5/16	5/19	Egypt		626.00		(3)				626.00
Hon. Eleanor Holmes Norton	5/16	5/16	Haiti		80.00		(3)				80.00
Naomi Seiler	5/30	6/06	Uganda		2,080.69		10,206.44				12,287.13
Jesseca Boyer	5/30	6/06	Uganda		2,035.97		10,465.44				12,501.41

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Davis	5/24	5/25	Egypt		133.00		(3)				133.00
	5/25	5/30	United Arab Emirates		697.00						697.00
	5/30	5/31	France		203.00						203.00
Hon. Darrell Issa	5/24	5/25	Cyprus		371.81		(3)				371.81
	5/26	5/27	Kazakhstan		773.00						773.00
	5/27	5/29	Saudi Arabia		693.17						693.17
	5/29	5/31	United Arab Emirates		1,105.00						1,105.00
	5/31	6/02	Egypt		509.31						509.31
Sharon Boyl	5/24	5/25	Cyprus		318.25		(3)				318.25
	5/26	5/27	Kazakhstan		1,013.00						1,013.00
	5/27	5/29	Saudi Arabia		631.78						631.78
	5/29	5/31	United Arab Emirates		1,105.00						1,105.00
	5/31	6/02	Egypt		538.75						538.75
Committee Total					15,905.33		20,671.88		3,228.74		39,805.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. HENRY A. WAXMAN, Chairman, July 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Feeney	4/22	4/26	China		1,436.00		10,034.16		712.28		12,182.44
Ken Monroe	4/22	4/26	China		1,436.00		9,756.16		19.30		11,211.46
Hon. Brian Baird	5/16	5/19	Egypt		833.00		(3)		[4] 7,277.00		8,110.00
Hon. Dana Rohrabacher	5/27	5/30	Germany		1,623.00		[5] 8,991.99				10,614.99
	6/02	6/03	Germany		541.00				4,216.44		4,757.41
	5/30	6/02	Russia		1,758.31		[5] 203.31		1,333.39		3,295.01
Hon. Ben Chandler	6/13	6/16	Ecuador		150.00		(3)				150.00
Hon. Darlene Hooley	6/13	6/16	Ecuador		150.00		(3)				150.00
Hon. Frank Lucas	6/13	6/16	Ecuador		150.00		(3)				150.00
Hon. Bob Inglis	6/13	6/16	Ecuador		150.00		(3)				150.00
Margaret Caravelli	6/13	6/16	Ecuador		150.00		(3)				150.00
Jean Fruci	6/13	6/16	Ecuador		150.00		(3)				150.00
Chuck Atkins	6/13	6/16	Ecuador		150.00		(3)				150.00
Leigh Ann Brown	6/13	6/16	Ecuador		150.00		(3)				150.00
Hon. Brian Baird	6/13	6/16	Ecuador		150.00						150.00
	6/13	6/16	Ecuador		13,128.38		[3] 4,532.90		4,290.82		21,952.10
Chris King	6/17	6/22	Denmark		1,832.00		6,669.07				8,501.07
Committee total					23,937.69		40,187.59		17,849.23		81,974.51

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Furnished by DOD.
[4] For entire delegation.
[5] Commercial air transportation.

Hon. BART GORDON, Chairman, July 30, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. NYDIA M. VELÁZQUEZ, Chairwoman, July 24, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nydia Velázquez	1/05	1/07	Egypt		266.00						266.00
	1/07	1/08	Ghana		278.00						278.00
	1/09	1/11	South Africa		426.00						426.00
	1/12	1/15	Morocco		463.04						463.04
Hon. Steve Chabot	1/08	1/11	Taiwan		1,029.00						1,029.00
	1/11	1/12	Indonesia		283.00						283.00
	1/12	1/13	Malaysia		173.00						173.00
	1/13	1/15	Singapore		792.00						792.00
Hon. Kevin Fitzpatrick	1/08	1/11	Taiwan		1,029.00						1,029.00
	1/11	1/12	Indonesia		283.00						283.00
	1/12	1/13	Malaysia		173.00						173.00
	1/13	1/15	Singapore		792.00						792.00
					[3] −250.00						−250.00
Committee total					5,487.04						5,487.04

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Less $250.00 unused per diem returned to Department of State.

Hon. NYDIA M. VELÁZQUEZ, Chairwoman, July 24, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. NYDIA M. VELÁZQUEZ, Chairwoman, July 24, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James Oberstar	5/05	5/06	Slovenia		375.00		10,075.77		269.28		10,720.05
Jim Kolb	5/05	5/06	Slovenia		375.00		10,075.77		269.28		10,720.05
Hon. Peter DeFazio	5/15	5/20	Egypt		833.00		(3)				833.00
Sharon Barkeloo	5/25	5/26	France		872.00		8,768.97				9,640.97
	5/27	5/28	England		1,170.00		365.50				1,535.50
	5/29	5/31	Spain		1,209.00						1,209.00
Niels Knutson	5/25	5/26	France		872.00		7,825.14				8,697.14
	5/27	5/28	England		1,170.00		365.50				1,535,50
	5/29	6/01	Spain		1,209.00						1,209.00
Committee total					8,085.00		17,325.11		538.56		46,100.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. JAMES L. OBERSTAR, Chairman, July 25, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Linder	5/24	5/25	Cyprus		371.81						371.80
	5/26	5/27	Kazakhstan		1,088.00						1,088.00
	5/27	5/29	Saudi Arabia		843.17						843.17
	5/29	5/31	United Arab Emirates		1,105.00						1,105.00
	5/31	6/02	Egypt		559.31						559.31
Hon. Xavier Becerra	5/27	5/28	Bolivia		202.00						202.00
	5/28	5/30	Argentina		312.00						312.00
	5/30	5/31	Ecuador		174.00						174.00
Alexander Perkins	6/08	6/14	Peru		1,204.97		3,912.71		506.14		5,623.82
David Thomas	6/08	6/14	Peru		1,016.06		2,983.70		506.14		4,505.90
Committee total					6,876.32		6,896.41		1,012.28		14,785.01

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Hon. CHARLES B. RANGEL, Chairman, August 1, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Darrell Issa	4/05	4/07	Asia		359.00						
Commercial airfare							8,819.13				9,178.13
James Lewis	4/5	4/7	Asia		359.00						
Commercial airfare							9,756.13				10,115.13
Hon. Mike Thompson	4/24	4/29	Mexico		700.00						
Commercial airfare							1,800.47				2,500.47
Curtis Flood	4/24	4/29	Mexico		700.00						
Commercial airfare							1,800.47				2,500.47
Meghann Courter	4/24	4/29	Mexico		700.00						
Commercial airfare							1,800.47				2,500.47
Hon. Robert Cramer	5/01	5/06	Europe		660.00						
Commercial airfare							6,295.06				6,955.06
Mieke Eoyang	5/01	5/06	Europe		660.00						
Commercial airfare							6,295.06				6,955.06
Hon. Mike Thompson	5/01	5/04	Middle East		420.00		(3)				
Hon. Rush Holt	5/01	5/04	Middle East		420.00		(3)				
							(3)				
Joshua Kirshner	5/01	5/04	Middle East		420.00		(3)				420.00
Hon. Silvestre Reyes	5/22	5/27	Middle East		282.00						
	5/22	5/27	Europe		273.00						
	5/22	5/27	Europe		231.00		(3)				786.00
Hon. Dutch Ruppersberger	5/22	5/27	Middle East		282.00						
	5/22	5/27	Europe		273.00						
	5/22	5/27	Europe		231.00		(3)				786.00
Hon. Peter Hoekstra	5/22	5/27	Middle East		282.00						
	5/22	5/27	Europe		273.00						
	5/22	5/27	Europe		231.00		(3)				786.00
Michael Delaney	5/22	5/27	Middle East		282.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2008—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	5/22	5/27	Europe		273.00						
	5/22	5/27	Europe		231.00		(3)				786.00
Jeremy Bash	5/22	5/27	Middle East		282.00						
	5/22	5/27	Europe		273.00						
	5/22	5/27	Europe		231.00		(3)				786.00
James Lewis	5/22	5/27	Middle East		282.00						
	5/22	5/27	Europe		273.00						
	5/22	5/27	Europe		231.00		(3)				786.00
Donald Vieira	5/24	5/29	Middle East		50.00						
	5/24	5/29	Europe		289.00						
	5/24	5/29	Europe		518.00		(3)				857.00
George Pappas	5/24	5/29	Middle East		50.00						
	5/24	5/29	Europe		289.00						
	5/24	5/29	Europe		518.00		(3)				857.00
Mark Young	5/24	6/03	Asia		2,400.00						
Commercial airfare							6,359.78				8,759.78
George Pappas	5/24	6/03	Asia		2,400.00						
Commercial airfare							6,359.78				8,759.78
Mieke Eoyang	5/25	6/01	Asia		800.00						
	5/25	6/01	Asia		878.61						
Commercial airfare							8,899.76				10,775.37
Joshua Kirshner	5/25	6/01	Asia		800.00						
	5/24	6/03	Asia		878.61						
Commercial airfare							9,010.76				10,689.37
Fredreick Fleitz	5/25	6/01	Asia		800.00						
	5/25	6/01	Asia		878.61						
Commercial airfare							9,040.76				10,719.37
Donald Vieira	6/28	7/03	Latin America		410.00						
	6/28	7/03	Latin America		371.00						
Commercial airfare							7,725.86				8,506.86
Iram Ali	6/28	7/03	Latin America		410.00						
	6/28	7/03	Latin America		371.00						
Commercial airfare							7,534.85				8,315.85
Meghann Courter	6/28	7/03	Latin America		410.00						
					371.00						
Commercial airfare							7,534.85				8,315.85
Jeremy Bash	6/28	7/03	Europe		766.00						
	6/28	7/03	Africa		278.00		9,054.55				10,098.55
Brian Morrison	6/28	7/03	Europe		766.00						
	6/28	7/03	Africa		278.00						
Commercial airfare							9,054.5				10,098.55
Joshua Kirshner	6/28	7/03	Europe		766.00						
	6/28	7/03	Africa		278.00						
Commercial airfare							9,054.55				10,098.55
Christopher Donesa	6/28	7/03	Europe		766.00						
	6/28	7/03	Africa		278.00						
Commercial airfare							9,054.55				10,098.55
John Heath	6/28	7/03	Europe		766.00						
	6/28	7/03	Africa		278.00						
Commercial airfare							9,869.55				10,913.55
Committee total											165,344.77

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

Hon. SILVESTRE REYES, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8506. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Tuberculosis; Amend the Status of New Mexico From Accredited Free to Modified Accredited Advanced [Docket No. APHIS-2008-0068] received September 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8507. A letter from the Director, Specialty Lenders Division, Department of Agriculture, transmitting the Department's final rule—Intermediary Relending Program (RIN: 0570-AA70) received September 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8508. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish [Docket No. APHIS-2007-0038] (RIN: 0579-AC74) received September 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8509. A letter from the Assistant Director, Directives and Regulations Branch, Office of Regulatory and Management Services, USDA Forest Service, Department of Agriculture, transmitting the Department's final rule—Predecisional Administrative Review Process for Hazardous Fuel Reduction Projects Authorized Under the Healthy Forests Restoration Act of 2003 (RIN: 0596-AC15) received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8510. A letter from the Administrator, Agency for International Development, transmitting a report on an Anti-Deficiency Act violation, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8511. A letter from the Principal Deputy, Department of Defense, transmitting authorization of Colonel John B. Cooper, United States Air Force, to wear the authorized insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

8512. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert T. Dail, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8513. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8514. A letter from the Deputy Director, Terrorism Risk Insurance Program, Department of the Treasury, transmitting the Department's final rule—Terrorism Risk Insurance Program; Terrorism Risk Insurance Program Reauthorization Act Implementation (RIN: 1505-AB93) received September 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8515. A letter from the Chief, Division of Statutory Programs, Department of Labor, transmitting the Department's final rule—Amendment to Guidelines for Processing Applications for Assistance To Conform to Sections 3013(h) and 3031 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act--A Legacy for Users and To Improve Processing for Administrative Efficiency (RIN: 1215-AB58) received September

10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8516. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's annual report, covering the fiscal year from October 1, 2006, through September 30, 2007, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

8517. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule—Supplemental Applications Proposing Labeling Changes for Approved Drugs, Biologics, and Medical Devices [[Docket No. FDA-2008-N-0032] (formerly Docket No. 2008N-0021)] (RIN: 0910-ZA32) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8518. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule—Irradiation in the Production, Processing and Handling of Food [[Docket No. FDA-1999-F-2405] (formerly 1999F-5522)] received September 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8519. A letter from the Chief, Policy Division, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—In the Matter of Spectrum and Service Rules for Ancillary Terrestrial Components in the 1.6/2.4 GHz Big LEO Bands Globalstar Licensee LLC, Authority to Implement an Ancillary Terrestrial Component [IB Docket No. 07-253 Call Sign S2115] received September 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8520. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—In the Matter of Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. Watermill and Noyack, New York [MB Docket No. 03-44 RM-10650 RM-11396] received September 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8521. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Industry Codes and Standards; Amended Requirements [NRC-2007-0003] (RIN: 3150-AH76) received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8522. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

8523. A letter from the Director, International Cooperation, Department of Defense, transmitting the Department's intent to sign the NATO Alliance Ground Surveillance Programme Memorandum of Understanding, pursuant to Section 27(f) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8524. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8525. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8526. A letter from the Law Clerk, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8527. A letter from the Law Clerk, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8528. A letter from the Executive Director, Election Assistance Commission, transmitting the Commission's final rule—Freedom of Information, Government in the Sunshine, and Privacy Act Requirements (RIN: 3265-AA00) received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8529. A letter from the Director, Office of National Drug Control Policy, transmitting the Office's report entitled, ''Fiscal Year 2007 Accounting of Drug Control Funds''; to the Committee on Oversight and Government Reform.

8530. A letter from the Executive Director, Election Assistance Commission, transmitting the Commission's final rule—Testimony by Commission Employees Relating to Official Information and Production of Official Records in Legal Proceedings, Standards of Conduct for Commission Employees, and Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the U.S. Election Assistance Commission (RIN: 3265-AA01) received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

8531. A letter from the Assistant Secretary—Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Bonus or Royalty Credits for Relinquishing Certain Leases Offshore Florida [Docket ID: MMS-2007-OMM-0064] (RIN: 1010-AD44) received September 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8532. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Special Regulation: Areas of the National Park System (RIN: 1024-AD53) received September 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8533. A letter from the Director, Department of the Interior, transmitting a report entitled, ''Report to Congress: Minerals Management Service Royalty In Kind Operation Program,'' pursuant to Section 342 of the Energy Policy Act of 2005; to the Committee on Natural Resources.

8534. A letter from the Assistant Field Supervisor, Department of the Interior, transmitting a report entitled, ''Flow-Overbank Inundation Relationship For Potential Fall-Run Chinook Salmon and Steelhead/Rainbow Trout Juvenile Outmigration Habitat In The Tuolumine River,'' pursuant to 34 U.S.C. 3406(b)(1)(B) Public Law 102-575; to the Committee on Natural Resources.

8535. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 ft (18.3 m) LOA and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XK13) received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8536. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XK11) received September 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8537. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XJ95) received September 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8538. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Long Prairie, MN [Docket No. FAA-2008-023; Airspace Docket No. 08-AGL-1] received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8539. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Long Prairie, MN [Docket No. FAA-2008-0023; Airspace Docket No. 08-AGL-1] received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8540. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Proposed Establishment of Class E Airspace; Philippi, WV [Docket No. FAA-2008-0131; Airspace Docket 08-AEA-12] received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8541. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a legislative proposal to extend existing legislative authority to make payments to Russia for astronaut crew transport and rescue support for the international space station; to the Committee on Science and Technology.

8542. A letter from the Administrator, Small Business Administration, transmitting the Administration's annual report for fiscal year 2007 on Minority Small Business and Capital Ownership Development, pursuant to 15 U.S.C. 636(j)16(A); to the Committee on Small Business.

8543. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Extension of Import Restrictions Imposed on Aarchaeological Material from Cambodia [CBP Dec. 08-40 Docket No. USCBP-2008-0076] (RIN: 1505-AB99) received September 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8544. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Tier I Issue: IRC Section 118 Abuse Directive #5 [LMSB Control No: LMSB-4-0808-041] received September 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8545. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—26 CFR 601.601: Rules and regulations. (Also Part I, 163) (Rev. Proc. 2008-51) received September

15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8546. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Part I—Rulings and Decisions Under the Internal Revenue Code of 1986 Section 401.—Qualified Pension, Profit-sharing, and Stock Bonus Plans 26 CFR 1.401-1: Qualified pension, profit-sharing, and stock bonus plans. (Also, 414.) (Rev. Rul. 2008-45) received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8547. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-69] received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8548. A letter from the Director, Homeland Security Institute, transmitting the Institute's annual report; to the Committee on Homeland Security.

8549. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Control of a Chemical Precursor Used in the Illicit Manufacture of Fentanyl as a List 1 Chemical [Docket No. DEA-299F] (RIN: 1117-AB12) received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 6577. A bill to express the consent and approval of Congress to an interstate compact regarding water resources in the Great Lakes-St. Lawrence River Basin (Rept. 110–863). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESTAK: Committee on the Judiciary. H.R. 5352. A bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse protection and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, and for other purposes; with an amendment (Rept. 110–864 Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6370. A bill to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians (Rept. 110–865). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6524. A bill to authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, Koochiching County, Minnesota, and for other purposes (Rept. 110–866 Pt. 1). Ordered to be printed.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1476. A resolution providing for consideration of the bill (H.R. 5244) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes (Rept. 110–867). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on September 19, 2008]

Pursuant to clause 2 of rule XII of the Committee on Armed Services discharged from further consideration. H.R. 2343 referred to the Committee of the While House on the State of the Union, and ordered to be printed.

[The following actions occurred on September 22, 2008]

Pursuant to clause 2 of rule XII the Committee on Ways and Means discharged from further consideration. H.R. 5352 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 6524 referred to the Committee of the While House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on 9/19/2008]

H.R. 6357. Referral to the Committee on Ways and Means extended for a period ending not later than September 26, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BROWN of South Carolina:

H.R. 6980. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to increase the amount of the Medal of Honor special pension provided under that title by up to $1,000; to the Committee on Veterans' Affairs.

By Mr. BACA:

H.R. 6981. A bill to make technical corrections to section 4406 of the Food, Conservation, and Energy Act of 2008; to the Committee on Agriculture.

By Ms. SPEIER:

H.R. 6982. A bill to designate the facility of the United States Postal Service located at 210 South Ellsworth Avenue in San Mateo, California, as the ''Leo J. Ryan Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. KENNEDY (for himself, Mr. RAMSTAD, Mr. DINGELL, Mr. RANGEL, Mr. PALLONE, Mr. ANDREWS, Mr. STARK, and Mr. WAXMAN):

H.R. 6983. A bill to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. RANGEL, Mr. MICA, Mr. COSTELLO, and Mr. PETRI):

H.R. 6984. A bill to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 6985. A bill to amend title 49, United States Code, to require air carriers to waive certain baggage fees for members of the uniformed services traveling under orders; to the Committee on Transportation and Infrastructure.

By Mr. COHEN:

H.R. 6986. A bill to amend section 1821(a)(1) of title 12, United States Code, to raise the maximum Federal deposit insurance coverage to $200,000; to the Committee on Financial Services.

By Mr. FEENEY (for himself, Mr. ROSKAM, and Mr. GARRETT of New Jersey):

H.R. 6987. A bill to amend the Sarbanes-Oxley Act of 2002 to require officers to repay bonus amounts received during a year in which their company is subject to a taxpayer bailout, as well as the two previous years; to the Committee on Financial Services.

By Mr. HOLT:

H.R. 6988. A bill to amend the Lacey Act Amendments of 1981 to treat wildlife, other than birds, used or intended to be used in penned dog training activities as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. ISRAEL:

H.R. 6989. A bill to amend title 38, United States Code, to authorize the burial in a national cemetery of a parent of a deceased veteran when there is no eligible spouse or dependent of the veteran; to the Committee on Veterans' Affairs.

By Ms. KAPTUR:

H.R. 6990. A bill to establish the independent Fannie Mae and Freddie Mac Investigative Commission to investigate the officers and directors at Fannie Mae and Freddie Mac responsible for making the decisions that led to the enterprises' financial instability and the subsequent Federal conservatorship of such enterprises; to the Committee on Financial Services.

By Mr. LARSON of Connecticut:

H.R. 6991. A bill to establish an Energy Policy Council to develop a National Energy Plan and monitor the implementation thereof, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCMORRIS RODGERS:

H.R. 6992. A bill to authorize the Secretary of the Interior to establish a program to facilitate the transfer to non-Federal ownership of appropriate reclamation projects or facilities, and for other purposes; to the Committee on Natural Resources.

By Mr. MELANCON (for himself and Mr. KLEIN of Florida):

H.R. 6993. A bill to authorize the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration to procure, launch, and operate the next generation of weather forecasting satellites; to the Committee on Science and Technology.

By Mr. NUNES:

H.R. 6994. A bill to direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes; to the Committee on Natural Resources.

By Mr. SCHIFF (for himself and Mr. ROGERS of Michigan):

H.R. 6995. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mr. CHILDERS (for himself and Mr. BOUSTANY):

H. Con. Res. 422. Concurrent resolution recognizing the importance of the Department of Agriculture Forest Service Experimental Forests and Ranges on the occasion of the 100th anniversary of the establishment of the first experimental forest at Fort Valley, Arizona; to the Committee on Agriculture.

By Mr. HALL of Texas:

H. Res. 1471. A resolution honoring the 50th anniversary of the successful demonstration of the first integrated circuit and its impact on the electronics industry; to the Committee on Science and Technology. considered and agreed to.

By Mr. SMITH of New Jersey (for himself, Mr. DOYLE, Ms. ROS-LEHTINEN, Mr. CONYERS, Mr. MARKEY, Mr. BURTON of Indiana, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. HASTINGS of Florida, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. FORTENBERRY, Mr. WOLF, Mr. FALEOMAVAEGA, Mr. PAYNE, and Mr. FORTUÑO):

H. Res. 1472. A resolution supporting international health and education grant programs related to autism spectrum disorders; to the Committee on Foreign Affairs.

By Mr. CHABOT (for himself and Ms. VELÁZQUEZ):

H. Res. 1473. A resolution recognizing the 150th anniversary year of the founding of Macy's, Inc., as an American entrepreneurial success story and the role Macy's, Inc., plays in supporting America's small businesses and vendors, including those that are minority and women owned; celebrating the vision, innovativeness, and ingenuity of all of our Nation's small businesses that aspire to grow and prosper as Macy's, Inc., has over its 150-year history; and congratulating Macy's, Inc., as an American entrepreneurial success story; to the Committee on Small Business.

By Mr. RADANOVICH (for himself, Mr. THOMPSON of California, Mr. NUNES, Mr. COSTA, Ms. MATSUI, Mrs. BONO MACK, Mr. DANIEL E. LUNGREN of California, and Mr. SHIMKUS):

H. Res. 1474. A resolution recognizing the 50th anniversary of the first vertical ascent of the face of El Capitan in Yosemite National Park and honoring the historic climbing feat of the original climbing team; to the Committee on Natural Resources.

By Mr. MARSHALL:

H. Res. 1475. A resolution recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the United States Armed Forces who made that success possible; to the Committee on Armed Services.

By Mr. ELLSWORTH (for himself, Mr. DAVIS of Kentucky, and Mr. DONNELLY):

H. Res. 1477. A resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program directed at constructing environmentally preferable commercial, public, or private buildings; to the Committee on Agriculture.

By Mr. PALLONE (for himself and Mr. HALL of Texas):

H. Res. 1478. A resolution supporting the goals and ideals of ''National Falls Prevention Awareness Day'' to raise awareness and encourage the prevention of falls among older adults; to the Committee on Energy and Commerce.

By Mr. SHERMAN (for himself, Ms. ZOE LOFGREN of California, Mr. FILNER, Mr. GRIJALVA, Ms. MATSUI, Mr. THOMPSON of California, Mr. BERMAN, Mr. BACA, and Mr. HONDA):

H. Res. 1479. A resolution commemorating the 50th anniversary of California State University, Northridge (CSUN), an extraordinary public university dedicated to promoting the intellectual, economic, and cultural qualities of the San Fernando Valley; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mrs. BONO MACK.
H.R. 581: Mr. MCCOTTER.
H.R. 642: Mr. ARCURI, Ms. BEAN, Mr. CROWLEY, Mr. SPRATT, Mr. MELANCON, Mr. BISHOP of New York, Mr. OBERSTAR, Mr. REYES, Mr. SALAZAR, Mr. SARBANES, Mr. SKELTON, Ms. SLAUGHTER, Ms. SOLIS, Mr. TAYLOR, Mr. THOMPSON of California, Mr. ROTHMAN, Mr. ABERCROMBIE, Mr. DICKS, Mr. ELLISON, Mr. HARE, Ms. HARMAN, Mr. HIGGINS, Mr. HINCHEY, Mr. HONDA, Mr. KILDEE, Mr. KIND, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Ms. MOORE of Wisconsin, Mr. NADLER, Mr. ETHERIDGE, Mr. FOSSELLA, and Mr. VAN HOLLEN.
H.R. 661: Mr. PORTER and Mr. REICHERT.
H.R. 758: Mr. SOUDER.
H.R. 882: Mr. UDALL of New Mexico and Mr. LOBIONDO.
H.R. 1014: Mr. FATTAH.
H.R. 1280: Mr. REICHERT and Mr. CROWLEY.
H.R. 1321: Mrs. DAVIS of California.
H.R. 1395: Mr. MCCOTTER.
H.R. 1422: Mr. WOLF.
H.R. 1621: Mr. HODES.
H.R. 1820: Mr. CLAY, Ms. HIRONO, and Mr. ANDREWS.
H.R. 1828: Mr. SESTAK.
H.R. 1840: Ms. SLAUGHTER and Mr. HINCHEY.
H.R. 1843: Mr. BERRY.
H.R. 1884: Mrs. MUSGRAVE, Mr. KENNEDY, Ms. RICHARDSON, Mr. BISHOP of New York, and Mr. SHAYS.
H.R. 2020: Mr. ROSKAM.
H.R. 2066: Mr. FRANK of Massachusetts.
H.R. 2108: Mr. MCNERNEY.
H.R. 2122: Mr. MURTHA.
H.R. 2125: Ms. GIFFORDS.
H.R. 2132: Mr. HODES.
H.R. 2136: Mr. SHERMAN.
H.R. 2184: Mr. SPRATT.
H.R. 2331: Mr. CAZAYOUX.
H.R. 2514: Ms. SOLIS.
H.R. 2606: Mr. MURTHA, Mrs. DRAKE, Ms. SUTTON, and Ms. BERKLEY.
H.R. 2809: Mr. WEXLER.
H.R. 2826: Mr. ALLEN, Mr. KUCINICH, and Mr. FRANK of Massachusetts.
H.R. 2923: Ms. MCCOLLUM of Minnesota.
H.R. 3109: Mr. UPTON and Mr. EHLERS.
H.R. 3334: Mr. ALTMIRE and Mr. HOEKSTRA.
H.R. 3544: Mr. MURTHA.
H.R. 3740: Ms. ZOE LOFGREN of California.
H.R. 4048: Mr. HASTINGS of Florida, Mr. FILNER, Mr. RANGEL, and Mr. CLEAVER.
H.R. 4236: Mr. MURTHA and Mr. VAN HOLLEN.
H.R. 4238: Mr. ROTHMAN.
H.R. 4304: Mr. SHUSTER.
H.R. 4544: Mr. CLAY, Mr. REHBERG, and Mr. INGLIS of South Carolina.
H.R. 4899: Mrs. NAPOLITANO.
H.R. 4930: Mr. ALTMIRE and Mr. COURTNEY.
H.R. 4992: Ms. SCHAKOWSKY.
H.R. 4993: Ms. SCHAKOWSKY.
H.R. 5058: Mr. ELLISON.
H.R. 5268: Mr. CARNAHAN.
H.R. 5404: Mr. LARSON of Connecticut.
H.R. 5426: Mr. MILLER of North Carolina.
H.R. 5496: Mr. MCGOVERN.
H.R. 5509: Mr. SHAYS.
H.R. 5534: Mr. KUCINICH and Mrs. TAUSCHER.
H.R. 5564: Mr. SALI.
H.R. 5585: Mr. ALTMIRE, Mr. TOWNS, Mr. MOORE of Kansas, Mr. LATHAM, and Mr. GRIJALVA.
H.R. 5604: Mr. LANGEVIN.
H.R. 5635: Mr. SHIMKUS and Mr. MATHESON.
H.R. 5673: Mrs. BIGGERT.
H.R. 5674: Mr. OLVER.
H.R. 5698: Mrs. BIGGERT.
H.R. 5714: Mrs. BIGGERT, Mr. SARBANES, Mr. CANNON, Mr. ISRAEL, Mr. CRAMER, Mr. LAMPSON, Mr. BURGESS, Mr. ELLSWORTH, Mr. BISHOP of Georgia, Mr. CARTER, Mr. ANDREWS, Mr. JONES of North Carolina, Mr. PUTNAM, Ms. SHEA-PORTER, Mr. BARROW, Mr. DICKS, Mr. YOUNG of Alaska, Mrs. NAPOLITANO, Mr. BOUSTANY, Mr. JOHNSON of Illinois, and Mr. HONDA.
H.R. 5793: Mr. SIRES.
H.R. 5833: Mr. SPACE.
H.R. 5852: Mr. SHAYS.
H.R. 5873: Mr. SERRANO.
H.R. 5887: Mr. BERMAN.
H.R. 5925: Mr. HONDA.
H.R. 5936: Ms. SLAUGHTER.
H.R. 5950: Mr. FILNER.
H.R. 5977: Mr. CARNAHAN.
H.R. 5998: Mr. CARNAHAN.
H.R. 6057: Mr. SCHIFF.
H.R. 6197: Mr. WAMP, Mr. GORDON, Mr. COHEN, Mr. DAVID DAVIS of Tennessee, and Mr. DUNCAN.
H.R. 6228: Mr. ROTHMAN.
H.R. 6259: Mr. LATHAM.
H.R. 6321: Mr. HINCHEY.
H.R. 6381: Mr. BERRY.
H.R. 6387: Mr. MORAN of Virginia.
H.R. 6512: Mr. SALI.
H.R. 6549: Mr. SCHIFF.
H.R. 6561: Ms. SCHAKOWSKY.
H.R. 6567: Mr. CARDOZA.
H.R. 6573: Mr. SESTAK and Ms. BERKLEY.
H.R. 6598: Mr. PASCRELL, Mr. CAPUANO, Ms. ESHOO, Ms. SOLIS, Mr. ENGLISH of Pennsylvania, Mrs. MCCARTHY of New York, Ms. DELAURO, Mr. EMANUEL, and Mrs. GILLIBRAND.
H.R. 6600: Mr. VAN HOLLEN and Mr. PORTER.
H.R. 6612: Mr. ROSS.
H.R. 6643: Mr. BLUMENAUER and Mr. NADLER.
H.R. 6646: Mr. GARRETT of New Jersey.
H.R. 6660: Mr. SERRANO.
H.R. 6661: Mr. MCNERNEY.
H.R. 6666: Mr. WILSON of South Carolina.
H.R. 6680: Mr. BLUMENAUER and Mrs. MALONEY of New York.

H.R. 6694: Mr. WALSH of New York.

H.R. 6706: Mr. LINCOLN DAVIS of Tennessee.

H.R. 6708: Mr. KIND.

H.R. 6831: Mr. BARROW and Mr. BERRY.

H.R. 6853: Ms. BERKLEY.

H.R. 6856: Mr. BLUMENAUER.

H.R. 6860: Mr. WILSON of South Carolina.

H.R. 6869: Ms. SCHAKOWSKY and Mr. FILNER.

H.R. 6873: Mr. MORAN of Virginia, Mr. MILLER of North Carolina, Mr. BLUMENAUER, Mr. MEEK of Florida, Mr. PORTER, Mrs. CAPPS, Ms. ZOE LOFGREN of California, Mr. GORDON, Mr. FRANK of Massachusetts, and Mr. DOGGETT.

H.R. 6875: Mr. JACKSON of Illinois.

H.R. 6884: Mr. ARCURI, Mr. DOYLE, Mr. HONDA, Mr. TIBERI, and Mr. GORDON.

H.R. 6890: Mr. SCALISE.

H.R. 6896: Mr. MARSHALL, Mr. GOODLATTE, Mr. BISHOP of Georgia, Ms. HOOLEY, Mr. CONAWAY, and Mr. WESTMORELAND.

H.R. 6897: Mr. ROHRABACHER.

H.R. 6911: Ms. BERKLEY, Mr. WEINER, Mr. CONAWAY, Mr. MCCOTTER, and Mr. FORTUÑO.

H.R. 6913: Mr. MCNULTY.

H.R. 6922: Mrs. GILLIBRAND.

H.R. 6928: Mr. WALZ of Minnesota.

H.R. 6937: Mr. BLUMENAUER.

H.R. 6939: Mr. LOEBSACK.

H.R. 6950: Mr. CROWLEY, Mr. DOGGETT, Ms. LORETTA SANCHEZ of California, Mr. PAYNE, Ms. MOORE of Wisconsin, and Mr. BISHOP of Georgia.

H.R. 6951: Mr. BLUMENAUER.

H.R. 6955: Mr. MCCOTTER and Mr. SESSIONS.

H.R. 6962: Mr. RANGEL and Mr. CROWLEY.

H.R. 6966: Mr. LOBIONDO, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. BOSWELL, Mr. SIRES, Mr. HODES, and Mr. ROTHMAN.

H.R. 6970: Mr. MORAN of Virginia and Ms. SUTTON.

H. Con. Res. 70: Mr. DENT.

H. Con. Res. 393: Mr. HINOJOSA, Ms. GRANGER, Mr. UPTON, Mr. HOEKSTRA, Ms. MATSUI, Mrs. CUBIN, Mr. LATHAM, Mr. BILBRAY, Mr. TOWNS, Mr. BACHUS, Mr. BOUSTANY, Mr. DOYLE, Mr. CALVERT, Mr. COURTNEY, Mr. LAHOOD, Mr. CONAWAY, Mr. KELLER, Mr. CARTER, Mr. PASCRELL, Ms. LEE, Mr. SPRATT, Mr. GARY G. MILLER of California, Ms. PRYCE of Ohio, Mrs. EMERSON, Mr. BURGESS, Mr. ROYCE, Mr. BONNER, Ms. HOOLEY, Ms. SCHWARTZ, Mr. BARROW, Mr. HILL, Mr. KLINE of Minnesota, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. WESTMORELAND, Mrs. BIGGERT, and Ms. SCHAKOWSKY.

H. Con. Res. 407: Mr. ENGEL, Mr. BILIRAKIS, Mr. TIBERI, and Mr. CHABOT.

H. Con. Res. 411: Mr. HASTINGS of Washington, Mr. MARIO DIAZ-BALART of Florida, and Mr. SALI.

H. Con. Res. 416: Mr. DINGELL, Mr. MELANCON, Mr. INSLEE, Ms. ZOE LOFGREN of California, Mr. REICHERT, and Mr. WAXMAN.

H. Res. 556: Mr. TIAHRT.

H. Res. 758: Mr. BOEHNER, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GOHMERT, Mr. KLEIN of Florida, Mr. SHIMKUS, Mr. BACA, Mr. COHEN, and Mr. HOLDEN.

H. Res. 887: Mr. SHUSTER.

H. Res. 988: Mr. CRAMER, Mr. COSTA, and Mr. BOYD of Florida.

H. Res. 1064: Mr. PICKERING, Mr. WALSH of New York, Mr. HINCHEY, and Mr. TOWNS.

H. Res. 1303: Mr. ROTHMAN.

H. Res. 1314: Ms. DELAURO.

H. Res. 1328: Mr. TIBERI, Mr. SMITH of Washington, Mr. CLAY, Mr. ALTMIRE, Mr. HOLDEN, Mr. FRANK of Massachusetts, Ms. GRANGER, Mr. MORAN of Virginia, and Mr. KILDEE.

H. Res. 1336: Mr. MARCHANT and Mr. PORTER.

H. Res. 1358: Mrs. CAPITO, Mr. DAVIS of Illinois, Mr. DONNELLY, Mr. GOODLATTE, Mr. LAMPSON, Mr. LEWIS of Georgia, Mr. LUCAS, Mr. PENCE, Mr. STUPAK, Mr. WATT, and Mr. SALI.

H. Res. 1361: Mr. CONYERS, Mr. PAYNE, and Ms. LEE.

H. Res. 1364: Mrs. DRAKE and Mr. MCKEON.

H. Res. 1369: Mr. STARK and Mr. ELLISON.

H. Res. 1381: Mr. FILNER, Mr. NADLER, Ms. HARMAN, Mr. ABERCROMBIE, and Ms. BALDWIN.

H. Res. 1386: Mr. PITTS, Mr. PICKERING, and Mr. BOOZMAN.

H. Res. 1390: Ms. HERSETH SANDLIN and Mr. MATHESON.

H. Res. 1392: Mr. SCOTT of Georgia, Mr. CROWLEY, Mr. MAHONEY of Florida, Ms. MOORE of Wisconsin, Mr. MEEKS of New York, Mr. FOSTER, Mr. MILLER of North Carolina, Mrs. MCCARTHY of New York, Ms. BEAN, Mr. CARSON, Mr. TIBERI, Mr. CAMPBELL of California, Mr. BOOZMAN, Mr. RUPPERSBERGER, Mr. JONES of North Carolina, Mr. MOORE of Kansas, Mr. CAPUANO, Mr. SOUDER, Mr. KIRK, and Mr. LAHOOD.

H. Res. 1410: Mr. PAYNE.

H. Res. 1411: Mr. WALDEN of Oregon.

H. Res. 1416: Mr. PICKERING.

H. Res. 1421: Mr. ROHRABACHER, Mr. BRADY of Pennsylvania, Mr. SMITH of Washington, Mr. ORTIZ, Mr. ABERCROMBIE, Mr. SHAYS, Mr. GALLEGLY, Mr. BISHOP of Utah, and Mr. KLINE of Minnesota.

H. Res. 1435: Ms. ROS-LEHTINEN, Mr. MURPHY of Connecticut, Mr. MORAN of Kansas, Mr. ROHRABACHER, and Mr. SOUDER.

H. Res. 1446: Mr. MCGOVERN, Mr. BACA, Mr. PASCRELL, Mrs. MALONEY of New York, Mr. COSTA, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. ORTIZ, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Mr. SERRANO, Ms. SOLIS, and Ms. VELÁZQUEZ.

H. Res. 1451: Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. FRANKS of Arizona, Mr. COSTA, Mr. CAPUANO, Mr. BACHUS, Mr. ROTHMAN, Mr. MCCOTTER, Ms. BERKLEY, Mr. SHAYS, Mr. GENE GREEN of Texas, Mr. EHLERS, Mr. HOLT, Mr. STARK, Mrs. NAPOLITANO, Mrs. TAUSCHER, Mr. SHERMAN, and Mr. GEORGE MILLER of California.

H. Res. 1452: Mr. MCHUGH and Mr. STEARNS.

H. Res. 1453: Mr. PAUL, Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. RUSH, Mr. COHEN, Mr. TOWNS, Ms. MOORE of Wisconsin, Mr. MEEKS of New York, Mr. CARSON, Mr. CARSON, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. HINOJOSA, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. WATSON, Mr. BUTTERFIELD, Mr. AL GREEN of Texas, Mr. RANGEL, Mrs. MALONEY of New York, Mr. WATT, Mr. CLAY, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. KUCINICH, Mr. PAYNE, Ms. MCCOLLUM of Minnesota, Ms. CLARKE, Mr. CAPUANO, Ms. BERKLEY, Mr. THOMPSON of Mississippi, Mr. KENNEDY, Ms. EDWARDS of Maryland, Mr. WELLER, Mr. CLEAVER, Ms. LEE, Mr. JEFFERSON, Mr. MANZULLO, Mr. EMANUEL, Ms. DELAURO, Mr. HARE, Mr. SCOTT of Georgia, Mr. SESTAK, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Virginia, Mr. PASCRELL, Ms. SHEA-PORTER, Ms. RICHARDSON, Mr. MEEK of Florida, Mr. SARBANES, Mr. ELLISON, Mr. CUMMINGS, Mr. JOHNSON of Illinois, and Ms. NORTON.

H. Res. 1462: Mr. CAPUANO, Ms. LEE, Ms. BERKLEY, Mr. HOLT, Mr. FRANK of Massachusetts, Mr. RUSH, Mr. MCCOTTER, and Mr. THOMPSON of California.

H. Res. 1463: Mr. KENNEDY, Mr. HONDA, Mr. PRICE of North Carolina, and Mr. SHAYS.

EXTENSIONS OF REMARKS

HONORING BRENDON THIRY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brendon Thiry of Lee's Summit, Missouri. Brendon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1255, and earning the most prestigious award of Eagle Scout.

Brendon has been very active with his troop, participating in many scout activities. Over the many years Brendon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brendon Thiry for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO DR. NANCY WILSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Dr. Nancy Wilson, the director of the Buena Vista Marshalltown Center in Marshalltown, Iowa and to express my appreciation for her dedication and commitment to young adults in Iowa.

For the past 25 years, Dr. Wilson has contributed her time and talents to enriching the lives of her students and guiding the direction of the Marshalltown Center. When Dr. Wilson began, the center only had 10 students but has grown to over 200 students today.

Dr. Wilson's leadership in continuing education in the community of Marshalltown will be missed, but she leaves behind lasting contributions that will continue to help students advance their education and receive a college degree. I consider it an honor to represent Dr. Nancy Wilson in the United States Congress, and I wish her a long, happy and healthy retirement.

TRIBUTE TO JASON THORSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the efforts of a Mason City, Iowa resident, Jason Thorson, in rescuing a young woman from Willow Creek.

On August 5, just after 9:30 p.m., Jason Thorson and a group of friends were walking to a convenience store when they noticed a young woman standing on the bridge, just staring at the water. When he came out of the store, it was apparent that the woman jumped off the bridge. Thorson ran to the north side of the bridge, through some weeds and into the water. The young woman was not breathing and he held her head out of the water until the Mason City Police Department and the Fire Department ambulance arrived. Although Thorson had never met the woman, he said, ''I just wanted to help her out. It was like a godsend that I was here and able to help.''

The diligent effort of this young man is a testament to the bravery and compassion of Iowans; willing to do whatever is necessary for a neighbor in need. I commend Jason Thorson for his heroism and cooperation. I am honored to represent him in the United States Congress, and I wish him health and happiness in the future.

HONORING RYAN DONALDSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ryan Donaldson of Liberty, Missouri. Ryan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1376, and earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Over the many years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ryan Donaldson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HUMAN RIGHTS, DEMOCRACY, AND CORRUPTION IN KAZAKHSTAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise before you today to voice my concern over the current situation in Kazakhstan in spite of the Kazakhstan government's pledge to reform in areas of human rights, democracy and corruption. Kazakhstan was selected to hold the Chairmanship of the Organization for Security and Co-operation in Europe (OSCE) in 2010, and thus it is required to uphold the standards of this organization in the fields stated above. So far, Kazakhstan has failed to do so.

Kazakhstan's government ratified the International Covenant on Civil and Political Rights (ICCPR) in 2006; it signed the Optional Protocol to ICCPR and the Optional Protocol to the U.N. Convention Against Torture (CAT) in 2007, and it has introduced some reform to the criminal justice system. In this, Kazakhstan should be applauded. However, the government has made almost no concrete progress toward implementing these pledges. As Human Rights Watch argued, ''Kazakhstan is not a country with frequent or dramatic government crackdown on freedoms and human rights. One finds rather an atmosphere of quiet, subtle repression.''

This ''subtle repression'' can be seen by the government's failure to heed the concerns of local human rights groups that have been advocating for reforms such as the review of legislation on freedom of assembly, improvements in the prison system, abolition of the death penalty, reform of the judicial system and legislation to guarantee an independent judiciary, and ensuring accountability for torture. While Kazakhstan's government is about to chair OSCE, it has resisted implementing meaningful reforms in these areas. As Dr. Andrea Berg, a Central Asia Researcher, testified to Human Rights Watch: ''The government [of Kazakhstan] has certainly created a difficult environment for the exercise and promotion of human rights that is out of line with the OSCE standards and far less than what one would expect of the leadership of an organization grounded in human right principles.''

Kazakhstan's president, Nursultan Nazarbayev, has been in power since 1989. He has never been elected in a vote judged free and fair by the OSCE. Ironically, last year the OSCE described a Kazakh parliamentary poll, in which a presidential party won all the seats in the lower house, as being below the required standards. While Nazarbayev is credited for bringing stability to Kazakhstan, it has come at a price, with a weak and fragmented opposition that has called on the government to reform the election and media laws and to ease restriction on public meetings. During the most recent elections, in August 2007, opposition candidates did not win a single seat.

There is a reason for the weakness of any political opposition in Kazakhstan: Since 2002, for a political party to come into existence, the party must have an initial conference of 1,000 persons representing two-thirds of the regions of Kazakhstan and a membership of 50,000. The OSCE, the same organization that Kazakhstan will head in the near future, denounced the restrictiveness of this law and

predicted that it would have ''a chilling effect on the development of political pluralism in Kazakhstan.''

The media, a tool of the utmost importance in any democracy, has been dominated in Kazakhstan by government loyalists, while independent journalists are threatened and harassed for criticizing the president for government policies and practices. This, no doubt, has enhanced Nazarbayev's hold on power.

As for corruption, Kazakhstan regularly ranks close to the bottom internationally. In 2007, Kazakhstan was ranked 150 out of 179 countries by ''Transparency International'' league table. As a United Nations report on Kazakhstan's corruption so eloquently put it: ''Corruption undermines the democratic development, performance of State institutions, and efficient use of resources. Eventually, it undermines development of society, especially of its most vulnerable groups.''

So why should we care? Is it because Kazakhstan is an oil-rich country? Is it because of its proximity to Russia? Perhaps. We often seem to care more about the fate of any oil-rich country, or any country that delivers oil than countries in a similar plight that do not have oil. But we should also care because we claim to be a country that promotes democracy and human rights, a country that values the individual freedoms of humans, no matter where they live, no matter what natural resources they posses, and no matter what relations they have with the US. How can we lecture the world about abiding to human rights laws, anti-corruption laws, and judicial reform, when we cannot look straight at our friend's face and say: ''For the sake of your own people, for the sake of your region, you need to do better.'' And now, more than ever, before it takes the Chairmanship position of the OSCE, it must reform.

HONORING CAMERON CROOKS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cameron Crooks of Kansas City, Missouri. Cameron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1374, and earning the most prestigious award of Eagle Scout.

Cameron has been very active with his troop, participating in many scout activities. Over the many years Cameron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Cameron Crooks for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO CRAIG RHODES

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Craig Rhodes, park officer and maintenance supervisor for the Marshall County Conservation Board, and to express my appreciation for his 37 years of public service to his community.

Craig began as a seasonal employee in the summers of 1969 and 1970 with the Marshall County Conservation Board. In 1971, he applied for a maintenance position that opened up and was offered the position. Craig kept the area parks, wildlife areas, prairies, river access sites and trails maintained for the public use. During his years at the Conservation Board, Craig's hard work has earned him respect and appreciation from citizens and visitors around the region.

I commend Craig Rhodes for his many years of loyalty and service to his fellow Iowans. It is an honor to represent Craig in the United States Congress, and I know my colleagues join me in wishing him a happy and healthy retirement.

HONORING TIM MOREHOUSE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. ENGEL. Madam Speaker, Tim Morehouse combines the discipline of an Olympic medalist with the generosity of spirit that makes him a teacher in one of our poorer neighborhoods.

As a member of the United States sabre team, Tim won a Silver Medal at the Beijing Olympics.

He began fencing in seventh grade at Riverdale Country Day School, and switched to the sabre from the foil in the eighth grade. His skill got him recruited by Brandeis University in Waltham, Massachusetts. There he became one of the top college fencers in the country, qualifying for the NCAA championships three times.

At Brandeis, Tim was a history major and served as a resident adviser for 2 years. After graduating, he became a part of Teach for America, an education consortium that aims to bridge the achievement gap between different socio-economic groups. Morehouse went to Intermediate School 90 in Washington Heights as a 7th-grade English and social studies teacher.

As a former teacher I am proud of Tim Morehouse for his abilities as an Olympian, but even more so for his dedication to helping others. He is an example of the scholar-athlete who, having achieved his goals, then helps others to achieve theirs.

We are proud of Tim Morehouse. To be an Olympian takes dedication and training, and a lot of both. It takes a different kind of dedication to devote your life to helping others. I congratulate Tim for being superb on both counts.

CONGRATULATING HURST MAIN POST OFFICE AS A VOLUNTARY PROTECTION PROGRAM STAR SITE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Hurst Main Post Office for being certified as a Star site in the Occupational Safety and Health Administration, OSHA, Voluntary Protection Program, VPP. The Hurst Main Post Office is one of three postal VPP sites in the Fort Worth area.

The Voluntary Protection Program promotes success through effective worksite safety and health. Approval into the Voluntary Protection Program is the Occupational Safety and Health Administration's way of officially recognizing the outstanding efforts of employers and employees who uphold exemplary occupational safety practices.

The distinction as a ''Star'' site displays Hurst Main Post Office's sustained excellence in all areas of safety and health management systems. This excellence stems from strong leadership, participation, and commitment to quality.

I commend the Hurst Main Post Office upon their receipt of this distinction for their commitment to exercising safe and healthful working conditions. Their efforts serve as an example to all, and I am proud to be their representative in the 26th District of Texas.

HONORING MAXWELL BOWERS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Maxwell Bowers of Kearney, Missouri. Maxwell is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1397, and earning the most prestigious award of Eagle Scout.

Maxwell has been very active with his troop, participating in many scout activities. Over the many years Maxwell has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Maxwell Bowers for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO NAVY COMMANDER DAVID ASJES

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Navy Commander David Asjes of

Ames, Iowa as a recipient of a Bronze Star Medal for his heroic achievements during combat operations in support of Operation Iraqi Freedom. The Bronze Star, the Department of Defense's fourth highest award given, is awarded to individuals for bravery, heroism, and meritorious service.

Commander Asjes earned the Bronze Star as a military personnel assigned individually for his expertise in coordinating air combat operations, organizing ground units and executing tactical air operations. Commander Asjes served in Iraq from October 13, 2007 to April 2, 2008. He has honorably served in the U.S. Navy for 23 years.

Commander Asjes' sacrifices, heroism and hard work illustrate the compassion and professionalism of America's troops. I commend Navy Commander David Asjes' courageousness and service to our great nation and consider it an honor to represent Commander Asjes and his family in the United States Congress. I know my colleagues join me in wishing him the best in his future service to our country.

A TRIBUTE TO PROTECTION & ADVOCACY INC.

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Ms. MATSUI. Madam Speaker, I rise today in recognition of the Protection & Advocacy Inc. for their 30 years of advocacy in California on behalf of the disabled. Following the 1975 reports of abuse and neglect at a State institute called Willowbrook, Congress mandated and began to fund Protection and Advocacy systems across the Nation. In 1978, Protection & Advocacy Inc. was created as a nonprofit to advance human and legal rights of those with disabilities. The spirit and dedication of Protection & Advocacy Inc. still lives in their daily work. I ask all my colleagues to join me in honoring some of California's finest citizens.

For the past 30 years, Protection & Advocacy Inc. has advocated for Californians with disabilities that had been traditionally underserved. Since their first office opened in 1978 in my hometown of Sacramento, Protection & Advocacy Inc. has grown into 26 satellite offices throughout California. With more than 200 staff members, Protection & Advocacy Inc. provides services and information at community events, trainings and conferences. In order to properly represent the diverse community they serve, the staff members speak 15 different languages and more than half of their staff lives with disabilities themselves. Today, Protection & Advocacy Inc. is the largest disability advocacy agency in the Nation. It will soon be renamed Disability Rights California in order to more accurately reflect their mission.

As a response to congressional findings of abuse and neglect of individuals in residential care facilities, the Protection and Advocacy for Individuals with Mental Illness Act was enacted in 1986. This allowed Protection & Advocacy Inc. the opportunity to provide legal representation to persons with psychiatric disabilities and conduct investigations of abuse and neglect.

Protection & Advocacy Inc., strives to create an inclusive society. In 1993 they became a cross disability advocacy agency when Congress extended their role to protect and advocate for those who were not eligible for services under other programs. Their work now also focuses on improving daily life for people living with disabilities. This includes strengthening access to justice, correcting wrongs, enforcing rights, training individuals on self-advocacy and legal protections, public education, and building collaboration across advocacy groups.

Madam Speaker, I am honored to pay tribute to the Protection & Advocacy Inc.'s distinguished commitment to the well-being of the disabled community. Over the last 30 years, they have expanded their mission with the changing times and have been true champions of those living with disabilities. As the Protection & Advocacy Inc.'s staff, supporters, and constituents gather together to celebrate the organization's 30th anniversary, I ask all my colleagues to join me in honoring their outstanding work on behalf of Californians with disabilities.

HONORING BLANCA ALVARADO

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, today I rise with Congressman MIKE HONDA to honor Santa Clara County Supervisor Blanca Alvarado on her 28 years of elected service and wish her the best upon her retirement.

Supervisor Alvarado was elected to the Santa Clara County Board of Supervisors in March 1996 to complete my unexpired term upon my election to Congress. My colleague, MIKE HONDA had the pleasure of serving with Supervisor Alvarado during his term in office.

As the County Supervisor for the Second District, Blanca represented over 350,000 residents living in San Jose. Her district has one of the Nation's highest concentrations of racial diversity and poverty where the lack of opportunity is prevalent for many individuals and families.

During her time in office, Ms. Alvarado served on several committees as an engaged member of the board. As chair of the Children and Families' Committee, her efforts led to programs that focused on the comprehensive care of children and their families and reduced teen pregnancy. As chair of the Public Safety and Justice Committee, Supervisor Alvarado tackled issues of youth incarceration and provided productive alternatives to troubled youth other than incarceration. Her work established neighborhood programs to support anti-gang initiatives and she tirelessly pursued reforms that emphasized prevention and hope for the young residents of San Jose's poorest neighborhoods.

Additionally, Blanca served as an advocate for programs for incarcerated women and gave crucial support for programs and services for female inmates in county jail. Her work was so significant that the County Domestic Violence Council Conference presented her with its 2007 Lifetime Achievement Award.

Always mindful of her cultural roots and the importance of ethnicity and race in America, Alvarado was the principal visionary behind the Mexican Heritage Plaza.

Blanca Alvarado has appointed more Latinas to commissions and committees than anyone else throughout her 28 years of service. This year, Ms. Alvarado launched the Latina Leadership Project in an effort to ensure that Latina leaders continue to have opportunities in Santa Clara County to serve their communities and inspire each other in their dreams of civic service.

It has been an honor for us to know Blanca Alvarado and on behalf of the many residents of the county of Santa Clara who have benefited from her leadership; we thank her and wish her the best upon her well-deserved retirement.

HONORING ROBERT AMSDEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Robert Amsden of Liberty, Missouri. Robert is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1376, and earning the most prestigious award of Eagle Scout.

Robert has been very active with his troop, participating in many scout activities. Over the many years Robert has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Robert Amsden for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE ORFORDVILLE JOURNAL AND FOOTVILLE NEWS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Ms. BALDWIN. Madam Speaker, I rise today in tribute to the Orfordville Journal and Footville News, which ceased publication on August 15, 2008, after nearly a century of chronicling the lives of families in the Orfordville area of Rock County, Wisconsin. Its dedicated owners and publishers, the Stewart family, kept the small weekly newspaper alive for 92 years. Upon its closing, the Journal-News was the second oldest business in Orfordville.

The first issue of the Orfordville Journal debuted on December 17, 1908, but it was not until 1916 that the Stewart family became its

owners, when Ward A. Stewart purchased the struggling newspaper at age 22. Later that year, a young woman named Rose came to work for the Journal. Rose and Ward soon married on a Wednesday night in Orfordville, but only after the printing of that week's paper was complete.

This and countless other Stewart family anecdotes illustrate a behind-the-scenes picture of the Journal-News as a quintessential family business rooted in the community that it served. Early on, the Stewarts relied on the assistance of several local women to create the weekly Orfordville Journal. The labor was painstaking and slow—all of the typesetting was completed by hand, letter by letter, and pages were printed using hand-rollers.

When the newspaper added the Footville News section in 1925, the Stewarts upgraded to a linotype typesetting machine to speed production and accommodate the growing territory. Rose Stewart typically ran the linotype with her son, George, by her side, sleeping in a cradle, and as he got older, standing by in a playpen. At age 8, George had already written his first story. When he later entered journalism school at the University of Wisconsin, he found himself firmly upon the path to a career in the newspaper industry.

George Stewart and his wife, Betty, eventually succeeded his parents as owners of the Journal-News. George and Betty ushered the Journal-News into the 21st century with modern, computer-aided production processes; even so, the paper never lost its community focus and homegrown appeal. I commend the Stewarts on their service to their community and look forward to their new venture, an online Orfordville area news website.

A TRIBUTE TO FORMER CONGRESSMAN WILLIAM CLAY, SR.: A CIVIL RIGHTS PIONEER, GREAT LEGISLATOR AND A PERMANENT PART OF THE AMERICAN POLITICAL LANDSCAPE

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. CLAY. Madam Speaker, I rise today to pay tribute to William Clay, Sr., my father, and a former United States Congressman from the 1st Congressional District in St. Louis, Missouri. Bill Clay has fought a long and historic battle in defense civil and human rights for all Americans throughout his life. His dedication and service to our Nation as a leader on education, labor rights and civil rights, aptly earns his place in the Missouri Walk of Fame and the privilege of being honored today before Congress.

William Lacy Clay, Sr. one of six children was born on April 30, 1931, in St. Louis, Missouri to Luella Hyatt and Irving Clay. He is happily married to his wife of 55 years Carol, and they have raised three children, Vicki, Michelle and William, Jr.

When Bill Clay was elected to Congress in 1968, he was the first African American member elected from Missouri and one of only two African American representatives from states west of the Mississippi River. Throughout his 16 terms in Congress, he gained a reputation as an effective legislator. A staunch advocate for civil rights and social justice, he also served as one of the founders of the Congressional Black Caucus. From 1991 to 1995 he chaired the House Committee on the Post Office and Civil Service and served as the Ranking Member on the Education and the Workforce Committee until he retired.

His success can largely be attributed to his belief that there were no permanent friends or permanent enemies in politics, just permanent interests. He was a true advocate for the people that he represented, and he served them well. He's been credited with turning back racial discrimination throughout his career and remains an outspoken leader in our community. An accomplished author, he has documented he history of not only St. Louis, but the political arena throughout the Civil Rights era up to and including the present.

He worked tirelessly on behalf of the poor and disenfranchised, always seeking to give them a voice in Congress. During his tenure he authored the Historically Black Colleges and Universities Capital Financing Act, which provided $375 million in federal loan guarantees for construction and renovation projects at Historically Black Colleges and Universities and played a key role in the reauthorization of the Elementary and Secondary Education Act, including efforts to reduce early grade class sizes by hiring 100,000 teachers nationwide.

Throughout his illustrious Congressional career, Clay co-sponsored 3,403 bills, of which 279 were enacted. Of the 248 bills that he sponsored, 16 were enacted. Bill Clay was the key sponsor of the transcendent Family and Medical Leave Act, the first bill signed into law by President Bill Clinton. This bill helped change the life of American families. He was instrumental in passing the Hatch Act which reformed the political activities of federal employees.

He continues to contribute to the American political landscape through his work as a successful author. He has authored several works including Just Permanent Interests: Black Americans in Congress, 1870–1991 (1992), which many view as essential American political reading. He continues to be a wonderful husband, loving father, and grandfather.

Madam Speaker, my father is my hero and I am proud to salute him for his lasting contributions to both our local St. Louis community and to our Nation. His outstanding leadership and sincere commitment to justice make him more than worthy of receiving our recognition and I urge my colleagues to join me in commending Former Congressman William Clay, Sr. for his induction into the Missouri Walk of Fame and his legacy of serving our Nation.

HONORING MICHAEL CASHIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Cashin of Platte City, Missouri. Michael is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1419, and earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Michael Cashin for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO DAVID REHBEIN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize David Rehbein of Ames, Iowa, on being elected as the new national commander of The American Legion.

The American Legion is the United States' largest veterans organization. David is a member of the Ames Post No. 37. He is a U.S. Army veteran who served as an infantryman with the 4th and 1st Armored Divisions in Germany in 1970–1971. In July, David retired from the U.S. Department of Energy's Ames Laboratory as a research metallurgist. He has served on the Iowa Commission on Veterans Affairs and represented Iowa on The American Legion's National Executive Committee.

I commend David Rehbein on his courageous service to our nation and for the many contributions he has made to the State of Iowa. I consider it an honor to represent David in the United States Congress, and I wish him the best serving in his new position.

TRIBUTE TO DOROTHY ''DOTTIE'' JOHNSON

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to Dorothy ''Dottie'' Johnson on the occasion of her retirement from the United States Postal Service, South Florida District. Dottie will retire as manager of diversity development, and can look back on a proud career of service and distinction in community leadership.

A native Miamian, Dottie attended Miami Northwestern Senior High School where she graduated with several honors and awards. In order to further her education, she attended Miami Dade College majoring in criminology, postal management and public administration. In May 1996, she was trained and certified as a Federal mediator. In 1997, she completed several business courses at the University of Michigan. In October 2000, she was trained

and certified as a global career development facilitator. In 2001, she was trained and certified as a county mediator. In October 2003, she was trained and certified as an organizational development practitioner.

She complemented her educational achievements with her involvement in various organizations such as the Florida Minority Business Council Inc.; Miami-Dade Branch of the NAACP; South Florida Federal Executive Board Diversity Council; South Florida Federal Executive Board; South Florida Puerto Rican Day Parade, Inc; Excel Academy Inc.; Martin Luther King, Jr. Parade and Festivities Committee, Inc.; The Historic Hampton House Community Trust, Inc.; North Dade Federal Community Development Credit Union; UP-PAC; Broward County Business and Professional Women's Network; and mentor at North Dade Middle School and Nathan B. Young Elementary.

Dottie has lectured to various audiences and has served as an instructor, facilitator and motivational speaker on issues pertaining to affirmative action, women's issues, diversity awareness, community empowerment and workforce development. In addition, she is very active in the community and is often called upon to be a speaker, advisor, and/or mediator by local schools, colleges, universities, churches, local/Federal government, and civil and professional organizations.

In April 2000, she founded and currently serves as the president/CEO of The Portrait of Empowerment Inc., a not-for-profit community based organization. This organization is dedicated to enabling individuals and families to become self-sufficient, which ultimately will improve the economic development as well as the quality of life in the community-at-large. In May 2001, she graduated from the Interdenominational Theological Center with a certificate of theology in Atlanta, Georgia. In 2002, she was elected as the vice-mayor for the city of Opa-Locka, Florida, and also served as the interim mayor. She also serves as the volunteers' coordinator for the Carrie Meek Foundation, Inc.

This public servant is married to Roy Johnson, has two daughters, Roilanda and Tamika, and two grandchildren, Joshua and Nisiah. Dottie is known in the community as ''Lady Justice''.

It is an honor to have the privilege of knowing this valued leader of the Miami-Dade County community and beyond. I salute Mrs. Dorothy ''Dottie'' Johnson on behalf of a grateful community that she truly loves and cares for. Now, in retirement, she embarks upon new challenges in life and I am certain her legacy of greatness will only grow and develop as she enters this new phase of life. I wish her every happiness and success.

HONORING THE CHILDREN OF APPLETIME CHILDCARE CENTER

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise to honor the children of Appletime Childcare Center of Rogers, Minnesota, and the Trike-a-Thon they sponsored to help fight childhood cancer.

The children of Appletime Childcare Center worked hard to raise community support and resources with their families and friends through a Trike-a-Thon on May 16, 2008. Their efforts will support research at St. Jude's Children's Hospital, the world's largest cancer research center. St. Jude's contributions to pediatric medicine have assisted doctors around the world in treating children with cancer and other life-threatening diseases. This event demonstrated a remarkable commitment by these young Minnesotans to help others.

The story of this effort reached me by way of Sharon Wilson, a proud grandmother and constituent of mine from St. Paul whose grandson, Zach Schmitz, was one of the many children who worked so diligently to organize and complete this event. The Trike-a-Thon taught young children the importance of helping others while also introducing valuable concepts of bike riding safety. By combining the fun of riding bicycles and tricycles with charitable giving, the Trike-a-Thon was a wonderful introduction to philanthropy for these youth, and an outstanding example for the rest of our community.

Madam Speaker, it is my honor to recognize the children of Appletime Childcare Center and their successful Trike-a-Thon to fight childhood cancer.

HONORING BENJAMIN BRESLOW

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Benjamin Breslow of Platte City, Missouri. Benjamin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1351, and earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop, participating in many scout activities. Over the many years Benjamin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Benjamin Breslow for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO HOWARD HODSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Howard R. Hodson, Sr., as the recipient of the 2008 Iowa Legionnaire of the Year Award by the American Legion for his servitude to this country and to the ideals of the American Legion. He was also awarded three other awards by the department commander and one award from the national commander.

The Legionnaire of the Year Award is presented every year to an outstanding member who has served the Legion and their community, state, and nation. Howard is a Vietnam veteran having served in the Army and is a member of the American Legion for forty-three years. In the American Legion, he has served as a post commander, post historian, post membership chairman, 3rd District senior vice commander, and as the membership chairman of the 3rd District.

I congratulate Howard R. Hodson, Sr. on his well-deserved award, and I'm certain that he will continue to serve this great nation and the American Legion. It is a great honor to represent Howard in the United States Congress, and I wish him the best.

RECOGNIZING THE DALLAS CENTER FOR ARCHITECTURE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to take this opportunity to make my colleagues aware of an exciting new facility opening in my district. The Dallas Arts District will soon be home to the Dallas Center for Architecture.

Officially opening on October 7, 2008, the DCFA will add another facet to the ever-expanding Arts District in downtown Dallas. The Center will be at 1909 Woodall Rogers Freeway and will face the Woodall Rogers Plaza. In fact, the first exhibit at the DCFA will be about the soon-to-be-constructed plaza.

I am excited about this addition to the already world renowned arts district in my hometown. The DCFA is designed for those interested in learning more about the art and science of architecture and will feature a wide variety of exhibits on topics such as environmentally sustainable design, historic preservation, adaptive reuse of buildings, urban planning, and a personal interest of mine—brownfield redevelopment.

The DCFA, in addition to the exhibits for the public, will be a place of continuing education for the architecture community and the home of the Dallas Chapter of the American Institute of Architects.

I know this project is the culmination of the work of many people. Specifically I would like to acknowledge Tip Housewright, of the AIA, for being the commissioner of the Dallas Center for Architecture during its construction. This large project has been funded by gifts from 25 of the top local architecture firms and will be sustained by events hosted by the Dallas Chapter of the American Institute of Architects.

Finally, as a Texan I need to note that the size of the Dallas Center for Architecture—it will cover over 9,000 square feet—will make it the second largest Center for Architecture in the Nation. It will be quite an asset in the continuing enhancement of Dallas.

COMMENDING BARTOW ELEMENTARY ACADEMY'S DESIGNATION AS A 2008 BLUE RIBBON SCHOOL

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. PUTNAM. Madam Speaker, I rise today to congratulate the faculty, staff, and students of Bartow Elementary Academy (BEA) for their designation as a 2008 No Child Left Behind—Blue Ribbon School by the U.S. Department of Education.

Bartow Elementary Academy achieved this distinguished honor as a school performing in the top 10 percent within the State of Florida in the category of schools with less than 40 percent of their students from disadvantaged backgrounds. One of 320 schools in the nation to receive this honor, the Blue Ribbon reflects the dedication and commitment shared among faculty and students alike at BEA.

Bartow Elementary Academy has long displayed excellence in education. Earning an 'A' all but one year since Florida first implemented school grades during the 1998–99 school year, BEA's teachers and students continue to distinguish themselves—helping students to continually achieve at high levels while making significant progress in closing the achievement gap.

Further, the school's willingness to explore creative new learning techniques and methodologies, such as "brain-based" learning, attributes to BEA's academic progress and ability to create varying curriculums when it comes to Sunshine State Standards.

I would like to extend my congratulations to Principal Carol Borders and her team of inspiring educators and extraordinary students. You're making a true difference in the lives of so many, and building communities that improve students' learning.

HONORING KYLE BORGESON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle Borgeson of Gladstone, Missouri. Kyle is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1155, and earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many scout activities. Over the many years Kyle has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle Borgeson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO DAN DAVIS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the recent heroic actions of Dan Davis of Badger, Iowa.

On Saturday, June 14th at 4:00 a.m., Dan heard the sound of popping tires when he looked outside and saw flames shooting out of the neighbor's house. He knew that two teens were in that home while their parents were away. Dan ran into the home and woke Hannah and Max Edwards, who were sleeping through the smoke alarms. Although the house and possessions were nearly a total loss, Dan, Hannah and Max made it out unharmed.

Dan's decisive decision making in such a critical situation goes above and beyond what we are asked of as citizens of this country. His courage illustrates the compassion of Iowans; willing to do whatever it takes for a neighbor in need. I know my colleagues in the United States Congress join me in congratulating Dan Davis on a job well done. It is an honor to represent such a compassionate Iowan in Congress, and I wish Dan the best in his future endeavors.

STENNIS CENTER PROGRAM FOR CONGRESSIONAL INTERNS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2008

Mr. GORDON of Tennessee. Madam Speaker, for 6 years now, the John C. Stennis Center for Public Service Leadership has conducted a program for summer interns working in Congressional offices. This 6-week program is designed to enhance their internship experience by giving them an inside view of how Congress really works. It also provides an opportunity for them to meet with senior congressional staff and other experts to discuss issues ranging from the legislative process to the influence of the media and lobbyists on Congress.

The program is a joint effort of the Stennis Center and a collection of current and former senior congressional staff leaders who are serving as Senior Stennis Fellows. These fellows use their experience and expertise to design the program and to participate in each of the interactive sessions and panel discussions.

Interns are selected for this program based on their college record, community service background, and interest in a career in public service. This year, 21 outstanding interns, most of them juniors and seniors in college, who are working for Democrats and Republicans in both the House and Senate participated.

Madam Speaker, I congratulate the interns for their participation in this valuable program and I thank the Stennis Center and the Senior Stennis Fellows for providing such a unique experience for these interns and for encouraging them to consider a future career in public service.

I ask that a list of 2008 Stennis Congressional Interns and the offices in which they work be printed in the RECORD.

Matt Beato, attending the College of William and Mary interning in the office of Rep. Brian Higgins.

Molly Box, attending the University of Wyoming interning in the office of Sen. Mike Enzi.

Geoff Browning, attending Loyola College interning in the office of Rep. James McGovern.

Chloe Cabot, attending the University of Wisconsin interning in the office of Sen. Herb Kohl.

Zach Chalett, attending New York University interning in the office of Rep. Jim McDermott.

Jason Chang, attending Brandeis University interning in the office of Rep. Emanuel Cleaver.

Shaun N. Christiansen, attending the University of Oregon interning in the office of Rep. Earl Blumenauer.

TJ Garrigan, attending Catholic University interning in the office of Rep. Robert Brady.

Mitch Hunter, attending Harvard University interning in the office of Sen. Amy Klobuchar.

Jon Junig, attending the University of Rochester interning in the office of Rep. Tom Petri.

Jonathan Kay, attending Middlebury College interning in the office of Sen. Hillary Clinton.

Rebecca Lurie, attending the University of Maryland interning in the office of Rep. Robert Brady.

Grainne Lynn, attending Catholic University interning in the office of Rep. Robert Brady.

Chris Mickey, attending the University of Wyoming interning in the office of Sen. John Barrasso.

Kristina Nesse, attending the College of St. Benedict interning in the office of Sen. Amy Klobuchar.

Jillian Petrella, attending William Smith College interning in the office of Rep. Brian Higgins.

Trevor Pierce, attending the University of Michigan interning in the office of Rep. John Campbell.

William Poindexter, attending Mississippi State University interning in the office of Sen. Thad Cochran.

Betsey Sawyer, attending Louisiana State University interning in the office of Sen. Thad Cochran.

Harrison Tome, attending the University of Pennsylvania interning in the office of Sen. John Barrasso.

Neil White, attending Princeton University interning in the office of Sen. Thad Cochran.

HONORING HOLOCAUST MUSEUM AND STUDY CENTER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. ENGEL. Madam Speaker, the Holocaust Museum and Study Center over the past 30 years has become an important museum, cultural and educational center for one of the

greatest tragedies of history that must never be forgotten.

The museum originated in 1979 with the appointment of the Rockland County Holocaust Commission by the County Legislature. It opened its doors in 1988 dedicated to educate, examine and explore the history of the Holocaust. The museum uses educational programs, lectures, exhibitions, teaching training seminars, and commemoration ceremonies to ensure that the lessons of the Holocaust are not forgotten.

The Holocaust Museum and Study Center uses the witness of Holocaust survivors living in Rockland, stories of triumph and survival in the face of a highly efficient and determined Nazi death machine. The museum also includes the stories of Allied soldiers who, in defeating the Nazis, liberated the death camps.

Remembering and teaching the history of the Holocaust is essential if we are never to repeat its terrible events. The tragic events of Rwanda tell us that the lessons of the Holocaust are still to be learned.

The murder of six million Jews as well as millions more of Gypsies, the handicapped, Slavic peoples and others such as Communists, homosexuals, Jehovah Witnesses, and Socialists, just for being who they were must not be repeated.

The Holocaust Museum and Study Center teaches this dramatic lesson so that we never have to learn it again. It is a powerful force for good in a world that still needs it.

HONORING STEPHEN GOTT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Stephen Gott of Liberty, Missouri. Stephen is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1374, and earning the most prestigious award of Eagle Scout.

Stephen has been very active with his troop, participating in many scout activities. Over the many years Stephen has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Stephen Gott for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO THE HONORABLE ALAN WHEAT

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. CLAY. Madam Speaker, I rise today to pay tribute to the Honorable Alan Wheat, former Congressman who represented Missouri's 5th District from 1983 to 1994. Born to James Weldon and Emogene Wheat in San Antonio, Texas on October 16, 1951, Alan is one of three children.

Congressman Wheat made history by becoming one of the Nation's first African-Americans to represent a district with a white majority. Although it was suggested that he would only support African-American issues, one-third of Wheat's vote total in the primary came from white voters.

Throughout his career, Congressman Wheat earned the widely respected reputation of being a strong political leader and coalition builder. This well earned reputation led to him becoming the youngest member and only the third freshman Congressman in history to be appointed to the powerful Rules Committee. Dedicated to public service, Congressman Wheat ran for the U.S. Senate in 1994, won the Democratic primary and became the first minority candidate selected as a major party nominee for statewide office in Missouri. When Congressman Wheat made his bid for the Senate, he was described as ''a new kind of black candidate: not simply a representative of black America but a bridge-builder between black and white America.''

In 1995, Wheat became vice president of public policy and government relations for the CARE Foundation, an international relief and development organization, one of the largest of its kind in the Nation.

In 1998, Congressman Wheat formed Wheat Government Relations. With his unparalleled knowledge of the legislative process and his reputation for promoting bipartisan support, Wheat Government Relations has established him as a successful, bipartisan liaison between the government and the private sector.

Congressman Wheat holds a Bachelor of Arts from Grinnell College. He is married to Yolanda and has three children.

Madam Speaker, I am pleased to induct Congressman Wheat into the Missouri Walk of Fame. I urge my colleagues to join me in honoring Congressman Alan Wheat for his commitment to the great state of Missouri.

RECOGNIZING THE BIRTHDAY OF DR. CLAYTIE ODESSA SEARCY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to take this opportunity to honor a great leader in the Dallas community: Dr. Claytie Odessa Searcy. Dr. C. O. Searcy was Pastor Emeritus and Founder of ''The House of Love Church.'' A native Texan, Dr. Searcy made history by becoming the first Black woman to receive a Masters degree from the University of Texas. She was the second person in the history of the university to complete a Masters program in only nine months.

Dr. Searcy first began community work at the Moorland Branch YMCA in Dallas, Texas. Concerned about the boys' moral and spiritual life, she secured bibles for the entire boy's division and recognizing the need to strengthen the ''total family'', she organized a mothers' club which provided funds to send underprivileged boys to camp each summer.

Dr. Searcy launched her community activities when she founded the C.O. Searcy Youth Foundation. The C.O. Searcy Foundation enabled Dr. Searcy to provide food, clothes, household merchandise and other much needed items to the families of her community. She offered the adults and youth extended GED courses in conjunction with the Dallas Independent School District.

In 1966, Dr. Searcy then organized The House of Love Church, where she served as Pastor Emeritus. As Pastor Emeritus of the House of Love Church, Dr. Searcy spent her life serving others. When asked what ''life'' means to her, her response was, ''Life is about helping someone else see who he/she really is.'' Today, Madame Speaker, I would like to celebrate the full life of Dr. Claytie Odessa Searcy, on this the occasion of her birthday.

HONORING JOSEPH LANDERS III

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph Landers III of Smithville, Missouri. Joseph is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1412, and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joseph Landers III for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO RICHARD AVISE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the recipient of the Iowa National Association of Active and Retired Federal Employees (NARFE) Federation's Community Service Award, Richard ''Dick'' Avise of Rockwell, Iowa for his longtime community service efforts.

For 48 years, Dick has volunteered his time to improving the Rockwell Community. Among many other accomplishments, Dick helped establish apartments for retirees, served as President and Secretary of the Rockwell Chamber of Commerce, grew and donated sweet corn for over a decade to the Rockwell

Annual Chicken Barbecue, arranged the 1994 Ziedler Park Lion's Club Tree Project, and assisted the Cerro Gordo Extension Crop Clinics for 15 years. Dick's dedication to his community and his commitment to his organization should be commended.

A year after celebrating his 80th birthday, Dick continues his community service and remains active as the NARFE Chapter 170 Alzheimer Chair. I consider it an honor to represent Dick Avise in Congress, and I wish him the best in the future.

RECOGNIZING MRS. BILLIE JOHNSON'S ADMISSION TO THE OHIO WOMEN'S HALL OF FAME

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Ms. KAPTUR. Madam Speaker, I rise today with pride to recognize the entry into the Ohio Women's Hall of Fame of Billie Johnson of my District. Mrs. Johnson is a founder of the Area Office on Aging of Northwest Ohio. She has been a leader of elder and women's issues throughout her accomplished career.

Billie Johnson can claim many ''firsts'': she was the first African American elected Governor of Zonta International—District 5, Ohio, West Virginia and Kentucky; she was the first African American woman elected to the Board of Directors of National City Bank; she was appointed by former Governor James A. Rhodes to serve two terms on one of Ohio's first Women's Advisory Boards to recognize the achievements of women throughout the state and to improve opportunities and employment for women; she organized efforts to incorporate under Ohio law the first regional, non-profit office on aging in northwest Ohio; she launched the first SeniorNet Program in northwest Ohio—an affiliate of national SeniorNet Inc—that helped older citizens learn how to use computers and navigate the internet; fostered the development of the first information and assistance programs in Lucas County for grandparents and other kin who are raising children; she established the first Elder Friendly Program for Toledo—affiliated with the national Elder Friendly Program—with the assistance of the former Toledo Mayor Jack Ford, to help improve services and accessibility for older citizens shopping in retail stores and local businesses; she fostered the creation of a Senior Safety program for older citizens; and she spearheaded the organization of the first campaign to get a Senior Citizens Tax Levy on the ballot in Lucas County to help increase meals for homebound elders, expand home care for the sick and frail elderly, provide more services of Alzheimer's patients and their caregivers, and expand services for senior centers.

Billie Johnson is widely regarded by her colleagues in the aging network. Her leadership fosters a spirit of cooperation, allegiance and loyalty which is rare. Evidence of her skill is the development of a master plan, in cooperation with many partners, for the re-use of the 42 acres of county-owned land surrounding the Area Office on Aging into a comprehensive, continuing care complex for older adults. As the Area Office on Aging's first and only Executive Director for three decades, Mrs. Johnson has helped in the creation and development of many senior centers, nutrition sites for seniors, transportation programs, health services, adult day care programs, home care, and numerous other services for older adults. She has been an advisor, consultant and speaker for numerous local, state, national and international organizations and agencies serving older persons including: Iowa Commission on Aging, Ohio Department of Aging, National Church Residences, National Council on Aging/NISH, National Caucus and Center on Black Aged, Gerontology Program for the University of Toledo, and numerous Area Agencies on Aging located in Michigan, Ohio, Kansas and Iowa. She was even selected to participate in the United Nations World Conference on Women Forum in 1985 in Nairobi, Kenya. The International Federation on Aging later published excerpts of her white paper in a book entitled: ''Global Aging.''

More important than any professional achievement, Billie Johnson has carried forward the lessons learned at her grandmother's knee as she inspires and teaches her own daughter and granddaughters. She guides them in proud tradition and shows them by example how to be strong women in their own right.

I have counted on Billie Johnson's wise counsel throughout the years, as have many others in our region. She is a compassionate, caring, and dynamic woman, and a fine example to all as a Member of the Ohio Women's Hall of Fame. I know I join with many across our state when I offer my warmest and heartfelt Congratulations!

IN HONOR OF DAVE PAVLICK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Dave Pavlick for his dedication to social justice on the occasion of the completion of his second 600 mile walk throughout southeastern Ohio to promote the Health Care for All Ohioans Act.

In coordination with the Single Payer Action Network (SPAN), Dave is ending his twenty-three day walk for Healthcare Justice in Parma, Ohio. The purpose of the walk is to promote the Health Care for All Ohioans Act and to raise awareness of the plight of millions of Americans who are underinsured or without healthcare. Dave's walk across southeastern Ohio has garnered attention and support from people all over the State of Ohio and has raised our collective consciousness of one of the biggest issues facing Americans today. I, along with SPAN and the United Auto Workers Local 1005 join in welcoming Dave back to Parma at tonight's ''Welcome Home Dave'' celebration.

Madam Speaker and colleagues, please join me in honor of Dave Pavlick, and in recognition of his outstanding commitment to social justice and promoting healthcare for all Ohioans.

UNLESS U HAVE WALKED IN OUR SHOES

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. RYAN of Ohio. Madam Speaker, I submit the following:

UNLESS U HAVE WALKED IN OUR SHOES

(By Brock DeAngelo)

My name is Brock, I am 13 years old. I will make a difference in a world that refuses to hear our voices. We deserve a voice. And that voice should be our own. We live in a nation that offers ''Freedom of Speech.'' Not only should we be heard but we should be offered respect. Please join me in a mission that is all about U. Contact me at unlessuwalked@aol.com.

My name is Brock, Brock DeAngelo. For years I would have loved any last name but mine. Then one day I realized, it's not the name that makes a person; it's the person that makes the name.

I then decided I will change the vicious cycle behind my last name. The mental and physical abuse, the evilness and malicious lies stop with me.

I will show my brother and one day my children; that a man with great pride and integrity stands in front of the ''DeAngelo'' name. And it began with me, Brock!

The courts cursed me with a Guardian ad Litem. I can honestly say she never listened to a word I said. She was too busy trying to twist my situation around to suit her views. It was a little hard for her to accomplish since everytime we met the stories on my behalf were always the same. Funny thing about ''the truth'', it's consistent.

She was the first of many disappointments. Children's Services made me a promise that they never followed through with (no thanks to my ad Litem).

In the end, the person that does not deserve a title to fatherhood, saved his own reputation. He agreed to leave me alone. Unfortunately not every one is as lucky.

I am asking U to join me on my quest, to become a voice and to make what U have to say important.

I have discussed this matter with my attorney, met with a Special Assistant to Tim Ryan and discussed this matter with Sandra Harwood, State Representative, 65th House District.

My goal is for Congress to not only hear us but to act upon our intelligence. In order for U to be recognized, we must fight together. U are old enough to know right from wrong. The courts need to listen. U are the future.

CHILDREN'S BILL OF RIGHTS

DECLARATION I

Congress shall allow no law that endangers a child's physical, emotional or physiological well-being.

DECLARATION II

Congress shall encourage all states to provide standardized legal representation of children and their specific issues in legal domestic disputes, regardless of state jurisdiction or residence.

DECLARATION III

A child shall be guaranteed an equal voice in determining court-ordered visitations with parents or guardians as well as the continuation of those visits.

DECLARATION IV

No child shall be forced to endure ongoing physical, emotional, or verbal harm by a parent, guardian or other individual.

DECLARATION V

No child shall be forced to return to the care of a parent or legal guardian who has been convicted of certain civil crimes or any felony, unless they themselves desire it.

DECLARATION VI

Accusations by a child concerning ongoing parental misconduct shall be investigated within twenty-four hours and taken seriously until otherwise proven false.

DECLARATION VII

The child physical, emotional and physiological well-being shall be of the utmost concern when determining their possible court testimony against a parent, guardian or other adult.

DECLARATION VIII

A child shall have a voice in determining the need for restraining orders against a parent, guardian or other adult.

DECLARATION IX

Reports from doctors, physiologists, social workers and other professionals and paraprofessionals shall be given the highest priority when determining parental rights, visitations, and other issues concerning the emotional and physiological well-being of the child.

DECLARATION X

The rights of all other citizens shall be applied with equal conviction to all children.

RECOGNIZING THE ACHIEVEMENTS OF RANDALL C. FERGUSON, JR.

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognition of the achievements of Mr. Randall C. Ferguson, Jr., an important resident of the Fifth District of Missouri, which I am honored to represent. This week, Mr. Ferguson is to be inducted into the Missouri Walk of Fame during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri. Randall is a retired executive from the IBM Corporation. He spent 29 years with IBM in various sales, management, and executive positions. His last position at IBM was senior location executive for the Kansas City region and senior state executive for Kansas and Missouri with responsibility for programs and policy implementation essential to IBM's interests, reputation and involvement relating to both the internal IBM community of 900 employees, and to the outside community. His responsibilities also included government relations, community relations, and all IBM philanthropic grants.

After IBM, he was recruited to be the senior vice president for business growth and member connections for the Greater Kansas City Chamber of Commerce. His responsibilities included membership, technology, small business activities, aviation, minority business alliances, the economic advisory board, and the world trade center.

Randall holds a bachelor of science degree in business administration with honors from Walton School of Business, University of Arkansas. Throughout his life, Mr. Ferguson has exercised a tireless belief in the principle of putting "others" before "self." He has put his principles to practice, and the effects of his efforts can be felt throughout the Kansas City metropolitan area. Recognizing his business acumen, Great Planes Energy, Blue Cross/Blue Shield, and Shelter Insurance voted him on to their corporate boards.

Civically, Randall serves on 12 boards in the greater Kansas City area with varied interests such as energy, healthcare, education, economic development and technology, employment, and diversity in such areas as race, sex, and religion. In all of his activities, he demonstrates his dedication and commitment to the greater good of others. His high energy pace translates directly to the results he is able to obtain for the benefit of all in the greater Kansas City area. Regardless of whether he is in the trenches or the boardroom, his poise and thoughtfulness is ever present. For those reasons and more, it is indeed an honor and a privilege to recognize Randall Ferguson, Jr. at the Missouri Walk of Fame reception, hosted by myself and fellow Missourian, U.S. Representative WM. LACY CLAY of St. Louis.

Madam Speaker, please join me in expressing our appreciation to Mr. Randall Ferguson, Jr. and his endless commitment to serving the residents of the State of Missouri. He is a true role model not just to the African-American community in Missouri, but to the entire African-American community-at-large. May his success serve as a stepping-stone for many other African-Americans eager to be just as successful in their endeavors. While it is but a small acknowledgement for all of the work he has done, it is a heartfelt gesture to a heartfelt friend, taking strength from the lives he has touched in our hometown.

COMMEMORATING SEA OTTER AWARENESS WEEK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. FARR. Madam Speaker, I rise today to call attention to the 6th Annual Sea Otter Awareness Week, September 22–28, 2008, sponsored by Defenders of Wildlife. This weeklong event provides the opportunity to educate the broader public about sea otters, their natural history, the integral role that sea otters play in the near-shore marine ecosystem, and the conservation issues they are facing.

In the early 1700s, before wide-scale hunting began, sea otters ranged across the North Pacific rim from Japan to Baja, California. The worldwide population estimates for that time range from the hundreds of thousands to possibly a million or more. Before the hunting began, there were approximately 16,000–20,000 along California's coast. Killing these animals for their fur brought down their numbers until they were thought to be extinct off California by the early 1900s.

But they were not driven completely to extinction. In the 1930s a small population, less than 100, was discovered that had escaped the hunt in a remote cove on a coastal ranch in Big Sur on the central coast of California. Since that time, groups such as Defenders of Wildlife, Friends of the Sea Otter, and The Ocean Conservancy have raised public awareness and helped protect this important species under the Marine Mammal Protection Act and the Endangered Species Act.

The presence of the California sea otter has become an icon of the State's coastal environment and culture, and these charismatic animals bring significant tourism revenue to Californian coastal communities. The spring census conducted by the U.S. Geological Survey this year counted 2,760 animals, down 8.8 percent from last year, and their range extends along the central coast from Half Moon Bay to Pt. Conception.

These numbers are significantly less than what is necessary to consider the population stable and their population growth in recent years is slower than their cousins in Alaska. Researchers are beginning to identify indirect hazards for sea otters such as non-point source pollution, pathogens, and entrapment in fisheries' gear that are causing their population growth to slow. Such realizations support the need for continued research and preventive measures to respond to these issues, while continuing to ward against the direct killings/takings that still occur.

The decline of southern sea otters off the California coast not only impacts the species itself, but it affects other marine populations and the surrounding ecosystem. They are what scientists refer to as a keystone species. This means that they are integrally important to the ecosystem in which they live. For example, the demise of sea otters allows their prey, sea urchins, to proliferate unchecked, which leads to the alarming overgrazing of kelp beds—one of the ocean's nursery grounds for many marine animals. In particular, research shows that the absence of sea otters has a direct link to the sharp decline of kelp along portions of California's coast.

The sea otter is also what scientists refer to as a sentinel or an indicator species. In this way, the sea otters are the canaries in the coal mine for our coastal health. The sea otters are all too effective at monitoring toxins and diseases in the marine environment, which can affect the health of humans and other wildlife.

California has taken the first step toward addressing these emerging concerns by signing into law California Assembly Bill 2485, which establishes a State fund for sea otter conservation. Again this year Californians had the option of donating a portion of their tax returns to sea otter conservation. I want to emphasize that this means that Californians voluntarily pay a little more on their tax return to help protect these animals. To date, this has raised almost $270,000.

However, this is a federally protected species and California cannot go it alone. In addition to working with my colleagues to secure Federal funds to support a continued and complete recovery of the population, I introduced H.R. 3639, the southern sea otter Recovery and Research Act. Earlier this year, the Subcommittee on Fisheries, Wildlife, and Oceans held a hearing about the southern sea

otter and the management of these populations.

Dr. James Estes from the University of California, Santa Cruz; Andrew Johnson, from the Monterey Bay Aquarium; and Jim Curland from Defenders of Wildlife testified on the state of the sea otter populations. I and my colleagues have sought their knowledge and expertise, along with other Federal, State, and local experts and citizens to provide for research and recovery programs for the southern sea otter.

Madam Speaker, I applaud the many accomplishments of Defenders of Wildlife, who carry out the important mission to preserve our Nation's wildlife and habitat. I also applaud the other non-profit environmental organizations, working with the Monterey Bay Aquarium, researchers, fishermen, State and Federal agencies, schools, and many other institutions and individuals, who devote tremendous effort to protect and recover the southern California sea otter. Sea Otter Awareness Week is just one of their many activities geared towards honoring and saving this species, and I am proud to be associated with this vital work.

HONORING JUDGE HAROLD BAREFOOT SANDERS, JR.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, today I mourn the passing of one of my political heroes, the legendary U.S. District Judge Harold Barefoot Sanders, Jr.

Madam Speaker, Judge Sanders is best known for overseeing a desegregation plan for the Dallas Independent School District from the 1980s until 2003. Judge Sanders also directed the overhaul of state schools for mentally retarded people and served as a legislative counsel to President Lyndon Johnson.

Madam Speaker, from his core, Judge Sanders symbolized civil rights. He knew that fairness took work, and his diligence is why he was able to make history and inspire a generation of my Texas colleagues. As an assistant attorney general in the Department of Justice, he was credited with helping pass the Voting Rights Act of 1965. As a Texas legislator, he helped write the Texas Mental Health Code. And as a federal judge, in a ruling that I believe took more courage than any other, he declared Dallas' segregated schools illegal.

Madam Speaker, President John F. Kennedy appointed Judge Sanders as U.S. attorney for the Northern District of Texas in 1961. President Jimmy Carter elevated him to the federal bench in 1979. Judge Sanders was a help to me personally with my acclaimed national and international Peace Initiative. His counsel and assistance were instrumental to its success. I know Judge Sanders as a man revered for his intellect and compassion. I will truly miss him; the void he is leaving will not soon be filled.

Madam Speaker, Judge Harold Barefoot Sanders, Jr., born in Dallas, graduated from North Dallas High School in 1942 and went on to serve as a lieutenant in the U.S. Naval Reserve until 1946. He received his law degree from the University of Texas in 1950 and served three terms in the Texas Legislature. In 1952 he married Jan Scurlock, who survives him. He is also survived by daughters Martha Kay Crockett of Dallas and Mary Frances Korsan of Santa Monica, CA; a sister, Martha Ann Schneider of Dallas; brother, Charles Addison Sanders of Durham, NC; and 10 grandchildren.

THE INTRODUCTION OF THE ''INDIVIDUAL DEPOSITOR AND COMMUNITY BANK PROTECTION ACT OF 2008''

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. COHEN. Madam Speaker, today I introduced the ''Individual Depositor and Community Bank Protection Act of 2008,'' which raises the federal deposit insurance limit from the current $100,000 to $200,000. This upward adjustment in the federal deposit insurance limit is long overdue. The last increase in the deposit insurance limit—to the current $100,000—was made 28 years ago, in 1980, the year Ronald Reagan was first elected President. This has been the longest period in history in which there has been no raise in the deposit insurance maximum. Since 1980, our nation's economy has changed, with an undeniable increase in income, prices, and wealth. By failing to raise the deposit insurance limit in kind, Congress has effectively weakened the federal guarantee underlying deposit Insurance.

Deposit insurance, established in response to the financial meltdown of the 1930s that led to the Great Depression, is vital to consumer confidence and to the stability of our nation's banking system. It also is an effective mechanism for ensuring that small community banks can maintain a competitive position vis à vis large national banks. Large banks are not as dependent as small ones on deposit insurance because they are categorized as ''too big to fail'' and will be protected by the federal government should they run into financial trouble. As a result, they have a competitive advantage in securing depositors and in providing loans. Small community banks enjoy no such protection and, as a result, depend on a robust federal deposit insurance guarantee to reassure consumers that their money is safe in a community bank. Weakening deposit insurance effectively gives a competitive upper hand to the ever-shrinking number of large national banks and, in the long run, will limit the vitality and competitiveness of our nation's banking industry.

At this moment of economic crisis and deep financial uncertainty for millions of Americans, I urge my colleagues to support this straightforward and long-overdue raise in the federal insurance deposit limit. It is vital to maintaining our nation's financial stability, ensuring a solid foundation for economic growth, promoting competition in the banking industry, and reassuring an anxious nation.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise to explain my reason for missing votes on September 11 and 15, 2008. My voting percentage is over 96 percent for the 110th Congress, and I rarely miss votes, but felt it was extremely important to be home in Houston, Texas while my neighbors and constituents were making preparations for Hurricane Ike and to help recovery efforts in the immediate aftermath. The storm made landfall early Saturday morning, and by the time it passed Houston Saturday afternoon, it had caused the largest power disruption in the state's history, along with tremendous flood and wind damage. There are still nearly two million people in the Houston area without power, and many without water. When I left yesterday to fly back to Washington, significant relief efforts by Federal, State, and local emergency officials were just getting underway.

There is still a tremendous amount of work to be done, and I ask for everyone's thoughts and prayers as Houston and the Gulf Coast recover from this devastating storm.

Had I been present to vote, I would have voted as follows:

On rollcall vote No. 585, on Approving the Journal, I would have voted ''aye'';

On rollcall vote No. 586, H. Res. 1344, on Motion to Suspend the Rules and Agree to the resolution expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001, I would have voted ''aye'';

On rollcall vote No. 587, H. Res. 6532, on Motion to Suspend the Rules and Agree to the Senate Amendment to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance, I would have voted ''aye'';

On rollcall vote No. 588, on Motion to Adjourn, I would have voted ''aye'';

On rollcall vote No. 589, H. Res. 1200, on Motion to Suspend the Rules and Agree as amended, a resolution honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families, I would have voted ''aye'';

On rollcall vote No. 590, H. Con. Res. 390, on Motion to Suspend the Rules and Agree as amended, a resolution honoring the 28th Infantry Division for serving and protecting the United States, I would have voted ''aye'';

On rollcall vote No. 591, H.R. 6889, on Motion to Suspend the Rules and Pass, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes, I would have voted ''aye'';

EL CENTRO FIRE CHIEF BENNIE BENAVIDEZ INDUCTED INTO THE NAVY FIREFIGHTER HALL OF FAME

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. FILNER. Madam Speaker and colleagues, I rise today to recognize Bennie Benavidez, retired NAF El Centro Fire Chief, who was inducted into the Navy Firefighter Hall of Fame at the 2008 Navy and Marine Corps Fire and Emergency Services Awards Luncheon on August 14, 2008 in Denver, Colorado.

Chief Benavidez is the first nominee and first inductee from the Navy Region Southwest into the Hall of Fame, which was created three years ago. He was selected by the 13 Regional Fire Chiefs as a person whose contributions should be recognized for posterity.

He served his country for many years in a Navy Fire Career which included rapid promotions: Firefighter 1955–1956, Engineer 1956–1960, Captain 1960–1973, Assistant Chief 1973–1974, and Fire Chief 1974–1983. Upon his retirement, he was appointed as the Fire Chief of the Imperial County Fire Department and served for an additional 15 years, working to improve the training and safety of fire fighting personnel.

Bennie Benavidez's love of the fire service was passed along to one of his sons, who rose to the rank of Engineer with a local fire department before his death in the line of duty. He keeps his son's memory alive through his community support and charitable contributions to the Burn Institute and local hospitals.

His accomplishments fill several pages. Some examples follow. He received Congressional recognition for ''outstanding and invaluable service to the community.'' He was recognized as ''Imperial Man of the Year'' by the California State Assembly. He was appointed as Deputy State Fire Marshal for the state of California. He received a commendation from the State of California Governor's Office of Emergency Services. One of his primary contributions has been to foster friendship and cooperation in firefighting training between Imperial County and friends just across the border in Mexico.

Some of his 20 memberships, past and present, include the Imperial County Fire Chiefs Association, International Association of Fire Chiefs, California State Firefighters Association, Southern California Earthquake Preparedness Committee, Elks Lodge #1325, American Legion Post #25, Veterans of Foreign Wars, the Korean War Veterans Association, and Member of several Imperial County Committees regarding the environment, hazardous materials, and community economic development.

It is impossible to thank Bennie Benavidez for all his contributions, throughout his career and in volunteer activities within his community. The occasion of his induction into the Navy Firefighter Hall of Fame is an appropriate time to recognize him, his contributions, and the most prestigious honor that has been bestowed upon him.

PERSONAL EXPLANATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. ISSA. Madam Speaker, on Thursday, September 18, 2008, I was absent from the House. Had I been present I would have voted:

On rollcall No. 610, ''nay''—H.R. 3036—To Amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

On rollcall No. 611, ''nay''—H.R. 3036—Providing for consideration of H.R. 3036, to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

On rollcall No. 613, ''yes''—H.R. 3036—On Motion to Recommit with Instructions of the No Child Left Inside Act of 2008.

On rollcall No. 614, ''nay''—H.R. 3036—On Passage of the No Child Left Inside Act of 2008.

On rollcall No. 615, ''nay''—H.R. 6460—On Motion to Suspend the Rules and Pass, as Amended.

COMMEMORATING THE 25TH ANNIVERSARY OF THE RESOURCE CENTER OF DALLAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, this September marks the 25th anniversary of the Resource Center of Dallas, a long standing institution in the 30th Congressional District of Texas. The center's parent organization—the Dallas Gay Political Caucus, later known as the Dallas Gay and Lesbian Alliance—incorporated what was then called the Foundation for Human Understanding in 1983.

In 1988, the center established the Nelson-Tebedo Clinic for treatment, clinical drug trials and HIV testing. Today, the renamed Nelson-Tebedo Health Resource Center also offers HIV dental, STD testing and treatment, medical case management, insurance assistance, prevention and transgender health services. Nutritional services are available as well as hot lunches.

To recognize the history of and the struggle for GLBT rights in Dallas, the Phil Johnson Historic Archives and Research Library was established at the Community Center in 1994. The Library also operates a 24-hour information helpline, which first started in 1985.

In 1998, the Foundation for Human Understanding changed its name to the Resource Center of Dallas. It operates the John Thomas Gay and Lesbian Community Center, named after the founding executive director, and the Nelson-Tebedo Health Resource Center. Through its health and medical services, the center is a leader in HIV/AIDS education, prevention and services, and provides a full spectrum of STD prevention education, screenings and treatments.

More than 1,100 volunteers and a paid staff of 44 make the Resource Center of Dallas one of the largest centers of its kind in the United States. More than 50,000 people each year use the Resource Center through its programs and services. From its roots as an advocacy group for civil rights regardless of sexual orientation or gender identity, the center continues its dual mission: to develop programs and offer services for the GLBT community, as well as individuals and families affected by HIV and AIDS.

RETIREMENT TRIBUTE TO COLONEL FRANCIS M. MUNGAVIN

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mrs. GILLIBRAND. Madam Speaker, on the occasion of his retirement from the United States Air Force, I want to recognize Colonel Francis M. ''Mike'' Mungavin for his 40-plus years of dedicated service to our country. In his most recent assignment, he serves as the Commander, Air Force Reserve Command Recruiting Service and Director of Recruiting, Air Force Reserve Command, Robins Air Force Base, Georgia. In this role, he exercises command and oversight to over 450 military and civilian personnel worldwide at over 45 main operating locations and serves as the principal advisor to the AFRC commander on all matters relating to recruiting.

Colonel Mungavin enlisted in the Air Force in November 1968, and served 10 years prior to receiving his commission through the Deserving Airman Commissioning Program. Prior to entering Recruiting Services, Colonel Mungavin served as member of the security forces for 32 years on active duty, as a civilian and within the Air Force Reserve Command as a Traditional Reservist and Air Reserve Technician. During this time, he conceived, developed, implemented and commanded the Air Force Reserve Patriot Warrior Program providing our security force troops with required ground combat skills training.

Since taking command of Air Force Reserve Recruiting, Colonel Mungavin has developed and executed numerous initiatives resulting in the Air Force Reserve Command (AFRC) exceeding its annual recruiting goal for eight consecutive years. As the second largest Air Force Major Command, AFRC has been manned at greater than ninety-nine percent for the past seven consecutive years reversing a decade-long trend of failing to meet congressionally mandated end strength levels. He is directly responsible for accessing more than 72,037 airmen helping to transform the Air Force Reserve recruiter into the most productive within DoD.

Mike could not have been such a tremendous leader without the love and unfailing support of his lovely wife of 37 years, Arlene, and their two sons—Nick and Ryan.

Madam Speaker, I join my colleagues in expressing our sincere appreciation to Colonel Francis ''Mike'' Mungavin for his outstanding service to both the United States Air Force and our great nation. We wish him the best as

he transitions into retirement. Colonel Mungavin is a true professional and a credit to himself and the United States Air Force Reserve.

CONGRATULATING WOUNDED WARRIOR PROJECT'S SOLDIER RIDE—2008 HIGH DESERT CHALLENGE AND SPONSOR U-HAUL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. MITCHELL. Madam Speaker, I rise today to commend the Wounded Warrior Project for its annual Soldier Ride—2008 High Desert Challenge and the sponsor of the challenge, U-Haul.

The nonprofit Wounded Warrior Project is a nonprofit organization that follows their mission, honors and empowers wounded veterans through raising public awareness, enlisting aid for those severely injured, and providing programs and services to those with special needs.

The Soldier Ride—2008 High Desert Challenge is a rehabilitative program that provides the opportunity for wounded veterans to regain an active lifestyle. This three-day bicycle ride from Phoenix to Las Vegas is a remarkable way to honor those wounded during their brave service to our country and to raise money to further the mission of the Wounded Warrior Project.

I congratulate the Wounded Warrior Project for recognizing the significant sacrifices these soldiers have made for our country and community, and for continuing to serve these brave men and women through fundraising projects such as the Soldier Ride. I would also like to recognize U-Haul for sponsoring the event.

Madam Speaker, please join me in recognizing the Wounded Warrior Project and their fundraising efforts, as well as their dedicated sponsor, U-Haul.

GEORGIAN COURT UNIVERSITY CENTENNIAL CELEBRATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. SMITH of New Jersey. Madam Speaker, I rise today to recognize the 100th Anniversary Celebration of Georgian Court University (GCU). For the past 100 years, Georgian Court has been a leader in higher education, encouraging intellectual inquiry, ethical professionalism, and community involvement. Founded as a women's college in 1908 by the Sisters of Mercy, Georgian Court is dedicated to the success of women. The Women's College at GCU provides a liberal arts education tailored to women's learning styles and an environment conducive to achievement. Georgian Court's Women in Leadership Development program is one of the most powerful programs for young women today. By participating in university committees, making presentations, lobbying legislators, and networking with mentors, students develop the skills and tools needed by today's successful women leaders. In the 1970s, Georgian Court established a coeducational graduate program. Today, the University College caters to men and women adult students and offers flexible class schedules with online components at a number of locations throughout the state.

With 29 undergraduate and 8 graduate degree programs, Georgian Court University continues to develop new academic programs to meet the changing needs of the time. A new nursing program established in this Centennial Year will help stem the serious nursing shortage in our state. Accelerated and Executive M.B.A.s allow busy executives to gain the information they need to advance their careers. As 1 of only 50 NASA Educational Resource Centers, Georgian Court ensures that our children's teachers have the most up-to-date scientific information for their classrooms.

Georgian Court University has preserved the estate that comprises its campus and is on the National Register of Historic Places and the New Jersey Register. Over the decades, GCU has added buildings to meet the growing student population—starting with 7 students in 1908 up to more than 3,000 today. Within the past several years, a new wellness center, residence hall, chapel, and science wing have been added to the Georgian Court landscape.

Georgian Court University is an economic force in Lakewood and the surrounding areas, providing employment to thousands over its 100-year history and fueling the local economy. The university is also a cultural gathering place for the community, bringing notable artists, musicians, poets, writers, and political figures to campus for lectures and concerts that are open to the public.

Sending teams of students and staff to poverty-stricken areas of Honduras to install water systems, to New Orleans to rebuild after Hurricane Katrina, or right here in Lakewood to help provide the necessities of life for the homeless, Georgian Court University is a good neighbor and is committed to making the world a better place. Georgian Court is also an ecologically aware citizen, contributing to the sustainability of our environment. Its new wellness center complex has been built with energy efficiency in mind and is being considered for LEED—Leadership in Energy and Environmental Design—certification.

With an abiding commitment to its students, the community, and the greater good, I commend Georgian Court University on its 100 years of academic excellence and community service.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 22, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,027 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty, and the pursuit of happiness. Every conflict and battle our Nation has ever faced can he traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 13,027 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is September 22, 2008, 13,027 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 23, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 24

9:30 a.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine Africa's management of its extractive industries.

SD–419

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nomination of Mark Everett Keenum, of Mississippi, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term ending May 21, 2014.

SR–328A

Veterans' Affairs

To hold oversight hearings to examine cooperation and collaboration by the Departments of Veterans Affairs and Defense on information technology efforts.

SR–418

10 a.m.

Agriculture, Nutrition, and Forestry

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold joint hearings to examine the effectiveness of agricultural disaster assistance programs in the wake of the 2008 Midwest floods, Hurricane Gustav, and Hurricane Ike.

SR–328A

Homeland Security and Governmental Affairs

To hold hearings to examine domestic partner benefits for federal employees.

SD–342

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine the imbalance in United States-Korea automobile trade.

SR–253

Joint Economic Committee

To hold hearings to examine the current economic outlook.

SD–106

10:30 a.m.

Aging

To hold hearings to examine ways to respect Americans' choices at the end of life.

SD–562

10:45 a.m.

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine extracting natural resources, focusing on corporate responsibility and the rule of law.

SH–216

2:30 p.m.

Homeland Security and Governmental Affairs

State, Local, and Private Sector Preparedness and Integration Subcommittee

To hold hearings to examine the Federal Emergency Management Agency's (FEMA) future preparedness planning.

SD–342

Commerce, Science, and Transportation

To hold hearings to examine the safety and security of spent nuclear fuel transportation.

SR–253

Environment and Public Works

To hold hearings to examine the Bush Administration's environmental record at the Department of the Interior and the Environmental Protection Agency (EPA).

SD–406

Foreign Relations

To hold hearings to examine the nomination of James Franklin Jeffrey, of Virginia, to be Ambassador to the Republic of Turkey.

SD–419

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine the Visa Waiver Program, focusing on mitigating risks to ensure the safety of all Americans.

SH–216

SEPTEMBER 25

9:30 a.m.

Armed Services

To hold hearings to examine the authorization of Survival Evasion Resistance and Escape techniques for interrogations in Iraq, focusing on the Committee's inquiry into the treatment of detainees in United States custody.

SD–106

Homeland Security and Governmental Affairs

To hold hearings to examine ways to prevent nuclear terrorism, focusing on hard lessons learned from troubled investments.

SD–342

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine broadband providers and consumer privacy.

SR–253

Environment and Public Works

To hold oversight hearings to examine the Environmental Protection Agency's (EPA) cleanup of the Superfund site in Libby, Montana.

SD–406

Judiciary

Business meeting to consider S. 3259, to amend title 11, United States Code, with respect to the priority of certain high cost credit debts, H.R. 3971, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, S. 3501, to ensure that Congress is notified when the Department of Justice determines that the Executive Branch is not bound by a statute, H.R. 1943, to provide for an effective HIV/AIDS program in Federal prisons, S. Res. 659, A resolution designating September 27, 2008, as Alcohol and Drug Addiction Recovery Day, the nominations of Clark Waddoups to be United States District Judge for the District of Utah, Michael M. Anello to be United States District Judge for the Southern District of California, Mary Stenson Scriven to be United States District Judge for the Middle District of Florida, Christine M. Arguello to be United States District Judge for the District of Colorado, Philip A. Brimmer to be United States District Judge for the District of Colorado, and Gregory G. Garre of Maryland, to be Solicitor General of the United States, George W. Venables to be United States Marshal for the Southern District of California, A. Brian Albritton to be United States Attorney for the Middle District of Florida, and Dennis Michael Klein to be United States Marshal for the Eastern District of Kentucky, all of the Department of Justice, and the authorization for subpoenas relating to the Department of Justice Office of Legal Counsel.

SH–216

Joint Economic Committee

To hold hearings to examine ways to reduce the number of American families living in poverty.

SD–562

2:15 p.m.

Indian Affairs

Business meeting to consider H.R. 1294, to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, andthe Nansemond Indian Tribe, S. 514, to extend Federal recognition to the Muscogee Nation of Florida, S. 724, to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and S.

1058, to expedite review of the Grand River Bands of Ottawa Indians of Michigan to secure a timely and just determination of whether the Bands are entitled to recognition as a Federal Indian tribe so that the Bands may receive eligible funds before the funds are no longer available.

SD–628

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine addressing cost growth of major Department of Defense (DOD) weapons systems.

SD–342

Rules and Administration

Business meeting to consider the nominations of Gracia M. Hillman, of the District of Columbia, to be a Member of the Election Assistance Commission, Donetta Davidson, of Colorado, to be a Member of the Election Assistance Commission, Rosemary E. Rodriguez, of Colorado, to be a Member of the Election Assistance Commission, and Gineen Bresso Beach, of New York, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2009.

SR–301

Intelligence

To hold hearings to examine the nomination of J. Patrick Rowan, of Maryland, to be an Assistant Attorney General.

SD–G50

3 p.m.

Foreign Relations

Near Eastern and South and Central Asian Affairs Subcommittee

To hold hearings to examine the Middle East peace process, focusing on progress and prospects.

SD–419

10 p.m.

Judiciary

To hold hearings to examine S. 3501, to ensure that Congress is notified when the Department of Justice determines that the Executive Branch is not bound by a statute.

SD–215

CANCELLATIONS

SEPTEMBER 24

10 a.m.

Finance

To hold hearings to examine infrastructure needs and the consequences of inaction.

SD–215